

# Remarks on the Activity of the Cluj-Mănăștur Place of Authentication in the Age of the Transylvanian Principality

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**A**LTHOUGH THE places of authentication (*loca credibilia*) were typical Hungarian institutions, the research on their history started relatively late, and the scientific inquiry has increased only in recent decades. These studies, however, focus only on the period of the Middle Ages, and they present these institutions' history until the reform in 1351 or rather until the revision of the seals in 1353.<sup>1</sup> The later Middle Ages or the centuries after the battle at Mohács have remained outside the area of interest of the researchers exploring the emission of documents and diplomas by these institutions. There are, however, a few exceptions. Among these exceptions an outstanding study is that by Bernát Kumorovitz on the issuance of documents of the convent from Leles (Lelesz), which has the merit of processing a great amount of archive materials by using a correct methodology and taking into account the institution's history.<sup>2</sup>

The famous historian of the Middle Ages, Iván Borsa describes the questions that should be posed by a future monographer of these institutions, warning about the fact that “one should not forget that after Mohács, the places of authentication have worked during three centuries and a quarter.”<sup>3</sup> László Papp, the researcher of the pre-modern history of these institutions, could not reach the archives of Lelesz and those of the Transylvanian places of authentication.<sup>4</sup> Without the abovementioned archives no monograph of the places of authentication can and should be written.

A researcher interested in the history of these institutions during the Transylvanian principality can easily find out that the bibliography of the places of authentication consists of a summary chapter of a monograph, a few studies and editions of sources. The monographer of the pre-modern history of these

institutions, László Papp has arrived to his conclusions on the Transylvanian places of authentication without having consulted the archives of the chapter or of the convent. The convent's protocols kept before the secularization have been published by Zsigmond Jakó in 1990.<sup>5</sup> In the preface of these two monumental volumes, the author drafted the later history of the *loca credibilia* and its archives, creating thus a basis for further research. Recently, Attila Sunkó published some studies and sources about the early modern Transylvanian places of authentication, but because of his inaccuracies, only a small part of his conclusions can be accepted and only with great caution.<sup>6</sup> The same can be said about the recently published study of Károly Vekov about the chapter of Alba Iulia in the period of secularization.<sup>7</sup> Furthermore, in recent years, as a result of the initiative of Zsigmond Jakó, the edition in Hungarian abstracts (*regesta*) of the early-modern protocols kept by the two places of authentication from Transylvania has started; the first result of this project has been the publication of a volume of abstracts, with a brief introduction, containing the 16<sup>th</sup> century protocols of the chapter of Alba Iulia.<sup>8</sup>

On the territory of the developing Transylvanian principality there were three ecclesiastical institutions which took part in the issuance of authentic charters: the chapter of Transylvania residing in Alba Iulia (Gyulafehérvár), the convent of Cluj-Mănăştur (Kolozsmonostor) and the chapter of Oradea (Várad). Their medieval history has been already partially studied, but in neither of these cases did the research cover their activity during the Transylvanian principality.<sup>9</sup> Only in the case of Oradea we could refer to the lack of sources because, after the capture of the fortress, the chapter's archives perished, but even so one could attempt, on the basis of the issued charters, to reconstruct its activity (we already have such an example for the convent of Szekszárd).<sup>10</sup> Although truncated, the archives of the other two *loca credibilia* are preserved in the collections of the National Archives of Hungary,<sup>11</sup> so all further scientific investigations are possible. The research of their early modern activity and the publication of a major part of the protocols remains an urgent and possible task of the historians. The publication of these sources would largely extend our knowledge of Transylvanian law and history of institutions, and they would generate a basic collection of sources for further research.

The main aim of this study is to present the characteristics of the charter-issuing activity accomplished by the early-modern Transylvanian *loca credibilia* by examining the case of the authentication place of the convent of Cluj-Mănăştur, where the majority of the protocols have been preserved. We attempt to answer the following questions: whether the reorganized and secularized convent, which has preserved its designation and has been moved together with the archives to Cluj (Kolozsvár), has met the expectations of the society in terms of preservation of the documents

and issuing of charters? How did it work and what was its role in the Transylvanian society?

As a result of the secularization occurred in 1556–1557, the monks of Cluj-Mănăştur abandoned the monastery, and the convent perished as an ecclesiastical institution. The new institution, which had been created after twenty years of experimentation to replace the *loca credibilia* of the convent, had an essentially secular nature. Despite this, we insisted in this study on the denomination of *convent of Cluj-Mănăştur*, although in this case the *convent* means *loca credibilia* and not an ecclesiastical institution. This is due to the fact that, based on our sources, it seems clear that during the time of the Principality, the *convent* was the name of the place of authentication and the term *convent of Cluj-Mănăştur* was usually used.<sup>12</sup>

The basis of this research is given by the recordings from 28 protocols kept between 1576 and 1690.<sup>13</sup> Since these charters were mostly full-text copied, they seemed to be a sufficient source to support my conclusions on the charter-issuing activity without using other important sources. I have examined the published charters on the basis of the materials of some family archives. I have also used the *Miscellanea* fund of the convent and the archives of the chapter and convent kept in the collections of the Batthyaneum library from Alba Iulia. Although I have not searched all the archives of the convent, the greatest challenge was still to review and process the great amount of the archive materials (more than 15000 pages). I believe that a greater pool of data will not essentially alter the conclusions of this paper.

The arbitrarily designated time limit used in my study, which is the end of the independent principality of Transylvania in 1690, is partly explained by this huge amount of sources. Neither the abovementioned year, nor 1729, when the convent reentered under the jurisdiction of the church, had brought any major changes in the organization of the *loca credibilia*; the decreasing charter-issuing activity of the convent was continued by the secular requisitors and the archive-role increasingly gained importance. The activity of the place of authentication ended in 1872, and the institution's history also came to an end that year. However, in my paper I undertook the task of presenting the history and activity of this specific institution only for the period of the principality; further research should insist on the history of the convent's archives in the 18<sup>th</sup>–19<sup>th</sup> centuries.

After the establishment of the Transylvanian state, the *loca credibilia* which entered under its jurisdiction underwent a peculiar transformation. On the same grounds as similar institutions from Hungary, a specific Transylvanian institution, the office of the requisitors came into being to satisfy the needs of the society for authentic charters and to ensure the conservation of the archives. After twenty years of uncertainty, during which the secularized institution issued copies from the convent's archives under the seal of the city, the time for

reorganization had arrived.<sup>14</sup> The appointed requisitors had the right to complete all the activities done earlier by the places of authentication, but because their number was low, other institutions (envoys of the voivodes, counties) had gradually taken their place in the external authentication activity. In this process, the articles of *Approbatæ* presumably constituted a turning point. From the second half of the 1650s, the external authentication activity (inspection of boundaries, seisin of estates to new owners, inquiry, etc.) was likely to disappear.

In the Middle Ages and also in the period of the principality the places of authentication carried out their role essentially for two large client-groups, so two important forms of activity developed.<sup>15</sup> One of these groups was constituted by private clients (especially noblemen) who came to the places of authentication to obtain charters about their legal matters (buying or selling domains, mortgages, different arrangements, wills, etc.). Before the secularization the declarations were certainly made in the convent's church, but after the *loca credibilia* had been moved inside the walls of the town, the reception took place in the houses of the requisitors. The parties involved in the legal act could appear not only personally, but one could send an authorized representative (procurator) to make the declaration.

The other group using the places of authentication was constituted by the officials (king, voivode, etc.) who commissioned these institutions to carry out different legal actions (inspections of boundaries, seisin of domains to new owners, inquiry, etc.). In the age of the principality important changes took place in the external authentication activity. The role of the convent decreased very much and the activities on behalf of private clients (*introductio*, inspections, inquiries, etc.) were undertaken by other legal executors, such as the envoys of the voivodes and the counties. At the same time the requisitors were commissioned by the princes with new tasks in the administration of the state (inspections of the local authorities, registering the domains of the state, etc.).

The disasters that occurred in 1658, and the subsequent long-term instability caused such a break in the activity of the convent that we could consider it as the end of the institution's early-modern history. Thereafter the charter-issuing activity was more and more casual, the place of authentication became mere depository of charters and produced copies of the documents in its custody. One could say that it was the moment which marked the end of the institution's history and the beginning of the archive's history. As a result of the measures taken by the princes and the Orders, in the age of the principality the archives of the convent together with the *sacristia* of the chapter from Alba Iulia and probably also Oradea played the role of the state's "National Archives".

However, before all these, the convent was one of the most important charter-issuing institutions from Transylvania together with the prince's chancery, the Chapter from Alba Iulia and the requisitors of Oradea. Their activity was influenced

to a great extent by their location. For example, after the convent had been moved to the town of Cluj (Kolozsvár), the typically “noble” institution gained an “urban” character. The requisitors were usually important office-holder burghers and the burghers’ confidence in the place of authentication increased.<sup>16</sup> Despite the fact that it was forbidden by the articles of the *Tripartitum*, the citizens of Cluj increasingly addressed the convent to issue charters on their urban heritage. The new location and the social changes seriously affected the charter-issuing activity, and they defined the types of diplomas and the number of clients who came to this institution to solve legal matters. Moving to the town changed even the way these legal declarations (*fassiones*) were made. The majority of the archive materials were kept in the requisitors’ houses and the documents were also drawn up there (although we find some examples that the reception of the *fassio* took place in a *conservatoria domus*). The charter-issuing activity was disrupted by the practice of the princes (especially during the Rákóczi) to entrust the requisitors with estate or administrative tasks, which previously did not belong to the activity field of a *loca credibilia*. As the prince’s paid office-holders, they participated in the administration of the country.

The relationship between the convent and the county of Cluj (Kolozs) started in the medieval era and persisted afterwards as one of the requisitors was often the holder of a county-office, such as a scribe or tax-collector. These offices were concentrated not just because the place of authentication and the *sedria* resided in the same town, but also due to the fact that the requisitors were well-educated clerks who were always in contact with the nobility of the county. They knew the currently pending litigations and issued almost all legal documents.

The quality of the charter-issuing activity was also determined by the way the requisitors perceived their office, how they were educated and whether they used due diligence in their work. We believe that the biographical data on the requisitors and the considerable amount of archival materials left by them show that the interest for history and sense of responsibility played a significant role in the exercise of their duties.

In a review of the history of the convent during the principality, one could raise the question whether this secular institution subordinated to the princely power can still be defined as *loca credibilia*. Bearing in mind the definition used for the medieval places of authentication,<sup>17</sup> the chancellery managed by the requisitors certainly does not fit into this category, since it was not an ecclesiastical institution. From our outline we could conclude that the requisitors proceeded as a body (corporation) based on the reputation offered partly by the prince and partly by the secular institution of the convent. Just as before, they issued charters, with small changes preserving the old customary patterns, upon the request of their clients or the letters of mandate of the princes. Although the

princes have entrusted the requisitors with tasks which previously were not part of the duties of the places of authentication and their archives took a “national” character, the basic area of activity of the *loca credibilia* remained the same as before: compiling the charters and taking custody of the convent’s archives. This clearly distinguishes this institution from the other establishments, which were also engaged in the charter-issuing activity and carried out legal actions (county, prince’s chancery, etc.) and renders it similar to the ecclesiastical *loca credibilia* from Hungary. In compiling the charters, these institutions and the requisitors from Transylvania used the same formulae based on medieval patterns.

Finally, in order to reflect on the activity of the convent from Cluj-Mănăştur during the age of the principality, we should compare László Papp’s point of view, based on the previous literature and law-articles, and the *impedimentums* listed in 1655 by one of the requisitors, István Pálfi, with the “products” of the convent’s activity: the registers (*protocolla*) and the charters. Both the quantity and the quality of the preserved archive materials prove that the reorganized convent remained for a long time one of the major charter-issuing institutions of Transylvania. □

## Notes

1. Suggested readings in foreign languages about the charter-issuing activity of the places of authentication are: F. Eckhart, “Die glaubwürdigen Orte Ungarns im Mittelalter,” *Mitteilungen des Instituts für österreichische Geschichtsforschung* 9 (1915): 395–558; György Bónis, “Les autorités de foi publique et les archives des loci credibiles en Hongrie,” *Archivum* 12 (1962): 97–104; Tamás Kófalvi, “Places of Authentication (*loca credibilia*),” *Chronica. Annual of the Institute of History. University of Szeged*, 2 (2002): 27–38; László Solymosi, “Die glaubwürdigen Orte (*loca credibilia*) Ungarns im 14–15. Jahrhundert,” *Archiv für Diplomatik* 55 (2009): 175–190.
2. Lajos Bernát Kumorovitz, “A leleszi konvent oklevéladó működése 1569-ig” (The charter-issuing activity of the Leles convent until 1569), *Turul* 42 (1928): 1–39. Also see by the same historian: “A leleszi konvent országos levéltára” (The national archives of the Leles convent), *Levéltári Közlemények* 10 (1932): 223–255.
3. Iván Borsa, “A hiteleshelyekről” (About the places of authentication), in “*Magyaroknak eleiről*”. *Ünnepi tanulmányok a hatvan esztendősk Makk Ferenc tiszteletére* (Festschrift for the sixty year old Ferenc Makk), eds. Ferenc Piti, György Szabados (Szeged: Szegedi Középkorász Műhely, 2000), 99–106.
4. The basic work on the modern history of the places of authentication is still László Papp, *A hiteleshelyek története és működése az újkorban* (The history and activity of the places of authentication in the modern age) (Budapest: “Élet” Irodalmi és Nyomda Részvénytársaság, 1936).

5. Zsigmond Jakó, ed., *A kolozsmonostori konvent jegyzőkönyvei 1289–1556* (The convent records from Cluj-Mănăştur, 1289–1556), *A Magyar Országos Levéltár kiadványai*, II, Forráskiadványok, no. 17 (2 vols., Budapest: Akadémiai Kiadó, 1990).
6. Attila Sunkó, “Levélkeresők. A Gyulafehérvári Káptalan és a Kolozsmonostori Konvent requisitorainak archontológiája a XVI–XVII. században” (Requisitors. The archontology of the requisitors from the chapter of Alba Iulia and Convent of Cluj-Mănăştur during the 16<sup>th</sup>–17<sup>th</sup> centuries), *Fons* 11 (2004): 277–327; Attila Sunkó, “A Gyulafehérvári Káptalan és a Kolozsmonostori Konvent Levéltárának működésére vonatkozó iratok” (Documents concerning the activity of the archives from the chapter of Alba Iulia and the convent of Cluj-Mănăştur), *Lymbus. Magyarágtudományi forrásközlemények* (2003): 75–110; Attila Sunkó, “Debreceni János életpályája. A Gyulafehérvári Káptalan levéltárosának élete, végrendeletének tükrében” (The life of János Debreceni. The life of an archivist of Alba Iulia’s chapter reflected in his testament), *Fons* 9 (2002): 305–343.
7. Károly Vekov, “A gyulafehérvári káptalan hiteleshelyi tevékenysége és a 16. századi szekularizációja” (The activity of the chapter of Alba Iulia as a place of authentication and its secularization in the 16<sup>th</sup> century), in *Loca credibilia. Hiteleshelyek a középkori Magyarországon* (Loca credibilia. Places of authentication in medieval Hungary), eds. Tamás Fedeles and Irén Bilkei (Pécs: Fény Kft., 2009), 131–141.
8. Zsolt Bogdándi and Emőke Gálfi, eds., *Az erdélyi káptalan jegyzőkönyvei 1222–1599* (The protocols of the Transylvanian chapter 1222–1599) (Cluj-Napoca: Erdélyi Múzeum-Egyesület, 2006), <http://mek.oszk.hu/07700/07766/index.phtml>
9. On the medieval history of these institutions see: Károly Vekov, *Locul de adevărire din Alba Iulia (secolele XIII–XVI.)* (The Place of Authentication from Alba Iulia. 13<sup>th</sup>–16<sup>th</sup> centuries) (Cluj-Napoca: Fundația Culturală Română and Casa de Editură și Tipografie Gloria, 2003); Gábor Sipos, “A kolozsmonostori konvent hiteleshelyi működése” (The activity of the convent of Cluj-Mănăştur as a place of authentication), in *Művelődéstörténeti tanulmányok* (Studies in cultural history), eds. Elek Csetri, Zsigmond Jakó and Sándor Tonk (Bucharest: Kriterion Könyvkiadó, 1979), 33–50; Árpád Varga, “A váradi káptalan hiteleshelyi működése” (The activity of the chapter of Oradea as a place of authentication), in *Művelődéstörténeti tanulmányok* (Studies in cultural history), eds. Elek Csetri, Zsigmond Jakó, Gábor Sipos, Sándor Tonk (Bucharest: Kriterion Könyvkiadó, 1980), 20–35.
10. On Szekszárd see: Ferenc Szakály, “A szekszárdi konvent hiteleshelyi és oklevéladó működése 1526-ig” (The activity of the convent of Szekszárd as a place of authentication until 1526), in *Tanulmányok Tolna megye történetéből*, vol. 1, ed. Attila Puskás (Szekszárd: Tolna megyei Tanács Levéltára, 1968), 9–60.
11. Zsolt Trócsányi, *Erdélyi kormányhatósági levéltárak* (The Transylvanian government archives) (Budapest: Magyar Országos Levéltár, 1973), 125–148.
12. For examples see: Attila Szabó T., ed., *Erdélyi Magyar Szótörténeti Tár* (Historical dictionary of the Hungarian vocabulary in Transylvania), vol. 7 (Budapest: Akadémiai kiadó and Bucharest: Kriterion, 1995), 199–200.
13. *Magyar Országos Levéltár. A kolozsmonostori konvent levéltára. Protocollumok* (F15). (Hungarian National Archives. The Archives of the convent from Cluj-Mănăştur. Protocolla F15)

14. On the new organization see: Zsolt Bogdándi, “Az erdélyi hiteles helyek működése a szekularizációt követően” (The activity of the places of authentication from Transylvania after the secularization), in *700 éves a közjegyzőség Magyarországon* (700 years of public notary activity in Hungary), ed. Gábor Rokolya (Budapest: Magyar Országos Közjegyzői Kamara, 2008), 41–53.
15. On the stages of activity of the *loca credibilia* see Kőfalvi, “Places of authentication,” 34–37.
16. On the requisitors from Cluj-Mănăştur see Zsolt Bogdándi, “A kolozsmonostori konvent fejedelemség kori levélkeresői” (The requisitors of Cluj-Mănăştur during the age of the principality), *Erdélyi Múzeum* 72, no. 3–4 (2010): 43–72.
17. Gyula Kristó, ed., *Korai magyar történeti lexikon* (Early Hungarian historical dictionary) (Budapest: Akadémiai kiadó, 1994), 263–264.

### **Abstract**

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The main aim of this article is to present the characteristics of the charter-issuing activity accomplished by the early-modern Transylvanian *loca credibilia* by examining the case of the authentication place of the convent of Cluj-Mănăştur, where the majority of the protocols have been preserved. We attempt to answer the following questions: did the reorganized and secularized convent, which had preserved its designation and had been moved together with the archives to Cluj, meet the expectations of the society in terms of preservation of the documents and issuing of charters? How did it work and what was its role in the Transylvanian society?

### **Keywords**

Transylvania, charters, places of authentication, convent, protocols