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THREE IMPERIAL EDICTS (FERMAN) FROM THE FIRST
HALF OF THE 16th CENTURY

Here we wish to make public three imperial edicts from the first half on the 16th century referring to the region of Macedonia.

The first of these edicts has come down from the year 939 according to the "hicret" and it refers to the *yuruks* ("yürük", pl. "yurükler", "yürügan"). It was issued upon the charge of a spahi from the Štip kadiluk, Mustafa Vojvoda, against the illegal actions of the yuruks. He complained in Istanbul that the yuruks who inhabited his timar were not paying him the *salariye* ("salariye" or "salarlik") nor the *boyunduruk*, that they were converting the rayah's land into their pasture, selling the land without his knowledge, inheriting the land according to the seriat law as if it were a mulk and that some members of his rayah were leaving the land uncultivated, going to cultivate some other land. As for the yuruk cattle-breeders, he said that they were spending both summer and winter on his timar without paying the *dimarina* tax ("resm-i duhan"). In connection with this charge a ferman was issued indicating legal regulations concerning these questions and the Čustendil sanjakbey and the Štip qadi were ordered to investigate this matter and to act according to the given regulations.¹

The second edict dates from the year 946 (from 19th May 1539 to 7th May 1540). It is addressed to the sanjakbey and the qadis of the Čustendil sanjak. In this edict it is stated that the sanjakbey, in case of complaints either from his sanjak or from a kadiluk outside it, had been summoning the parties involved and interrogated them himself or sending them to a qadi who was not in charge of the territory concerned. The ferman orders him not to do such things and not to cause trouble to people

¹ According to Kâtib Čelebija ("Rumeli ve Bosna") the Čustendil sanjak consisted of: Custendil, Radomje (Radomir), Dupindža (Dupnica), Petrovik (Petrovdže, Petrić), Menlik (Melnik), Dojran, Tikveš, Veles, Strumica, Radovište, Štip, Kratovo and Vranja. — Stojan Novaković, Hadži Kalfa, also known as Čatib—Čelebija, Turkish geographer from the 17th century, writing of the Balkan Peninsula; Spomenik XVIII, 42—46

in this way. It points out to him that, when deciding disputes, he should pay attention to territorial competence, and proceed according to the law.

The third edict concerns injustice and violence in the Salonica sanjak² perpetrated by the collectors of harač (poll tax) and sheep tribute (resm-i ganem) or by those who came to collect oarsmen or on similar business. In connection with this it is stated that they all possessed written instructions according to which they were to proceed. Therefore, the sanjakbey is warned not to allow such irregularities and he is reminded that he is in charge of all matters on his territory, including the prevention of injustice and violence towards the rayah (re'aya). Neither he nor the qadis should allow anyone to do anything against the seriat and the law, against the things recorded in the defter. The copier of the manuscript did not date it, but I think that it also dates from the time of the sultan Suleiman Legislator.

These are the subjects of the edicts in question. They indicate certain negative aspects of Turkish administration at the time of the climax of the Ottoman empire. Since they concern areas of Yugoslavia, we point here the mentioned edicts in their original version (Turkish text) and in translation with necessary annotations.

I

An imperial edict of 1532/33 addressed to the Ćustendil sanjakbey and the Štip qadi, in connection with the charge of a spahi, Mustafa Vojvoda, that the yuruks were not paying him certain taxes.

قدوة الامراء الكرام عمدة الكبراء الفخام¹ ذوالقدر و الاحترام² كوستنديل سنجانى بكى زيد عزه و
مختر القضاة و الاحكام معدن الفضل و الكلام مولانا اشتب فاضيسى زيد فضله توقيع رفيع همايون واصل اوليماق
معلوم اوله كه³

حاليا قضاء مزبورده قاره متصرف اولان اشبو دارنده فرمان همايون مصطفى ويوده نام سپاهى باب
سعادت مآبه كلوب عرض ايلديكيه تصرفنده اولان يتارينك سنورى ايچنده يورك طاقه بندن بعضى كمستنه ل
كلوب تمكّن يردوتوب زراعت و حراثت⁴ ايدوب عشر و يروب و سلاويه و بيوندرق چفت و يرمزليش و رعايانك

¹) In the manuscript الفخام.

³) Omitted كه

²) In the manuscript ذوالقدر و الاحترام

⁴) In the manuscript خراست

² According to the quoted work by Katib Ćelebija the Salonica sanjak consisted of: Salonica, Ajos-oros (Sveta Gora), Jajdžilar jezero (Jenidže-jezero), Lungus, Kasandra, Sidrekaisi, Bazargāhidžedid, Beşik (Beşikler), Timur-hisar (Demir-hisar), Kara-dag, Avret-hisar, Jenidža na Vardaru, Karaferija, Agostos (Njausta, Neguš) and Voden. — St. Novaković, op. cit., 35–42.

تصرف ایده کلدکاری یرلرنک بعضی چایر ایدوب و بعضیاری دخی اورولرمزدر دیوب رعایایه تصرف ائکه مانع اولوب اول سپیدن تماری حاصندن نقصان اولوریش . و رعایاسندن و یوروك طائفهسندن بونك تیارنده یردوتان کسنلر بونك معرفتی اولمدین یرلری اخره صاتوب زراعت ایدوب و رعیت و یورك فوت اولسه یرلری ملك شرعی کبی میراث ایدوب و بورجی اولسه صاتوب بورجه و یروب صاحب تیله اندن نفع اولزیش .

اوله اولسه یوردومکه حکم شرف واجب الاتباعله واردقده خصا برابر ایدوب تفتیش ایدوب کوردسز . شول یردکه رعیت اولسون و یایورك طائفهسی اولسون زراعت و حراثت ایده لور عشر النور و عشر الندوغی یرده سلاریه دخی النور . تمل اترمیوب عشرین و سلاریه سین الیورسز . و یورك طائفهسندن بون چفته اون ایسکی اچمه و نیم چفته التی اچمه بیوندرق حقی الیورسز . و تیارنده بعض یورکار قشلیوب و یازلیوب اوتورلر اما⁵ زراعت و حراثت⁶ اترلریش عادت و قانون اوزره بوکامتوجه اولان رسم دخان اچمه سن و یرمزلیش انی دخی قانون اوزره حکم ایدوب الیورسز . و بیوندرق رسمندن و رسم دخاندن التمیوب اوزرلرنده نمنقدار حقی ثابت و ظاهر اولورسه بعد الثبوت حکم ایدوب الیورسز .

ویورك طائفهسی رعیت یرلرندن اورو و چایر ایدنك جایز دکلدر منع و دفع ایدوب رعیتک یرلرینه بی وجه دخل اترمیوهسز .

و رعایادن و یورك طائفهسندن برکسه فوت اولوب اوغلری قالسه یرکی اوغلرینه انتقال ایدوب صاحب تیازه رسم طابو اولز . اوغلی قالمیجت صاحب تیاز انی کیمه دیلرسه طپو ایله یرر . و قزلی و اقرباسی اولورسه ملك شرعی کبی میراث اولمز . و بورجی ایچون فوت اولانك یرلری صاتیوب بورجه و یورك جایز دکلدر اترمیوهسز . و سپاهی معرفتی اولمدین یرلرین دخی خلاف قانون اخره صاتدرمیوهسز .

و رعایاسندن (بعضیلری) بونك تیارنده درته کلدکاری زراعتی صالح یرلری تمام اکمدین واروب اخر سنورده زراعت ایدوب اکرلریش . انك کیلره تنبیه و تأکید ایدوب بونك تیارنده دوته کلدکاری زراعتی صالح یرلرین تمام اکمدین واروب اخر سنورده زراعت اتمیلر . بعد التنبیه اسلمیوب اکر زراعت ایدرارسه انك کیلاردن ایسکی عشر حکم ایدوب الیورسز برین صاحب رعیته و برین صاحب ارضه ترمد ایدنلری یازوب بلدرهسز⁵ .

و بعد النظر بو حکم شریفم النده ابقا ایدهسز . علامت شریفه اعتماد قیلهسز . سنه ۹۲۹

Translation

“To the Cüstendil sanjakbey, the ideal of noble commanders, the pillar of honorable great men, the bearer of dignity and respect – may his glory be increased – and to the Mevlana Ştip qadi, the source of virtue and eloquence – may his virtue be increased – when the high sign comes, may this be known:

⁵) In the manuscript تا

⁶) In the manuscript بلدوهسز

The owner of this imperial edict, a spahi named Mustafa Vojvoda, who is now enjoying a timar in the mentioned kadiluk, come upon my Portal of fortune and reported the following:

Certain members of yuruk corps came and settled in the sinor of the timar which he enjoys. They till and sow the soil and they are giving the tithe, but they are not, as alleged, paying the salariye nor the tribute for holding teams of oxen. Some of them are converting the rayah's land into pasture. Some of them even say: this is our pasture. Thus they disturb the rayah's property. This, as alleged, decreases the income of his timar. The yuruks and the rayah from his timar sell the land without his knowledge. And if a member of the rayah or the yuruk corps dies, they inherit the land as if it were a seriat mulk. If the one who died had some debts, they give a part of his land instead of paying the debt. Thus, as alleged, the owner of the timar has no profit from his land.

Taking this into consideration, I have ordered:

When he comes with my imperial edicts, which must be followed, you should bring together the quarrelling parties, interrogate them and investigate the matter. Where the soil is tilled, whether by the rayah or by yuruks, the tithe must be taken. And where the tithe is taken, the salariye is taken as well. Do not let them prevaricate, make them give the tithe and the salariye immediately. From the yuruks you should take 12 akce for a whole *cişluk* (çiftlik), as the oxen tribute ("boyunduruk hakki"), and 6 akce for half a *cişluk*.

Some yuruks spend winter and summer on his timar without tilling or sowing the soil. As alleged, they are not paying the "resm-i duhan" to which both the custom and the law obliges them. You should pass judgement in connection with this as well, according to the law, and you should take the tribute. If he proves that he has not taken the oxen tribute and that they still owe it to him, you should, after investigating, pass judgement and take the tribute.

The yuruks are not allowed to convert the rayah's land into pasture and meadows. You should prevent and thwart this. You must not let them interfere with the rayah's land without any reason.

If a member of the rayah or the yuruk corps dies, his sons, if there are any, will inherit the land and the owner of the land will have no right to take the inheritance tax ("resm-i tapu"). If there are no sons left, the owner of the timar will give the land to anyone he chooses taking the due inheritance tax. Daughters and kinsmen will not have the right to inherit the land as a seriat mulk. It is forbidden to sell the land in order to pay debts or to give it instead of paying a debt. Do not allow this. Do not allow them, either, to sell the land to someone else without the spahis knowledge, which would be contrary to the law.

Some members of his rayah are leaving his timar without having entirely sown the land. They are going to till and sow the soil in some

other sinor. You should warn them and let them know: they must not go to till the soil in other *sinors* (regions) before having entirely sown fertile soil on the timar of the above mentioned spahi. If they fail to obey even after your warning and continue to till other soil, you are to pass judgement and make them pay two tithes – one for the lord of the rayah (“*sâhib-i raiyyet*”) and another for the landowner (“*sahib-i arz*”). About those who protest you are to write and let me know.

After examining this honourable edict of mine you should let him have it. Rely on the honourable sign. In the year 939.”

E x p l a n a t i o n

In order to make the above edict more understandable we need to explain the position of yuruks in the Ottoman Empire.

Yuruks are a Turkish nomadic tribe living in different parts of Asia Minor. After the Battle of Kosovo some yuruks settled near Plovdiv. Gradually, they moved over to Thrace and Macedonia where they are still to be found, although most of them went back to Asia Minor after World War I.³

During their penetration into the Balkans, the Turks settled those nomadic tribes giving them land, but in return they had to take part in wars as infantry corps. They were divided into *ocaks* (Tur. *ocak* = house, family, center, quarters, etc.). During the reign of Mehmed II Fatih an *ocak* consisted of 24 men: one “*eskenci*” (“*eşkinci*”, “*eşkûn*”, “*eşkûncu*”), three “*çatal*” and twenty “*yamak*”. This is mentioned in the *kanun-nama* of Mehmed II.⁴ The first four took part in military campaigns. Somewhat later, each *ocak* consisted of 25 men. Five of them went to war as “*eskenci*” while the others were *yamaks*. In the second part of the 16th century (i.e. 1584) the central government ordered that five more *yamaks* should be registered into each *ocak*.⁵ Thus each *ocak* comprised 30 men: 5 *eskenci* and 25 *yamaks*. According to Ajna Ali, at the beginning of the 17th century there were 1294 *ocaks* in Rumelia.⁶ According to Ali Čauš by the middle of the same century the number of *ocaks* had increased to 1467.⁷

³ Dr Fehim Bajraktarević, *Yürüken*, *Enzyklopaedie des Islam*, IV, p. 1274.

⁴ Hamid Hadžibegić, *Kanun-nama of Suleiman the Legislator from the first years of his rule*, *Glasnik Zem. muzeja u Sarajevu*, new series III–IV (1949–50), pp. 368–9, note 300.

⁵ Ömer Lûtfi Barkan, *Kanunlar*, p. 262.

⁶ Dr F. Bajraktarević, *Yürüken*, *En. d. Islam*, IV, p. 1274.

⁷ H. Hadžibegić, *Rasprava Ali-Čauša iz Sofije o timarsko-spahijskoj organizaciji u XVII stoljeću*, *Glasnik Zem. muzeja*, new series II, p. 178.

Turkish historian Ismail Hakki Uzunçarşılı, in his work "Osmanlı devleti teşkilâtından Kapukulu ocakları", quotes an imperial edict from 973 (1565) referring to the duties of yuruks in war. It was issued to the yuruks' commander in Salonica and to the qadis of the places which the Salonica yuruks, inhabited. It was issued in connection with preparations for the campaign against Siget. The translation of this edict runs as follows:

"Order to the qadis of the places inhabited by the Salonica yuruks and to the commander ("subaşı") of the Salonica yuruks:

Since we now need teams of oxen to tow cannons in the imperial military campaign, an honourable order has been sent out for 100 pairs of oxen. I have put the task of bringing the oxen on time in your charge and in charge of your yuruks. I have ordered you to deliver, upon the arrival of my imperial order, 100 pairs of oxen and the yuruks who are under your command. You are to bring them on time to the indicated place. The qadis should do their best to help the commander bring the yuruks.

If, in connection with my order, you fail to bring on time the indicated number of oxen or if you fail to come on time with the yuruks to the indicated place or if you bring an insufficient number of yuruks, there will be no possibility of excusing you".

A similar order was addressed to the commander of the Ovčepolje yuruks and he was also told to come with 50 pairs of oxen.⁸

Since these yuruks belonged to military corps,⁹ there was a special law referring to them.¹⁰ In case of a military campaign, each yamak had to give 50 akce for those who went to war. If there was no campaign this money was not taken. Yuruk officers (*subaşe* – subaşı and *çeribaşe* – çeri başı) got 50 akce from each of their yuruks, because this was recorded in the defter as their regular income. These 50 akce yamaks paid instead of certain extra taxes ("avariz") and customary tributes ("tekâlif-i

⁸ Ismail Hakki Uzunçarşılı, above – mentioned work, pp. 74–75, – Istanbul Archives, Mühimme defteri 5, p. 304.

⁹ H. Hadžibegić, Kanun-nama of Suleiman the Legislator, Glasnik Z.m., new series III–IV, p. 349.

¹⁰ In the kanun-nama of Mehmed II, edited by dr Kraelitz and dr Witek, there is a passage referring to yuruks (p. 28). It concerns their participation in war and their armament. In my paper concerning Suleiman's kanun-nama, which comprises a separate unit about yuruks, I quote and translate the mentioned passage. – Glasnik Z.M., new series III–IV, pp. 368–369.

In the so-called "Kanun-namei sahiha", which was issued after the above mentioned kanun-nama of Sultan Suleiman, there are about ten regulations referring to yuruks. This kanun-nama was published by dr M.F. Köprülü in Milli tettebbular mecmuasi.

A codex referring to yuruks from the rule of Sultan Suleiman the Legislator was published by Ö.L. Barkan in his book "Kanunlar" (pp. 260–262), as well as the law referring to the yuruks of Kodzadzik (pp. 262–264).

örfiye"). Thus, they were exempted from these taxes. In the yuruk law this was formulated in the following way: "Since yamaks are giving 50 akce each, it is contrary to the imperial edict to demand any extra taxes from them."

As for "eskenci", they were exempted from the sheep tribute ("resmi agnâm", "âdet-i agnâm") in the year in which they went to war. Otherwise, they had to pay 1 akce for three sheep as the sheep tribute.

In Rumelia, the yuruks made up 6 sanjaks: Ovčepolje, Vize, Tekirdağ, Salonica, Kodžabžik and Naldoken. In each of these there was a yuruk bey under whose command they went to war. These yuruk beys were subordinate to the Rumelia beglerbey (*beylerbey*). Each of the yuruk beys had a *zeamet* which was one of the free *zeamets* ("serbest zeamet") so that he had the right to take free taxes ("rüsûm-i serbestiye").¹¹

Professor dr Fehim Bajraktarević tells of the yuruks' occupation: "The yuruks' occupation depends on geographical conditions. In steppes and in coastal regions, where they spend winter, they mostly breed sheep, goats and sometimes cattle which they bring in summer to pastures in higher regions. Some tribes are good breeders of horses and camels. In wooded regions yuruks are more occupied with wood cutting. Some tribes go in for hunting and, according to circumstances, agriculture. Women are occupied with: cooking, sewing, spinning of wool, knitting, weaving heavy cloth, cattail mats and rugs. Yuruks live in tents made of dark goat's hide or in primitive huts."¹²

The imperial edict of 1532/1533, which we give in its Turkish version and in translation, concerns the yuruk farmers and the yuruk cattle breeders.

As is stressed in this edict, if the yuruks till the rayah's land they have to pay both the tithe and the salariye, just like the rayah. Since the salariye amounted to 2,5%, they had to give the mentioned spahi 1/8 of their products as the tithe and the salariye. But, since the salariye was a tax given to the spahi because of his senior right to stay at rayah's houses, these yuruks probably thought that they were not obliged to pay it.¹³

They did not give the spahi the so-called "boyunduruk" (oxen tribute) either. However, yuruks working on the rayah's land with their own team of oxen were obliged by the law to pay this tax which amounted to 12 akce. Since the land was not their property they did not have to pay the cift tribute ("resm-i çift") but only the oxen tribute ("boyunduruk hakkı"). The sanjakkbey and the qadi were ordered not to let them make excuses, for they were to give both the salariye and the oxen tribute.

¹¹ H. Hadžibegić, the mentioned kanun-nama of Sultan Suleiman, pp. 320, 321, f. 79.

¹² dr F. Bajraktarević, Yürüken, En. d. Islam, IV, p. 1274.

¹³ For further information see the mentioned kanun-nama of Sultan Suleiman the Legislator, index of Turkish terms.

In addition to this, the edict makes clear that some yuruks took rayah's land and converted it into their pasture. In this way they caused damage both to the rayah and the spahi. Therefore, the sanjakbey and the qadi were ordered to prevent this.

The spahi also complained that the yuruk cattle breeders were spending summer and winter on his timar without paying "resm-i duhan", the so-called *dimarina*. It was ordered that this tax should also be collected in accordance with legal regulations.

Another irregularity concerning these yuruks was the fact that they disposed of this land as if it had been a *mulk*, i.e. as if they had been its proprietors. They were selling it without the spahi's knowledge and, in the case of the death of the proprietor, they inherited it following the seriat law concerning inalienable properties (*mulk*). The proprietor of a *mulk* could dispose of his property as he wished, he could sell it or give it as a present without asking anyone for permission. A spahi had no right over such properties.

However, land was considered to be a miri's property (Tur. *miri* = ruler, commander) and its owner had only the right to enjoy it, as formulated by particular legal regulations. A landowner could not sell it in the true sense of the word, for he was not its true proprietor ("mâlik"). He was only its enjoyer ("mutasarraf"). Thus, he could renounce to someone else only this right ("hakki tasarruf"). This legal business was not even denoted by the word "selling" ("bey'"). It was referred to as renunciation of one's right in the interest of someone else ("ferâg"). That is why there were different terms. To denote selling in the true sense of the word a term from the seriat law was used – "bey'" – and it referred to "mulk" (inalienable property). To denote selling of a miri land the term "ferâg" was used, for this was not considered to be selling in the true sense. Common people were not informed in these legal regulations and they saw no difference between the selling of a *mulk* and the "selling" of a miri land. But the spahis took much interest in these matters. They were considered to be the landowners ("sahib-i arz") and land could not be "sold" without their knowledge. In addition to this, on such occasions the spahi issued a *tapija* to the new landowner and collected a transfer *tapija* tax ("resm-i tapu"). This was one of the sources of their income.

Because of its specific legal character, miri land was not inherited according to the seriat inheritance law. There existed a particular law referring to miri land ("kanun-i tapu") according to which the property right ("hakki tasarruf") could be inherited only by sons and they were not obliged to pay any transfer taxes. If a proprietor had no sons left, the spahi could renounce the land to someone else and take the transfer tax. It was not before the second part of the 16th century that the spahis were deprived of this right. First daughters, then brothers and sisters and finally fathers and mothers acquired the privilege of inheriting the land, but they

also had to pay the required transfer tax. (Sons only were exempted from this tax.) Thus this was also a source of considerable profit for the spahis.

The Yuruks tried to avoid the above mentioned regulations concerning miri land — they wanted to dispose of it according to the seriat regulations. This, however, caused damage to the inteests and legal rights of the spahi. That is why he demanded that the yuruks should be compelled to respect legal regulations. The imperial edict puts this in charge of the sanjakbey and the Štip qadi.

At the end of this edict it is stated that some members of the rayah are leaving the land unsown, going to sow the soil in some other sinor. It is said that such individuals should be warned not to do so. If they fail to obey, they will have to pay two tithes: one for their lord (“sâhib-i raiyyet”) and another for the landowner (“sahib-i arz”). This was a general regulation which obliged the rayah to till primarily their own soil.

In connection with this yuruks are not mentioned. There were special regulations referring to them:

“Non-nomadic yuruks who have inhabited a certain place and have their oxen and land should give the landowner a tax of 12 akce (“resm-i cift”) if they enjoy a *çifluk*. If they enjoy only half a *çifluk*, they should pay 6 akce. Yuruks having no *çifluk* of their own who have settled in a sinor of a timar to till the soil temporarily, cannot be compelled by the landowner to stay their if they later decide to move to some other place (the rayah, however, cannot leave a timar). Nor can the landowner take from them the tax “çift bozan resmi”. Since they have no definite place of residence, they are exempted from such taxes.”¹⁴

II

The imperial edict from 1539/1540 addressed to the Ćustendil sanjakbey and qadis against settling disputes in regions beyond their competence.

فدرة الامراء الكرام عدة الكبرياء النعام⁷ ذوالقدر والاحترام⁸ الختص⁹ به اية الملك العلام كوستنديل
سنيانغى بكى محمد دام¹⁰ عزه ومفاخر القضاة والحكام معدن الفضل واليكللام لوا. مزبور¹¹ قاضيلرى زيرت¹²
فضاهم توقيع ربيع همايون واصل اوليحيق معلوم اولاك

⁷) In the manuscript النعام

⁸) In the manuscript الاحترام

⁹) In the manuscript لختص

¹⁰) In the manuscript دام

¹¹) In the manuscript مزبور

¹²) In the manuscript زيرت.

¹⁴ Ö.L. Barkan, Kanunlar (“Kocacik kanunlari” — law referring to yuruks of Kodžadzik), pp. 262–264.

سدهٔ سعادت‌ده شویله استماع اولندیکه سنکه سنجاک بکی سن سنجاغه متعاق اولان قاضیلردن و غیری قاضیلردن کسنا سکا کاوب تشکی ایلدکلرنده خصالی¹⁴) انده یانوکه کتوروب تفتیش اولنق ایچون و یاخود بر اخر قاضی تعیین¹³) ایلیوب محل حادثه‌دن خارج طیراغه ایلدوب تفتیش اولنق ایچون آدم و یامکتوب کوندرب برهانه ایله آدم کتوردرایش سن.

هر محله سنجاک بکی و قاضی تعیین اولقندن غرض بودرکه رعایانک واقع اولان قضایایی برلورنده کوریلوب بر قاضیلرده اولان و یاخود بر ناحیه خلقی بر اخیریه و یاخود اخر قاضیلنه ایلدورمیوب کسنیه مضایقه اولقندن حذر ایده‌سز. بیوردومکه سندانی اول وجهه عمل ایلدوب من بعد سنجاغکه متعاق اولان مواضعدن کاوب شکایت ایلدیری خصالیله¹⁵) سنوک یانوکه کتوردمت ایچون آدم و یامکتوب کوندروب کتورمیه سز.

و سزکه قاضیارسز هرنه قضیه واقع اولورسه هر بریکسز برلورنده کوردرب شرعیله و قانون ایله فصل ایدربر اجرا. حق اتدوره‌سز. کسنیه تعدی اولیوب امر همایونه مخالف ایش اتدورمیوب زیاده احتراز ایده‌سز.

شویله ییله سز علامت شریفه اعجاب قیله‌سز. سنه ۹۱۶.

Translation

„To the Cüstendil sanjakbey Mehmed, the ideal of noble commanders, the pillar of honourable great men, the bearer of dignity and honour, the choice of the omniscient ruler's particular grace — may his glory be lasting, — and to the qadis of the mentioned sanjak, the pride of all qadis and judges, sources of virtue and eloquence — may their virtue be increased, — when the high imperial sign comes, may this be known:

From my foothill of fortune I have learnt the following: You who are the sanjakbey, when people from the kadiluk come to you to complain, you, as alleged, send either a man or a letter in order to summon the opposing party and cross-examine them or in order to send them, by putting the matter in charge of some other qadi, to be interrogated in some other region. Allegedly, with this excuse, you have been summoning people to you.

The aim of my appointing a sanjakbey and a qadi for each place is to settle all rayah disputes where they appear. Do not bring those from one kadiluk, i.e. inhabitants of one nahija, to another place or kadiluk. You should beware of causing trouble to anyone. I have ordered you to act so. From now on, do not send either men or letters in order to summon people from your sanjak who complain or in order to summon their opponents. Do not summon them.

¹³) In the manuscript تعیین

¹⁴) خصالی

¹⁵) خصالیله

As for you qadis, whatever happens each of you should investigate the matter where you are. You should settle it according to the seriat and the law and do what is right. Do not be unjust towards anyone and do not commit anything contrary to my imperial edict. Beware of this. Have this in mind and rely on the honourable sign. 946.”

Explanation

Qadis were authorized to settle common and legal disputes. Their real and territorial authority were regulated by the law. As for the sanjakbey, he was the supreme civil and military body in his region. He was not allowed to interfere in the affairs of another sanjak. Within his sanjak, however, he had no legal right to settle matters for which the qadis were authorized nor was he allowed to send people from one kadiluk to the qadi of another. In spite of this, there were cases when vested authority was exceeded, as the above edict indicates.¹⁵

This is why the Ćustendil Sanjakbey and all the qadis are warned to obey strictly the authority regulations.

III

An imperial edict against the illegal proceedings of certain tax collectors, addressed to the Salonica sanjakbey.

قدرة الامراء الكرام عمدة الكبراء الفخام¹⁶ ذوالقدر و الاحترام المختص¹⁷ بيزيد عناية¹⁸ الملك العلام
سلانك سنجاغى بكى عبدى دام¹⁹ عزه توقيع رفيع همايون واصل اوليجى معلوم اولاكه
حاليا اول جانبه خراج²⁰ و عادت اغنام جمعه و ازان قولار رعايابه انواع ظلمار و تعديلر الميود دفتر و
قانوندن زياده آنچه الوب دركاه معلامدن و يريلان احكام شريفه بي²¹ كسنه به كوسترميود كندو مرادلى اوزره
جاب مال ايدوب كندو مملكتم ايچنده رعايا قوللرومه جددن زياده ظلمار و تعديلر اولماغيله فوق الحد تخير²² الاحوال
اولده اري پايه سرير عالم پناههم²³ عرض اولندى .

16) In the manuscript الفخام

17) In the manuscript المختص

18) In the manuscript عناية

19) In the manuscript دام

20) In the manuscript خراج

21) In the manuscript شريفه

22) In the manuscript تخير

23) In the manuscript سريره

¹⁵ See also: H. Hadžibegić, Prilog za proučavanje nadležnosti kadija u turskom periodu, Istorisko-pravni zbornik za 1950 godinu, pp. 241–246.

ایدی ایام سعادت همایونده شرع²⁴) و قانونه مخالف بر کردن ظلم و تعدی اولدوغنه رضای شریفم یوقدر. دایما مراد همایونم شرع شریفه و قانون مینفه (کره) اجرا و ایفا²⁵) اولنمقدور. بیوردمکه درگاه معلام چاؤشلردن قدره الامائل²⁶) و الاقران خداوردی چاوش زید قدرد و صول بولیمتی تحت لوآکده اولان رعایاناک احوالنه هرگاه ناظر اولوب اکتبه علیامدن وارن خراجچیلر و قیون حقیلریدر و آکر کورکچیلر خصوصلری ایچوندرد و بالجمله بونک کبی مصالح ایچون ارسال اولنان احکام شریفه علی ملأ الناس اوقدروپ ایچینده مسطور اولان امرم مقور ایسه تفصیل ایله رعایانک معلومی اوله تا که اکا مخالف نسنه النسق اهتالی اولیوب جمله رعایا بو خصوصده متنبه اولار. بونک کبی یازیلان احکام شریفه ولایت قاضیلرنه یازیلو کاشدر. حکم شریفه بائکه امریوقدر دیمهسن. اول سبجائک جمله امور و احوالی و رعایانک دفع ظلمی و حیقلری²⁷) سنوک عهده کده در. مملکت و ولایت محروسه به بکار و قاضیلر کوندریکندن مقصود و مراد همایونم بودرکه مملکتده رعایا ایام معدلت²⁸) همایونده کمال امن و رفاهت اوزره و استراحت اوزره اولار. آکر خراجچیلر و قیون حقیلریدر و آکر امنا و عمالدر و آکر اول حوالییه²⁹) و اران قبوللردر شرعه و قانونه و دقتره مخالف بر ایش اتدیمهسن ایدنلری کرکی کبی منع و دفع ایدمهسن. متنوع اولیاناری عتبه علیامه عرض ایدمهسن. صکره انلرک حقنده فرمان همایونم نوجهل صادر اولورسه موجب ایله عمل ایدمهسن بر دولواقیمهسن.

شویله بیلهسن علامت شریفه اعتماد قیلهسن.

Translation

“To the bey of the Salonika sanjak, Abdi, the ideal of noble commanders, the bearer of dignity and respect the choice of particular grace of the omniscient ruler – may his glory be lasting, – when the supreme imperial sign comes, may this be known:

My servants who came there to collect the harac (poll tax, head tax) and the sheep tribute are committing violence and injustice towards the rayah. They are taking more money than they are allowed to according to the defter and the law, without showing to anyone the honourable orders given to them by my high court. They are collecting money after their own will. It has been reported to my throne, asylum of the world, that exceeding violence and injustice are done to my rayah in my country which is, therefore, in an insecure state.

Now, in the age of my happy rule, there exists no honourable permission of mine – contrary to the seriat and the law – which would permit any violence or injustice. My imperial wish is that everything should

24) In the manuscript همایونده و شرعه

25) In the manuscript اجری و ایضا

26) In the manuscript الاشال

27) In the manuscript خیقلری

28) In the manuscript دادلت

29) In the manuscript حوالیه

be done according to the honourable seriat and the sublime law. I have ordered this: When the *čauš* (çavuş) of my high court, Hudaverdi Čauš, comes, — the ideal of all contemporaries and colleagues — may his dignity be increased — you should constantly watch the rayah in your sanjak. My honourable commands should be read to the people, in public, whether they are intended for the tax collector or concern the collection of oarsmen and similar tasks. The rayah should be fully informed of the orders written here so that there is no possibility of committing anything against them and so that the rayah can be on its guard.

Written orders such as these should be sent to the qadis of the vilayet. Do not say: There is no order addressed to me in this honourable edict. All the matters and affairs of the sanjak, including the prevention of violence and injustice towards the rayah, fall under your duties. In sending beys and qadis to the protected countries, my imperial intention and wish is to make the rayah live, in the age of my imperial justice, in complete security, welfare and peace. You should not allow either the tax collectors or the servants to do anything against the seriat, the law and the defter. You must prevent and thwart energetically those who are acting in such a way. Concerning those who fail to obey, you should let my high foothill know. Upon my issuing an imperial edict concerning them, you should act according to it. Have this in mind and rely on the honourable sign."

Explanation

As this edict makes clear special men were sent by the imperial government to collect the harač and the sheep tribute, for these revenues filled the state treasury. These men had written orders authorizing them to collect these taxes. Such an order contained instructions according to which they were to proceed. The sanjakhbey and qadis were informed of this as well, so that they could control the collectors' business.

However, as the quoted edict indicates, some of the collectors in the Salonica sanjak did not obey the regulations and the edict, taking more than was prescribed by the law and recorded in the defter. Therefore, the sanjakhbey and the qadis are ordered not to let such violence and injustice be done to the rayah. To make sure that these orders are carried out properly, a court čauš is specially sent with the directive that the orders concerning the collection of the harač should be read in public so that the rayah is informed of its contents.

In addition to the *harač* (haraç), and sheep tribute, oarsmen are also mentioned in this edict. Namely, for the occasion of making an oarsmen inventory special employees are sent from the center of government and are given orders and necessary instructions for proper execution of the

task. They are to act according to these instructions.

In the Ottoman Navy there were two kinds of sailors: captives and convicts (“*çakal*” – galley slaves) comprised one group while the other was recruited from the people (“*ahbab*”). Usually, one oarsman was taken from twenty houses. The remaining nineteen houses were obliged to give the money for the oarsman’s six months’ expenses. Every year the number of sailors needed was determined and then it was decided how many oarsmen each sanjak and district was to give. Orders concerning this were issued. From some places money was taken instead of oarsmen. This money was considered as an extra tribute and was referred to as “*avariz-i kürekçiyân*” (extra tribute for oarsmen). From the revenues obtained in this way the state paid the oarsmen their daily wages.¹⁶

We quote here an imperial edict concerning oarsmen from 973 (from 29.7.1565 to 18.7.1566), addressed to the Janja sanjakbey and to other beys including the Ohrid sanjakbey. Its translation runs as follows:

“Order to the Bey of Janja

Some time ago I commanded my imperial navy to set out to sea. In connection with this an employee was sent to the qadis of your sanjak and his task was to recruit oarsmen (“*kürekçiler*”). Since it is very important that these oarsmen are chosen as soon as possible and sent according to my instructions, I have ordered this:

Upon the arrival of my honourable order, you should personally take part in despatching the oarsmen, following my previous order. You must take care that they are not late and that a sufficient number is sent. Do not leave the matter just to the qadis and the mentioned employee. As is indicated in my edict, do not waste the time. Send the oarsmen immediately.

If you neglect this and if oarsmen from you sanjak are not on time at the designated place, under no conditions will I accept you excuse. Have in mind that you will be punished. Therefore, be on your guard and invest all your efforts in carrying out my honourable order. 973.”¹⁷

As we can conclude from this, sailors were recruited in a particular way, mainly from places where the population went in for seafaring. Infantry called “*azab*” was recruited in a similar way and in the *kanun-nama* of Suleiman the Legislator there is a separate section concerning it.¹⁸

The above edict concerning the *haraç*, the sheep tribute and oarsmen also mentions the sending of special employees for some other official tasks. It is stressed that the duty of sanjakbey and qadis was to supervise the proper execution of these tasks, according to the edict issued.

¹⁶ İsmail Hakki Uzunçarşılı. *Osmanlı devletinin merkez ve bahriye teskilâtı*, Ankara 1948, pp. 482–483.

¹⁷ I.II. Uzunçarşılı, *op.cit.*, p. 514. – Istanbul Archives, *Mühimme defteri* 5, p. 247.

¹⁸ *Glasnik Zemaljskog muzeja*, new series III–IV (1949–1950), pp. 366–368.

R e z i m e

TRI FERMANA IZ PRVE POLOVICE XVI STOLJEĆA

U radu su predstavljena tri fermans (carske zapovijesti) koji datiraju iz vremena vladavine Sulejmana Zakonodavca, a odnose se na područje Makedonije.

Prvi od ovih fermans je iz 939 (1532–3) godine i odnosi se na juruke. Izdan je na pritužbu nekog spahije iz štipskog kadiluka protiv nezakonitih postupaka od strane juruka. U ovoj carskoj zapovijesti precizirana su prava i obaveze stočara i onih koji obrađuju rajinsku zemlju. Ćustendilski sandžakbeg i štipski kadija dobili su naređenje da razmotre ovaj slučaj i da u vezi s tim postupe prema navedenim zakonskim propisima.

Drugi ferman je također upućen ćustendilskom sandžakbegu i šipskom kadiji. U njemu se naređuje da se svi sporovi rješavaju samo na mjestima koja su teritorijalno nadležna za to. Zabranjuje se sandžakbegu da poziva stranke sebi i da ih ispituje ili da ih šalje kadiji koji teritorijalno nije nadležan za određeni spor.

U trećem fermanu govori se o nepravdama i nasilju u Solunskom sandžaku koji čine oni koji kupe harač i ovčarinu, ili oni koji dolaze zbog veslara i drugih sličnih poslova. U vezi s tim naređuje se sandžakbegu i kadiji da spriječe takva nasilja i nepravde.

S u m m a r y

THREE FIRMANs FROM THE FIRST HALF OF 19th c.

This paper presents three firmans (Sultan's edicts) dating from the time of Suleyman the Legislator's rule and they refer to the region of Macedonia.

The first of them dates from 939 (1532–3) and refers to Yuruks (members of the yenicery accessory army). It was issued after the complaint of a spahi from the Štip kadiluk against illegal acts done by the yuruks. The Sultan's firman states precisely the rights and obligations of cattle-breeders and those who cultivated raya's land. The Ćustendil sanjakbey and the Štip quadi were ordered to consider this case and to proceed according to the mentioned legal regulations.

The second firman was addressed to the Ćustendil sanjakbey and the Štip quadi. The Sultan ordered by this firman that all conflicts should be solved at places territorially authorized for them. It was forbidden to the sanjakbey to call people involved in conflicts to his place and to question them or to send them to a quadi who was not territorially authorized for a certain dispute.

The third firman deals with injustice and violence in the Solun sanjak done by those who collected *harač* and sheep-tax or by those who were coming because of oarsmen or other suchlike jobs. In connection with this the sanjakbey and the quadi were ordered to prevent such injustices and violence.