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## HISTORICAL CIRCUMSTANCES OF THE APPEARANCE OF MEDIEVAL CARTULARIES IN CROATIA

**Abstract:** The purpose of this work is to demonstrate at what time and under which circumstances medieval cartularies were created in Croatia. That question is of great importance for Croatian medieval studies because the cartularies contain numerous data testifying to medieval Croatian state, church, society, language, and culture. Therefore, by determining the time and circumstances of their creation one can get a reliable basis on which their role as a valuable source for Croatian and medieval history in general could be better evaluated. We will focus on several cartularies which were, and still are, subjects of studies of Croatian and certain foreign historians.

**Keywords:** Middle Ages, Croatia, cartularies, diplomatics, palaeography.

### Introduction

Most of the cartularies, subjects of this analysis, were written in Latin language and script, but here we will also take into account those written in the (Old) Croatian language in Glagolitic and Croatian Cyrillic script. All of the above only additionally indicates Croatian, primarily medieval, trilateracy and trilingualism.<sup>1</sup>

The starting point in the context of research questions defined in this manner is a paleographic, diplomatic, and chronological analysis of cartularies, taking into account results of codicology and legal history and linguistics. However, one exception will be made regarding the *Baška (stone)*

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<sup>1</sup> E. HERCIGONJA, *Tropismena i trojezična kultura hrvatskog srednjovjekovlja* [Three Scripts and Three Languages in the Croatian Middle Ages], *Pisana riječ u Hrvatskoj*, ed. J. BRATULIĆ, Zagreb 1985, 39–79; IDEM, *Tropismena i trojezična kultura hrvatskoga srednjovjekovlja*, Zagreb 1994, 2006<sup>2</sup>.

*tablet* because unlike others, it is an epigraphic monument, but with a clear indication that its beginning should be sought in the unpreserved monastery records.

### Definition of cartularies

The term cartulary originates from the Medieval Latin word *chartularium* which was developed from the diminutive of the noun *charta* which reads *chartula* (meaning: act, charter, document).<sup>2</sup> Accordingly, *chartularium* (cartulary) is translated, in the broadest sense, as a handwritten collection of records.<sup>3</sup>

Charles du Fresne du Cange defines this term, while also using the interpretation of Jean Mabillon, as follows: *chartularium seu chartarium, saepius appellant Codicem, in quem diplomata aliaeque chartae ex ordine integrae referuntur, aliquando in rotulum redactae: quales sunt rotuli Ecclesiae Albiensis, teste Mabillonio de Re Diplom. lib. 1. cap. 2. num. 9 ubi notat hujusmodi codicem, ut et polyptychum seu librum censualem, ideo inventum fuisse, ne ex archivis Ecclesiarum et Monasteriorum autographa saepius efferre necesse esset; hi quippe codices autographorum vice fungebantur. Addit Mabillonius, polyptycha antiquiora sibi videri Chartulariis, ex quibus, inquit, nullum inveni conditum ante saeculum X.*<sup>4</sup>

In diplomatics, the cartulary is defined as a copy book created by recipients (*destinatarii*).<sup>5</sup> That is a book in which individuals or moral (legal)

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<sup>2</sup> *Lexicon Latinitatis medii aevi Iugoslaviae*, redactionis praeses M. KOSTRENIĆIĆ, membra V. GORTAN, Z. HERKOV, vol. I (litterae A–K), Zagrabiae 1973, s. v. cartula, cartula f.; kartula f. (med. Lat. cartula) charta, instrumentum. Also cf. *Hrvatski enciklopedijski rječnik*, vol. 5 (K–Ln), ed. R. MATASOVIĆ, Zagreb 2004, s. v. kartulār.

<sup>3</sup> Cf. *Lexicon Latinitatis medii aevi*, s. v. cartularium n. (chartula) – where this word was interpreted as – *tabularium, chartarium, archivum*, with the meaning of an archive.

<sup>4</sup> CH. DU F. DU CANGE, *Glossarium mediae et infimae latinitatis. Glossarium Gallicum, tabulae, indices auctorum et rerum, dissertationes*, t. I–X, conditum a ~, auctum a monachis ordinis S. Benedicti, cum supplementis integris D. P. CARPENTERRII, adelungii, aliorum, suisque digessit G. A. L. HENSCHEL, editio nova aucta pluribus verbis aliorum scriptorum a L. FAVRE, Niort 1883–1887, s. v. chartularium.

<sup>5</sup> In general, v. T. FOULDS, Medieval cartularies, *Archives* 18 (1987) 3–35; *Les cartulaires. Actes de la Table ronde organisée par l'École nationale des chartes et le G.D.R. 121 du C.N.R.S. (Paris, 5–7 décembre 1991)*, réunis par O. GUYOTJEANNIN – L. MORELLE – M. PARISSÉ, Mémoires et documents de l'École des chartes 39, Paris 1993; *Charters, Cartularies and Archives. The Preservation and Transmission of Documents in the Medieval West: Proceedings of a Colloquium of the Commission Internationale de Diplomatie (Princeton and New York, 16–18 September 1999)*, eds. A. J. KOSTO – A. WINROTH, Toronto 2002. For example, also v.: *International Medieval Congress 2015: Special Thematic Strand: 'Reform and Renewal'*, Leeds,

entities enter transcripts of documents issued to their benefit.<sup>6</sup> By moral entities, we primarily mean ecclesiastical institutions, i.e. (arch)dioceses, monasteries, and churches. However, in the Middle Ages, cartularies were also composed by various other institutions or people such as universities, certain notable families, etc.<sup>7</sup> A cartulary can be composed in the form of a book, sometimes as a scroll or, e.g. just a single piece of parchment, with transcripts of documents of various issuers for a single recipient, as well as for his legal successors.<sup>8</sup> Precisely since they contain documents issued in favor of a single legal entity or individual, the documents recorded in cartularies were often exposed to significant (larger or smaller) changes during the process of their introduction into cartularies, which is, in a strictly diplomatical sense, considered to be falsification. Documents which are most often encountered in cartularies are those speaking of proprietary legal relations (grants, various contracts, rarer testaments). These documents can be transcribed in their entirety, in excerpts, or in an abstract, and are often accompanied by various narrative additions or marginal notes. Cartularies generally begin with a *foundational document*, or with a narrative record of a monastery foundation<sup>9</sup> – *historia foundationis*. A cartulary could have been written by one or more scribes, and the contents arranged chronologically, by properties (topographically), or by order of abbots. However, the documents could have been arrayed in no particular order, i.e. in the order in which a certain document would get in the hands of a cartulary composer.<sup>10</sup>

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UK, 6–9 July 2015, University of Leeds, Faculty of Arts, Institute for Medieval Studies. Session: Cartularies, between Weapons and Tools: a Reassessment, I–II. Organiser: P. BERTRAND, Université Catholique de Louvain, Louvain-la-Neuve ([https://imc.leeds.ac.uk/dbsql02/AQueryServlet?\\*context=IMC&\\*id=10&\\*formId=1&\\*requestType=query&conference=2015&\\*servletURI=https://imc.leeds.ac.uk/dbsql02/AQueryServlet](https://imc.leeds.ac.uk/dbsql02/AQueryServlet?*context=IMC&*id=10&*formId=1&*requestType=query&conference=2015&*servletURI=https://imc.leeds.ac.uk/dbsql02/AQueryServlet)).

<sup>6</sup> P. RABIKASKAS, *Diplomatica generalis. Praelectionum lineamenta (Ad usum auditorum)*, Romae 1971<sup>3</sup>, 78.

<sup>7</sup> J. M. J. A. GIRY, *Manuel de diplomatique: diplomes et chartes, chronologie technique, éléments critiques et parties constitutives de la teneur des chartes les chancelleries, les actes privés*, Paris 1894, 28.

<sup>8</sup> *Lexikon des Mittelalters* 5 (Hiera-Mittel bis Lukanien), München – Zürich 1991, s. v. Kartular (A. GAWLIK).

<sup>9</sup> V. H. GALBRAITH, Monastic Foundation Charters of the Eleventh and Twelfth Centuries, *Cambridge Historical Journal* 4/3 (1934) 205–222, 296–298.

<sup>10</sup> D. WALKER, The Organization of Material in Medieval Cartularies, *The Study of Medieval Records. Essays in Honour of Kathleen Major*, eds. D. BULLOUGH – R. L. STOREY, Oxford 1971, 132–150. Also v.: A. SÁNCHEZ MAIRENA, La investigación sobre cartularios en España. Iniciativas para establecer un marco teórico, *Alma littera: Estudios dedicados al profesor José Manuel Ruiz Asencio*, eds. M. HERRERO

Also, it could have been written in various languages and scripts and on various materials (parchment, paper). Besides proprietary relations, cartularies also contain numerous facts important for linguistic (topographic, onomastic) research, legal and social relations, etc.<sup>11</sup>

At this point, it is important to mention that in the late Roman and Byzantine Empire the term cartulary denotes an administrative clerk (Greek *χαρτουλλάριος* /*khartūlários*/, Latin *chartularius*) who was tasked with maintaining a register, i.e. registry in either military administration, civil administration, or at the imperial court. This function was first mentioned in 356 AD, and for the last time during the period of the late Byzantine Empire. Besides, cartularies were ecclesiastical clerks in the Byzantine Empire, and furthermore, in a certain period, a cartulary also performed the service of an imperial chief hostler, manager of an imperial stable, military commander, etc.<sup>12</sup> From the previous statements it can be inferred that the original meaning of the word cartulary implied – unlike the above mentioned definition – a function i.e. an office. In that way we also encounter *chartularius* as *terminus technicus* in the meaning of a keeper of judicial archives, while in Croatian medieval Latinity the word *chartularius* denotes a keeper of documents or a notary,<sup>13</sup> but only in the widest meaning and sense of that word. In the Byzantine Empire, a cartulary in a diplomatical sense was called *kontakion*.<sup>14</sup>

In Croatian diplomatics, one of the more thorough definitions of a cartulary was given by historian Miho Barada in his important diplomatic-

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DE LA FUENTE – M. HERRERO JIMÉNEZ – I. RUIZ ALBI, F. MOLINA DE LA TORRE, Valladolid 2014, 639–649.

<sup>11</sup> G. R. C. DAVIS, *Medieval Cartularies of Great Britain and Ireland*, revised by C. BREAY – J. HARRISON – D. M. SMITH, London 2010. „Cartularies are one of our best sources for life in the Middle Ages. Typically compiled by religious communities, secular corporations or wealthy families, the books in question contain copies of charters and related documents, supplying evidence of landholding, legal transactions and day-to-day business. Approximately 2,000 medieval cartularies have survived from England, Ireland, Scotland and Wales, dating from the eleventh to the sixteenth centuries.” See more at: <http://britishlibrary.typepad.co.uk/digitisedmanuscripts/2011/03/medieval-cartularies-of-great-britain-and-ireland.html#sthash.kxXPkTPy.dpuf>

<sup>12</sup> G. OSTROGORSKI, *Povijest Bizanta 324. – 1453*. [Croatian edition], trans. by M. and K. MILADINOV, ed. and contributions by H. GRAČANIN, Zagreb 2006<sup>2</sup>, 539 (s. v. kartular; kartular sacelarija; kartular vestijarija [cartulary; sacelarium cartulary; vestiarium cartulary]).

<sup>13</sup> *Lexicon Latinitatis medii aevi*, s. v. chartularius. Also cf. J. MAREVIĆ ET AL., *Lexicon Latino-Croaticum encyclopedicum – Latinsko-hrvatski enciklopedijski rječnik*, Zagreb 2000, s. v. chartularius; cartularium.

<sup>14</sup> Cf. n. 8.

paleographic study of 1937/1938.<sup>15</sup> Barada defines cartularies as books in which “various moral entities, especially churches and monasteries, copy in entirety or in excerpts documents, records, and everything pertaining to their rights of property and estate”. At the same time he points out the fact that cartularies are “a consequence of a decline of documents”, and, because of that, they still have the “advantage over ordinary transcripts owing to an easier overview, usage, and keeping, and even more so because of their probative force”.<sup>16</sup> As an argument for his statement, he mentions the fact that cartularies are mostly in possession of ecclesiastical institutions which are *fidei dignae*, i.e. some among them also represent *loca credibilia*. Precisely because of that, according to Barada, older cartularies were not certified, since their legitimacy arose from the institution to which they referred to. Certified cartularies only appear in the 13<sup>th</sup> and 14<sup>th</sup> century, due to the appearance and development of notaries. Namely, notaries certify transcripts of documents and therefore cartularies. However, Barada goes even further in his interpretation claiming that diplomatics as an auxiliary historical science equally values an uncertified and a certified transcript because a certification is “not even the smallest proof of authenticity” to the latter. Namely, “judicial verdicts, interpolations, and forgeries could be found in cartularies, alongside transcripts of original documents and latter records”. In this case forgeries are devised in such a way “that in a text of a single legal document [e.g. pertaining to a monastery – remark by T. G.], various real (*de facto*) rights would be introduced so that it would seem that it also has them *de iure*.”<sup>17</sup> Concluding in regard to cartularies, Barada gives the following view of this category of diplomatics: “Since from the 10<sup>th</sup> until the 13<sup>th</sup> century confirmations, transcripts, records, and especially cartularies have a larger legal value than older originals, it is no wonder that the originals became meaningless, and, as redundant, they were not even preserved. The loss of an original was completely irrelevant for the matter itself, and in such a way isolated documents decayed as something

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<sup>15</sup> M. BARADA, *Dvije naše vladarske isprave* [Two Charters of Our /Croatian/ Rulers: Diplomatic and Palaeographic Study], *Croatia sacra – arkiv za crkvenu povijest Hrvata / commentarii historiae sacrae Croatorum* 7/13–14 (1937) 1–96, pp. 13–17; Idem, *Dvije naše vladarske isprave. Diplomatično-paleografska studija*, Zagreb 1938, 13–17. Cf. an overview of that section in J. LUČIĆ, *Povijesna dokumentacija svetokrševanskog samostana i vladavina Petra Krešimira IV., 1000 godina Samostana svetog Krševana u Zadru* [1000 Years of the Monastery of St. Chrysogonus in Zadar], ed. I. PETRICIOLI, Zadar 1990, 59–78, pp. 66–67 (Summary: The Historical Documents of the Archive of Saint Chrysogonus Monastery and the Rule of Petar Krešimir IV).

<sup>16</sup> M. BARADA, *Dvije naše vladarske isprave*, 13.

<sup>17</sup> *Ibidem*, 13.

valueless.”<sup>18</sup> Even though certain complaints can be made against a viewpoint worded in such a way (e.g. the degree of the legal value of cartularies: most of our Dalmatian monasteries, especially those from which we inherit cartularies, were not *loca credibilia*), it essentially gives a good overview of the state of development of diplomatics in the first half of the 20<sup>th</sup> century in regard to cartularies.

Antun Dabinović, in his definition of cartularies, emphasised the distinction between, on one hand, a copial book, and on the other the so-called “libellus polychorion”<sup>19</sup> in our legal historiography. However, it should immediately be noted that such a distinction has no basis in Croatian diplomatic sources. After interpreting a copial book as a book written in a monastery in which all documents “on purchases and sales, donations, or other legal businesses pertaining to their possessions” were consecutively written, Dabinović states that unlike that book (i.e. the so-called copial book), there is also the so-called “libellus polychorion”, a kind of a monastic list of possessions which were listed alongside names of peasants and their obligations.<sup>20</sup> He also mentions other (Greek) names for these monastic lists such as *tipik* (*typikon*), *katastik* (*katastikhon*), *praktik* (*praktikon*), and *akrostik* (*akrostikhon*), adding that these terms are “more frequently used in regions under more direct influence of the church”, while the Western equivalent to that term is *liber censuum* – a list of peasant obligations, i.e. terms such as *inventarium*, *breviarium*, *encautarium* (late Roman list of tax collectors), *registrum*, or *documenta plenaria*.<sup>21</sup>

However, we need to state that even before him, Milan Šufflay equated the term *polichorion* in our diplomatic material to a copial book,<sup>22</sup> because the Dabinović’s definition, besides the fact that it, by all accords, applies to Eastern regions (Byzantine Empire), better corresponds to the later term *urbarium* than to what is in Western diplomatics called a cartulary.<sup>23</sup>

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<sup>18</sup> Ibidem, 13–14.

<sup>19</sup> A. DABINOVIĆ, *Hrvatska državna i pravna povijest* [Croatian State and Legal History], Zagreb 1940 [Reprint: Zagreb 1990], 167–168.

<sup>20</sup> Ibidem, 167–168.

<sup>21</sup> Ibidem, 168.

<sup>22</sup> M. ŠUFFLAY, *Die dalmatinische Privaturkunde*, Sitzungsberichte der Kaiserlichen Akademie der Wissenschaften in Wien. Philosophisch-historische Klasse, Band 147, Buch 6, Wien 1904, 40–41, n. 5; IDEM, *Dalmatinsko-hrvatska srednjovjekovna listina i povijest hrvatskoga notarijata od XI. do XV. stoljeća* [Croatian edition], ed. and trans. by D. SAGRAK, Zagreb 2000, 2007<sup>2</sup>, 53, n. 160.

<sup>23</sup> V. Novak also comes close to the interpretation made by Dabinović with the term *βρέβιον* (V. NOVAK, *Notae diplomaticae, Supetarski kartular – Ivra sancti Petri de Gomai (Chartvlare sancti Petri)*, eds. V. NOVAK – P. SKOK, Zagreb 1952, 143–186, p. 153).

Besides Šufflay, Ivan Ostojić also gave his interpretation of the Croatian *Policorion*, saying that the said term (*polyc/h/orion*) corresponds to the term cartulary, i.e. the notion called *plenarium polyptychum* in the West.<sup>24</sup>

On the other hand, Viktor Novak stated that the obligation of a founder of a monastery was to manage “an inventory book [called *βρέβιον* (*brébion*) in the Byzantine Empire – remark by T. G.] of all church and monastery estates”, and that such a book was “needed by church authorities which conducted monitoring, even though monasteries were actually exempt from an archbishop’s jurisdiction.” Hereinafter, Novak states that “canonical visitations” also affected monasteries.<sup>25</sup> However, besides not being true in all aspects, that statement is also largely an anachronism.

When it comes to other Croatian historians, let us only mention what was written on cartularies by I. Ostojić. As one of the best scholars on the history of Benedictines in Croatia, and therefore the history of their written monuments, Ostojić defined this category of diplomatics in a rather precise manner. According to him, cartularies are copial books – compilations in which documents are transcribed and sewn in together, originally serving “only for private orientation or local use.”<sup>26</sup> Eventually, and for the purposes of attaining an easier overview of estates, certain compilations were certified by a public notary (*manu publica notarii*) and “in that way, were given the value of public documents.” However, even without certification, these cartularies attained “authority of age and were used as means of evidence in courts.” Ostojić also writes that the creation of cartularies made the documents more readily available and their contents were more easily preserved. Moreover, it was customary to bring a cartulary to court, and not the original documents. He also points out the unfortunate fact that due to such developments, originals were more poorly preserved. Ostojić also stresses that, although cartularies were monastic ownership books, not all monastic estates were listed in them. The main estate on which the principal monastery and monastic church were located were regularly not listed because “it was considered redundant to prove something

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<sup>24</sup> I. OSTOJIĆ, *Benediktinci u Hrvatskoj i ostalim našim krajevima*. Sv. I: *Opći povijesno-kulturni osvrt – Benedictini in Croatia et regionibus finitimis*. Vol. I: *Conspexus generalis*, Split 1963, 320, n. 4.

<sup>25</sup> Cf. V. NOVAK, *Notae diplomaticae*, 146.

<sup>26</sup> However, in the encyclopedic article “Chartularia (Chartaria i Diplomataria)” Josip Nagy points out that cartularies were often written “by the order of the pope”. However, such an interpretation has no basis in Croatian diplomatic material, and we believe the same is rarely the case even in European diplomatic material. Cf. *Hrvatska Enciklopedija – Encyclopaedia Croatica* 3, Zagreb 1942, s. v. Chartularia (Chartaria i Diplomataria) (J. NAGY).

that was obvious to everyone, or unnecessary to determine rights which no one dared to deny or doubt”.<sup>27</sup>

In diplomatic sources one can encounter various names denoting what we formally consider a cartulary: *chartulare*, *chartularium/chartularia*, *chartaria*, *catasticum*, *diplomataria*, *montaneus*, *topycus*, *polychorion*, *instrumentarium*, *liber instrumentorum*, *liber memorialis*, *liber privilegiorum*, *codex traditionum*, *registrum*, *regestum*, *pancarta*, *liber iurium*, *contractuum*, *codex diplomaticus*, etc.<sup>28</sup> However, in the Croatian corpus of diplomatics, the following names are recorded: register (*registrum*), catastrophic (*catasticum*), montanum (*montanum/montaneum*), policorion (*policorion*), typic (*tipicus; topicus*), cartu(l)ario.<sup>29</sup> Otherwise, the term *typiká*, in the meaning of the founding charters of monasteries, originates from the Byzantine region,<sup>30</sup> while *montanum/montaneum*, according to Šufflay, is not recorded as a term in the European West.<sup>31</sup>

Admittedly, there are differences between them, all of which depend on the time and region of creation of a given cartulary. In that way the cadaster (from Latin *cathastrum*, Croatian *porezača*, *poreznik zemljarine*, *zemljišnik*) denotes a public book in which estates – primarily lands – and ownership of them are recorded for the purpose of calculating tax.<sup>32</sup> That term is, in such a meaning, characteristic for later periods, and not for the early and developed Middle Ages.

Due to various names, some of which can also be ambiguous, it is only through direct insight that it can be defined whether something is a cartulary or not. For example, saying that a *montanum* is not the same as cartulary<sup>33</sup> only brings unnecessary confusion into the terminology of diplomatics. Namely, all of the aforementioned names can be categorised to-

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<sup>27</sup> I. OSTOJIĆ, *Benediktinci u Hrvatskoj* I, 320.

<sup>28</sup> V. NOVAK, *Notae diplomaticae*, 145; J. STIPIŠIĆ, *Pomoćne povijesne znanosti u teoriji i praksi* [Auxiliary Historical Sciences in Theory and Practice], Zagreb 1991<sup>3</sup>, 167.

<sup>29</sup> V. NOVAK, *Notae diplomaticae*, 146.

<sup>30</sup> Cf. *Byzantine Monastic Foundation Documents. A Complete Translation of the Surviving Founders' Typika and Testaments*, vol. 1–5, eds. J. THOMAS – A. C. HERO, with the assistance of G. CONSTABLE, *Dumbarton Oaks Studies* 35, Washington D.C. 2000.

<sup>31</sup> M. ŠUFFLAY, *Die dalmatinische Privaturkunde*, 40–41, n. 5; IDEM, *Dalmatinsko-hrvatska srednjovjekovna listina i povijest hrvatskoga notarijata od XI. do XV. stoljeća*, 53, n. 160.

<sup>32</sup> Z. HERKOV, *Građa za financijsko-pravni rječnik feudalne epohe Hrvatske*, vol. II, Zagreb 1956, 35.

<sup>33</sup> Cf. M. ANČIĆ, *Srednjovjekovni montaneji*, *Starohrvatska prosvjeta*. Serija III 24 (1997) 127–148 (Summary: Medieval Montanea).



gether under the definition of a cartulary only if their content corresponds to that term.<sup>34</sup> If that which we consider a cartulary is called a register in some source, we will be sure that it is indeed a cartulary if the documents within it are issued in favor of a recipient (e.g. a monastery), i.e. the composer and owner of the cartulary. Another diplomatic term “register” is intentionally different from a cartulary by its structure and purpose.<sup>35</sup> Registers are copial books created by authors (*auctores*), i.e. they contain documents issued by a certain individual or moral (legal) entity, which are written into that register by their will.<sup>36</sup> Precisely because of that fact, those registers are historical sources of the first order because there is no doubt about their authenticity.<sup>37</sup>

Inventories pertaining to movables and real estates and various records and notes are also often written into cartularies, and all of that data is a source of a hugely important historical value. Accordingly, the purpose of a cartulary is to preserve the text of a document and, possibly, to prove possession and other rights. However, copies of cartulary documents are not valid as an absolute proof in the court of law.<sup>38</sup> More precisely, documents within a cartulary do not have, legally speaking, a probative character, but above all the function of a memorial record. Yet again, such a cartulary displayed in court could bring significant advantage to its holder.<sup>39</sup> In order for a cartulary to have legal value, and therefore probative

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<sup>34</sup> Cf. V. NOVAK, *Notae diplomaticae*, 145–146, n. 1.

<sup>35</sup> In general, F. DE LASALA – P. RABIKAUŠKAS, *Il documento medievale e moderno. Panorama storico della diplomazia generale pontificia*, Roma 2003.

<sup>36</sup> M. T. CLANCHY, *From Memory to Written Record: England. 1066–1307*, Oxford – Cambridge (Mass.) 1993<sup>2</sup>, 101–102.

<sup>37</sup> J. STIPIŠIĆ, *Pomoćne povijesne znanosti u teoriji i praksi*, 167.

<sup>38</sup> *Enciklopedija Leksikografskog zavoda* 4 (Jugoslavija – Majkov), eds. M. KOSTRENIĆ – M. PROTEGA, Zagreb 1959, s. v. kartular (= cartulary), in the editorial office – we believe – of Croatian legal historian Marko Kostrenčić.

<sup>39</sup> M. MATIJEVIĆ SOKOL, *Samostanski memorijalni zapisi (libri traditionum) srednjega vijeka i uloga svećenika-pisara (pranotara)*, 2. *Istarski povijesni biennale – 2<sup>nd</sup> Istrian history biennale: Sacerdotes, iudices, notarii... – posrednici među društvenim skupinama / Sacerdotes, iudices, notarii... – mediators among social groups. Zbornik radova s međunarodnog znanstvenog skupa / Conference Papers from the International Scientific Conference*, sv. 2 / vol. 2, Poreč 2007, 5–19, pp. 14–16 (Summary: Memorial Records in Monasteries / *libri traditionum*/ from the Middle Ages and the Role of the Priest-Scribe / *praenotarius*/). As an example, the author states the case of the Benedictines of Split, who submitted a *montaneum* to a court. However, the court didn't accept it because it was not made according to the pattern of a cartulary (*secundum modum*) and did not have the power (*nullus esse valoris*) of a cartulary. Eventually, however, the verdict was issued in favor of the Benedictines, exactly by the power of the mentioned *montanum* (*vi dicti montani...*) and another submitted document.

value in court, it needed to have integrally transcribed documents certified by the hand of a notary (i.e. by his signature and mark),<sup>40</sup> or an archdiocese or monastery performing the function of a credible place (*locus credibilis*).<sup>41</sup>

We can list two cases as an example, both from the Split archdiocese, in which cartularies were accepted as means of proof in court. The first one is from 1251 when a submitted cartulary was read in court and testimonies of live witnesses were accepted, and the other one is from 1276 when *montanum et litteras de fundatoribus et hereditaris ipsarum ecclesiarum* was submitted and accepted by the court.<sup>42</sup>

Modern Western diplomatics made a breakthrough in the last twenty or so years in regard to studying cartularies and those records which preceded them as written monuments. Here, we will especially single out a book by Patrick J. Geary<sup>43</sup> and a volume edited by K. Heidecker.<sup>44</sup> Namely, in these works there are references to a phase of what may be called proto-cartularies, which were named as *libri traditionum*, *liber traditionum* (the book of traditions), i.e. determined by genre as *gesta abbatum* (acts of abbots), *gesta abbatissarum* (acts of abbesses), and in case of (arch)bishops – *gesta (archi)episcoporum* (acts of /arch/bishops).<sup>45</sup> Geary devotes

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<sup>40</sup> M. MATIJEVIĆ SOKOL, Samostanski memorijalni zapisi (*libri traditionum*) srednjega vijeka i uloga svećenika-pisara (pranotara), 15.

<sup>41</sup> M. RADY, *Nobility, Land and Service in Medieval Hungary*, London 2000, 66–78; J. STIPIŠIĆ, *Pomoćne povijesne znanosti u teoriji i praksi*, 163.

<sup>42</sup> V. NOVAK, *Notae diplomaticae*, 149–150, n. 11.

<sup>43</sup> P. J. GEARY, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium*, Princeton 1994.

<sup>44</sup> *Charters and the use of the written word in medieval society*, ed. K. HEIDECCKER, *Utrecht studies in medieval literacy* 5, Turnhout 2000. Within the covers of this volume the results of two separate scientific symposiums, held in 1999 in Utrecht and Leeds, can be found. The first was organized as a Utrecht Symposium on Medieval Literacy and was entitled *Charters – the Development of Writing in Medieval Society*. The other symposium was realised during the International Medieval Congress in Leeds, and its topic was *Charters and the Use of the Written Word*.

<sup>45</sup> In several of her works, these results were rather argumentatively applied to the Croatian diplomatic material by M. Matijević Sokol, by which she made a departure from the extant interpretations and representations of certain monuments of medieval literacy, especially cartularies, in our historiography. Cf. M. MATIJEVIĆ SOKOL, Neki aspekti diplomatske tradicije u zapisima splitske crkvene provenijencije, *Hereditas rerum Croaticarum ad honorem Mirko Valentić*, eds. A. BUCZYNSKI – M. KRUHEK – S. MATKOVIĆ, Zagreb 2003, 14–21 (Summary: Some Aspects Concerning Diplomatic Traditions in the Records of the Provenance of the Split Church); EADEM, Neki aspekti hrvatske ranosrednjovjekovne latinske pismenosti, *Spomenica Filipa Potrebiće*, ed. M. MATIJEVIĆ SOKOL, Zagreb 2004, 97–107 (Summary: Some Aspects of the Croatian Literacy in the Early Middle Ages); EADEM, Splitski srednjovjekovni

special attention to the issue of origination and role of the earliest cartularies in the third chapter (*Archival memory and the destruction of the past*) of his book, where he points out the fact that for the period before the 10<sup>th</sup>/11<sup>th</sup> century we have significantly more copies and summaries than original documents; greater care and attention is dedicated to cartularies and documents transcribed within them than to originals; each cartulary is basically a result of negligence, choosing, modifying, and concealing of documents/data.<sup>46</sup> He also points out that tradition and local needs determined the forms of records that were to be conveyed and preserved. In the period before the 10<sup>th</sup>/11<sup>th</sup> century in the East (Frankish region), documents were conveyed through cartularies and books of traditions, while the West (e.g. the English region) primarily used originals. However, after that period, precisely after the year 1000 – according to Geary – ecclesiastical dignitaries started to become interested in the ways of presenting the history of their institution and thereby, of course, their role in its life. They created a “new past” out of the contents of records which they found in their institutions. Moreover, they destroyed, revised, re-transcribed, and modified found records and documents rather freely.<sup>47</sup>

First data on cartularies date back to the Frankish period, and one of the earliest preserved is the so-called *Codex traditionum* (*Traditionsbuch*). It was written by order of bishop Hitto of Freising around 824 by a Freising monk, notary, and priest Cozroh. He transcribed hundreds of early medieval charters within it, the oldest among them dating back to 744.<sup>48</sup> Also among the earliest documents was a cartulary of the monastery in Fulda, made in 828, whose creation was prompted by the reform of Rabanus Maurus.<sup>49</sup> Among other famous medieval cartularies, one may mention the

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književni krug, *Raukarov zbornik. Zbornik u čast Tomislava Raukara*, ed. N. BUDAK, Zagreb 2005 [2006], 157–173 (Abstract: Split – a Medieval Literary Circle); EADEM, Samostanski memorijalni zapisi (*libri traditionum*) srednjega vijeka i uloga svećenika-pisara (pranotara), 5–19.

<sup>46</sup> A simplified distinction between a *liber traditionum* and a cartulary is interpreted on this manner by G. Declercq: “Cartularies primarily consist of integral copies of formal charters drafted in the first person (‘Ego X dono’), whereas *Traditionsbücher* or *libri traditionum* contain, for the most part, less formal notices that were usually drafted in the third person (‘X tradidit’)” – while noting that – “Such compilations appear in the ninth century, and 80 or so examples from the period before 1100 are known. Nearly all of these early copy-books come from regions that were part of the Frankish kingdom ...” (G. DECLERCQ, *Originals and Cartularies – the Organizations of Archival Memory /Ninth-Eleventh Centuries/, Charters and the Use of the Written Word in Medieval Society*, 147–170, pp. 148–149).

<sup>47</sup> P. J. GEARY, *Phantoms of Remembrance*, 114.

<sup>48</sup> Cf. n. 8.

<sup>49</sup> P. J. GEARY, *Phantoms of Remembrance*, 84.

rather valuable *Le Cartulaire blanc de Saint-Denis* (The white cartulary of Saint-Denis) as a collection of Latin and Old French documents issued by French kings and other dignitaries in the period from 833 to 1299.<sup>50</sup> There also exists a whole series of cartularies from France which are available today in printed and/or digital form. Among those, we single out *Cartulaire de l'abbaye de Saint-Martin de Pontoise*, *Cartulaire de l'abbaye de Porrois*, *Cartulaire de l'abbaye de Notre-Dame des Vaux-de-Cernay*, *Cartulaire de Sainte-Croix d'Orléans (814–1300)*, *Cartulaire de l'abbaye de Notre-Dame de la Roche*, *Cartulaire et censier de Saint-Merry de Paris*, and *Cartulaire de Saint-Spire de Corbeil au diocèse de Paris*.<sup>51</sup>

### Croatian cartularies

Cartularies from the period of medieval Croatia occupy an important and in many aspects irreplaceable position in our historiography as historical sources.<sup>52</sup> There are several of them preserved in their entirety, several in fragments, and there also exists a category of cartularies of whose existence we only know by their title.

Occupying a special place among Croatian cartularies is an entire category which we can call the *Benedictine cartularies*.<sup>53</sup> Writing on the monastery of Saint Chrysogonus (Krševan) in Zadar, Radoslav Katičić presumed that, immediately after its foundation, “according to Regulation 48 of the provisional rules of Saint Benedict, in addition to a workshop for

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<sup>50</sup> *Éditions en ligne de l'École des chartes* – n°3. *Le Cartulaire blanc de Saint-Denis*, ed. O. GUYOTJEANNIN (available at: <http://elec.enc.sorbonne.fr/>).

<sup>51</sup> *Éditions en ligne de l'École des chartes* – n°11. *Cartulaires numérisés d'Ile-de-France* (all available at: <http://elec.enc.sorbonne.fr/>).

<sup>52</sup> J. STIPIŠIĆ, Croatia in Diplomatic Sources up to the End of the 11<sup>th</sup> Century, *Croatia in the Early Middle Ages – A Cultural Survey. Croatia and Europe*, vol. I, ed. I. SUPIČIĆ, London–Zagreb 1999, 285–318, pp. 306–314; M. MATIJEVIĆ SOKOL, *Studia diplomatica. Rasprave i prinosi iz hrvatske diplomatike*, Zagreb 2014 (Summary: *Studia diplomatica. Croatian Diplomats – Studies and Contributions*), 10–12 et passim; D. KARBIĆ – B. GRBAVAC, Pravo i pragmatična pravna pismenost [Law and Pragmatic Legal Literacy], *Nova zraka u europskom svjetlu. Hrvatske zemlje u ranome srednjem vijeku (oko 550 – oko 1150)* [New Ray in European Light. Croatian Lands in the Early Middle Ages], ed. Z. NIKOLIĆ JAKUS, Biblioteka Povijest Hrvata, vol. 1, Zagreb 2015, 237–253, pp. 250–251.

<sup>53</sup> I. OSTOJIĆ, *Benediktinci u Hrvatskoj I*, 318–326. Also cf. J. NAGY, *Diplomatičko-paleografske studije* (I. Nekoliko općenitih razmatranja: 1. Savremena diplomatika, 2. O ispravi uopće; II. Isprave iz dobe hrvatske narodne dinastije: 1. O diplomama knezova Trpimira i Mutimira, 2. Isprava kralja Petra Kresimira za samostan sv. Ivana Evadjelista u Rogovu), *Vjesnik Kr. Državnog arkiva u Zagrebu* 1 (1925) 17–45, p. 37.

making parchments (*officina pergamentaria*), library (*bibliotheca*), and archives (*armarium*), a registry office (*scriptorium*) was also furnished.<sup>54</sup> In this case, we are inclined to notice that such interpretation of Regulation 48 is rather loose, even though it is correct in its general intent (but, nevertheless, not based on the *Regula* itself, but on later testimonies and monastic practice). Namely, there are almost no traces of the stated technical terms in the *Regula*,<sup>55</sup> and it is interesting that such an interpretation, e.g. the presence of archives and libraries is not given by I. Ostojić, the most important historian of the Benedictine Order in Croatia.<sup>56</sup> However, it is more than clear that, in practice, Benedictine monasteries took care of managing and keeping all documents and books pertaining to them, i.e. those that were needed in their everyday work and prayer (*ora et labora*).

Therefore, among Benedictine monasteries, especially due to their archives out of which some have completely or partially decayed, the following occupy a special place: Saint Chrysogonus in Zadar and Saint Mary in Zadar, Saint Nicholas in Trogir, Saint Peter on the island of Rab, Saint Michael (Mihovil) on the island of Susak, Saint John the Evangelist in Biograd na Moru, Saint Thomas in Biograd na Moru, Saint Stephen under the Pine Trees in Split, Saint Benedict (Saint Arnerius/Arnir) in Split, Saint Peter in Selo (today Sumpetar in Poljičko Primorje / Donja Poljica),<sup>57</sup> Saint Lucy in Jurandvor near Baška on the island of Krk, as well as Saint John the Baptist in Povelja on the island of Brač. Besides these, the remnants of the archives of the abbey of Saint Mary on the island of Lokrum, Saint Mary on the island of Mljet, Saint Nicholas in Zadar, and Saint Sylvester on the island of Biševo, and its successor Saint Nicholas in Komiža on the island of Vis are also preserved.<sup>58</sup>

From our monasteries and churches, the following cartularies are either extant, or their mentions are known today: cartulary of Saint Chrysogonus in Zadar,<sup>59</sup> cartulary of the Benedictine monastery of Saint John the

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<sup>54</sup> R. KATIČIĆ, *Litterarum studia. Književnost i naobrazba ranoga hrvatskog srednjovjekovlja*, Zagreb 1998, 2007<sup>2</sup>, 497.

<sup>55</sup> I. OSTOJIĆ, *Benediktinci u Hrvatskoj i ostalim našim krajevima*. Sv. III: *Benediktinci u panonskoj Hrvatskoj i Istri; Cisterciti u našim krajevima; Katalozi opata i opatica; Pašmanska Regula sv. Benedikta – Benedictini in Croatia et regionibus finitimis*. Vol. III: *Benedictini in Croatia septentrionali et in Histria; Cistercienses in Croatia; Catalogi abbatum et abbatissarum; Vetus Croatica versio Regulae s. Benedicti*, Split 1965, 406–407.

<sup>56</sup> Cf. I. OSTOJIĆ, *Benediktinci u Hrvatskoj* I, 318–326.

<sup>57</sup> *Ibidem*, 319.

<sup>58</sup> *Ibidem*, 321.

<sup>59</sup> Today, we only have a copy of the first five pages of the cartulary, and as it was the subject of research of several historians, its contents are almost entirely

Evangelist in Biograd na Moru and its successor Saint Cosmas and Damian on the island of Pašman,<sup>60</sup> cartulary of the Benedictine monastery of Saint Peter in Selo (Sumpetar),<sup>61</sup> cartulary of the female Benedictine monastery of Saint Mary in Zadar,<sup>62</sup> cartulary of the Benedictine monastery of Saint Stephen Under the Pine Trees in Split, cartulary of the female Benedictine monastery (of Saint Benedict or Saint Arnerius) in Split, cartulary of the church-cathedral of Saint Domnius in Split, cartulary of the monastery of Saint Nicholas in Trogir,<sup>63</sup> cartulary of the Benedictine monastery of Saint Mary on the island of Lokrum,<sup>64</sup> cartulary of the church of Saint Michael (*de Arena* or *de Sabulo*) in Solin<sup>65</sup>, and cartulary of the church of Saint John the Baptist *de Fonte* in Sutivan on the island of Brač.<sup>66</sup>

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known to us. It was especially and thoroughly studied by Ferdo Šišić, and as a matter of fact, entirely transcribed, so based on his work we can make judgments about this cartulary today. Šišić's transcription of the cartulary of the monastery of Saint Chrysogonus in Zadar is located in his manuscript legacy which is kept in the HAZU Archives in Zagreb (signature: XIII – Ostavština F. Šišića – 28. Rukopisi). Cf. L. MARGETIĆ, O Kartularu samostana sv. Krševana u Zadru, *Radovi Zavoda za povijesne znanosti HAZU u Zadru* 37 (1995) 147–181 (Summary: On the Register of the Monastery of S. Grisogono in Zadar).

<sup>60</sup> "Libellus Policorion, qui Tipicus vocatur", ed. Š. LJUBIĆ, *Starine Jugoslavenske akademije znanosti i umjetnosti* 23 (1890) 154–243; T. GALOVIĆ, *Libellus Policorion – Rogovski kartular (diplomatičko-povijesna analiza)*, vol. I-II, PhD diss. University of Zagreb, Zagreb 2010 (vol. I dissertation; vol. II facsimile and critical edition).

<sup>61</sup> *Supetarski kartular – Ivra sancti Petri de Gomai (Chartulare sancti Petri)*, eds. V. NOVAK – P. SKOK, Zagreb 1952. *The Cartulary of the Benedictine Abbey of St Peter of Gumay (Croatia) 1080–1187*, ed. E. PIVČEVIĆ, English translation by S. J. TESTER, Bristol 1984.

<sup>62</sup> V. NOVAK, *Zadarski kartular samostana svete Marije – Chartulare Jadertinum monasterii sanctae Mariae*, Zagreb 1959.

<sup>63</sup> Information on it was brought by Ivan Lučić-Lucius: "...cadastre of the monastery of Saint Domnius and Nicholas, made in 1194 in which an abbess named Strija, niece of Karokul, complains that *almost all documents and privileges have decayed due to the pillaging of the city*" (I. LUČIĆ-LUCIUS, *Povijesna svjedočanstva o Trogiru /Memorie storiche di Tragurio ora detto Traù/*, Croatian trans. and ed. by J. STIPIŠIĆ, Split 1979, 103). Cf. J. STIPIŠIĆ, *Pomoćne povijesne znanosti u teoriji i praksi*, 168. This example nicely testifies to the fact that the term cadastre, in this case, also means a cartulary.

<sup>64</sup> J. STIPIŠIĆ, *Pomoćne povijesne znanosti u teoriji i praksi*, 168.

<sup>65</sup> M. ANČIĆ, Srednjovjekovni montaneji. However, doubts have been expressed in regards to the authenticity of this cartulary (MATIJEVIĆ SOKOL, *Samostanski memorijalni zapisi /libri traditionum/ srednjega vijeka i uloga svećenika-pisara /pranotara/*, 8, n. 19).

<sup>66</sup> M. ANČIĆ, Srednjovjekovni montaneji.

Out of the listed cartularies, some are preserved only by name, and others in a modified form (we will discuss the rest in the next chapter). Therefore, one cannot say a lot about the cartulary of the church-cathedral of Saint Domnius in Split – the so-called *montaneum antiquissimum*<sup>67</sup> – which also contains the transcripts of the oldest documents of Croatian rulers, except to assume that its contents are hidden in nine volumes of transcribed material which is kept today in the Cathedral (Archbishop's) archives in Split, more precisely in the volumes *Donationes principum* and *Varia de bonis archiepiscopatus*. This cartulary is first mentioned in a litigation case from 1291. It was transcribed by a *primicerius* Lukan Bertanije in the 14<sup>th</sup> century, and finally all that material, as well as other documents, were ordered to be transcribed anew by a Split Archbishop Sforza Ponzoni (1616–1641).<sup>68</sup> Also, another cartulary encompassing the oldest documents of the Split church is kept in these archives (under the signature 29, mark B).<sup>69</sup> Let us state as well that, during his research in Trogir (in the Garagnin-Fanfogna library), Franjo Rački recorded the existence of another cartulary from the 18<sup>th</sup> century (*Cartulario*) with document transcripts from 1185 to 1775.<sup>70</sup>

Besides the mentioned cartularies,<sup>71</sup> a special place in Croatian historiography for the period of the early Middle Ages is occupied (admittedly not in the category of “Croatian cartularies”) by the so-called *Tremit cartulary*, i.e. *Chartularium seu diplomata Abbatiae S. Mariae “de mare” et S. Iacobi Tremitensis insulae*.<sup>72</sup> The cartulary, written in the Beneventan

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<sup>67</sup> V. NOVAK, *Notae diplomaticae*, 149–150; R. KATIČIĆ, *Litterarum studia*, 524.

<sup>68</sup> J. STIPIŠIĆ, *Croatia in Diplomatic Sources up to the End of the 11<sup>th</sup> Century*, 314; M. MATIJEVIĆ SOKOL, *Kralj Zvonimir u diplomatskim izvorima, Zvonimir, kralj hrvatski. Zbornik radova* [Zvonimir, King of Croatia. A Collection of Papers], ed. I. GOLDSTEIN, Zagreb 1997, 45–55, p. 47 (Summary: King Zvonimir in Diplomatic Sources); R. KATIČIĆ, *Litterarum studia*, 524–525.

<sup>69</sup> R. KATIČIĆ, *Litterarum studia*, 524.

<sup>70</sup> F. RAČKI, *Iztraživanja u pismarah i knjižnicah dalmatinskih, Rad Jugoslavenske akademije znanosti i umjetnosti* 26 (1874) 153–188, p. 174; V. NOVAK, *Notae diplomaticae*, 153.

<sup>71</sup> For others, v. T. SMIČIKLAS, *Predgovor* [Foreword], *Diplomatički zbornik Kraljevine Hrvatske, Dalmacije i Slavonije – Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae*, vol. II (1101–1200), ed. T. SMIČIKLAS, Zagreb 1904, v–XXXI, pp. v–XXIII.

<sup>72</sup> Cf. *Codice diplomatico del Monastero benedettino di S. Maria di Tremiti (1005–1237)*, vol. I–III, ed. A. PETRUCCI, *Fonti per la storia d'Italia* 98, Roma 1960–1961.

script in the 13<sup>th</sup> century, is kept under the signature *Cod. Lat. 1067* in the Vatican Apostolic Library (*Bibliotheca Apostolica Vaticana*).<sup>73</sup>

In this paper, we will also study the *Baška (Stone) Tablet* from the Benedictine abbey of Saint Lucy in Jurandvor near Baška on the island of Krk and *Charter of Povlja* – the cartulary of the Benedictine abbey of Saint John the Baptist in Povlja on the island of Brač. Somewhat later cartularies of the Zagreb diocese and the so-called Rijeka cartularies will also be discussed.

### **Historical circumstances of the appearance of Croatian cartularies**

If one takes a look at the time of creation of the cartularies from the period of medieval Croatia, and bearing political and social circumstances in mind, then one can observe several stages in their development.

Belonging to the first stage or the first period are those cartularies, defined in recent literature as *libri traditionum* and as *gesta abbatum, gesta abbatissarum* by genre, whose time of cration has been placed in the first half of the 12<sup>th</sup> century, namely, the *Baška Tablet* (cca. 1105), the *Cartulary of the monastery of Saint Peter in Selo* (cca. 1106), and the cartulary of the monastery of Saint Benedict in Split (cca. or after 1119).

The circumstance that was a deciding factor for the creation of the text of *Baška Tablet* and *Cartulary of the monastery of Saint Peter in Selo* is the change of the political authority and arrival of the Arpad dynasty at the Croatian throne. Namely, king Koloman (*Collomanus*), who ruled over Croatia in 1102, only extended his reign to Dalmatia as an integral component of once unified and powerful *regnum Croatiae et Dalmatiae* in 1105.<sup>74</sup> Whether the first line of the *Baška Tablet* text contained or not the year of 1105, crucial for Dalmatia, is just an assumption, surpassed by far by the downright message of the *Tablet* itself: the island of Krk was an integral part of the Kingdom of Croatia and Dalmatia, while the monastery was an institution bestowed upon by the Croatian king. On one hand, the goal of the *Baška Tablet* was to commemorate these facts, while on the other, it represented the attempt to protect the present state of things in front of the new ruler.

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<sup>73</sup> M. BARADA, Dinastičko pitanje u Hrvatskoj XI stoljeća, *Vjesnik za arheologiju i historiju dalmatinsku* 50 (1928–1929) [1932] 157–199, p. 176 (Résumé: Questions dynastiques dans la Croatie du XI<sup>e</sup> siècle); *Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae – Diplomatički zbornik Kraljevine Hrvatske, Dalmacije i Slavonije*, vol. I (743–1100), eds. M. KOSTRENCIĆ – J. STIPIŠIĆ – M. ŠAMŠALOVIĆ, Zagreb 1967, 78.

<sup>74</sup> L. MARGETIĆ, *Baščanska ploča*, Rijeka 2000<sup>2</sup>, 25 (Riassunto).



Likewise, due to the change of political circumstances, some disputes occurred regarding certain estates of the monastery of Saint Peter in Selo, which had an epilogue in the form of a judicial process held around 1106 in Zadar which was concluded in favour of the monastery. That result was significantly impacted by witnesses, but also by the *Cartulary of the Monastery of Saint Peter in Selo* created for that occasion.<sup>75</sup>

Unfortunately, one still cannot say a lot on the circumstances of creation of *Cartulary of the Monastery of Saint Benedict in Split*, apart from the fact that one should also attempt to connect it to the establishment of royal authority in time of the Hungarian-Croatian king Stephen II (1116–1131) over Dalmatia, and thereby also over the city of Split which was previously conquered by the Venetian doge Ordelafo Faledro (Faliero) together with some other cities.<sup>76</sup>

Belonging to the second period in the development of Croatian cartularies are the *Cartulary of the Monastery of Saint Mary in Zadar* (between 1159 and 1167) and the *Cartulary of the Monastery of Saint Chrysogonus in Zadar* (cca. the beginning of 1204). They were created in circumstances of change of political authority in the city of Zadar. It was stated that the *Cartulary of the Monastery of Saint Mary* was written “as best as could have been done”, after the arrival of the Venetians in Zadar in 1159. The very conception of the cartulary would definitely go in favour of such a statement because cartulary’s nature is non-systematic due to the promptness of creation. Therefore, the main goal was to present new and protect old rights in front of the new authority, in this case the Venetian one. Unlike those times – around forty years later – Zadar was demolished and conquered by the Venetian politics which directed crusaders from the Fourth Crusade to the city (1202). After the departure of the crusaders (1203), the situation in the city of Zadar consolidated, along with a short-term change of political authority during the reign of Domaldus (Domald), after which the Venetians returned once again.<sup>77</sup> It was precisely during those turbulent times that the *Cartulary of Saint Chrysogonus* was created in order for the monastery to protect its estates and rights in

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<sup>75</sup> M. MATIJEVIĆ SOKOL, Samostanski memorijalni zapisi (*libri traditionum*) srednjega vijeka i uloga svećenika-pisara (pranotara), 8–9.

<sup>76</sup> T. RAUKAR, Arpadovići i Anžuvinci na hrvatskom prijestolju [The House of Arpads and Angevins on the Croatian Throne], *Povijest Hrvata. Prva knjiga: srednji vijek* [History of the Croats. Volume one: The Middle Ages], ed. F. ŠANJEK, Zagreb 2003, 185–231, p. 192.

<sup>77</sup> T. RAUKAR, *Hrvatsko srednjovjekovlje. Prostor, ljudi, ideje* [Croatian Middle Ages: Space, People and Ideas], Zagreb 1997, 2007<sup>2</sup>, 67–68.

front of both private persons and even more so in front of new political factors.<sup>78</sup>

Unlike the aforementioned cases in regard to *Cartulary of Povelja – Charter of Povelja* (from 1 December 1250) and the *Cartulary of the Monastery of Saint Stephen under the Pine Trees in Split* (1251/1252), the circumstances are somewhat different. Namely, the creation of these cartularies occurred in time of a rather active Archbishop of Split – Roger/Rogerius (1250–1266). In regard to the *Cartulary of the Monastery of Saint Stephen under the Pine Trees*, we have direct proof that it was ordered by Roger, while in case of the *Charter of Povelja*, we presume the same was true for similar reasons, but also due to his archbishopal rule and metropolitan honour over these areas that prompted the writing of this cartulary. Namely, both cartularies are connected by similar ecclesiastical circumstances and the standpoint of the archbishop Roger in terms of protection of church property in the spirit of time and his duties. Beside that, it was a result of his education (at the University of Bologna), as well as the fact that the said period was the period of the so-called renaissance of Roman law<sup>79</sup>, development of the institution of public notary and new judicial instruments in our country.<sup>80</sup> Namely, as of the 13<sup>th</sup> century, Dalmatia is located in the sphere of restored Roman law which built upon autochthonous Croatian and Croatian-Hungarian law.<sup>81</sup> The forming of statutes, which legally regulated numerous issues later, also began at that time.

Admittedly, in regard to *Charter of Povelja*, the situation is somewhat more complex and it needs more than a bare attempt to simply schematise it. At least three temporally different layers can be recognised within it, each one of them conditioned by political and social circumstances of its own time. We consider the first one to be the oldest, the so-called *Brečko's document*, whose creation was prompted by the return of monastic lands. The second layer is the so-called *Book* (to which Croatian notary John /Ivan/ refers in the following manner: *What I saw written in the old book is*

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<sup>78</sup> L. MARGETIĆ, *Iz ranije hrvatske povijesti. Odabrane studije* [From Early Croatian History. Selected Studies], Split 1997, 128.

<sup>79</sup> Cf. P. STEIN, *Rimsko pravo i Europa. Povijest jedne pravne kulture* [Croatian edition], trans. by N. PETRAK, ed. M. PETRAK, Zagreb 2007, 34–63 et passim (P. STEIN, *Römisches Recht und Europa. Die Geschichte einer Rechtskultur*, Frankfurt am Main 1999<sup>3</sup>).

<sup>80</sup> Cf. N. LONZA, *Pravna kultura srednjovjekovne Dalmacije između usmenosti i pismenosti, Zbornik Pravnog fakulteta u Zagrebu* 63/5–6 (2013) 1203–1232 (Summary: Legal Culture of Medieval Dalmatia Between Oral and Written Tradition).

<sup>81</sup> L. MARGETIĆ, *Laws, Common Laws, Statutes, Privileges, Croatia in the Late Middle Ages and the Renaissance. A Cultural Survey. Croatia and Europe*, vol. II, eds. I. SUPIČIĆ – E. HERCIGONJA, London – Zagreb 2008, 150–168, pp. 150–151.

what I wrote), while the third and final layer encompasses everything what the notary John transcribed from that book and certified on 1 December 1250, i.e. what we call the *Charter of Povelja* today. However, due to the pronounced narrative character of its contents, but also its language and script, the charter equally belongs to the first stated category, i.e. the one in which we included the *Baška Tablet*, *Cartulary of the Monastery of Saint Peter in Selo*, and the *Cartulary of the Monastery of Saint Benedict in Split*.

The third category of cartularies linked by similar political circumstances is made of *Sbornik pravah i povlasticah kaptola zagrebačkoga* (1334), *Liber privilegiorum episcopatus Zagrabiensis* (after 1 April 1348), *Tenor privilegiorum monasterii B. V. Marie de Toplica* (cca. 1365), and *Libellus Policorion* (cca. 1367). At first, one can ask what do, for instance, *Libellus Policorion* and *Liber privilegiorum episcopatus Zagrabiensis* have in common. Namely, all of the listed diplomatic monuments are unified by the same political circumstances. Those pertain to the restoration of royal power in time of the Angevins dynasty, and thus also the need of church institutions to present testimonies and legal evidence of their estates and other rights in front of the new ruler. Key people of that restoration and all of the reforms were the kings Charles I of Anjou (1301–1342) and Louis I of Anjou (1342–1382). The Anjou reforms whose basic goal was the strengthening of royal rights were conducted in several manners. Primarily, they concerned a tax system, a monetary reform, and a new military structure.<sup>82</sup> Those reforms especially influenced Slavonia where they stimulated the development of free royal cities, judicial reforms, and, naturally, suppression of power of noble families. After all, it is exactly during the time of Charles I around 1330 that the royal register (*registrum regale*) for the area of Hungary and Slavonia started to be systemised, which without a doubt had an impact on the creation of cartularies as private “registers”. Apart from that, the Anjou dynasty was responsible for the development and activity of institutions of public faith, i.e. “credible places” / “places of authentication” (*loca credibilia*) in north Croatia, i.e. Slavonia.<sup>83</sup>

Political circumstances in Dalmatia of the second half of the 14th century are also characterised by a restoration of royal power during the period of the Anjou dynasty.<sup>84</sup> After the treaty of Zadar in 1358,<sup>85</sup> Croatian

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<sup>82</sup> T. RAUKAR, Arpadovići i Anžuvinci na hrvatskom prijestolju, 218–219.

<sup>83</sup> M. MATIJEVIĆ SOKOL, *Nostrum et regni nostri registrum*. Srednjovjekovni arhiv Ugarsko-hrvatskog kraljevstva, *Arhivski vjesnik* 51 (2008) 237–257 (Summary: *Nostrum et regni nostri registrum*. Mediaeval Archive of the Hungarian-Croatian Kingdom).

<sup>84</sup> D. GRUBER, Dalmacija za Ludovika I. (1358–1382) – I. Dio (1358–1367), *Rad Jugoslavenske akademije znanosti i umjetnosti* 166 (1906) 164–215; IDEM, Dalmacija

lands experienced their medieval peak due to a territorial union.<sup>86</sup> Those are precisely the circumstances in which *Libellus Policorion* was created and monastic facilities, which were heavily damaged during the conflict between the Venetians and king Louis I of Anjou, were restored.<sup>87</sup> It is useful to point out that the monastery was not on the Venetian side. In the kingdom arranged in such a way – composed from Croatia, Dalmatia and Slavonia as a whole – Louis also prompted tax reforms (especially in terms of the Royal chamber), boosted the economy, etc.<sup>88</sup> Here, it is important to state that it was precisely during Louis' time that the royal register (*registrum regale*) was established for Croatia and Dalmatia, just like his father did for Hungary and Slavonia.<sup>89</sup>

The fourth category of cartularies discussed in this paper, at the very end of the Middle Ages and the beginning of the Early Modern Period, consists of *Diplomatarium* of the Augustinian monastery in Rijeka from the 16th century and *Transumptum privilegiorum fundationalium, aliorumque instrumentorum* of the same monastery from 1705. However, given how *Diplomatarium* is still in the research phase, the only thing we can state here is that the creation of the said cartularies occurred during the time of the Habsburg dynasty, that ruled over Rijeka from 1466, which gives us a single framework for observation of *Diplomatarium* and *Transumptum privilegiorum fundationalium, aliorumque instrumentorum*.<sup>90</sup> Future research will shed more light on these diplomatical monuments.

### Conclusion

After we have attempted to determine the time of creation of certain cartularies, whether by a specific year, whether approximately, or just by century, and answer the question regarding which circumstances, especially political and social ones, were crucial for the creation of mentioned car-

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za Ludovika I. (1358–1382) – I. Dio (1358–1367) / Nastavak, *Rad Jugoslavenske akademije znanosti i umjetnosti* 168 (1907) 163–240. Also cf. N. KLAJČ, Značenje vladavine Anžuvina za hrvatske zemlje, napose za Dalmaciju, *Radovi Filozofskog fakulteta u Zadru* 23 (1983/1984) 225–231; T. RAUKAR, Komunalna društva u Dalmaciji u anžuvinskom razdoblju, *Radovi Filozofskog fakulteta u Zadru* 23 (1983/1984) 243–250.

<sup>85</sup> On the Treaty of Zadar, v. V. FORETIĆ, Pogled na Zadarski mir 1358. godine, *Radovi Filozofskog fakulteta u Zadru* 23 (1983/1984) 233–242; *Zadarski mir (18. 02. 1358. – 18. 02. 2008.) – o 650. obljetnici*, trans. by M. LONČAR, eds. L. GRČIĆ-SIMEUNOVIĆ ET AL., Zadar 2008.

<sup>86</sup> T. RAUKAR, *Hrvatsko srednjovjekovlje*, 79–84.

<sup>87</sup> I. OSTOJIĆ, *Benediktinci u Hrvatskoj* III, 365.

<sup>88</sup> T. RAUKAR, Arpadovići i Anžuvinci na hrvatskom prijestolju, 228.

<sup>89</sup> M. MATIJEVIĆ SOKOL, *Nostrum et regni nostri registrum*.

<sup>90</sup> P. STRČIĆ, Osnovne odrednice u povijesti Rijeke, *Rijeka* 1/1 (1994) 17–28.

ularies – several facts are imposed on us as common features of the observed monuments:

- Croatian cartularies inherit the practice of European cartularies – but also exceed it in terms of the national language and script;
- Majority of cartularies from our Middle Ages is related to monasteries, specifically of the Benedictine order;
- They were created for the needs of a specific monastery (as monastic memorial records), and if needed, they were submitted to courts as written evidence in terms of protection of their own proprietary and other rights; on the other hand, the issue of increasing number of documents, common usage of originals which led to their damage, and also the issue of finding them in a monastic archive, was resolved through the form of cartularies which offered a transparency of testimonies of legal acts, i.e. provided documents as separate books;
- They were created so that a monastery could prove the legality of acquisition of their estates in accordance to the new authority (historical circumstances, restoration of the royal reign of the Arpads, as well as the Angevins);
- Because of that, it should not be surprising that cartularies in a diplomatical sense (concept, original, copy), in regard to legal value, belong to a special category of copies.

### Appendix: Chronological table of Croatian cartularies

No.	CARTULARY TITLE	LANGUAGE AND SCRIPT	TIME OF CREATION
1	<i>The Baška (Stone) Tablet</i>	Old Croatian with some elements of Old Church Slavonic, Glagolitic	cca. 1105
2	<i>Cartulary of the Monastery of Saint Peter in Selo</i>	Latin, Caroline	cca. 1106
3	<i>Cartulary of the Monastery of Saint Benedict in Split</i>	Latin, Beneventan	cca. /or after/ 1119
4	<i>Cartulary of the Monastery of Saint Mary in Zadar</i>	Latin, Beneventan (the oldest part)	between 1159–1167
5	<i>Cartulary of the Monastery of Saint Chrysogonus in Zadar</i>	Latin, Beneventan	cca. early 1204

No.	CARTULARY TITLE	LANGUAGE AND SCRIPT	TIME OF CREATION
6	<i>Cartulary of Povelja – Charter of Povelja</i>	Croatian, Croatian Cyrillic	1 December 1250
7	<i>Cartulary of the Monastery of Saint Stephen under the Pine Trees in Split</i>	Latin (preserved in the form of an Italian translation), Beneventan (?)	1251/1252
8	<i>Codex of rights and benefits of the Zagreb Chapter (Liber acclavatus)</i>	Latin, Gothic	1334
9	<i>Liber privilegiorum episcopatus Zagrabiensis</i>	Latin, Gothic	After 1 April 1348
10	<i>Tenor privilegiorum monasterii b. v. Marie de Toplica</i>	Latin, Gothic	cca. 1365
11	<i>Libellus Policorion</i>	Latin, Gothic	cca. 1367
12	<i>Diplomatarium of the Augustinian monastery in Rijeka</i>	Numerous languages and scripts	16 <sup>th</sup> century
13	<i>Transumptum privilegiorum fundationalium, aliorumque instrumentorum of the Augustinian monastery in Rijeka</i>	Numerous languages and scripts	1705

Томислав Галовић

### ИСТОРИЈСКЕ ОКОЛНОСТИ НАСТАНКА СРЕДЊОВЕКОВНИХ КАРТУЛАРА У ХРВАТСКОЈ

Резиме

Чланак има за циљ да покаже у које су време и под којим околностима настали средњовековни картулари у Хрватској. Ради се о питању од великог значаја за хрватске средњовековне студије јер се бројни подаци који сведоче о средњовековној хрватској држави, цркви, друштву, језику и културу налазе управо у картуларима. Стога се, кроз дефинисање времена и околности њиховог настанка, може стећи поуздана основа за процену њихове улоге као вредног извора за хрватску, али и општу средњовековну историју. У раду ће фокус бити стављен на неколико картулара који су били, и још увек јесу, предмет студија хрватских и одређених иностраних историчара. Након уводног осврта на дефини-

цију картулара, у складу са модерним достигнућима у проучавању помоћних историјских наука, и на најважнија термилошка питања, дат је преглед сачуваних хрватских картулара, као и оних који су сачувани само у помену. Коначно, размотрене су околности настанка поменутих картулара и утврђено је да су они најчешће настајали у време промене власти, да су углавном потицали из кругова манастира, пре свега бенедиктинског реда, да су се документи сабрани у њима тицали превасходно питања поседовних права, као и да су сматрани посебном категоријом преписа која је имала своју правну вредност.

**Кључне речи:** средњи век, Хрватска, картулари, дипломатика, палеографија.

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