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Social and Institutional Structures in Transylvania (1300–1800)

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Special Editor of the Thematic Issue

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Formularies of the Chancellery of the Transylvanian Principality in the Second Half of the Sixteenth Century

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In this essay, I examine the formularies that were used in the chancellery of the Transylvanian Principality which took form at the end of 1556 during the first 50 years of its existence. I offer brief descriptions of four of these formularies in which I indicate their length and present the most important aspects concerning the nature of the information they contain. I also offer a detailed presentation of one of them in order to call attention to the importance of the rigorous study of every detail of these sources. Historians cannot afford to ignore these sources, which contain over 1,100 formulas, as they are vital to the study of the history of law and the history of the chancellery itself. They offer glimpses into the work of the chancellery, the ways in which charters were produced, and the processes according to which the texts of the charters were transformed into formulas, processes over the course of which, for the most part, the compilers “cleaned” the documents of their specific details (i.e. proper names, place names, and dates), keeping only the essential elements on the basis of which they would be able to compose the texts of new charters.

Keywords: formulary, formula, chancellery, documentary practice, Early Modern Era, Transylvanian Principality

Introduction

The publication and study of formularies¹ looks back on a significant history in Hungarian historical scholarship. The origins of this history are tied to the

1 The secondary literature on the subject (both Hungarian and international) clarified the role and importance of formularies in the medieval documentary practice a long time ago, so I will not bother rehearsing the general ascertainments here. See for instance Bresslau, *Urkundenlehre*, 1: 608–45; Szentpétery, *Magyar oklevéltan*, 91–92, 129–30, 177–78. Among recent studies, I would mention Rio’s *Legal Practice and the Written Word*, which suggests new approaches to the use of the formularies of the period in question as historical sources. I would also note that formularies have again caught the interest of scholars and researchers. One could mention first and foremost the conference organized by the *Commission internationale de diplomatique* and entitled *Les formulaires. Compilation et circulation des modèles d’actes dans l’Europe médiévale et moderne*, which was held in 2012. Some two dozen presenters examined the problem areas of formularies, in accordance with the focus and themes of the conference. Two Hungarian medievalists were among the presenters: Kornél Szovák (see Szovák, “Funktion und Formen”) and Gábor Dreska (see Dreska, “Das

work of legal historian Márton György Kovachich (1744–1821).² Among the historians who built on his work, I would mention here only György Bónis (1914–1985), who studied primarily medieval formularies³ but at the same time left an indelible mark on the scholarship on the formularies of early modern Transylvania by publishing and presenting in an exemplary manner the collection of formulas compiled by János Jacobinus who served at the turn of the sixteenth and seventeenth centuries as princely secretary (1598–1601).⁴ His thorough edition could serve as a model for the study of all of the Transylvanian formularies of the Early Modern Era, though (one should add) the Jacobinus formulary, which is only ten pages long and contains only 22 formulas, made possible an examination that was rigorous in its attention to every detail, which would hardly have been possible in the case of a formulary consisting of several hundred pages and containing several hundred formulas. I share Bónis' view that “the Transylvanian formularies should be published individually at least as regestas and excerpts, and the conclusions which can be reached on the basis of them should be drawn.”⁵ In my opinion, however, it would suffice if we had a thorough exposition and description of each of the formularies from the era of the Transylvanian Principality and the short titles at the beginning of the individual formulas (which for the most part offer a good impression of the essential aspects of the text) were to be published. This would enable scholars to inform themselves relatively easily about the content of a given manuscript, and they would then be able to examine the original texts which are of interest to them (depending on whether their interests lie in legal history, institutional history, diplomatics etc.). However, formulas which contain specific data (such as proper names, place names, and dates) or which are of interest for some other reason could be published as regestas, which are useful, if perhaps with some caution, from other perspectives as well, and not simply as formulas.⁶

Formelbuch”). Their research and participation in the conference demonstrates that Hungarian medieval studies also consider this question important.

2 Kovachich, *Formulae solennes*.

3 Bónis, “Somogyvári formuláskönyv,” 117–33; Bónis, “Uzsai János,” 229–60; Bónis, “Ars Notaria,” 373–88; Bónis, “Magyi János,” 225–60. For an overview of the Hungarian formularies of the Middle Ages, see Szovák, “Funktion und Formen.”

4 Bónis and Valentiny, *Jacobinus*.

5 *Ibid.*, 5.

6 For instance, alongside the titles found at the beginning of the formulas, Béla Iványi also published *in extenso* the “formulas which were actually delivered” and the “most interesting and most valuable” formulas. See Iványi, “Kéziratos formuláskönyv,” 481–538 (part 1); 33–41 (part 2).

In the first half-century of its existence, several formularies were used in the Transylvanian chancellery⁷ which took form at the end of 1556. In 1938, Anna Pécsi familiarized the community of Hungarian historians with the János Bácsi formulary,⁸ and a few years later, György Bónis and Antal Valentiny published the aforementioned János Jacobinus formulary. After these promising initial efforts, however, interest in formularies waned. Only recently have there been signs of some change. A substantially more rigorous examination of the János Bácsi formulary has been undertaken,⁹ and I myself recently published an article on another formulary from the late sixteenth century.¹⁰ In addition to these formularies, we know of one formulary and a fragment of another formulary which were also used in the chancellery in the second half of the sixteenth century. In this article, I offer a brief description of these formularies, including a detailed presentation of one. Ideally, a thorough study of all the formularies from the same perspectives would be necessary in order to provide a broader picture of everyday administration in the chancellery (for instance) or even the composition of the formulas themselves.¹¹ The formularies, after all, are interesting not only from the perspective of legal history, but also as sources on institutional history, more broadly, or diplomatics, more narrowly.

Formularies

1. The formulary of János Bácsi.¹² This formulary, which as far as we know is the earliest one to have been used in the chancellery of the Transylvanian Principality, is named after Ioannes Bachy, whose name is found on the binding. This Bácsi served at the end of the 1560s and the first years of the 1570s as a scribe in the chancellery. The voluminous formulary consists of 341 numbered pages which contain 466 formulas and the epitaph for King Mátyás (1458–1490), thus a total

7 On the formation and functioning of the chancellery until 1571, see Pécsi, *Erdélyi fejedelmi kancellária*. On the chancellery in greater detail see Trócsányi, *Erdély központi kormányzata*, 181–250, 365–75. On the era in general see Köpeczi, *History of Transylvania*, 247–97.

8 Pécsi, “Az erdélyi fejedelmi kancellária első formulariumos kézírata,” 385–93.

9 Bogdándi, “Fráter György,” 621–38.

10 Fejér, “Kancelláriai formuláskönyv,” 84–112.

11 The chancellery was divided into two sections, each of which had its own staff: the great chancellery (*cancellaria maior*), which dealt with issues concerning internal administration and foreign affairs (and which issued the charters pertaining to these matters), and the smaller chancellery (*cancellaria minor*), which dealt with the production of documents pertaining to the administration of law.

12 BCU, Ms. 1271. For more on the formulary, see Pécsi, “Az erdélyi fejedelmi kancellária első formulariumos kézírata,” 385–93; Bogdándi, “Fráter György,” 621–38; Kelemen, *Kézírtattári értékeink*, 47–48.

of 467 Latin texts. At the beginning of the manuscript, one finds a detailed alphabetical index of the titles of the individual formulas and the page numbers on which they are found.¹³ According to the index, the formulary consists of three “books,” though there are no references to these “books” in the formulary itself. The index, however, indicates that the first book is found on pages 1–130, the second on pages 131–228, and the third on pages 229–311. Most of the manuscript seems to be the work of a single scribe. Only towards the end does one find formulas and one or two short entries which could be attributed to other hands, and the last formula (from December 15, 1641) is the work of an entirely new scribe. This last formula, however, suggests that the formulary was in use for a long time, including into the reign of Prince György I Rákóczi (1630–1648). For 340 of the formula, the issuer is not indicated. This information, however, would not have been necessary from the perspective of the charters for which the formula would be used. The other 126 formula were issued by the following issuers: four by Lajos II (1516–1526), 70 by Ferdinand I (1526–1564), 28 by János Szapolyai (1526–1540) and Prince János Zsigmond (1556–1571),¹⁴ 12 by György Fráter, who served as Bishop of Várad (Oradea/Grosswardein), treasurer, regent and chief justice (1542–1551), four by Pál Várday, Archbishop of Esztergom and royal deputy (1542–1549), two by László Mikola, the queen’s vice regent and Transylvanian deputy chief justice (1542–1551), and one each by palatinal deputy Ferenc Révay (1542–1553), judge royal Tamás Nádasdy (1543–1554), royal counselor István Cserényi and protonotary Pál Szigeti (1567–1571). Thus, a substantial proportion of the material does not have any specific bearing on Transylvania or is from the period before the chancellery began to function. A significant number of the formulas were “cleaned” by János Bácsi (to whom the compilation of the formulary is attributed) of their specific details (such as proper names, place names, and dates). Only ten formula have dates ranging from 1531 to 1569. The place of composition is given slightly more

13 For instance, at the letter D (fol. 6r) there is a reference to the following titles: “Divisionalis cum excisione iuris quartalicii fol. 146;” “Divisio rerum mobilium inter filiam et novercam fol. 150;” “Donatio per notam fol. 157;” “Divisionalis panonica fol. eodem;” “Divisionalis alia in eadem forma fol. eodem;” “Donatio per notam infidelitatis fol. 162;” “Divisionalis ex iudiciaria deliberatione fol. 169;” “Divisionalis ex iudiciaria deliberatione fol. 189;” “Divisionalis similiter ex iudiciaria deliberatione fol. 196.”

14 In the case of János Szapolyai and János Zsigmond, since with only three exceptions there are only references to the name Ioannes, the person who issued the given formula must be determined on an individual basis, when possible. Most of them, however, can in almost all certainty be attributed to János Zsigmond.

often.¹⁵ With only a few exceptions, the formulary contained the templates for the documents which were under the sphere of authority of the *cancellaria minor* (which itself was headed by the protonotary). Thus, clearly it was in use by the *cancellaria minor* and it clearly constitutes an important source on the functioning of the principality's chancellery and, within this, the smaller chancellery. It is a source that still awaits proper rigorous study.

2. A surviving fragment of a formulary with a total of only seven pages¹⁶ with 22 formulas in Latin and one truncated text. Of these, 17 were issued by János Zsigmond and five by Kristóf Báthory (1576–1581). Only a few of the texts contain proper names and place names. Five of the formulas indicate the place of composition (Gyulafehérvár), and one even contains the date (May 30, 1568). The texts seem to have been written by two different hands. Most of the formula were composed on the basis of *de gratia* documents, which were under the authority of the great chancellery.¹⁷

3. *Stylionarium cancellariae Sigismundi Báthory*.¹⁸ This manuscript, which comes to 276 pages and is the work of many hands, contains 224 formulas in Latin. Most of them, as indicated in the formulary, were issued by Prince Zsigmond Báthory (1581–1597, 1598–1599, 1601–1602), while János Zsigmond issued six, István Báthory (1571–1576) one, Kristóf Báthory seven, and the place of authentication from Kolozsmonostor (Cluj-Mănăştur, today a district of the city of Cluj) two. For 15 formula, the issuer is not provided. For 37, the date is given, most often including the day, month, and year, but sometimes only the year. The earliest date of composition is November 20, 1572 (pag. 84–90). The latest, not including the six formula which were copied onto pages 224–29 (which had

15 Pozsony (Bratislava/Pressburg), Buda, and Várad occur the most frequently, though Gyulafehérvár (Alba Iulia/Weissenburg), Kolozsvár (Cluj-Napoca/Klausenburg), Torda (Turda/Thorenburg), Enyed (Aiud/Engeten), and Szamosfalva (Someşeni) are also found.

16 MNL OL, KmKOLt, Protocolla (F 15), no. 64. This fragment is mentioned by Jakó, *Kolozsmonostori konvent*, 1: 159.

17 Further research would be necessary to determine whether or not this fragment (or rather the formulary of which it presumably is a surviving excerpt) was used by the chancellery, keeping in mind that, according to note added to the formula entitled “Dilatio causae,” the text in question was written down in Kolozsvár by a scribe named Johannes R.

18 MNL OL, KmKOLt, Protocolla (F 15), no. 12. According to the pagination, at the moment 15 pages are missing from the manuscript. Scholars have only recently begun to devote attention to the formulary, and some of the formulas have been published (see Fejér, “Az erdélyi fejedelmi kancellária,” 26; Bogdándi, *Erdélyi ítélőmesterek*,” 144–46). The manuscript itself, however, has not been made the subject of rigorous study. According to Bogdándi, the formulary was compiled by a scribe of protonotary Márton Radványi (1582–1596). See Bogdándi, “Erdélyi ítélőmesterek,” 138–39.

been left empty) in the first half of the seventeenth century, was composed on January 2, 1595 (pag. 275–76; the latter formula is also the last entry to be made in the manuscript). 22 of them date to the first half of the 1590s and thirteen to the 1580s, i.e. to the reign of Zsigmond Báthory.¹⁹ The name of *director causarum fiscalium* (*kincstári jogügyigazgató*) János Királyfalvi appears in the formula entitled “Procuratoria constitutio coram prothonotario facta” (which is found on the first page of the formulary). János Királyfalvi rose to this office sometime between November 16, 1591 and February 14, 1592.²⁰ Thus, work began on compiling the manuscript after he had won this post, and it came to an end sometime after the date of the aforementioned last formula (January 2, 1595). The formulary was in use for decades, or at least one can come to this conclusion on the basis of the formulas which were copied into it in the first half of the seventeenth century, the latest of which was issued by Prince György I Rákóczi (pag. 227–28).

With regards to the contents of the formulary, it contains primarily models for documents belonging to the authority of the *cancellaria minor*. It also contains formulas for *de gratia* charters, but not many. Thus, the formulary was used first and foremost by the clerks of the smaller chancellery. For a significant share of the documents, the proper names and place names remained, but the dates rarely survived.

4. The formulary of János Jacobinus.²¹ The formulary attributed to János Jacobinus, who served as secretary of the chancellery (1598–1601), was never actually completed. It is only ten pages long and contains 22 formulas in Latin, of which 15 were issued, according to the formulary, by Zsigmond Báthory, one by his wife, Maria Christierna of Habsburg,²² and five by Mihai Viteazul, Voivode of Wallachia (1593–1600) and for a short time (November 1599–September 1600) imperial governor of Transylvania for Holy Roman Emperor Rudolf II. (In the case of one of the formulas, the issuer is not indicated.) Six of the formulas are dated, and the dates all fall between September 1, 1597

19 The only exception is the formula (pag. 34–35) the date of which is indicated as 1580, but even in the case of this formula, Zsigmond Báthory is given as the issuer.

20 Fejér, “Királyfalvi János,” 66.

21 SJAN-CJ, Coll. of Guild Documents (Fond 544), The Locksmiths’ Guild of Cluj, no. 3. The formulary was published by Bónis and Valentiny, *Jacobinus*, 25–56. Pages 5 and 6, which at the time had survived, are now missing from the manuscript. The formulas which give Voivode and Imperial Governor Mihai Viteazul as the issuer were again published by Andea, “Formulary and chancery practice,” 276–80.

22 After Zsigmond Báthory’s second abdication from the throne of the principality, on behalf of the emperor Rudolf II Maria Christierna governed Transylvania from April until August 1598.

and May 15, 1601. Most of the documents contain proper names and places names. Almost without exception, the formulary contains formulas which were composed on the basis of charters drawn up in the great chancellery, so it clearly was used here too.

5. A formulary from the era of Zsigmond Báthory.²³ As far as we know, the historian and archivist Lajos Kelemen (1877–1963) was the first person to offer a short description of this formulary in his work on the Manuscript Collection of the Cluj University Library. According to Kelemen, at the time, the manuscript collection contained more than 20 formularies dating from the sixteenth–nineteenth centuries. One of them, he noted, was the János Bácsi formulary. “The other, more interesting formulary,” he writes, “is a copy by the chancellery scribes of the charters which were drawn up in the chancellery of Zsigmond Báthory.”²⁴ The formulary was used by the art historians Jolán Balogh (1900–1988)²⁵ and András Kovács²⁶ and also by the historian Adrian Andrei Rusu.²⁷ The manuscript and the wealth of material it contains, nonetheless, remained essentially unknown to (or has not met with interest among) scholars until only recently.²⁸

The 30 × 19.4 cm manuscript is 161 pages long²⁹ and contains 399 individual texts. Some of these texts, however, have not survived in their entirety, and some of them were not drawn up by the chancellery (for instance, wedding invitations). The formulary does not have an original title, and the writings were penned by several different hands. The formulas, naturally, were written in Latin. One finds only three Hungarian-language texts, one of which was added to formula 193 as a transcript and the other two of which are wedding invitations (formulas 249 and 251).

The manuscript, which contains some 400 individual texts, clearly demonstrates that, given the variety and complexity of the administrative tasks it faced, the chancellery needed formularies as complete as possible, for the necessary charters and documents. Considering the essentially established charter-

23 BCU, Ms. 999. I note here that both in the main body of this article and in the footnotes, I refer to the sequential number of the formulas.

24 Kelemen, *Kézirattári értékeink*, 48.

25 Balogh, *Kolozsvári kőfaragó műhelyek*, 230, 280–81, 297–98.

26 Kovács, “Farkas az én nevem...,” 163–64.

27 Rusu, “Raporturi,” 311–15. Rusu also offers a brief presentation of the formulary.

28 Fejér, “Kancelláriai formuláskönyv,” 84–112.

29 The sequential numbers of the formulas also indicate, however, that several pages are missing from the manuscript.

formulas and the wide diversity of the types of documents, it seems likely that even clerks familiar with the composition of charters needed the formulary, and scribes with less experience in all certainty made considerable use of it. Thus, the clerks who compiled the formulary copied the charters which were drawn up in the chancellery (or at least some of them) into the manuscript, with larger or smaller omissions. They were guided by the practical goal of recording these texts so that they could be used later as models in the composition of documents of a similar nature. Thus, as I will demonstrate later in this article with examples, the formulas contained varying amounts of information in comparison with the original charters. Rarely was every element of the original preserved. Usually, only sections which might later be useful or necessary in the composition of a new document were kept, while specific details, such as proper names, place names, and dates were omitted. Many of the formulas, however, fall somewhere between these two “types.” The *intitulatio* and the *inscriptio* were shortened, dates of composition were recorded only partially or omitted entirely, and some of the proper names and place names—which in general, as was typical of formularies, were simply replaced with the letter T (*talis*) or “T de T,” or, less frequently, the letter N (*nomen*)—were removed.³⁰ The titles at the beginning of the formulas informed the reader of the type of document and the essence of the text. In a few rare cases, they also referred to the specific content of a formula, for instance “Nobilitatio pro Ioanne Fiotta cum armis” (formula 70) and “Donatio duorum pratorum foenilium egregio domino Benedicto Mindzenty” (formula 266).

Some of the formulas are of a *de iustitia* nature, i.e. they concern matters of the administration of justice and would be used as templates for documents such as letters of summons (*litterae evocatoriae*), letters of inquest (*litterae inquisitoriae*), letters of postponement (*litterae prorogatoriae*), and letters of sentence (*litterae sententiales*) etc., while some are of a *de gratia* nature, for instance coat of arms letters (*litterae armales*), grants of market rights, estates, and tithe, comes (*ispán*), and bishopric appointments, exemptions, princely approval letters (*litterae consensuales*), etc. The former, naturally, reflect the work of the smaller chancellery, the latter of the great chancellery. Thus, we are dealing with a “mixed” formulary which was used in both branches of the chancellery of the principality and which

30 There is a case (formula 258) in which, instead of the frequently occurring letter T as a reference to the proper name, one finds an abbreviation: “mag[nifi]ci d[omini] I[oannis] G[alfy], magistri curiae et consilarii nostri.” Thus, on the basis of the offices he held, we can identify this figure (in all certainty) as princely counselor and master of the court János Gálfi.

reflects almost all of the areas of the extensive documentary practice of the chancellery. Many of the formulas were products of the work of the chancellery as a place of authentication. In the course of this work, charters were issued for the different parties concerning the declarations (*fassiones*) which were made in front of the protonotary or, less frequently, the chancellor on matters such as pledges, the exchange of estates, wills, and letters of attorney (*litterae procuratoriae*). There are also some formulas which were not based on charters issued by the chancellery (for example, various letters of report or *litterae relatoriae* which were drawn up at the command of the prince and sent to the chancellery by places of authentication or bailiffs, i.e. *homines vaivodales*,³¹ wedding invitations, or other charters drawn up by issuers which will be mentioned below). One notices the efforts of the compilers to group the various formulas by type of document. For instance, the formulas found on pages 87–98 and 355–72 are summons, the formulas on pages 115–26 are letters of attorney, those on pages 166–72 are letters of nobility (*nobilitatio*), those on pages 8–11 and 343–54 are admonitions (*litterae admonitoriae*), etc. In some cases, however, formulas that were similar from the perspective of their subjects were copied alongside one another. For instance, formulas 295–298 deal with Church matters, and within this group, formulas 297 and 298 concern the Transylvanian Romanian Orthodox Church. Formula 299 also concerns the Romanians of Transylvania, recording the bestowal of the office of voivode (*vaivodatus*) of a village. Thus, these three formulas form a new unit from the perspective of their content. Formulas 306–310 all address matters concerning the Saxon communities. In some cases, these two organizational principles are mixed, i.e. the compilers have grouped the formulas according to type of document and subject matter. Formulas 144–149, for instance, are all mandates (broadly understood) concerning the division of landed property (*divisio*). Within this, formulas 144, 146, and 148 are letters of admonition and summons, formulas 145 and 147 are princely orders regarding the execution of such *divisio*, and formula 149 is a *litterae certificariae*. Thus, one finds clear signs of deliberate efforts to arrange the formulas in groups, but there is no single principle or system according to which the entire manuscript can be said to have been organized. The large number of formulas and the amount of time that was devoted to compiling the manuscript (more on this soon) indicate that for years the compilers collected the texts of charters that were being issued with the aim

31 Some of these documents were in all likelihood the work of chancellery scribes and thus belong quite naturally among the formulas.

of creating a resource in which clerks would find a model or template that could be applied to almost every new case that might arise.

Zsigmond Báthory is indicated as the issuer of the vast majority of the formulas. Chronologically, the following formulae were issued by the following individuals: formula 49 by Voivode István Majláth (1534–1541); formulae 322, 334, 355, and 358 by János Zsigmond;³² formula 270 by István Báthory; nine formulae by Kristóf Báthory;³³ formulae 365 and 366 by Hungarian King Rudolf (1576–1608); formula 282 by the aforementioned Kolozsmonostor place of authentication; and formulae 179, 185, and 186 by the Gyulafehérvár place of authentication.³⁴ In addition, Chancellor Farkas Kovacsóczy (1578–1594) is given as the issuer of formula 141, castellan of Eger Bálint Prépostváry of formula 103, castellans and *iudex nobilium substitutus* (*helyettes szolgabíró*) of the district of Karánsebes (Caransebeș) of formulae 187 and 213, and János Gerendi of formula 286. One also comes across formulae for which the issuer is not given, but in all likelihood most can be attributed to Zsigmond Báthory. It is not entirely clear why formulae based on charters that were not issued by the chancellery were included. As examples, one could mention the *litterae manumissionales* of János Gerendi or the charters issued by the aforementioned officers of Karánsebes. It is quite clear, however, that the given clerk considered the documents important (even if perhaps not from the perspective of the documentary practice of the chancellery) and for this reason included them in the manuscript.

The formulary gives the date for 43 of the formulae.³⁵ The earliest among them is April 19, 1538, the latest May 20, 1595. For 15 of the formulae, the charters on which they were based give the date, and for another two the date is found in their copies in the aforementioned *Stylyonarium cancellariae Sigismundi Báthory* (hereafter *StylyonariumSB*). These seventeen formulae are from the period between September 5, 1583 and January 2, 1595. Thus, we know the dates of 60 formulae in total. 58 were issued between 1583 and 1595, during the reign of Zsigmond Báthory. Most of them (51) were issued in the period between 1590 and 1595. There are also formulae for which only the year is given (for instance

32 We can also attribute the texts for which only Ioannes is given as the issuer to János Zsigmond.

33 Formulae 48, 172, 328, 338, 362, 369, 370, 371, 372.

34 On the issuer of formula 186, see Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1529.

35 From these, the date given for formula 169 is incorrect (see footnote 40). At the same time, we included here the charters transcribed in formulae 193 (fol. 62r) and 268 (fol. 90r–v), which also give the date.

formulas 105 and 162) and others for which only the day and month are given (for instance formulas 182, 195, and 221). For some of the formulas, only the place of composition is given.³⁶ With varying precision, one could date most of the formulas for which no date is given on the basis of the information and concrete references they contain, but that is not my aim here.

With regards to the place and time of the compilation of the formulary, one can come to the following conclusions on the basis of the discussion above. Since the formulary contains almost exclusively models of charters produced by the chancellery, it was in all certainty composed in the chancellery. However, the compilers of this “official” formulary, which was compiled for use by the chancellery, have not yet been identified by name. A comparison of the letter of reports sent to the chancellery by the various chancellery scribes and the handwritings found in the formulary might yield conclusions concerning this question. Watermarks³⁷ helped me determine the date of composition of the manuscript. The earliest Brassó (Braşov/Kronstadt) watermark in the formulary was already in use in 1589,³⁸ so one might cautiously suppose that 1588 was the *terminus post quem*. Thus, sometime after 1588 the compilers may have begun to copy the texts of the charters into the manuscript. As already mentioned, most of the dated formulas were drawn up in the early 1590s, and this offers further support for the conclusion above. (In the best-case scenario, the dates of the formulas indicate the date when the original charters which served as models were drawn up, but at the same time they can serve as a *terminus post quem* for the date when the given charters were transformed into formulas.) The latest dated items in the formulary date from May 20, 1595, but after this, another 80 formulas were copied into the manuscript. Thus, in all likelihood, the work of compiling the formulary came to an end in late 1595 or the beginning of 1596,

36 For instance, formulas 36, 53, and 58. Regarding the date, one comes across variations like “Datum in Alba Iulia, die etc. anno Domini etc.” (formula 59) and “Datum in civitate nostra N die N mensis N anno N” (formula 78). There are also cases in which dates are mentioned in the text of a formula, for instance formulas 27, 87, and 216. This information is sometimes very useful in efforts to determine the date of composition of the charter.

37 Based on the watermarks in the manuscript one could identify the papermills in the following cities as the places of origin of the paper used: Brassó (for instance fol. 21, 23, and 25), Szeben (Sibiu/Hermannstadt) (for instance fol. 37, 38, and 40), Memmingen (for instance fol. 4, 5, and 6), Kempten (fol. 71, 74, 76, 77), and Lengfelden (fol. 10). The works used in the identification of the watermarks: Mareş, *Filigranele*; Jakó, “Filigrane transilvănene,” 8–19.

38 Fol. 36, see Jakó, “Filigrane transilvănene,” 12 (watermark no. 36); Mareş, *Filigranele*, 17 (watermark 126).

if the manuscript at the time was not significantly longer than the version which has survived to the present day (which as noted earlier, consists of 161 pages).

Copies of the texts of several charters which served as models survived in the so-called *libri regii* registers,³⁹ which were maintained by the chancellery. At the same time, two of the original charters, on which formulas were based, have survived, and variations of the texts of some formulas are found in the *StylianariumSB* as well. These various texts offer insights into the processes according to which the individual formulas were composed. Here, I offer a detailed presentation of differences between only the following versions. Zsigmond Báthory's 1590–1591 *liber regius* contains a copy of the charter which served as the model for formula 169.⁴⁰ It was copied in an abridged form, so the formula contains a considerably more complete text, though the names of the neighbors of the exempted house were omitted. At the same time, the dates differ. In the case of the *liber regius* registry, the date is October 8, 1590, whereas in the case of the formula, the (quite definitely incorrect) date is December 16, 1591.⁴¹ This also indicates that one must treat the dates in the registries of the formularies with caution, since the compilers obviously did not trouble themselves much over the precise dates when copying the texts (in this specific case, the date may indicate the day on which the text was copied into the formulary). Formula 108 also consists of a more complete version of the text, since the charter of June 3, 1591 (which was used as a template) was also entered into the *liber regius* in an abridged form.⁴² In this case, however, the formula contains all the individual data, with the exception of the date. A copy of the original charter on which formula 221 was based was similarly entered into the *liber regius* of Zsigmond Báthory.⁴³ Because the clerk sought to compose a model for a charter of confirmation, in the formulary he shortened the ten-page privilege to a page and a half, since he mentions only the issuers of the

39 For more on the *libri regii* kept by the chancellery, see Fejér and Szász, “Libri Regii,” 272–89; Fejér, “Az erdélyi fejedelmi kancellária,” 3–32.

40 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 30r. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1269.

41 One comes across similar cases in János Jacobinus' formulary as well. For instance, the date of composition of formula 10 is March 9, 1599 (see Bónis and Valentiny, *Jacobinus*, 39–41), whereas in the case of the original charter the date is March 8, 1598. (MSC ColDoc, no. 754.)

42 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 260v. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1579.

43 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 152v–157v. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1393.

three charters to be transcribed. Their names are followed, after the remark “Descriptis litteris omnibus usque ad finem conclusio hoc modo sequitur,” by the usual confirmation clause. It should be noted that the month and day given for the formula are February 20, whereas the date for the copy found in the *liber regius* is January 26 (1591), and instead of the actual issuers of one of the transcribed charters, one finds a fictive name: Gergely Petroczky. The names of the estates, which according to the formula were in Szörény (Severin) County, were also omitted. The copy of the charter, however, concerns properties in Máramaros (Maramureş) County, i.e. in an entirely different county.⁴⁴ Compared to the text copied into the *liber regius*,⁴⁵ almost half of formula 223 is missing (the section beginning with the *pertinentia* charter-formula and ending with the date). Also, some of the family names are imprecise (for instance the name Georgius Bako is given instead of Georgius Domonkos), and several proper names have been omitted. The date of composition of formula 110 was removed, as were two words, but otherwise the text corresponds entirely to the version copied into the *liber regius*.⁴⁶

The original which served as the basis for the formula 266 has survived, as has the *liber regius* copy.⁴⁷ As a comparison of the texts reveals, there are very few differences between the formula and the original. The absence of the date, however, constitutes a serious obstacle to efforts to use the formula as a

44 A comparison of formula 158 and the original on which it was based, which was drawn up on May 18, 1588 (S[JAN-CJ], Arch. Wesselényi [Fond 250], no. 150d), reveals much the same thing: both of the charters which were to be transcribed were omitted from the formula made for a charter of transcription and the original charter, which was lengthy, has been shortened to a half-page. The text of the formula also contains omissions, but the proper names in it and the specification of the type of charters to be copied made it possible to identify the original charter. See formula 181 and MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 44r (see also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1287), in which, along other significant differences, András Szatmári is referred to as *nobilis*, while in the *liber regius* copy he is referred to as *circumspectus* and a resident of Nagybánya (Baia Mare/Frauenbach).

45 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 134v–135r. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1663. See formula 309 and MNL OL, GyKOLt, Libri regii (F 1), no. 3. fol. 106v–107r. (See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 337.) In this case, the formula contains all the specific information except the date. Only the more general charter-formulas have been omitted. A comparison of formula 59 and the *liber regius* registry reveals much the same thing (MNL OL, KmKOLt, Protocolla [F 15], no. 11. fol. 45r. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, 1298): alongside certain charter-formulas, the date is also missing, and the compiler has given an incomplete form of the name of the beneficiary (“Nicolai T. Albensis”).

46 MNL OL, KmKOLt, Protocolla (F 15), no. 11. fol. 313v–314r. See also Fejér, Rácz and Szász, *Báthory Zsigmond*, no. 1626.

47 On the publication of these texts, see Fejér, “Kancelláriai formuláskönyv,” 99–100.

historical source. At most, one could base conjectures concerning the date of the formula on the mention of Benedek Mindszenti in the offices of *cubicularius* (*kamarás*) and *arendator decimarum* (*tizedarendator*). The entry in the *liber regius*, however, contains all the essential information (even if it was written in abridged form). This suggests that the quite numerous abridged entries in the *libri regii* contained all the essential information in the original charters, if perhaps in different wordings.

Thus, on the basis of the discussion above one can conclude that the texts of the charters which served as models were transformed into formulas with the omission of shorter or longer passages and usually the partial or complete removal of specific details. The resulting texts contain all the elements that would later be necessary to draft charters of full value and force. In the case of formulas which contained either some or (in very rare instances) all of the proper names and place names and the date, a comparison with the versions found in the *libri regii* reveals that the compilers of the formulary did not always concern themselves much with the precise transcription of specific information (and one should note, this was not their goal). Rather, in some cases they simply gave fictive dates and fictive proper names instead. Thus, formulas which contain specific information, though valuable and worthy of study as examples of this genre of document, should be used as historical sources preferably only if other sources are available against which this information can be verified.

With regards to the texts found in both formularies, the following details merit mention. Formula 86 contained some of the proper names, but they were omitted from the version copied onto pages 14 and 15 of the *StylianariumSB*. According to the secondary literature, the more specific details one finds in such a text, the more likely it is that the text in question was copied directly from the original.⁴⁸ Thus, it is possible that the version from which more of this information is missing was made on the basis of the text found in the formulary under discussion, and in the course of the process of copying the text, specific details which seemed superfluous were omitted. Though they share the same title, formula 362 and the version found on pages 37 and 38 of the *StylianariumSB* vividly illustrate that the clerks who drafted the formulary were concerned not so much with fidelity to the original texts as they were with the task and practical goal of creating useful formulas. Kristóf Báthory is mentioned as the issuer of one, Zsigmond Báthory of the other (as we are dealing with formulas, the

48 Bónis, “Magyi János,” 230.

fact that the date 1590 appears in the Kristóf Báthory text did not cause the compiler any particular difficulty). They are both “genuine” formulas, and thus both are lacking in specific information. Only one longer passage reveals that they are versions of the same text. In this case as in the aforementioned one, the text found in the formulary is more complete, which again suggests that the less detailed version was based on it. The same is true of formula 364 and the formula copied onto pages 42 and 43 of the *StylianariumSB*. The text of the first is more complete and contains individual elements. It is important to mention that in one of the texts the person lodging a complaint is a man, while in the other, she is a woman. Thus, the compilers of the formulas clearly were willing to modify the original details at any time, since these details had no practical significance whatsoever anyway. At the same time, there is a case in which, although the version found in the formulary is more complete (formula 363), the other version (*StylianariumSB*, page 42) contains passages of text which are not in the former. Concerning formula 391 and the text on page 52 of the *StylianariumSB*, the latter is slightly more complete and includes the date of composition, so formula 391 may have been based on it. Thus, all signs suggest that in some cases the compilers “borrowed” texts from the formularies to make their own collections as complete as possible. I would also mention formula 279 and the text on page 259 of the *StylianariumSB*, which are identical in every way and which contain all the individual information. It seems likely that both texts were copied directly from the same charter.

One very frequently comes across various “instructions” in the texts, most of which are in Latin, though a few are in Hungarian. These instructions are intended as guidance in the composition and editing of charters (they also spare the compilers of the manuscript the task of copying passages which seem superfluous or which can already be found in the formulary), but they also clearly show that the compilers knew the contents of the formulary well. Furthermore, they offer glimpses into the everyday work of the chancellery and the process of drawing up the charters. In other words, they call attention to concrete aspects of the “minor details” of work at the chancellery, aspects about which we otherwise would have no other sources on which to draw. In the interests of providing a clear overview, I have divided these instructions into three groups. The first group consists of instructions concerning which formula to use for substitution of the passages of text omitted from a given formula, for instance “Caetera ut in attestatoriis simplicibus” (formula 7); “Caetera ut in formula praemissa” (formula 14); “[...] (prout in litteris salvi conductus) usque ubivis in ditioe nostra

constitutis et commorantibus [...]” (formula 57); “Initium sit prout in litteris passus: Universis et singulis spectabilibus etc.” (formula 68); “[...] etc. caetera ut in donationis formula usque limitibus existentibus” (formula 137); “[...] etc. caetera prout in aliis formulis” (formula 280); “[...] etc. vide nro 285 usque earum veritas suffragatur” (formula 305); and “[...] etc. prout in aliis ad finem usque” (formula 383). Since in some cases the formulas used for charters of transcription or confirmation do not contain the charters to be transcribed, the compilers note that they must be copied into the charters which will be issued: for instance “Interserantur statutoriae de verbo ad verbum. Subiiciatur: [...]” (formula 46); “Hic integre et totum debet describi mandatum quo perfecto sic ad caetera progrediendum” (formula 216); “Hic tota requisitoria est describenda qua descripta sic exordiendum” (formula 276); formula 267 for certain princely approval letter mention only the issuers of the charter to be transcribed and then add that it must be “usque ad finem videlicet nonagesimo tertio”, in other words copied in its entirety. “Az uthan mindgiarast ird ezt [then immediately write this]: Et paulo inferius subscriptum erat [...] Ez uthan esmet [then again] scribe hoc: [...]” Similarly, according to the instruction in formula 285, the charter should be copied “[...] usque ad finem. Absolutis litteris subiiciatur post numerum anni: Et in ultima earundem margine subscripta erant [...] Tandem sequitur: [...]”. One also comes across notes offering assistance in the phrasing of the charter or the composition of a similar kind of document: for instance, formula 6, regarding the situation of a person unable to appear before the chancellery or the place of authentication, says the following: “[...] qui cum ob loci distantiam (vel alio impedimento quocunque fuerit).” It then notes that the time and place of the execution should be indicated: “Quomodo ipse (tempus) in et ad (locum seu curiam nobilitarem) [...] accessisset.” In the text of a mandate of institution (*litterae introductoriae*) issued to the letter searchers (*requisitores/levélkeresők*), after the *inscriptio* and *salutatio*, one finds the following: “(Tandem donatio de verbo ad verbum sine ulla immutatione scribatur. Initium autem inde fiat: Quod nos cum ad nonnulorum etc. Sed pro Quod nos scribatur Cum nos ad etc. in eam formam.) Cum nos dignum et honorificum habentes respectum [...] etc. usque haeredibus et posteritatibus utriusque sexus universis. Tandem sequitur: vigore aliarum litterarum nostrarum donationalium [...]” At the very end of the formula, there is also a reference indicating that “Praesentibus [i.e. the “Praesentibus perlectis exhibenti restitutis” clause] omittatur in statutoria ad requisitores etc.” (formula 247); at the end of formula 231, which concerns granting the fourth part of the tithe (*quarta decimarum*) without paying the

*arenda*⁴⁹ the compiler offers the information necessary for another variation: “Quando vero pro arenda datur, tunc sic scribitur: a loco decimari solitarum pro solita arenda quadraginta florenos, uti perhibetur, constituenda plebano eius loci annuatim et consuetis temporibus de redivibus arendae decimarum huius regni dependenda vita eiusdem T. durante. Et commissio debet dirigi etiam ad plebanum.” After the formula 294 for the invitation to the Diet, the compiler notes the following: “Brassoviam et Bistricium⁵⁰ scribatur: una cum iudice vestro. Ahol penig polgarmester ninchien [where there is no mayor], sic: una cum regio sedisque iudicibus vestris.”

In addition to including these instructions, the compilers often abbreviated some charter-formulas. One could mention the abbreviation “S. P. D.” for “Secus non facturi. Praesentibus perlectis exhibenti restitutis. Datum etc.” (for instance formulas 77 and 224–225). In some cases, a compiler has changed the word order (for instance formulas 69, 89, and 110), interchanged shorter passages (formulas 146, 200, and 202), made corrections (formulas 13, 58, and 131), given other possible versions in the margins (formulas 76, 113, 237), or inserted words which were omitted (formulas 76, 11, 173). Finally, I would mention a special case when the first two thirds of a formula were copied on folio 51v and 52r and the last third was copied on folio 62v, though this was then indicated at the end of the former with the note “Caetera vide numero 194 inferius.”⁵¹ In this case, the compilers simply wanted to add a new coat of arms letter to those already listed but there was not enough space for the introduction of the lengthy document. On the basis of this, however, one could conclude that in the course of compiling the manuscript the clerks kept a certain number of pages for specific types of documents and then later used them. This happened only rarely, however. Otherwise the system would have been more effective in the classification of the documents on the basis of type.

I will not delve into an investigation of the rich and complex content of the manuscript,⁵² but I will call attention to the foreigners who came from various parts of Europe and who were active in Zsigmond Báthory’s entourage and in the territory of the principality.

49 Following the secularization of Church properties in 1556, the tithe was tied to the incomes of the princely treasury. Often, the landowners rented the tithe from the treasury for a set price (*arenda*), but the princes could yield their claim for instance to the fourth of the tithe or the entire tithe for specific individuals without payment of the aforementioned fee.

50 Beszterce (Bistrița/Nösen).

51 Formulas 172, 194.

52 See Fejér, “Kancelláriai formuláskönyv,” 94–99.

Conclusions

In summary, the almost 1,300 pages of the formularies discussed above contain more than 1,100 formulas which provide, if not an exhaustive, then at least a detailed and thorough overview of the kinds of charters and documents issued by the chancellery of the Transylvanian Principality in the second half of the sixteenth century, including documents the originals of which did not survive. They also offer glimpses into the work of the chancellery, revealing aspects of its functioning on which there are few or no other sources. Thus, they are important sources if only from these perspectives, but considering the serious loss of early modern source materials in the sixteenth and seventeenth centuries on Transylvania, including the large-scale destruction of the princely archives, they are even more significant. And while it is important, as noted in the discussion above, to treat the formulas with caution when using them as historical sources, at the same time one can hardly ignore the relevance of the information they contain, given that most of them were composed on the basis of charters which were in fact issued and delivered and which in many cases have not to our knowledge survived. Thus, anything we know of their content is based on the formulas. In other words historical scholarship has a great deal to gain from more focused study of the Transylvanian formularies, which for the past six or seven decades have been largely pushed to the margins of scientific inquiry.

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