

## WRITING PRAXIS AND DOCUMENT FORGERY IN PRINCELY TRANSYLVANIA (16<sup>TH</sup> -17<sup>TH</sup> CENTURIES)\*

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**Abstract:** *The present study considers the use and development of the written document in Transylvanian society, remarking the small number of edited documents and the difficulty of such an endeavour. The writing praxis extended after the use of vernacular languages became common and, at the same time, document forgery was brought under regulation. From the Middle Ages until the 17th century professional and clumsy fake documents appeared, from all areas of interest: nobility diplomas, testaments, passports, school certificates, property documents. The author underlines the lack of research concerning the analysis of fake documents during the premodern era.*

**Keywords:** Transylvania, chancery, pragmatic literacy, forgery

Previous research dedicated to the written document as a product of the medieval age and its associated praxis was the result of endeavours undertaken in Western Europe and it mainly laid upon various writs produced between the 11<sup>th</sup> and the 15<sup>th</sup> centuries. These surveys were included into the wider category of emphasis diplomatic, a historical discipline part of the auxiliary sciences of history, entrusted with the task of establishing the authenticity of old official documents. However, a question naturally arises: what is the definition of an old document? Which is the time line that would justify the diplomatic research of the written document? If we consider the first definitions stated by Daniel Papebroch<sup>1</sup>, Jean Mabillon<sup>2</sup> or, later, Harry Bresslau<sup>3</sup>, the timescale can be modified – also due to the discussion regarding the periodization of history, as put forward by various historical schools. Therefore, it is possible to speak about a modern history for Western Europe between the 12<sup>th</sup> and 17<sup>th</sup> centuries, but the same terminology is difficult to argue for Transylvania, especially when taking into account literacy and the use of written documents in everyday life. It is our opinion that the time limit of medieval Transylvania is to be

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<sup>1</sup> *Propylaeum antiquarium circa veri ac falsi discrimen in vetustatis membranis*, in "Acta Sanctorum", aprilis, t. II, Anvers, 1675. *Handbuch der Urkundenlehre für Deutschland und Italien*, ed. II, Lipsca, 1915.

<sup>2</sup> *De re diplomatica libri VI*, Paris, 1681; *Librorum de re diplomatica supplementum*, Paris, 1704.

<sup>3</sup> *Handbuch der Urkundenlehre für Deutschland und Italien*, ed. II, Lipsca, 1915.

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considered the Battle of Mohács (1526), while the time span from the establishment of the Principality under Ottoman rule (1541) until the Austrian occupation (1699) can be defined as pre-modern.

On the other hand, one must bear in mind the fact that diplomatic scholarship in the European area has considered mainly Latin writing, leaving outside other types of documents in Slavonic, written in Cyrillic characters. Transylvania, as a geographical area situated in a region where more than one writing types were overlapping and interfering due to the co-habitation of the Catholic and Orthodox Churches, could thus endorse the widening of the term “old document”. It is important to include in the diplomatic research field the study of documents written in vernacular languages, such as German, Hungarian, Romanian – all present in the Transylvanian area.

The *Commission internationale de diplomatique*<sup>4</sup> (CID), established in 1970, included within the competences of this auxiliary historical science the analysis of writings and document forgeries from 17<sup>th</sup> – century Europe. The ample bibliography<sup>5</sup> compiled by Thomas Frenz<sup>6</sup> includes papers published in Europe (France, Austria, Germany, Italy, Spain, Holland, Belgium, the Czech Republic, Poland, etc.) – however there are no papers present from this geographical region, a matter which allows us to extend the diplomatic investigations. An even brief inquiry of the above mentioned bibliography indicates the researchers’ focus on those documents older than the 18<sup>th</sup> century, namely papal diplomatic, royal diplomatic, etc. Diplomatic studies dedicated to documents written in recent centuries are small in number, although the written records all over Europe increase and diversify during this time span. We therefore consider that only the lack of interest in modern (pre-modern) writing could explain this fact, but it does not limit the diplomatic inquiry into the 14<sup>th</sup> and 15<sup>th</sup> centuries.

Diplomatic research<sup>7</sup> dedicated to writing praxis and forgery in Princely Transylvania has not contributions. Most of the research undertaken during the last two centuries<sup>8</sup> has concentrated upon the medieval documents issued from the 12<sup>th</sup> to the 15<sup>th</sup> centuries<sup>9</sup>, however those acts issued after 1401 did not enjoy the same

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<sup>4</sup> See the site of the *Commission Internationale de Diplomatie* (CID). Current president: Olivier Guyotjeannin, Ecole de Chartes, Paris.

<sup>5</sup> <http://www.phil.uni-passau.de/histhw/bibliographie/3d.html>

<sup>6</sup> Thomas Frenz: *Bibliographie zur Diplomatik und verwandten Fachgebieten der Historischen Hilfswissenschaften...*

<sup>7</sup> See an ample bibliography at: Kosáry Domokos, *Bevezetés Magyarország történetének forrásaiban és irodalmába*, <http://mek.oszk.hu/03900/03960>

<sup>8</sup> See Susana Andea, *Considerații referitoare la practica falsificării de acte în Transilvania (sec. XIII-XVII)* in ”Anuarul Institutului de Istorie «George Barițiu» din Cluj-Napoca”. Series Historica, LIV, 2015, p. 339-348.

<sup>9</sup> See other opinions and assessments regarding the bibliography in *Codex diplomaticus Transylvaniae. Erdélyi okmánytár. Oklevelek, levelek és más írásos emlékek Erdély történetéhez*, I, edit. Jakó Zsigmond, András W. Kovács (infra: *Erd. Okm.*), I, p. 7-90.

consideration. One possible explanation could be the fact that most volumes that intended to publish exhaustive material on one theme or another did not finish their tasks. Generous initiatives led to the publishing of volumes comprising the documentary legacy of various noble families: Bánffy<sup>10</sup>, Csáky<sup>11</sup>, Károlyi<sup>12</sup>, Teleki<sup>13</sup>, Sztáray<sup>14</sup>, Zichy<sup>15</sup>, Wass<sup>16</sup> etc. Other initiatives focused on editing documents issued by royal dynasties: the Arpad dynasty<sup>17</sup>, the Anjou dynasty<sup>18</sup>, the age of Sigismund de Luxemburg<sup>19</sup>, or the age of the Hunyadi family<sup>20</sup> etc., which may address Transylvanian matters as well. Other documentary series compiled all writings regarding the Transylvanian Saxons<sup>21</sup>, Szeklers<sup>22</sup> or Romanians<sup>23</sup>. We also encounter volumes of documents with respect to certain territorial entities: Timiș<sup>24</sup>, Severin<sup>25</sup>, Banat<sup>26</sup>, Caraș<sup>27</sup>, Maramureș<sup>28</sup>, Țara Hațegului<sup>29</sup>, Țara Făgărașului<sup>30</sup> etc. The written

<sup>10</sup> *Oklevéltár a Tomaj nemzetségbeli losonczi Bánffy család történetéhez*, II, eds. Varjú Elemer, Iványi Béla, Budapest, 1928.

<sup>11</sup> *Oklevéltár a gróf Csáky család történetéhez*, ed. Bártfai Szabó László, Budapest, 1919.

<sup>12</sup> *A nagykárolyi gróf Károlyi család oklevéltára*, ed. Géresi Kálmán, vol. I-II, Budapest, 1881-1882.

<sup>13</sup> *A római szent birodalmi gróf széki Teleki család oklevéltára, I (1206-1437)*, ed. Barabás Samu, Budapest, 1895.

<sup>14</sup> *A nagymihályi és sztáray gróf Sztáray család oklevéltára*, I-II, ed. Nagy Gyula, Budapest, 1887-1889.

<sup>15</sup> *A zichi és vásonkeői gróf Zichy-család idősbágának okmánytára. Codex diplomaticus domus senioris comitum Zichy de Zich et Vásonkeő*, I-XIII, eds. Nagy Imre, Nagy Iván, Véghely Dezső et alii, Budapest, 1871-1931.

<sup>16</sup> *A Wass család cegei levéltára*, eds. W.Kovács András-Valentiny Antal, Cluj-Napoca, 2006.

<sup>17</sup> *Codex diplomaticus Arpadianus continuatus, Arpádkori új okmánytár*, vol. I-XII, ed. Wenzel Gustáv, Pest- Budapest, 1860-1874; *Codex diplomaticus patrius Hungaricus. Hazai okmánytár*, vol. I-VIII, Győr-Budapest, 1865-1891.

<sup>18</sup> *Codex diplomaticus Hungaricus Andegavensis. Anjoukori okmánytár*, vol. I-VII, eds. Nagy Imre, Tasnádi Nagy Gyula, Budapest, 1878-1920.

<sup>19</sup> *Zsigmondkori oklevéltár*, I-XI, eds. Mályusz Elemér, Borsa Iván, C. Toth Norbert, Budapest, 1951-2013.

<sup>20</sup> *Hunyadiak kora Magyarországon*, I-XII, ed. Teleki József, Pest, 1852- 1857.

<sup>21</sup> *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, I-VII, eds. Zimmermann Fr., Werner C., Müller G., Gündisch Gustav, Gündisch Herta, Gündisch Konrad G., Nussbacher Gernot, Hermannstadt - București, 1892-1991; vol. VIII, <http://urts81.uni-trier.de:8083/> (= Ub)

<sup>22</sup> *Székegy oklevéltár*, I-VIII, eds. Szabó Károly, Szádeczky Lajos, Barabás Samu, Cluj-Budapest, 1872-1934.

<sup>23</sup> *Documente privitoare la istoria românilor*, vol. I/1-I/2,II, culese de Eudoxiu de Hurmuzaki, ed. Nicolae Densușianu, București, 1887-1890. *Documenta historiam Valachorum in Hungaria illustrantia usque ad annum 1400 p. Christum*, Ediderunt: Fekete Nagy, Ladislau Makkai; curante: Emerico Lukinich, Budapest, 1941.

<sup>24</sup> *Oklevelek Temesvármegye és Temesvár város történetéhez*, I, eds. Ortway Tivadar, Pesty Frigyes, Bratislava, 1896; *Diplome privind istoria comitatului Timiș și a orașului Timișoara, II, 1430-1470*, eds. Livia Magina, Adrian Magina, Cluj-Napoca, 2014.

<sup>25</sup> *A szörényi bánság és Szörény vármegye története*, III, Diplomatarium, ed. Pesty Frigyes, Budapest, 1878.

<sup>26</sup> *Documente medievale bănățene, (1440-1653)* ed. Costin Feneșan, Timișoara, 1981.

output of the authentication institutions<sup>31</sup> was taken into consideration, likewise papal documents<sup>32</sup>, towns' records<sup>33</sup> – mostly accounting books from Sibiu<sup>34</sup> and Braşov<sup>35</sup> – and guilds' registers<sup>36</sup> from the two abovementioned towns. By far, the most comprehensive approach to the subject, without ethnic or any other connotation, came from the national collection of documents entitled *Documente privind Istoria României*<sup>37</sup>, continued by *Documenta Romaniae Historica, C, Transilvania*<sup>38</sup>, or *D, Relații*<sup>39</sup>, whose task was to exhaustively publish all documents regarding the present-day Transylvanian area. Another publishing endeavour, comprising all documents regarding the Voivodship of Transylvania<sup>40</sup> without the Northern and Western parts of present day Transylvania flags the existence of some new documents, updates the bibliography of previously published documents and brings forward to the scientific circuit unedited documents. Unfortunately, the publishing of most documents as *regesta*, in Hungarian, is a drawback for all those interested in the subject but do not understand Hungarian. Without strict standards for the compilation of the *regesta*, the information is subject to questioning – we bring into discussion here a certain degree of subjectivism generated by the author's background,

<sup>27</sup> *Krassó vármegye története, III, Oklevéltár*, ed. Pesty Frigyes, Budapest, 1883.

<sup>28</sup> *Diplome maramureşene din secolele XIV și XV*. Adunate și comentate de Ioan Mihályi de Apşa, Sighet, 1900.

<sup>29</sup> *Izvoare privind evul mediu românesc. Țara Hațegului în secolul al XV-lea, 1402-1473*, eds. Adrian Andrei Rusu, Ioan Aurel Pop, Ioan Drăgan, Cluj-Napoca, 1989.

<sup>30</sup> *Fragmente istorice despre boierii din Tara Făgăraşului, IV*, ed. Puşcariu Ioan, Sibiu, 1907. *Documente făgărăşene, I, (1486-1630)*, ed. Lukács Antal, Bucureşti, 2004.

<sup>31</sup> *A kolozsmonostori konvent jegyzőkönyvei, I-II, 1289-1556*, ed. Jakó Zsigmond, Budapest, 1990.

<sup>32</sup> *Acta Honorii III et Gregorii IX; Acta Gregorii papae XI; Acta Clementis papae VII*, Fontes, Series III, vol. III, XII, XIII, ed. Aloysius Tăutu, Romae, 1950-1971.

<sup>33</sup> *Oklevéltár Kolozsvár történetéhez, I-II*, ed. Jakab Elek, Buda-Budapest, 1870-1888.

<sup>34</sup> *Rechnungen aus dem Archiv der Stadt Hermannstadt und der Sächsischen Nation (1380-1516)*, Hermannstadt, 1880.

<sup>35</sup> *Rechnungen aus dem Archiv der Stadt Kronstadt, I-III, 1503-1550*, Kronstadt, 1886-1896.

<sup>36</sup> Nusbächer, Gernot, *Documente privind meşteşugurile din Sighişoara, Catalog de documente, (1376-1598)*, Braşov, 1998.

<sup>37</sup> *Documente privind istoria României, C, Transilvania*, veacul XI, XII și XIII, vol. I-II; veacul XIV, vol. I-IV, (1075-1350), eds. Pall Francisc, János Dani, Mihail Dan, Alexandru Neamţu, Theodor Naum, Samuel Goldenberg, Camil Mureşanu, Ştefan Pascu, Jakó Sigismund, Coriolan Suciu, Iosif Pataki, Vladimir Hanga, Maria Holban et alii, Bucureşti, 1951-1955.

<sup>38</sup> *Documenta Romaniae Historica, C, Transilvania*, vol. X-XVI, eds. János Dani, Aurel Răduţiu, Viorica Pervain, Konrad G. Gündisch, Susana Andea, A. A. Rusu, Lidia Gross, Adinel Dincă, Bucureşti, 1977-2014.

<sup>39</sup> *Documenta Romaniae Historica, D, I, (1222-1456) Relații între Țările române*, eds. Ştefan Pascu, Constantin Cihodaru, Konrad G. Gündisch, Damaschin Mioc, Viorica Pervain, Bucureşti, 1977.

<sup>40</sup> *Codex diplomaticus Transsylvaniae. Diplomata, epistolae et alia instrumenta litteraria illustrantia. Erdélyi okmánytár*, vol. I-IV (1023-1372), eds. Zsigmond Jakó, Géza Hegyi, András W. Kovács, Budapest, 1997-2014.

knowledge, affinities, readings, personal feelings<sup>41</sup>, etc. Publishing a document only in abridged manner or as an abstract does not allow further diplomatically substantial research.

Transylvanian literacy level could thus be measured by the extent of published medieval documents, as well as by the seemingly large number of unedited documents. In this context, the researchers have identified some scripts that raise suspicion, due to their form or content – they are considered forgeries, either under investigation or already established. There is still a long road ahead for the inquiry into the 15<sup>th</sup> and 16<sup>th</sup> century issued documents, which will only be overcome through specific research, but Transylvanian queries are following present day European research trend.

It is our opinion that the analysis of the writing praxis in Princely Transylvania (1541-1699) is, paradoxically, more difficult to accomplish. First of all, it is almost impossible to establish the percentage of people within the whole society who knew how to read and write, due to many factors. The increased number of documents indicate an increase in the number of those who issued them, a diversification of the documents types, languages, scope, and the “vulgarisation” of the written document. Diplomatic analysis methods used in the examination of the medieval document need adjustments, additional approaches, correspondent with the development of society. Old investigation methods can be used only on legal documents, written in Latin during the studied time span. Nevertheless, the documents written initially with mixed formulae, later completely in vernacular languages, become increasingly numerous, and generate new writing types that go beyond the medieval characteristics of a diplomatic act and serve other purposes.

The edited documents are very important for a thorough analysis of the written word during the period under investigation. Due to the already mentioned large number of documents issued in Transylvania, it is not possible to publish them exhaustively. There is no current publishing initiative to cover the documents issued during these centuries and their editing standards, according to other similar European procedures. Some commonly-themed documents were, however, published due to private initiatives and following editing standards from neighbouring countries, mainly Hungary. Such volumes, edited by Szilágyi Sándor<sup>42</sup>, comprised the documents issued by the Transylvanian Estates’ Assemblies, the Transylvanian correspondence with the Ottoman Porte<sup>43</sup>, the letters issued by the two Transylvanian

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<sup>41</sup> The editors of medieval and modern documents from the Institute of History “G. Barițiu” in Cluj-Napoca have discussed these aspects, and some of them will be published shortly. The widely accepted assessment states that the publishing as *regesta*, despite editing canons, raises question marks.

<sup>42</sup> *Monumenta Comititalia Regni Transsylvaniae. Erdélyi országgyűlési emlékek*, ed. Szilágyi Sándor, vol. I-XXI, Budapest, 1876-1898. (infra: *EOE*)

<sup>43</sup> *Török-magyarkori történelmi emlékek. I. Török-magyarkori állam-okmánytár*, eds. Szilágyi A., Szilágyi S., I-VII, Pest, 1863-1872.

princes, Gheorghe Rákoczi I and II<sup>44</sup>, and many others. Another impressive editing activity comes from Andrei Veress, if we are to quote only the document collection regarding Transylvania's collaboration with Moldavia and Wallachia<sup>45</sup>. The Hurmuzaki documents' collection<sup>46</sup>, the scripts published by Nicolae Iorga<sup>47</sup> or Ioan Lupaș<sup>48</sup>, same as the series dedicated to Saxon<sup>49</sup> and Szekler<sup>50</sup> history, turn to account the documents from the local Transylvanian archives. Publishing documents with economical contents, like *Urbaria*<sup>51</sup> of the large fiscal estates, town accounting books<sup>52</sup>, Greek merchants' accounts<sup>53</sup>, have allowed researchers to reassess the writing praxis and its significance for the individual. Extremely useful for the examination of the subject are the documents issued by towns such as Sibiu<sup>54</sup> and Brașov<sup>55</sup>, towns' trial transcripts<sup>56</sup> or county trial transcripts<sup>57</sup>, and, definitely, royal books<sup>58</sup>, even if only in *regesta* form. Documents issued by authentication places have also been published, and we can mention those volumes dedicated to the

<sup>44</sup> *A két Rákóczi György fejedelem családi levelezése* (Monumenta Hungariae Historica, Diplomataria), XXIV, Budapest, 1875; Idem, *Levelek és okiratok I. Rákóczi György keleti összeköttetései történetéhez*, Budapest, 1883; Idem, *Transsylvania et bellum boreo-orientale. Acta et documenta. Erdély és az északkeleti háboru. Levelek és okiratok*, I-II, Budapest, 1890-1891.

<sup>45</sup> *Documente privitoare la istoria Ardealului, Moldovei și Țării Românești*, I-XI, ed. Andrei Veress, București, 1929-1939.

<sup>46</sup> *Documente privitoare la istoria românilor*, vol. I-V, VIII, IX, XIII-XVI, Supliment I/1, II/3, ed. Eudoxiu de Hurmuzaki, București, 1885-1915.

<sup>47</sup> *Acte și fragmente cu privire la istoria românilor*, I-III, București, 1895-1897; Idem, *Documente românești din arhivele Bistriței. Scrisori domnești și scrisori private*, I-II, București, 1899-1900; Idem, *Studii și documente*, X, Brașovul și românii. *Scrisori și lămuriri*, București, 1905.

<sup>48</sup> *Documente istorice transilvane*, I, 1599-1699, Cluj, 1940.

<sup>49</sup> *Székely oklevéltár*. Új sorozat, I-VI, eds. Demény Lajos, Pataki József, București-Cluj, 1983-2000.

<sup>50</sup> Berger Albert, *Urkunden-Regesten aus dem Archiv der Stadt Bistritz in Siebenbürgen, 1203-1570*, Aus dem Nachlass herausgegeben von Ernst Wagner, Köln-Vien, 1986.

<sup>51</sup> *A gyalui vártartomány urbáriumai*, ed. Jakó Zsigmond, Cluj, 1944; *I. Rákóczi birtokainak gazdasági iratai (1631-1648)*, ed. Makkai László, Budapest, 1954. *Domeniul Hunedoara la începutul secolului al XVI-lea*, București, ed. Pataki Iosif, 1973. *Domeniul Gurghiu (1652-1706). Urbarii, inventare și socoteli economice*. ed. Liviu Ursuțiu, Cluj-Napoca, 2007.

<sup>52</sup> Nicolae Iorga, *Socotelile Brașovului și scrisori românești către Sfat în secolul al XVII-lea*, București, 1899; Idem, *Socotelile Sibiului*, București, 1899 (extras); Idem, *Socotelile Bistriței* (Studii și documente I-II), București, 1901.

<sup>53</sup> Elena Limona, Dumitru Limona, *Catalogul documentelor grecești din Arhivele Statului Brașov*, I, București, 1955.

<sup>54</sup> *Quellen zur Geschichte der Stadt Hermannstadt, II, 1224-1579*, eds. Monica Vlaicu, Radu Constantinescu, Adriana Ghibu, Costin Feneșan, Cristina Halichias, Liliana Popa, Sibiu, 2003.

<sup>55</sup> *Quellen zur Geschichte der Stadt Brassó-Kronstadt, III-VII*, Brașov, 1903-1918; *Quellen zur Geschichte der Stadt Kronstadt, IX, 1420-1580*, eds. Gernot Nusbächer, Elisabeta Marin, Brașov, 1999.

<sup>56</sup> *Torda város tanácsi jegyzőkönyve, 1603-1678*, ed. Wolf Rudolf, Cluj-Napoca, 1993; *Gyulafehérvár város jegyzőkönyve, 1588-1616*, ed. Kovács András, Cluj-Napoca, 1998.

<sup>57</sup> *Torda vármegye jegyzőkönyvei*, I, 1607-1568, ed. Dáné Veronka, Cluj-Napoca, 2009.

<sup>58</sup> *Az erdélyi fejedelmek királyi könyvei*, I-III, 1569-1602, Cluj-Napoca, 2003-2005. Rezumate, indice adnotări: Fejér Tamás, Rác Etelka, Szász Anikó.

convent from Cluj-Mănăştur<sup>59</sup> and the Chapter of Alba Iulia<sup>60</sup>. Private documents were additionally taken into account, thus bringing into scientific circulation last wills and testaments<sup>61</sup>, family correspondence<sup>62</sup> or even personal letters<sup>63</sup>, which illustrate the increasing importance given by all individuals to the written word. The number of published documents' volumes – in a more or less scientific manner – is obviously higher than mentioned above. Personal journals and memoirs, a literary genre common during the 17<sup>th</sup> century, have been intentionally left out. As a conclusion, we can state that the text of the document from the pre-modern period was the prime element that editors considered when publishing, leaving out annotations from the back of the document, various validation marks, etc.

Editions of documents offer a glimpse into the world of people who came into contact with the written word, but they cannot allow speculation about the lives of those educated enough to read and write. However, for the 16<sup>th</sup>, and later 17<sup>th</sup> centuries, they can be divided into two levels. The first level includes those with a scholarly background that would allow them to read and write in Latin, persons with higher education<sup>64</sup>, from the ranks of the middle or high nobility and wealthy town inhabitants, belonging to one of the accepted religions (Lat. *recepta religio*) – some of them had made use of their education, and started working for official institutions, like the Princely Chancery<sup>65</sup>, on various levels. An analysis of their geographical provenance, based on their surnames, indicates (with a certain degree of probability) that about 3,3% of those working in chanceries were of Saxon origin (from the urban environment), the others came from the Szekler counties and seats<sup>66</sup>. Some of these chancery officials worked as notaries public in the counties of Transylvania, or assignees/representatives in various county court trials<sup>67</sup> and later at *Tabula Regia* (Royal Table, the Princely Court of Justice) due to their legal knowledge.

The second level of instruction comprises people able to read or write in one of the vernacular languages<sup>68</sup> in Transylvania – they worked as officials for the local

<sup>59</sup>A *kolozsmonostori konvent jegyzőkönyvei*, I-II, (1289-1556), ed. Jakó Zsigmond, Budapest, 1990.

<sup>60</sup>*Az erdélyi káptalan jegyzőkönyvei, 1222-1599*, eds. Bogdándi Zsolt, Gálfi Emőke, Cluj-Napoca, 2006.

<sup>61</sup>Tüdös Kinga, *Erdélyi tesztamentumok II. Erdélyi nemesek és főemberek végrendeletei*, Tg. Mureş, 2005.

<sup>62</sup>*Teleki Mihály levelezése*, I-VIII, ed. Gergely Sámuel, Budapest, 1905-1924.

<sup>63</sup>*Bethlen Miklos levelei, (1657-1698)*, I-II, ed. Jánkovits József, Budapest, 1987.

<sup>64</sup>Tonk Sándor, *Erdélyiek egyetemjárása a középkorban*, Bucureşti, 1979.

<sup>65</sup>Trocşányi Zsolt, *Erdélyi központi kormányzata 1540-1690*, Budapest, 1980, p. 181-253.

<sup>66</sup>*Ibidem*, p. 204.

<sup>67</sup>Dáné Veronka, *Az Őnagysága széki így deliberála*. Torda vármegye fejedelemségkori birosági gyakorlata, Debrecen-Cluj-Napoca, 2006. Idem, *Az erdélyi vármegyék tisztviselői kora a fejedelemség korában (1541-1658)*, in "Századok", 148, 2014, 5. szám, p. 1111-1129.

<sup>68</sup>Susana Andea, Avram Andea, Adinel Dinca, Livia Magina, *Scris şi societate în Transilvania secolelor XIII-XVII. Writing and Society in Transylvania 13th-17th Centuries*, Cluj-Napoca – Gatineau, 2013.

administrative institutions<sup>69</sup> and issued documents in Hungarian, German, Romanian, Greek, etc. These functionaries graduated gymnasium schools, rarely village schools; they remain anonymous local elements who acted as intermediaries between the local illiterate population and judicial and administrative authorities. Most of the assignees nominated in the county or town trial transcripts come from this category of literates.

Village schools existed in those communities belonging to one of the accepted religions, but they did not have a direct impact on the number of people able to read, write or at least sign their own names. The main purpose of these schools<sup>70</sup> was the automatic reading of religious texts – however, there were certain situations when the teacher (*magister scholae*), who was often the parish priest as well, wrote documents, sometimes together with the parish priest, and validated them by imprinting seals. These documents were testimonials of purchase or sale agreements over a piece of land, of an exchange, bail, testament, etc. and only required a minimum of juridical knowledge from their issuer. It was, nonetheless, an important step in the increasing importance granted by the lesser nobility and rural society to the written document against spoken memory, and was to instil in document culture an awareness of the importance of systematic record making.

The assessment of trial transcripts can help us sketch an image of literacy at the beginning of the 17<sup>th</sup> century. An overview of the *City of Alba Iulia Transcripts (1603-1616)*<sup>71</sup>, which contains the litigation filed by the town's inhabitants (noblemen, guild members, commoners) such as: slander actions, larceny, verbal or physical violence, inheritance, morality, use of forged measure units, show that around 90% of trials use verbal testimony. The most common document to be called upon was the testament, but there are no further notes regarding any means of authentication. Some cases bring forward documents quoted as *czedula*, *regestrum*, presented as proof of assets stored and never reclaimed. In 3 situations, when nobility status had to be proven, the judges asked for the original letters of nobility<sup>72</sup>. No document forgery accusation can be found in these transcripts, only incriminations of fake testimony.

*Turda Town Council's Transcripts (1603-1678)*<sup>73</sup>, written in Latin and Hungarian, do not offer generous information about the case trials, but they do have indications of the value assigned to the written document. In 1624, according to the town's internal regulations, the difference between those who start the juridical

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<sup>69</sup>Susana Andea, *Practici ale scrisului în vremea lui Gabriel Bethlen în Bethlen Erdélye, Erdély Bethlene: Bethlen Gábor trónra lépésének 400. évfordulóján rendezett konferencia tanulmányai*, Cluj-Napoca, 2014, p. 397-407.

<sup>70</sup>An important contribution to the research of literacy in 17<sup>th</sup> and 18<sup>th</sup> century Hungary is the research belonging to Tóth István György, *Mivelhogy magad írást nem tuds...Az írás térhódítás a művelődésben a kora újkori Magyarországon*, Budapest, 1997.

<sup>71</sup>Kovacs András, *op. cit.*

<sup>72</sup>*Ibidem*, p. 312.

<sup>73</sup>*Torda város tanácsi jegyzőkönyve, 1603-1678*, ed. Wolf Rudolf, Cluj-Napoca, 1993.

proceedings in writing (*actiokat in scriptis indittyak*)<sup>74</sup>, and those who don't is marked. The town had its own archive which controlled the access to its records<sup>75</sup>, and maintained since 1676 an Inventory. Income and expenditure were registered in writing and annually revised. The town's notary public, according to the oath taken in 1603<sup>76</sup>, swears to write only the truth in the transcripts, to legalise the required documents and not to break the law (*és semmit hamissan nem exequalok*). The town's judge draws up the documents with the help of a notary and other scribes, however there is no indication that any of them, or the members of the town's council, knew how to read and write.

An overview of the *Trial Transcripts* of the city of Bistrița<sup>77</sup> shows a similar situation. During 1551-1556 the documents issued mostly in vernacular languages (German and Hungarian) and less in Latin mention frequently, alongside other litigation, cases regarding inheritance issues, appealing to the last testament and will next to human testimony. It is indicated for this type of document whether it was composed according to the law, or if it was sealed and signed. In other cases there is demanded as evidence an inventory of assets "*certa sua regesta super talia bona conscripta*" validated by chirograph<sup>78</sup>. As a rule, the trials were based on oral testimony, correlated more and more with the written document.

The trial transcripts of the Turda County<sup>79</sup> from 1607 until 1658 illustrate a slightly different situation with regard to the use of the written document in litigations, as were the cases brought in front of this forum by the county nobility. In the first place we should mention that both parties involved in litigation were represented by assignees, who were nominated in writing, for one year, at the beginning of the assembly. Such an authorization was needed by both the county's notary public and the village judge, the latter being sometimes involved in the hearings on behalf of communities. The lawsuits most commonly mediated by this assembly concerned: fugitive serfs, slander accusations, claims of pawned or inherited assets, debts, robbery protection, prohibiting boundary markings, etc.

Judgement was based on oral testimony and written document, depending on the type of the case – most of the time, these two testimonial methods were associated. When a document was requested by the court, it was necessary to be presented in its original form (*in specie*), not in copies or transumpt, even if they were authenticated. In some situations the court overruled several documents, such as a statement letter (*literae relatoriae*) containing a misspelled name, or a subpoena

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<sup>74</sup> Wolf, *op.cit.*, p. 35.

<sup>75</sup> Wolf, *op. cit.*, p. 48, 50.

<sup>76</sup> Wolf, *op.cit.*, p. 24.

<sup>77</sup> SJAN Cluj, Primăria oraşului Bistrița, III a, Protocele de judecată, no. 3.

<sup>78</sup> *Ibidem*, p. 87, 103.

<sup>79</sup> *Torda vármegye jegyzőkönyvei*, I, 1607-1568, ed. Dáné Veronka, Cluj-Napoca, 2009.

(*super citatione confectas*)<sup>80</sup> which did not specifically assert the accusation. Other official documents that got called into question were witness hearings, under the argument that those who conducted the depositions were not expressly authorised. Another case<sup>81</sup> questioned the validity of an agreement letter (*litterae obligatoriae*) – the petition was accepted by the court due to the fact that the original signatures (*chirographumok nincsen az kötéslevélben*) or finger prints (*fide mediante*) were not taken in the presence of two witnesses. There was no other way to prove that the contents of the agreement letter were indeed in conformity with the parties' arrangements.

Succession cases, petitioning last wills and testaments, discuss the legal character of contents and drafting conditions. Human testimony is common in cases of larceny, debt, robbery, fugitive serfs and other cases. The county trial cases nevertheless mention the appeal to written documents more often than the towns' transcripts, presenting various types of official letters: pardon letters issued by the Prince (*litterae grationales*), grants of arms (*litterae armales*), letters of dispensation etc. The letters of nobility issued by the Prince had to be presented in public, according to regulations, at the County Assembly of the nobleman's home in order to gain validity. There were several situations when an appeal was filed to such letters by the representatives of the town where the new noble lived, because he eluded his duties as town dweller. The cancellation of the grant of arms (*invalidatione literas armalium*) was, on occasions, demanded by the nobleman on the grounds that the document was obtained without the knowledge and permission of the master "*absque scitu et annuentia dominorum suorum aufugiendo literas armales pro se se extraxissent*", and the return to serfdom was demanded (*ut redeat ad servitutem jobbagonalem*)<sup>82</sup>.

The extension of literacy in society, the array of types documents and the recurrence in demanding written testimony for actions that ranged from confirmation of prerogatives to daily annotations led to the forgery of documents.

### Document forgery in medieval legislation

Numerous mandates issued by ecclesiastical institutions and estates' assemblies tried to put an end to document forgery<sup>83</sup>. The Synod of Buda (1279)<sup>84</sup> forbade the forging of papal documents and the willing use of fake documents. Resolutions issued in 1298<sup>85</sup> mention as punishments<sup>86</sup> for document forgery

<sup>80</sup> Torda vármegye jegyzőkönyve, I, p. 475.

<sup>81</sup> *Ibidem*, p. 376.

<sup>82</sup> *Ibidem*, p. 476-477.

<sup>83</sup> See note 9 for a bibliography on forgery.

<sup>84</sup> Erdélyi László, *Magyarország törvényei*, Szeged, 1942, p. 297.

<sup>85</sup> Marczali H., *Enchiridion fontium historiae Hungarorum*, Budapest, 1901, p. 191-197; *Documente privind istoria României, C. Transilvania, veacul XIII, vol. II, (1251-1300)*, Bucureşti, 1952, no. 496.

(*exhibitionis falsarum litterarum*), alongside other criminal actions such as *potentie*, *calumnie*, *furticinii*, *latrocinii*: beheading and estate confiscation. Forging documents and money are further mentioned in 1335, 1336, and 1338<sup>87</sup>. In 1351<sup>88</sup> the Hungarian king Louis I took exceptional measures: he decided harder punishments for document and seal forgers and established a strict control on the authentication places, which were eventually prohibited to issue any documents. Other regulations from 1435<sup>89</sup>, 1446<sup>90</sup>, 1462<sup>91</sup>, and 1492<sup>92</sup> add the crime of forgery to treason (*nota infidelitatis*). Werbőczy István's<sup>93</sup> *Tripartitum* enumerate as treason acts (*nota infidelitatis*): document forging, using inauthentic documents in court, the making and using of fake seals. Out of the 18 actions cited as treachery, document forging comes out third, after Lèse-majesté and uprising against king and state.

### Document forgery during the Principality

The deliberations of the Principality's Estate Assemblies reveal little interest taken in documents and seals forgery – the main concern of the assemblies' discussions was money counterfeiting, e.g. in the 1543-1554<sup>94</sup> convocations. Even if explicit provisions about document forgery are missing from the assemblies' discussions, it does not mean that document writing, use and storage were absent from society's pursuits. Judicial praxis followed previous proceedings, without sensing the need to alter them. Additional references appear nonetheless, determined by some procedures: in 1549<sup>95</sup>, the Târgu Mureş assembly brings into discussion the acknowledgment of documents that were acquired in illegitimate ways (*litterae illegitimae*) for the extension of cases. A similar regulation from 1667<sup>96</sup> regards donation deeds obtained through deceit (*fraudulenter*) and demands that all documents should be countersigned by the chancellor or secretary, otherwise they would be declared inaccurate (*illegitimae*). In the same uneasy political context it is ruled that in the case of using an illegal mandate (*mandatum illegitimum*)<sup>97</sup>, the

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<sup>86</sup> Provisions regarding punishment of "*crimen falsi*" can be found in roman law, quoting forgery of testaments, money, weight units, using a fake name or title, cf. *Római jog története és intéstitúciói*, ed. III, Földi András, Hamza Gábor, Budapest, 2008 p. 554-576.

<sup>87</sup> *Decreta Regni Hungariae*, 1301-1457, Budapest, 1976, p. 89, 93, 100.

<sup>88</sup> *Ibidem*, p. 133-134.

<sup>89</sup> *Ibidem*, p. 266-267.

<sup>90</sup> *Ibidem*, p. 358.

<sup>91</sup> Magyar Országos Levéltár, DL. 42694; See also *Magyar jogi lexikon hat kötetben*, szerkeszte Márkus Dezső, Budapest, 1904, p. 629.

<sup>92</sup> Erdélyi László, *op. cit.*, p. 411.

<sup>93</sup> *Werbőczy István hármaskönyve*, eds. Kolosvári Sándor and Óvári Kelemen, Budapest, 1894, p. 50.

<sup>94</sup> EOE, I, p.186, 224, 297, 391, 394-395, 506, 543 etc.

<sup>95</sup> EOE, I, art. 26, p. 300.

<sup>96</sup> EOE, XIV, art. 259, p. 259.

<sup>97</sup> EOE, XIV, p. 250; *Compilatae Constitutiones*, Titl. IV, art. 1-2, p. 313.

petitioner would be punished financially, and those officials who forged the documents would lose their estates and assets. Other regulations from 1668 mention the fraudulent ennoblements (*csalárdul*) obtained by the riflemen from the fiscal districts<sup>98</sup>, or the 1676<sup>99</sup> *litere armales* granted to Sic inhabitants for tax deductions. Direct forgery accusations do not arise from the abovementioned cases, it is only suggested that the documents were illegal, probably fake. Document forgery is specifically mentioned in the 1688<sup>100</sup> discussions of the Estates' Assembly regarding some agreements for sale or purchase.

The safe storage of original documents in the archives of the authentication places (1557)<sup>101</sup> and the emission of truthful copies was a concern of the regulations issued by the assemblies: first came the indications regarding the recording of donation deeds and exemption acts in registers, later followed by specifications about their filing and storage<sup>102</sup>. In 1563<sup>103</sup> the notary of the Cluj-Mănăştur convent was required to take an oath in front of the Cluj town judge concerning the legal storage and issuance of documents requested by the king's subjects; the notary had to be accompanied by a city dweller in all his archival actions. A similar command was dispatched to the Oradea Chapter in 1566<sup>104</sup>, in the wider secularisation context, establishing that the issuance of legal documents was to be supervised by two priests, the county notary and another person. Other regulations from 1570, 1571, and 1575<sup>105</sup> address the documents' storage, requisitors' salary and the proper proceedings in order to avoid any fraud (*minden csalardság eltávoztatván*). No direct allusion to document forgery is made, only the possibility is suggested.

The Estates' Assemblies also discuss specific cases, when original documents or letters containing liberties and privileges<sup>106</sup> were lost due to military campaigns. Those who did not hand in any documents they had found were punished by the "*poena perpetue infidelitatis*" (punishment of eternal treachery)<sup>107</sup>. A regulation issued in 1607<sup>108</sup> allowed those who had lost their original documents (either burnt, or stolen or destroyed) to obtain from the Prince a new issuance of deeds, in the form

<sup>98</sup> EOE, XIV, p. 295.

<sup>99</sup> EOE, X, p. 337, 468.

<sup>100</sup> EOE, XIX, p. 356.

<sup>101</sup> EOE, II, p. 81, 89.

<sup>102</sup> EOE, XIX, p. 399.

<sup>103</sup> EOE, II, p. 218. For the activity of the Cluj-Mănăştur convent during the Principality, see Bogdándi Zsolt, *A kolozsmonostori konvent a fejedelemség korában*, Cluj-Napoca, 2012.

<sup>104</sup> EOE, II, p. 327.

<sup>105</sup> EOE, II, p. 372-373, 506, 562-563.

<sup>106</sup> In 1559, the Szeklers demanded the sanctioning of their liberties in official sealed documents, although they lacked the original letters, cf. EOE, II, p. 124. See also Herman Gustáv Mihály, *Az eltérített mult. Oklevél és kronikahamisítványok a székelyek történetében*, Miercurea-Ciuc, 2007.

<sup>107</sup> EOE, V, p. 136-137.

<sup>108</sup> EOE, V, p. art. 8, p. 496; art. 24, p. 507. This article is also included in *Approbatæ Constitutiones regni Transylvaniae et Partium Hungariae eidem annexarum*, Titl. XIII, art. II.

of a *nova donatio*, after confirmation through neighbours' oral testimony. However, if one should get the *nova donatio* act in an unrighteous manner, he would suffer the punishment as a forger (*per breves articulos tanquam falsariis et mendax acriter puniatur*). Those who would refuse to hand in documents<sup>109</sup> to their lawful owner, or destroyed them, would be punished too. These regulations did not prevent forgery, yet they accorded an important role to the original record. Such cases were included among those examined without delay, cases of molestation, murder, forgery. The old rules regarding the exhibition of original documents remain valid in trials concerning inheritance litigated by the Royal Table, and in cases comprised in the *nota* category, litigated by the Estates' Assemblies<sup>110</sup> and County Assemblies.

The medieval regulations from the first period of writing, restrictive and excessive, are accompanied by harsh punishments for document forgers; prescripts issued during the Principality time (16<sup>th</sup>-17<sup>th</sup> centuries) are somehow more "compassionate". The death penalty is slowly abolished and replaced with confiscation of assets, loss of liberty, banishment. In 1723 the Hungarian law did not consider document forgery a treachery act<sup>111</sup> anymore, and soon afterwards Transylvanian legislation implemented indulgent measures too.

### Forgers and forgeries

In the absence of special studies, our research can only use specific references. The redactors of several volumes of editors documents have stated, based on solid evidence, the fact that some acts are forgeries. Generally, the century when a forged document was made can be determined on the interpretative grounds of handwriting and additional conjunctural elements<sup>112</sup>. Thus, details often seem to place the date of forging during the 16<sup>th</sup> and 17<sup>th</sup> centuries, but diplomatic authorities cannot state the precise author. According to our research, most 16<sup>th</sup>-17<sup>th</sup> centuries forgeries have a direct or indirect link to the scribes of the Alba Iulia Chapter or the Cluj-Mănăștur convent, or, after secularisation, the *requisitor* (documents' curator) assigned to any of these two authentication places. It would be false to say that forging was completely carried out in these official institutions, which were official custodians of

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<sup>109</sup>*Approbatae Constitutiones* Art XI, p. 194-195; *Compilatae Constitutiones*, Titl. XI, art. I, p. 321.

<sup>110</sup>*Approbatae Constitutiones*, Art. XII.

<sup>111</sup> Pomogyi László, *Magyar alkotmány és jogtörténeti szótár*, Budapest, 2008, p. 453, 941-942, 944. We can assume that a similar measure was applied in Transylvania during the 18<sup>th</sup> century.

<sup>112</sup> Recent research suggests that the donation documents presented by the descendants of voivode Sas in the trial with the Perényi family for the ownership of the Nyaláb citadel and the surrounding lands were fake. The authors consider that the documents were forged sometimes between 1471-1489, however the author is not nominated. cf. C. Toth Norbert, *Szász vajda utódainak felemelkedése és bukása. A család vázlatos története 1365-1424 között* in *A Szilágyság és a Wesselényi család (14-17. század)*, coord. Hegyi Géza, W. Kovács András, Cluj-Napoca, 2012, p. 135-166.

old documents and provided with competent personnel. However, most documents proven as forgeries have been copied after the “authentic” record, preserved in one of the aforementioned archives. More than one fake document was “authenticated” and put for safekeeping in the depositories of the authentication places, which comprised the educated people who could, if tempted, forge any script.

Such was, probably, the case of forgeries used in the lawsuit of Peter Haller, judge of Sibiu, against the community of Ocna Sibiului. The fakes were produced during 1552-1559<sup>113</sup> and consists of 10 documents (1222-1467) which were registered in the Chapter of Alba Iulia’s inventory, known today only in a copy from 1698<sup>114</sup>. The documents, included in the well-known royal books (*Libri Regii*), may also have been susceptible of forgery, as their history is linked to the authentication places. An example could be the document issued in Turda on May 13<sup>th</sup> 1570<sup>115</sup>, which invalidated a fake donation deed in custody of Ezeky András regarding some parts of a domain nearby Huszt citadel, a land subsequently confiscated by the revenue authority. The forgery that determined the invalidation of the donation consisted of additional notes to the original text, which granted him more assets. It is not known when this forgery was made and who the forger was, the only certain information regards the date, before 1570, when the fake document was produced.

Documents forgers can be sometimes found close to the Prince and the princely chancery, as inauthentic documents served political purposes. Obstructing correspondence was a practice commonly used during the pre-modern era by all royal courts as a means of finding out future intentions of the sender or even of dispersing compromising rumours and fake letters to the recipient. In these cases the “original” document was never known as only its copies circulated. A particular example of such a case is attributed to Mihai Viteazul (Michael the Brave) and consists of 2 letters allegedly issued in Košice (*Cassovia*) on May 1<sup>st</sup> 1601, one directed to Ibrahim, Pasha of Timișoara, written in Slavonic, and the other destined to three Wallachian boyars, his close collaborators, written in Latin. These 2 letters seem to have been “intercepted” by Sigismund Bathory’s men somewhere on route from Poland and their contents were the same: the ruler demanded military support against Emperor Rudolf. At the time, the letters seemed suspicious enough that some military leaders from the Emperor’s entourage questioned their authenticity and demanded to see the original documents – however, due to tactical diplomatic manoeuvres, this actually never happened. The forgeries had more than one version, were translated even in Italian and have managed to diminish the Romanian ruler’s

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<sup>113</sup> Jakó Zsigmond, *Vizakna hamisított okleveleiről*, in “*In honorem Gernot Nussbächer*”, eds. Daniel Nazare, Ruxandra Nazare, Bogdan Florin Popovici, Brașov, 2004, p. 183-198.

<sup>114</sup> See note 68. The editors of this volume considered other preserved documents at least suspect of forgery: no. 97, 137, 221, 222, 223, 425, 430, most of them were preserved as copies.

<sup>115</sup> *János Zsigmond királyi könyve 1569-1570*, eds. Fejér Tamás, Rác Ételka, Szász Aniko, Cluj-Napoca, 2003, p. 92, no. 299.

reliability. There were no material assets to be gained from this forgery, but diplomatic relations between Michael the Brave and Emperor Rudolf were affected. It was proven<sup>116</sup> with diplomatic assertions, that the two apocryphal letters attributed to Michael the Brave were written at Sigismund Bathory's command by, probably, Stephen Boer, a Transylvanian Romanian ethnic from Țara Făgărașului, scribe in the Princely *cancelaria maior*<sup>117</sup> and a Slavonic literate, who was, one year later, rewarded for his written services in the employment of the Prince with several donation deeds. It is our conviction that these forgeries issued at the Princely court were not the only ones, but were common practices, performed previously and thereafter<sup>118</sup>.

Another forgery case that had a direct repercussion on Michael the Brave and his political actions occurred in 1599<sup>119</sup> when the imperial commissary John Darai, who was in Transylvania to supervise Michael the Brave, was allegedly asked by the Wallachian ruler to issue a letter on behalf of Emperor Rudolf that promised the Szeklers the restitution of their ancient liberties, abolished by the Bathory family. According to Darai, Peter the Armenian was witness and accomplice – he was present in the chancery when the forgery was made and even falsified the Emperor's signature. The seal itself was taken from another imperial act and imprinted on the forged document. The record was presented to Szekler noble István Hamar (?), who, being illiterate, believed the authenticity sanctioned by signature and seal, and convinced the Szeklers to join the military campaign from Șelimbăr on Michael's side. There is no way of confirming the declaration of John Darai, who mentioned some self-incriminating details. This fake document was not preserved either.

Another type of forgery regards the less elaborate fakes that were more visible and easier to notice; their authors must be sought in the solicitor's entourage. Such a case is illustrated in a document issued in Făgăraș on November 4<sup>th</sup> 1675<sup>120</sup>, an interrogatory concerning the justice system, which mentions a beheading and sentence of confiscation of assets in the lawsuit against Petrasko Boer from Veneția

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<sup>116</sup> N. Iorga, *Există o scrisoare de trădare a lui Mihai Viteazul?*, in "Analele Academiei Române", Seria III, Mem. Secț. Ist. XI, 1930, p. 1-22. Silviu Dragomir, *Încă ceva despre scrisoarea apocrifă a lui Mihai Viteazul*, in *Închinare lui Nicolae Iorga cu prilejul împlinirii vârstei de 60 de ani*, Cluj, 1931, p.143-152. Andrei Veress, *Scrisorile apocrife ale lui Mihai-Vodă Viteazul*, in "Revista Istorică Română", vol. II. Fasc. I, 1932, p. 382-384.

<sup>117</sup> Susana Andea, *Din relațiile Transilvaniei cu Moldova și Tara Românească în sec. al XVII-lea*, Cluj-Napoca, 1997, p. 9-25.

<sup>118</sup> EOE, V, p. 443; 1607 January 22<sup>nd</sup>, Cluj; art. 7: It is decided in the Estates' Assembly that the interception of emissaries and correspondence should be stopped, all those who would will be punished as "*tanquam hostis patriae et publici boni eversor in nota perpetue infidelitatis convincáltassék*"

<sup>119</sup> *Răscoala secuilor din 1595-1596. Antecedente, desfășurare și urmări*, sub redacția Benkő Samu, Demény Lajos and Vékov Károly, București, 1978, p. 198-199.

<sup>120</sup> *Urbările Țării Făgărașului*, Vol. II (1651-1680), ed. David Prodan, București, 1970, p. 663.

de Jos, who had changed a name in a donation deed. An appeal was forwarded to the Royal Table, but further information of the fate of the incarcerated man sentenced to death is not to be found. We can state with certainty that these sorts of deception methods had enough upholders and were perpetrated for a long period of time, e.g. April 12<sup>th</sup> 1761<sup>121</sup>, almost a century later, when we encounter a similar situation. In the lawsuit filed by the revenue authority against Ladislas Tisza for the proprietary rights of the estates: Adea, Sinteia, Ineu from Arad County, the latter is proven to be a forger and punished accordingly (*in Transylvania confecta falsarum literarum ad huc Notam infidelitatem inferret... et in falsas delatores poena talionis recidere*). The fake was proved by the verbal testimonies of the defendant's relatives. Is this case also the author or date of the fabricated document remains unknown.

Besides donation deeds, which were the main document category to be falsified (entirely or partially), records' forgery can be encountered in a variety of situations. As literacy spreads and the written document becomes more and more important, a proportional number of forgers seem to emerge. Information from the end of the 17<sup>th</sup> century mentions a fake signature and seal, attributed to the well-known merchant Peter Ianos on a receipt that justified the amount of 5000 thalers paid for salt<sup>122</sup>. Other documents mention fake signatures and seals on the usual circulation passes enforced by the Austrian generals on Sibiu inhabitants<sup>123</sup>. Diplomacy credentials were forged as well – according to Pápai János in 1706, from Galata<sup>124</sup>, anyone could write for themselves a firman on behalf of the sultan or the vizier, as Turkish scribes easily arranged such documents: one was made for him without difficulty.

The aim of this paper was not to conduct a full inventory of forged documents, a goal impossible to attain when we consider the number and diversity of fake records. A somewhat unique picture can be drawn by the cases inventoried in the Index of Cluj lawsuits from 1696 to 1831<sup>125</sup>. Most actions involving forgeries were brought before the court during the 19<sup>th</sup> century, and were started *ex officio* by the fiscal director in charge of fake documents “*hamis oklevél készítése dolgában*”. The type of forged document is not mentioned in all indexed trial transcripts, however some are named: contracts, passports (*pasus*), school certificates (*oskolai testimonium*).

Other information from the end of the 17<sup>th</sup> century and the beginning of the 18<sup>th</sup> questions the Union Acts between the Orthodox and Catholic Churches. It is not our intention to renew the ancient debate on the subject, but one thing is certain: churchmen were not immune to forging their records. In a late example, from 1826,

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<sup>121</sup> Magyar Országos Levéltár, B2, roll 34159, nr. 327/1761.

<sup>122</sup> Nicolae Bethlen, *Descrierea vieții sale de către el însuși*, translation by Francisc Pap, Cluj-Napoca, 2004, p. 254.

<sup>123</sup> Wesselényi István, *Sanyarú világ*, II, 1705-1708, ed. Magyarai András, București, 1983, p. 62-63.

<sup>124</sup> Pápai János, *Törökországi naploi*, ed. Benda Kálmán, Budapest, 1963, p. 91.

<sup>125</sup> SJAN Cluj, Primăria orașului Cluj, Protoacoale.

we find in Tăuți parish from Arad County<sup>126</sup> a priest who intervened in the baptism register, deleting or changing names in order to justify noble origin. The deception was discovered during the trial conducted by the Arad Consistory Court, and resulted in the guilty churchman's unfrocking.

This introductory foray into the controversial area of pre-modern document forgery unveils the diversity of forgers. We encounter them in the princely chancery, authentication places, urban and rural worlds, laymen and churchmen alike. Their common ground remains literacy. As more and more people learn to read and write and take interest in the written record for benefits, more forgers seem to surface. Diplomatic research, which until now has been focused mainly on a European middle ages with various chronological boundaries – established randomly based on significant events – from one region to another, could be reconsidered and extended appropriately.

(translated by Teodora Bonțeanu)

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<sup>126</sup> SJAN Bihor, Protocol Buteni, p. 456; see also Cristian Apati, *Statul austriac și biserica ortodoxă din Transilvania și Ungaria în efortul de modernizare a lumii românești (sec.XVIII-XIX)*, Oradea, 2015, p. 160.

