

ON THE PUBLISHED SOURCES

The judicial records of Alba Iulia covering the years 1617–1643 are preserved in a manuscript comprising 184 folios (Ms. IX. 164) in the Manuscript Collection of the Batthyaneum Library in Alba Iulia. Like the first volume of the series, this manuscript consists of a loosely assembled collection of gatherings of varying length – sometimes merely folded quires or detached leaves originating from such gatherings – now held together in a modern archival folder. The original chronological order of the gatherings has been disrupted, several have been lost, and a later archivist assigned consecutive folio numbers to the surviving, disordered, and incomplete material. Consequently, establishing the correct sequence of the records for publication required considerable editorial effort. The earliest entries were recorded during the court session preceding 13 January 1617, while the latest date from 31 August 1643. The edges of the folios are generally damaged, and the poor condition of the first – and especially the last – leaves suggests that they may at one time have served as temporary covers. At least six distinct hands can be identified in the manuscript, with changes in handwriting occurring much more frequently in its second half. These different hands reflect the highly variable levels of scribal competence, as well as the linguistic and legal literacy of the town clerks and their temporary substitutes.

The source contains records of legal proceedings involving the inhabitants of the princely market town under the authority of the prince. It therefore constitutes an exceptionally rich source for research in legal history and the institutional history of the administration of justice. The records make it possible to reconstruct the various levels of urban jurisdiction, as well as the officials responsible for administering justice – including the judges (*bíró*, *kisbíró*), the notary, the assessors (*székülő urak*), the twelve-member inner council, the forty-member outer council, and the procurators acting as legal representatives – together with their respective competences. Court sessions were usually held on Thursdays; however, whenever circumstances required, the court could convene on any other day of the week, sometimes even several times within the same week.

Owing to the incomplete state of the register, most lawsuits have survived only in fragmentary form. Only in a limited number of cases is it possible to reconstruct the entire course of the proceedings in detail. In many instances, the surviving record preserves only a single procedural act – most commonly the appointment of the procurator.

As regards the course of litigation, the first procedural stage usually documented is the issuing of the summons (*citatio*). Although no writs of summons have survived,

it is clear from the plaintiff's statement of claim – and more rarely from the defendant's reply – that the parties were summoned under the seal of the town judge, whose name was usually recorded. The next well-documented stage is the formal commencement of the proceedings, during which the names, social status, and place of residence of the opposing parties were carefully entered into the record in order to establish both their identity and the court's jurisdiction. This was followed by the presentation of the charges, that is, an account of the acts giving rise to the legal dispute together with a statement of the plaintiff's claim. Subsequent procedural objections intended either to delay or to bar the proceedings, as well as the parties' pleadings on the merits of the case (*allegationes*), also occur in considerable numbers throughout the register. Besides elucidating the legal dimensions of the disputes, these records provide vivid insights into many aspects of everyday life in the early modern town and among its inhabitants.

Considerably less information survives concerning the evidentiary stage of litigation, not least because the volume preserves only a single witness examination. By contrast, interlocutory judgments occur much more frequently, through which the court instructed the parties to produce further evidence in support of their claims. References to judicial inspections of the scene or to the application of judicial torture are likewise confined to isolated cases. Although final judgments survive for only a minority of the lawsuits, they nevertheless provide valuable evidence regarding both the range of penalties imposed and the legal principles underlying judicial decision-making. The records frequently mention exculpatory and inculpatory oaths, administered either with or without oath-helpers. More common were pecuniary penalties, punishments involving public humiliation or corporal chastisement, such as exposure in the pillory or flogging. Where the gravity of the offence required it, however, the judges did not hesitate to impose capital punishment – whether by hanging or beheading – or even aggravated forms of execution involving torture. Litigants dissatisfied with the verdict generally sought legal redress by appealing to the inner council of the town.

It is not our intention here to provide an exhaustive catalogue of all the offences recorded in the register. Nevertheless, as was typical of other early modern towns inhabited by populations diverse in terms of ethnicity, religion, social status, occupation, and wealth, the close coexistence of the inhabitants of the princely capital generated a wide range of conflicts. The cases recorded include homicide, assault, arson, theft, robbery, receiving stolen goods, forcible entry into a dwelling, defamation, insult, adultery, fornication, blasphemy, sacrilege, rape, bestiality, witchcraft, inheritance disputes, guardianship cases, debt litigation, disputes over the redemption of pledged property, property and boundary disputes, conflicts arising from breaches of contracts of sale or commercial agreements between trading partners, disputes within craft

guilds, damage to agricultural land and crops, unlawful occupation of land, obstruction of land use, driving away livestock, negligent workmanship, the use of false weights and measures, neighbourhood disputes, market offences, and unlawful resistance to municipal officials.

In addition to serving research in legal and institutional history, the register offers a wealth of information for scholars interested in the social history of the town. It sheds light on the everyday lives, conflicts, and social interactions of inhabitants belonging to different social strata – including nobles, serfs, and members of the military estate – as well as on many aspects of urban guild life. Numerous lawsuits document the development of family and kinship relations, providing valuable evidence for the social status of women and their roles within the household, while also revealing the existence of kinship networks extending across towns. As regards the ethnic composition of Alba Iulia, the records attest not only to the presence of Hungarians and Romanians but also to Greek merchants who had settled in the town and maintained active commercial connections with the Balkan Peninsula and the Romanian principalities. The register likewise records inhabitants of Croatian, Italian, Serbian, and Ottoman origin who had arrived in the town during the turbulent decades of the preceding period and subsequently made it their home. Finally, the records provide glimpses into agricultural activities carried out on the manor farms and vineyards surrounding the town, while also preserving valuable topographical information concerning the extramural areas of Alba Iulia.

The section of the judicial records of the town of Alba Iulia covering the years 1617–1643, like the volume previously published, thus constitutes a highly versatile body of source material. It provides a wealth of new evidence and valuable points of reference for research into the legal, institutional, social, family, and local history of the seventeenth century.

During the preparation of this source edition, I benefited throughout from the assistance, advice, and encouragement of András Kovács, who transcribed the manuscript and prepared part of the annotations. The painstaking task of collating the transcription with the original manuscript – a process that raised numerous editorial and interpretative questions – was carried out together with my colleague Emőke Gálfi, who also enriched the index with a considerable amount of additional information and undertook the time-consuming task of reviewing the volume. Zsolt Bogdándi and Anikó Szász generously assisted in resolving problems relating to the reading of the manuscript, the transcription, and the preparation of the index. The manuscript ultimately assumed its final form thanks to the meticulous editorial work of the series editor, Tamás Fejér, whose careful attention extended to every detail. During my research at the Batthyaneum Library, I was able to rely at all times on the support of the library's director, Cristian Mladin, and his colleagues. The preparation

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