

KANUNI I LEKË DUKAGJINIT
THE CODE OF LEKË DUKAGJINI

Albanian Text Collected and Arranged

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CHAPTER THIRTEEN

BOUNDARIES

LVII

“Land Boundaries are not Movable”

§ 238. The boundary is constructed with large, towering rocks thrust into the earth and exposed above it. An aged tree may also serve as a boundary.

“The boundary stone has witnesses behind it.”

§ 239. The boundary stone has witnesses around it. These are six or twelve small rocks which are buried in the earth around the boundary stone.

§ 240. When boundaries are fixed, aside from the households concerned, there must also be present Elders of the village, Elders of the Banner, and as many young people and children as possible from the villages of the district, so that the boundary will be retained in memory.

§ 241. Every tract of land, whether field or meadow, garden or vineyard, small forest or copse, woodland or pasture or house grounds, village, Banner, or house—all are divided by boundaries.

§ 242. “Once boundaries are fixed, they are never moved again.”

§ 243. In the view of the Kanun, the bones of the dead and the boundary stone are equal. To move a boundary is like moving the bones of the dead

§ 244. Someone who wishes to set a boundary or restore a forgotten one must take and bear on his shoulder a rock and a clod of earth, and leading the two households, or the two villages, or the two Banners, must fix the new boundary or indicate the traces of the old boundaries.

§ 245. With the rock and earth on his shoulder, the Elder who leads in the division of the old boundaries, must swear before he begins.¹

§ 246. According to the Kanun, the forms of the oath are these:

1) “By this rock and earth (or by this weight), with which I charge myself, by what I have heard from my forebears, the boundary points are those that I declare to you now and, to the best of my knowledge, I do not injure anyone’s interests.”

2) “By this weight, here and here were the previous boundaries, and here I set them too. May I bear it in the next life if I deceive you!”

3) “By this weight, which will burden me in the next life [if I lie], these are the old traces of the boundaries, as my grandfather informed me; he herded goats in accordance with them when he was a child. He has taken on himself into the next life the burden of truth that the boundaries are here and here, and I too take upon my soul the truth of his word.”

1) Let them, putting earth on their heads, wearing chaplets [of red flowers] and red dresses, being sworn each by [the rewards for] his meritorious deeds, settle [the boundary in accordance with the truth. (Laws of Manu, Book 8, 256.)

Note: The *Mānava Dharmaśāstra* (Laws of Manu) contains many points regarding boundaries which have much in common with the traditions of our Albanians.

4) "May I bear this weight in this life and the next if I do not indicate honestly the old boundary."

§ 247. When the oath of weight is taken (i.e. the weight of the boundary stone on the shoulder), no one may move the boundary.

§ 248. If the Elder has been given the stone and the clod of earth, and he has placed them on his shoulder to declare the boundary, no one may stop or hinder him, but he is told: "Go ahead, and if you do not act justly, may you be burdened with this weight in the next life!"

§ 249. When the Elder has set the

boundary, he must place his hand on it and say: "If anyone moves this stone, may he be burdened with it in the next life!"

§ 250. If someone moves the boundary in order to cause discord between one household and another, or one village and another, or one Banner and another, instigated by promises of reward or seeking such, he will be punished with dishonor and will also bear the cost of the damage that he caused by creating this discord.¹

§ 251. If a murder results from the mischief relating to the moved boundary, the person who caused the mischief must be fined 100 sheep and one ox, and is executed by the village.

LVIII

"The Boundary Does Not Twist"

§ 252. In order to avoid any misunderstandings, the boundary does not twist and

turn or zig-zag, but must go in a straight line.

LIX

The Boundary Won with Blood

§ 253. If a person enters within someone else's boundaries without knowing that it is private property, and if no one stops him or calls out to tell him that he has trespassed, even if he does some damage and is brought to account, he is not liable for the damage he has done, but only for having trespassed.

§ 254. If, because of the boundaries, clashes occur between brothers, cousins, clans, or villages, and a hundred people are killed, even though destruction occurs, the boundaries are not moved. The pledges of the Elders must settle the matter.

§ 255. If the murder occurs at the time of setting the boundaries, or if the murder takes place among herdsmen in the mountains, caused by a conflict over the bound-

aries of the pasture in the mountain or valley, then discussions are broken off. "He demanded from me the pasture-rent, and I turned the iron [i.e. the rifle] and the trigger on him." A cairn is raised there over the murdered man, and it remains the boundary point.

§ 256. The stones of the cairn remain a boundary forever.

§ 257. In the event that two people kill each other, shot for shot, at somewhat of a distance from each other, the boundary of one area remains the cairn of the one, and the boundary of another area, the cairn of the other.

§ 258. The place between the two boundaries remains the property of the two areas.

¹) "May he be cursed who removes the boundary marks of his neighbor, and all the people will say, 'Amen.'"

§ 259. If the man who is shot does not die immediately, but is able to move, the place to which he goes, staggering, and dies, even beyond another border, wherever he enters, falls, and, weary from his wound, dies, there the cairn is built. That cairn remains as a border, even if it is on someone else's property.

§ 260. The property remains to that village and Banner to which the murdered man belonged, he who urged himself on, and there is no man who would dare move the cairn that remains as a boundary, since it was won with blood and a broken skull.

§ 261. This right exists only for a murder because of a boundary and not for any other murder.

LX

The Boundary Won by Means of a "Thrown Rock" or a Carried Slab

(In former times, when there were no rifles, boundaries were set by means of thrown rocks for those that were close, while for those that were distant, a slab or rock of the largest possible size was carried.)

§ 262. The two disputing Banners should each find a strong man, and the setting of boundaries should be decided by them.

§ 263. With a thrown rock: The one who throws the rock furthest wins that

territory for his Banner. More precisely: If I throw the rock further, I take the territory from you; if you throw it further, you take it from me.

§ 264. By carrying a rock on the back: The slab or rock is carried in turn by the two men. The territory belongs to the Banner of the one who carries it furthest. (In the plans of Lugje, in Mal Shëjt, and in the mountains of Orosh.)

LXI

The Boundary Established by the "Axe"

§ 265. If I need to cut down some trees, either because I do not have pasture or because I cannot find the wood that I need, I take my axe and go into someone else's upland pasture. Due to the noise of the axe, the guards of the pasture come and find me cutting up a fallen pine tree.

§ 266. If the trespasser quickly uses all his strength and drives the axe into the trunk of the tree so that the pasture guards cannot remove it, the border at that point

belongs to the Banner of the one who wielded the axe. (This occurred in the case of Gjokë Buça of Kacinar with Kushne.)

Note: The borders won with blood, with thrown rocks, and with the axe must be considered to date from the time of the law of the Giants, since, in order to win them, strength was used to defend property and honor. This may be understood even more clearly when we begin to examine the customs of our mountains.