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V čast Darji Mihelič
In onore di Darja Mihelič
In honour of Darja Mihelič

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DESECRATION. THE KILLING OF THE BANDIT NICOLÒ CASSICH (ISLE OF PAG, 1578–1583)

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ABSTRACT

In the spring of 1583, Nicolò Cassich was killed in the field church in Murvica located in the vicinity of the town of Pag. Cassich had been banished in 1579 on the charge of having posted a libello famoso (defamatory leaflet) against a representative of Venice to the island. The investigation launched by the local authorities promptly revealed that the killing had been carried out by Zuanne Pastorcich, himself a bandit, who intended to avail himself of the benefits provided by law and request his release from the banishment penalty. To that end, Pastorcich presented the head of the bandit on the pietra del bando in the town square, so that it could be identified by some witnesses, who readily made themselves available. But as the authorities proceeded with such identification, a woman stepped out from the crowd that had flooded the square. She removed Cassich's head from the stone and took it to the main church in town. The authorities' efforts to recover it were futile, and the incident evinced that the killing of Nicolò Cassich in that small church had created a deep rift within the community. And although Pastorcich eventually obtained the bounty he had claimed, the killing was deemed a genuine desecration, and that sacred place was interdicted from divine worship for several years.

Keywords: banditry, violence, Isle of Pag, Dalmatia, Republic of Venice, sacred space, desecration, customs, enmities

PROFANAZIONE. L'UCCISIONE DEL BANDITO NICOLÒ CASSICH (ISOLA DI PAGO, 1578–1583)

SINTESI

Nella primavera del 1583 Nicolò Cassich venne ucciso nella chiesa campestre di Murvica, posta nelle vicinanze della città di Pago. Il Cassich era stato bandito

nel 1579 con l'accusa di aver affisso un libello famoso contro il rappresentante veneziano dell'isola. Il processo avviato dalle autorità locali rivelò da subito che l'uccisione era avvenuta ad opera di Zuanne Pastorcich, pure bandito, il quale, avvalendosi dei benefici previsti dalle leggi, intendeva ottenere la propria liberazione. A tal fine egli presentò la testa del bandito nella piazza della città, perché fosse identificata da alcuni testimoni, resisi presto disponibili. In realtà, mentre le autorità procedevano a tale riconoscimento, dalla folla accorsa numerosa in piazza, si staccò una donna, che sottrasse la testa del Cassich, portandola con sé sino alla chiesa principale della città. A nulla valsero i tentativi delle autorità di recuperarla, in quanto l'episodio dimostrò come l'uccisione di Nicolò Cassich in quella piccola chiesa avesse creato una forte spaccatura all'interno della comunità. E, nonostante il Pastorcich ottenesse infine i premi richiesti, l'uccisione venne considerata come una vera e propria profanazione; e quel luogo sacro fu interdetto per alcuni anni al culto divino.

Parole chiave: banditismo, violenza, Isola di Pago, Dalmazia, Repubblica di Venezia, luoghi sacri, profanazione, consuetudini, inimicizie

HAVING COME TO THE KNOWLEDGE ...[1]

These are the opening words in the case file[2] compiled by the local authorities of the Isle of Pag, in Dalmatia, in the spring of 1583, in regard to the investigation into the killing of the bandit[3] Nicolò Cassich:

> *Having come to the knowledge of esteemed Mr. Francesco Mircovich, honourable vicegerent of the town and island of Pag in the absence of illustrious Mr. Daniele Moro, the Conte[4] of said territory, that last night[5] around 3 a.m. a man was killed inside the Church of St. Catherine, who is found having many wounds and no head; and wishing his lordship, by virtue of his office and for justice to be served, that light be shed on this, he instructed me, Zuanne Giardulich of the late sir Zuan Francesco, vicecancelliere,[6] to go to the site of aforesaid corpse together with vicecavaliere[7] Matteo Bertinoga to conduct a visum et repertum,[8] so that subsequently, servatis servandis, it would be possible to examine, investigate and conduct a trial and, upon establishing the truth, proceed further according to law and justice.*[9]

Upon arrival at the site and entering the church, the *vicecancelliere* described the sight that awaited him:

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1 This paper is the result of research carried out in the research project *Social functions of fairy tales* (ARRS-J6-1807), funded by the Slovenian Research Agency (ARRS). I would like to thank my friends and colleagues G. Benčić, D. Darovec, S. Fornasa, T. Glavina, M. Mazzon, M. Rampin, M. Romio, and A. Vidali, whose help and suggestions were fundamental in the writing of this paper. Special thanks also to E. Hilje and N. Vuletić of the University of Zadar for locating and allowing me to use the images presented in these pages.

2 The case file of the incident presented in this article is preserved in ASV-CX, Comuni, filza 157, enclosed to the *parte* (provision) of 26 September 1584. Unless indicated otherwise, the documents used hereon are taken from this case file without further citation.

3 The term "bandit" denoted a person who had incurred the penalty of banishment and was as such banned from the areas under the jurisdiction of the court that had passed such sentence. It did not, therefore, always and necessarily refer to a criminal. Only towards the end of the 16th century did the figure of bandit begin assuming the more fearsome character of outlaw.

4 One of the titles that governors of Venice's territories could hold (also Rettore, Podestà, Provveditore …).

5 23 March 1583.

6 Assistant to magistrate's clerk. Though originally a local from the island, the *vicecancelliere* was subordinate to *cancelliere pretorio* (magistrate's clerk), who was part of the entourage of the representative of Venice.

7 Constable.

8 Official inspection of and report on the body of the crime (*corpus delicti*), in this case the corpse and the wounds that led to the victim's death.

9 "*Essendo pervenuto a orecchie e notizia dello spettabile signor Francesco Mircovich, onorando vicegerente di Pago e isola per l'assenza del clarissimo signor Daniele Moro, Conte di detto luogo, qualmente la notte prossima passata alle ore tre in circa è stato ammazzato un uomo dentro la chiesa di Santa Caterina, il quale si ritrova avere molte ferite e senza capo; per il che, desiderando sua signoria per il carico che tiene e acciò la giustizia abbia il suo luogo, di venir in luce di questo, ha commesso a me Zuanne Giardulich quondam messer Zuan Francesco, vicecancelliere, che trasferir mi debba al luogo di detto cadavere, insieme con Matteo Bertinoga vicecavaliere e togliere di quello il visum et repertum. E poi, fatto ciò, servatis servandis, si possa esaminare, inquisire e formare processo, acciò ritrovata la verità possa procedere più oltre, secondo la forma della ragione e giustizia.*"

Fig. 1: The drawing of the fortified town of Pag in the Grimani cadastre, dating from the late 18th century, now preserved at the State Archives in Zadar (HR-DAZD-6, Mape Grimani, Pag br. 295). In the upper part, to the north-west, is the ancient Church of St. Catherine. Image published courtesy of the State Archives in Zadar (authorization no. 2198-1-92-1-21-2).

> *In front of the altar, a step or so away, I found a corpse or, more exactly, a body, to all appearances male, without a head and lying prone on a slender stone slab of aforesaid altar.*[10]

And immediately, as required by the customary inspection, he proceeded to describe the clothes that the victim was wearing:

10 "*Ritrovai innanzi l'altare, lontano da quello circa un passo, un corpo seu cadavere, in apparenza da uomo senza capo, sopra una pianca del detto altare con la pancia distesa in giù, sopra la detta pietra.*"

Dressed in a pair of turquoise kersy […][11]*, with thin ankle boots on his feet, wearing a shirt in old red satin on top of a chest guard in our local custom, and a plain waist--length linen jacket, which presented cuts in several places*.[12]

No effort was necessary to determine the cause of death:

Upon turning over the corpse and examining it for injuries, the following was found: first of all, the head had been severed from the bust and taken away; further, two large injuries, apparently caused by a hatchet, with incision of the flesh and outpouring of blood, one above the right and the other above the left shoulder; other than that no injuries were found on the body […] *And next to said corpse some blood was found on the stone and something like mangled flesh.*[13]

The *vicecancelliere* had brought with him five witnesses to corroborate his inspection of the material evidence. He was thus accompanied by far more than the two persons formally required to validate the judicial rite that was to set in motion the so called *processo informativo*.[14] One of the witnesses, Zuanne Cassich,[15] was instructed by the *vicecancelliere* to examine a hole behind the altar which appeared to have been made recently and from which some fragments of lead were then extracted. Cassich readily reported:

that, being the bullet hole fresh and the lead likewise, arquebus shots had been fired against the corpse, but it is remarkable that there are no signs on it to indicate that it had been hit by any of them.[16]

---

11 Illegible due to correction. The *vicecancelliere* was probably referring to a pair of trousers.

12 "*Vestito di un paio* […] *di carisea turchina, con un paio di stivaletti sottili, le opanche ai piedi, con la camicia indosso di sopra un guardacoretto alla usanza nostrana di raso rosso vecchio e uno zippone di tela zicollato e in molte parti tagliato.*"

13 "*E quello fatto rivolgere e vedere per la vita delle ferite che ha, gli furono ritrovate al detto cadavere le ferite infrascritte: spiccato prima il capo dal busto e portato via; poi ritrovate due ferite, a giudizio da taglio di manerini grandi, con incisione di carne e effusione di sangue, una sopra la spalla destra e l'altra sopra la sinistra e non altre ferite gli furono ritrovate* […]. *E presso detto cadavere fu ritrovato del sangue sulla pietra e come della carne pestata.*" Hence, the *visione* (inspection) was carried out inside the church. This seemingly minor detail would gain importance in the course of the trial.

14 The investigation phase preceding the actual trial, which was followed by other judicial rites (Povolo, 2004, 45–75). In fact, in the case of death of a bandit, it was the killer himself, presenting the dead man's head, who asked that an investigation be launched which could validate his claim of the benefits provided. Of course, as it will be seen further on, Mircovich knew very well both the identity of the victim and the fact that he had been banished on the authority of the Council of Ten; but since he had learned that someone had witnessed the ambush, he most probably wanted to make sure they had not seen anything that could jeopardise this initial phase of investigation.

15 Probably involved in the killing, as can be observed further on. When questioned by the judge, he would state he was a distant relative of both the killed bandit and his killer.

16 "*Per esser il buco fresco e il piombo similmente, che a questo cadavere gli sono state tirate delle archibugiate, ma che è gran cosa che non gli si ritrova nella vita alcun segnale che da quelle sia stato colto.*" It emerges from this testimony and the very inspection of the corpse that several arquebus shots were fired that night against Nicolò Cassich but missed him.

Despite the absence of the head, the other four witnesses, Zuanne Maca, Domenico Cazzan, Zuanne Bellinich and Antonio Rumorich, testified under oath to have recognised the identity of the murdered man. Antonio Rumorich, not unlike the others, did not hesitate to certify that:

> *said body, which I can see here in the church, headless, along with the blood on the stone and even some mangled flesh, I knew it when it was alive: this was Nicolò Cassich of the late sir Francesco of Pag, a bandit, as it is publicly said; and I know that based on my knowledge of him when he was still alive.*[17]

AN UNEXPECTED WITNESS

It emerges from the trial documents that the Church of St. Catherine was situated outside the town's centre, where the Venetian representative resided and the main local institutions were located.[18] The *vicecancelliere* and the *vicecavaliere*, accompanied by that large group of people, had thus been quick to arrive at the scene of the killing that had taken place the previous night. At least some of those witnesses, as it would inevitably emerge from the investigation itself, had also taken part in that veritable execution and rushed to report the incident to the competent authorities. And it was probably them who informed the vicegerent Francesco Mircovich of an unforeseen event that had occurred that night, prompting him to speed up the investigation that had only just been launched, on that same day, 24 March 1583:

> *Having learned from public knowledge that a foreigner, a poor man and beggar who goes about the town asking for bread in God's name, was resting last night in the aforesaid Church of St. Catherine together with the aforesaid Nicolò Cassich, the bandit who was killed, and that he could know the killers of said corpse* […]. *So that afterwards the will of His Serenity in similar cases of bandits killed within the boundaries can be fulfilled.*[19]

17 "*il detto corpo, qual vedo qui in chiesa senza testa e il sangue sulla pietra e pure pestato della carne, io l'ho conosciuto mentre era vivo, che si chiamava ed era Nicolò Cassich quondam messer Francesco da Pago, bandito così come pubblicamente si dice; e questo io so per la cognizione che io aveva di lui quando era in humanis.*"

18 The site where the little Church of St. Catherine once stood is that of present day Govejak, near Murvica (Murvice), where the town's cemetery lies. Erected in the second half of the 14th century, the church was located about a kilometre from the town's centre towards the north-west (Hilje, 2011, 158).

19 "*Avendo inteso così per pubblica voce e fama come un forestiere poveruomo e mendico, che va mendicando per la città e domandando pane per l'amor d'Iddio, è stato la prossima passata notte a riposare nella suddetta chiesa di Santa Caterina con il suddetto Nicolò Cassich bandito e ucciso e che lui può sapere gli uccisori del detto cadavere* […]. *Poi si possa eseguire il voler di Sua Serenità in simili casi di banditi uccisi dentro i confini.*"

He thus ordered that the foreigner be tracked down and interrogated. His order was promptly executed by the *vicecavaliere*, who, however, pointed out that it would not be possible to conduct the interrogation at the place that was usually used for this purpose, since the *cancelliere pretorio*, who had left town a few days before together with the Venetian representative[20], had taken with him the keys to the *cancelleria* (office).

But the vicegerent did not hesitate to proceed with the investigation, ordering that the interrogation be carried out anyway, in his presence, in the fiscal chamber of Pag.[21] The foreigner was a young man from Romagna by the name of Ercole.[22] The *vicecancelliere* barraged him with a series of questions: Why did he go outside the town walls the previous night and to that church? Did he know the man who had been killed? Did he know the man was a bandit? Had he come to town with him?

The young man promptly answered all the questions: he had decided to sleep in the Church of St. Catherine because he had been promised that the next morning a ship would collect him and take him as far as Karlobag.[23] He had come to the church alone, but met a man there with whom he exchanged a few words and of whom he only remembered the name, Nicolò. The latter confessed to him that five years previously he had been banished from all the territories of the Venetian Republic. The young man was then urged to tell what had happened inside the church:

> *At three in the morning I was lying in the doorway of the church, trying to sleep; and as I lay there on the ground, I noticed a light enter the church; seeing that light I stood up and exclaimed "Jesus." There were two fellows, one of them with a lighted candle in his hand. Then, shining the light around they also saw Nicolò, who was still lying on the ground on a slender slab that he had taken from the altar, because it was raining; that Nicolò said something that I did not understand, and the moment he said that, the aforesaid two men fired two arquebus shots at his body, but I don't know if they hit them, because as soon as I heard the shots I ran out of the church.*[24]

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20 The Venetian patrician elected by the Great Council of Venice with the title of *Conte*, whose office lasted about 16 months. Before leaving for the island he had been required, together with his entourage, to take an oath before the Heads of the Council of Ten, swearing he would respect the local *statuti et consuetudini* (statutes and customs) and apply the *commissioni* (instructions) he had been entrusted.

21 Mircovich, as we will see, clearly proceeded already in agreement with the Venetian *camerlengo* (chamberlain).

22 Described as follows: "a man of average stature, slim, with a short blond beard; he looks around 25 years old, is wearing an old long jacket in homespun linen, yellow socks on his feet, and a white felt hat."

23 A town on the Dalmatian coast opposite the Isle of Pag.

24 "*Ritrovandomi collegato a ore tre di notte dentro l'uscio in chiesa per dormir; e così stando collegato in terra vidi un lume che entrò dentro la chiesa; e io vedendo tal lume mi levai in piedi dicendo 'Iesus'. E erano due compagni, ma uno aveva la candela accesa in mano. Il che, avendo anche visto esso Nicolò detti compagni con il lume, che ancora lui era collegato in terra sopra una pianca, che aveva tolto giù dall'altare, perché gli pioveva; qual Nicolò disse non so che parola che non gli intesi. E subito, ciò detto, ad un tempo dai predetti due gli furono sparate due archibugiate verso la vita di detto Nicolò, ma io non so se lo colsero, perché di subito, sentito che ebbi le archibugiate, fuggii via dalla chiesa.*"

Fleeing in all haste he instantly stumbled on a less than reassuring surprise:

And when I came out the door I ran into two other fellows waiting outside, one on each side of the door, holding a falchion or scimitar in their bare hands. So I fled and set out in the direction of the town; and having arrived at the port of Galliola, I found there the ship of your lordship vicegerent, loaded with salt, with a sailor aboard whom I don't know, and I told him everything that had happened, as I have now told you, and begged his permission to come aboard for the night and rest there till the morning.[25]

He was also asked if he had recognised those men; which kind of weapons they had had; and whether the bandit had been hit by shots fired from the arquebuses inside the church. The young man cautiously replied:

I was sleeping far away from said Nicolò in the church and couldn't see if he got hit, because, as I said, I ran out of the church immediately […]*; last night I didn't know, I only learned this morning that he had been killed, but since I don't know the people here, I don't know from whom I heard that*.[26]

THE KILLER

That same day, the vicegerent Francesco Mircovich received at his residence Tommaso Pastorcich, a resident of the town of Pag, who informed him that his brother Zuanne, a bandit himself, killed Nicolò Cassich, whom he had tracked down "on this island near the Church of St. Catherine"[27]. As his procurator, Tommaso made a request that his brother be allowed to prove that he was the person who had carried out the killing and thus be relieved of the penalty of banishment.[28] Mircovich, with whom the killer had clearly acted in full accord, granted Tommaso's request. But since the temporary authority delegated to him by Daniele Moro, the *Conte* of Pag, had not been attested in writing, Mircovich immediately betook himself to the town, accompanied by Pastorcich, to the

25 "*E nell'uscire fuori dall'uscio ritrovai altri due compagni dietro all'uscio di fuori, uno da una parte e l'altro dall'altra, con una storta o scimitarra in mano nuda. E così fuggendo mi avviai alla volta della città; e essendo giunto al porto della Galliola ritrovai ivi la barca di vostra signoria vicegerente carica di sali, con un marinaio dentro, che non conosco, e gli dissi il successo tutto, come di sopra ho detto, pregandolo che per quella notte mi accettasse in barca a riposare fino al giorno.*"

26 "*Io dormivo lontano dal detto Nicolò in chiesa e non ho potuto vedere se fu colto, perché, come dissi, fuggii di subito via dalla chiesa* […]; *ieri sera non l'intesi, se non questa mattina, che è stato ammazzato, ma io che non conosco la gente non so chi erano, che lo dicevano.*"

27 He was careful not to say that the killing had taken place inside the church.

28 This demonstration, as will be seen further on, never came to be. But most likely, Pastorcich, using as witnesses the very people who had participated in the ambush, would have upheld the version that the bandit had been killed outside the church.

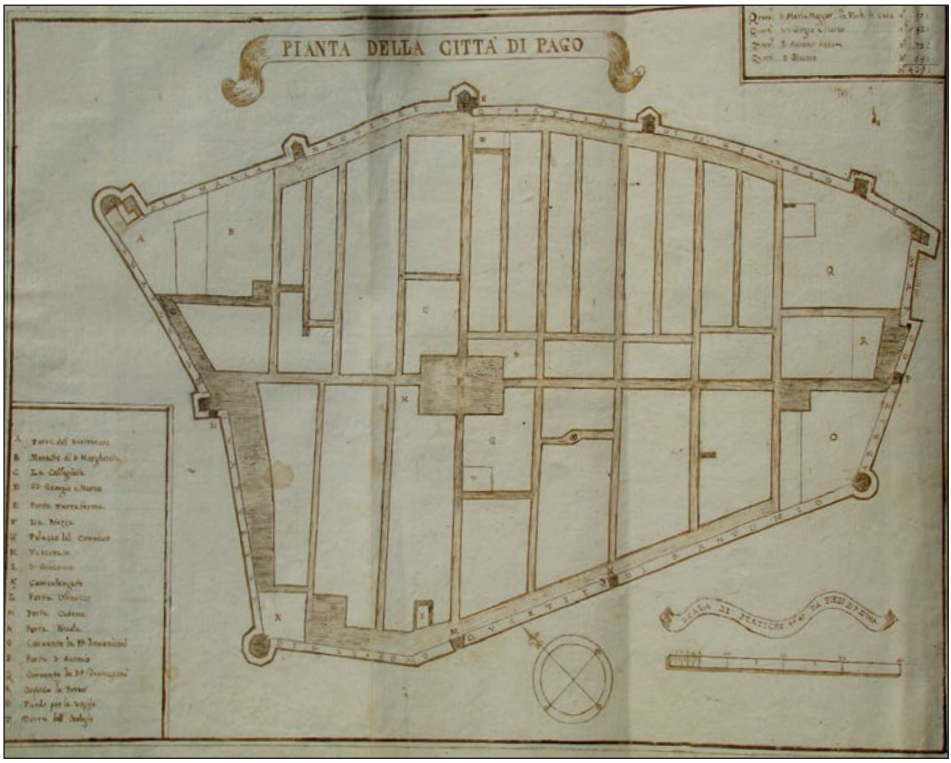

Fig. 2: Map of the town of Pag in 1780 (HR-DAZD-479, Zbirka rukopisa, M. L. Ruić, Delle riflessioni storiche: sopra l'antico stato civile ed ecclesiastico della città e isola di Pago. Vol. I, Rkp. 34/1). Based on the legend it is possible to identify the sites that were the theatre of the event described in these pages. Image published courtesy of the State Archives in Zadar (authorization no. 2198-1-92-1-21-2).

Monastery of St. Francis to ask the *camerlengo* Girolamo Battaglia[29] for permission to jointly continue the investigation. Having received a confirmation in that regard, the investigation could proceed with the rapidity that had characterised it since the very beginning.

29 The *camerlengo* (chamberlain) was the patrician who attended the Venetian *Conte* as the person in charge of the fiscal chamber of Pag. It was an important role in view of the conspicuous income generated by the saltworks, which represented virtually the entire economy of the island. The reports by the Venetian representatives repeatedly focussed on this aspect. See, for example, the one titled *Sindaci in Dalmazia* [*Inquisitors in Dalmatia*] written in 1559 (Liubić, 1880, 130–131).

Still the same day, 24 March 1583, Tommaso Pastorcich presented a head on the *pietra del bando*[30], asking that it be recognised by four witnesses; these, promptly questioned by the two vicegerents, testified without hesitation that it belonged to the bandit Nicolò Cassich.[31]

Thus, the matter seemed to have taken a favourable turn for the bandit's killers, who could, to all appearances, rely on vicegerent Francesco Mircovich's support. But something went awry; something related to the events of five years earlier that saw Cassich as a disputed protagonist had distilled into a knot of tension that now re-emerged dramatically with his violent death in that solitary church.

NICOLÒ CASSICH

The fate of Nicolò Cassich collided with that of patrician sir Marco Manolesso, elected in the autumn of 1575 by the Venetian Great Council to the position of the *Conte* of the Isle of Pag. As it seems, something went wrong between the two. The Venetian representative had probably failed to meet those standards of fairness and balance that were to inform his role as *caring protector*. A complex role, with cultural and political aspects distinguished in particular by the languages of friendship and honour, the fusion of which essentially manifest in the institutional physiognomy of the community and in the defence of its traditions and privileges.[32]

A minutely detailed report written in 1551 by Giovan Battista Giustinian, *sindaco* (a type of inquisitor) in Dalmatia and Albania, highlighted the fact that the local political system of the island was based on a complex balance between the local powers and the representative sent from Venice:

30 A stone in the town square from which official public announcements used to be made and on which the heads of executed bandits were displayed to be recognised and claimed.

31 Nicolò Gabioli, Zuanne Ancovich, Zuanne Bachan, and Antonio Rumorich of the late Luca. The latter had also been present at the inspection of the corpse. The recognition of the head of the bandit constituted the first phase in the process of obtaining the so-called *voce liberar bandito* (the right to release or be released from the banishment penalty, granted by a public institution to the claimant of the *voce* upon his proving through witnesses to be the killer of the bandit. The killer could use the certificate of pardon to plead for a release from his own penalty of banishment, or cede it to others for the liberation of some other bandit, in which case the *voce* became a negotiable instrument to be sold to the highest bidder). Then, the claimant of the bounties and such benefit would have to prove that they were actually the killer of the bandit (Povolo, 2018, 138–139). The presence of the young beggar inside the church clearly complicated this second phase, which Pastorcich and his comrades could have otherwise artfully reconstructed, claiming that Cassich had been killed in the vicinity of the sacred place.

32 For the relationships of *amicizia* (friendship) and the role of Venetian *rettore* (governor) as a *protettore amorevole* (caring protector), I refer to Povolo (2020a and 2020b). This role was inseparable from the governor's ability to make his governance an expression of efficient amalgamation of the relations he forged with the local elites and the institutional and customary prerogatives of the community over which he governed. For other aspects concerning the *Stato da mar*, see O'Connell, 2009, 56–68. It was these types of abilities that favoured the *cursus honorum* of the patricians who mostly occupied the lower-middle ranks of the ruling class, allowing them to hold political offices of some importance.

The inhabitants of the castrum are divided into commons and nobility, with only the latter being elected into the council and governing the commune, excluding the commons. They elect the sopracomito[33] *into their council, when so commanded by the dominant city; and appoint their own judges and other ministers and public officials to churches, fonteghi*[34] *and other administrative organs.*

These were important offices, also emphasised by the role performed by the commune in dispensing civil justice:

The judges of the minor court decide smaller matters; those of the superior court decide together with the magnificent Conte Zuanne Bondumier, but only in civil cases, whereas in criminal cases they have no say.

Various competences were allocated, which apparently accentuated the mutual relationships between the local high-ranking families and the Venetian representative.[35] Giustinian did not fail to provide information even on the few prominent families of the island:

The noble families are: Spiercevich, Discovich, Mircovich and Cassich. Many others have become extinct. They are all poor, except for two houses, that of the Mircoviches and that of the Cassiches.

It was these two important families, the Mircoviches and the Cassiches, whom the *Conte* Marco Manolesso would have to measure himself against twenty years later.[36] A sign placed in the communal loggia in July 1578 in celebration of his role as *protettore* seemed to reflect the positive results achieved by him in the course of his governance. In truth, that sign deliberately disregarded the fact that the political deci-

33 Captain of a galley.

34 A building that served as a warehouse and, often, accommodation for foreign merchants in maritime towns.

35 The administration of civil justice gave considerable discretion to the town council and to the families who managed its power. The Venetian *Conte* could potentially interfere in these dynamics through administration of criminal justice, as probably happened with Marco Manolesso. For Giustinian's report, see Ljubić, 1880, 258–261. During the 16th century, the competence of the governor and the commune developed in ways much more complex than was foreseen by the *commissioni* guiding the *rettori* in their office (Cozzi, 1982, 253; O'Connell, 2009, 80). The various authors who focussed on the island's economy stressed its poverty, but also its resources deriving from the salt-pans: an aspect that made relations with the dominant centre particularly intense and important. See Panciera, 2014, 114.

36 Marco Manolesso belonged to that middle stratum of aristocracy to which the Quarantias were also related. His career following the appointment to Pag did not seem to be particularly brilliant: *castellano* (chatelaine) in Chiusa in 1580, Old and New Civil Quarantias in 1587, 1589, 1592, 1594, and 1597; College of Twenty Wise Men in 1587 and 1594; *provveditore* (administrator) of Gambarare in 1590; counsellor in Cephalonia in 1597 (BNM-I7: n. 829 [=8908], reg. 17, c. 268; n. 830 [=8909], reg. 18, cc. 77, 86; n. 831 [=8910], reg. 19, cc. 55, 122, 287, 397, 462; n. 832 [=8911], reg. 20, c. 38; BMC-PDV: reg. 67, cc. 11, 116). I am indebted to my friend Vittorio Mandelli for this information.

sions enacted by the Venetian *Conte* had marked a deep rift within the community. On 10 July 1578, as the town council hastened to report, a *libello famoso* (defamatory leaflet) denouncing Manolesso appeared in the middle of the night:

> *attached with wax to a corner of this palace, under his coat of arms, which overlooks the public square. For which reason, all the nobility, the burghers, the commoners, and other people of any sex and station in this town and the foreigners who were also there, rose in great discontent over and condemnation of the nameless and most deceitful offender.*[37]

Praising the governance of the Venetian representative and the equilibrium and honesty that characterised his decisions, the representatives of the commune[38] offered the sum of 100 ducats to anyone who would report the author of the leaflet, although scarcely anyone on the island could be unaware of his identity. Although written, perhaps deliberately, in a hesitant and ungrammatical vernacular, those words unequivocally referred to certain decisions taken by Manolesso during his office in Pag.[39]

To his letter of 21 July 1578 addressed to the Heads of the Council of Ten, Marco Manolesso enclosed the ruling of the commune and a copy of the defamatory leaflet, requesting that the case be heard by the *rettori* of Zadar. Given the gravity of the offence,[40] his request was promptly granted. From the sentence of banishment passed by them on Nicolò Cassich on 24 May 1579 it is possible to infer the conflicting dynamics that emerged in the chief town of the island:

> *As if it had not sufficed him to have at various times and places found fault with the magnificent sir Marco Manolesso, then Conte of Pag, and threatened him, for having been banished by His Magnificence for his demerits, to go to*

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37 "*Con cera attaccato sopra un cantone di questo palazzo e sotto la sua arma che guarda sopra la piazza pubblica. Per la qual cagione tutta la nobiltà, i cittadini, il popolo e altri di ogni sesso e ogni stato in questa città e i forestieri ancora che si sono trovati, si hanno sollevati a grandissima mormorazione e dannazione contro l'incognito e falsissimo delinquente*."

38 The judges and *procuratori* (procurators) of the commune who proposed the ruling were: Francesco Cassich, Antonio Xorolich, Zorzi Bellinich, Vicenzo Palladinich.

39 "*Marcho Manoleso l'è chonte da Paigo, l'ha abudo in gola de sti malandrini perché manigo rosto e leso, perchè Marcho manaleso vituperoso, omo indeigno da governar sta tera, l'é bon a zrafar, non fa igusticiga, anco di quel Zuane Faca, di quel ladro provado, perché i ge deti in gola, chome ancho questi malfatori fuzindo loro, o Marcho Manoleso non governar tante chure, e non quela tera da Pago*." ASV-CX, *Comuni*, filza 134, document enclosed to the *parte* of 29 October 1578, together with the ruling of the commune of Pag and Marco Manolesso's dispatch. Despite the unsteady writing, the threat made against the Venetian representative in relation to his continuation of political activity is unmistakable, a threat that evinced a profound knowledge of the logic steering the relationships between Venice and the centres subordinate to it.

40 The offence was that of *lese-majesty*, which unquestionably marked a sharp divergence between the logic of the local power and that of the Venetian ruling class. And it would be highlighted as such by the patrician who later acquired the *voce liberar bandito* from Pastorcich to more easily obtain his own liberation from the Heads of the Council of Ten.

Fig. 3: The town of Pag. The palace that used to be the residence of the Venetian Conte (photo by E. Hilje), on which Nicolò Cassich in 1578 posted a libello famoso against sir Marco Manolesso.

> *Venice and make sure that he would not be elected to any office again by purposefully spreading slander and damaging the reputation of his unimpeachable superior, he arrogantly demonstrated his sentiment to His Magnificence, thus taking vengeance for his other grievances. Finally, on the past 10 July, he had the audacity to affix to the corner of the municipal palace of Pag, under the coat of arms of the magnificent Manolesso, a calumnious leaflet, i.e., libello famoso, unjustly defaming and insulting his lord and superior.*[41]

41 "*Non contento di aver in diversi tempi e luoghi dolutosi del magnifico signor Marco Manolesso, allora conte di Pago, e minacciatogli, per esser stato bandito da sua magnificenza per suoi demeriti, di andar a Venezia per fare che non avesse più reggimenti, con fine di disseminare calunnie ed intaccare l'onore di esso suo innocente superiore, ha etiam arrogantemente procurato di far intender tale suo animo a sua magnificenza, perché delle altre cose processate contro detto Nicolò restasse di far giustizia. Con avergli poi bastato l'animo sotto li dieci di luglio prossimo passato attaccare sopra il canton del palazzo del reggimento di Pago, sotto l'arma di detto magnifico Manolesso, un cartello vituperoso, ovvero libello famoso, infamando ingiustamente e vituperando detto suo signore e superiore.*" ASV-CX, *Comuni*, filza 157, sentence enclosed to the *parte* of 26 September 1584.

Most likely, Marco Manolesso had banished Cassich because of dissensions arisen in the management of the local power. Cassich's banishment penalty, according to the justice administered by the *Conte*, was limited to the Isle of Pag and the customary fifteen miles beyond its boundaries.[42] Still, it had forced him to abandon his business and his interests. A sentence that was deemed unjust by Cassich, so much so that it led him to confront the Venetian *rettore* and threaten that he would go to Venice to report him for abuse of power. And since the commune, governed by an opposing faction, decreed that in honour of the patrician who was leaving the island a sign be erected on the façade of the town's communal palace, Nicolò Cassich decided to blatantly express his dissent. It was an act openly declaring that Marco Manolesso had failed in his role of *protettore amorevole*, as Cassich's decision to go to Venice and report the alleged abuse of power committed by Manolesso during his governance seems to suggest.

THE DISAPPEARANCE OF THE HEAD

Although the two vicegerents decided to promptly proceed with the investigation so as to decree in the end the alleged legitimacy of Pastorcich's request, an unexpected event forced them to revise their plan. On that same day, 24 March 1583, they declared to have heard rumours of someone wanting to steal the head from the *pietra del bando* on which it was displayed in order to pervert the course of justice and prevent the obtainment of the benefits provided for the claimant. To avert that, they sent the *vicecavaliere* Matteo Bersinoga to the town square to publish a public notice that was to dissuade anyone contemplating such action:

> *Upon the order and mandate of the illustrious sir camerlengo and sir Francesco Mircovich, vicegerents and representatives of the illustrious sir Conte, it is made known to everyone, be they of any rank, station or position, that they should not dare or in any way presume it is lawful to remove and take away from the pietra del bando the head of the bandit Nicolò Cassich of the late sir Francesco, killed within the boundaries by Zuanne Pastorcich, on whose behalf it has been presented in the public square by sir Tommaso, his brother.*[43]

42 Such banishment penalty was usually imposed by the ordinary judicial authority of the representative of Venice, based on the local statutes and customs and could at times include the so-called *quattro luoghi* (the territories of four localities: Oriago, Lizzafusina, Bottenigo and Gambarare). When inclusive of Venice and its Dogado it was to be considered perpetual (Morari, 1708, 84–88). On a formal level, Venice would generally grant a wide discretion to the *rettori* it sent to Dalmatia, especially in criminal matters. A discretion which, nevertheless, still had to comply with the provisions of local statutes (Orlando, 2013, 30–31). But the essential province that not even the *Conte* himself could afford to neglect was that of careful preservation of the local equilibrium.

43 "*Di ordine e mandato del clarissimo signor camerlengo e il signor Francesco Mircovich, vicegerenti e rappresentanti del clarissimo signor Conte, si fa sapere a chiara intelligenza di ciascuno e sia di che grado, stato e condizione esser si voglia non ardisca, né presuma per qualsivoglia modo farsi lecito alcuno di togliere e portar via la testa, posta e presentata alla pietra del bando in pubblica piazza, del quondam Nicolò Cassich quondam messer Francesco, bandito e dentro i confini ucciso per Zuanne Pastorcich, a nome del qual messer Tommaso suo fratello l'ha presentata.*"

Fig. 4: Town of Pag: Church of Saint Mary of Assumption (photo by E. Hilje). It was inside this church that the head of Nicolò Cassich was hidden, shortly after it had been put on display on the pietra del bando in the town's main square.

Bersinoga readily obeyed the order, executing it in the presence of a "great multitude of people," but shortly thereafter he had to report to the two vicegerents that

> *Shortly after his arrival at the square, Marga, the housekeeper of sir priest Vido Cassich, came there, grabbed the head displayed on the pietra del bando and took it away – as far as he could understand – to the main church.*[44]

It is therefore quite probable that while the two vicegerents were at the Monastery of St. Francis, busy gathering the testimonies of the men who had come forward on

44 "*Ritrovatosi in piazza or ora è venuta Marga, massara di messer pre Vido Cassich, e aver tolto e portato via la testa qual ut supra era presentata sopra la pietra del bando e quella aver inteso che l'ha presentata in chiesa grande.*"

Pastorcich's behalf to identify the head of the bandit, the people had rushed to the square to demonstrate their strong objection to the killing of a member of their community who most certainly was not perceived as a dangerous offender. And a house servant, sent there by the relatives of the murdered man, took care of removing the head of Nicolò Cassich. It was a resounding statement by someone who disapproved not only of the killing of the bandit itself, but also of how and where it had been carried out.

The removal of the head from a public town square was also an expression of explicit disapproval of the investigation being conducted with such urgency, in the absence of the town's supreme representative and on behalf of a member of the local elite who appeared to be moving in phase with Cassich's killers.[45]

In vain did the two vicegerents try to regain possession of the stolen head. First they sent the *vicecavaliere* to the main church in town, where, after speaking with the two brothers of the dead bandit, whom he found sauntering inside, he learned that the head had been locked away in the sacristy and they had no idea where the servant was. Shortly afterwards he returned to the church and forwarded to the Cassich brothers a new and threatening command issued by the vicegerents, but despite being warned of severe punishments they told the *vicecavaliere* they had no intention to deal with the issue. Theirs was a manifestation of open protest against what had happened and the way the investigation was being conducted.

EXPEDIENTS

The next day (25 March), Tommaso Pastorcich came to vicegerent Francesco Mircovich to have him take note of the law passed by the Council of Ten on 10 September 1582 which, among other things, provided that a bandit could regain freedom by killing another bandit.[46] The purpose of this move was to unequivocally highlight the fact that the killing of Nicolò Cassich had been made possible precisely by virtue of a decision adopted by the supreme Venetian body.

However, the series of events that had taken place on March 24, culminating in the removal of the head of the dead bandid, had demonstrated the weakness of the action undertaken by the local authorities in the face of the unexpected reaction of the community. Thus, on 26 March, Pastorcich sought to prove, firstly, that his brother was Cassich's killer through the testimony of several people who would have seen the head of the bandit at his house;[47] and secondly, that the head, after it had

45 Only a thorough study of the local documents could clarify the role of the murdered man's kin in organising the dissent that caught the men at the helm of the local council unprepared. The difficulties subsequently encountered by the two vicegerents and the Pastorciches in gathering testimonies that could corroborate their assertions suggest there was a certain opposition among the various social strata of the local community.

46 To be exact, the law of 1582 was a derivative of that of 1580, which had marked a genuine turning point in the battle against banditry (Povolo, 1997, 157–158, 200).

47 Avoiding this way a formal request to prove, by way of witnesses, that the killing had been his doing and that it had taken place within the boundaries defined in the banishment penalty at a precise place indicated by him.

been displayed on the *pietra del bando*, had been taken away by the housekeeper of the Cassich brothers.[48] But there were scarcely any witnesses who came forward to corroborate his first claim and whose testimony could be taken as some indication that it was indeed Zuanne Pastorcich who killed Nicolò Cassich. Nicolò Mircovich[49] testified that on 24 March he had been prompted by the wife of Zuanne Pastorcich to come by her house:

> *And when I came there I saw that Zuanne Pastorcich was in the house;*[50] *he had an arquebus, a cleaver and a dagger there. Pastorcich, sir Zuanne said to me: 'Sir Nicolò, do you know that last night I cut off the head of Nicolò Cassich to help myself?' Surprised by his words, I then replied: 'How can that be? I don't believe it.' And immediately said Zuanne called me over and said: 'Come here and I'll show you the truth.' Then he went to his room and pulled that head out of a sack. I was stunned, for he was my relative. And Pastorcich asked me if he could help himself with that head. I said: 'I don't know,'' and left.* […]. *Pastorcich told me that he had killed him, and this because he had understood that said Cassich had said to want to put himself to rights again with the head of Pastorcich, and that he had forced himself to do it.*[51]

Given that Nicolò Mircovich was notoriously an enemy of Cassich, the attempt to prove, albeit indirectly, that Zuanne Pastorcich was the killer of Nicolò Cassich resulted essentially in a failure. Thus that same 26 March, Zuanne's brother Tommaso opened a new front, claiming that Cassich, during his banishment, had entertained relationships with the dreaded Uskoks. This was a seriously grave claim, for Venice was in open conflict with those dangerous pirates. Although the inhabitants of the island were not above a modest economic exchange with them, the presence of Uskoks was a source of continuous

48 However, his only alleged witness failed to turn up.

49 Mircovich, although claiming to be related to Cassich through his wife and his mother, appeared from some testimonies to be one of his sworn enemies.

50 Since Pastorcich was himself a bandit, Mircovich wanted to stress that the encounter had taken him by surprise.

51 "*E giunto alla porta vidi che esso Zuanne Pastorcich era in detta casa sua; e aveva un archibugio, una cortella e un pugnale, il quale Pastorcich messer Zuanne mi disse ragionando meco: 'Messer Nicolò sapete voi qualmente io ieri sera ho tagliato la testa a Nicolò Cassich per aiutarmi?' Io allora, ciò sentendo, sbrigatomi di tal ragionamento, gli dissi: 'Come è possibile? Ciò non credo?'. Subito esso Zuanne mi chiamò e disse: 'Venite qui e io vi mostrerò la verità'. Dove, andato in camera sua, cavò fuori da una saccoccia essa testa. Allora rimasi stupefatto, per esser mio parente. E esso Pastorcich mi domandò se si poteva con quella aiutarsi. Io gli dissì: 'Non so', e mi partii* […]. *Esso Pastorcich mi ha detto che l'ha ammazzato e questo perché aveva inteso che il detto Cassich aveva detto che si voleva acconciare con la testa di lui Pastorcich e che sforzatamente aveva ciò operato.*" This testimony clearly wants to justify Pastorcich's actions before the community. Nicolò Cesse, the other witness called to make a deposition on this point refused to corroborate Pastorcich's claim: "It was already some days ago, I don't remember when exactly, but it was a day in this past Lent period, that sir Zuanne Pastorcich, who was at home at the time, called me to come over; I didn't want to go nor did I know what he wanted of me nor have I seen the head."

tensions (Bracewell, 2010, 84–85, 99, 222–223, 274).[52] But even on this point witnesses who could provide any concrete evidence were scarce.[53]

In the meantime, on 4 April 1583, the *Conte* Daniele Moro returned to Pag. Tommaso Pastorcich, dissatisfied with the poor results achieved in the previous days, changed his strategy and produced a new argument with which he directly attacked the person of Nicolò Cassich, suggesting that he was a dangerous man and a disturber of the public peace. According to Tommaso, on the past 17 March,[54] Nicolò had come into town fully armed and forcibly entered the house of Margherita, his spouse, who

> *unsure about the law,[55] jumped out of the window onto the public street, badly hurting her leg, so that at present she is in bed in the home of respectable sir Antonio Xorolich[56] recovering from the fall; since the late Nicolò Cassich was left alone in the house, he had the opportunity to take some of his wife's belongings, he locked the door and took money and other things from the chest* […]. *And that same day, when he left the house, the late Nicolò, armed as I said above, left the town through the gate of St. Velinac.*[57]

And on the 24th day of the same month, added Tommaso Pastorcich, despite his banishment penalty, Cassich had again trespassed beyond the boundaries he was prohibited to cross and was killed by his (Pastorcich's) brother. This veritable subterfuge allowed Pastorcich to avoid having to specify the exact place where the bandit was killed, while portraying Cassich as a dangerous man and a source of unrest in the town.

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52 For the intense economic and social relationships between the Christian and Ottoman worlds in the region of Dalmatia, I refer to Ivetic, 2013, 140–141.

53 The only testimony of any relevance was that of Angelo Ifcich, who recalled that two years previously, as he was taking a walk, he had seen Cassich on a rock and "there was a large number of Uskoks […]. And then these Uskoks plundered a large amount of animals from the Turks." Whereas Zuanne Cassich, who – as it has been already speculated – may have participated in the ambush laid in the night of that past 23 March, declared: "I never saw the late Nicolò Cassich di Molini associate with the Uskoks nor go claiming and plundering anything with them from the Turks."

54 A week before his death, that is.

55 It is telling that the testimony does not say that the woman fled out of fear of the husband, but rather of the possible legal implications, seeing that he was a bandit. It is likely that references to any threats from her husband were avoided because that could have suggested that she was involved in a love affair with one of the locals.

56 One of the judges who passed the decision on Cassich in 1578.

57 "*dubitandosi della giustizia, saltò fuori dalla finestra in strada pubblica e si sinistrò una gamba malamente, così come oggi, da tal buttarsi dalla finestra, è a letto in casa dello spettabile messer Antonio Xorolich; e vistosi il detto quondam Nicolò Cassich esser rimasto solo in casa e avere comodità di togliere delle robe di essa sua moglie, serrata prima la porta e andato alle casse e tolto da quelle denari e altre cose* […]. *E poi il detto giorno, uscito fuori di casa il detto quondam Nicolò armato come di sopra, andò fuori della città per la porta di San Velinaz.*"

Once more, Nicolò Mircovich[58] fully corroborated Pastorcich's version, stating that when he was at the store of Luca Giuricievich he heard someone screaming that Nicolò Cassich had killed his wife and

> *hearing that I jumped into the street and saw that Orazio from Karlobag was holding donna Margherita, wife of said Nicolò Cassich, who was complaining of a broken foot. Afterwards I went to the house of said donna Margherita to see if she was alright, taking my arquebus with me, and I saw aforesaid sir Nicolò Cassich standing on the balcony; as soon as he saw me he withdrew inside. Then I went home and he sent someone over to tell me to have faith and not give him any trouble, for he would not touch anything.*[59]

This testimony, which could not conceal the deep enmity between the two men, was meant to attest to the violent behaviour of Cassich. Giorgio Giuricievich also attested to having heard shouts in the square and that, having hurried there, he found Cassich's wife, who was lamenting. He accompanied her to the house of Antonio Xorolich and headed to the apothecary:

> *And I saw in the house of said donna Margherita, on the balcony, sir Nicolò Cassich of the late sir Francesco, who had been banished from lands and places, and when we talked I told him that Nicolò Mircovich was waiting for him with an arquebus because he did not want him to take anything out of the house or he would have killed him, to which Cassich replied that he hadn't taken anything and had only come to see his wife.*[60]

This testimony tended to weaken the claims of Nicolò Mircovich and, in truth, many other witnesses limited themselves to relating the presence of Cassich at the house of his spouse, stressing how evidently he regretted her fleeing and falling. Marin Bellotich reported to have seen and heard the bandit Nicolò Cassich

58 This testimony, like those subsequent, was heard on 12 April 1583, a week after the return of the *Conte*.

59 "*ciò sentendo saltai fuori dove vidi che Orazio da Scissa teneva madonna Margherita moglie di esso Nicolò Cassich e si lamentava che aveva rotto un piede. Andato poi alla casa di essa madonna Margherita per veder che non le succedesse danno, avendo prima preso l'archibugio, vidi messer Nicolò Cassich suddetto che era al balcon; e vedutomi si tirò dentro. Di poi andai a casa mia e lui mi mandò a dire che gli dessi la fede di non fargli dispiacere perché non avrebbe toccato cosa alcuna.*"

60 "*E vidi in casa di essa madonna Margherita, cioè al balcone, messer Nicolò Cassich quondam messer Francesco, il quale era bandito di terre e luoghi, che ragionando con lui disse che messer Nicolò Mircovich capo l'aspettava con l'archibugio perché non intendeva portasse roba via fuori di casa, altrimenti l'avrebbe ammazzato, per il che lui Cassich mi rispose che lui non le aveva portato via di casa cosa alcuna, ma che era venuto da sua moglie.*"

who was at the house of Margherita, his wife, here in the territory of Pag, it could have been around two in the afternoon; I hadn't seen him leave or enter the territory, he was alone, talking to Orazio, the soldier from Karlobag, and saying he regretted that his wife had jumped over the balcony and that he hadn't done anything to hurt her.[61]

The head stolen from the *pietra del bando* had triggered an almost surreal representation, shifting the attention and the interest of the authorities and the community at large from the killing of Nicolò Cassich to his controversial image, which the banishment penalty clearly had not managed to damage completely. It is probable that the interests of Cassich's adversarial kin and of his killers coincided with that of the Venetian representative, who had every interest in putting an end to an episode that could further inflame the minds, threatening to spill over the boundaries of the island and eventually reach the "most serene city."

However, the issue was not only the stolen head, but also and even more so that the killing had been committed in a sacred place dedicated to the worship of a saint and to the supernatural world of which she was a revered intermediary. This was an unacceptable event, even sacrilegious, which could stir up divine wrath – one which, ultimately, could not be ignored.

BETWEEN THE SACRED AND THE PROFANE

For centuries, churches and the adjacent space were considered sacred ground that provided protection to anyone seeking refuge in them.[62] Particularly during the Middle Ages, they guaranteed immunity even to people who would take refuge in them after committing a crime:

The fugitive might be required to pay a fine, forfeit his goods, perform penance, or go into exile, but almost without exception his body and his life were to be preserved. (Shoemaker, 2011, 169–172)

The purpose of such protection was essentially to break the circle of violence and retaliation which had its roots mostly in the widespread networks of enmity and vendettas characterising mediaeval and early modern societies. In political and social contexts in which the resolution of conflicts was entrusted

61 "*che era in casa di Margherita sua moglie, qui nella terra di Pago, che questo poteva esser due ore di giorno, né l'ho veduto uscire, nemmeno entrare nella terra, solum ragionava con Orazio soldato di Scrissa, dicendo che gli dispiaceva che sua moglie si avesse gettata fuori dal balcone e che non le aveva fatto dispiacere.*"

62 A controversial and overcenturies diversely interpreted matter: "The material refuge provided by altars and temples and cemeteries, which have always been respected by cultured peoples as repositories of the wretched remains of common humanity, was extended to sacred fields, vast enclosures attached to churches and, where these were lacking, to a large adjacent space." (Cristiani, 1766, 7)

to parental and community structures or regulated by a judicial system not essentially characterised by punitive instances, the sanctuary had the function of containing violence and facilitating a phase of truce and peace (Schuster, 2003, 62–63). Such holy and parental dimension to the right of sanctuary, notably from the beginning of the 16th century onwards, was eroded by secular power, which introduced an important series of exceptions, particularly in relation to crimes considered particularly grave (Shoemaker, 2011, 169–172).[63] Although the matter was interpreted in controversial ways,[64] sanctuary was nevertheless granted even to people who had been banished from a certain territory, as long as they had not committed any particularly grave crime.[65]

Nicolò Cassich had been banished for the crime of lese-majesty,[66] deemed one of the most grave and in relation to which neither ecclesiastical nor secular authorities were willing to guarantee the right of sanctuary. But what was the perception of the community from which he had been permanently excluded following the severe sentence passed by a judicial authority that invoked an eminently political logic?[67] It is very likely that his reaction to the *Conte* Marco Manolesso had been at least understood if not justified by a part of the community of which he was a member. Had not that Venetian governor ultimately failed in his role of *protettore amorevole*, imprudently interfering in the dynamics of local enmities or, worse still, arbitrar-

63 In this regard, the author recalls attention to some statements made by the jurist Giulio Claro as well as the bull issued by Pope Gregory XIV in 1591, which granted secular authorities the power to remove from the sacred ground persons accused of grave crimes. The matter was nevertheless subject to various interpretations, as jurist and cardinal Giovan Battista De Luca observed in relation to famoso ladrone (robber operating in the public street), who was theoretically excluded from the sanctuary: "Modern writers are in error to interpret the law according to letter alone, when, as we have said, it should be interpreted according to the spirit, i.e., the purpose or reason behind the law […]. If there should be a peasant bandit who disturbs the Republic with blackmail and retaliation and other grave damages, but who, in an impulse of honour, which is customary even among thieves, would not deign to go out and rob in a public street, he should not be considered as included in this exception. However, everything should be interpreted with due discretion and prudence, considering (as we said) principally the spirit rather than the letter of the law." (De Luca, 1673, 32–33). Paolo Sarpi, a legal consultant, had a much different opinion, invoking in his writings a firm intervention of secular powers that would drastically limit the right of sanctuary, much more severely than it had been proposed in the bull of Pope Gregory XIV (Pin, 2021, 111–112).

64 Giovan Battista De Luca remarked: "The great diversity of laws and styles of princedoms makes it quite impossible to establish definite and general rules that would be universally applicable." (De Luca, 1673, 12).

65 "If the exiled and banished have not committed any of the crimes excepted, they also enjoy ecclesiastical impunity, as Giulio Claro and others claim, including, later, Prospero Farinacci" (Perrimezzi, 1731, 59–60).

66 De Luca himself, when reflecting on the *eccezioni* (exceptions) cited in Pope Gregory's bull and interpreting them in the spirit of the law, remarked about the crime of lese-majesty: "it is not very likely that a person under investigation for the type of lese-majesty described in the bull, unless manifestly insane, would want to reduce his safety to such sanctuary" (De Luca, 1673, 28).

67 Also, we should not lose sight of the fact that Cassich, having been previously banished by the Venetian *Conte*, was certainly not in a most favourable position to produce a defence.

ily pursuing his own personal gain? And that killing in the church, could it not, in turn, have been seen as a true violation of that right of sanctuary which not even a bandit could be denied? Tradition and customs regarded the sacred ground as a space in which the law was not allowed to interfere and, moreover, a space which even the conflicting dynamics driven by enmities should consider as the insurmountable limit. The threshold of the sacred place, even before becoming an inalienable right of sanctuary, symbolically denoted the entrance to the supernatural world.

However, during the 16th century the political and social climate underwent a profound change. The legislation on banditry adopted by the Council of Ten reflected fear of a phenomenon that had to be unreservedly contained; in particular because robberies and assaults on couriers carrying valuables had become much more frequent. Ravages of private possessions and property were often carried out for reasons of retaliation and vendetta. The granting of rewards and benefits quickly spread across the state, finding foothold in the web of animosities that still deeply permeated the society of that time.[68] It was inevitable that sacred grounds themselves would become a space no longer impenetrable and that increased conflicts between antagonistic groups would extend even to within the very churches.[69] It is no coincidence that Tommaso Pastorcich, to condone the cruel killing of Nicolò Cassich, would rush to submit to the magistrate clerk's office a copy of the 1582 law that granted freedom to a bandit who killed another person inflicted with a similar banishment sentence.

But the removal of Cassich's head was most probably an expression of the dissent in relation to his tragic killing at the hands of those who were considered his enemies in collusion with Venetian authorities. His killers had done everything to depict Nicolò Cassich as a dangerous bandit and, above all, they aspired to obtain the rewards and benefits promised by exploiting his severe sentence. His killing on sacred ground could ultimately be condoned given the political and social climate ignited towards the end of the century. In spite of the reluctance among some members of the community to validate this action, the Venetian *Conte* Daniele Moro was certainly inclined to close this matter and grant the requests made by Cassich's killers, as he had not opposed the formulation of those arguing points which, in truth, did not really address the dynamics that had led to the bandit's death.

THE "MIRACLE" OF ST. CATHERINE

But there was at least one issue to address, if not solve, before granting Pastorcich his benefits. Had the killing taken place on the threshold of the church

68 The killing of a bandit sentenced to the penalty of banishment thus became entirely legal, as one's enemy had become an enemy and opponent of the State. Citing self-defence as a reason, it was possible for a person to obtain a gun licence, which was extended to their whole suite, and set out on a veritable manhunt after the bandit turned public enemy. It seems obvious therefore that even sacred grounds could become settings of the most brutal violence (Povolo, 2018, 139–142).

69 For a more extensive record of cases, cf. Carroll & Cecchinato, 2019, 573–575.

or inside it?[70] How to justify an attack so cruel on sacred ground? Naturally, with a skilful manoeuvre that in the end, paradoxically, took on the contours of a miracle. Two witnesses, who had almost certainly participated in the bloody ambush were called on 16 April 1583 to testify in the presence of the Venetian *Conte* in relation to an all but insignificant question that had probably been put and suggested to them by the Pastorcich brothers: was Nicolò Cassich killed outside or inside the church?[71]

The first to depose was Zuanne Cassich, who, as we have seen, had been present at the inspection of the corpse. He said:

> *I know, having gone to see this corpse before sir Zuanne Giardulich conducted the inspection, that said corpse was outside the church. Then I entered the church and saw that the stone where the priest stands in the middle of the altar was stained with blood. And I saw there a piece of flesh from the neck and I even recognised a piece of brain. When I was called to witness* [the inspection] *by the vicecancelliere and went there with him, said body was not there, it had been dragged into the church; but I don't know if the man was killed inside or outside the church.*[72]

Antonio Rumorich, who was also a witness to the inspection, testified:

> *It is true that before the inspection of the dead body of the late Nicolò was carried out, I saw his body outside the church, near the door, because the bruises from the blows when his head was cut off were visible, the ground was trampled and blood could be seen. Afterwards, sir Zuanne Giardulich made the inspection and said body had been carried into the church* […]. *I don't know if said late Nicolò was killed in the church or outside the church* […]. *When I first saw him he was outside the church.*[73]

70 The threshold which – as the young beggar realised – was guarded by two men armed with a scimitar.

71 The killers could rely on the fact that the beggar they surprised that night inside the church fled in a hurry as soon as had heard arquebus shots, without recognising the men participating in the ambush.

72 "*So che, essendo io andato a veder questo cadavere, prima che messer Zuanne Giardulich togliesse il viso reperto, il qual cadavere era fuori dalla chiesa. E poi entrato in chiesa vidi la pietra dove sta il prete in piedi per mezzo l'altare qual era insanguinata. E vidi un pezzo di carne di collo e anche ho conosciuto un pezzo di cervello. Di poi, chiamato per testimone con il vicecancelliere, essendo andato, ivi non era il detto corpo, ma tirato in chiesa, ma però non so se è stato ammazzato in chiesa o fuori.*"

73 "*E' vero che prima di quello fu tolto il viso reperto del cadavere del quondam Nicolò, il corpo del quale io l'ho veduto fuori della chiesa, appresso le porte, perché si vedeva le botte che erano state date nel tagliar la testa, che era pestata la terra e si vedeva il sangue. Di poi messer Zuanne Giardulich andò a togliere il viso reperto e il detto corpo era stato menato in chiesa* […]. *Mi non so se il detto quondam Nicolò è stato ammazzato in chiesa, ovvero fuori di chiesa* […]. *Lo vedessi fuori di chiesa la prima volta.*"

Surprisingly, that headless body appeared to have, miraculously and at its own initiative, dragged itself into the church. Of course, the two witnesses could no longer hide having been part of the group who had killed Nicolò Cassich, as they met that night near the Church of St. Catherine. Zuanne Cassich had seen the corpse outside that sacred place, but he did not add that it was missing the head. He had also noticed the trail of blood and flesh near the altar. When he returned with the *vicecancelliere*, the corpse had been put inside the church. Antonio Rumorich provided a very different account: he said he had noticed the headless corpse outside and added particulars that seemed to confirm that Cassich had been killed there. But he never said to have entered the building.[74] Indeed, the two testimonies seemed to contradict one another, for Zuanne Cassich reported that the traces of that cruel killing were plainly visible inside the church.[75] Both concurred, however, that after their leaving someone dragged Cassich's body inside the sacred building. But none of them wanted to openly confirm that the killing had been carried out on this side or the other of the threshold of the sacred place. If, as is quite probable, they took part in the ambush, their testimonies aimed at indirectly corroborating Pastorcich's words, ascribing to others the subsequent moving of the corpse to within the church.

Still, that was already enough. The following day Daniele Moro granted Tommaso Pastorcich the *fede* (certificate) of the killing carried out by his brother and on 26 April forwarded the prepared case file to *Avogaria di Comun* (public prosecution). On 18 August 1583, Zuanne Pastorcich formally delegated the power of attorney to his brother Tommaso, authorising him to cede and sell the benefit obtained from the *Conte* of Pag for the sum of money that he would deem appropriate. And finally, in a notary act drawn up on 29 September 1584, Tommaso Pastorcich declared to have ceded the acquired right to the Venetian patrician Luca Tron, who, after several unsuccessful attempts, in December 1585 finally managed to obtain his liberation from the Council of Ten.[76]

Zuanne Pastorcich had evidently renounced the possibility of obtaining release from his own banishment penalty: perhaps out of desire for profit; or, simply because he felt that his return to the Isle of Pag would not be welcomed, for he had left behind a score that Nicolò Cassich's kin would undoubtedly be eager to settle.

What happened that night at the Church of St. Catherine was perhaps destined to leave an indelible mark on the community. During his visitation in 1603, the

74 Clearly, his intention was to confirm the assertion made by Pastorcich, who, as it has been shown, had claimed that the bandit was killed "near the Church of St. Catherine."

75 As Rumorich himself had stated in his first deposition. Also, during the inspection of the body of the crime the vicecancelliere had not noticed any traces outside the sacred building.

76 On 7 October 1581, Tron, accused of theft, had been relegated to the Isle of Cres for fifteen years. Opposing his liberation was *avogadore di comun* (public prosecutor) Alvise Michiel, who had received several threats from Tron upon opening an investigation against him. For this reason, many councillors had repeatedly voted against his release from the banishment penalty.

Fig. 5: Isle of Pag, the area of Murvica: ancient remains of the Church of St. Catherine, located to the north-west of the town of Pag (photo by E. Hilje).

apostolic visitor Michele Priuli confirmed that the church "near the town" had been "profaned and destroyed" (Hilje, 2011, 158).[77] Was that in consequence of what had happened that night twenty years prior? Had the incident perhaps led someone to destroy its remains? Although it had been committed against a bandit, accused of a crime considered grave by the political authorities, the killing of Nicolò Cassich was probably deemed a genuine desecration that could not be ignored or rectified that easily, as it contaminated the sacredness of a place leading into the supernatural world.

77 Michele Priuli, bishop of Vicenza, had been appointed apostolic visitor to Dalmatia by Pope Clement VIII, with the approval of the Venetian College (*Collegio*). His task was to promote the Trent reform. Interestingly, in addressing the supreme Venetian body, Priuli observed: "I know that with those peoples of Dalmatia, out of respect for their poverty and the border they have, it is reasonable and a duty to keep them all the more inclined to a faithful obedience to this Most Serene Dominion, to handle them with utmost dexterity and consideration; I am also aware that one cannot expect to enforce in those parts certain terms of the reform that are, by God's grace, already in place in these parts, subject to Your Serenity" (Mantese, 1974, 139).

OSKRUMBA.
UBOJ BANDITA NICOLÒJA CASSICHA (PAG, 1578–1583)

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POVZETEK

Spomladi 1583 je bil v poljski cerkvi sv. Katarine, oddaljeni kakšen kilometer od obzidja mesta Pag, ubit neki moški. V preiskavi, ki so jo lokalne oblasti nemudoma sprožile, je bilo ugotovljeno, da gre za Nicolòja Cassicha, člana ene od najuglednejših družin na otoku. Njegov morilec, Zuanne Pastorcich, je takoj zahteval, da se mu priznajo nagrada in ugodnosti, predvidene s strogimi zakoni o javnem redu, ki so jih beneške oblasti sprejele proti koncu 16. stoletja, saj so Cassicha zadrski mestni načelniki, t. i. rektorji (Rettori), leta 1579 obsodili na izgnanstvo zaradi razžalitve Veličanstva (izgnana oseba oziroma bandit pa se je lahko »rehabilitiral« z ubojem drugega izgnanca). Cassich je bil obtožen, da je na javnem mestu objavil pamflet proti Marcu Manolessu, ki ga je leta 1575 beneški Veliki svet izvolil na položaj načelnika otoka Paga z nazivom grof (Conte). Čeprav je paški mestni svet sklenil, da se v Manolessovo čast na javno zgradbo izobesi simbol, ki bi slavil njegovo upravljanje, pa beneški predstavnik verjetno le ni izpolnjeval vseh zahtev, ki mu jih je nalagala njegova vloga predstavnika Beneške republike, s čimer je izzval nasilen odziv Nicolòja Cassicha. Glava ubitega izgnanca je bila postavljena na ogled na tako imenovani razglasni kamen (pietra del bando) na mestnem trgu Paga, da bi ljudje prepoznali in pod zaprisego potrdili njegovo identiteto, s čimer bi njegov morilec postal upravičen do nagrad, predvidenih z zakonom. Vendar je iz prvih izjav prič postalo jasno, da je morilec deloval skladno z nekaterimi vidnimi predstavniki lokalne elite, zagotovo pa ne s soglasjem večine skupnosti, ki je bila verjetno mnenja, da je bilo Cassichevo stališče glede Marca Manolessa upravičeno. Nestrinjanje skupnosti je bilo toliko glasnejše, ker je bilo moškemu kruto odvzeto življenje na svetem kraju, ki bi mu moral zagotavljati božjo zaščito. In tako se je, med odvijanjem preiskave, iz množice, zbrane na trgu, iztrgala neka ženska, pograbila Cassichevo glavo in jo odnesla v glavno mestno cerkev. Čeprav je morilcu nazadnje uspelo pridobiti zahtevane ugodnosti, pa preiskava lokalnih oblasti ni mogla prikriti dejstva, da je bilo hudo kaznivo dejanje storjeno ob samem vznožju cerkvenega oltarja. Avtor v članku obravnava temo nasilja na svetem kraju v zgodovinskem obdobju srditega boja proti banditizmu, pri čemer se poglablja v tedanjo družbo, prežeto s sovražnostmi, a hkrati zaznamovano z neustavljivim pozivom tradicionalnih vrednot in običajev.

Ključne besede: banditizem, nasilje, otok Pag, Dalmacija, Beneška republika, sveti kraji, oskrumba, običaji, sovražnosti

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