

# OLD DOCUMENTS – NEW MEANINGS. SOME INTERPRETATIONS OF DANISH PRIVILEGE CHARTERS FOR NORTH ESTONIAN TOWNS

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For each medieval town, autonomy was of decisive importance for securing the economic and legal interests of burghers. The extent of this autonomy, however, was determined by the town's overlord. During the Middle Ages, as well as the Early Modern period, the issue of autonomy caused many disputes and sometimes conflicts between towns and their lords in different parts of Europe.<sup>1</sup> The legal order of a town was set down in privilege charters and codices donated by the overlord, as well as in various regulations issued by the town council or some other municipal governing body. The form and content of these legal texts varied, often even within the same region, during the same period, and under the rule of the same overlord. The attempts of some urban historians to divide towns into strict categories according to their privileges have not always produced good results: the great variety of privileges makes each town unique.<sup>2</sup> At the same time, it is still possible to classify towns according to more general features of their legal order, e.g., town law.<sup>3</sup>

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<sup>1</sup> See Edith Ennen, *Die europäische Stadt des Mittelalters* (Göttingen: Vandenhoeck & Ruprecht, 1975), 105–138; and Evamaria Engel, *Die deutsche Stadt des Mittelalters* (München: C. H. Beck, 1993), 39–54.

<sup>2</sup> On this problem, see Jana Schmalfuß, “Die Autonomie von Hansestädten am Beispiel von Rostock”, *Hansische Geschichtsblätter*, 139 (2021), 143–188 (144).

<sup>3</sup> See Friedrich Ebel, Renate Schelling, “Die Bedeutung deutschen Stadtrechts im Norden und Osten des mittelalterlichen Europa. Lübisches und Magdeburger Recht als Gegenstand von Kulturtransfer und Träger der Moderne”, *Die Stadt im europäischen Nordosten. Kulturbeziehungen von der Ausbreitung des Lübischen Rechts bis zur Aufklärung*, ed. by Robert Schweitzer and Waltraud Bastman-Bühner, Veröffentlichungen der Aue Stiftung, 12 (Helsinki und Lübeck: Aue-Stiftung, 2001), 35–46.

In Livonia, the basis for the legal order of the larger towns, Riga, Tartu and Tallinn, was formed during the thirteenth century.<sup>4</sup> However, the exact details of this process, especially the establishment of the town law or the initial regulation of the administration of justice, are not clear in all aspects.<sup>5</sup> However, the late medieval legal order of each of the three major Livonian towns and the extent of their autonomy can be described relatively precisely, especially in the case of Riga and Tallinn.<sup>6</sup> The legal order of smaller Livonian towns and settlements is known to a much lesser extent, mainly due to the survival of very few sources.<sup>7</sup>

The main aim of this article is to investigate legal texts issued for the North Estonian towns of Tallinn, Rakvere, and Narva under Danish rule, and the interpretation of these sources during subsequent centuries. The article does not attempt to determine when a particular settlement of the Danish Estonian Duchy can be regarded as a town from the point of view of urban history, but rather investigates the formation of the legal status of these towns. Special attention will be paid to the wording of the royal privilege charters and the work of scribes, since in some cases this can shed light on the document compilation process and help better explain their initial meaning, which is sometimes blurred by later inaccurate interpretations.

<sup>4</sup> See *Eesti ajalugu II. Eesti keskaeg*, ed. by Anti Selart (Tartu: Tartu Ülikooli ajaloo ja arheoloogia instituut, 2012), 124–126.

<sup>5</sup> A similar situation can be observed in major urban settlements of the southern part of the Baltic Sea area. See *Lübeckische Geschichte*, 4th ed., ed. by Antjekathrin Graßmann (Lübeck: Schmidt-Römhild, 2008), 81–93, 105–109; Harm von Seggern, *Quellenkunde als Methode. Zum Aussagewert der Lübecker Niederstadtbücher des 15. Jahrhunderts*, Quellen und Darstellungen zur hansischen Geschichte, NF, 72 (Köln: Böhlau, 2016), 64–65, 69–70; and *Hamburg. Geschichte der Stadt und ihrer Bewohner*, 1: *Von den Anfängen bis zur Reichsgründung*, ed. by Hans-Dieter Loose (Hamburg: Hoffmann und Campe, 1982), 59–65.

<sup>6</sup> For Tallinn, see *Tallinna ajalugu I. 1561. aastani*, ed. by Tiina Kala, Toomas Tamla (Tallinn: Tallinna Linnaarhiiv, 2019), 141–158; Tapio Salminen, *Obscure Hands – Trusted Men. Textualization, the Office of the City Scribe and the Written Management of Information and Communication of the Council of Reval (Tallinn) before 1460* (Tampere University, 2016), 181–193, 249–254. For Riga, see Madlena Mahling, *Ad rem publicam et ad ignem. Das mittelalterliche Schriftgut des Rigaer Rats und sein Fortbestand in der Neuzeit*, Studien zur Ostmitteleuropaforschung, 33 (Marburg: Herder-Institut, 2015), 24–63.

<sup>7</sup> On the legal order of some smaller towns, see Inna Põltsam, “14. sajandi teine pool Liivimaa linnade ajaloos linnadepäevade materjalide põhjal”, *Acta Historica Tallinnensia*, 1 (1997), 20–37 (29–31); Inna Põltsam-Jürjo, *Liivimaa väikelinn Uus-Pärnu 16. sajandi esimesel poolel* (Tallinn: Argo, 2009), 172–176; and Jüri Kivimäe, “*Iuravit iuxta formam prescriptam*. Zur Rechtslage der Kleinstädte des Bistums Ösel-Wiek am Ausgang des Mittelalters”, *Festschrift für Vello Helk zum 75. Geburtstag. Beiträge zur Verwaltungs-, Kirchen- und Bildungsgeschichte des Ostseeraumes*, ed. by Enn Küng and Helina Tamman (Tartu: Eesti Ajalooarhiiv, 1998), 119–135.

### *The content and physical form of legal documents*

Many Danish towns received their statutes on the initiative of the king. Only in some cases did the towns compile and issue their statutes themselves and have them confirmed by the king.<sup>8</sup> However, even when no local initiative is mentioned in royal donation charters, the role of the towns in obtaining privileges cannot be ruled out.

The first Danish town to receive Lübeck Law was Tønder (Slesvig) in 1243.<sup>9</sup> According to the introduction of the codex, this act took place out of respect (*ob honorem et dilectionem*) for Abel, the Duke of Southern Jutland, and was based on the petition of Reinardus, the Danish Franciscan provincial minister.<sup>10</sup> Thus the initiative for this donation probably came from the duke. The donation charter for Tønder and the law codex were issued in Lübeck and copied there by Henricus de Brunewich (Hinrich von Brunswick).<sup>11</sup> Brunewich is considered to be Lübeck's first regular city scribe (1242–1259); in the first half of the thirteenth century, the city council ordered scribal work mostly from ecclesiastical institutions or individual clerics.<sup>12</sup> Although Lübeck Law subsequently directly influenced the town law of Ribe and its traces can also be found in the laws of other Scandinavian towns,<sup>13</sup> the importance of

<sup>8</sup> See Thomas Riis, *Les institutions politiques centrales du Danemark 1100–1332* (Odense: Odense University Press, 1977), 270–282; and Maria R. D. Corsi, *Urbanization in Viking Age and Medieval Denmark. From Landing Place to Town* (Amsterdam: Amsterdam University Press, 2020), 192–194.

<sup>9</sup> Wilhelm Ebel, *Lübisches Recht*, vol. 1 (Lübeck: Max Schmidt-Römhild, 1971), 37–38.

<sup>10</sup> *Diplomatarium Danicum* (henceforth DD), I:7, ed. by Niels Skyum-Nielsen, Herluf Nielsen (Copenhagen: C. A. Reitzels Boghandel, 1990), no. 109.

<sup>11</sup> Bernhard Am Ende, *Studien zur Verfassungsgeschichte Lübecks im 12. und 13. Jahrhundert*. Veröffentlichungen zur Geschichte der Hansestadt Lübeck herausgegeben vom Archiv der Hansestadt, series B, vol. 2 (Lübeck: Max Schmidt-Römhild, 1975), 47; Hans Krongaard Kristensen, Bjørn Poulsen, *Danmarks byer i middelalderen* (Aarhus: Aarhus Universitetsforlag, 2016), 150.

<sup>12</sup> Jürgen Wolf, “Ein Blick in das lübische Kanzleiskriptorium: 1250–1350“, *Der Barde-wiksche Codex des Lübischen Rechts von 1294*, vol. 2: *Edition, Textanalyse, Entstehung und Hintergründe*, ed. by Natalija Ganina, Albrecht Cordes, and Jan Lokers (Lübeck: Nünnerich-Asmus Verlag & Media, 2021), 354–369 (354–357).

<sup>13</sup> On Ribe, see Jeppe Büchert Netterstrøm, “Civic Literacy in Late Medieval Ribe”, *Urban Literacy in the Nordic Middle Ages*, ed. by Kasper H. Andersen, Jeppe Büchert Netterstrøm, Lisbeth M. Imer, Bjørn Poulsen, and Rikke Steenholt Olesen, *Utrecht Studies in Medieval Literacy*, 53 (Turnhout: Brepols, 2021), 253–287 (257–265); on Scandinavian town laws in general, see Mia Corpiola, “High and Late Medieval Scandinavia”, *The Oxford Handbook of European Legal History*, ed. by Heikki Pihlajamäki, Markus D. Dubber, and Mark Godfrey (Oxford: Oxford University Press, 2018), 378–403 (388–390).

Lübeck Law for Scandinavia can in no way be compared to its significance for the southern part of the Baltic Sea area.<sup>14</sup>

Beginning with Friedrich Georg von Bunge, the donation of Lübeck Town Law to Tallinn has been associated with a privilege charter from King Erik Plovpenning of Denmark dated 15 May 1248.<sup>15</sup> This charter confirmed the rights of Tallinn's burghers (*ciuibus nostris de Reualia*) granted by King Valdemar II, donated to them rights equal to those of Lübeck's burghers (*omnia jura que habent ciues Lybicensis*), declared them to be free from customs duties, and stipulated that fines for inflicting bodily injuries within the town limits should be imposed jointly by the town council and the king's representatives (*secundum consilium consulum ciuitatis ac hominum nostrorum*).<sup>16</sup> It is possible that King Valdemar granted Tallinn some privileges during the first period of Danish rule in Estonia (1219–27), although no royal documents issued for Tallinn have survived.<sup>17</sup> Lübeck

<sup>14</sup> On the spread of Lübeck Law, see Ebel, *Lübisches Recht*, 24–25; and Albrecht Cordes, “Die Geschichte des lübischen Rechts im Ostseeraum bis 1350. Zugleich eine Erläuterung der Karten zur Verbreitung des lübischen Rechts”, *Der Bardewiksche Codex des lübischen Rechts von 1294*, vol. 1: *Faksimile und Erläuterungen*, ed. by Natalija Ganina, Albrecht Cordes, and Jan Lokers (Lübeck: Nünnerich-Asmus Verlag & Media, 2021), 19–34.

<sup>15</sup> Friedrich Georg von Bunge, *Einleitung in die liv-, esth- und curländische Rechtsgeschichte und Geschichte der Rechtsquellen* (Reval: J. J. Koppelson, 1849), 159; and Friedrich Georg von Bunge, “Zur Feier des Gedächtnisses an die vor 600 Jahren geschehene Verleihung des lübischen Rechts an Reval, am 15. Mai 1848”, *Archiv für die Geschichte Liv-, Esth- und Curlands*, vol. 6, ed. by Friedrich Georg von Bunge and Carl Julius Albert Paucker (Reval: Franz Kluge, 1851), 68–79. According to Friedrich Georg von Bunge and Leonhard Napiersky, Lübeck Law replaced the Town Law of Riga, which Tallinn had received during the rule of the Livonian Brothers of the Sword, see Leonhard Napiersky, “Das älteste unter Bischof Albert I. aufgezeichnete Rigische Stadtrecht”, *Archiv für die Geschichte Liv-, Esth- und Curlands*, vol. 1, ed. by Friedrich Georg von Bunge (Dorpat: J. C. Schünmann's Wittve, 1842), 1–22 (8–9) and Friedrich Georg von Bunge, *Das Herzogthum Estland unter den Königen von Dänemark* (Gotha, Friedrich Andreas Perthes, 1877), 145–146, 152. This view has been supported by some Danish historians, see Niels Skyum-Nielsen, “Estonia under Danish Rule”, *Danish Medieval History. New Currents*, ed. by Niels Skyum-Nielsen and Niels Lund (Copenhagen: Museum Tusulanum Press, 1981), 112–135 (124) and Thomas Riis, “Die Administration Estlands zur Dänenzeit”, *Die Rolle der Ritterorden in der mittelalterlichen Kultur*, ed. by Zenon Hubert Nowak, *Ordines militares. Colloquia Torunensia Historica*, 3 (Toruń: Uniwersytet Mikołaja Kopernika, 1985), 117–127 (125–127). However, no sufficient proof for the use of the early Riga town law in Tallinn exists, see Ebel, *Lübisches Recht*, 24–25; *Tallinna ajalugu I*, 142.

<sup>16</sup> *Liv-, Esth- und Curländisches Urkundenbuch nebst Regesten* (henceforth LUB), part 1, vol. I, ed. by Friedrich Georg von Bunge (Reval: Kluge und Ströhm, 1853), no. 199; DD, 1:7, no. 276. The text has been quoted according to *Diplomatarium Danicum*.

<sup>17</sup> Friedrich Georg von Bunge originally maintained that it was possible that Lübeck Law was donated to Tallinn by King Valdemar II. Bunge, “Zur Feier des Gedächtnisses an die vor 600 Jahren geschehene Verleihung des lübischen Rechts”, 76–77, but he began to doubt this later. Bunge, *Das Herzogthum Estland*, 146 n. 267.

received privileges from Valdemar shortly after Danish rule was introduced in the city in 1201. In a privilege charter issued by Valdemar II in late 1202, the King confirmed that Lübeck had the rights granted by Duke Henry the Lion of Saxony, which had in turn been confirmed for the city by Emperor Friedrich I.<sup>18</sup> Although unlike Lübeck, Tallinn had no previous legal history to rely on, by 1219 Valdemar must have gained some experience in settling urban legal matters.

The explicit donation of Lübeck Town Law (*ius Lubicense*) to Tallinn first occurred in 1255 by King Christopher I; in 1257 he also granted the town the first codex of Lübeck Law: in both cases with no references to earlier privilege donations.<sup>19</sup> From the 1250s onwards, Lübeck gradually developed the production of law codices for her daughter towns on a larger scale, and the 1257 codex for Tallinn falls within this period.<sup>20</sup>

King Erik Plovpenning's original charter from 1248 has not been preserved. Its text is transmitted in a transumpt of Danish royal privilege charters for Tallinn, which was confirmed by the Provincial of the Teutonic Order Burchard von Dreyleben in 1347, after the Teutonic Order had become Tallinn's overlord (1346).<sup>21</sup> The loss of the 1248 charter is exceptional, as most of the other charters copied into transumpt survive in the original. The King's title in the text of the charter (*E[ricus] dei gracia Danorum Sciauorumque rex ac Estonie*) is apparently incorrect. It has been suggested that the scribe accidentally omitted the word *dux* or *dominus*.<sup>22</sup> However, Danish monarchs did not use the title *dominus Estonie* before the 1260s; *dux Estonie* occurs for the first time in the king's title in 1271.<sup>23</sup> A compari-

<sup>18</sup> DD, I:7, no. 331 (26 November or 7 December 1202); *Lübeckische Geschichte*, 110–111.

<sup>19</sup> Tiina Kala, "Kuidas lugeda Tallinna Taani-aegseid dokumente ehk veel kord Lübecki õigusest", *Tuna*, 1 (2020), 8–21 (11–12, 19).

<sup>20</sup> Wolf, "Ein Blick in das lübische Kanzleiskriptorium", 355; Jürgen Wolf, "Lübische Rechtsbücher in Serie. Buchproduktion als Herrschaftsinstrument", *Der Bardewiksche Codex des Lübischen Rechts*, vol. 2, ed. by Natalija Ganina, Albrecht Cordes, Jan Lokers (Oppenheim am Rhein: Nünnerich-Asmus, 2021), 370–395 (370–388). Although the 1257 codex was copied when the Lübeck city scribe Henricus de Brunewich was in office, it was obviously not copied by de Brunewich himself. See the images of the Tønder codex copied by de Brunewich <http://www5.kb.dk/permalink/2006/manus/629/eng/18+verso/> [accessed 15 March 2022]. Det Kgl. Bibliotek, Thott 2061 4<sup>o</sup>), and the Tallinn codex [https://www.ra.ee/dgs/\\_display.php?web=.saaga\\_laiendus1.pargament&fns=TLA.230.1.cm5](https://www.ra.ee/dgs/_display.php?web=.saaga_laiendus1.pargament&fns=TLA.230.1.cm5) [accessed 15 March 2022]. Tallinn City Archives (henceforth TLA).230.1.Cm 5.

<sup>21</sup> See LUB, I, reg. 223; Kala, "Kuidas lugeda Tallinna Taani-aegseid dokumente ehk veel kord Lübecki õigusest", 13–15.

<sup>22</sup> See the conjecture in DD, I:7, no. 276.

<sup>23</sup> See Georg Kaestner, *Das refundirte Bisthum Reval. Untersuchungen zur Geschichte von Harrien und Wirland im dreizehnten Jahrhundert* (Göttingen: Robert Peppmüller, 1876), 57–64; Riis, "Die Administration Estlands zur Dänenzeit", 120–123 and Helle Vogt,

son of other, original charters with their texts in the 1347 transumpt shows that its scribe made practically no mistakes. The question is whether the transumpt conveys the original wording of the 1248 charter or whether the charter was authentic at all. Alteration of the contents of medieval privilege charters by their recipients or even direct falsification was not unusual. More than one case is known from Lübeck in which the city had modified either the contents or the date of its legal documents: in 1226, Lübeck's city council received an imperial confirmation for the privilege of Friedrich Barbarossa, which, however, had been modified in the city's favour on the order of the council a couple of years previously. There is also a late-thirteenth century regulation concerning the principles of electing the members of the Lübeck city council, which the city attributed to Duke Henry the Lion (d. 1195).<sup>24</sup> In both cases, the scribes or compilers of these legal texts were directly involved in altering the contents of the documents.

All 27 Danish privilege charters contained in the 1347 transumpt were copied by the scribe of the Tallinn town council. It is likely that it was the council (and not the officials of the Teutonic Order) that also selected the charters for the transumpt, perhaps with the aid of the scribe, who had experience in legal matters and was also referred to as a notary. His handwriting can be found in a wide variety of sources falling within the years 1333–58, including town council register books, charters and their copies, and attestations and missives issued by the town council and by private individuals.<sup>25</sup> Attempts to establish his identity have not been success-

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“Legal Encounters in Estonia under Danish Rule, 1219–1347”, *Cultural Encounters during the Crusades*, ed. by Kurt Villads Jensen, Kirsi Salonen, and Helle Vogt, University of Southern Denmark Studies in History and Social Sciences, 445 (Odense: University Press of Southern Denmark, 2013), 237–243 (238). The evidence regarding the use of the title *dux Estonie* by Knud, the illegitimate son of Valdemar II, in the late 1220s has been found to be unreliable by some (e.g. Bunge, *Das Herzogthum Estland*, 96 n. 57) and has been supported by others (e.g. Paul Johansen, *Die Estlandliste des Liber Censur Daniae* (Kopenhagen: H. Hagerup; Reval: F. Wassermann, 1933), 167 n. 1; Skyum-Nielsen, “Estonia under Danish Rule”, 121 and Jens E. Olesen, “Danish Law and Government in Medieval Estonia”, *Denmark and Estonia 1219–2019 – Selected Studies on common Relations*, ed. by Jens E. Olesen, Studien zur Geschichte der Ostseeregion, 1 (Greifswald, 2019), 81–93 (84–85)). In any case, there seems to be no connection between the formation of the title(s) of Knud and the title(s) of King Erik Plovpenning.

<sup>24</sup> See *Am Ende*, 34–35 and Nigel F. Palmer, “Schriftlichkeit und Paläographie: Der Bardewiksche Codex im Kontext”, *Der Bardewiksche Codex des Lübschen Rechts von 1294*, vol. 2, ed. by Natalija Ganina, Albrecht Cordes, Jan Lokers (Oppenheim am Rhein: Nünnerich-Asmus, 2021), 126–192 (186–187).

<sup>25</sup> On the record management conducted by this scribe, see Salminen, *Obscure Hands – Trusted Men*, 363–370.

ful.<sup>26</sup> The most characteristic features of his Gothic cursive script include a two-compartment ‘a’, with its second side descending boldly beneath the baseline, the limb of his ‘h’ similarly descending beneath the baseline, his capital ‘R’ built up of fractured lines, and a vigorously upright symbol for the Latin ‘et’. His orthography points to influences from Scandinavia, for example the occasional use of ‘y’ for ‘ü’ and ‘ø’ for ‘ö’.<sup>27</sup> According to Tapio Salminen, the general appearance of his script is similar to that in some documents from fourteenth-century Scandinavia and Finland.<sup>28</sup>

This scribe also wrote many charters, attestations or transumptis issued in the name of high authorities other than his main employer, the Tallinn town council. Among these were the Danish viceroy and deputy viceroy in Tallinn, North Estonian vassals,<sup>29</sup> the bishop, the dean and the cathedral chapter of Tallinn,<sup>30</sup> the Dominican prior and the Dominican friary of Tallinn,<sup>31</sup> the abbess and the convent of the Cistercian nunnery in Tallinn,<sup>32</sup> local officials of the Teutonic Order,<sup>33</sup> and Swedish royal officials in Fin-

<sup>26</sup> Leonid Arbusow has identified this scribe as *Olricus scriptor*, who did not belong to the clergy and was a married man. *Das älteste Wittschopbuch der Stadt Reval (1312–1360)*, ed. by Leonid Arbusow, Archiv für die Geschichte Liv-, Est- und Curlands, series 3, vol. 1, Revaler Stadtbücher, 1 (Reval: F. Kluge, 1888), IX. However, the context in which Olricus was mentioned in the entries of the town council register book and his possible occupation as a barber provide grounds for rejecting this hypothesis, see Salminen, *Obscure Hands – Trusted Men*, 372–374.

<sup>27</sup> *Libri de diversis articulis 1333–1374*, ed. by Paul Johansen, Publikationen aus dem Stadtarchiv Tallinn, 8 (Tallinn, 1935), IX.

<sup>28</sup> Salminen, *Obscure Hands – Trusted Men*, 374–375.

<sup>29</sup> See TLA.230.1-I.115: 9 May 1339 (published in *Revaler Urkunden und Briefe von 1273 bis 1510*, ed. by Dieter Heckmann (Köln: Böhlau, 1995), no. 18); TLA.230.1-I.118: 30 July 1340 (published in LUB, II (1855), no. 792); TLA.230.1-I.127: 10 March 1341 (published in LUB, II, no. 802); TLA.230.1-I.133: 11 May 1343 (published in LUB, II, no. 813) and TLA.230.1-I.164: after 28 October 1346 (published in LUB, II, no. 857).

<sup>30</sup> TLA.230.1-I.131: 15 April 1343 (regest published in Eduard Pabst, Gotthard von Hansen, “Regesten der im Jahre 1875 im Rathhause zu Reval wieder aufgefundenen Documente”, *Beiträge zur Kunde Ehst-, Liv- und Kurlands*, 2 (Reval: Lindfors’ Erben, 1876), 174–280 (193, no. 69)); TLA.230.1-I.135: 19 July 1343 (regest published in LUB, II, reg. 968).

<sup>31</sup> TLA.230.1-I.116: 25 August 1339 (regest published in Pabst, Hansen, “Regesten der im Jahre 1875”, 189, no. 62); TLA.230.1-I.117: 8 January 1340 (regest published in Pabst, Hansen, “Regesten der im Jahre 1875”, 190, no. 63).

<sup>32</sup> TLA.230.1-I.174: 16 February 1348 (published in LUB, II, no. 886); and TLA.230.1-I.221: 14 June 1354 (published in LUB, II, no. 952).

<sup>33</sup> TLA.230.1-I.151: 11 September 1345 (published in LUB, II, no. 835); TLA.230.1-I.181: 13 April 1349 (published in *Revaler Urkunden und Briefe*, no. 31); TLA.230.1-I.189: 31 March 1350 (published in LUB, II, no. 898); TLA.230.1-I.209: 15 April 1352 (published in LUB, II, no. 942); and TLA.230.1-I.204: 10 June 1351 (published in LUB, II, no. 939).

land.<sup>34</sup> One of the documents that he copied is a transumpt of the charter of Valdemar IV from 1 August 1344, in which the king granted confirmation of all documents corroborated with the royal seal by his envoy and viceroy Stig Anderssen.<sup>35</sup> The transumpt was jointly issued on 26 September 1345 by the dean and the cathedral chapter of Tallinn, the abbot of the Cistercian monastery at Padise, the representative of the Teutonic Order, and the prior and the convent of the Dominican friary in Tallinn.<sup>36</sup>

A general feature of all documents written by this scribe and issued by authorities other than the Tallinn town council is that they all were either addressed to the town council or concerned Tallinn in one way or another. This means that no matter who sealed the document, its contents were previously discussed with the town council and were not issued solely on the initiative of the sealing authority. The scribe must have enjoyed the full trust of all parties involved, for his juridical and scribal skills, as well as for his loyalty. Considering the period of his activity and the documents that he produced, he was one of the most well-informed people on political and legal issues concerning the transmission of power in North Estonia in the 1340s. He also copied or perhaps even compiled a short history of the Danish royal house, from King Erik Ejegod (1095–1103) to King Valdemar IV.<sup>37</sup>

The second oldest town of the Estonian Duchy in terms of royal privilege charters is Rakvere. On 12 June 1302 in Viborg, King Erik VI Menved issued a charter which granted the burghers of Rakvere (*cives Wesenbergenses*) rights equal to those of the burghers of Tallinn, both within the town limits and outside it (*in civitate propria et extra, omnes easdem libertates, et iura, et leges, quibus cives nostri Revalienses commode uti agnoscuntur*).<sup>38</sup>

<sup>34</sup> TLA.230.1-I.182: 28 April 1349 (published in LUB, II, no. 891); and TLA.230.1-I.192: 7 June 1350 (published in LUB, II, no. 901).

<sup>35</sup> On the use of the royal seal by Stig Anderssen, see Carl Andreas Christensen, “Stig Anderssens benyttelse af Valdemar Atterdags segl og forudsætningerne for salget af Estland i 1346”, *Historisk tidsskrift*, series 11, 5:4 (1958), 381–428.

<sup>36</sup> TLA.230.1-I.140: 1 August 1344 (published in LUB, II, no. 823); transumpt: TLA.230.1-I.152: 26 September 1345 (published in LUB, II, no. 836). See also Christensen, “Stig Anderssens benyttelse af Valdemar Atterdags segl og forudsætningerne for salget af Estland i 1346”, 391–392.

<sup>37</sup> Konstantin Höhlbaum, “Estländisches Fragment”, Konstantin Höhlbaum, *Beiträge zur Quellenkunde Alt-Livlands* (Dorpat: Heinrich Laakmann, 1873), 56–59; the original: TLA.230.1.BO 9, fols 1r–1v; see also *Katalog des Revaler Stadtarchivs. Von Stadtarchivar G. Hansen* †, 2nd ed., rev. by Otto Greiffenhagen, part 3: *Urkunden-Regesten und Register* (Reval, 1926), 207, no. 140; Norbert Angermann, “Die mittelalterliche Chronistik”, *Geschichte der deutschbaltischen Geschichtsschreibung*, ed. by Georg von Rauch, Ostmitteleuropa in Vergangenheit und Gegenwart, 20 (Köln: Böhlau, 1986), 3–20 (13).

<sup>38</sup> LUB, II, no. 605.

The original charter has not survived but its contents are known from a transumpt from 1621, which was issued by Reinhold von Brederode, who had received Rakvere and some other estates as a fief from the Swedish King Gustavus Adolphus.<sup>39</sup> Another privilege confirmation for Rakvere known from Brederode's transumpt was issued in the name of King Valdemar IV on 3 April 1345 in Tallinn by the royal envoy Stig Anderssen.<sup>40</sup> This charter confirmed for the burghers all rights they had had since the days of the current king's forefather, King Erik (*temporibus praedilecti aui nostri Erici*; Lat. *avus* – 'grandfather', 'ancestor'), and placed the territory of the town and its inhabitants under royal protection. The charter specified that the rights in question were the same as those enjoyed by the burghers of Tallinn; the king also confirmed all 'liberties, grace, and law' put down in writing (*ipsa eorundem priuilegia, libertates, gratias et iura conscripta*). This might have referred to texts other than the privilege charters from 1302 and 1345, perhaps even to a copy of the Lübeck Law. Burchard von Dreyleben also confirmed for Tallinn in 1347 not only the Danish royal privilege charters but also a codex of the Lübeck Town Law.<sup>41</sup> It is possible that writing down legal texts in order to present them for royal confirmation was an initiative of the burghers of Rakvere, and not of the king. There is no information about any law codex ever having been compiled or copied for Rakvere but since there were qualified scribes in the service of the Tallinn town council in the first half of the fourteenth century,<sup>42</sup> the capacity to produce such a copy certainly existed, as it existed in Lübeck, where many codices were produced for Lübeck's daughter towns.

On 25 July 1345 in Tallinn, Stig Anderssen issued a privilege charter for Narva in the name of King Valdemar IV.<sup>43</sup> As with Rakvere, the original document for Narva has not survived. Its text was transmitted in a copy from 1365, in another copy made by Lawrence Schmidt, the scribe of the Tallinn town council (in office 1541–1570), and in a Low German translation

<sup>39</sup> See LUB, II, reg. 692; [O. Baron Ungern-Sternberg], "Aus der Vorzeit Wesenbergs", *Das Inland*, 34 (25 August 1837), cols 569–575 (cols 569–573). On Brederode's estates in northern Estonia, see Johansen, *Die Estlandliste*, 343, 379, 474, 527, 624. The donation letters issued to Brederode by Gustavus Adolphus in the archive of the Estonian History Museum are AM.115.3.4 and AM.115.3.7.

<sup>40</sup> LUB, II, no. 830 and reg. 986; DD, III:2: 1344–1347, ed. by C. A. Christensen, Herluf Nielsen (Copenhagen: Ejnar Munksgaard, 1959), no. 141.

<sup>41</sup> Kala, "Kuidas lugeda Tallinna Taani-aegseid dokumente ehk veel kord Lübecki õigusest", 11.

<sup>42</sup> On these scribes, see Salminen, *Obscure Hands – Trusted Men*, 323–380.

<sup>43</sup> Arnold Süvalep, *Narva ajalugu*, vol. 1: *Taani- ja orduaeg* (Narva, 1936), 14–15; Yuri Kivimyaé, "Byla li Narva gorodom-filialom Tallina v srednie veka?", *Eesti NSV Teaduste Akadeemia Toimetised*, vol. 29, *Ühiskonnateadused*, 2 (1980), 115–130 (118–120).

dated 18 May 1426.<sup>44</sup> Since all these texts have been lost, their palaeographical features cannot be studied. It is possible, however, that the Low German translation was made by the Tallinn town council scribe Johannes Blomendahl; in the 1420s, he copied and translated some Latin charters issued for Tallinn.<sup>45</sup>

The first part of the 1345 charter for Narva matches the charter issued about four months earlier (3 April 1345) for Rakvere almost word for word. There is a minor lack of clarity in the Latin text of Lawrence Schmidt; either he made copying mistakes, or his master copy was corrupt. The text of the charter can be better understood when compared with the 1345 charter for Rakvere: it grants the burghers of Narva all rights donated to them by the current king's forefather, King Erik (*temporibus praedilecti aui nostri, domini Erici*), i.e. liberties equal to those of the burghers of Tallinn, and places the territory of the town and its inhabitants under royal protection. All 'liberties, grace, and law' put down in writing (*libertates, gratias et iura conscripta; vriheit, gnade und gescreven recht*) received the King's confirmation.

The wording of the Low German translation of the 1345 charter for Narva is, however, slightly different. According to this text, the burghers of Narva were granted all liberties, privileges, and rights which the burghers of Tallinn had acquired during the rule of the current king's grandfather, King Erik (*de sulven vriheit, gnade und recht, der unse sere leven borgers to Reval bi hir vormals clarer dechnisse heren Erikes, des dorluchtigen koninges van Denemarken, unses sere leven grote vaders, tiden, gebruket hadden und gevrouwet weren*). This deviation from the Latin text can obviously be explained by the incorrectness of the translation, and not by the wording of the original document (or its copy), which was at the disposal of the translator. Among other things, King Erik Menved was Valdemar's uncle, not his grandfather. The deviation also demonstrates that whoever translated the text was not completely familiar with the details of the history of the Danish royal house. As for Johannes Blomendahl, he is known to have also made mistakes in translating at least one other royal charter.<sup>46</sup>

In the subsequent parts, the 1345 charters for Rakvere and Narva are different. The charter for Rakvere contains a relatively general regulation for anybody who chooses to live in the settlement (*oppidum*) or on the other side of the stream (Est. *Soolika oja*) to observe the legal order (*ius et*

<sup>44</sup> LUB, II, no. 834, reg. 990; DD III:2, no. 171; and Hansen, *Katalog*, 208, no. 150.

<sup>45</sup> For example, TLA.230.1-I.8: 10 August 1265 (published in LUB, I, no. 388); and TLA.230.1-I.30: 22 July 1282 (published in LUB, I, no. 480).

<sup>46</sup> See *Tallinna ajalugu I*, 70.

*consuetudinem*) of the settlement. At the same time, the charter for Narva contains details which could have been delivered to the king or to the royal envoy only by the burghers of Narva themselves or someone very familiar with the local situation. The charter determines the conditions for exploiting usable land by the burghers, regulates trade on the River Luga (*Lauke*), and allows for the rebuilding of the settlement nearer the castle (*ad praeurbium iuxta castrum; op dat vorborchte, gelegen bi unsem slote*) in the event that it is destroyed in a Russian attack. Such an attack had actually taken place in 1342 and resulted in the destruction of the settlement.<sup>47</sup> It cannot be ruled out that the 1345 charter simply legalised the already existing situation, in which burghers had begun erecting their buildings nearer the castle. The concluding part of the charter for Narva, which prohibits royal officials from encroaching on the rights of the burghers, is identical to the 1345 charter for Rakvere.

The use of terms to refer to Rakvere and Narva in fourteenth-century charters is inconsistent. In the 1345 charters issued by Stig Anderssen, they were referred to as boroughs (*oppidum*), while in some earlier documents they were called towns or cities.<sup>48</sup> Thus it is not possible to judge the character or legal status of these urban settlements on the basis of terminology.<sup>49</sup> It is possible that in some cases, the choice of terminology depended on the preferences of the scribe.

As far as can be determined according to surviving original documents for Tallinn, charters issued by Stig Anderssen in the name of King Valdemar were not written by the Tallinn town scribe, but by some other person whose handwriting is not found in local documents, apparently a secretary who accompanied the royal envoy.<sup>50</sup> It is possible that most, if not all, of the charters issued in Estonia in the name of the king from January of 1345 to May of 1346,<sup>51</sup> including the 1345 privilege charters for Rakvere and

<sup>47</sup> See Kivimäe, “Býla li Narva”, 118.

<sup>48</sup> For example, in charters issued in 1333 by Otto, the brother of King Valdemar IV (LUB, II, no. 755; and LUB, III, no. 756a), or by Valdemar IV himself in 1340 (LUB, II, no. 790), Tallinn, Rakvere, and Narva are each referred to as a *civitas*.

<sup>49</sup> Such inconsistency in denoting urban settlements has also been observed elsewhere in medieval northern Europe. See Hans Andersson, *Urbanisierte Ortschaften und lateinische Terminologie. Studien zur Geschichte des nordeuropäischen Städtewesens vor 1350*, Acta regiae societatis scientiarum et litterarum Gothoburgensis. Humaniora, 6 (Göteborg: Kungl. Vetenskaps- och Vitterhets-Samhället, 1971).

<sup>50</sup> See Salminen, *Obscure Hands – Trusted Men*, 365.

<sup>51</sup> Twenty-three such charters are known. See Max Aschkewitz, *Die letzten Jahre der Dänischen Herrschaft in Estland (1344–1346)* (unpublished master’s thesis, University of Tartu, 1928), 12–15, 35–37; on the 24<sup>th</sup> charter issued in Roskilde, see Aschkewitz, 36. The assumption that King Valdemar IV was in Estonia from September of 1345 to

Narva, were written by the same person. What was the practical value of the charters issued by Stig Anderssen after the Danish king had lost direct military control over Tallinn, Rakvere, and Narva to the Teutonic Order? On 16 May 1343, during the St George's Night Uprising of Estonians, North Estonian vassals had given up control of the castles of Tallinn and Rakvere to the Teutonic Order.<sup>52</sup> However, since the representative of the Order was among the authorities who had confirmed the transumpt of the charter concerning Stig Anderssen's right to use the royal seal, the privilege charters issued by the viceroy must have been accepted by the Order.

On 24 January 1345, the royal vassals pawned the castle of Narva to the Order, although the castle was formally handed over to the Order only for safe-keeping for the Danish king from Candlemas of 1345 until Candlemas of 1346.<sup>53</sup> It might not be a coincidence that in Tallinn on the very same Candlemas of 1345, Stig Anderssen issued a privilege charter in the name of the king for the parish church in Narva, securing incomes for the parish priest, his chaplain, and a scholar.<sup>54</sup> The detailed description of these incomes suggests that the document could have been composed according to some earlier charter, a copy of which, or perhaps even the original, was in Tallinn at the disposal of Stig's secretary.

Max Aschkewitz has noted that the recipients of the royal privilege charters issued in 1345 and 1346, either urban settlements or ecclesiastical institutions and individuals, did not protest to Danish authorities against the planned changes in the overlordship in North Estonia. Therefore, they had reason to count on the generosity of the king in fulfilling their wishes in this period of political instability. However, the privileges were probably not granted for free, but in return for a certain payment.<sup>55</sup> It has been suggested that the regulation of the legal order in the Estonian Duchy might have been carried out by the Danish crown with the aim of making this territory more attractive (and more expensive) for the future buyer: the

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April of 1346 has been found to be incorrect. See Aschkewitz, 42–47; and Christensen, “Stig Anderssens benyttelse af Valdemar Atterdags segl og forudsætningerne for salget af Estland i 1346”, 393–394.

<sup>52</sup> Aschkewitz, *Die letzten Jahre der Dänischen Herrschaft in Estland (1344–1346)*, 21; Mihkel Mäesalu, “Taani kuninga asehaldur Konrad Preen ja Jüriöö ülestõus”, *Tuna*, 2 (2021), 9–24 (19, 21).

<sup>53</sup> LUB, III, no. 827a; and LUB, II, no. 828: 24 January 1345. See Aschkewitz, *Die letzten Jahre der Dänischen Herrschaft in Estland (1344–1346)*, 21–22; Christensen, “Stig Anderssens benyttelse af Valdemar Atterdags segl og forudsætningerne for salget af Estland i 1346”, 402.

<sup>54</sup> LUB, II, no. 829 and reg. 985.

<sup>55</sup> Aschkewitz, *Die letzten Jahre der Dänischen Herrschaft in Estland (1344–1346)*, 38–39.

Teutonic Order.<sup>56</sup> It is possible that some of these royal regulations were even coordinated with the Order.

### *The interpretation of the privileges*

The fluent wording of privilege charters does not always help the reader to grasp their actual legal contents. If one assumes that the 1248 charter for Tallinn was authentic and its text was more or less correctly transmitted in the 1347 transumpt, the central question concerning its legal importance is: what was meant in the Danish royal chancery by the privileges of King Valdemar and the rights of the burghers of Lübeck in the late 1240s? The wording of the latter part of the document (*omnia jura que habent ciues Lybiceses*) was not, or at least did not remain, unique. Similar wording can be found, for example, in a 1275 document, when Count Gerhard I of Holstein-Itzehoe donated to the town of Lütjenburg ‘all rights the burghers of Lübeck have in their city’ (*omne ius, quod habent cives Lubicenses in sua civitate*).<sup>57</sup> It should be noted, however, that Lübeck Law (*ius Lubicense*) is not a synonym for all laws and privileges in force in Lübeck (*lübeckisches Recht*), i.e. privileges donated specifically to the city of Lübeck by the Duke of Saxony and confirmed by the Emperor, as well as the regulations (*Willküren*) issued by the city council of Lübeck. These became a part of Lübeck Law only when they were integrated into the codices of the Lübeck Law.<sup>58</sup>

In the case of Tallinn, ‘all rights’ can perhaps be interpreted not as a list of specific rights or privileges, but rather as general permission for the burghers to live in the town and to earn their living, as well as a requirement to observe the rules of jurisdiction set by royal authorities. According to the introduction to the 1282 Lübeck Law codex for Tallinn, the rights of the burghers of Lübeck were contained in the privileges donated to Lübeck by Duke Henry the Lion, and later confirmed for the city by its subsequent overlords and by the Holy Roman Emperors Friedrich I and Friedrich II.<sup>59</sup> This wording was used as early as 1243 in the privilege charter for Tønder mentioned above. It is doubtful whether the contents of the privileges

<sup>56</sup> Ane L. Bysted, Kurt Villads Jensen, Carsten Selch Jensen, and John H. Lind, *Jerusalem in the North. Denmark and the Baltic Crusades 1100–1522*, Outremer. Studies in the Crusades and the Latin East, 1 (Turnhout: Brepols, 2012), 326.

<sup>57</sup> Ebel, *Lübisches Recht*, 35.

<sup>58</sup> See Cordes, “Die Geschichte des lübischen Rechts im Ostseeraum bis 1350“, 20.

<sup>59</sup> See *Lübecki õiguse Tallinna koodeksi 1282 / Der Revaler Kodex des lübischen Rechts 1282*, ed. by Tiina Kala (Tallinn: Ilo Print, 1998), 121.

granted to Lübeck by the Duke and the Emperor were known in detail in all of Lübeck's daughter cities, especially in distant Tallinn, and apparently, not all of them were relevant there. Although the introduction to the 1282 codex must have stressed the legal authority of the manuscript, it was not possible to follow it verbatim in legal practice. The same applies to several paragraphs of the codex specifically concerning the city of Lübeck. Apart from legal documents received directly from the Danish royal house or from the Lübeck city council, there could have been other, indirect sources for Tallinn's early legal order. The first and foremost privilege contained in the long list of articles of Valdemar's privilege charter for Lübeck (1202) is the confirmation of the borders of the city and the right of the burghers to use the city's territory.<sup>60</sup> In 1225, Lord Heinrich Borwin I of Mecklenburg donated to the town of Gadebusch the liberty (*libertatem*) granted to Lübeck by Emperor Friedrich I and by King Valdemar II. In addition to this general statement, the charter lists a number of individual privileges: freedom from customs duties, the separation of incomes from imposed fines, freedom for people who had escaped from bondage and spent at least one year in the town (*Quicumque servus intus venerit, si anno intus manserit, libertate perpetua fruatur*), and others.<sup>61</sup> Some of these, including gaining personal freedom after spending a year in the town, have been characterised as specifically Danish regulations to support a town's development.<sup>62</sup> The privileges of King Valdemar referred to in the 1248 charter for Tallinn might have been similar to those of Gadebusch in their general features, although perhaps less detailed.

During the Middle Ages, the Tallinn town council did not regard the 1248 charter as the initial donation of Lübeck Law. At least according to the compilation of the 1347 transumpt, the city council attributed this function to the charter of King Christopher I from 1255, where Lübeck Law was explicitly mentioned.<sup>63</sup> The town council started interpreting the 1248 char-

<sup>60</sup> DD I:7, no. 331.

<sup>61</sup> Since the text of the 1225 charter for Gadebusch is known only according to seventeenth-century copies and a translation, the correctness of its date and even the authenticity of the charter itself have sometimes been questioned. See *Mecklenburgisches Urkundenbuch*, vol. 1: 786–1250 (Schwerin: Stiller'sche Hofbuchhandlung, 1863), no. 315; and reg.: DD, I:6: 1224–1237, ed. by Niels Skyum-Nielsen (Copenhagen: C. A. Reitzels Boghandel, 1979), no. 47. On this charter, see also Ebel, *Lübisches Recht*, 40, 45–47.

<sup>62</sup> See Thomas Riis, *Das mittelalterliche Dänische Ostseeimperium. Studien zur Geschichte des Ostseeraumes IV*, University of Southern Denmark Studies in History and Social Sciences, 256 (Odense: University Press of Southern Denmark, 2003), 74.

<sup>63</sup> Kala, "Kuidas lugeda Tallinna Taani-aegseid dokumente ehk veel kord Lübecki õigusest", 19–20.

ter as the earliest donation of Lübeck Law only during the Early Modern period, when the town's autonomy was being curtailed step by step, first by the Swedish and then by the Russian central powers. It is possible that the first occasion of such an interpretation of Erik Plovpenning's charter occurred in 1561, during the Russian-Livonian war, when the Swedish king confirmed the town's privileges after Tallinn had submitted to Swedish rule. However, it is not known which exact charters the town council presented to the Swedish authorities and in which order.<sup>64</sup> After the initial confirmation of Tallinn's privileges in 1561, the king asked the town council to send privilege charters issued to Tallinn by its previous overlords to Stockholm. The town council declined to do so on the pretext that sending important documents by sea would be insecure.<sup>65</sup> In 1562, the councillors even declared to the king that many important documents concerning the foundation of the town had been lost in a fire.<sup>66</sup> When this fire had taken place was not specified. The only large fire in the lower town about which information survives occurred in 1433.<sup>67</sup> Although it might have caused considerable damage to the town's buildings, there is no evidence that any parts of the town council's archive perished as a result of this catastrophe.

The earliest surviving evidence for the presentation of the 1248 charter as the first donation of Lübeck Law to Tallinn originates from the 1620s: in the dispute between the town council and the North Estonian vassal corporation over the establishment of a school in the buildings of the former St Michael's nunnery, both parties tried to demonstrate the ancient origin of their privileges.<sup>68</sup> Subsequently, the 1248 charter was considered primary in all collections of privilege copies compiled in the town council chancery.<sup>69</sup>

<sup>64</sup> Kari Tarkiainen, "Tallinna ja Harju-Viru rüütelkonna alistumine Rootsile 1561: vormid ja põhjused", *Ajalooline Ajakiri*, 1 (2017), 39–77 (48–49).

<sup>65</sup> Enn Küng, *Mercuriuse ja Marsi vahel. Hansalinn Tallinn Rootsi riigi haardes 1561–1632* (Tallinn: Tallinna Linnaarhiiv, 2022), 50–51.

<sup>66</sup> *Quellen zur Geschichte des Untergangs livländischer Selbständigkeit. Aus dem schwedischen Reichsarchive zu Stockholm*, vol. 8, ed. by Carl Schirren (Reval: Franz Kluge, 1881), no. 1091.

<sup>67</sup> See e.g., *Tallinna ajalugu I*, 117.

<sup>68</sup> TLA.230.1.Bk 4 II, fol. 1r: *Die Statt Revall hatt in ihrem districtu /.../ Jus Consistorij Constituendi, aperiendi scholam ex speciali indulto Papali acquisitum, ist in Geist- vnd weltlichen Sachen mit Lübschen Rechte vnd freihheiten versehen*. In support of this statement, a number of Tallinn's privilege charters were copied in the town council chancery in the acts concerning the dispute regarding the school, among them Danish royal charters from 1248, 1255, and 1257.

<sup>69</sup> Kala, "Kuidas lugeda Tallinna Taani-aegseid dokumente ehk veel kord Lübecki õigusest", 20.

Unlike the 1248 charter for Tallinn, the 1302 charter for Rakvere mentions no earlier privilege donation. Granting the burghers of Rakvere rights equal to those of the burghers of Tallinn meant following the practice introduced by that time in some German towns, where the court of appeal was not in Lübeck but in an intermediate town subject to Lübeck Law.<sup>70</sup> According to this pattern, the court of appeal for the burghers of Rakvere was the town council of Tallinn.<sup>71</sup> How this functioned in practice or how developed Rakvere's capacity was to produce legal documents during the fourteenth century would require a more detailed study of the correspondence between Tallinn and Rakvere. At least a charter issued on 5 January 1345 in the name of the town councillors of Rakvere and corroborated with the seal of Rakvere was written not by a scribe from Rakvere but by the Tallinn town scribe who copied the 1347 transumpt and other charters mentioned above.<sup>72</sup>

Like the 1345 charter for Rakvere, the privilege charter for Narva from 25 July 1345 mentions the rights donated by King Erik. On this basis, it has been widely accepted in historiography that the town must have received its first privileges during King Erik Menved's rule, i.e., before 1319, perhaps around the same time as Rakvere (1302).<sup>73</sup> However, Jüri Kivimäe has demonstrated that this is not likely. No earlier privilege charter for Narva is contained in any of the privilege collections of the town.<sup>74</sup> At least from the early seventeenth century onwards, the earliest privilege charter known was the one issued by Stig Anderssen in 1345. This is also confirmed by the historical tradition of the early seventeenth century. According to an instruction from the Tallinn town council to its envoys Bernhard Herbers

<sup>70</sup> On these towns, see Cordes, "Die Geschichte des lübischen Rechts im Ostseeraum bis 1350", 29–34.

<sup>71</sup> Bunge, *Einleitung in die liv-, esth-, und curländische Rechtsgeschichte*, 164.

<sup>72</sup> TLA.230.1-I.144 (published in *Revaler Urkunden und Briefe*, no. 23).

<sup>73</sup> Bunge, *Einleitung in die liv-, esth und curländische Rechtsgeschichte*, 164. See the same interpretation in Heinrich Johann Hansen, *Geschichte der Stadt Narva* (Dorpat: Heinrich Laakmann, 1858), 13; Süvalep, *Narva ajalugu*, vol. 1, 13; Ebel, *Lübisches Recht*, 88; Sten Karling, *Narva. Eine Baugeschichtliche Untersuchung* (Tartu: J. G. Krüger, 1936), 89; Kaur Alttoa, "Narva", *Eesti linnaehituse ajalugu. Keskajast tsaariaja lõpuni*, ed. by Lilian Hansar (Tallinn: Eesti Kunstiakadeemia, 2019), 104–113 (107).

<sup>74</sup> See Kivimäe, "Bõla li Narva", 119; and Enn Küng, *Rootsi majanduspoliitika Narva kaubanduse küsimuses 17. sajandi teisel poolel* (Tartu: Eesti Ajalooarhiiv, 2001), 77 n. 1. See the copies of Narva's privilege charters in the archival collection of the Great Guild of Narva: Rahvusarhiiv (National Archives of Estonia, henceforth RA), EAA.3429.1.1 (1345–1698); for Swedish archives, see Carl Schirren, *Verzeichnis livländischer Geschichts-Quellen in schwedischen Archiven und Bibliotheken*, part 1 (Dorpat: Gläser, 1861), 165, no. 2032 (1345–1683).

and Symon van Theen, who were supposed to represent Tallinn in negotiations between Sweden and Denmark in 1602, the town (*weichbildt*) of Narva had emerged at the foot of the castle under King Erik Menved's rule and first received its town law (*stat Recht*) from Erik's son (!) Valdemar IV on St James Day 1345 in Tallinn.<sup>75</sup> Perhaps the reason for mentioning King Erik's privileges in the 1345 charter for Narva is that the scribe might have used the beginning of the charter for Rakvere, which was issued (and perhaps written by the very same scribe) earlier that same year, as his model for the first part of the charter for Narva.<sup>76</sup>

Although Narva has been considered a relatively independent town economically,<sup>77</sup> its legal dependence on Tallinn cannot be denied. This concerned not only the role of the Tallinn town council as the court of appeal for Narva, but also the preservation of physical testimonies of Narva's rights and legal order: the privilege charters. In the spring of 1556, the town council of Narva planned to deposit the town's privilege charters in Tallinn.<sup>78</sup> Whether this plan was realised is not clear. According to a letter from Narva's town council to Tallinn dated 10 August 1588, 'a city book or privileges' (*Stadt Buch oder Priuilegien; Stadt hauptt Buch vnnd priuilegien*) of Narva had been in safe-keeping in Tallinn for many years before the Russian-Livonian War (*viele Jahr zuuor ehe dan der Reusse alhie ethwas feindtlichs furgenommen*). Narva's town councillors asked the Tallinn town council to send these documents to Narva and, according to their account, received in reply confirmed copies of some old privilege charters (it is not known exactly which ones<sup>79</sup>). To Narva's disappointment, these documents did not contain information about the freedoms Narva was interested in.<sup>80</sup>

<sup>75</sup> See Süvalep, *Narva ajalugu*, vol. 1, 311 n. 25; TLA.230.1.Aa 21b, fol. 14r. On the negotiations, see Küng, *Mercuriuse ja Marsi vahel*, 245–289.

<sup>76</sup> Friedrich Georg von Bunge has suggested that the 1345 charter for Narva was referring to the privileges donated by King Erik to Tallinn (not to Narva). Bunge, *Das Herzogthum Estland*, 149 n. 280.

<sup>77</sup> Kivimyaé, "Býla li Narva".

<sup>78</sup> In a letter from 27 April 1556, the town council of Narva wrote to the town council of Tallinn about sending the burgomaster of Narva, Herman thor Molen, to Tallinn in order to deliver the privilege charters of Narva for safekeeping: TLA.230.1.BD 8 V, fol. 152r.

<sup>79</sup> Between 1345 and 1555, the Danish King and the Livonian Masters of the Teutonic Order issued more than ten privilege charters for Narva. See "Friedr. Conr. Gadebusch's Auszüge aus den ältern Verordnungen für die Stadt Narva, mit einem Vorwort und Anmerkungen von K. H. v. Busse", *Archiv für die Geschichte Liv-, Esth- und Curlands*, vol. 4, ed. by Friedrich Georg von Bunge (Dorpat: Franz Kluge, 1845), 62–73.

<sup>80</sup> TLA.230.1.Bh 62/2, fol. 170r–172v. It has been stated in historiography that Narva's privilege charters deposited in Tallinn were kept in a chest which could be opened with two keys, one of them in possession of the town community of Narva, and the other in possession of the merchants of the Great Guild in Tallinn. Süvalep, *Narva ajalugu*, vol. 1,

Tallinn and Narva intensely competed for the staple right (*ius emporii*). To find support for their claims, both towns referred to their old privileges. These, however, had been granted long before the staple right had become a burning issue in relations between the two towns. Consequently, they could contain no clear resolution of this matter.<sup>81</sup>

### *In conclusion*

By the middle of the fourteenth century, Tallinn, Rakvere, and Narva had a uniform legal order, at least in terms of Danish royal privilege charters. The centre of this group was Tallinn, with its Lübeck Town Law, which, at least in principle, was also in force in Rakvere and Narva. However, this is mainly reflected in the role of the Tallinn town council as the court of appeals for these two towns. In addition, Tallinn exercised some legal control over Narva by safekeeping its privilege charters during certain periods of political or military instability.

The legal order of the three towns of the Danish Estonian Duchy generally seems to have been formed according to the same pattern as in several northern German towns during the time they were under Danish overlordship. The creation of this legal order took over a hundred years, starting in Tallinn perhaps in the early 1220s and ending in Narva in 1345. This was apparently not planned in advance but rather introduced according to current needs and perhaps based on some initiative from the towns themselves.

Although the privilege charters were always confirmed by the overlord of the town or his representative, the wording of these documents and the choice of texts on which either individual charters or privilege collections were based could to some degree depend on the scribes. In the case of Danish North Estonia in the 1340s, these were in the first place the scribe of the Tallinn town council and the secretary to the royal envoy Stig Andersson. In some cases, mistakes possibly made by later copiers or translators of charters that have not survived in the original might have influenced the ways in which these documents were understood by contemporaries or subsequently interpreted in historiography.

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274, 324 n. 10; Kivimyaé, “Býla li Narva”, 120 n. 33. This statement seems to be the result of an incorrect interpretation of somewhat obscure sources which say nothing about the privilege charters or the Great Guild of Tallinn, see Tallinn town council minutes from 13 May 1552, TLA.230.1.Ab 3, p. 731, and an instruction of the Tallinn town council to its delegates to Narva from 28 May 1552, TLA.230.1.Aa 12, p. 246h.

<sup>81</sup> See Küng, *Mercuriuse ja Marsi vahel*.

Since none of the three earliest privilege charters for Tallinn, Rakvere or Narva has survived in the original, it cannot be said for sure whether the contents of these charters have come down to us in their original forms. But since later copies of the texts of these documents, in their general features, do not contradict similar charters issued for several other high medieval towns in the Baltic Sea area, they can be considered authentic. This does not mean that the contents of the charters always corresponded to the specific needs or ambitions of the towns. Some details were included in charter texts and law codices based on the example of other documents compiled on similar occasions for other towns. Therefore, they apparently did not always fit the actual situations in North Estonian towns when they were issued, let alone during later periods. Despite that, the recipients of the privilege charters, mainly in Tallinn and Narva, used them as testimonials to their legal rights and independence not only during Danish rule, but centuries later.

KEYWORDS: Lübeck Town Law; Danish Court; privilege charters; medieval scribes; urban history

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KOKKUVÕTE: *Vanad dokumendid – uus tähendus: Põhja-Eesti linnadele väljastatud Taani privileegiürikute tõlgendus*

Keskaegsete linnade autonoomia õigusliku aluse moodustasid maahärra annetatud linnaõigus ja privileegid. Taaniaegse Põhja-Eesti linnades, Tallinnas, Rakveres ja Narvas, olid selleks Lübecki õigus ja Taani kuningate ürikud. Nende õiguste ja dokumentide annetamise asjaolud, muu hulgas aeg, ei ole aga alati selged. Annetamise protsessi ja dokumentide algset tähendust aitab osaliselt rekonstrueerida ürikute sõnastuse ja kirjutajate

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töö uurimine, privileegide hilisemal tõlgendamisel on aga abiks ürikute hiliskeskaegsed ja varauusaegsed koopiad ja tõlked.

Alates Friedrich Georg von Bungest on uurijad pidanud Lübecki õiguse Tallinnale annetamise alusdokumendiks Taani kuninga Erik Plovenningi ürikut 15. maist 1248, milles Tallinna kodanikele lubati Lübecki kodanikega samu õigusi. Võimalik, et see ei tähendanud veel Lübecki õigust, vaid lihtsalt õigust linna elama asuda ja seal majandada. Selgesõnaliselt lubab Lübecki õigust (*ius lubicense*) Tallinnal kasutada alles kuningas Christoffer I ürik 1255. aastast. 1248. aasta ürikut hakkas Tallinna raad esitlema Lübecki õiguse esma-annetamisaktina alles Rootsi ajal, kui keskvoim püüdis linna autonoomiat kärpida, raad aga üritas tõendada oma õigust iseseisvatele otsustele võimalikult vana dokumendiga.

1248. aasta ürik ei ole originaalis säilinud. Selle tekst on tuntud Saksa ordu provintsiaali Burchard von Dreylebeni 1347. aastal kinnitatud transsumpti kaudu, mis sisaldab kokku 27 olulisema Tallinnale annetatud taaniaegse üriku ärakirja. Enamik neist ürikutest on säilinud ka originaalis. Transsumpti on kirja pannud Tallinna raekirjutaja ning võib arvata, et kopeeritavad ürikudki valis välja nimelt raad ja mitte orduprovintsiaal. Sama kirjutaja käega on lisaks arvukatele Tallinna raedokumentidele kirja pandud ka näiteks Saksa ordu Liivimaa käsknike, Rootsi kuninglike ametnike Soomes, Tallinna dominiiklaste ja tsistertslaste kloostri jt nimel väljastatud dokumente, kui neis on puudutatud Tallinna. Niisiis oli kirjutajal mitme eri võimukandja ja institutsiooni usaldus, ta oli hästi informeeritud erinevates administratiivsetes ja poliitilistes küsimustes ning tundis muu hulgas suurepäraselt Taani võimu ordule üleandmise asjaolusid Põhja-Eestis.

Rakvere sai Taani kuningalt privileegid 1302. ja 1345. aastal, Narva 1345. aastal. Nii Rakverel kui ka Narval lubati kasutada tallinlastega võrdseid õigusi. Nagu vanim Tallinna privileegiürik, nii ei ole ka neist kolmest dokumendist ükski originaalis säilinud. 1345. aastal Rakverele ja Narvale väljastatud ürikute kirjapanijaks võis olla kuningas Valdemar IV saadiku Stig Anderssoni sekretär, kelle kätt kohtab mitmetes teistes saadiku väljastatud ürikutes. Kuna 1345. aasta ürikus Narvale (nagu ka Rakverele) mainitakse kuningas Eriku aegseid õigusi, on osa uurijaid arvanud, et algselt sai Narva privileegid Erik Menvedi valitsemisajal, kuigi ühtki teist dokumenti peale 1345. aasta üriku selle kinnituseks ei ole. Võimalik, et kuningas Eriku nimi on Narva ürikusse sattunud seetõttu, et üriku kirjapanija kasutas osaliselt eeskujuna varem samal aastal Rakverele väljastatud üriku teksti, mille koostaja võis olla tema ise. Algse kirjutaja, samuti hilisemate

ärakirjade valmistajate ja tõlkijate kasutatud sõnastus ja eeskujud võivad olla mõjutanud ka teiste privileegiürikute uusaegset tõlgendust.

Üldjoontes kujunes taaniaegse Põhja-Eesti linnade õiguslik seisund, mis võimaldas Lübecki õiguse kasutamist ja apellatsioonioigust Lübeckisse või mõnda teise Lübecki õiguse linna, sama mustri alusel, nagu Taani võimu alla kuulunud Saksa aladel. Nagu Saksamaal, nii ka Eestis võis küllaltki oluline osa selles olla linnade endi algatusel.

**MÄRKSONAD:** Lübecki õigus, Taani kuningakoda, privileegiürikud, linnakirjutajad, linnaajalugu

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