

THE FIRST PROTOCOL BOOK OF SIBIU (1522-1565) AS A FUNDAMENTAL SOURCE FOR URBAN HISTORY

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This study presents my edition of the first town protocols of Sibiu/Hermannstadt (1522-1565). In the first section I present the current state of the primary source publication of medieval and early modern urban protocols in Transylvania. The second section describes the town book of Sibiu and presents its main features as a sources for studying many aspects of political, social, legal and economic history.

As part of my research projects with the Nicolae Iorga Institute of History, I undertook to publish the first preserved town protocols of Sibiu. With the support of the Arbeitskreis für Siebenbürgische Landeskunde and the Institut für deutsche Kultur und Geschichte Südosteuropas in München, the work was printed under the title *„zu urkundt in das Stadbuch lassen einschreiben. Die ältesten Protokolle von Hermannstadt und der Sächsischen Nationsuniversität (1522-1565)*, series Quellen zur Geschichte der Stadt Hermannstadt, vol. 5, Sibiu/Bonn, Schiller, 2016. The protocols of Sibiu are part of the group of the specific products of medieval and early modern urban chanceries in Central Europe, created for political, administrative, and economic purposes.¹

The publication of these town protocol books and account books since the nineteenth century has produced cornerstone editions of primary sources and has maintained the interest of researchers ever since. In the age of the digital humanities, many of the printed editions are now compiled into the *Index Librorum Civitatum*, <https://www.stadtbuecher.de>, in a research

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**A shorter version of the text is published as an introduction to the town book of Sibiu, Mária Pakucs-Willcocks (ed.), *„zu urkundt in das Stadbuch lassen einschreiben. Die ältesten Protokolle von Hermannstadt und der Sächsischen Nationsuniversität (1522-1565)*, seria Quellen zur Geschichte der Stadt Hermannstadt, vol. 5, Sibiu/Bonn, Schiller, 2016, pp. 7-14.

¹ Konrad Beyerle, *Die deutschen Stadtbücher*, in *Deutsche Geschichtsblätter*, t. 11, nr. 6-7, 1910, p. 146. See more fully Júlia Derzsi, *Crimă și pedeapsă. Funcționarea jurisdicției penale în orașele din Transilvania*, Ph.D. thesis, ms, Universitatea “Lucian Blaga” Sibiu, 2012, p. 19-20. Ferdinand Oppl, *Das Wiener Eisenbuch. Zum Quellentypus und den im Zuge der Restaurierung neu gewonnen Erkenntnissen*, in Idem, ed., *...Daz si ein recht puech solten haben... Kodikologische, kunsthistorische, paläographische und restauratorische Analyse zum Wiener Eisenbuch (14.-19. Jahrhundert)*, series Forschungen und Beiträge zur Wiener Stadtgeschichte vol. 53, Innsbruck 2010, p. 149.

project funded by the German Research Foundation (DFG) and coordinated by prof. Andreas Raft from the Martin Luther University in Halle-Wittenberg. The web page brings together editions of town protocol books and secondary literature relevant to medieval and pre-modern cities in Europe; it includes the Saxon towns of Transylvania (Sibiu, Braşov, and Bistriţa), for which there is bibliography accessible to German scholars.

The practice of urban writing in the medieval kingdom of Hungary was studied recently by Katalin Szende.² She found that administrative literacy was the result of a process of building the autonomy of the town and its institutions, such as obtaining a town seal or employing a town notary as a permanent employee of the chancery.³ Recently, the publication of medieval urban registers and account books from towns in Western Hungary made significant strides, reflecting a constant interest in this type of source.⁴ For Transylvania, town protocols books garnered a less focused attention.⁵ The Transylvanian Museum Association (Erdélyi Múzeum-Egyesület) and its researchers have edited the town books of Turda (1993) and Alba Iulia (1998)⁶. The town book of Tg. Mureş (Marosvásárhely), which contains the statutes and laws of this town since 1604, is partly published in the compendium of the pre-modern legislation edited in 1885 by Sándor Kolozsvári and Kelemen Óvári, and later edited

² Katalin Szende, *Trust, Authority, and the Written Word in the Royal Towns of Medieval Hungary* (Turnhout: Brepols, 2018).

³ On town notaries in Transylvania see Adinel Dincă, “Notari publici în Transilvania Evului mediu târziu: premise ale receptării unei instituții juridice,” in *Exercițiul scrierii în Transilvania medievală și premodernă*, ed. Susana Andea and Adinel Dincă (Cluj-Napoca: Argonaut, 2016), 45-46; Ágnes Flóra, “Hivatal vagy hivatás? Városi jegyzők a kora újkori Erdélyben,” in „...éltünk mi sokáig ‘két hazában’... Tanulmányok a 90 éves Kiss András tiszteletére, ed. Veronka Dáné, Teréz Oborni, Gábor Sipos, (Debrecen: Debrecen University Press, 2014), 123; Eadem, *Laborem circumspici domini notarii. Town Notaries in Early Modern Transylvania*, in *Writing and the Administration of Medieval Towns. Medieval Urban Literacy*, ed. by Marco Mostert, Anna Adamska, vol. I. (Turnhout: Brepols, 2014), 313–335.

⁴ Jenő Házi, János Németh, ed., *Gerichtsbuch. Bírósági Könyv (1423-1531)*, seria Quellen zur Geschichte der Stadt Ödenburg, A vol. 2, Sopron, Győr-Moson-Sopron Megye Soproni Levéltára, 2005; Károly Mollay, Károly Goda (ed.), *Gedenkbuch. Feljegyzésikönyv (1492-1543)*, Quellen zur Geschichte der Stadt Ödenburg, A vol. 3, Sopron, Győr-Moson-Sopron Megye Soproni Levéltára, 2006; Judit Majorossy, Katalin Szende, „Libri civitatum. Városkönyvek a középkori Magyar Királyság közigazgatásában”, in *Tiszteletkör. Történeti tanulmányok Draskóczy István egyetemi tanár 60. születésnapjára*, ed. Gábor Mikó s.a., Budapest, ELTE, 2012, p. 319-330; Judit Majorossy, Katalin Szende, ed. *Das Preßburger Protocollon Testamentorum. 1410 (1427)-1526*, vol. 1, series Fontes Rerum Austriacarum, III, Fontes Iuris, vol. 21/1, Vienna, OEAW, 2010, 12-18.

⁵ András Kiss, “A kolozsvári városi könyvek,” in *Emlékkönyv Jakó Zsigmond nyolcvanadik születésnapjára*, ed. Gábor Sipos, Cluj-Napoca, EME, 1996, 214-229.

⁶ Rudolf Wolf, ed., *Torda város tanácsi jegyzőkönyvei (1603-1678)*, seria Erdélyi Történelmi Adatok VI.2, Cluj, EME, 1993, online in editie integrală <http://mek.oszk.hu/02800/02882/02882.pdf> (accesat 15 martie 2020); András Kovács, ed., *Gyulafehérvár városkönyve (1588-1674). Gyulafehérvár város törvénykezési jegyzőkönyvei (1603-1616)*, seria Erdélyi Történelmi Adatok VII.2, Cluj, EME, 1998, online in full-text at <http://mek.oszk.hu/02800/02844/02844.pdf> (accessed 21 March 2021).

by Sándor Pál-Antal.⁷ In the urban centres of Wallachia and Moldavia there are early mentions of town registers (*catastifele târgului*)⁸.

The situation of the Saxon towns is a particular one in Transylvanian context and in the editorial landscape of these types of historical sources. Archiving efforts begun as early as the sixteenth century⁹ ensured the preservation of the rich archival fonds. Furthermore, the early interest of local historians and archivists in source publication resulted in series dedicated to the late medieval account books of Braşov and Sibiu.¹⁰ In the case of Braşov, the most important commercial town of Transylvania, the account books and various financial records from the late Middle Ages to the mid-sixteenth century were edited in several volumes in the nineteenth century.¹¹ A new generation of historians has taken on the task of transcribing and publishing documents from the Saxon archives. Thus, the series on Braşov continued in the 2000s with the most recent addition by Júlia Derzsi, who edited the judicial protocols of the town council (1580-1588),¹² while Zsolt Simon and András Péter Szabó edited the medieval account books of Bistriţa within a project supported by the Ungarn-Institut in Munich.¹³ Excerpts from the protocol book of Mediaş (1508-1698) are also available.¹⁴ We know of extant and yet unpublished protocol books from the late Middle Ages for the towns of Bistriţa and Sighişoara.¹⁵

⁷ Pál-Antal Sándor, *Marosvásárhely XVII.-XVIII. századi jogszabályai és polgárnévsorai* (Tg. Mureş: Mentor, 2006), 47-238. Árpád-Botond György, „A város és igazságszolgáltatása. Marosvásárhely a 17. században”, Ph.D. thesis, ms., Universitatea Babeş-Bolyai, Cluj-Napoca, 2021, 49 sqq.

⁸ Laurenţiu Rădvan, *Oraşele din ţările române în Evul mediu (sfârşitul sec. al XIII-lea – începutul sec. al XVI-lea)* (Iaşi: Editura UAIC, 2001), p. 422; Daniel Botezatu, “Catastiful târgului Botoşani”, *Acta Moldaviae Septentrionalis*, XVIII (2019): 177-181.

⁹ În anul 1546, Christian Pomarius compiled the first inventory of the charters kept in the town hall of Sibiu: Gernot Nussbächer, „Din activitatea arhivistică a lui Christian Pomarius”, în *Revista Arhivelor*, VIII, nr. 2, 1965, p. 169-180.

¹⁰ A full catalogue of the town archive of Sibiu was edited by Franz Zimmermann, *Das Archiv der Stadt Hermannstadt*, Sibiu, 1881, available online in full-text at https://openlibrary.org/works/OL16876982W/Das_Archiv_der_Stadt_Hermannstadt_und_der_S%C3%A4chschen_Nation (accessed 21 March 2021). See also Peter Moldovan, *Privire retrospectivă asupra arhivelor oraşeneşti Sibiu, Bistriţa, Braşov*, in “Revista Arhivelor”, t. 86, no. 1, 2009, 87-88.

¹¹ *Quellen zur Geschichte der Stadt Kronstadt in Siebenbürgen*, vol. 1 (1503-1526), Braşov, 1876; vol. 2 (1526-1540), 1889; vol. 3 (1541-1550), 1896.

¹² Júlia Derzsi, ed., *Das Gerichtsbuch des Kronstädter Rates (1558-1580)*, seria *Quellen zur Geschichte der Stadt Kronstadt – Documente privind istoria oraşului Braşov*, vol. X, Braşov, Aldus Verlas, 2016.

¹³ Zsolt Simon, András Péter Szabó, *Die mittelalterliche Stadt Bistritz/Nösen in Siebenbürgen und ihre Rechnungsbücher. Einleitung*. <http://www.ungarisches-institut.de/forschungen/projekte/laufende-projekte/251-die-mittelalterlichen-rechnungsb%C3%BCher-der-stadt-bistritz-in-siebenb%C3%BCrgen-2.html> (accessed 21 March 2021).

¹⁴ Joseph Bedeus von Scharberg, “Mittheilungen über ein Medwischer Stadtbuch aus dem 16. und 17. Jahrhundert,” *Archiv des Vereins für Siebenbürgische Landeskunde* III, 1858, 30-120.

¹⁵ Bistriţa: DJAN Cluj, Fondul Primăria oraşului Bistriţa, Protocoalele oraşului, IIIa, nos. 1-3, with many thanks to Júlia Derzsi for the generosity in offering information and data. See also András Péter Szabó, “Beszterce város levéltárának történetéhez,” *Levéltári Közlemények* 78, no. 1, 2007, p. 104. Sighişoara: DJAN Braşov,

The focus of my project was the town of Sibiu, whose early account books and town registers were printed in 1880, in one volume of a series dedicated to the archives of the town that did not continue at that time.¹⁶ Furthermore, I am interested in a certain type of urban protocols, containing administrative, political and juridical decision of the highest authorities in town, the council and the elected officials (mayor or judge). Eberhard Isenmann argued that these types of documents, known in vernacular as *Stadtbücher*, represented specific instruments of medieval urban governments for practical reasons of administration but also generated legitimacy and authority for the town fathers.¹⁷ The symbolic power of these town protocols was conveyed in their appearance: in many towns, *Stadtbücher* had covers bound in expensive red leather. Hence, in the German cities such protocol books were commonly called “red books”.¹⁸ In Transylvania, the protocol book of Alba Iulia was known under the same name (*vörös könyv*).¹⁹ The nineteenth century editor Anton Kurz noted that a precious red leather-bound register was kept in the Braşov archives, which contained the decisions of the town council and centumvirs from 1577 to 1652.²⁰ Maja Philippi dated the first record of this *Decretale Coronensium* to the year 1555,²¹ today known only from a late copy in the Trausch collection of the Black Church Archives.²²

The first town book of Sibiu (1522-1565)

While I was invested in making available for the wider readership the first extant town protocol of Sibiu, I stopped short of pursuing this thread of administrative literacy and urban chancery, which are topics of great interest in current scholarship.²³ My emphasis was on the

Fondul Primăria Sighișoara, Protocolul oraşului Sighișoara nr. 2, with thanks to Liviu Cîmpeanu for his kind support in providing the information.

¹⁶ *Quellen zur Geschichte Siebenbürgens aus sächsischen Archiven*. vol. I. *Rechnungen aus dem Archiv der Stadt Hermannstadt und der sächsischen Nation*, Sibiu, 1880.

¹⁷ Eberhard Isenmann, *Die deutsche Stadt im Mittelalter, 1150-1500*, Cologne, Böhlau, 2014, p. 434.

¹⁸ Beyerle, “Deutsche Stadtbücher,” 189.

¹⁹ Kovács (ed.), *Gyulafehérvár*, 3.

²⁰ Anton Kurz, “Das rothe Büchel der Stadt Hermannstadt”, *Magazin für Geschichte, Literatur und alle Denk- und Merkwürdigkeiten Siebenbürgens* t, I, 1844, p. 239-240.

²¹ Maja Philippi, *Die Bürger von Kronstadt im 14. und 15. Jahrhundert*, Cologne, Böhlau, 1986, p. 100.

²² Dirk Moldt, *Deutsche Stadtrechte im mittelalterlichen Siebenbürgen. Korporationsrecht-Bergrecht-Sachsenspiegelrecht*, Cologne, Böhlau, 2009, p. 100; Bernhard Heigl, Petra Rezac, and Thomas Şindilariu (eds.), *Archivführer zur Geschichte der Deutschen in Kronstadt und dem Burzenland*, Oldenbourg, De Gruyter, 2016, p. 169.

²³ Szende, K. For East Central Europe; Marco Mostert, Anna Adamska (ed.), *Writing and the Administration of Medieval Towns. Medieval Urban Literacy*, vol. 1-2 (Turnhout: Brepols, 2014); Mathias Franc Kluge, *Die Macht des Geächtnisses. Entstehung und Wandel kommunaler Schriftkultur im spätmittelalterlichen Augsburg*, Leiden, Brill, 2014. For rural Transylvania see Adinel Dincă, “Medieval Literacy in Transylvania. Selective

protocol book as a documentary source on the one hand, and on its symbolic meaning on the other hand.

The original of the first Sibiu protocol book is kept in the County Archives of Sibiu, in the fonds “Magistratul oraşului și scaunului Sibiu”, Inventory no. 211, doc. 1. The book has 231 folios, with brown leather binding. Two page numberings are visible, one in black ink, possibly dating from the nineteenth century, and the second one in pencil, made in 1984. There are 362 entries, written in Latin and, beginning with 1556, in German.

Historians saw the potential of the Sibiu protocol book in the nineteenth century, when statutes and juridical entries were extracted and published selectively, however, with few exceptions, this crucial document for urban history remained unknown for many generations of researchers. Friedrich Schuler von Libloy, the first historian of the customary law in pre-modern Transylvania, provided a taxonomy of the decrees and statutes from the protocol book, based on whether they were voted by the town council or the University of the Saxons.²⁴ Furthermore, he classified the decisions of the council according to the designation of its members as *senators* or *consuls*, distinguishing between “senatorial” and “consular” decisions. Such a fine distinction, however, is superfluous and inconclusive, because the political vocabulary of the notaries that were in charge of the town book varied greatly, and the terms mentioned above were used interchangeably to designate the same political entity – the council.²⁵

German-language entries, especially those from before 1559, have attracted the attention of historians since the nineteenth century. As noted above, Friedrich Schuler von Libloy published 22 documents, selected to illustrate his monograph on the laws of the three political nations of Transylvania.²⁶ Gustav Seivert extracted several statutes from the protocols

Evidence from the Parish Church,” *Transylvanian Review* XXIV, no. 1 (2015), 109-121. PAULA COTOI, Common Man

²⁴ Friedrich Schuler von Libloy, *Das Privatrecht der Siebenbürger Deutschen (Sachsen) im systematischen Grundrisse* (Sibiu, 1858), 345-348; Gustav Seivert, *Hermannstädter Lokal-Statuten. Festgabe den Mitgliedern des Vereins für siebenbürgische Landeskunde gewidmet im Jahre 1869* (Sibiu, 1869), 24-30; Sándor Kolozsvári, Kelemen Óvári (ed.) *Corpus statutorum Hungariae jurium municipalium/A magyar törvényhatóságok jogszabályainak gyűjteménye*, vol. 1 (Budapest, 1885), 509-510, 513, 518, 537-539; A. Scheiner, *Die Sprache des Teilschreibers Georg Dollert. Beitrag zu einer Geschichte hermannstädtischer Geschäftssprache*, in „Archiv des Vereins für Siebenbürgische Landeskunde”, t. 47(1933): 8-32.

²⁵ There is no discussion in the scholarship of Transylvanian towns of the republican political vocabulary, inspired by ancient Rome, and which has been in use since the Middle Ages. See Martin van Gelderen, Quentin Skinner (ed.), *Republicanism. A Shared European Heritage*. vol. 1, *Republicanism and Constitutionalism in Early Modern Europe*, și vol. 2, *The Values of Republicanism in Early Modern Europe*, Cambridge, Cambridge University Press 2009 și 2012.

²⁶ F. Schuler von Libloy, *Das Privatrecht*, pp. 345-348.

and published them in 1869,²⁷ while a number of statutes and regulations were included in the corpus of legal documents of historic towns in Hungary, edited by Sándor Kolozsvári and Kelemen Óvári.²⁸ Philologist Andreas Scheiner used the protocol book as a proof for the existence of an urban chancery in Sibiu in the early sixteenth century and published the entries written in German before 1556.²⁹

The abstracts of the entries in this town books were compiled in 1958; the work had the merit of bringing forth the rich content of the document but ideological constraints tainted the methodology of transcribing original names into Romanian.³⁰ A digital edition of the document is available on CD-ROM since 2007, thanks to the digitizing project led by Thomas Sindilariu.³¹ Thus, under the aegis of the events dedicated to Sibiu as European Capital of Culture in 2007, the digitised images of the protocol book in high-resolution image were a huge editorial leap for the publication of medieval and early modern sources in Romania. Now, the full digitised protocol book is available online, on the arhivamedievala.ro portal.

Recently, Dana Janetta Dogaru is the only scholar who showed a professional interest in the Sibiu town books and explored the immense potential of this historical document from a linguistic point of view.³²

In fact, a mention from a marriage contract from 1419 refers to a *statpuch*³³, possibly indicating that some form of official protocol book of Sibiu might have existed then, but it was not found in the town archives when modern archival arrangement began in the nineteenth century.³⁴ Thus, the protocol book started in 1522 by Georg Reicherstorffer is the first extant one, which bears no recollection to a previous town book.

Town notaries of Sibiu used different terms to refer to the protocol book: *codex*, *prothocollon*, *protocolon urbis*, *liber civitatis* and *Stadbuch*, of which the latter two are the most common. The symbolic power of this official book of the town was extolled upon in the

²⁷ Gustav Seivert, *Hermannstädter Lokal-Statuten. Festgabe den Mitgliedern des Vereins für siebenbürgische Landeskunde gewidmet im Jahre 1869*, Sibiu, 1869, pp. 24-30.

²⁸ Sándor Kolozsvári, Kelemen Óvári (ed.) *Corpus statutorum Hungariae jurium municipalium/A magyar törvényhatóságok jogszabályainak gyűjteménye*, vol. 1, Budapest, 1885, p. 509-510, 513, 518, 537-539.

²⁹ A. Scheiner, *op. cit.*, anexa II, pp. 8-32

³⁰ Gheorghe Duzinchevici, Evdochia Buta și Herta Gündisch (ed.), *Inventarul protoalelor primăriei Sibiu, 1521-1700* (Bucharest: Arhivele Statului, 1958).

³¹ Käthe Hienz, Bernd Heigl, Thomas Şindilariu (ed.), *Hermannstadt und Siebenbürgen. Die Protokolle des Hermannstädter Rates und der Sächsischen Nationsuniversität (1391-1705)* Sibiu, Honterus, 2007.

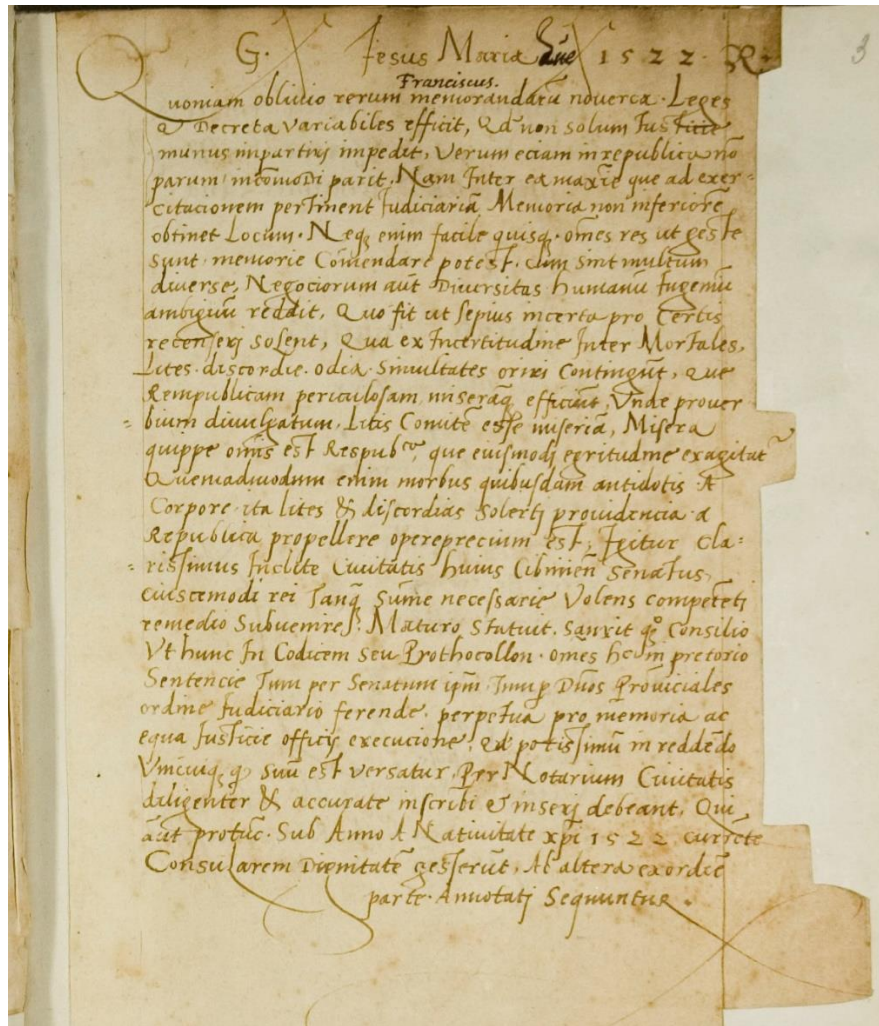
³² Dana Janetta Dogaru, "Zur syntaktischen Ausprägung der deutschen Amtssprache in Hermannstadt in der zweite Hälfte des 16. Jahrhunderts: Der Verbalkomplex," *Zeitschrift der Germanisten Rumäniens*, t. 29-30/31-32 (2006-2007), 509-520; Eadem, *Deutsche Kanzleisprache in Siebenbürgen*, in *Kanzleisprachforschung. Ein internationales Handbuch*, ed. Albrecht Greule, Jörg Maier, Arnes Ziegler (Berlin: De Gruyter), 571-588.

³³ *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. 4, ed. Gustav Gündisch, et.alii, Sibiu, 1937, p. 116; *Hermannstadt und Siebenbürgen*, p. 17.

³⁴ A. Scheiner, 48.

preamble to the actual entries, masterfully formulated by Reicherstorffer: oblivion threatens the laws that need to be remembered, therefore all the decrees and juridical sentences of the town council should be preserved in writing. This political validation was afforded not only by the work done for justice and for the common good, but also by the place where the sentences and decrees were pronounced, namely the town house (*consistorium, Rathaus*). The council and its meeting hall were poles of power and responsibility.³⁵

Figure 1. Preamble page of the Sibiu town book, fol. 2r



Despite the strong arguments presented in the preamble, there seems to have been an uncertainty about the uses of the protocol book initially. Owing to Sibiu's status as the seat of the University of Transylvanian Saxons,³⁶ the town protocol book served to record decisions and statutes of this institution as well until 1544. This might explain why a different, smaller

³⁵ E. Isenmann, *Die deutsche Stadt*, 327; Pakucs-Willcocks, *Sibiul veacului al XVI-lea*, pp. 59-60.

³⁶ Enikő Rűsz-Fogarasi, "Nagyszeben, a százszok „fővárosa”?" *Urbs. Magyar Várostartörténeti Évkönyv VIII* (2013): 48.

protocol book was created for writing down the town statutes of 1541, 1589 and 1631.³⁷ In 1544, a different protocol book was created for the University of the Saxons³⁸, separating urban affairs from those of the entire Saxon community in Transylvania. The double role played initially by the protocol book is reflected on its title page: *Prothocollon provincie Saxonum necnon civitatis Cibiniensis sub anno 1522 feliciter ceptum et congestum* (Protocol book of the Saxon territories and of the town of Sibiu joyously begun in the year 1522).

The purpose and use of the protocol book crystallised over the years: it remained a strong representation tool for the town council by recording the list of the elected officials every year, while its role of legal record keeping became dominant. Thus, inhabitants of Sibiu turned more and more to the town notary to write down in the protocol book their agreements, sales contracts, last wills and testaments. The town council was first instance in minor civil cases,³⁹ therefore it decided in disputes over property, which, upon request, were consequently recorded in the protocol book. For the interested parties, the protocol book offered extra guarantees for safekeeping as opposed to single documents,⁴⁰ which could be lost (doc 227 in my edition) or could perish in fire (doc. 193 and 303 in my edition). The following protocol book of Sibiu, covering the period between 1566 and 1637, notaries began to write a description of the entry on the margins, also specifying whether it concerned an urban or rural case. This practice suggests that the protocol books were used more and more as archives and official depositories, and the marginal notes eased the searching of data.

The official discourse of serving the *res publica* notwithstanding, I argue that not everyone in Sibiu had access to the protocol book, as not all of the sentences of the town council were registered in it. It is highly possible that a fee was charged in exchange for the official recording, as this was a widely spread practice in late medieval and early modern chanceries.⁴¹ This would also explain further why on average there protocol book holds eight entries per year.

Whereas there are evident limitations inherent with the concept and registration of the Sibiu protocol book, it also holds insights into juridical practices that are not known to scholarship to date. The most salient example is an inheritance custom identified as „unio

³⁷ DJAN Sibiu, Medieval Documents, U IV 595, available on arhivamedievala.ro. Statutes published in Gustav Seivert, *Hermannstädter op. cit.*

³⁸ *Hermannstadt und Siebenbürgen, op. cit.*, p. 16.

³⁹ Júlia Derzsi, *Delict și pedeapsă. Funcționarea jurisdicției penale în orașele din Transilvania în secolul al XVI-lea*, PhD thesis in ms., Universitatea „Lucian Blaga”, Sibiu, 2012.

⁴⁰ See the similar argument Dresden: *Das sechste und siebente Stadtbuch Desdens (1505-1535)*, Thomas Kübler și Jörg Oberste (ed.), Leipzig, Lepiziger Universitäts Verlag, 2011, p. 27.

⁴¹ *Az erdélyi fejedelmek királyi könyvei. Báthori Zsigmond királyi könyvei, 1582-1602*, Tamás Fejér, Etelka Rács și Anikó Szász (ed.), seria *Erdélyi Történelmi Adatok VII.3*, Cluj, EME, 2005, p. 14.

puerorum” in the protocol book. So far I could find no other reference to this custom, which seems to have consisted of joining the estates of children in subsequent marriages of their parents (doc. 66 and 116).⁴² Thus the shares of the inheritance of all the children in the rearranged families became equal but to the detriment of the minors who had more wealth passed onto them by their deceased parent. I assume that this was the reasoning behind the law adopted in 1538 by the University of Saxons (doc. 146), forbidding recomposed families to unify the estates of the underage offspring. Cases from 1553 (doc. 282) and 1557 (doc. 314) show, however, that this practice continued to be used. Nevertheless, this kind of contract is not mentioned in the 1583 code of law of the Transylvanian Saxons and probably became obsolete quite rapidly afterwards. In the Austrian Civil Code of 1811, it was still mentioned as a legally invalid contract.⁴³ According to my knowledge thus far, recent literature interest showed no interest in the customary law of Transylvanian Saxons, and it escaped the attention of legal historians as well.⁴⁴ Known in German as “Einkindschaft”, it is documented in the Middle Ages.⁴⁵ It is not clear why the Saxon officials wanted to eradicate this practice, what is sure is that the “unio puerorum” was not included in the 1583 code of law, the *Eigen-Landrecht*.

In the protocol book, several town statutes are written down, reflecting the concern for good governance and the social order: eight town laws (doc. 205, 224, 2265, 266, 353, 355, 352) and two regulations approved by the University of the Saxons (doc. 146 and 196). We know that these were put into practice from a few cases referring to the town laws. For example, a house sale was annulled in 1549 (doc. 254), because the sellers failed to announce the sale publicly, three times, as required by the town statute of 1544 (doc 245).

We know from the town statute of 1589 that city fathers were keen on controlling transactions with houses and gardens in Sibiu, with the aim of having a tight grip on immigration into town. The main concern was to keep the town Lutheran and German-speaking, thus only kin of the burghers were allowed to own property in Sibiu; any other individuals who happened to have an inheritance in town had to sell it to townsfolk.⁴⁶ Townfolk reported to the town council the inheritance of orphaned children, when the houses or plots had to be sold on because the family could not afford to keep them. In these situations, the council approved the sale of property to other relations or to neighbours. Such cases were numerous in

⁴² It was 1/3 of the deceased mother’s estate or 2/3 of the father’s estate.

⁴³ Allgemeines bürgerliches Gesetzbuch für die deutschen Erbländer der österreichischen Monarchie, 1811, p. 364, <http://www.literature.at/alo?objid=11585> (accessed 16 April 2021).

⁴⁴ *Corpus statutorum Hungariae juriurum municipalium*, ed. Sándor Kolozsvári and Kelemen Óvári, vol. I, Budapest, 1885, where the editors explain that the practice favoured the parents.

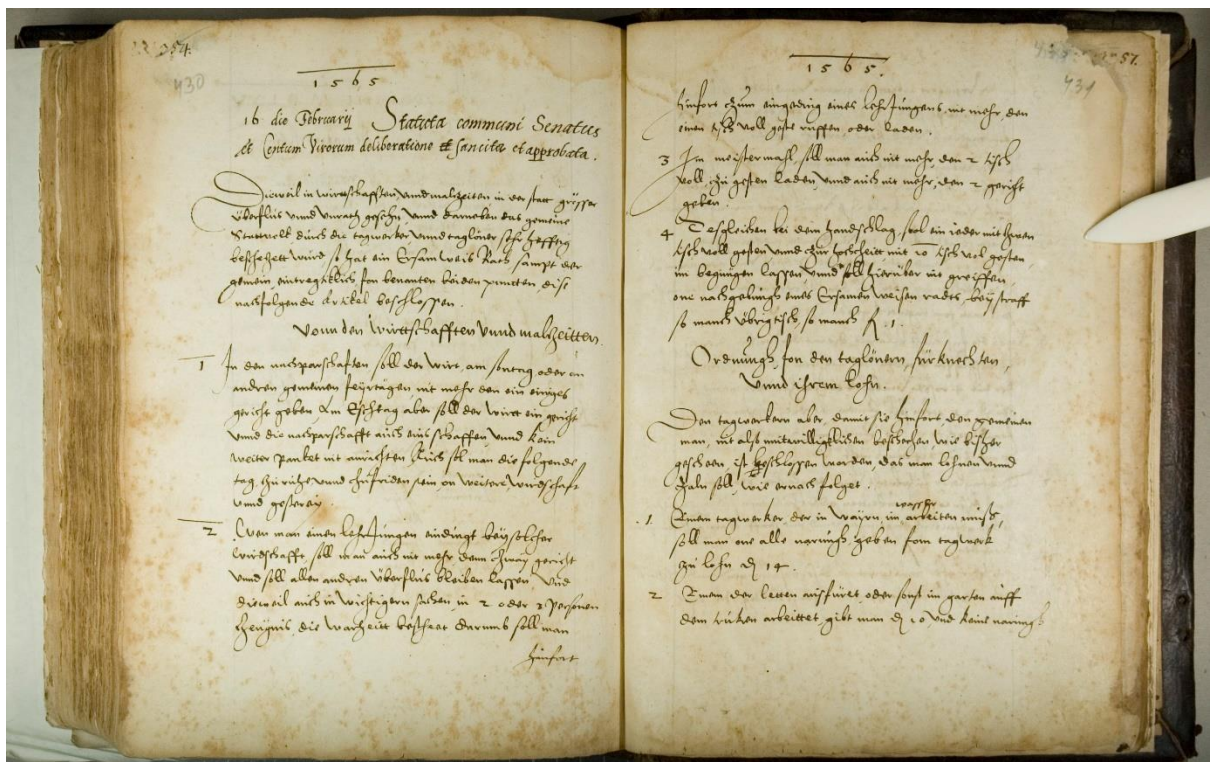
⁴⁵ Einkindschaft (Deutsches Rechtswörterbuch - DRW) (uni-heidelberg.de), accessed 16 April 2021.

⁴⁶ *Corpus statutorum*, vol. I, p. 561.

1556, when a great fire destroyed a large part of the city.⁴⁷ More than ever, the houses inherited by children were in ruin, therefore many families turned to the council for permission to sell the homes and plots inherited by their underaged relations (doc. 303, doc. 305, doc. 306).

The Sibiu protocol book also holds the first preserved sumptuary law of the town. In 1565, a decision of the council (doc. 355) imposed the number of guests and tables allowed at celebrations and festivities, i. e. Ash Wednesday feasts, acceptance into a guild, or engagement and wedding receptions. The main goal of the statute was to rein in excess and senseless spending.⁴⁸

Figure 2. The 1565 sumptuary law of Sibiu, fol. 216r-217v



The second part of this council regulation provides a list of recommended wages for daily labourers and maids. This is the first instance of such a measure by the town council and is a strong indicator of its efforts towards good governance in regulating labour relations.

As mentioned above, town notary Georg Reicherstorffer was instrumental in the inception of the Sibiu protocol book in 1522. He remained in the service of the town council until 1525, when he moved to Buda as the personal secretary of Queen Mary and joined the

⁴⁷ Gustav Gündisch, *Der Hermannstädter Aufstand des Jahres 1556*, in vol. *Aus Geschichte und Kultur der Siebenbürger Sachsen. Ausgewählte Aufsätze und Berichte* (Schriften zur Landeskunde Siebenbürgens, vol. 14), Köln, Böhlau, 1987, p. 213-214.

⁴⁸ Mária Pakucs-Willcocks, *Transylvanian Civic Sumptuary Laws in the Early Modern Period: Preliminary Observations*, in „Revista Istorică”, tom XXIX, nr. 1-2, 2018, p. 62.

court of Ferdinand of Austria after the Mohács disaster.⁴⁹ All notaries that followed in this office were individuals with great contributions to the cultural history of the Transylvanian Saxons in the sixteenth century. Each notary had his own juridical terminology and diplomatic formulae, thus leaving their individual mark on the entries in the Sibiu town book.

Table 1: List of notaries and their records entered into the Sibiu town book

NOTARY	Years active in Sibiu	Entries in the town book
Georg Reicherstorffer	1522-1525 (?)	Doc. 1-29 (?)
Johannes Mildt (Myldt)	1526-1530	Doc. 30-66
Lucas Trapoldianus	1531-1546	Doc. 67-233
Christian Pomarius	1547	Doc. 234-240
Thomas Bomelius	1548-1554	Doc. 241-296,298-301
Emanuel Trapoldianus	1555	Doc. 297
Johannes Rhyssus	1556-1562	Doc. 302-341
Michael Siglerus	1563-1565	Doc. 342-362

The only entries in the protocol book that have the *manu propria* signature of Georg Reicherstorffer are the preamble, discussed above, and the first list of town officials of 1522. I can infer that he wrote all entries in the town book until 1525. For doc. 33, the signature belongs to a certain *viceregens notarii*, meaning that Reicherstorffer had left Sibiu for Buda by that time.⁵⁰ Nevertheless, my assumption is that Johannes Mildt had begun to enter records into the protocol book before that, as his squared lettering can be recognised beginning with doc. 30.

After Johannes Mildt, Lucas Trapoldianus (or Trapoldner, as he was also known) was called into the office, serving many years for the town chancery but also for the advancement of printing culture in Transylvania. Owing to the scholarship of Zsolt Simon, we know that Lucas Trapoldianus used the first printing press in Transylvania as early as 1525, went on to become one of the most productive printers of his time.⁵¹ Christian Pomarius, who came to

⁴⁹ Bernhard Capesius, *Der Hermannstädter Humanist Georg Reicherstorffer*, in „Forschungen zur Volks- und Landeskunde”, X, nr. 1, 1967, pp. 35-62.

⁵⁰ In October 1525, Queen Mary of Hungary had requested the Sibiu officials to assist Georg Reicherstorffer in his departure for Buda by giving him necessary paperwork. The letter mentions that Reicherstorffer was going to be accompanied by “his wife, children and entire family”. DJAN Sibiu, Medieval Documents, U IV 297, arhivamedievala.ro (accessed 16 November 2022).

⁵¹ Zsolt Simon, *Primele tipărituri din Transilvania (Sibiu 1525)*, “Anuarul Institutului de Istorie George Barițiu din Cluj-Napoca” 46, 2007, pp. 89-106, with a Hungarian version with good images of these early prints at [Magyar Könyvszemle - 125. évf. \(2009.\) 1. sz. - EPA \(oszk.hu\)](http://Magyar Könyvszemle - 125. évf. (2009.) 1. sz. - EPA (oszk.hu)) (accessed 16 November 2022). Klaus Popa,

Sibiu from Bistrița, organised the town archives and compiled the first archival register.⁵² In turn, Thomas Bomelius is known for his juridical expertise in finalising the written code of law of the Transylvanian Saxons, “Das Eigen-Landrecht”, printed in 1583.⁵³

While the notarial function of the town book increased over time, there are on average eight entries per year, not counting the lists of officials. Thus, the town book does not cover the entire administrative and juridical work and output of the Sibiu town council. It is my conjecture that, albeit not documented in the protocol book, any transcription of a private legal document into the town book incurred a certain fee, a fact which, in turn, restricted the access of the citizenry to this extra safety of their transactions. The expression used was “we asked that this should be written into the town book” (“auf bittlich anlangen solchs ins stadbuch haben einlassen schreiben”- doc. 328), which could indicate that the registration was made on request and against payment. We know that the town book of Alba-Iulia mentions this notarial fee⁵⁴ Furthermore, fees were paid for transcriptions into the princely protocol books (“librii regii”), which had a notarial role similarly to the Sibiu town book.⁵⁵

The town book of Sibiu offered the guarantee of safekeeping as compared to loose papers⁵⁶. There are a few cases recorded when townsfolk had appealed to the town book when they replaced their misplaced documents (doc. 227) or lost to the fire (docs. 193 and 303). An undated request to the town council shows that Georg Schirmer, inhabitant of Sibiu, had appealed to them to

be kind and look in the town book for the contract concerning my house and that of my neighbour's and give my a copy; your lordships will find it between the years 1529 and 1539, around 1532, when owners were doctor Sebastian Pauschner and Georgius Fenischer.⁵⁷

We know that such a contract was not written down in the town book.

Along with these practical aspects that served the town council and the citizens, the town book had a a strong symbolic role, visually expressed in several ways in the appearance

Neue Erkenntnisse über den siebenbürgischen Buchdrucker Lucas Trapoldner, “Magyar Könyvszemle”, 112, 1996, pp. 358-362, arguing that Trapoldianus had studied in Cologne.

⁵² Konrad Gündisch, *Christian Pomarius und die Reformation in Nösnerland*, in *Luther und Siebenbürgen. Ausstrahlungen von Reformation und Humanismus nach Südosteuropa*, ed. Georg și Renate Weber, Köln, 1985 (*Siebenbürgisches Archiv*, vol. 19), 115.

⁵³ Gernot Nussbächer, *Zur Biographie von Thomas Bomelius*, in „Zeitschrift für Siebenbürgische Landeskunde”, 29, 2006, pp. 137-141.

⁵⁴ Kovács, ed. *Gyulafehérvár*, 3, note 6.

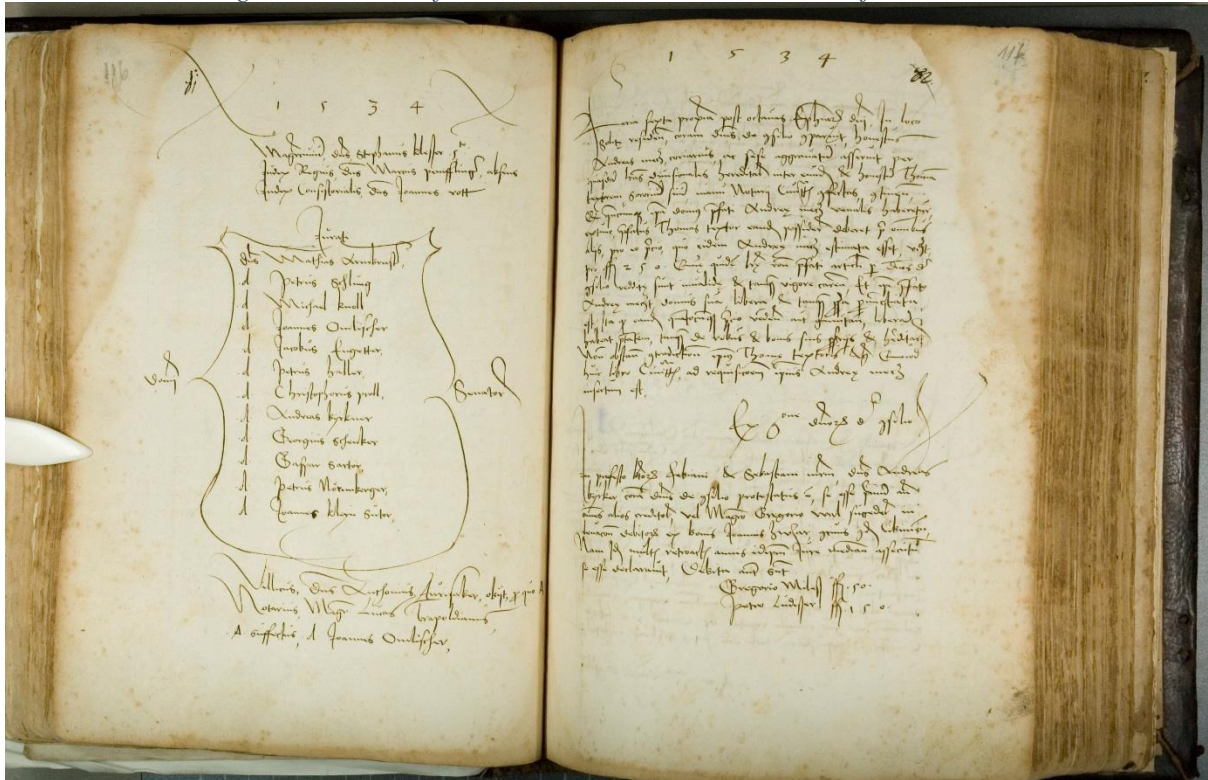
⁵⁵ *Az erdélyi fejedelmek királyi könyvei. Báthori Zsigmond királyi könyvei, 1582-1602*, Tamás Fejér, Etelka Rács și Anikó Szász (ed.), seria *Erdélyi Történelmi Adatok* VII.3, Cluj, EME, 2005, 14.

⁵⁶ A similar argument made by the editors of the Dresden town book: *Das sechste und siebente Stadtbuch Desdens (1505-1535)*, Thomas Kübler și Jörg Oberste (ed.), Leipzig, Lepiziger Universitäts Verlag, 2011, p. 27.

⁵⁷ DJANS, Fondul Acte fasciculate, H – Sănătate, nr. 27, f. 1.

of the register (the leather binding mentioned before) and in its content.⁵⁸ The town book was an instrument for legitimising the governance of the town council, but over time its authority and power grew because of the memory stored within its covers.

Figure 3. The list of town council members as a shield, fol. 58v-49r



⁵⁸ Pakucs-Willcocks, *Sibiul veacului al XVI-lea*, 67.