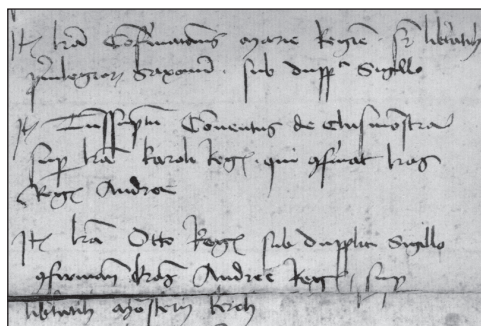


# Preserving Charters in Late Medieval Sibiu

ADINEL C. DINCĂ



National Archives of Romania,  
Sibiu County Service: U. V, no. 1160

## Adinel C. Dincă

Researcher at George Barițiu Institute of History, Romanian Academy. Co-editor of *Documenta Romaniae Historica*, vol. 16 (2014). Author of several studies on medieval Transylvanian literacy and church history.

**T**HIS PAPER, which is part of a larger research project concerning pragmatic literacy in medieval and early modern Transylvania, deals from a theoretical and methodological perspective with the very first stage of archival activity in the medieval town of Sibiu (Hermannstadt, Nagyszeben), the most important settlement of the so-called “German colonists” (*hospites Theutonici* or *Saxones*) in the pre-Reformation time.<sup>1</sup> Such a rather general perspective is supported additionally by various examples provided by Transylvanian sources from the second half of the 15<sup>th</sup> century: firstly, a very interesting documentary mention from 1476 regarding the activity of keeping records in Sibiu; secondly, fragments from what seems to be a register of privileges received by the town from Hungarian kings, dated 1463; and finally, copies made in the 1400s of previous documentary texts, without any attempt of authentication, just as a simple and practical means to preserve

This paper, which is part of a larger research project concerning pragmatic literacy in medieval and early modern Transylvania, CNCS PN-II-ID-PCE-2012-4-0579: “Între public și privat: Practici ale scrisului în Transilvania (sec. XIII–XVII)” (2013–2016).

the text itself and, perhaps, to spare the still existing original of damaging and unwanted manipulation. All these references to the beginning of the archival procedure in Sibiu were never discussed within the same historical context, although some of them are not entirely unfamiliar to the historians investigating medieval Transylvania.

Archives of the Latin Middle Ages<sup>2</sup> were primarily (or at least initially) more or less improvised solutions for preserving and depositing written legal evidences, serving as assurance for individuals, groups of persons or institutions. Under such circumstances, single documents and other legally relevant records (even in form of books, rolls, registers etc.) were held to be used in conflict situations as evidence for claims, control and ownership over any kind of rights. Medieval archives evolved gradually, starting as repositories of the churches (called *conservatoria* or *sacristiae*),<sup>3</sup> and they cannot be seen as impressive structures, according to the contemporary bureaucratic understanding of the expression. In general, the documents were stored together in a place considered safe, usually in towers, churches, in chests, crates or boxes (*scrinia*, *armaria*, *cistae*, *ladulae* etc.). Such pieces of furniture or containers may alone designate and define entire archival structures. In this sense, it is often appropriate to speak of “archival activities” or “developments” rather than of archives, especially when not highly evolved administrative bodies are discussed, the medieval Papal Curia being the best example in this respect.<sup>4</sup>

One more theoretical aspect must be mentioned in this stage of the present discussion, namely, the necessary distinction between the administration of the received archival material and the practice of keeping records concerning the charters and letters issued by a certain person or institution. The first “type” of archival activity is usually the most common one and implies the preservation of texts in their original issuing form, sometime along with various copies of those originals. The so-called “issuer’s archive,” which consists of registered copies of the already sent documents, requires a more complex organization of the scribal activity and certifies a professional perspective on dealing with official or technical literacy.

City or municipal archives<sup>5</sup> are a vital element for the European medieval urban experience, a central contribution to the legal, social, and economic evolution of the phenomenon. The urban setting of the High and Late Middle Ages is in the first place an entity established on legal foundations, entitlements and immunities, granted in writing according to the existing customary law usually in a very official form. The imperative necessity of preserving unaltered the original version of these privileges and concessions expressed itself quite early: there are known European examples from the 13<sup>th</sup> and the 14<sup>th</sup> centuries, quoting that city records were explicitly to be consulted in the storing room and were not

to be removed from their place, or, if somehow damaged or destroyed, copies of the lost privileges had to be urgently obtained.<sup>6</sup> Archival activity within the walls of the medieval city becomes therefore, quite soon, an essential part of that principle of discipline and order, which governed all the efforts of the urban administration, being also an indicator in certain situations of the advanced level reached by a particular urban settlement. An important step towards the professionalization of the urban administration was the introduction of town books: registers of documents issued by the town, of cases brought before the local court or merely accounts lists. At first, such town books have miscellaneous content, but in time they grow more and more specialized. Since the entries in such municipal registers were considered to possess legal value, writing and keeping them was subject to strictly observed rules. A final stage in the development of the municipal administration and its dealing with the written records can be identified in the registration of issued and/or received documents.

The archival activity in medieval Hungary<sup>7</sup> follows the same general pattern of evolution known in the entire experience of Latin Europe. There are however some particular notes and key elements, the most important one being the central role played in the history of Hungarian pragmatic literacy by the network of designated ecclesiastical institutions (cathedral chapters, collegiate churches or convents). This chain of notarial offices called places of authentication (*loca credibilia*) had as a primary task to meet most of the requirements on legal and administrative writing that rose constantly not only on an administrative level, but also on a private one.<sup>8</sup> Urban settlements developed meanwhile particular solutions both for issuing legal documents, but also for how to store and protect texts of capital importance. One of these parallel ways was the use of notaries public, a typical institution for the medieval town, who were responsible mainly for drafting legal acts that needed recognition outside the land. For the internal correspondence and written communication the town's own notaries were responsible not only for composing letters, but for the administration and storage of documents.

The above sketched development lasted long, from the second half of the 13<sup>th</sup> until the middle of the 14<sup>th</sup> century. Sibiu shows some delay in this evolution. Its earliest surviving charter was written in 1291 and was issued in the name of town's council and community. During the most part of the Angevine era (1308–1387), both charters and notarial instruments remain exceptions within the written output of Sibiu. From the 1360s–70s however there is an obvious increase in the local literacy: fragments of the first municipal protocols and accounts<sup>9</sup> or the earliest entries in the book of the parish church<sup>10</sup> are typical examples of accumulation that led to the situation briefly addressed in this paper. Not only the geographical distance, which separated Sibiu from the nearest

authentication place in Alba Iulia, the residence of the Transylvanian bishop, but also the quarrel between the two bodies, the bishopric and the German settlers, mostly over some tithes, was sometimes expressed very violently; thus, the archives of the emerging new community of Sibiu must be seen in relation with the local parish church. Such a solution of the earlier record keeping by ecclesiastical institutions was not unlike to be met in various other situations throughout the medieval Kingdom of Hungary. At this stage of research a single piece of evidence suggest the involvement of the local church in the pragmatic literacy of the settlement—a charter issued by the head (*decanus*) of the administration unit of several local churches (*Landkapitel*) in the region of Sibiu was sealed with the same seal usually used by the municipal authorities to authenticate their own writs.<sup>11</sup>

Such murky beginnings didn't draw too much attention from historians, rather interested to step onto the solid ground of the 16<sup>th</sup> century (especially its second half), when the evolution of the municipal archive in Transylvania is better articulated.<sup>12</sup> At that time archives were present in all Saxon urban centers, and even villages kept medieval documents in the archives of village communities.<sup>13</sup>

There are however some documentary evidences from the 15<sup>th</sup> century that link the first stage of the archival organization in Sibiu in the 14<sup>th</sup> century to the full development after 1540 and the adoption of the Lutheran Reformation by the Transylvanian Saxons.

The first evidence to be discussed is a letter from 1476 written by magister Paulus, the notary of the Transylvanian German town of Braşov (Brassovia or Corona, Kronstadt, Brassó) to his employers, *iudici et ceteris iuratis civibus civitatis Brassouiensis*. Paulus reports about various issues, including a dispute of some urban settlements with the cathedral chapter in Oradea (Waradinum, Nagyvárad). In order to settle this quarrel caused by the toll (*teolonium*) imposed by the ecclesiastical party, the Transylvanian towns were supposed to present written privileges (*instrumenta et privilegia*). The notary, as a representative of his town, admits clearly to be unprepared in this respect (*de quibus a vestris prudentiis nichil audivi neque me avisatis*) and further suggests that this matter is to be dealt with in the same matter as Sibiu did: *nos literas et privilegia certa in ladula nostra repositis desuper habeamus, quem admodum ipse Cibinienses triplicia sua privilegia adduxerunt*.<sup>14</sup> Despite the diffuse meaning of the expression *triplicia privilegia* (perhaps privileges replicated in three authentic specimens), the addressed document indicate a superior level of organizing the archival activity in Sibiu, in comparison with the competing town of Braşov.

The municipal authorities of Sibiu decided as early as 1463 to deposit 40 privileges of the Hungarian kings or their confirmations issued by places of au-

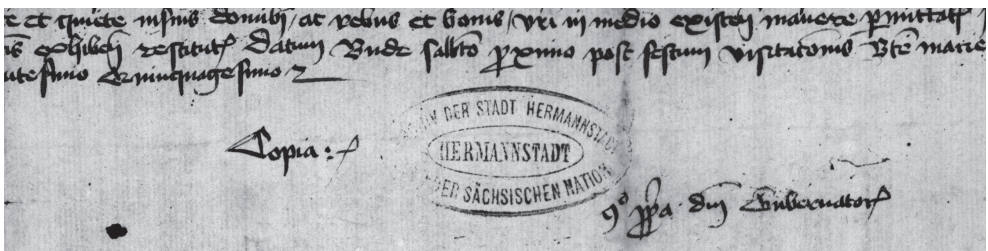
thentication in a small box (*litteras omnes repositas in ladula parva provincialium*), kept in the house of the mayor: . . . *provinciales . . . reperimus et deposuimus partes diversas privilegiarum, transumptuum regum et capitulum in numero quadraginta in domo Ladislai Henleni, tunc temporis magistri civium*. The surviving form of the document presents itself as a list of regests, describing the content of each royal or notarial letter preserved by the town's archive.<sup>15</sup>

*Item littera confirmationis Marie regine super libertatibus / privilegiorum saxo-  
num, sub dupplici sigillo*

*Item transumptum conventus de Clusmonostra / super littera Karoli regis, qui  
confirmat litteras / regis Andree*

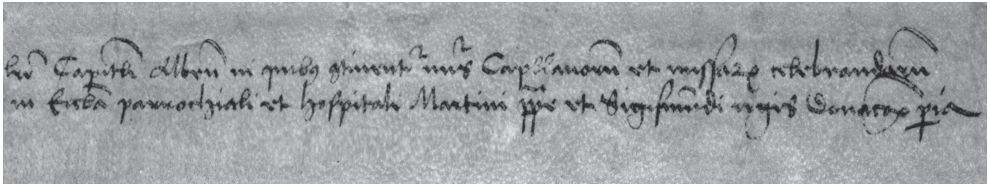
*Item littera Otto Regis sub dupplici sigillo / confirmando litteras litteras Andree  
regis, super / libertatibus monasterii Kerch*

There is also a third course of action in Sibiu proving the archival developments in the 15<sup>th</sup> century. The practice of producing simple copies (displaying no signs of authentication) by the town's notaries seems to have been a common way of preserving documentary texts. A full survey of such copies has not been yet undertaken; however illustrations of this procedure are frequently met in the old collections of charters preserved today in Sibiu. For instance, a 15<sup>th</sup> century copy of a charter issued by the King Sigismund of Luxemburg in 1418<sup>16</sup> or a transcription of a document issued by John of Hunyad from 1450, specifically marked by the contemporary scribe as *copia*.<sup>17</sup> Copies of this kind proved to be also a means to (intentionally?) spread forged documentary texts.<sup>18</sup>



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Other specimens of this type present dorsal annotations in form of brief abstracts of the letter's contents.<sup>19</sup>



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*Littere capituli Albensis, in quibus continentur numerus capellanorum et missarum celebrandarum / in ecclesia parrochiali et hospitali Martini pape et Sigismundi regis donatarum paria.*

The few cases brought up above are to be seen as samples of a complex archival activity that took place in Sibiu during the 15<sup>th</sup> century. However, this municipal archive of Sibiu was, at that time at least, primarily a recipient's archive, as there are no indications that the magistrate kept any records of issued acts. The quoted examples require further analysis, so the present research will be expanded in the near future. There are also details that were not discussed in the present article, such as the registration marks made on the back of some documents. A thorough analysis of all these archival solutions adopted by the notaries from Sibiu in the 15<sup>th</sup> century will definitely contribute to a better understanding of the evolution that took place after 1550.

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## Notes

1. A. Dincă, "Formen und Funktionen der Schriftlichkeit im spätmittelalterlichen Hermannstadt: Zum Schriftgebrauch in einer vormodernen Rechtsgemeinschaft," *Berichte und Forschungen: Jahrbuch des Bundesinstituts für Kultur und Geschichte der Deutschen im östlichen Europa* 19 (2011): 290–296.
2. K. Colberg, "Archiv, V. Organisation der Archive," in *Lexikon des Mittelalters*, vol. 1 (Stuttgart, n.d. [1977]), cols 910–911; J. Stiennon, "Considérations générales sur la bibliothéconomie et l'archivistique médiévales," *Scriptorium* L/2 (1996): 229–238.
3. S. Foot, "The abbey's armoury of charters," in *Bury St Edmunds and the Norman Conquest*, ed. Tom Licence (Woodbridge, Suffolk, 2014), 31–52; M. Innes, "On the material culture of legal documents: charters and their preservations in the Cluny archive, ninth to eleventh centuries," in *Documentary Culture and the Laity in the Early Middle Ages*, eds. W. C. Brown, M. Costambeys, M. Innes, and A. J. Kosto (Cambridge, 2013), 283–320.
4. L. E. Boyle, *A Survey of the Vatican Archives and of Its Medieval Holdings* (Toronto, 1972).

5. For the general context of the pragmatic literacy in the urban environment, *La diplomatie urbaine en Europe au Moyen Âge: Actes du congrès de la Commission internationale de diplomatie, Gand, 25–29 août 1998*, eds. W. Prevenier and T. de Hemptinne (Louvain/Apeldoorn, 2000) (Studies in Urban Social, Economic and Political History of the Medieval and Early Modern Low Countries, 9). As a general reference see also E. Pitz, *Schrift- und Aktenwesen der städtischen Verwaltung im Spätmittelalter* (Cologne–Nuremberg–Lübeck, 1959) or F. A. C. Mantello and A. G. Rigg, eds., *Medieval Latin: An Introduction and Bibliographical Guide* (Washington, D.C., 1996), 205.
6. B. Bedos-Rezak, “Civic liturgies and urban records in Northern France, 1100–1400,” in *City and Spectacle in Medieval Europe*, eds. B. Hanawalt and K. Reyerson (Minneapolis, 1994), 45.
7. K. Szende, “The Uses of Archives in Medieval Hungary,” in *The Development of Literate Mentalities in East Central Europe*, eds. A. Adamska and M. Mostert (Turnhout, 2004), 107–142.
8. L. Solymosi, “Die glaubwürdigen Orte (*loca credibilia*) Ungarns im 14.–15. Jahrhundert,” *Archiv für Diplomatik, Schriftgeschichte, Siegel- und Wappenkunde* 55, (2009): 175–190; R. Härtel, *Notarielle und kirchliche Urkunden im frühen und hohen Mittelalter* (Vienna–Munich–Oldenbourg, 2011), 200–205.
9. See K. Hientz, B. Heigl, and T. Şindilariu, eds., *Hermannstadt und Siebenbürgen: Die Protokolle des Hermannstädter Rates und der Sächsischen Nationsuniversität, 1391–1705* (Sibiu, 2007), 9–10. See also Franz Zimmermann & Ausschuss des Vereins für siebenbürgische Landeskunde, *Quellen zur Geschichte Siebenbürgens aus sächsischen Archiven*, vol. 1 (Hermannstadt, 1880), 1–2.
10. *Matricula Plebaniae Cibiniensis*, ed. G. Seiwert, in “Das älteste Hermannstädter Kirchenbuch,” *Archiv des Vereins für Siebenbürgische Landeskunde* (Hermannstadt) 11 (1874): 323–410.
11. National Archives of Romania, Sibiu County Service, U. I, no. 25 (*Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, 2, no. 976: 372–373) (hereafter cited as *UB*).
12. G. Gündisch, “Zur Geschichte des Archivs der Stadt Hermannstadt und der sächsischen Nation,” in *120 Jahre öffentliches Archiv in Siebenbürgen* (Sibiu, 1996), 88; P. Moldovan, “Privire retrospectivă asupra Arhivelor oraşeneşti Sibiu, Bistriţa şi Braşov,” *Revista arhivelor* (Bucharest) 86/1 (2009): 87; M. Vlaicu, “Arhivele Statului Sibiu,” in *120 Jahre öffentliches Archiv in Siebenbürgen*, 20.
13. L. Cîmpeanu, “Cele mai vechi cronici săseşti din Transilvania: Cronicarii saşi din Braşov şi scrierile lor în secolul al XVI-lea,” *Studii şi materiale de istorie medie* (Bucharest) 29 (2011): 216.
14. *UB* 7, no. 4128: 101–102 (National Archives of Hungary/MOL, Photographic Collection/DF, No. 246380, lines 6–10).
15. National Archives of Romania, Sibiu County Service, U. V, no. 1160, mentioned by Franz Zimmermann, *Das Archiv der Stadt Hermannstadt und der Sächsischen Nation* (Sibiu, 1901), 1–14, for an overview of the entire medieval time. There is only a single sheet of paper left from what seems to be a larger inventory. Its state of preservation is poor. A thorough analysis of this fragmentary source with a full transcription

of the text and the identification of the mentioned documents will be the subject of a separate study, to be published soon.

16. National Archives of Romania, Sibiu County Service, U. II, no. 25 (= UB 4, no. 1839: 68–70).
17. Ibid., no. 130 (=UB 5, no. 2715: 304).
18. A. Dincă and A. W. Kovács, “Ergänzungen und Berichtigungen zum ersten Band des siebenbürgisch-deutschen Urkundenbuchs: Konkordanztabelle mit dem Codex diplomaticus Transsylvaniae,” *Zeitschrift für Siebenbürgische Landeskunde* (Cologne–Vienna) 30 (2007): 133.
19. National Archives of Romania, Sibiu County Service, U. II, no. 63. The original form of the same text at no. 62 (=UB 4, no. 2162: 480).

## **Abstract**

### Preserving Charters in Late Medieval Sibiu

The main objective of this article is to discuss within the proper historical context some evidence regarding the medieval practice of preserving charters in the Transylvanian Saxon town of Sibiu. The examples discussed are provided by Transylvanian sources from the second half of the 15<sup>th</sup> century: firstly, a very interesting documentary mention from 1476 regarding the activity of keeping records in Sibiu; secondly, fragments from what seems to be a register of privileges received by the town from Hungarian kings, dated 1463; finally, copies made in the 1400s of previous documentary texts.

## **Keywords**

Transylvania, Latin Middle Ages, Sibiu, literacy, archives