

INTERTWINED LEGAL SYSTEM: CHURCH AUTHORITIES VERSUS LOCAL FEUDAL LANDLORDS (IN CENTRAL-SOUTHERN EUROPE)

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ABSTRACT

According to the Nomic's Charter, preserved in the Land Inventory of the church property of the largest landowner in Polog –north-western part of Macedonia, the Monastery of Bogorodica Htetovska (Monastery of the Holy Virgin of Htetovo), in the first half of the 14th century there had been a land dispute between the Church and a local feudal landlord called Progon, which lasted for several years.

Nevertheless, the church managed to regain the disputed property. Although Progon had bought the land, he lost the very same after proven by oral claims that it had been the Church property from ancient times.

The article treats; the land-legal dispute; the entwine of the church law and civil law in the specific region in which there were local Macedonian no codified legal norms, the Byzantium legal traditions were also present, as well the Serbian legal system was imposed; defining the time of the sources; the historical context of data.

KEYWORDS

Polog, Macedonia, Church, Feudal Landlords, Progon, Legal System, Monastery of the Holy Virgin of Htetovo.

CAPITALIA VERBA

Polog, Macedonia, Ecclesia, domini feudales, Progon, Systema Legale, Sacrae Virginis Htetovo monasterium.

The land-legal dispute between the Church and Progon –local noblemen from the north-western part of Macedonia called Polog¹ in the first half of the 14th century²

1 The Polog area is in the north-western part of Macedonia spread out in the middle of the Central-southern Europe i.e. the Balkans, see: Трифуноски Јован (Trifunoski, Jovan). "Полог. Антропогеографска проучавања" (*"Polog. Anthropogeographical researches"*). Српски етнографски зборник, књ. ХС. Одељење друштвених наука. Насеља и порекло становништва књ, Belgrade: С.А.Н.У. (publisher: Serbian Academy of Sciences and Arts-S.A.N.U.), 1976: 5. Polog spreads from 41°45'27" latitude in the Gostivar area up to 42°00'50" latitude in the Tetovo area. Its longitude is between 18°35'20" longitude in the Gostivar area up to 18°45'30" longitude in the Tetovo area. There were different opinions in historiography whether medieval Polog was a town or a province. The recent researches, however, prove that Polog was a medieval region, see Петровски, Бобан (Petrovski, Boban). "Прашањето за постоење на средновековен град Полог" ("The issue about the medieval town Polog"). *Balcanslavica*, 34-36 (2009): 69-88, where analyzing all sources and historiography attitudes regarding this issue.

2 In 1282 the Serbian king Miloutin (Milutin) (1282-1321) set off on a campaign against Byzantium towards the northern parts of that time Byzantine Macedonia. According to Miloutin's biographer, the archbishop Danilo II, he conquered Polog (see: Danilo et alii. "Животи краљева и архиепископа српских", написао Данило и други, издао Ђ. Даничић (*"Lives of Serbian kings and archbishops"*), Zagreb: GJ. Daničić, 1866: 108-109 ("Животи краљева и архиепископа српских", превео Л. Мирковић, предговор написао Н. Радојчић (*"Lives of Serbian kings and archbishops"*, translated by L. Mirković, preface by N. Radojčić). Belgrade: Српска књижевна задруга (Publisher: Srpska književna zadruga), 1935: 82 (Serbian translation); "Документи за борбата на македонскиот народ за самостојност и за национална држава", Том први (*"Documents on the struggle of the Macedonian people for independence and a nation-state"*, I). Скопје: Универзитет Св. Кирил и Методиј Скопје, Филозофско-историски факултет (Publisher: Ss Cyril and Methodius University Skopje, Faculty of Philosophy and History), 1981: 124 notes 585, 586. The Byzantine renowned authors Giorgio Pachimeres and Nicephori Gregorae kept quiet regarding these events. Only Ioannis Katakouzenos indirectly reports about these conquests: *Joanis Cantacuzeni eximperatoris historiarum libri IV*, ed. Ludwing Schopen. Bonn: ed. Weberi, 1832: III, 133, 19-22; "Византијски извори за историју народа Југославије", VI (*"Byzantine sources for the history of the peoples of Yugoslavia"*, VI), Belgrade: Византолошки институт, Српска Академија Наука и Уметности (Publisher: Institute d'études Byzantines, Serbian Academy of Sciences and Arts), 1986: 517 and note 506a. See: Мошин, Владимир (Moshin, Vladimir). "Крал Милутин според неговата биографија од Данило II, неговото "Житие по свиток" и неговата автобиографија. Текстови" (*"King Milutin according to his biography by Danilo II, his "Hagiography roll" and his autobiography. Texts"*). Споменици за средновековната и поновата историја на Македонија, II (*"Monuments relatifs a l'histoire médiévale et modern de la Macédoine, II"*), Скопје: Архив на Македонија (Publisher: Les Archives de Macédoine), 1977: 316, 342, 361-362. Also see: "Историја српског народа". Прва књига (*"History of Serbian people"*, I) (Од најстаријих времена до Маричке битке 1371г.). Belgrade: Српска књижевна задруга (Publisher: Srpska književna zadruga), 1981: 439; Fine V.A., John Jr. *"The Late medieval Balkans. A Critical Survey from the late Twelfth Century to the Ottoman Conquest"*. Ann Arbor: The University of Michigan Press, 1996: 219; Živojinović, Marija. "La frontière serbobyzantine dans les premières décennies du XIVe siècle". *Bužantio kai Serbia katá ton ID' aióna* (Byzantium and Serbia in the 14th Century), Eutychia Papadopoulou, Dóra Komíni-Dialéti, eds. Athens: Institute of Historical Research-Section of Byzantine Research, 1996: 57; Nicol M., Donald. *"The last centuries of Byzantium (1261-1453)"*. Cambridge (UK): Cambridge University Press, 1999 (repr.): 68; Божилов, Иван-Гюзелев, Васил (Božilov Ivan-Gjuzelev, Vasil). *"История на средновековна България VII-XIV век"* (*"History of Medieval Bulgaria VII-XIV century"*). Sofia: Анубус (Publisher: Anubis), 1999: 538; *"Историја на македонскиот народ", Том први* (*"History of Macedonian people"*, I). Македонија од праисториско време до потпаѓањето под турска власт (1371 година). Скопје: Институт за национална историја (publ. Institute of National History), 2000: 187; Reinert W., Stephen. "Fragmentation (1204-1453)". *The Oxford History of Byzantium*, Cyril Mango ed. New York: Oxford University Press, 2002: 260; Атанасовски Александар (Atanasovski, Aleksandar). "Македонија во XIV век" (*"Macedonia in the 14th Century"*). Tetovo: Напредок (Publisher: Napredok), 2009: 21-23; Бошкоски, Милан (Boškoski, Milan). *"Скопје и скопската област од VI до крајот на XIV век"* (*"Skopje and the Skopje District in the Middle Ages between VI and XIV century"*). Скопје: Македонска Реч-Институт за национална историја (Publisher: Makedonska Rech-Institute of National History), 2009: 191-192; Петровски, Бобан (Petrovski, Boban).



is the matter of interest of this article. There are very few sources referring to this topic with strictly limited information about it. Crucial data are contained in the Nomic's Charter preserved in the Land Inventory-Brebion³ of church properties of the largest landowner in Polog, the Monastery of Bogorodica Htetovska (Monastery of the Holy Virgin of Htetovo)⁴.

The Land Inventory-Brebion, based on its concept and purpose, offers information about all land holdings of the Monastery and in some cases even specific records on donors, or copies of records for various litigations and other legal developments occurring in different periods. A detailed analysis of the Brebion shows that it contains information on 84 different properties owned by the Monastery. Most of them were fields, to be followed by vineyards, meadows, a mill and two mulberries.

“Историја на балканските земји во XIV-XV век” (“*History of the Balkans Lands in XIVth-XVth Century*”). Skopje: Филозофски факултет (Publisher: Faculty of Philosophy), 2010: 55), which stayed under Serbian rule also during the rule of his successors Stephen Dechanski (Stefan Dečanski) (1321-1331), Stephen Doushan (Stefan Dušan) (1331-1355), Ourosh (Uroš) V (1355-1371). Since the beginning of the 14th century Polog was under the church jurisdiction of the Serbian Bishopric Prizren (Јанковић, Милица (Jankovich, Milica). “Епископије и митрополије српске цркве у средњем веку”. (“*Episcopates and Metropolitan's dioceses of Serbian Church in the Middle Ages*”), Belgrade: Историјски институт у Београду (Publisher: Institute of History, Belgrade), 1985: 57. See: Селишев М., Афанасиј (Selishchev, Afanasiy. “Полог и его българское население” (“Polog and its Bulgarian population”). Исторические этнографические и диалектологические очерки северо-западной Македонии (с этнографическою картою Полога), Sofia: Издание македонского научного института (Publisher: Makedonskogo nauchnogo instituta, 1929: 96, 103) and Грујић М, Радослав (Grujich, Radoslav. “Полошко-тетовска епархија и манастир Лешак” (“Polog's-Tetovo diocese and monastery Leshok”). Гласник Скопског научног друштва Књ. (Bulletin de la Société Scientifique de Skoplje), 12 (1933): 42, 45, believed that it happened earlier, soon after 1282/83.

3. The source is published six times so far (about them see Бубало, Ђорђе (Bubalo, Gjorgje). “О називу и времену настанка Пописа имања Хтетовског манастира” (“Sur l'appellation et de la datation de l'Inventaire des biens du monastere de Htetovo”). Стари Српски Архив, књига 1 (*Anciennes Archives Serbes, Livre 1*), Филозофски факултет у Београду (Faculty of Philosophy, Belgrade)-Филозофски факултет у Бањој Луци (Faculty of Philosophy, Banja Luka)-Филозофски факултет у Српском Сарајеву (Faculty of Philosophy, Serbian Sarajevo)-Историјски институт у Бањој Луци (Institute of History, Banja Luka)-Међуопштински историски архив у Ваљеву (Intercommunity Historical Archives, Valjevo)-Историјски архив у Чачку (Historical Archives, Chachak), Лакташи (Laktashi) 2002: 178 note 6), but we are using the latest one: Славева, Лидија (Slaveva, Lidiya). “Дипломатичко-правните споменици за историјата на Полог и соседните краевии во XIV век” (“Diplomatic-legal monuments for history of Polog and neighboring territories in the 14th century”). Споменици III (*Monuments, Vol. III*), Skopje: Архив на Македонија (Publisher: Les Archives de Macédoine), 1980: 283-299. Also see “*Actes de Chilandar*”. Deuxieme partie. Actes Slaves. Ed. Basile Korablev. Petersburg: Tipografija A. Smolinskogo, 1915: 483-489.

4. The Monastery is in the village of Htetovo, today's town of Tetovo. The continuity of the village of Htetovo according to the written sources could be followed from the beginning of the 13th century, see Protocols – Synodal acts of Ohrid Archbishopric church court under Demetrious Chomatianos, in *Demetrii Chomateni, Ponemata Diaphora*. Corpus Fontium Historiae Byzantinae, XXXVIII, Series Berolinensis, Ediderunt H.-G.Beck, A.Kambylis, R.Keydell. Recensuit Günter Prinzing, Berolini et Novi Eboraci MMII (2002): 316, 10-11. In the 14th century Htetovo's church dignitaries were considered to be among the most renowned in the newly expanded Serbian medieval state, and Htetovo grew into a respectable settlement, see: Kravari, Vassiliki. “*Villes et villages de Macédoine occidentale*”, Paris : P.Lethielleux, 1989: 190; Славева, Лидија (Slaveva, Lidiya). “Полог (Polog)...”: 131, 311 note 12; Томоски, Томо (Tomoski, Tomo). “Средновековен Полог” (“Medieval Polog”). Историја (journal *History*) XII/1-2, Skopje: Сојуз на друштвата на историчари на Македонија (Publisher: Association of societies of Historians in Macedonia), 1976: 75.



The Brebion also mentions 15 villages and two smaller settlements, which, some fully and others partially, were owned by the Htetovo Monastery.

Furthermore, the Brebion contains information about rich and influential noblemen who lived in Polog. For some of them, except for their names, secular and spiritual functions, no other information is provided in the Brebion. However, Brebion kept modest, even though unique and important data about such people, undoubtedly local feudal landlords. Among them very valuable information is provided about a local feudal landlord called Progon, regarding the problems that the Prizren bishop George (Georgi) Markush caused him. Reviewing the events that happened in Polog could give an insight into the intertwined legal system which was applied at that time.

Exclusive data can be found in the Nomic's Charter which is nowadays part of the Land Inventory-Brebion (article 46).

The Nomic's Charter reads that on 4 November some local noblemen and people gathered at Htetovo's Monastery (some of the names and titles of the noblemen follow). They all were asked by the Bishop of Prizren, George Markush to swear to tell the truth. Also some elders were invited to join them and they all went to the disputed piece of land, which was actually a hill, called Plesh⁵. There, on the hill of Plesh, they should have found, according to a testimony, who the disputed land belonged to: to the Progon or to the church. The elders, listed by names in the source: Pribislav, Bratina and Stanko, said that the estate "belonged to the church from ancient times". They also said that "at the beginning the land was owned by four brothers, but two of them secretly sold half of it to Progon for the price of three buckets of wine". Then the nobleman Kir Aleksa said: "when my bother bishop Vlach, was the archimandrite at Htetovo, at that time I was a child and I knew well that Plesh was not in Progon's possession. Progon planted barley on Plesh, but my brother, bishop Vlach, ordered for the whole cattle from the village to be taken to the hill and they grazed it". After these words, the Nomics' Charter states the witnesses. Then follow the words of the Bishop of Prizren at the time, George Markush, who said he intended to buy every property and to restore the church possessions because he considered himself to be "the real master of the local church estate". Then a sanction is imposed requiring a payment of a fine of five hundred perpers to the royal treasury by all those who were to violate the will of the bishop of Prizren. At the end of the Nomic's Charter reads: "written and signed by priest Nicholas inomic"⁶.

5. Nowadays, there is not a fact in the local toponymy which could help for Plesh to be located. But, according to the poor original description, this hill was situated very close to the village Htetovo.

6. The integral source text follows: "Мѣсеца ноября .4. днь събраше се вѣстеле и хора къ матери боини оу Хтетовоу, севасть Пасарель, киръ Калиникъ, Макарие, Калоганъ, Пар'до и брат' моу' Феодоръ и Феодоръ вѣдъ Лѣскованъ и Геурги Соулима, и киръ Алеѣда, братъ Влахо кивиконъ, и нии проби воляре и хора. И закле ихъ кивиконъ призрѣнски Геурги Маркоушъ все старце и вѣстеле, и идоще на Пѣшъ на врьдо, да изидоуць по свѣдѣб'вѣ бѣа къ Пѣшъ, нии ксть црьковни нии Прогонъ. И закле кивиконъ и киръ Калиникъ: кто знаящо право та не хже рече, да ксть проклетъ. И ребе старъ Призклавъ, Маркоушенъ Ылоѣкъ, и Братина и Стан'коуши црьковни ксть Пѣшъ вѣтъка, и дръкали соу црьковноу' стась .4. братина, и оутрадоства се два врата и продадоше Прогонъ половиню Пѣшъа за 4. вѣдра вина. И ребе киръ Алеѣда: кѣда вѣшше мои братъ Влахо кивиконъ оу Хтетовѣ архимондритѣ, тога вѣхъ та оу манастири дѣтетемъ и дѣрѣ знаяще крѣ не метехаше Прогонъ съ Пѣшъама,



This source has so far raised scientific interest with a very small group of researchers who only partially treat the authentic information, or more precisely only as a part of their subject of interest. The historiography has not given a final answer to numerous questions which originated from the authentic sources. Moreover, the issues that are dealt with further in this article were not put in the suitable historical context. This has provoked my scientific interest towards the 3 (three) main points which I am going to refer to in this research: (1.) First: the Source itself -its origins/genesis and dating; (2.) Second: Content and context of the events: Legal System; (3.) Third: The issue of defining the time of the events. Offering answers I hope I will give contribution to answering these open questions in historiography.

1. The Source itself - its origin/genesis and dating

The Source is preserved as a copy of Nomic's Charter⁷ in the Land Inventory (article 46) of church properties of the largest landowner in Polog, the Monastery of Bogorodica Htetovska (Monastery of the Holy Virgin of Htetovo). The Land Inventory-Brebion, in original called Brevno⁸, nowadays is kept at the famous Chilandar Monastery at Mount Athos under No. 95, with a topographic signature A1/18.

There are some arguments in modern historiography about the dating of the Land Inventory-Brebion. Namely, this Source itself is not dated. However, most of the theses in modern historiography are that the Land Inventory-Brebion's genesis and occurred date from about 1343 and its dating is linked to king's Stephen Doushan

паче вѣ посѣдѣхъ. Прогонъ кчмень, и рече вратъ ми Влахоу епископъ и сѣбрахоу говеда всего села и попасоше га" followed by the witnesses, and the text continues with the words of the bishop who also intended to buy every other property "втыкоутии хуао, где нахоуто црквию мѣсто, понеже кель соуци господарь и втыкоутихъ. Да кто хъ не сие потворити да плати господиоу кралоу Фѣ перперъ. Попъ Никола иномик писа и подписа", see Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 289-292. Also see *"Actes de Chilandar"*, II...: 486.

7. Nomics are in fact the people who actually wrote documents and sometimes acted as public notaries. See Бубало, Ђорђе (Bubalo, Gjorgje). "Српски номинци" (*"Serbian Nomics"*). Belgrade: Византолошки институт, САНУ (Publisher: Institute d'études Byzantines, S.A.N.U.), 2004: 111-114, who accepts the position of Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 143-144 note 18, 292 note 30, that the recorder of the deed, priest Nicholas Inomic apart from being a priest, he also acted as a public notary in the Htetovo region.

8. The scientifically accepted name Brevno (Брѣвно матере Божиехъ вѣтѣовскихъ), according to the latest researches by Gjorgje Bubalo, should be changed into Vrevio, see Бубало, Ђорђе (Bubalo, Gjorgje). "О називу..." (*"Sur l'appellation..."*): 180-181. The name of this act derives from the Greek word "βρεβιον" (Lat. breve; Old Slavonic-Serbian variant: vrvavie, see "Грчке повеље српских владара" (*"Greek Documents of the Serbian rulers"*). Издање текстова, превод и коментар од Соловјев, Александар (Solovyev, Aleksandar)-Мошин, Владимир (Moshin Vladimir), Belgrade: Зборник за језик, историју и књижевност српског народа (Publisher: Zbornik za jezik, istoriju i knjizhevnost srpskog naroda), 1936: 414), according to which it is a document that gives the owner certain rights and privileges (see Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 158-159, 278), providing an inventory of the monastery properties (see The Oxford Dictionary of Byzantium, Alexander Kazhdan et alii ed. New York: Oxford University Press 1991, Vol. I, s.v. brebion (Alexander Kazhdan). Also see Бубало, Ђорђе (Bubalo, Gjorgje). "О називу..." (*"Sur l'appellation..."*): 177).



Charter given to the Polog Monastery of Bogorodica Htetovska (Monastery of the Holy Virgin of Htetovo), well known as the Htetovo's Charter.

On Brevno's dating there are several scientific views. A. Selishchev, based on data on the Brevno according to which some of the gifts to the Monastery were given by the very "dignitary, the king" (Stephen Doushan), concludes that it was produced several years after the issuance of Htetovo's Charter⁹. R. Grujic believes that this document was produced during the time of king Stephen Doushan based on older documents from the Byzantine and Serbian times and it was used as the basis for issuing the Htetovo's Charter, which is dated in 1337-1346¹⁰. A. Solovjev, discussing the Konche (Konče) Praktik¹¹ (Inventory of households in theborough of Konche-eastern Macedonia) also points out the wrong entering of the Brevno in the old catalogue of the Chilandar archive as "Запис господина Оливера за црковъ Богородице Хтетовске" (Entry by Master Oliver for the Monastery of the Holy Virgin of Htetovo), which would mean that the Brevno chronologically should be placed in the middle of the 14th century¹². L. Slaveva, accepting the opinion of R. Grujic, specifies that the Brevno was produced in 1343¹³. Still these views of hers are insufficiently supported. These hypotheses of hers relied only on the information about two fields and half of the Village of Sedlarevo from the Brevno, which in Htetovo's Charter are repeated in a more precise form¹⁴. On the other hand, M. Jankovic believes that the Brevno was produced in 1346, based on the data he found in Htetovo's Charter, supporting his premise with more comprehensive information about four cases from the Brevno regarding the pointed out Htetovo's Charter¹⁵. The last one who looked into this problem is Gj. Bubalo. Based on the data comparisons on the Monastery's properties offered in Articles 21 and 32 of the Brevno and Article 5 of Htetovo's Charter, as well as the functions of the officials mention in the Brevno (the Bishop of Prizren George Markush and a certain Bishop Vlacho), Gj. Bubalo concluded that the Brevno was

9. Селищев М., Афанасий (Selishchev M., Afanasiy). "Полог (Polog)..." : 94.

10. Грујић М, Радослав (Grujich M., Radoslav). "Полошко-тетовска епархија..." ("Polog's-Tetovo diocese..."): 46.

11. Praktik means an Inventory of households (see Лексикон српског средњег века, приредили (Lexicon of Serbian Middle Ages), С. Ћирковић и Р. Михаљчић (Sima Ćirković and Rade Mihaljčić) eds., Belgrade: Knowledge, 1999, s.v. Практик (Максимовић, Љубомир) (Praktik (Maksimovich, Ljubomir)): 572-573) and it is not the same as a Brevno (see Синдик, Душан (Sindik, Doushan). "Српска средњовековна акта у манастиру Хиландару" ("Serbian medieval monuments in monastery Chilandar"). Хиландарски зборник 10. (Recueil de Chilandar, 10), Belgrade: С.А.Н.У. (Publisher: S.A.N.U.), 1998: 90, who Brevno incorrectly calls it Praktik).

12. Соловјев, Александар (Solovjev, Aleksandar). "Кончански практик" ("Konche Inventory of households"). Зборник радова византолошког института, књ. 3 (Recueil des travaux de l'Institut d'études Byzantines, 3), Belgrade: Византолошки институт САНУ (Publisher: Institute d'études Byzantines, S.A.N.U.), 1955: 84 note 1. This dating would have been offered if the abovementioned Oliver is the same person as the renowned Jovan Oliver, the most prominent Doushan's nobleman.

13. Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)..." : 159, 277.

14. Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)..." : 159.

15. Јанковић, Милица (Jankovich, Milica). "Епископије..." ("Episcopates..."): 145-146.



produced before the Htetovo's Charter in the period between November 1342 and the middle of 1343¹⁶.

In this sense, the main arguments regarding the time link between the Land Inventory-Brebian and the Htetovo's Charter are the tremendous similarities in the content of these two sources. Unfortunately, Htetovo's Charter is also not dated¹⁷. However, this Charter contains information according to which, it seems, it is possible to establish it. Namely, according to the words used in Charter's prooimia (arenga), "finding Htetovo's Monastery ruined, king Stephen Doushan along with his son, young king Ourosh, became the new ktitor (founder) of the Monastery"¹⁸. Precisely this piece of information about Doushan's title and his son's title are very helpful to us. In this sense, on one hand *terminus ante quem* is Doushan's coronation as Emperor in Skopje, Macedonia, on 16 April 1346 and on the other hand *terminus post quem* is the birth of Ourosh in the year of 6845 (the Byzantine year that matches the period between 31 August 1336 and 1 September 1337) when the title "young king", meaning crown prince, was given to him¹⁹.

Having in mind this time framework (1336/37-1346), L. Slaveva determines the date of this deed to be sometime around 1343. She came up with this hypothesis, as she states, after starting with the assumption that the Brevno was produced in 1343 (without offering any arguments how she decided on this date), just before the above mentioned Charter. L. Slaveva also uses as basis the information contained

16. Бубало, Ђорђе (Bubalo, Gjorgje). "О називу..." ("Sur l'appellation..."): 183-193; Бубало, Ђорђе (Bubalo, Gjorgje). "Влахо епископ или Влахоепископ" ("Bishop Vlaho or Vlahoepiskop"). Зборник радова византолошког института 39 (*Recueil des travaux de l'Institute d'études Byzantines*, 39), Belgrade: Византолошки институт САНУ (Publisher: Institute d'études Byzantines, S.A.N.U.), 2001/2002: 211, 219.

17. We do not have the original of the Deed but a copy made at Chilandar, probably after the Htetovo's Monastery was passed on under the authority of the Aton Monastery in 1347-1348 (Славјева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 301, 302). There are several publications of this Charter, and we use: Славјева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 306-322; "*Actes de Chilandar*", II...: 461-468; Новаковић, Стојан (Novakovich, Stoyan). "Законски споменици српских владара средњег века" ("*Legal monuments of Serbian rulers in the Middle Ages*"). Belgrade: Српска Краљевска Академија (Publisher: Serbian King's Academy), 1912: 657-661. A specialised analysis in the field of the diplomatics and sphragistic analyses of the Charter was done by Корач, Душко (Korach, Dushko). "Повеља краља Стефана Душана манастиру Свете Богородице у Тетову. Прилог српској дипломатици и сфрагистици" ("King Stefan Dušan's Charter for the monastery of the Holy Virgin in Tetovo. A Contribution on Serbian Diplomats and Sigillography"), Belgrade: Византолошки институт САНУ (Publisher: Institute d'études Byzantines, S.A.N.U.), 1984: 141-163.

18. Славјева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 310-311; "*Actes de Chilandar*", II...: 464; Новаковић, Стојан (Novakovich, Stoyan). "Законски споменици..." ("*Legal monuments...*"): 657.

19. Originally confirmed in the Koporin, Pec and Belo Polje's annals, see Стојановић, Љубомир (Stojanovich, Ljubomir). "Стари српски родослови и летописи" ("Serbian ancient genealogies and annals"). Belgrade-Sremski Karlovci: Српска Краљевска Академија (Publisher: Serbian King's Academy), 1927: 82, 202. The mentioning of Ourosh with the title of a "young king", in addition to the above stated Charter is also present in Doushan's Charter for the Monastery of St. Bogorodica Perivlepta (Virgin Peribleptos) in Ohrid from 1342-1345, see Новаковић, Стојан (Novakovich, Stoyan). "Законски споменици..." ("*Legal monuments...*"): 672-674. According to Славјева, Лидија (Slaveva, Lidiya)-Мошин, Владимир (Moshin, Vladimir). "Српски грамоти од Душаново време" ("Les Diplomes Serbes de la period de Doushan"). Prilep: Институт за старословенска култура (Publisher: Institute for Old Slavic Culture), 1988: 123-124; the Charter is from 1345.



in the further text of the Charter on incorporating Polog within the “Serbian land”, as well as the realistic possibility of Doushan’s stay in the area²⁰. Hence, L. Slaveva overlooks another information contained in the Charter, which is very important for its dating²¹.

Namely, in the Charter there is information which seems crucial for its more precise dating. It is about Stephen Doushan’s signature, according to which he is “Stephen, Faithful to Lord Christa king of all Serbian, Maritime and Greek Lands”²². Bearing in mind Doushan’s intitulations, until the spring of 1343, he was only a king and a king of all Serbian and Maritime Lands. And starting from the autumn of 1345, namely after conquering Serres (24 September 1345) —a town in south-eastern Macedonia, he proclaimed himself the Emperor, thus adding to his signature “Master of almost the entire Empire of Romania (Byzantium)”. (A letter that dates before 15 October 1345; and also in a Charter from the autumn of 1345 granted to the monastery of St. John the Baptist, in the vicinity of Serres, where Doushan’s signature is the King of Serbia and Romania (Byzantium)²³. Looking into Doushan’s intitulations during the year of 1343, at the end of March, for the first time Doushan was no longer only the king of the Serbian and Maritime lands —he was also “chasnik Grkom”, which means honorific among the Byzantines or associate (participant) in the Empire²⁴. During the period between the spring and the autumn of 1343 there were fluctuations in his intitulation, but after that his signature regularly contain phrases as associate (participant) and/or king of Greek

20. Slaveva, Лидија (Slaveva, Lidiya). “Полог (Polog)...”: 159, 172, 277.

21. Кораћ, Душко (Korach, Dushko). “Повеља краља Стефана Душана...” (“King Stefan Dušan’s Charter...”): 156-157.

22. This Doushan’s signature can be seen on the photographs taken by V. Moshin and was first published in Slaveva, Лидија (Slaveva, Lidiya)-Мошин, Владимир (Moshin, Vladimir). “Српски грамоти...” (“Les Diplomes Serbes...”): 99. See Slaveva, Лидија (Slaveva, Lidiya). “Полог (Polog)...”: 322. The same signature is also offered by Кораћ, Душко (Korach, Dushko). “Повеља краља Стефана Душана...” (“King Stefan Dušan’s Charter...”): 157, based on the records that are kept in the documentation collected for the Serbian diplomatics Archives (srpski diplomatar) at the Serbian Academy of Sciences and Arts. The signature presented by S. Novakovich (Новаковић, Стојан. “Законски споменици...” (“Legal monuments...”): 661) and B. Korablev (“Actes de Chilandar”, II...: 488) contains only “Стефанъ въ христа бога благоверни краљъ”.

23. On these intitulations of Doushan compare with: Соловјев, Александар (Solovyev, Aleksandar). “Историја словенских права” (“History of the Slavic Law”). Законодавство Стефана Душана цара Срба и Грка (*Emperor Stephen Doushan’s Law*). Belgrade: Класици југословенског права 12. Службени лист СРЈ (Publisher: Sluzhbeni List SRJ), 1996: 381; “Историја српског народа” (“History of Serbian people”)...: 523, 526. Stephen Doushan is also referred to as “the King and Autocrat of whole Serbia and the Maritime and Romaïorum (Romaioi)” in a Greek inscription on the western wall of the gallery of the church of St. Gjorgji in the Kavadarci’s village of Poloshko. More can be found on this in the works of Грозданов, Цветан (Grozdanov, Cvetan)-Ћорнаков, Д. (Chornakov, D.). “Историјски портрети у Полошко (I)” (“Historical portraits at Pološko (I)”). Зораф (Zograf) 14 (1983): 62, 63, who based on this intitulation of Doushan date those portraits in the period between the middle of 1343 and the end of 1345.

24. Ćirković, Sima (Chirkovich, Sima). “Between Kingdom and Empire: Dušan’s state 1346-1355 Reconsidered”. *Bυζαντιοι και Σερβια κατά τον ΙΔ΄ αιώνα (Byzantium and Serbia in the 14th Century)*, Eutychia Papadopoulou, Dōra Komīnī-Dialēti, eds. Athens: Institute of Historical Research-Section of Byzantine Research, 1996: 117, 118 note 22. About this formulae (Latin: particeps Romaniae) used in Doushan’s intitulation see also Subotić 1981, 114-119.



about the presence of Stephen Doushan in Polog in the stated period, these original excursions show significant probability that the Serbian sovereign visited Polog personally at the time that coincides with the date when the Charter was issued. On the other hand this leads us to the conclusion that Doushan issued the Htetovo's Charter in Polog, and not at some other location in the spacious medieval Serbian state.

The question is whether in this year (1343) it was possible for Doushan to have been in Polog bearing in mind his state duties. According to the itinerary of Stephen Doushan his presence was registered in Prizren in May of 1343 where he started with the preparations for the construction of his foundation (Monastery of the Holy Archangels near Prizren) and on 19 May the same year he issued a Charter for the elder Grigorij²⁹. In October 1343 Stephen Doushan in Debreshte near Prilep signed the Charter for Ss. Peter and Paul on Lim³⁰. It is possible that in the period between May and October 1343 during his military campaign on its way from Prizren and/or to Debreshte, near Prilep, king Doushan to have passed through Polog and to have stayed sufficiently long to issue the Htetovo's Charter³¹.

Comparative content analysis of these two sources: the Land Inventory-Brebion and the Htetovo's Charter, show their obvious close time of occurrence. Thus, some scholars in their papers that are relevant for this issue, state that Brebion was created before Htetovo's Charter and other scholars state that Brebion occurred after Htetovo's Charter, but in both cases definitely at a time close to the issuance of the Doushan's Charter.

According to my observations, given the inconclusive attempts in historiography for precise dating of the source made in the absence of concrete information, the exact dating of Brebion so far remains insoluble enigma. Namely, it is quite possible for this source to have occurred before Htetovo's Charter and used as a template for the Charter. On the other hand, it is unlikely that Brebion was produced based on Doushan's Charter and created after its issuance.

(Polog)...": 308, 310-311; "*Actes de Chilandar*", II...: 463, 464; Новаковић, Стојан (Novakovich, Stoyan). "Законски споменици..." ("Legal monuments..."): 657.

29. Новаковић, Стојан (Novakovich, Stoyan). "Законски споменици..." ("Legal monuments..."): 412-413.

30. The latest publication of this charter (Previously it was published three times) with its diplomatics analysis as well as prosopographic and topographic information was done by Вујошевић, Жарко (Vuyoshevich, Zharko). "Хрисовуља краља Стефана Душана манастиру Св. Петра и Павла на Лиму" ("Chrysobulle du roi Stefan Dušan au monastère Saint-Pierre-et-Paul sur li Lim"). Стари Српски Архив, књига 3 (*Anciennes Archives Serbes, Livre 3*), publ. Филозофски факултет у Београду (Faculty of Philosophy, Belgrade)-Филозофски факултет у Бањој Луци (Faculty of Philosophy, Banja Luka)-Филозофски факултет у Српском Сарајеву (Faculty of Philosophy, Serbian Sarajevo)-Историјски институт у Бањој Луци (Institute of History, Banja Luka)-Међуопштински историсјки архив у Ваљеву (Intercommunity Historical Archives, Valjevo)-Историјски архив у Чачку (Historical Archives, Chachak), Лакташи (Laktaši) 2004: 45-69 (pp. 47-50 - the text of the Charter; pp. 51-53 - translation of the Charter).

31. This was also realised by Кораћ, Душко (Korach, Dushko). "Повеља краља Стефана Душана..." ("King Stefan Dušan's Charter..."): 159 note 99. Analysing the Arenga of Doushan's Charter for the Monastery of Ss. Peter and Paul in Lim, Вујошевић, Жарко (Vuyoshevich, Zharko). "Хрисовуља..." ("Chrysobulle..."): 61, points out that in it there were allusion to the Serbian conquests in Albania and Southern Macedonia in the course of 1343.



In that sense the dating of the Land Inventory-Brebion is to (or should) be considered around 1343-1345 or even more broadly, in the first half of the 1340s. Bearing this in mind, the fundamental source for my research – the Nomic's Charter occurred³² sometime before Brebion's issuance.

2. Content and Context of the events: Legal System

Analysis of the source information contained in Article 46 of Brebion suggest that they reflect a synthesis of several events related to the land dispute between the Church and Htetovo's local feudal landlord Progon. In addition, I will make an attempt to present the intertwined Legal System which was practiced in Polog, as well as to reconstruct the events pointing to their chronological order.

The intervention of Bishop of Prizren, George Markush³³ to resolve the land dispute, clearly indicates that church officials of Htetovo archimandry complained to

32. Бубало, Ђорђе (Bubalo, Gjorgje). "Влахо епископ..." ("Bishop Vlaho..."): 217-219, setting off from his conclusion that Bishop Vlaho, who was mentioned in Article 46 of the Brevno (as well as in Doushan's Second and Third Treskavec Charter, see: Мошин, Владимир (Moshin, Vladimir)-Лидија (Slaveva, Lidiya). "Грамотите на Стефан Душан за манастирот Трескавец" ("Diplômes de Etien Dušan pour monastère Treskavec"). Скопје: Архив на Македонија (Publisher: Les Archives de Macédoine), 1981: 85-55-185; Лидија (Slaveva, Lidiya)-Мошин, Владимир (Moshin, Vladimir). "Српски грамоти..." ("Les Diplomes Serbes..."): 107-120. Also see: Ациевски, Коста (Adzievski, Kosta). "Пелагонија во средниот век (од доаѓањето на словените до паѓањето под турска власт)" ("Pelagonia im Mittelalter (seit dem kommen der Slaven bis zum fall unter Türkischer herrschaft)"). Скопје: Институт за национална историја (Publisher: bl. Institute of National History), 1994: 186-189; Бубало, Ђорђе (Bubalo, Gjorgje). "За ново критичко издание трескавачких хрисовуља краља Душана" ("Pour une nouvelle édition critique des chrisobulles du roi Dušan destinées au monastère de Treskavac"). Belgrade: Филозофски факултет у Београду (Faculty of Philosophy, Belgrade)-Филозофски факултет у Бањој Луци (Faculty of Philosophy, Banja Luka)-Филозофски факултет у Српском Сарајеву (Faculty of Philosophy, Serbian Sarajevo)-Историјски институт у Бањој Луци (Institute of History, Banja Luka)-Историјски архив у Чачку (Historical Archives, Chachak), 2008: 207-228; Милановић, В (Milanovich, Vesna). "Светачки лик у контексту: један нерасветљени пример из ексонартекса цркве у манастиру Трескавац" ("The Saint's image in context: a neglected example from the Exonarthex of the Treskavac monastery church"). Belgrade: Византолошки институт САНУ, књ. 42/1 (Publisher: Institute for Byzantine studies S.A.N.U), 2012: 461), is as a matter of fact identical to the later unnamed Valach bishop (Vlahoepiskop, according to Bubalo) in the region of the Baba Mountain who took over the Valach Bishopric after the Serbian conquest of Florina in the period between the spring of 1342 and 1343. Gj. Bubalo concludes that on the given date of 4 November in the Brevno's Article 46 could refer only to 1342. Compare also Бубало, Ђорђе (Bubalo, Gjorgje). "Српски номици" ("Serbian Nomics")...: 248-249, where the Charter is dated as 1342, November 4, Htetovo.

33. According to the clarifications and the analysis of the lexemes "Георгиј Маркоуш" done by Бубало, Ђорђе (Bubalo, Gjorgje). "Епископ призренски Георгије (О "презименима" средњовековних архиереја)" ("Prizren bishop Georgi (About "surnames" of medieval prelates)"). Историјски часопис књ. XLVIII (*Historical Review*, 48 (2002): 45-48, those were two persons: the Bishop of Prizren George and the local nobleman (landowner A/N.) Markush. But this statement is unacceptable for reasons that before the name of Markush there is nothing that would show that he was a secular dignitary. Namely in case he was a respectable secular dignitary, it would have been stated undoubtedly, because all the summoned elders and noblemen (все старце и влаетеле) sworn before him, and in the text further down the latter are always accompanied by master (мѣ) or their titles.



him that Plesh -located at the nearby Htetovo's hill, was usurped by the local feudal landlord, Progon³⁴. Shortly after the Bishop of Prizren personally came to Polog, which was under his jurisdiction, he convened a court consisting of noblemen, commoners and eminent personalities. They were all sworn and went to Plesh to hear expert evidence. According to the testimony of three of the elders (Pribislav, Bratina and Stanko), Plesh was church property from ancient times, but allegedly the church had given Plesh to 4 brothers to cultivate it under certain conditions. However, two of them without consulting the others, secretly sold half of Plesh to Progon. In the words of the nobleman Aleksa, brother of Bishop Vlach³⁵, the local feudal landlord Progon, immediately after the purchase sown Plesh with barley in order to show he owned that part of Plesh. However, this act did not remain unnoticed and unpunished. Namely, bishop Vlach, those days archimandrite of Htetovo's Monastery, took prompt and vigorous action against Progon. He ordered for all the village cattle to be gathered and released on the usurped property in order to destroy the crop. And it was done.

The authentic data give an insight which proves that the newly introduced Serbian legal system in Polog was not immune to the local legal customs and the Byzantine legal tradition. With that, naturally, they were partially accepted and incorporated into the Serbian legal system.

Namely, in resolving the land dispute between the Church and the landlord Progon a specific form of a local court was established, so called court assembly which consisted of the representatives from the local noblemen and commoners (СЪБРАШЕ СЕ ВЛАСТЕЛ/БОГАРЕ И ХОРА). The method which was applied in this case gives an example of how the Byzantine legal tradition in the Serbian newly conquered territories was respected. The Byzantine village communities in the 13th and 14th century had preserved a significant legal independence so the land disputes under the power of the courts consisting of local population, the same method that was

34. This position is also taken by Gjorgje Bubalo (Бубало, Ђорђе (Bubalo, Gjorgje). "Влахо епископ..." ("Bishop Vlaho...": 197; Бубало, Ђорђе (Bubalo, Gjorgje). "Српски номици" ("Serbian Nomics")...: 114) who for Progon says that was a small local landlord. Unlike him, Филипоски, Тони (Filiposki, Toni). "Неколку податоци за присуство на номади и благородници од албанско потекло во Македонија во XIV век" ("A few data concerning presence of nomads and noble men of Albanian origin in Macedonia in the 14th Century"). Гласник на Институтот за национална историја, (Buletin of Institute of National History), 47/1-2 (2003): 179 note 9, points out that it is unknown whether Progon, apart from the lost property of Plesh, owned some other property in the surroundings. Still the original facts that Progon in the course of a number of years successfully opposed the very powerful at the time church dignitaries implies that he was a powerful local nobleman.

35. Бубало, Ђорђе (Bubalo, Gjorgje). "Влахо епископ..." ("Bishop Vlaho...": 197-198, 207 in an attempt to prove that it was not Bishop Vlaho but a Vlahoepiskop-Valach Bishop he points out that during the evidentiary proceeding about the disputed property of Plesh the brother of the abovementioned bishop was present (ЊУ ПЛЕША БРАТЪ ВЛАХОЕПИСКОПЪ), that on one hand shows that the Vlahoepiskop-Valach bishop was an active archpriest at the time when the Bishop of Prizren George presided with this court proceeding. According to Gj. Bubalo the very phrase "ВЛАХОЕПИСКОПЪ" points out that it was one word that was a possessive pronoun.



used resolving the dispute about Plesh in Polog³⁶. If the Serbian legal system was applied in resolving this dispute then the royal court would have been engaged, as the most competent organ in resolving the land disputes, including the ones concerning the Church.

Furthermore, the authentic information point out that besides local noblemen and commoners the so called “elders” were included³⁷. Detecting the elders in the dispute (все старце) and referring the claim of one of them as a relevant evidence material in the procedure (реце старецъ Призиславъ... црьковни ксть Пльшъ), proves the medieval Serbia gave a significant importance to this institute. The institution so called “elders” was a forum of honest and reliable people who under an oath gave their statement about arguable facts, in which way they confirmed that certain facts were relevant for the trail. They were usually engaged in civil lawsuits, especially when confirming boundaries and land ownership. Their statement was usually combined with the terrain collected evidence.

Apart from the presence of the Byzantine legal tradition and segments of Serbian legal system, according to the last regulations from the original excursus it is vivid that first one no coded valid legal regulation was activated in Polog. Namely, after Progon bought the Plesh estate, he has sowed it with barley, but the legal local church representative Vlaho, including Plesh estate, ordered the village cattle to be gathered and crops to be destroyed (бѣ посѣиахъ Прогонъ кчмень... събрахоу говеда всего села и поискоше га). Analyzing this activity it could be seen that this dispute was resolved by applying the common law in a situation of unauthorized seizing other's land³⁸, as the Church had presented it.

Nonetheless, the intervention by Bishop of Prizren, George Markush to prove church ownership of Plesh, suggests that the actual master of half of Plesh at the time of this bishop's act, was still Progon. On the other hand, if these data are compared to the information reported by nobleman Kir Aleksa, it is not difficult to see that Progon benefited from Plesh for few decades or at least two. Thus, the nobleman Aleksa mentioned that the first usurpation of half of Plesh made by Progon had happened when he was a child, meaning that from that time to the time of those events, undoubtedly few decades had passed, namely, he was no longer a child, but a respected figure.

36. Славева, Лидија (Slaveva, Lidiya). “Полог (Polog)...”: 292-293 note 31. About Byzantine village communities, Byzantine agrarian system and economy see: Каждан П., Александр. (Kazhdan P., Aleksandr). “Аграрные отношения в Византии XIII-XIV вв.” (*“The Agricultural relations in Byzantium XIII-XIV century”*). Moscow: Издательство Академии наук СССР (Publisher: Izdatelstvo Akademii nauk SSSR), 1952: 89; Laiou E., Angeliki. “The Agrarian Economy, Thirteenth-Fifteenth Century”, *The Economic History of Byzantium, From Seventh through the Fifteenth Century*, Angelike E. Laiou, ed. Washington: Dumbarton Oaks Studies (vol. 39), 2002: I, 317-319, 326-329.

37. About institute “elders” in medieval Serbian law practice see Тарановски, Теодор (Taranovski, Teodor). “Историја српског права у Немањинској држави” (*“The History of Serbian law during the reign of Nemanjiqs”*). Belgrade: Службени лист СРЈ (Publisher: Sluzhbeni List SRJ), 1996: 760-764. Also see Славева, Лидија (Slaveva, Lidiya). “Полог (Polog)...”: 290-291 note 23.

38. About Common law see Славева, Лидија (Slaveva, Lidiya). “Полог (Polog)...”: 292 note 27. Also see Тарановски, Теодор (Taranovski, Teodor). “Историја српског права...” (*“The History of Serbian law...”*): 741.



Aleksa's words also show that the first attempt of the church undertaken by Htetovo's archimandrite, at that time Vlacho, did not have lasting results. Archimandrite Vlacho failed to put an end to the usurpation by Progon and to resolve the problem in favour of the church. Most likely soon afterwards the local feudal landlord Progon, at a time unknown to us managed to re-establish the ownership over that half of Plesh. Church officials, thus, were powerless to oppose him effectively.

Progon benefited from Plesh in the coming years, until the above mentioned personal intervention by Bishop George Markush. This Bishop of Prizren succeeded in his intention after which the disputed land was returned to the church. The information contained in the Land Inventory-Brebion for Plesh as a church property, gives me the right to believe that it was not only a short episode, as had happened previously. Surely, this action by George Markush was a success.

Before moving to the third point of this paper —that is defining the time of the events, the question that can be raised is: How frequent were the incidents of usurping church properties in Polog? Namely, whether it was an isolated, occasional or frequent incident!

It seems that an answer to this can be found in the Charter of King Stephen Dechanski, the successor of King Miloutin, granted to the Bishopric of Prizren in 1326³⁹. Article 12 of this Charter refers to incidents that had happened at the time of King Miloutin. That can be seen explicitly from the information according to which when King Stephen Dechanski granted three fields to the village church in Trebosh (Trebosh is a village in region of Polog, nearby Htetovo)⁴⁰, he said that fields had previously been taken by the Polog's people. However, his father, together with bishops Damjan and Ilija, took the fields from Zhegr, and they set his houses to fire. Article 13 of this Charter testifies that even in the time of King Stephen Dechanski the situation was resolved in its entirety. Stephen Dechanski activated the royal court⁴¹ and sent his royal representatives (Despot Dragoslav and Bishop Arsenij)

39. The latest publication of this charter with its diplomatics analysis as well as prosopographic and topographic information was done by Мишић, Сениша (Mishich, Sinisha). "Хрисовула краља Стефана Уроша III Призренској епископији" (*Chrysobulle du roi Stefan Uroš III à l'évêché de Prizren*). Стари Српски Архив, књига 8 (*Anciennes Archives Serbes, Livre 8*), Belgrade: Филозофски факултет у Београду (Faculty of Philosophy, Belgrade)-Филозофски факултет у Бањој Луци- (Faculty of Philosophy, Banja Luka)-Филозофски факултет у Српском Сарајеву (Faculty of Philosophy, Serbian Sarajevo)-Историјски институт у Бањој Луци (Institute of History, Banja Luka)-Историјски архив у Чачку (Historical Archives, Chachak), 2009: 11-36 (pp. 12-19 the text of the Charter; pp. 19-24-translation of the Charter).

40. The village has been referred to by: Kravari, Vassiliki. "Villes et villages...": 224-225; Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 136, 270-271; Трифуноски Јован (Trifunoski, Jovan). "Полог..." ("Polog..."): 5; Николић, М. (Nikolich, M.). "Властелинство Свете Богородице на Љевиши" ("Le domaine de la Sainte Verge sur la Ljeviša"), Историјски часопис (*Historical Review*), 23 (1976): 45.

41. Благојевић, Милош (Blagojevich, Milosh). "Државна управа у српским средњовековним земљама" (*Administration in Serbian medieval Lands*). Belgrade: Службени лист CPJ (Publisher: Sluzhbeni List SRJ), 2001: 227.



personally to the area. In the Charter, with this confirmation by Stephen Dechanski about the fields, the king reinstated the situation "as (it was) before"⁴².

When analysing this information one can see that they reflect a synthesis of several events that happened at the time of Serbian King Miloutin. Firstly, the intervention of King Miloutin indicates that the fields were in possession of Trebosh's church before the dispute. Exactly when the church's fields were usurped by the local feudal landlord Zhegr, cannot be established.

However, the mentioning of the names of the Prizren bishops may offer a time frame for the events and even their chronological order. Thus, for Damjan it is known that he was Bishop of Prizren from 1299⁴³, and the last mentioning of him is in the inscription of east side of the Episcopal church of Church of the Holy Virgin of Ljeviše (Bogorodica Ljeviška) from 1306-1307⁴⁴. On the other hand, Ilija was bishop for a very short time from 1306/07 until 1309, because in 1309 Sava became the new Bishop of Prizren⁴⁵.

Consequently, it is evident that the three fields were in possession of the Trebosh's church before 1299, and their usurping happened in the period between 1299 and 1306/07. The mentioning of the names of two bishops suggests that the king, undoubtedly after the complaints by the bishops, was compelled to get involved in two occasions: the first time during the time of Bishop Damjan and the second time during the time of Bishop Ilija. But the bishops apparently were unable to resolve the problem even with the royal support of the court. Thereby, the fields remained in the possession of the local feudal landlord Zhegr. For this reason, after they failed to get results, the king took vigorous measures and personally intervened in the period between 1306/07 and 1309. As expected the local feudal landlord Zhegr was pointed out as the party guilty of usurping unlawfully the fields, and the king-as mentioned in the source-consequently set his houses to fire⁴⁶. Apart from this, the dispute was finally resolved in the advantage of the Church during the reign of Stephen Dechanski. With the personal engagement of the king who sent two representatives on the spot, the situation was proclaimed "as (it was) before".

42. "И оуземъ кооу были полехъ, и издъшаъ к родителъ краиства ми съ ипискомъ Даманомъ и съ ипискомъ Илѣмъ, и вѣлъ вѣтъ егда, коуше моу попили" (article 12), ... "како к вѣтъ испрѣва было" (article 13), see: Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 271-272; Новаковић, Стојан (Novakovich, Stoyan). "Законски споменици..." ("Legal monuments..."): 640; Мишић, Синиша (Mishich, Sinisha). "Хрисовуља..." ("Chrysobulle..."): 16-17, 22.

43. "Actes de Chilandar", II...: 463, 396. Also see Ненадовић, Слободан (Nenadovich, Slobodan). "Богородица Љевишка" ("Holy Virgin of Ljeviše"). Belgrade: Народна књига (Publisher: Narodna knjiga), 1963: 181, 183.

44. "Стари српски записи и натписи" ("Serbian ancient entries and inscriptions"). Belgrade: Просвета-СКЗ (Publisher: Prosveta-SKZ), 986 (repr.): 4 No. 6006. See also Ненадовић, С (Nenadovich, S). "Богородица Љевишка" ("Holy Virgin of Ljeviše"): 24-25, 183-185, according to whom the inscription dates from 1307.

45. Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 271 notes 32, 33. The opinion of Ненадовић, Слободан (Nenadovich, Slobodan). "Богородица Љевишка" ("Holy Virgin of Ljeviše"): 180-181, that Sava became bishop before 1307 and initiated the reconstruction of Holy Virgin of Ljeviše, remains unsupported in historiography.

46. The different views within science regarding the issue of the executor of the punishment are presented by Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)...": 156, 272 note 37.



In this manner, even in this case of land dispute between a local feudal landlord and the church⁴⁷, even though Zhegr managed to resist the pressures by the court, still the final outcome was in favour of the Bishopric of Prizren.

3. The issue of defining the time of the events

Now, I am going back to the events related to the local feudal landlord Progon and Bishop of Prizren, George Markush. All the above mentioned data clearly testify that the events occurred long before they were recorded in the Brebion. Their entering in Land Inventory is only for the Htetovo Monastery to show that Plesh was in its possession, in particular that this land was one of the numerous monastery properties.

Due to insufficient source base in the Brebion, it is impossible to establish precisely the time of the events. Therefore, one cannot determine with certainty when the events occurred, nor to indicate what the time interval between certain events was, or to indicate how much time passed from the time the event took place until the time they were recorded.

One of the very few assumptions that one can give is the approximate time between the occurrence of the last event listed and its recording in Land Inventory-Brebion. It is based on the information in which the prominent 'kir' Aleksa says that those events occurred when he was a child⁴⁸. As already mentioned above, this period must have been at least two decades. But two decades from which exact time point and to which time point is still uncertain.

In this sense, the mentioning of the name of Bishop of Prizren, George Markush is of no help to us. Apart from this scarce information about George Markush, there are no other data. The source material is rather small, not precise, rather destroyed and inconsistent and the information about this Bishop of Prizren cannot be found in the sources where his presence is surely expected. Thus, according to the Synodicon of Orthodoxy (Pevlja's Synodicon) for the years from 1286 to 1292, the following names of Prizren's bishops are known: Jovan, Gerasim, Ilarij, Amvrosij, Varlaam and Jovan⁴⁹. The name of George Markush is also not mentioned among the Prizren bishops listed in Prizren's Pomenik (monastery commemorative book), where the following Prizren bishops are recorded: Simeon, Leontij, Konstantin, Joan, Damjan,

47. It remains undetermined whether Zhegr was also the one who committed the first usurpation between 1299-1306/07 when he was heading the Polog people or by acting on his own he took the advantage of the property being returned by the local Polog nobleman, so he took it over.

48. Overlooking the information that the respected Aleksa, brother of the former Archimandrite and Bishop at that time Vlacho at the moment he was giving testimony about the Plesh case he was addressed as 'kir', which undoubtedly confirms his noble origin, Грујић М, Радослав (Grujić M., Radoslav). "Полошко-тетовска епархија..." ("Polog's-Tetovo diocese..."): 51, incorrectly identifies the expression "Дѣтство" with the meaning of *otrok* — an executive body of the monastery.

49. Мошин, Владимир (Moshin, Vladimir). Moscow: Издательство Академии наук СССР (Publisher: Izdatelstvo nauk SSSR), 1960: 304.



Ilija, Damjan, Sava, Arsenij, Teodosij and Damjan⁵⁰. He is also not to be found among the portraits of the archbishops and bishops painted in the Episcopal Church of the Holy Virgin of Ljeviše (Bogorodica Ljeviška)⁵¹.

Therefore, it is unclear when George Markush headed the Bishopric of Prizren and it is not possible to determine either the period when he was the Bishop of Prizren although in the modern historiography there are some views in this regard, such as —he became bishop soon after the Serbs conquered Polog in 1282⁵²; he was bishop after 1333: before 1342⁵³; until 1346⁵⁴.

50. Радојичић Ђорђе (Radojichich, Gjorgje). "О Поменику Св. Богородице Левишке" ("About Holy Virgin of Ljeviše Commemorative Cook") (Рукопис бр. 227 Народне Библиотеке у Београду), Старинар (*Starinar*), [Трећа серија, Књига петнаеста 1940], Belgrade: Орган археолошког друштва у Београду (Publisher: Archeological society, Belgrade): 43, 67; Радојичић Ђорђе (Radojichich, Gjorgje). "Исписи из поменика" ("Lettering from Commemorative Book"). Гласник Етнографског института у Београду (*Buletin du Musée Ethnographique de Beograd*), 9 (1960): 32; Ненадовић, Слободан (Nenadovich, Slobodan). "Богородица Љевишка" ("Holy Virgin of Ljeviše")...: 181.

51. The names of the bishops on these portraits, with the exception of Jovan and Damjan, are not clarified because the inscriptions are too damaged, see: Јанковић, Милица (Jankovich, Milica). "Епископије..." ("Episcopates..."): 143; Ненадовић, Слободан (Nenadovich, Slobodan). "Богородица Љевишка" ("Holy Virgin of Ljeviše")...: 184. Бабић, Г. (Babich, G.). "Низови портрета српских епископа, архиепископа и патријарха у зидном сликарству (XIII-XIV век)" ("Portraits rows of Serbian bishops, archbishops and patriarchs (XIII-XIV century)"). Сава Немањин-Свети Сава. Историја и предање, децембар 1976. (*Sava Nemanjić-St. Sava. History and Legends*), Belgrade: December 1976. САНУ Научни скупови (publ. S.A.N.U.), Књига VII, претседништво књига: I, 324-327, has been working lately on their clarification. Also see: Панић, Д.-Бабић, Г. (Panich, D.-Babich, G.). "Богородица Љевишка" ("Bogorodica Ljeviška"). Српска књижевна задруга (Publisher: Srpska knjizhevna zadruga), Belgrade: 1988 (repr.): 66; Тодић, Бранислав (Todich, Branislav). "Српско сликарство у доба краља Милутина" ("Serbian Medieval Painting. The Age of King Milutin"). Belgrade: Култура (Publisher: Kultura), 1998: 63; Стародупцев, Татјана (Starodubcev, Tatyana). "Сакос црквених достојанственика у средњовековној Србији" ("The Sakkos of Ecclesiastical dignitaries in medieval Serbia"). Belgrade: Византијски свет на Балкану, књ. I (*Byzantine World in the Balkans, Vol. I*), Византолошки институт САНУ, књ. 42/1 (Publisher: Institute for Byzantine studies S.A.N.U., No. 42/1), 2012: 548 note 115.

52. Грујић М, Радослав (Gruyich M., Radoslav). "Полошко-тетовска епархија..." ("Polog's-Tetovo diocese..."): 42, 45 without any serious arguments fixates the Serbian church presence in Polog soon after the Serbian conquering of the Area in 1282/83. According to him in one occasion in the late autumn (4 November), for which by the way R. M. Gruyich does not provide a specific year, the Bishop of Prizren George Markush came to Polog as the spiritual master of the Area. Славева, Лидија (Slaveva, Lidiya). "Полог (Polog)..." : 143, accepts this hypothesis of his even though she understands it incorrectly pointing out that the presence of George Markush in Polog happened in the late autumn (4 November) of 1282/1283. Believing it was necessary to reinforce the hypothesis she unfoundedly adds as an additional argument the entry of an amount of 500 perpers stated as part of the sanction against those who would fail to comply with the decision, which in her view is typical for the sanctions in the charters from Miloutin's time. However, the historic facts show that the sanction limited to 500 perpers was not exclusive to the charters issued by King Miloutin, but such sums can also be found in the sanctions of the charters issued by his successors Stephen Dechanski and Stephen Doushan. Thus L. Slaveva's argument must be discarded.

53. According to Gj.Bubalo (Бубало, Ђорђе (Bubalo, Gjorgje). "Влахо епископ..." ("Bishop Vlaho...": 209; Бубало, Ђорђе (Bubalo, Gjorgje). "О називу..." ("Sur l'appellation..."): 188-189), bishops Teodosij and Damjan II were Prizren's bishops after 1333 to be followed by Bishop George. This happened before 4 November 1342 when Gj. Bubalo (Бубало, Ђорђе (Bubalo, Gjorgje). "Српски номици" ("Serbian Nomics"): 111, 248-249) dates the Nomic's charter of priest Nicholas inserted as a copy in Article 46 of the Brevno, where Bishop of Prizren George is certified.

54. Based on the insufficiently substantiated opinion by Јанковић, Милица (Jankovich, Milica). "Епископије..." ("Episcopates..."): 145-146, who setting off from the dating of the Brevno in about 1346 and Bishop Vlaho that is mentioned there, for whom the author incorrectly believes that he was the



4. Conclusion

In the copy of Nomic's Charter preserved in the Land Inventory of church properties of the largest landowner in Polog —north-western part of Macedonia, the Monastery of Bogorodica Htetovska (Monastery of the Holy Virgin of Htetovo), a land dispute is recorded between the Church and the local feudal landlord Progon, which lasted for a number of years. There had been several attempts for the dispute to be resolved by using different means both legal and violent. The disputed property was an area called Plesh, near Htetovo in Polog, that was bought and for more than twenty years owned by Progon. During that time the Church in different ways challenged unsuccessfully his purchase and ownership. Only after George Markush became the Bishop of Prizren, with his personal effort, the Church managed to take over the disputed property. So the church authorities managed to impose their will. The church found a way how to resolve it in its advantage no matter the method and time it used. This dispute is a proof of the legal system in Polog during the reign of Serbia. This system was a symbiosis of the Macedonian no coded legal regulations, Byzantine legal tradition and Serbian legal system.

The Progon's defeat is not the only defeat of a local feudal landlord from Polog in a land dispute with the Church. There are sources that register a similar dispute with the same outcome in the case of the feudal landlord Zhegr and church land in Polog's village Trebosh. The success of the church in the disputes against Progon and Zhegr had a negative end for the Polog landlord. So, in the case of Zhegr his houses were burnt. But there are not written source evidences about the consequences that Progon suffered. Anyway, this shows that ultimately the Church had a supreme position in its intentions and actions protecting the property that have ever been in church possession.

During the dispute about Progon the church authorities relied on oral statements given by people close to the church, some of which relatives to the ones involved in the dispute. The church totally neglected the fact given by the witnesses, that Progon bought the land which later one was the subject matter of the dispute. Land-legal dispute is a subject of the civil law which is endured to the lawsuit with the secular judge. But this case was not sent to the secular court. The bishop George Markush, after managed to prove that the land had belonged to the church from ancient times, totally neglected the purchase fact in favor of Progon. The Prizren bishop relied on the church law according to which for any dispute regarding church land the only competent was the ecclesiastical court. The head of that court was the church superior of the juridical region, in the case of Polog it was Prizren bishop. In this case the trial was led and the sentence was withdrawn by the ones who initiated the dispute settlement. Thus the result of the dispute had already been pre juridical.

Bishop of Prizren, George Markush was the Bishop of Prizren in the period after 1333 and before 1346. Milica Jankovich believes that George Markush was the successor of Vlacho that is one of the two who were Prizren's bishops after bishops Arsenij (the last original information on him is from 1333), Teodosij and Damjan II, recorded in the Prizren's commemorative book.

