

University Doctorate (PhD) Dissertation Thesis

**The activity of the Convent from Kolozsmonostor as place of authentication during
the principality
(XVI–XVIIth centuries)**

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I. ANTECEDENTS

Although 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 institution's history until the reform in 1351 or rather until the revision of the seals in 1353. 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 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.

The famous historian of the Middle Ages, Ivan 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". 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. 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. 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. The same can be said about the recently published study of Károly Vekov about the Chapter of Gyulafehérvár in the period of secularization. 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 XVIth century protocols of the Chapter of Gyulafehérvár.

II. OBJECT AND PURPOSE OF THE DISSERTATION, RESOURCES AND METHODS

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 Gyulafehérvár, the Convent of Kolozsmonostor and the Chapter of Várad. Their medieval history has been already partially studied, but in neither of these cases the research did not cover their activity during the Transylvanian principality. Only in the case of Várad we could refer to the lack of sources because, after the capture of the fortress, the Chapter's archives perished, but even so someone could attempt, on the basis of the issued charters, to reconstruct its activity (we already have such an example for the Convent of Szekszárd). Although truncated, the archives of the other two *loca credibilia* are preserved in the collections of the National Archives of Hungary, so any other 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 dissertation 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 Kolozsmonostor, 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 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, the canonry of Kolozsmonostor abandoned the monastery, and the convent perished as an ecclesiastical institution. The new institution, which has been created after twenty years of experimentation to replace the *loca credibilia* of the Convent, had essentially a secular nature. Despite this, we insisted in this study on the denomination of *Convent of Kolozsmonostor*, 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 Kolozsmonostor* was usually used.

Furthermore, our dissertation includes the specific institutions which have been partly undertaking the tasks of the former places of authentication until the reorganization of the *loca credibilia* in the eastern part of the former Kingdom of Hungary. We have discussed the activity as *loca credibilia* of the prothonotaries, court chancellery, arbitrators or counties. This seemed to be necessary in order to better understand the transformations that have been taking place during the charter-issuing activity of the *requisitors*. Also, to answer the posed questions it was essential to present the detailed career of the letter-searchers, who worked during the principality, as the institutions management mainly depended on their education and character.

In the presentation of the charter-issuing activity of the Convent, we insisted on the changes that occurred after the secularization compared to the prior practice. We attempted to uncover the reasons for which an increasing number of *impedimentums* have occurred during the "traditional" charter-issuing activity that have been listed by the requisitor István Pálfi. These obstacles derived from the fact that the requisitors were office-holders paid (although often unpaid) by the princes, increasingly used in the country's other affairs. Finally, we have presented the diplomatic particularities of the charters issued by the Convent during the principality, the history of the archives (location, content, orderings) and the Convent's protocols. The appendix of the dissertation contains the Hungarian abstracts of the first protocol kept after the secularization in chronological order (to illustrate the charter-issuing activity).

The basis of our research is given by the recordings from 28 protocols kept between 1576 and 1690. Since these charters were mostly full-text copied, they seemed to be a sufficient source to support our conclusions on the charter-issuing activity without using other important sources. We examined the published charters on the basis of the materials of some family archives. In the presentation of the requisitor's careers, we used the *Miscellanea* fund of the Convent and the archives of the Chapter and Convent kept in the collections of Batthyaneum library from Gyulafehérvár. Although we did not search all the archives of the Convent, the biggest challenge was still to review and process the great amount of the archive materials (more than 15000 pages). We believe that a greater pool of data will not essentially alter the conclusions of this paper.

The arbitrary designated time limit used in our dissertation, which is the ending (termination) 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 (control) jurisdiction of the church, has brought any major changes in the organization of the *loca credibilia*; the decreasing charter-issuing activity of the Convent has been continued by the secular requisitors and the archive-role has increasingly gained in

importance. The activity of the place of authentication ended in 1872, and the institution's history came to an end that year. However, in our dissertation we undertook the task to present the history and activity of this specific institution only for the period of principality; further research should insist on the history of the Convent's archives in the XVIII–XIXth centuries.

III. RESULTS

After the establishment of the Transylvanian state, the *loca credibilia* that 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 to life 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 has arrived. The appointed requisitors had the right to complete all the activities made earlier by the places of authentication, but because their number was small, other institutions (envoys of the voivodes, counties) have gradually taken their place in the external authentication activity. In this process, the articles of *Approbatae* 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.

At the same time, 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 his custody. One could say that it was the moment which marked the end of the institution's history of and the beginning of the archive's history. In the age of principality the archives of the Convent together with the *sacristia* of the Chapter from Gyulafehérvár and probably Várad as a result of the measures taken by the princes and the Orders have 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 Gyulafehérvár and the requisitors of Várad. Their activity has been influenced to a great extent by their location. For example, after the Convent has been moved to the town of 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 has increased. Despite the fact that it was forbidden by the articles of the *Tripartitum*, the citizens of Kolozsvár increasingly addressed to 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 requisitor's 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 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 included biographical sketches 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.

During 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, 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've issued charters, with small changes preserving the old habit patterns, upon the request of their clients or the letters of mandate of the princes. As we have seen, 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 of 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 Kolozsmonostor during the age of 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 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.

IV. PUBLISHED STUDIES

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