

## RÉSUMÉS

Giovanna NICOLAJ, «Cho 'l nome di Dio e di ghuadangno»: *invito alle carte dei mercanti*, p. 1-11.

In questo primo intervento, l'Autore mette in evidenza l'importanza e la portata dei documenti commerciali e finanziari nel quadro generale della documentazione privata, sottolineando in particolare la coesistenza in questo genere documentario di due tipi diplomatici, l'*instrumentum* notarile e la *scritta* mercantile. Tali documenti sono anche la traccia di percorsi antropologici e esistenziali ricorrenti, pur nei diversi contesti storici.

In this first paper, the Author points out the importance and purport of commercial and financial records in the general framework of private documentation. Specifically, she emphasizes the coexistence of two diplomatic types in this documentary kind of charters: the notary *instrumentum* and the merchant *scritta*. Additionally, these records are also tracks left along anthropological and existential paths, which are recurrent through different historical contexts.

Francesca MACINO, *L'applicazione del principio di aequitas nella prassi giudiziaria dei mercanti (XIV-XV sec.)*, p. 15-33.

Il *mos mercatorum* costituisce un paradigma della dialettica fra prassi, norma e dottrina: la prassi ispira la norma tipica del diritto dei mercanti, gli statuti corporativi, e viene poi da essa modellata e regolata; la dottrina riconduce entrambe nell'alveo del diritto giustiniano, utilizzando l'ampia categoria dell'*aequitas* nella sua funzione di strumento di deroga allo *ius civile*. La sede di azione dell'*aequitas* è il momento processuale: esso deve essere indagato attraverso le fonti del diritto dei mercanti, le riflessioni e definizioni della dottrina, le applicazioni nella prassi giudiziaria, che determinano nel tempo la formazione di una giurisprudenza mercantile. La relazione si concentra sulla ricognizione di serie processuali fra XIV e XV secolo, allo scopo di verificare il funzionamento dell'applicazione del principio di *aequitas* nella concretezza della prassi giudiziaria.

The *mos mercatorum* may be considered a most significant instance of the relationship between practice, written law and legal science: merchants' custom inspires their typical written law, the statutes, which in turn give it shape; the legal science strives to put both custom and statute in the frame of Roman law, mostly using the category of *aequitas* in order to justify exceptions to *ius civile*. Trial is the moment in which the reference to

*aequitas* principally takes place, therefore it must be followed in the sources of merchants' law, in the considerations and definitions of legal science, in the application of judicial practice, all of which create in time a commercial jurisprudence. This paper is focused on a recognition of judicial records in the second half of the XIV<sup>th</sup> century, in order to understand the actual effectiveness of the reference to *aequitas* in judicial practice.

Maria GALANTE, *Le societates amalfitane tra sistema normativo e prassi giuridica*, p. 35-53.

La documentazione commerciale del territorio amalfitano è limitata, frammentaria e discontinua. Tuttavia, le pur scarse fonti collocabili tra l'età ducale e il primo periodo angioino possono fornire utili informazioni sulle modalità di partecipazione degli Amalfitani alle imprese commerciali e sui tipi di contratto che furono stipulati in tempi diversi. Un confronto effettuato con le compilazioni normative locali – la *Tabula de Amalphi* e le *Consuetudines civitatis Amalphi* – rivela una sostanziale corrispondenza tra la norma e la prassi. Le pur varie forme di contratto presentano gli stessi aspetti documentari: all'origine essi sono scritti dallo scriba di curia in curialesca amalfitana, poi, dalla metà del XIII secolo, sono redatti da un pubblico notaio in scrittura comune. Tali documenti presentano le medesime forme della locale documentazione privata e non mostrano elementi originali quanto a schemi compositivi e a sistemi di corroborazione. Durante il XIV secolo la *charta* amalfitana cade definitivamente in disuso e viene sostituita dall'*instrumentum* notarile. Aumentano considerevolmente i tipi di documento commerciale: ai contratti di commenda e di colonna si aggiungono documenti di procura, ricevute, *apodixae*, prestiti; tutti comunque, indipendentemente dalle modalità di redazione – *instrumentum*, documento in registro, imbreviatura o cedola – sono legati al circuito notarile.

The trading documentation of the Amalfi area is limited, fragmentary and discontinuous. There are a few specific sources dated between the Ducal age and the first period of the Angevin rule in Southern Italy. However, they can provide useful information about how the Amalfitans participated in trading enterprises and about the types of contracts that were stipulated at different times. The comparison with normative compilations of definite local origin, the *Tabula de Amalphi* and the *Consuetudines civitatis Amalphi*, is useful and establishes the stable correspondence between regulation and practice. The forms of commercial companies present the same documentary aspect: originally, they were written by the scribes of the curia in the "curialesca" of Amalfi, then, from the middle of the XIII<sup>th</sup> century, they were also redacted by public notaries in common writing; these documents follow the styles and forms of the local private document and they don't show original elements such as compositional scheme or validation systems. During the late XIV<sup>th</sup> century the definitive disuse of the *charta* "curialesca" and the exclusive use of notarial *instrumentum* took place. The range of commercial documents expanded considerably: are added documents of attorney, receipts, *apodixae* and mortgage and sale of goods contracts. This

miscellaneous documentation is however bound, independently of its modality of redaction – that is *instrumentum*, document logged in a notarial register, *imbreviatura* and *cedula* – to the notarial circuit.

Mohamed OUERFELLI, *La correspondance entre les marchands maghrébins et pisans au début du XIII<sup>e</sup> siècle*, p. 55-72.

Le présent article se propose d'examiner les conditions, les circonstances et les modalités de la production d'un corpus de lettres expédiées au tout début du XIII<sup>e</sup> siècle par des marchands tunisois à leurs homologues pisans pour traiter d'affaires commerciales, et surtout pour les inciter à reprendre leurs activités suspendues à la suite d'un acte de piraterie mené par des Pisans dans le port de Tunis. Ces lettres constituent un exemple original d'écriture marchande produite dans le cadre de relations commerciales entretenues entre l'Ifrīqiya et le monde latin. Elles ont été rédigées dans l'entourage du pouvoir par les services de la douane ou du gouverneur almohade de Tunis et expédiées dans un contexte précis, d'où les différences constatées par rapport à d'autres écritures, directes et pragmatiques, produites par des hommes d'affaires, comme le montrent les quittances rédigées par des membres de la communauté mudéjare de Valence et retrouvées dans les archives de la compagnie de Francesco di Marco Datini.

The present paper analyses the conditions, circumstances and terms of the production of a corpus of letters sent at the beginning of the XIII<sup>th</sup> century by Tunis merchants to their Pisan counterparts in order to deal about trade businesses, but above all to prompt them to resume their activities, which had been suspended due to an act of piracy done by Pisans in Tunis harbour. These letters are an original example of trade writing produced within the framework of commercial relationship between Ifrīqiya and the Latin world. They have been written in the circle of the power by the customs house or by the almohad governor of Tunis, and sent in a particular context. This explain the differencies we can note with other writings, which are direct and pragmatic, produced by businessmen, as shown by the receipts written by members of the mudejar community of Valencia and found within the archives of the company of Francesco di Marco Datini.

Luisa D'ARIEZO, *Un quaderno di lettere dell'azienda Cambini di Firenze: circolazione di capitali in area mediterranea e atlantica*, p. 73-94.

Il contributo analizza un Quaderno di lettere dell'azienda mercantile-bancaria dei Cambini, attiva a Firenze nel periodo 1444-1481, anno del suo fallimento. Nel ricco archivio dell'azienda, conservato presso l'Ospe-dale degli Innocenti di Firenze, sono presenti, con qualche lacuna, circa 80 registri contabili di varia natura; fra essi è stato esaminato un quaderno di lettere, unico nella sua tipologia, relativo al biennio 1 gennaio 1476-31 dicembre 1477, realizzato da Francesco e Bernardo di Niccolò Cambini. Il Quaderno riporta nella prima parte le tratte e rimesse, nella seconda

le lettere inviate dall'azienda ai numerosi corrispondenti. Dopo l'esame degli aspetti codicologici del libro, lo studio approfondisce la tipologia dei documenti e le formule che li contraddistinguono, anche in relazione ai rimandi interni agli altri libri dell'azienda. Vengono presentate tre tabelle con gli elenchi dei corrispondenti dell'azienda e delle piazze italiane ed europee dove operavano, ed ancora l'elenco delle tratte e rimesse e delle lettere inviate dai Cambini. Si allega una carta europea con la distribuzione geografica nel Mediterraneo e in Atlantico dei corrispondenti del banco.

This contribution analyzes a book of letters from the business-banking concern owned by the Cambini, active in Florence in the 1444-1481 period, year of its bankrupt. The rich archive, kept at Florence's Hospital of Innocenti, holds, with some missing portions, about 80 accounting books on miscellaneous subjects. Among them, it was analyzed a handbook of letters, unique for its kind, relating to the two years January 1, 1476 to December 31, 1477, executed by Francesco and Bernardo di Niccolò Cambini. In the first section of the Handbook are reported withdrawals and deposits, whereas the second reports the letters sent by the company to its numerous correspondents. After a review of the codicological aspects of the book, the study examines the nature of the documents and the formulas characterizing them, also in relation to the company's internal references in other books. Three tables, reporting the list of the company's correspondents and the name of Italian and the European squares where they operated, is also reported, as well as a list of deposits and withdrawals jointly with the letters sent by the Cambini. It is attached a map displaying the geographical distribution in the Mediterranean and in the Atlantic of the bank's correspondents.

Daniel PIÑOL ALABART, *Documentación y comercio: la actividad notarial en Catalunya en la Baja Edad Media*, p. 95-114.

El desarrollo económico la Corona de Aragón, y particular del Principado de Cataluña, encuentra en la institución notarial un punto de apoyo fundamental. Los notarios, uno de los vehículos más destacados de la renovación del derecho romano, aportarán soluciones jurídicas ensayando nuevas fórmulas. Este fenómeno no es exclusivo del ámbito catalán, puesto que ya se pone de manifiesto a finales del siglo XII en ciudades como Génova. En Cataluña muchos notarios de ciudades como Barcelona, tienen entre sus clientes a comerciantes y mercaderes. Y las tipologías documentales que se registran en los libros y manuales notariales responden a esta realidad económica: comandas, sociedades mercantiles, seguros marítimos o fletes de barcos. Incluso algunos notarios, ya a finales del siglo XIV, comienzan a generar registros exclusivos para algunas de estas tipologías. En este trabajo se presentan las tipologías documentales fruto de la actividad que desarrollan los notarios catalanes en las principales ciudades catalanas, el desarrollo de las fórmulas de los contratos, la clientela de las notarías y el volumen de negocio.

The economic development in the Crown of Aragon relies greatly on the notary institution. The public notaries will give legal solutions by test-

ing new formulas. This phenomenon does not occur solely in the Catalan territory, since it manifests already in the late XII<sup>th</sup> century in cities such as Genoa. In Catalonia many public notaries from cities like Barcelona have traders among their clients, and the types of documents registered in notary books and manuals meet this economic reality: orders, trading companies, marine insurance or boat charters. Even some public notaries, at the end of the XIV<sup>th</sup> century, began to create registers exclusively for one of these types of documents. In this paper we present the types of documents that resulted from the activity that the Catalan public notaries developed in the main Catalan cities, the development of formulas for contracts, the clientele base of public notaries, and the volume of business.

Mathieu ARNOUX, *Des marchands sans livres de comptes ? Sources d'entreprises et documentation commerciale dans l'Europe francophone (royaume de France, îles Britanniques, XIV<sup>e</sup>-XV<sup>e</sup> siècles)*, p. 117-132.

L'opposition entre une Europe méditerranéenne (particulièrement la Toscane), riche en archives commerciale et en livres de comptes, et des régions septentrionales où les sources sont rares, est un thème classique de l'histoire économique. Les recherches récentes n'ont pas modifié cette opposition mais une enquête moins orientée sur les archives commerciales éclaire un autre fonctionnement de l'économie européenne, dans lequel la mise en écriture des relations commerciales ne passe pas par l'enregistrement des transactions par les auteurs mais plutôt par l'échange de lettres authentiques faisant mémoire des engagements des partenaires, qui seront restituées et détruites à l'issue de l'opération. Dans cette perspective, l'opposition entre nord et sud de l'Europe n'est plus entre commerce «lettré» et «illettré» mais entre archives des compagnies conservées à l'intérieur du réseau des acteurs et pièce justificatives de transactions menées à bien, cannelées ou détruites, à moins qu'un conflit entre les parties n'ait justifié leur conservation. Les sources relatives aux affaires de Jacques Coeur éclairent ce fonctionnement des relations commerciales et permettent de comprendre comment s'organisèrent les relations entre les deux Europes marchandes.

The contrast between northern countries, where merchant archives and especially ledgers, are rare, and Mediterranean regions, mostly Tuscany, with abundant archives and many ledgers, is a classic topic in commercial history. Recent research has not change this landscape: archival findings remain exceptional in northern Europe, and most of them are about Italian or Spanish merchants. Yet, an inquiry less archive-oriented provides a different idea of late-medieval European trade: northern merchants did not keep ledgers when there was not credit involved in their relations, but they had to record their transactions in authentic letters which were exchanged between partners at the end of a deal, then destroyed or cancelled. The opposition between northern and southern region is not between learnt and illiterate trade, but between archive of companies preserved inside the firm network and records of the operations, which usually vanished unless

there was conflict between partners. Evidence from the Jacques Coeur trial provide new clues to understand how European merchant, with different kinds of literacy, could deal together.

Thérèse DE HEMPTINNE, Martha HOWELL, *The lettres de foire of Ypres (second half XIII<sup>th</sup> century): windows into the commercial culture of a late medieval industrial giant*, p. 133-152.

The Flemish city of Ypres left a collection of credit records from the second half of the XIII<sup>th</sup> century that is considerably richer than any from the north of Europe before the later XV<sup>th</sup> century, even the XVI<sup>th</sup>. One of the most important of the industrial and commercial powerhouses of the late medieval southern Low Countries, Ypres was renowned as producer of high-quality drapery and as the site of one of the five Flemish fairs linked to those of Champagne. Although Ypres was completely destroyed during WW I, the substance of more than 7,000 of the original records (all in the form of chirographs) are available to us, either in transcription or as summaries compiled before the war. Most treat loans taken by Yprois either from foreign creditors or from fellow citizens, thus providing a precious window into the socioeconomic structure of the city – and by implication that of similar cities of the day – as well as a fuller understanding of the diplomatic procedures used to register and secure debt in that heavily urbanized region.

La ville flamande d'Ypres a laissé une collection de lettres de crédit de la deuxième moitié du XIII<sup>e</sup> siècle considérablement plus riche que toute autre ville du nord de l'Europe avant la fin du XV<sup>e</sup> et même du XVI<sup>e</sup> siècle. Un des plus importants centres industriels et commerciaux des anciens Pays-Bas au bas Moyen Âge, Ypres était renommée pour sa production de draps de haute qualité et comme l'endroit où se tenait une des cinq foires de Flandre, liées avec celles de Champagne. Même si Ypres fut presque totalement détruite durant la première guerre mondiale, le contenu de plus de 7 000 de ces lettres (toutes des chirographes) nous est connu, soit grâce à des transcriptions soit par des résumés compilés avant la guerre. La plupart ont pour objet des emprunts contractés par des habitants d'Ypres envers des créditeurs étrangers ou envers des concitoyens. Ces lettres nous procurent donc une précieuse ouverture sur les structures socio-économiques de cette ville – et par extension sur celles de villes similaires de l'époque – ainsi qu'une meilleure compréhension des procédures diplomatiques utilisées pour enregistrer et garantir les dettes dans cette région fortement urbanisée.

Els DE PAERMENTIER, «*A no grant besoning, en boine mounoie et bien contee*». *The XIII<sup>th</sup>-century Flemish counts' appeal for funds to moneylenders from Arras*, p. 153-168.

Throughout the XIII<sup>th</sup> century, the countesses of Flanders Joan (1212-1244) and her sister Margaret of Constantinople (1244-1278) had to rely on

*ad hoc* loans in order to cover their expenses caused by political, economic or military decisions. Such *ad hoc* credits were granted by the Flemish towns and by the countesses liege lords, the French king and English king (money fief), but also by «foreign» partners. Among these «external» financiers, not only Northern Italian merchants (Lombards) but also several members of the bourgeoisie of Arras played a significant role. For the latter group, several letters of obligation and quittances reporting on the financial transactions between the countesses of Flanders and the Arras families Crespin, Louchart, Wago and le Brogne have survived. So far, the well-documented case of Arras loans has mainly been analyzed for its content. However, studying the diplomatic and material features of these records might lead to additional conclusions on how these financial transactions were prepared, performed, recorded and finalized. By bridging the gaps between «content» and «form», separate documents and compiled records, and making use of different methodological approaches, this contribution will offer a more in-depth view of the *usurarios de Attrebatu* in XIII<sup>th</sup> century Flanders, and more particularly of their role and representation in the financial comital administration.

Au cours du XIII<sup>e</sup> siècle, les comtesses de Flandre Jeanne (1212-1244) et sa sœur Marguerite de Constantinople (1244-1278) ont dû faire appel, à maintes reprises, à des crédits externes *ad hoc* pour financer leurs dépenses causées par des décisions politiques, économiques et militaires. De tels crédits ont été accordés par les villes de Flandre et les suzerains des comtesses, les rois de France et d'Angleterre (ce dernier en procurant un fief de bourse), mais aussi par des partenaires étrangers. Parmi ces créditeurs extérieurs, des marchands italiens du Nord (Lombards), ainsi que plusieurs membres de la bourgeoisie arrageoise, ont joué un rôle prépondérant. Quant à ce dernier groupe, un grand nombre de lettres obligatoires et de quittances sont préservées, et nous rendent compte des transactions financières entre les comtesses de Flandre et les familles arrageoises des Crespin, des Louchart, des Wagon et des Le Brogne. Jusqu'à présent, le cas des financiers d'Arras, lequel est richement documenté, a été étudié principalement du point de vue du contenu des documents. Cependant, analyser leurs caractéristiques diplomatiques et matérielles peut également aider à mieux comprendre la manière dont ces opérations de prêts ont été préparées, présentées, enregistrées et finalisées. En comblant le fossé qui sépare le contenu de la forme des documents, et en utilisant différentes approches méthodologiques, cette contribution s'attache à donner une vue plus générale sur les *usurarios de Attrebatu* actifs en Flandre au XIII<sup>e</sup> siècle, en particulier sur leur rôle et représentation dans l'administration financière comtale.

Claes GEJROT, *The value of iron: examples of commercial documents from medieval Sweden*, p. 169-180.

This paper deals with the preserved documentary sources providing us with information about the iron trade in medieval Sweden. Some basic facts and definitions will be presented and explained in a first part. After



this, the commercial aspects of Swedish medieval iron production will be exemplified, especially by the charter material, but in addition to this, customs registers and some other sources will be used. At the centre of the investigation we find a group of typical charters from the 1360s and 1370s. The charters concern various sections of the iron trade and have been divided into separate categories. The paper also shows the national and international influence of the most important monastic institution in Sweden in the late Middle Ages, the Birgittines of Vadstena Abbey, with large economic interests in the growing iron trade.

Cette contribution traite des sources documentaires informant sur le commerce du fer dans la Suède médiévale. La première partie présente des données factuelles et des définitions fondamentales. Puis les aspects commerciaux de la production médiévale de fer sont illustrés, en particulier à l'aide de chartes, auxquels on ajoute des registres de douane et d'autres types de sources. Au cœur de cette enquête, on trouve un corpus exemplaire de chartes datées des décennies 1360 et 1370. Elles concernent différentes étapes du commerce du fer et sont réparties en diverses catégories. L'article insiste par ailleurs sur le rôle national et international de la plus importante institution monastique de la Suède médiévale, les Brigittines de l'abbaye de Vadstena, qui possédaient d'importants intérêts économiques dans un commerce du fer alors en plein essor.

Mark MERSIOWSKY, *Zur Überlieferung hansischer Geschäftsquellen. Altbekanntes und Neufunde*, p. 181-201.

Kaufleute aus dem Hansebereich benutzten schon lange vor der Hanse schriftliche Instrumente zum Informationsaustausch und zur Beschreibung von Waren wie zur Abrechnung. Während des Mittelalters bestimmende Form kaufmännischen Wirtschaftens erfordert mehr Organisation, neue rechtliche Instrumente und damit neue Dimensionen des Schriftgebrauchs. Im Spätmittelalter übernahmen die Stadträte Funktionen der Hansen: insgesamt weisen die Hansestädte die üblichen Formen städtischer urkundlicher Schriftlichkeit. Hansische Kaufleute nutzten die lokalen Formen urkundlicher Dokumentation für ihre Belange. Das wichtigste Dokument der internen Schriftproduktion hansischer Kaufleute waren die Handlungsbücher, die nicht nur Großkaufleute, sondern auch kleine Krämer nach ähnlichem Standard führten.

Die Neufunde dokumentieren die Verbreitung der einfachen Techniken kaufmännischer Buchführung nicht nur bei den großen Kaufleuten im Fernverkehr, sondern auch im örtlichen Detailhandel und erweitern unser Spektrum erhaltener Quellen.

Long before the establishment of the Hansa, merchants in the Hanseatic area adopted written records to exchange information and to describe and count goods. During the Middle Ages, a new commercial economy required a more efficient organization, new legal tools which led to a change of dimensions in the use of writing. At the end of the Middle Ages, municipal



governments assumed the role of the Hansa: generally, in the Hanseatic cities, the ordinary forms of urban written records were favoured. Hansa merchants used local forms of written documentation for their needs. The most important record of their internal production were the ledgers, which were drawn up according with the same standards, whether they belonged to large merchants or small grocers. The latest archival discoveries document the spreading of simple business accounting techniques, not only for international traders, but also for local traders, expanding the spectrum of retained sources.

Wolfgang HUSCHNER, *Königliche und fürstliche Strandrechtsprivilegien für Hansische Kaufleute und Städte im südlichen Ostseeraum (13.-15. Jahrhundert)*, p. 203-218.

Insgesamt kommen mittelalterliche Regelungen über das Strandrecht im Ostseeraum vor allem in kaiserlichen, königlichen, fürstlichen, päpstlichen und erzbischöflichen Urkunden sowie in Bündnis- und Friedensverträgen vor. Auf Initiative der Städte wurden in erster Linie solche Dokumente, die ein unverändertes Eigentumsrecht nach Schiffbrüchen verbrieften, am häufigsten abgeschrieben sowie als Referenzdokumente bei Verhandlungen um die angestrebte Ausstellung neuer Privilegien verwendet. Die Repräsentanten der Städte entschieden offenbar in Abhängigkeit von der jeweiligen konkreten Situation, auf welche dokumentierten Verfügungen über die Beseitigung oder Einschränkung des traditionellen Strandrechtes man sich jeweils berief. Dauerhafte und flächendeckende Rechtssicherheit wurde für die Kaufleute und Seefahrer im Ostseeraum bis zum Ende des 15. Jahrhunderts weder durch kaiserliche, königliche und fürstliche noch durch päpstliche Verfügungen über das Strandrecht erreicht. Die häufigen Abschriften und Neuausstellungen solcher Urkunden zeugen aber davon, dass sie für die Kaufleute und Seefahrer bei Verhandlungen über die Lösung von Konfliktsituationen nach Schiffbrüchen äußerst relevant waren.

Generally speaking, medieval regulations concerning the law of shipwreck in the Baltic Sea Region can be found mainly in imperial, royal, princely, papal and archiepiscopal charters as well as in treaties of alliance and peace. On the initiative of the cities, it were primarily those documents which confirmed an unchanged right of ownership in case of shipwrecks which were most commonly copied or used as reference documents in negotiations about the desired issuance of new privileges. Apparently in dependance on the concrete situation, the representatives of the cities decided which documented decrees about the abolition or limitation of the traditional law of shipwreck were to be invoked in each case. Until the end of the XV<sup>th</sup> century, a state of permanent and comprehensive legal certainty for the merchants and mariners in the Baltic Sea Region could not be reached neither by imperial, royal or princely nor by papal decrees concerning the law of shipwreck. However, the quite common copies and reissues of such charters prove that they were of high relevance for merchants and mariners during negotiations about the resolution of conflicts arising from shipwrecks.

Marie BLÁHOVÁ, *Handel und Schriftkultur in den böhmischen Ländern im Spätmittelalter und in der frühen Neuzeit*, p. 219-236.

Die Autorin befasst sich mit Schriftstücken, die mit dem Handel mit landwirtschaftlichen und handwerkshaftlichen Produkten und mit Rohstoffen in den Böhmisches Ländern im späten Mittelalter und in der frühen Neuzeit zusammenhängen.

Die Ergebnisse der Analyse limitiert die konkrete Erhaltung der Quellen, weil in einem viel umfangreicheren Maß normative Quellen erhalten wurden, also Schriftstücke mit einer langfristigen – «unbegrenzten» – Gültigkeit, als Schriftstücke, die direkt in dem geschäftlichen Verkehr, deren Gültigkeit in der Regel nach dem Abschluss der Transaktion endete.

In die erste Gruppe der Schriftstücke gehören vor allem Zollordnungen und Privilegien, die zur Unterstützung des Handels herausgegeben wurden, Handelsordnungen und Stauten. Die konkrete Handelstätigkeit beweisen vor allem Schuldscheine, die von dem 13. Jahrhundert belegt sind, von dem 14. Jahrhundert Stadtbücher. Ab der zweiten Hälfte des 14. Jahrhundert kommen schon Belege von der Benutzung der privaten Kaufmannsbücher vor. Erst zu Ende des Mittelalters wurde die Verwendung der Quittungen und Obligationen (Schuldverschreibungen) belegt. Wechsel wurden erst ab Ende des 15. Jahrhunderts bekannt, aber ihre Benutzung war nicht sehr verbreitet.

The Author concentrates on the written documents related to the trade in agriculture and craft products and in raw materials in the Czech Lands in the late Middle Ages and in the early modern period. The results of the analysis are limited by the extant sources because the normative sources, i.e. written documents with long-term – «unlimited» – validity, survived in greater extent than those written documents used directly in the traffic, whose validity generally expired after the transaction was finished.

The first group of documents includes mainly customs orders and privileges issued to boost the trade, trading orders and statutes. The specific trading activities can be found predominantly in the promissory notes documented from the XIII<sup>th</sup> century, and the municipal books from the XIV<sup>th</sup> century. From the second half of the XIV<sup>th</sup> century, the proves of private merchant books usage are available. The usage of receipts and bonds is documented only at the end of the Middle Ages. The promissory notes have been known in the Czech Lands only at the end of the XV<sup>th</sup> century, but their usage wasn't widely spread.

László SOLYMOSSI, *Sources écrites relatives au commerce en Hongrie aux XI<sup>e</sup>-XIII<sup>e</sup> siècle*, p. 237-246.

Les premières sources écrites de Hongrie remontent à l'époque de la formation du Royaume de Hongrie au tournant du premier millénaire. Pendant 200 ans, elles restent rares à cause des destructions produites par l'invasion des Mongols (1241-1242) et aussi parce que l'épanouissement complet de l'écriture ne s'accomplit qu'au XIII<sup>e</sup> siècle, parallèlement au développement de l'État et de la société. Toutefois, les sources linguistiques

et historiques relatives au commerce sont extrêmement variées. Ces documents traitent des questions du commerce, en particulier l'organisation des marchés et des foires, de la perception des douanes, de la provision des privilèges commerciaux, de la consommation de produits, de l'exportation et des recours au crédit. La majorité des sources sont émises par la cour royale (lois, chartes, contrats), ce qui est dû à l'absence d'institution notariale et au fait que l'écriture urbaine ne commencera qu'au milieu du XIII<sup>e</sup> siècle.

The first written sources of Hungary go back to the turn of the first millennium when the Kingdom of Hungary was established. During 200 years, they remained rather rares because of the destruction produced by the Tatar-Mongol invasion (1241-1242) and also because literacy got fully developed only by the XIII<sup>th</sup> century, in parallel with the development of the State and society. However, the linguistic and historical sources related to trade are extremely varied. These documents deal with commercial issues, in particular with the organisation of markets and fairs, the collection of customs duties, the provision of trade privileges, the consumption of products, export and the provision and use of credit. The majority of sources were issued by the royal court (laws, charters, contracts), which is due to the absence of the institution of the notary public, and also to the fact that urban literacy started only in the middle of the XIII<sup>th</sup> century.

István DRASKÓCZY, *Sources écrites relatives au commerce en Hongrie médiévale aux XIV<sup>e</sup>-XV<sup>e</sup> siècles*, p. 247-258.

En raison de la domination ottomane durant un siècle et demi, il reste relativement peu de sources directes datant de cette époque susceptibles de documenter le commerce du royaume de Hongrie au Moyen Âge. La capitale Buda a été détruite, tout comme ses archives, mais nous conservons fort heureusement celles de plusieurs autres villes comme Sopron ou Pozsony (aussi appelée Bratislava ou Pressburg). Les documents les plus importants sont les diplômes qui garantissent des droits, par exemple de l'exemption de droit de douane. Les registres de statut des villes ont également survécu, comme le *Ofner Stadtrecht*, datant du début du XV<sup>e</sup> siècle. Parmi les autres sources dignes d'être mentionnées, les testaments des particuliers sont assez nombreux, principalement en provenance de Pozsony ou de Sopron. Les données chiffrées des registres de la douane aident à reconstruire la structure et le volume des échanges, peu lisibles dans des livres de commerce des marchands eux-mêmes dont nous n'avons presque rien gardé.

Relatively few direct sources on the trade of the Medieval Hungarian Kingdom remained up to now because of the 150-year period of Ottoman rule. The archive of the capital city, Buda was destroyed, however, the archives of other cities (e.g. Sopron/Ödenburg, Pozsony/Bratislava/Pressburg) have fortunately survived. The most important sources are the charters which guaranteed rights (e.g. tax exemption). Moreover, the town-books (such as the *Ofner Stadtrecht* from the middle of the XV<sup>th</sup> century) has to be emphasized. The last wills of citizens have to be mentioned also (the most of them are

known from Pozsony and Sopron). Numerical data can be found in the customs registers, from which the structure and the volume of the trade can be reconstructed. The account books of merchants are hardly remained.

Sergej M. KAŠTANOV, Nikita A. KOMOCEV, *Typologie des sources documentaires se rapportant à l'histoire du commerce en Russie au Moyen Âge et au début de l'époque moderne (X<sup>e</sup>-XVII<sup>e</sup> siècle)*, p. 259-297.

Le développement du commerce en Russie au Moyen Âge et au début de l'époque moderne est illustré par diverses sources écrites à caractère juridique. Les plus importantes d'entre elles sont de type contractuel (traités extérieurs et intérieurs, testaments, actes d'achat, de crédit et de baux), contractuel-législatif (octroi d'immunités douanières et statuts douaniers), législatif (à tous les niveaux), administratif (comptes rendus, quittances, factures, requêtes et suppliques, certificats de statuts personnels, essentiellement pour l'époque moderne), et comptable (registres de comptes de monastères et registres de douanes, à partir du XVI<sup>e</sup> siècle seulement).

The development of trade in Russia in the Middle Ages and the early modern period is illustrated by diverse sources written with legal character. The most important of them are of many types: contractual (external and internal treaties, wills, acts of purchase, of credit and leases), contractual-legislative (granting of customs immunities and customs statutes), legislative (at every level), administrative (reports, receipts, requests and petitions, certificates of personal statuses, essentially of early modern period), and accountable (registers of accounts of monasteries and registers of customs, only from XVI<sup>th</sup> century onwards).

José MARQUES, Maria Cristina CUNHA, Maria João OLIVEIRA SILVA, *Contrats commerciaux maritimes des marchands du Nord-Ouest atlantique portugais au début de l'époque moderne*, p. 301-315.

Il est possible que l'extension de l'espace commercial portugais et la multiplication des situations nécessitant la rédaction des contrats ayant une valeur juridique incontestable aient été rapidement accompagnés, au XV<sup>e</sup> siècle, de l'augmentation de la production documentaire. Cependant, du point de vue de la conservation documentaire, seuls des registres notariés du début de l'époque moderne ont survécu d'une façon plus ou moins systématique. Sur la base des registres des tabellions de la fin du XVI<sup>e</sup> siècle, les auteurs juridiques des actes liés au commerce national et international, ainsi que la finalité et les fonctions juridiques de ces documents sont analysés. Étant donné l'absence au Portugal d'études consacrées à la documentation commerciale, une première approche typologique des actes de commerce est ici fournie dans le cadre du système documentaire des XV<sup>e</sup> et XVI<sup>e</sup> siècles, accompagnée d'une réflexion sur certaines questions générales et fondamentales.

It is possible that along the XV<sup>th</sup> century, the extension of the Portuguese commercial space as well as the increasing number of situations requiring the drafting of contracts with legal value, went together with the increasing of the production of documents. However, from the point of view of document's conservation, only the notarial books of the early modern period survived more or less systematically. Having the late XVI<sup>th</sup> century notarial books as a basis for work, the granters, the purpose and legal functions of acts related to national and international trade are analyzed. Given the absence in Portugal of studies devoted to commercial documentation, a first approach is taken to the typology of commercial acts within the framework of the documentary system of the XV<sup>th</sup> and XVI<sup>th</sup> centuries. This analysis is supplemented by a reflection on certain general questions and background.

Maria Helena DA CRUZ COELHO, Saul António GOMES, *Lettere e documenti di mercanti nel Portogallo del Cinquecento*, p. 317-331.

Dall'arrivo di Vasco da Gama in India, nel 1498, il Portogallo si trasformò in una vera e propria piattaforma del commercio mondiale, che attirava gli interessi di numerosi mercanti e banchieri internazionali e rendeva dinamici i mercati economici interni. Nell'archivio reale portoghese si trovano molte tracce documentarie che illustrano il mondo della scrittura di commercianti e mercanti, di banchieri e prestatori di denaro, i quali intrattenevano strette relazioni con la Corona. Troviamo, così, documentazione dalle tipologie formali diversificate e provenienti dalle botteghe dei mercanti o dei notai di cui questi si servivano: dalle missive e corrispondenza varia, ai contratti tra mercanti, alle richieste e concessioni di regalie da parte dei commercianti, alle procure e alle deleghe fino alle numerose ricevute e quietanze di pagamenti effettuati. La stessa cancelleria regia, a sua volta, incorporò nelle sue pratiche modelli di produzione documentaria di tipica matrice contabile e commerciale, con la moltiplicazione di bilanci e di libri giornale, con la registrazione delle spese e delle entrate, di cambiali o di ordini di acquisto di prodotti commerciali.

Ever since Vasco da Gama arrived to India, in 1498, Portugal has shaped itself into a platform for world commerce – one that attracted mercantile and banking interests and invigorated internal markets. From the Portuguese royal archives, documents bring light to many merchant and businessman, and banker and lender writings – involved in crown affairs and personal deals. Thus, we come across documentation originating from merchant's writing desks, or the notaries they resorted to. Such communications assumed different diplomatic typologies such as missives and general correspondence, contract letters between merchants, privilege concession requests, procurator affairs and power delegations, receipts and collected payment quittance. The very royal chancellery incorporated frameworks to produce accounting and commercial documents into its practices. This gave way to the multiplication of budgets, accounting books, payment orders and purchasing orders for commercial products.

M<sup>a</sup> Josefa SANZ FUENTES, *El comercio marítimo en la costa asturiana y su reflejo en los documentos. El puerto de Avilés (1602-1604)*, p. 333-353.

La villa de Avilés, en la costa norte de la península ibérica, mantuvo una gran actividad comercial tanto marítima, con puertos de las costas francesa, portuguesa y andaluza, como terrestre, a través de los puertos de montaña que la comunicaban con el resto del país. Ese comercio se vio reflejado en una abundante documentación, entre la que destacan las cartas de fletamiento y las cartas de compañía para el comercio marítimo, y ya en general, para todo tipo de comercio, cartas de obligación y de pago, cartas de poder para vender o comprar, arrendamientos de lonjas y contratos de recuas para el transporte de mercancías. También se encuentran reflejadas las relaciones humanas entre las familias de comerciantes en contratos matrimoniales y testamentos.

The town of Avilés, located on the northern coast of the Iberian Peninsula, has developed for centuries an intense commercial activity. It was linked by sea with french, portuguese and andalusian ports; by land, the goods were distributed to the south by the mountain ports. This trade is reflected in a variety of charters that are the object of this paper: some of them are specific to maritime trade, while others are generic to all types of trade. Family ties in traders as reflected in marriage contracts and wills are also considered.

Reyes ROJAS GARCÍA, *El comercio por escrito. Prácticas escriturarias mercantiles en la Sevilla moderna (siglos XVI-XVII)*, p. 355-376.

La documentación mercantil, generada por distintos agentes económicos, es variada y se caracteriza por su «atipicidad», que le hace evolucionar en función de las necesidades de estos agentes. A los tradicionales documentos de constitución de compañía, cambios, obligaciones o fletamentos, podemos añadir otros, como conocimientos de embarque, fianzas o pólizas de seguros marítimos que se encuentran abundantemente entre la documentación de las compañías mercantiles y bancos. En su conjunto podemos afirmar que evidencian la organización de estas compañías y la participación, en su producción, de otras instituciones además del notariado público que generan documentos plenamente válidos para estas transacciones.

Merchant documentation, generated by several economic agents, is varied and it's characterized by its atypical nature, which makes it evolve according to the needs of these agents. To the traditional documents such as certificates of incorporation, changes or charterings, we could add others, for instance: bills of lading or maritime insurance certificates which are widely found in trading companies and banks documentation. Taken together, we might say that they evince the organisation of these companies and the participation, in their production, of other institutions in addition to public notaries who generate fully valid documents for these transactions.

M<sup>a</sup> Luisa DOMÍNGUEZ GUERRERO, Pilar OSTOS-SALCEDO, *Los documentos del comercio con América y los protocolos notariales de Sevilla (1500-1550)*, p. 377-393.

Durante el siglo XVI, debido al sistema de monopolio instaurado por los Reyes Católicos en 1503, Sevilla se convirtió en el único puerto desde el que podían partir las naves que comunicarían la Metrópoli con las nuevas tierras americanas. Fue ante los escribanos públicos de esta ciudad donde se llevaron a cabo la mayor parte de los contratos entre los distintos protagonistas del comercio con América: banqueros, mercaderes, dueños y capitanes de navíos, marineros, artesanos, etc. A través del análisis de los fondos notariales de estos escribanos públicos, este trabajo se adentra en los distintos tipos documentales que fueron empleados para el comercio americano, describiendo sus características principales y su frecuencia de aparición en los registros notariales.

Along the XVI<sup>th</sup> century, due to the monopolist system established by the Catholic Monarchs in 1503, Sevilla became the only port allowed to send and receive ships travelling to the New World. Therefore, the public notaries in the city were responsible for most notarized documents made by people involved in the American trade: bankers, merchants, owners and captains of ships, sailors, artisans, etc. Through the analysis of the notarial sources from these public scribes, this paper delves on the different notarized documents used for the American commerce, describing its main characteristics and the frequency with which these documents appear in the public registers.