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THE OLDEST VAKUF CHARTER IN YUGOSLAVIA

In the present-day Ivan Milutinović Street in Bitola where there is a large block of flats (it has no number) and which was earlier called „Tereke pazari” (the wheat market) there was, until five or six years ago, the oldest mosque in Yugoslavia and one of the oldest in the Balkans. The mosque was called „Eski Cami” (The Old Mosque); in official documents it was usually referred to as „Çauş bey camisi”.¹ Sungur beg (bey), otherwise known as Çauş beg, built the mosque.

Very little is known about Sungur beg. Evli Çelebi only mentions his mosque (Çauş camii), adding that it was near the bezistan and that it was very well attended.²

Although almost every older inhabitant of Bitola knows exactly where the mosque was, virtually nothing is known about the builder himself. The president of the trusteeship of the *vakuf* (endowment) archives, Sabri efendi, knows some details which he read in „Kratka istorija bitoljskog vilajeta” (A Short History of the Vilayet of Bitola) by Mehmed Teufik.³ The information given by Mehmed Teufik was basically the following:

Sungur beg was one of the military commanders during the reign of Sultan Murat II (1421–1451). When Sultan Murat moved against Skender-beg with his army, one of the military commanders in this army was the above-mentioned Çauş beg.⁴

Returning from the war, Sungur beg was taken by the beauty of Bitola’s setting and thus begged the Sultan to allow him to stay there.

¹ We should not be surprised at the fact that this mosque had a popular name as well as an official name, for this was very common. Thus the church of St. Bogorodica Ljeviška in Prizren, while it was a mosque, was called „Cuma cami” by the local inhabitants, whereas in the official records we only find reference to „Fethiye”, „Fatih camisi” and „Cami-i atik.”

² *Siyâhatnâme*, V, 573.

³ The Serbian translation is by G. Elezović in *Bratstvo*, XXVII, p. 213.

⁴ It is interesting that there is no mention of, nor any information about Çauş beg in either earlier or later Turkish chronicles.

In the text of the *vakfiye* (testamonal document concerning the endowment), the name of his father, Abdullah, is mentioned. The above-mentioned Sabri efendi told me that Čauš beg originated from the Bitola region and that he was taken as part of the 'tribute in blood' (*devshirme*) to Istanbul. If this is true and if we link it with the name of his father, Abdullah, which means "God's slave" we could draw the tentative conclusion that his parents were of Christian origin because usually those who adopted Islam used this name, or a name with a similar meaning, to indicate the name of their father.

Nothing remains of any of Čauš beg's *vakufs* in Bitola except the ruins of the *imaret* (a place where food was provided for the poor) in Ilindenska ulica. The *imaret* stopped working altogether in 1941. Many of the older inhabitants of Bitola remember the time before the war when soup was cooked here and handed out to the poor.

Mehmed Teufik alleges in the above-mentioned work that the mosque was built in 838 (7.VIII 1434), whereas from Čauš beg's *vakfiye*, which is also certified as dating from the same year, we see that the mosque was already in existence in this year. It is, therefore, possible that the mosque was built even earlier and that Mehmed Teufik took the information about its date of construction from the *vakfiye*.

In the last supplement of the *vakfiye* dated 843 (14.VI 1439), Čauš beg is mentioned as a *haci*. This means that in the intervening period, from the drawing up of the *vakfiye* till the composition of the supplement, i.e. 1434–1439, he was on pilgrimage to Mecca.

It can be seen from the *vakfiye* that Čauš beg bequeathed the following buildings:

In Bitola: one mosque
 one medrese
 one inn (*han*)
 25 shops
 two squares – one in front of the mosque and one in front of the convent.
 one convent (*zaviye*)
 seven water mills, one of which was for the preparation of coarse fabric.
 one vineyard

In Edirne: one <i>mescid</i> (small mosque).	In Vidin: one <i>mescid</i>
11 shops	20 shops
17 rooms	one water mill

Besides this he bequeathed 30,00 dirhems in cash and the entire village of Popolžani in the *nahiye* of Florina (Lerin).

In cadastre register no. 16 from 886 (2.III 1481) which relates to Skopje and Bitola,⁵ we find a record of the income and expenditure of Čauš beg's *vakufs* in Bitola. This is on page 458 and reads as follows:

Income from the <i>hamam</i> ⁶	6,667 akces per annum
Income from 44 shops ⁷	2,500 akces per annum
Income from 6 water mills in two years	2,368 akces per annum
Income from the garden	45 akces per annum

Only the wages of various officials which are also mentioned in the *vakfiye* are given under expenditure. Of the total income above, 3,000 akces were earmarked for the mosque in Edirne and 1,000 for the mosque in Vidin.

We present, here, the text of the *vakfiye* and a translation of it. Nowhere has this text even been mentioned, let alone published before. We were unable to find the original so we copied the text from the *sicil* (scroll) of the Sheriat court of the vilayet of Bitola, no. 99, which is in the state Archives of the National Republic of Macedonia in Skopje.

The oldest inscription, dating from 842 (24.VI 1438)⁸ and the oldest document, the *vakfiye* of Aladža mosque in Skopje, dating from 848 (20.IV 1444),⁹ were the oldest items to have been published until now in Yugoslavia. It is now clear that Čauš beg's *vakfiye*, from an even earlier date, is the oldest Arabic – Turkish document which has so far come to light.

The text of the *vakfiye* is in Arabic, written in riq'a script, except for the notarisation which is a mixture of the riq'a and siyakat scripts. The text is written in small handwriting and is quite difficult to read, especially in one or two places where, it seems, the copyist made a mistake; the result is that it is sometimes difficult to understand the meaning. We cannot comment on any specific features of the language; it is, basically, the usual sort of language in which these types of document were written. It is clear that there are quite a number of grammatical errors, especially in the use of gender with verbs, in the use of numerals and here and there certain Turkish influences are evident. Mainly for technical reasons we have discarded the teshdid which is used very often in the original. Often individual Arabic words are written phonetically such as: كائنة، زايد، زائر
instead of كائنة، زايد، زائر which is, however, a common phe-

⁵ This register is in the President's Archives in Istanbul and the photocopy which I used is in the Institute of Turkish Economic History in Istanbul. I should like to take this opportunity of thanking the Director of this Institute, Prof. Ömer Lüfti Barkan who was kind enough to place all the registers, microfiche equipment, etc. at my disposal.

⁶ It is interesting that the *hamam* is not mentioned anywhere in the *vakfiye*, nor is anything known of it in Bitola.

⁷ The number of shops in Bitola is given as only 25 in the *vakfiye*.

⁸ G. Elezović, *Turski spomenici*, I p. 14.

⁹ *Ibid.*, pp. 14-22.

nomenon in Turkish texts.¹⁰ We have indicated this in notes beneath the text every time it occurs.

Owing to the fact that Čauš beg's *vakfiye* is one of the oldest in Yugoslavia, it doubtless influenced the form of other *vakfiyes* in the region. Yusuf Çelebi's *vakfiye* from Ohrid is a good example of this. In the *laudatio (tamğid)* is almost the same and we find the same way of describing the boundaries of a village.¹¹

The *vakfiye* of Čauš beg has two supplements or addendas (*dayl*), which were added to the *vakfiye* at a later date. It appears that a couple of years after the drawing up of the *vakfiye*, Čauš beg decided to expand his *vakif* and, in order to save having to draw up a new *vakfiye*, added the two supplements to the existing text. We can tell that these are genuine supplements (*dayl*) from their content, from the *kadi*'s (chief judge's) notarisations and from the date.¹²

SUNGUR BEG'S VAKUFNAME (VAKUF CHARTER)

Bitola, between 9th and 19th April 1435.

The text of the notarisation reads:

طالعتہ من اولہ الی اخرہ فوجدتہ شرعیا امضیتہ و نفذتہ حررہ الفقیر سلیمان بن خلیل القاضی بالمسکر المنصور غفر لہما.
فما (؟) مرکما ذکر و الحال کما زبر حررہ عبیدہ الفقیر الی اللہ العالی^۱ حاجی فقیر^۲ علی ددہ القاضی
بناستر المحروسة.

¹ Very unclearly written. It might be possible to read this as الباری

² This word is quite indecipherable in the text. It may be possible to read it as خیر but also as تہ

¹⁰ For a more detailed explanation of this phenomenon see: Deny, *Grammaire de la Langue Turque*, p. 105 and p. 116.

¹¹ This *vakfiye*, a photocopy of which is in my possession, was legalised in 896 according to the Moslem calendar and represents the oldest and most important document from Ohrid. It is written in Arabic.

¹² Fekete, in a short note on *vakufnames (Einführung, LXIV)*, says "at the end of the *vakufname*, the *zeyl-i vakfiye*, there is a further prayer of the testator in which he asks God to bless the endowment." However, in my opinion the *dayl* is not the end of the *vakfiye* but an addenda or supplement, added to the *vakfiye* only in cases when the benefactor, a certain time after the composition of the original *vakfiye*, decided to bequeath something else and add it to the *vakuf*. In place of the word *dayl*, we also find the expression *ilhāq*. This *vakfiye* and many others clearly confirm the above.

The text of the *vakfiye* reads:

اعوذ بالله من الشيطان الرجيم بسم الله الرحمن الرحيم اللهم يا مفتاح الابواب افتح لنا خير الباب اللهم
افتح بالخير واختم بالخير واجعل عاقبة امورنا الى خير توفنا مسلمين والحقنا بالصالحين يا رب العالمين.
الحمد لله الذي وهب عقول العارفين في فضاء محبته و تاهت افهام ذوي النهى في بدياء كبير يائه وعزته و
غرقت نفوس المتأملين في بحار قدرته.

ثم الصلاة والسلام على الرسول المؤيد عن الملك العلام بالمعجزة الباقية الى انقراض الشهور والاعوام
الشفيع المشفع في حق كافة الانام من اهل الايمان والاسلام يوم يؤخذ المجرمون بالنواصي والاقدام محمد وآله
الباذلين ارواحهم لاعلاء دين الاسلام الصارقين اعمارهم الى العبادة في الليالي والاعوام.

اما بعد فان الدنيا الدنية دار شرور وترح لا دار سرور وفرح نعيمها ظل زائل ومقيمها ضيف راحل
عدها مخلصة وغايتها متلفة والوقف حسنة تدمم فائدتها الى انقطاع الزمان و هجرة تظهر³ ربمها يوم الطامة و
الميزان ولا ينقطع بالممات اثرها كما لا ينقطع بالحياة ثمرتها كما قال سيد المرسلين و امام المتقين اذا مات ابن
ادم انقطع عمله الا عن ثلاث علم ينتفع به و ولد صالح يدعو له و صدقة جارية الا وهى الوقف.

ولما وفق الله تعالى افتخار الاماجد والافاخم حاوى المحامد و المكارم سيد الامراء والاكابر زعيم الجيوش
و العسكرو وجميع المعالي والمفاخر سنقوم بك بن عبد الله المعروف بجياوش⁴ بك دام توفيقه حتى علم ان ما
اكل الانسان فقد افناه و ما اكساه فقد ابلاه و ما تصدق به فقد ابقاه فلذلك وقف و حبس و سبل نيته
حاضرة غير فاترة ابتغاء لمرضات * الله العظيم و طلبا لعفوه الكرم ما ذكر انه له و ملكه و في يده الى حين انشاء
هذه الوقفية منه و ذلك:

جميع الحوانيت الستة و اربع عشرة حجرات متلاصقات⁶ بالحوانيت المذكورة جذاء باب قوله ادرنه
المحروسة المحدودات كلها بالطريق العام و بملك خديجه بنت محمد و بملك شاهى و حانى بنتى مسعود و بوقف
مفخر الامراء فيروز اغا السوباشى في ادرنه الحمى و بملك الواقف المومى اليه.

و جميع الدكاكين الآخرى في مقابلة باب قوله المذكورة يعمل في احدهما الروس و في الآخر الرغيف
و المحدودين بوقف شاه بك مرشادى و بوقف حاجى⁷ مصطفى الاجرى و بالطريق العام بطرفيه.

و جميع الحانوت الفقاعى في مقابلة بيت الواقف المحدود بملك افتخار الامراء امور بك بن صاروجه پاشا و
بملك الواقف المشار اليه و بالطريق العام بطرفيه لمصالح المسجد الذي بناه الواقف المار ذكره في ظاهر ادرنه
قريب الحوانيت و الحجرات المذكورة.

و شرط الواقف المار ذكره ان تصرف من غلتها لامامه كل يوم اربع دراهم و لمؤذنه كل يوم درهين⁸ و
بعشرة⁹ قراء يقرؤن كل يوم منهم جزء¹⁰ من القرآن المجيد و الفرقان الحميد لكل واحد منهم درهما.

³ This should read يظهر

⁴ Later we find چاوش

⁵ Written the Turkish way. It should be مرضاة. There are a lot of similar examples but we have not drawn special attention to them.

⁶ This should read حجرة متلاصقة

⁷ The regular Turkish form is used here. It should be الحاج

⁸ This should read درمان

⁹ This should read و لشرة

¹⁰ This should read جزء

و ايضا وقف الواقف المشار اليه لمصالح الجامع الذى بناه في مدينة مناصدر جميع الخان الذى بناه الواقف المومى اليه في المدينة المذكورة المستغنى عن التحديد لشهرته في مكانه بالنسبة الى صاحبه. وعشرة دكاكين متلاصقات كانتات كلها وسط السوق في المدينة المذكورة و جميع حدودها بالطريق العام.

و اربع حوانيت كانتات في البلدة المذكورة متلاصقات بارض^{١١} الواقف المزبور و جميع الجنيئة الكائنة في هذه المدينة ايضا امام الجامع المحدودة بالطريق العام و بالسوق و بالجامع المسطور بطرفيه. و شرط ايضا من غلتها لامام الجامع المسفور كل يوم درهين و لخطيبه كل يوم اربع^{١٢} دراهم و لمؤذنه كل يوم درهما.

و ايضا وقف الواقف المزبور لمصالح الزاوية التى بناها في بلدة مناصدر المذكورة جميع الطاحونين في بيت واحد اللتين^{١٣} اشتراهما من سنان فوق عين يقال لها طوبوق بيكار.

و ايضا وقف عند هذين الطاحونين طاحونة اخرى يقال لها بلسان التركى كبه دكرمنى الكائنين في ناحية مناصدر الحمى قريب طاحونة ولوك بين اللتين اشتراهما من يوسف الكاتب.

و جميع طاحونة اخرى بذلك الموضع قريب الطاحونين المذكورين يقال لها ايضا كبه دكرمنى. و جميع الطاحونة الاخرى الكائنة في داخل المدينة المذكورة المشتراة من كور القيسى^{١٤} حذانه^{١٥} جسر^{١٦} دلوشاهين.

و جميع الجنيئة^{١٧} الكائنة جنب الزاوية المسطورة.

و جميع الكرم الكائنين قريب كمر بيكار^{١٨} المستغنى عن التحديد لشهرته باسم صاحبه.

و جميع الحوانيت العشرة الكائنة كلها في مدينة مناصدر الحمى المحدودات كلها بخان الواقف المذكور و بالطريق العام بطرفيه.

و شرط خمس جميع ما يحصل من اوقاف الزاوية المذكورة لن يكون منصوبا بالشيوخ فيها من طرف المتولى و مؤنة باقى الخدام على الشيوخ من الخمس المزبور و اربعة اخماس تصرف^{١٩} الى ماكولات الفقراء و المساكين النازلين في هذه الزاوية.

و ايضا وقف الواقف البار ذكره لمصالح خانة الذى بناه في المدينة المذكورة حانوتا واحدا متصلا بالخان المذكور.

¹¹ There appears to be a copying error here. As the word stands, it has no meaning. We have taken it to be بارض

¹² This should read اربعة It is interesting that the person who drew up the *vakfiye*, or the transcriber, often made mistakes in the use of genders with numerals. This will also be seen later.

¹³ This should be اللتين since the *dual* is from طاحون. If the *dual* from طاحونة were used, then we would arrive at اللتين

¹⁴ This might also be read as القيسى i.e. Alekisi, Aleksi.

¹⁵ In the original this reads حذانه

¹⁶ In the original this reads حسر

¹⁷ This can also be read as الجنيئة but I thought الجنيئة would be more logical, especially as this expression is very common in *vakufnames*.

¹⁸ The word is very unclearly written but I have taken it to be as above because the expression crops up again later, where it happens to be very clearly written.

¹⁹ In the original this reads نصرف

وايضا وقف الواقف المار ذكره لمصالح المسجد الذي بناه في المدينة ودين²⁰ المحمي عشرين ذكابين متلاصقات كائنات²¹ كلها في بلدة ودين المحروسة محدودة كلها بالطريق العام وبالمسجد المذكور وكرما كائنا في ظاهر هذه البلدة مستغنيا عن التحديد.

وشرط لامام المسجد المذكور كل يوم درهمين ولمؤذنه كل يوم درهما.

وشرط الواقف الماز ذكره مرارا التولية والتصرف في جميع هذه الاوقاف كلها لنفسه مدة حيوة و اذا مات ولقي ربه فابنه الصلي مصطفي و اذا مات فلنم بق من ارشد ابناؤه و ابناء ابناؤه بطنا بعد بطن و عقبا بعد عقب الارشد فالارشد و اذا انقرض الابناء و ابناء الابناء فلبناته ثم لابناء بناته و اذا انقرض الابناء البنات العياذ بالله فلاصلح عتقائه ثم لاصلح الابناء و ابناؤه على الترتيب المتقدم ذكره في الابناء.

و شرط ايضا ان يصرف من زايد²² غلة كل واحد الى الآخر اذا انتقص غلة الآخر من مصارفه وقفا صحيحا شرعيا وحبسا صريحا مرعيا دائما على اصوله وقائما على شروطه ثابتا الى ان يرث الله الارض ومن عليها و هو خير الوارثين.

فحكيم الحاكم النافذ الحكيم و هو المولى الموقع اعلاه اعلى الله تعالى شانه وصانه عما شانه بصحتها و بلزومها²³ على الوجه المشروع ولا يحمل لاحد ان يسعى في تغييره و ابداله بنوع تأويل ومن فعل شيئا من ذلك فعليه لعنة الله والملائكة والناس اجمعين و اجر الواقف على الله تعالى فيما صدر منه قال الله تعالى لا يضيع اجر احسن عملا.

ثم اوصى الواقف السالف ذكره لجميع مرمات هذه الاوقاف كلها ثلثين الف درهما مضروبا²⁴ بسكوك سكة السلطان الاعظم و الخاقان²⁵ المعظم مراد خان بن السلطان محمد خان خلدت مملكته على ان يصرف المستولى شرعا ليربح بانواع التجارة ثم يصرف من الربح الى مرمتها ان كفى و ان لم يكف الربح فن اصل المال بقدر الحاجة ايصالا صحيحا شرعيا .

وعلى ذلك كله وقع التحريرو والاشهاد في اواسط رمضان المبارك من شهور سنة ثمان و ثلثين و ثمانمائة هجرية.

شهد بما فيه

²⁰ This should read ق مدينة ودين

²¹ This should read ذكابتا متلاصقا كائنا

²² This should read زائد

²³ I think this should be بصحته وبلزومه because it refers to the word وقف. This is ultimately confirmed in the following sentence where we find . Furthermore, the compilers and transcribers paid little attention to whether the word was اوقاف or وقف This can be seen from other vakfiyes as well.

²⁴ This should read درهم مضروب

²⁵ In the original this reads الخاقان

ومولانا حسين بن عبد الله ^{٢٦} المؤذن	ومولانا قاسم بن ابراهيم الامام
وافتخار التجار الحاج حسن بن الحاج اسحاق	و الحاج عمر بن محمد الخياط
وشهاب الدين شاهين بن عبد الله	و الحاج احمد القرمانى
ومولانا مصلح الدين الكاتب	وسليمان بن مصطفى
ومولانا غازى الامام	وعيسى بن بلبان
ويوسف بن عقد خان	وزكريا القصاب
وخوشقدم ^{٢٧} بن عبد الله	وستقور بن عبد الله الكاتب
وايدى بن عبد الله	ويوسف بن عبد الله
وحاجى اويس ^{٢٨} بن حسين	وبهار بن عبد الله
ويوسف القطان	

The *vakfiye* also has a notarisation at the end which reads:

جميع ما تضمنته هذه الوقفية من فاتحة الى خاتمة وضع عندى وصح لدى من اصل الوقف وشرايطه حسب
المين فيها ووقف المعين فيها بموجبها.
حرره الراجى عفوره الغنى ولى بن الياس الحسينى القاضى بالعساكر المنصور ^{٢٩} عنى الله ^{٣٠} عنها بمنه
البهى و لطفه الحقى.

The *vakfiye* also has two supplements, the first of which reads:

ثم وقف الواقف المشار اليه المعروف بجاوش ^{٣١} بك دام سموه حال حيوته وقيام عقله ما ذكرانه له و
ملكه وذلك جميع الحجرات الثلاثة و الحانوتين المتلاصقات الكائناات ^{٣٢} فى ظاهر ادرنه امام منزل الواقف
المومى اليه المحدود ^{٣٣} كلها بالطريق العام و بوقف الواقف السالف ذكره و بملك مفخر الامراء العظام امور بك
بن صاروجا باشا و بملك بهاء الدين ^{٣٤} و سينان الصيدلانى بجميع الطرائق و المرافق داخله و خارجه وقفا
صحيجا شرعيا و حيسا صريحا مرعيا محكوما بصحته و لزومه من قبل الموقع المذكور اعلاه دام علاه على الشروط
المذكورة و القيود المزبورة فى متن هذه الوثيقة فالختمت بها ليكون حجة عند مساس الحاج.
و ذلك جرى او اخر ربيع الآخر سنة احدى و اربعين و ثمانمائة.

²⁶ In the original in place of عبد الله we always find عبد

²⁷ This word is unclearly written.

²⁸ This word is also unclearly written.

²⁹ This should read التصورة

³⁰ This should read عفا

³¹ At the beginning we had جاوش

³² In the manuscript this is كائناات

³³ This should read المحدود

³⁴ The word الدين is unclearly written. However, I do not think that this could be anything else, because apart from the decipherable letters which indicate that it should be read in this way, we also find this name later, where it is clearly written.

صح الالحاق المذكور عندى و حكمت بصحته حرره الفقير ابراهيم بن محمد بن محمد بن العباس³⁵ عنى عنها القاضى بعناية الله³⁶ بادرته.

The second supplement reads:

ثم وقف الواقف المشار اليه في هذه الوقفية الشرعية التى متصل آخرها باول هذه³⁷ المكتوب وهو الامير الكبير المكرم الصدر الخطير المفخم زاير³⁸ بيت الله الحرام الحاج جياوش بك بن عبد الله دام عزه ما ذكر انه له وحقه وملكه انتقالا اليه من السلطان الاعظم الخاقان المعظم خليفة الله في العالم ملك رقاب الامم مولى ملوك العرب والمجم حافظ بلاد الله ناصر عباد الله معز اولياء الله مدل اعداء الله نصره الغزاة والمجاهدين سلطان البر والبحر سيف الاسلام والمسلمين ابو النصر السلطان مراد بن السلطان السعيد السلطان محمد بن السلطان الشهيد بابزيد خان اعز الله انصاره بالتمليك الصحيح الشرعى وذلك جميع القرية المدعوة بيوب لزنى الكائنة في ناحية فلورينه من ولايت لشكرى حدودها تبتدىء من العين الكائنة في شط الوادى فتنتهى الى الطريق الشارح ومنه تتصل الى النهر ومنه الى الارض النسوبة الى الحداد ومنها الى مجرى الماء وتقر منه بالطريق وتتصل الى الارض المنسوبة الى دركمير³⁹ النضى ومنها الى الطريق السالك الى كورة مناستير⁴⁰ ومنه تصعد الى الهضبة ومنها الى الغاب الكائن في الهضبة ومنه تتصل الى الارض المنسوبة الى دوبرى النضى ومنها تمر بالطريق الشارح وتتصل الى الغاب ومنه الى الغاب الكائن في مجرى الماء ومنه الى الارض المنسوبة الى بزنان النضى الكائنة في الوادى ومنها الى الغاب المعروف بقره جالى ومنه الى الشوك الكائن في الوعدة ومنه تصعد الى مرتفع الارض وتتصل الى الشوك الكائن في مرتفع الارض ومنه الى شجرة الخلاف ومنها الى الوادى الكبير وثم من وسط الوادى المذكور وتتصل الى الغاب ومنها الى الحجر المنسوب في الهضبة ومنه الى الطريق الكائن في الوادى ومنه الى الجسر ومنه تصعد وتتصل الى الشوك الكائن في الطريق السالك الى فلورينه ومنه الى الغاب الكائن في الهضبة ومنه الى الحجر المنسوب في شط الوادى ومنه الى العين المذكور في ابتداء الحدود بجملة حدودها وحقوقها وطرائقها⁴¹ ومرافقها وآبارها وانهارها تلالها وجبالها سقيها ونحيبها مبانها ومتبانها اشجارها المثمرة وغير المثمرة وبكل حق هولها داخل فيها وخارج عنها متصل بها ومنفصل عنها الى تناهى الوجوه والاسباب على مصالح مسجد الجامع والزواية والمسجدين الآخرين المذكور كلها في باطن الوقفية المزبورة وقفا صحيحا شرعيا وجسا صريحا مرعيا.

و شرط الواقف المومى اليه تقبل الله خيراته ان يصرف غلات هذه القرية المحدودة المذكورة الى مصالح الجامع والزواية والمسجدين بالسوية.

و شرط ايضا ان يراعى فيها جميع الشرائط المشروطة المسطورة والقيود المزبورة في الوقفية المذكورة مرارا.

³⁵ This word is also unclearly written and it has no dot.

³⁶ These two words are also unclearly written and they have no diacritical marks.

³⁷ This should read هنا

³⁸ This should read زائر

³⁹ This is written as دركمير in the original. I have interpreted it as 'Dragomir'.

⁴⁰ Here we have the form مناستير whereas earlier we had مناستر and مناستر. However, this is not particularly surprising because the Turks were often unsure how to spell certain words, especially foreign names of people or places. Thus for Prizren, we find پزرين، پزرين، پزرين and in the above-mentioned vakfiye from Ohrid اوخرى and اوخرى

⁴¹ This should read طرائقها

فصارت القرية المحدودة المذكورة وقفا على النهج المشروع لا يأتي زمان الا احكمه ولا اولاد الا الزمه ولا حين الا ابرمه لا يباع ولا يوهب ولا يرهن ولا يستبدل ولا يبدل ولا يورث الى ان يرث الله الارض ومن عليها وهو خير الوارثين.
 فن بدله بعد ما سمعه فانما اثمه على الذين يبدلون ان الله سميع عليم واجر الواقف على الله فيما امله وابتناه وقصده وارتضاه.
 وبذلك وقع التار يخ⁴² والاشهاد والتحرير في اواسط رجب المرجب سنة ثلاث واربعين وثمانمائة هجرية.

At the end we find the following notarisation:

ما تضمنه هذا السفر من تعيين الناظر ووظيفة النظارة ثبت عندي نمقه⁴³ المفتقر الى الله المعز محمد بن فرامرز⁴⁴ المولى بادرن غفر لها وعنى عنها.

A TRANSLATION OF ČAUŠ BEG'S VAKUFNAME

Bitola, between 9th and 19th April 1435

A translation of the notarisation:

I. I have checked this (document) from beginning to end and have found that it is in accordance with Sheriat Law. I have, therefore, signed it and it has become law. This (clause) was written by Your humble servant, Suleyman, son of Halil, *kadi* to the victorious army¹ — may both (father and son) be forgiven!

II. This document is a true reflection of the past² and present situations. This was written by a slave in need of help from Almighty God, Your humble servant, Hacı Ali Dede, the *kadi* in the fortified town of Bitola.³

⁴² In the original this reads التار يخ

⁴³ In the original this mistakenly reads نمقه

⁴⁴ In the original this mistakenly reads فرامرزی

¹ The original reads *Sulaymān ibn Halil, al qādī bi l-askari l-mansūr* i.e. the *kadi-asker* (military judge). I have not been able to find out anything about him. However, his position as military judge indicates that he was a distinguished person.

² The first two words of this sentence are fairly unclearly written. I have translated in accordance with my interpretation of them.

³ I have not been able to find out anything about this Bitola *kadi*.

A translation of the vakfiye itself reads:

I take refuge from accursed Satan with the Lord. In the name of God the all-merciful!

Oh Lord, thou who openest all doors, look kindly upon us! Dear Lord help us to start off well and finish well and make the results of our labour bear fruit. May we die as Moslems and may we do good, o Lord of Heaven and Earth!

Thank God [who is such] that the mind of the expert has been confused by the limitless expanse of His love and that the reasoning of the wise man has vanished in the desert of His greatness and might and that the souls of thinkers have been swamped by the seas of His power.

Blessings and peace to His emissary who helps the Omniscient Lord with His eternal wonders till the end of the month and the year, the intermediary whose mediation benefits all who are believers and Moslems "on that day when sinners are taken by their forelocks and feet".⁴ Peace be to Muhammed and His family who sacrificed their souls for the advancement of the Islamic faith, who spent their lives in divine meditation for days and years.

Furthermore, this wretched world is a meeting place for evil and sorrow and not a house of joy and merriment. Its blessings are passing shadows, its inhabitant is a passing guest. The world does not fulfil its promise and the outcome is ruin and destruction. But a *vakuf* is something good, the benefits of which endure to the end of the world. It is a property, the fruits of which reveal themselves on the Day of Judgement.⁵ Its functioning does not cease with death; it does not fail to bear fruit during the course of a lifetime. As the chief emissary of God and the leader of those who fear God, said: "when a man dies he ceases to be rewarded by his occupations, products and actions except in the case of the following: science, which has a practical application, a good child, who can pray for him after he is dead, and everlasting charity which means an endowment."

And it came to pass that Almighty God taught him whose standing was most celebrated and most exalted, him who united within himself the qualities of dignified gratitude and respect, the overlord of commanders and great men and marshals of the army,⁶ him, in whom resided lofty and celebrated qualities – Sunkur beg, son of Abdullah, known as Čauš beg – may God help him forever – in such a way that the latter was able to ascertain that what man consumes he destroys, what he is taught leads

⁴ Koran, LV, the second part of *ayet* 42.

⁵ The text of the original reads *jawma ʔ – ʔāmmati wa l-mīzar* i.e. on the day of great calamity and judgement (of love and sins).

⁶ The text of the original reads *Za ʔmu l-ḡuyūshi wa l-'askar*.

to him acquiring experience and what he bequeathes is preserved. For this reason he has bequeathed, handed down and destined for divine purposes, with stout resolve, seeking to acquire the grace of Almighty God and asking for His noble forgiveness, everything which he said he had, which belonged to him and which he possessed at the time of the compilation of this *vakfiye*. These were:

A total of six shops⁷ and 14 rooms⁸ connected with the aforementioned shops opposite "Kule Kapisi"⁹ in the city walls of Edirne, the boundaries of which are: the public road, the estate of Hadica, daughter of Muhammed, the estate of Şahi and Hani, the daughters of Mes'ud and the *vakif* of Firuz aga Subaşa,¹⁰ famous amongst commanders in the fortified town of Edirne and the estate of the said benefactor.

The whole of two other shops opposite the afore-mentioned "Kule Kapisi" one of which is used for the preparation of animal heads¹¹ and the other is a bakery. The boundaries of these properties are: the *vakuf* of Şah Melek beg Murşadi,¹² the *vakuf* of Hacı Mustafa al-Acurri and, on two sides, the public road.

And a whole shop in which drinks are sold¹³ opposite the benefactor's house and which borders on an estate of high standing amongst com-

⁷ The text of the original reads *hawānīt*.

⁸ The text of the original reads *kuşarāt*.

⁹ This gate was near the big fortress. It was called "Kule Kapisi" because it looked like a "kule" (fortress). It was also called "Ketenciler Kapisi" because you passed through it to get to the flax (*keten*) market. (Osman Nuri Peremeci, *Edirne Tarihi*, Istanbul 1940, p. 40). Evli Çelebi does not mention this gate.

¹⁰ Firuz aga is mentioned as one of the commanders under Yıldırım Bayazıt. He died in 1413. He built a mosque in the fortress of Edirne. A *mahala* in Edirne is named after him (Paşa Livasi, p. 52). There is another Firuz aga who bequeathed a *mescid* and a shop in Edirne (*op. cit.* p. 270). It appears that his mosque has been destroyed because there is no mention of it in Dr Oktay Aslanape's work, *Edirne Osmanlı Dervi Abideleri*, Istanbul 1949.

¹¹ The text of the original reads *yu'malu fı ahadihimā ar-rulūs*. I have assumed that this sentence has the above meaning, though I am not completely sure of this.

¹² According to Ahmed Badi Efendi's *Riyâz-i belde-i Edirne*, (Beyazıt Umumi Kütüphanesi, manuscript no. 10391-10392 p. 54) there was a street in Edirne called Şah Melek paşa Mahallesi, situated at the beginning of Mihal Köprüsü (a bridge), while on p. 44 Şah Melek pasha's mosque, built in 832 (1429), is also mentioned. On p. 97 his *medresa* which was next to the mosque, is also mentioned. The information about the mosque is also confirmed by Dr Oktay Aslanape (*op. cit.* p. 100). However, nothing else is said about this mosque other than that it played an important role during the succession struggle and that in Çelebi's, Sultan Mehmed's and Murat II's time it was spoken of very highly. The mosque exists today. According to Gökbilgin (*Paşa Livasi*, p. 28, p. 56 and p. 57) there was a *mahalle* in Edirne named after it. He (Şahmelek Pasha) had a *vakuf* consisting of a *medresa* and rooms for pupils there. One *mahala* was named after his wife (Şahmelek Pasha Zevcesi).

¹³ The text of the original reads: *ğāmia l-hānūti l-fuqā'iyi*. For the word *fuqā'i* in Belot we find "fabricant, marchand de biere"), whereas in Meninski's dictionary we find "qui potum venundat" — 'the one who sells drinks.'

manders, that of Umur beg, son of Saruca Pasha¹⁴ and on the estate of the said benefactor and on two sides with the public road. [He has bequeathed all this] for the needs of the *mescid* which the said benefactor built outside Edirne,¹⁵ near the already mentioned shops and rooms.

The said benefactor has laid down the condition that from his income the *imam* of the *mescid* be paid four dirhems per day, the *müezzin* two dirhems per day and ten readers who shall each read a *cüz* (a one thirtieth part) of the Holy Koran (God's worthy revelation), one dirhem per day each.

The said benefactor has also bequeathed the whole of a *han* (inn) which the same benefactor built in Bitola.¹⁶ The *han* is for the use of those using the mosque, which the said benefactor also built in the above-mentioned town. It is unnecessary to state the boundaries of the *han* because it and its owner are well known in the neighbourhood.

And ten shops in the middle of the market in the above-mentioned town. They are marked off on all sides by the public road.

Four shops which are in the above-mentioned town and which are linked with land owned by the said benefactor.

The whole of a garden also located in this town in front of the mosque and whose boundaries are delimited by the public road, the square and the same mosque on two sides.

Also from his income two dirhems per day have been earmarked for the *imam* of the above mosque, four dirhems per day have been set aside for the *hatib* (preacher) and one dirhem per day for the *müezzin*.

The said benefactor has likewise bequeathed for the use of the convent which he built in the above-mentioned town of Bitola, two complete water mills in one building, which he bought from Sinan, above the spring called Tobuk Bunar.¹⁷

Near these water mills he also bequeathed another mill which, in Turkish, is called "Kebe değirmeni,"¹⁸ which is in the *nahiye* of the fortified town of Bitola, near the Voluk mill which, in turn, is situated between them and which he purchased from Yusuf Pisar.

¹⁴ Umur beg, son of Saruca Pasha was a vezir in the reign of Mehmed I. For a long time he was the *sancakbey* (ruler of the sanjak) of Çirmen. He had large *vakufs* in Yenice Zagri, Tekirdağ, Hasköy, Edirne and in various other places. In Çirmen he had his own *imaret* and in a few other places he had *zaviyes* (convents), (Paşa Livasi pp. 261–265).

¹⁵ Osman Nuri Peremeci (*op. cit.* p. 58) mentions this *mescid* of Çauş beg's as a mosque and says that it is now in a state of neglect and closed. It was built in 841 (1445) in Horozlu caddesi. However, I think he is mistaken about the date and that it should be shifted forward about ten years. The *mahala*, too, was called Çauş beg Mahallesi.

¹⁶ The text of the original reads *fî madînatî Manaşdır*.

¹⁷ In the manuscript this may be read as *Tobuk (Tubuk), Bikar, baykar* and perhaps even *binar* if we take the 'k' to be a sağır nun. I have taken it to be *bunar*.

¹⁸ *Kebe değirmeni* means 'coarse cloth mill'. Such mills are mentioned in many vakuf charters.

And the whole of another water mill in this place near the two already mentioned mills which is also called „Kebe deđirmeni.”

And the whole of another water mill which is situated in the above-mentioned town and which was purchased from Kőr al-kaps, next to which is the bridge of Deli Šahi.

And the whole of a garden which is near the afore-mentioned convent.

And a whole vineyard which is near the Kemer Bunar. It is unnecessary to describe its borders because the owner is well known.

And a total of ten shops which are in the fortified town of Bitola. All border on the *han* of the said benefactor and on two sides they border on the public road.

And he has laid down the condition that one fifth of all income from the endowment of the afore-mentioned *tekke* should go to the person whom the *mütevelli* (manager of the endowment) appoints as Sheik, with the proviso that the maintenance of the remaining services should be paid for by the Sheik from the above-mentioned one fifth. Four fifths shall be spent on food for the poor and needy who stay in the convent.

In addition, the said benefactor has bequeathed for the needs of his *han*, which was built in the same town, a shop which is linked with the afore-mentioned *han*.

The said benefactor has likewise bequeathed for the *mescid* which he built in the fortified town of Vidin,¹⁹ twenty linked shops, all of which are situated in the fortified town of Vidin and which border on the public road and the above-mentioned *mescid*; also, one vineyard outside the town whose borders need not be described.

He has laid down that the *imam* of the afore-mentioned *mescid* receive two dirhems daily and that the *müezzin* receive one dirhem every day.

Likewise the said benefactor has repeatedly emphasised that while he is alive, he alone shall manage and dispose of all these *vakufs*. When he dies and goes to meet his maker, then his son, Mustafa, shall take his place. And when he dies then he shall be succeeded by his most intelligent son and then the sons of his sons, from generation to generation, from the most intelligent to the most intelligent. And when his sons and sons' sons die, then his daughters and after that the sons of his daughters shall succeed him. And when – God forbid – sons and daughters die out then may the *vakuf* pass to his best free slave and then to his best son and his children in accordance with the above arrangement in respect of sons.

¹⁹ Evli Çelebi (Seyahatnâme, VI, p. 169) mentions this mosque of Čauš beg's which means that it was quite big because he only mentions the big ones. He also mentions a *hamam* built by Čauš beg in Vidin but which is not mentioned in the *vakfiye*.

He has also stipulated that the surplus income of one *vakuf* be spent on another *vakuf* whose own revenue is insufficient to cover its maintainance costs.

All this he has bequeathed in a correct manner and in accordance with Sheriat Law and as a testament which should be eternally respected in its principles and steadfastly in its conditions, in perpetuity, "so long as God remains the sole master of the Earth and all things in it. He is the best heir."²⁰

The the chief judge, whose verdict is final,²¹ (the chief judge (*kadi*) in question is the one whose name is inscribed at the head of this document — may Almighty God praise his position and may He protect him from humiliation) passed judgement on the validity and unalterability of the *vakfiye (luzūm)* in accordance with Sheriat Law. In view of this no one is allowed to seek to interpret it in such a way as to alter or change its content. Whosoever attempts such a thing may he be cursed by God, the Angels and all people. Almighty God has proclaimed that he will reward the testator. Almighty God said, „He will not permit someone not to be rewarded if that person did a good deed."²²

Furthermore, the above-mentioned benefactor has bequeathed thirty thousand mint dirhems, money of His Majesty the Sultan and noble Emperor Murat han, son of Sultan Muhammed han — may his Empire be everlasting! — for all repairs to his *vakufs*, with the stipulation that the *mütevelli*, in accordance with Sheriat Law, invest this sum in various trading ventures in order to make money which shall cover maintainance costs. If this money (interest) is insufficient, he may spend some of the income from the main part of the *vakuf* in order to cover these costs. This testament is certified as in accordance with official procedures and Sheriat Law.

All this was written down and testified to in the second ten day period of the blessed month of Ramazan, in the year 838 (Moslem calendar).²³

The following have testified to the authenticity of this document:

Our master Kasim, son of Ibrahim, *imam*
 Our master Husein, son of Abdullah,²⁴ *müezzín*
 Haci Omer, son of Muhammed, tailor
 The celebrated merchant, Haci Hasan, son of Haci Ishak
 Haci Ahmed, al-Qaramānī

²⁰ Koran, XV, 23; XXI, 89.

²¹ The text of the original reads: *al-hākim an-nāfiq al-ḥukm*.

²² Koran, XVIII, part two, *ayet* no. 31.

²³ Between 9th and 19th April 1435.

²⁴ In the original everywhere we find 'Abdal instead of Abdullah.

Œihabudin Œahin, son of Abdullah
 Suleyman, son of Mustafa
 Our master Muslihudin, writer
 Isa, son of Balaban
 Our master Gazi, *imam*
 Zekeri, butcher
 Yusuf, son of 'Akid (?) Han
 Sunkur, son of Abdullah, writer
 HoŒkadem, son of Abdullah
 Yusuf, son of Abdullah
 Aydin, son of Abdullah
 Behar, son of Abdullah
 Yusuf al-Qattan
 Hacı Uveis, son of Husein.

The kadi's certification at the end of the vakuf charter reads:

Everything contained in this *vakfiye*, from the beginning to the end is clear to me and I believe that it correctly deals with questions concerning the foundations of the *vakuf* and its purposes as well as with questions of the management of the *vakuf*. This statement is written by Veli, one who begs the forgiveness of his generous Lord and who is the son of Ilyas al Husein,²⁵ *kadi* to the victorious army – may God forgive both of them through His shining mercy and hidden gentleness.

ČauŒ beg's *vakifname* has two supplements which were added later. It appears that ČauŒ beg, a couple of years after the compilation of his first *vakfiye*, decided to bequeath some other additional property.

A translation of the first supplement reads:

Furthermore, the said benefactor, known as ČauŒ beg – may his greatness be everlasting! – has had the foresight and wisdom to bequeath everything which he is mentioned as possessing and which is his very own. These are:

A total of three rooms and two shops, mutually linked, which are outside Edirne in front of the house of the said benefactor. All are marked off by the public road, the *vakuf* of the said benefactor, the estate of the most celebrated commander, Umur beg, son of Saruca Pasha and by the estate of Behaudin and Sinan Saydalan with all roads and paths, boundaries and rights within and without – as a *vakuf* certified by law and in ac-

²⁵ I have not been able to find anything at all on this military judge.

cordance with the Sheriat and as an expressly stated testament worthy of respect [such that] its validity and irrevocability are certified by the undersigned who is mentioned above — may his greatness be everlasting! — and on the basis of the said conditions and decrees outlined in the text of this document. This supplement to the *vakfiye* may be used as evidence in court if necessary.

This has come to pass in the last ten day period of Rebi-a II, in the year 841.²⁶

I declare that I have read the above supplement and hereby testify to its validity. This was written by Your humble servant Ibrahim, son of Muhammed, son of Abbas — may they both be forgiven — who is *kadi* in Edirne — God have mercy on him.²⁷

A translation of the second supplement reads:

Furthermore, the benefactor previously mentioned in this Sheriat document (this supplement follows on from the end of the last one) is a highly respected commander, an important and celebrated leader, a visitor of the Sacred House of the Lord. He, Hacı Čauš beg, son of Abdullah²⁸ — may his power be everlasting! — has bequeathed what he possesses and he has the right to do this. All this has been granted to him by His Majesty the Sultan, the greatest Emperor, God's representative on Earth, the ruler of the slaves of nations, Lord of the rulers of the Arabs and Persians, protector of God's lands, helper of God's slaves, one who respects God's holy people, the one who puts down the enemies of God, the helper of the *gazis* and fighters for the faith,²⁹ Sultan of land and sea, the sword of the Islamic faith and of Moslems, the conquering Sultan Murat, son of the fortunate Sultan Muhammed, son of Sultan (martyr for the faith) Bayazit han — may God strengthen his followers! The following have been bequeathed:

The whole of the village of Popolžani,³⁰ in the *nahiye* of Florina in the *vilayet* of Leškeri³¹ whose boundaries begin from the spring at the edge of the valley and extend to the nearby road. From here the boundary line runs, without interruption, to the river and from this point to land

²⁶ Between 19th and 28th October 1437.

²⁷ The same *kadi* also signed the *vakfiye* of Saraf Hacı Ahmed for the *mescid* in Edirne in 837 as well as the *evlâdiyet vakuf* of Suleyman hoca b. Izedin in Edirne in 844 (*Paşa Livası* p. 271 and p. 279).

²⁸ It is clear that Čauš beg was on pilgrimage to Mecca between 1435 and 1437.

²⁹ The text of the original reads: *nuşratu l-guzāti wa l-muğāhidīn*.

³⁰ I have read this as Popolžani, though it could also be read as Popležani or Popložani, etc. However, it is obvious that the toponym is of Slavic origin. In the region of Kičevo there is a village called Popolžani even today.

³¹ The text of the original reads *Fī nāhiya Florina min wilāyati Leshkeri*.

belonging to the smith. From here it goes to the river which it crosses just at the road and then runs, without interruption, to land belonging to the *zimmi* (non-Moslem subject of the Ottoman Empire) Dragomir, whence to the road leading to the region of Bitola. From this place it climbs over the hilltop to the forest which is situated there. From here it extends to land belonging to the *zimmi* Dobrija whence it crosses the adjacent road and goes on to the forest. From here it goes from the riverbed near the forest to land belonging to the *zimmi* Pažan (?) which is situated in the valley; from here it extends to the forest known as Kara Cali, whence to the thorn bushes in the ravine; from here it climbs to the hillock and to the thorn bushes which are situated there, whence to the willow tree. From here it goes to the big valley, then from the middle of the said valley it runs up to the forest, whence to the standing stone on the hilltop. From here it goes to the road in the valley, whence to the bridge. From here it climbs and continues on, uninterruptedly, to the thorn bushes along the road leading to Florina. From here it goes to the forest on the hilltop, whence to the standing stone at the edge of the valley; from this stone it joins up with the spring mentioned at the beginning of this description of the boundaries. [He has bequeathed] this area of land, with all its boundaries, roads and paths, springs and rivers, hills and mountains, with plots of land which have and have not been mentioned within it, with the buildings, living and dead trees, with all the rights within and without it, that which is linked with it and separated from it in all possible ways and in all possible conditions – all this he has bequeathed for the use of the *mescid* – mosque,³² the convent and an additional two *mescids*, all of which are enumerated in the text of the said *vakfiye*. [All this is bequeathed] as a certified *vakuf* based on Sheriat Law and as a testament worthy of respect.

The said benefactor – may God accept his good deeds – laid down the condition that the revenue from this village, within the boundaries mentioned, goes equally towards the upkeep of the mosque, the convent and the two *mescids*.

He also made it a condition that all of the above conditions and decrees cited in this *vakfiye* be constantly respected.

The village, therefore, whose boundaries are described, has become a *vakuf* in accordance with Sheriat Law. Every day that passes must strengthen it, every moment must confirm it and all children should consider it to be valid. It may not be sold, nor given away nor pledged, nor exchanged, nor altered, nor bequeathed, "for as long as God remains the sole master of the Earth and everything which exists in it. He is the best heir."³³

Anyone who changes it, having heard this, is committing a sin. God hears everything and is omniscient. But God shall reward the benefactor

³² The text of the original reads, "masğid al-ğāmi" i.e. a place of worship for public prayers.

For more on the differences between a *mescid* and a *cami* cf. El s. see *masdjid*.

³³ The Koran, XV, 23; XXI, 89; XXVI, 58.

for managing the *vakuf* and for having such noble desires, intentions and wishes.

This document was drawn up and sealed in the second ten day period of the venerated month of Recep, in the year 843 according to the Moslem calendar.³⁴

At the end of the vakufname we find the following notarisation:

What this document says on the question of the appointment of a manager/supervisor³⁵ and of a managerial office has been fully understood by me.

This was written by Muhammed, son of Faramurz,³⁶ one in need of help from Almighty God, *kadi* in Edirne — may both of them be forgiven and pardoned!

R e z i m e

NAJSTARIJA VAKUFNAMA U JUGOSLAVIJI

Do prije nekoliko godina postojala je u Bitolju (Manastir) jedna džamija koja se zvala "Eski cami" (Stara džamija). Ona je bila najstarija džamija u našim krajevima i jedna od najstarijih na Balkanu. Osnivač joj je bio Sungur beg, nazvan Čauš beg, jedan od komandanata sultana Murata II. Čini se da Čauš potiče iz bitoljskog kraja i da je u Istanbul odveden putem devširme. Prilikom povratka sa jednog pohoda u Albaniju protiv Skenderbega, zadržao se u Bitolju i tu se nastanio. Tu je izgradio spomenutu džamiju, medresu i zaviju, čiji se ostaci još mogu vidjeti u Bitolju. Čauš beg je takođe izgradio i jedan mesdžid u Jedrenu i još jedan u Vidinu. Za održavanje ovih institucija osnovao je zakladu, koja je obuhvatala 25 dućana, dalje jedan han, dva komada zemlje, 7 vodenica, 1 vinograd, sve ovo

³⁴ Between 18th and 27th December 1439.

³⁵ In the text of the original we find *nāzir* — supervisor, a person appointed by the benefactor or *kadi* to supervise the work and business of the *vakuf* manager. In documents kept in Yugoslavia, as well as in other countries which were under Turkish rule, the duties of the *mütevelli* and the *nāzir* are always precisely stated so that there has never been any confusion here. However, in some countries the word *nāzir* was a synonym for *mütevelli*. Here, too, I think that the word *nāzir* should be understood as 'manager' and not, as is usual in Serbo-Croat as 'supervisor'. In fact, there is no mention of a *nāzir* in the *vakfiye* at all, nor of anything vaguely related to one.

³⁶ For more on *Muhammad b. Farāmurz b. 'Ali Molla Husraw-u*, who was considered a great authority in the field of Sheriat Law, see C. Brockelmann, GAL, II, p. 226. His work, *Durrar al-ḥukkām fī sharhi ġurar al-aḥkām*, written in Arabic and translated into Turkish was very popular and is to be found in almost every library collection of manuscripts. Certainly, symptomatic of its popularity is the fact that a great deal has been written about this work.

u Bitolju, zatim još 11 dućana i 17 soba u Jedrenu i 20 dućana i 1 vodenicu u Vidinu.

Čauš beg je legalizirao svoju vakfiju u Bitolju između 9. i 19. aprila 1435. godine. Ova vakufnama, sastavljena na arapskom jeziku, predstavlja, u stvari, najstariji arapski ili turski dokumenat koji je dosad otkriven u Jugoslaviji. Original dokumenta nije pronađen, ali postoji prepis u sidžilu šeriatskog suda u Manastiru, br. 99, koji se nalazi u Državnom arhivu u Skoplju. Autor ovim radom daje kritički tekst vakfije, prevod je praćen istorijskim komentarom, a sadrži objašnjenja i faksimile iz pomenu-tog sidžila. Kada se ova vakfija uporedi sa drugim makedonskim vakfijama, vidi se da je ona vršila uticaj na formu vakfija kasnijeg perioda.

S u m m a r y

THE OLDEST VAKUFNAMA IN YUGOSLAVIA

Until several years ago there existed in Bitolj (Manastir) a mosque called "Eski cami" (The Old Mosque). It was the oldest mosque in our regions and one of the oldest in the Balkans. Its founder was Sungur bey, called Čauš-bey, one of the commanders of sultan Murat II. It seems that Čauš came from the region of Bitolj and that he was taken to Istanbul by means of *devşirme*. Coming back from a campaign against Skenderbey in Albania, he stopped in Bitolj and he settled there. He built there the mentioned mosque and then a *medresa* and a *zavija*, remnants of which can still be seen in Bitolj. Čauš-bey also built a *mesdžid* in Jedren and another one in Vidin. For maintenance of these institutions he founded a foundation consisting of 25 shops, one *han* (inn), two pieces of land, 7 mills, 1 vineyard in Bitolj and another 11 shops and 17 rooms in Jedren and a mill in Vidin.

Čauš-bey made his *vakfija* legal between 9th and 19th April 1435. This *vakufnama* written in Arab represents, in fact, the oldest Arabic or Turkish document discovered so far in Yugoslavia. The original of this document has not been discovered, but its copy is to be found in the *sidžil* of the seriat court in Manastir, No. 99, which is kept in Državni arhiv (State Archives) in Skopje. The author of this paper gives a critical view of the text of *vakufnama*. Its translation is accompanied by historical annotations and by explanations and fascimiles from the mentioned *sidžil*. If we compare this *vakfija* with other Macedonian ones we can see that it influenced the form of *vakfijas* in later period.



Çauş-Bey's Mosque in Bitolj

الشهد محمد بن محمد بن السلطان محمد بن السلطان الشهيد بأمره من ارض
 انصاره بالقلعة الصريح المسمى وذلك حيا القرية للحدود
 بينه وبين القرية الكائنة في ناحية طور من ولاية دقري حدودها
 جنته من العيون الكائنة في وسط الطوارى منتزعة الطريق المذكور
 ومن متصل الاصل ومنه الى الارض المنسوبة الى الخداد وسبيل المجرى
 الماء وتزينة الطريق وتتمثل الى الارض المنسوبة الى زكريا المسمى
 وسبيل المجرى الكائن في الكور سنة ستمائة وتسعة الى الهضبة ومنها
 الى القباب الكائنة في الهضبة ومنه متصل الى الارض المنسوبة الى المجرى
 المسمى ومنها الى الطريق المذكور وتتمثل الى القباب وسبيل المجرى
 الكائن في المجرى الماء ومنه الى الارض المنسوبة الى المجرى الكائنة في الوادي
 ومنها الى القباب المسمى بالمجرى وسبيل المجرى الكائن في الوادي
 ومنه متصل الى المرفق المسمى وتتمثل الى المرفق الكائن في المرفق
 ومنها الى المجرى المسمى وسبيل المجرى الكبير وتتمثل الى وسط الوادي
 المذكور وتتمثل الى القباب ومنها الى المرفق المسمى وسبيل
 الطريق الكائن في الوادي ومنه الى القباب وتتمثل الى
 الكور الكائنة في الطريق المذكور الى المجرى وسبيل القباب الكائنة
 في الهضبة ومنها الى المرفق المنسوب الى المجرى وسبيل المجرى
 المذكور في سنة اتمت بحدودها وحقوقها طريقها
 من ارضها وبارها وانها رعا تذكروا واجب لها سيقها ويجبها
 ساقها وتساويا اشمجارها المرفق وغير المرفق ويكون حق حولها
 داخل فيها وخارج عنها متصل بها ومنفصل عنها التي هي
 الوجوه والوجهات المصلح مسجد الجامع والزاوية والمسجد
 القفرين المذكورين كلها في بعض الوقفية المذكورة وقد تجميعها
 كمرقبة وحسب امرهم عرفه وخرطه الوقف المولى الله تقبلت
 غير انه ان يعرف حلات هذه القرية المدونة المذكورة الى
 مسجد الجامع والزاوية والمسجد المنسوبة وشروط ارضه ان
 يراعي فيها جميع الشروط المشروطة المسطورة والقيود المذكورة
 في الوقفية المذكورة مرارا فصارت القرية المدونة المذكورة وقفا
 حلها جميع المخرج لو ايات من القاهك ولا اولاد ان الزمان
 والحين الذاهب لا يباح ولا يوجب ولا يبرهن ولا يستبدل
 ولا يبدل ولا يورث الى ان يترك الله الارض ومن حلتها وهو من
 الوارثين من بعده بعد سمعنا ما نأمره من حلال الذين يبدلونه ان الله
 سمع حيبه واجرا توقف حلها فيها انه واستغاه وقصدوا ارضه
 وبه نت وقع القايح والامهاد والقريرت او اسف حسب المرحب
 ثلاث ارضين ولما نأمره

في سنة ١٠٠٠
 في سنة ١٠٠٠

ما نصه هذه التفسير تعيين القاطن
 في وظيفة السطارة ليست حلتها
 بمقتضى ما شرط الله المصنف من قريش
 المولى بأمره عظمته وعظمته

Copy of Çauş-Bey's Vakufname from the Sicil of Bitolj Quadi