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The seventh time is the charm?

Reflections on multiple copies of charters in Sigismund of Luxembourg's chancery

The granting of royal prerogatives, *regalia* in Latin, to bishops in the Holy Roman Empire in the Late Middle Ages is one of those legal acts that, although certainly constitutional in nature, has often been overlooked in its political significance. With this act, the Holy Roman kings and emperors had, since the Concordat of Worms in 1122, granted newly appointed bishops the territories and secular rights of governance and jurisdiction of their bishoprics. The legal act consisted of the ceremonial act of enfeoffment, which included the bishop's oath of fealty, and the issuance of a royal charter that documented and attested this act. Thus, the king confirmed the bishop and accepted him as an imperial prince.¹ Although the kings seem to have had no real opportunity to completely withhold the *regalia*, it is hardly conceivable that the kings always recognised the candidates appointed by the cathedral chapter or the Pope unconditionally, but rather used the bestowing of royal prerogatives to promote their own favourites over their competitors.² One example for such an approach is the dispute over the bishopric of Passau in the 1420s, when King Sigismund of Luxembourg demonstratively backed one of the candidates by granting him the *regalia* long before the litigant parties had actually reached an agreement.

By the 1420s, it had already become some sort of custom for the transfer of the bishopric of Passau to be fiercely disputed amongst two or more candidates. One of the most significant reasons for this was the location of the bishopric between Bavaria and Austria and the resulting claims of both ducal houses to influence the appointment of its bishops.³ The dispute of the

¹ Cf. for example K.-H. SPIEB, *Das Lehnswesen in Deutschland im hohen und späten Mittelalter* (Stuttgart, 2011³), especially pp. 41-42; I. HLAVÁČEK, Zu Regalienverleihungen Wenzels IV. an reichsunmittelbare kirchliche Würdenträger: Skizze aufgrund des "Falles" des Abtes von Werden, in: *Forschungen zur Reichs-, Papst- und Landesgeschichte: Peter Herde zum 65. Geburtstag von Freunden, Schülern und Kollegen dargebracht*, ed. K. BORCHARDT and E. BÜNZ, 2 vols. (Stuttgart, 1998), 2, pp. 651-663; K.-F. KRIEGER, *Die Lehnshoheit der deutschen Könige im Spätmittelalter (ca. 1200–1437)* (Aalen, 1979: *Untersuchungen zur deutschen Staats- und Rechtsgeschichte. Neue Folge* 23), especially pp. 185-199, 235-254; R. BOERGER, *Die Belehnungen der deutschen geistlichen Fürsten* (Leipzig, 1901: *Leipziger Studien aus dem Gebiet der Geschichte* 8/1).

² KRIEGER, *Die Lehnshoheit*, pp. 364-373.

³ Cf. for example Ph. LAUMER, Sigismund und die bayerischen Bistümer, in: P. ELBEL, A. KAAR, Ph. LAUMER, S. LESSACHER and U. TRESP, *Kaiser Sigismund und Bayern. Eine kollektive Monographie*, ed. P. ELBEL and I. FEES (Köln, 2025: *Forschungen zur Kaiser- und Papstgeschichte des Mittelalters, Regesta Imperii Beihefte* 51), pp. 178-180; F.-R. ERKENS, Das Bistum Passau im Spätmittelalter: Ein Überblick, *Passauer Jahrbuch* 58 (2016), pp. 81-88; K. AMANN, *Die landesherrliche Residenzstadt Passau im spätmittelalterlichen deutschen Reich* (Sigmaringen, 1992: *Residenzenforschung* 3), especially pp. 30-38; P. UIBLEIN, *Dokumente zum Passauer*

1420s therefore also followed the usual patterns, albeit for a rather long duration. After the death of Georg von Hohenlohe, Bishop of Passau and chancellor to Sigismund of Luxembourg, in the summer of 1423, the canons of the cathedral chapter could not agree on a successor. Leonhard von Laiming, the candidate of the Bavarian party within the chapter, and Heinrich Fleckel, the candidate of the Austrian party, emerged as the most promising contenders. Although Pope Martin v soon appointed Leonhard as Bishop of Passau, the vehement protest of Duke Albrecht v of Austria led the Austrian part of the chapter to stick to its own candidate and to even relocate to Vienna as part of its protest. Both sides also took action against each other with the usual arsenal of ecclesiastical censures, which could well also lead to violent clashes. It was not until 1428 that reconciliation was achieved between Bishop Leonhard and Duke Albrecht.⁴

In all this, it is quite remarkable that King Sigismund also intervened in the conflict. However, contrary to what might have been expected, he did not side with his son-in-law, Duke Albrecht, but instead with Leonhard, who had held the title of Sigismund's chaplain since 1422.⁵ On 30 March 1425, Sigismund received Leonhard's procurator Dr. Silvester Pflieger in Tata in the kingdom of Hungary, and granted the absent Leonhard the royal prerogatives of the bishopric of Passau. This was documented in two royal charters, one in Latin and one in German.⁶ This form of investiture of the absent bishop was necessary because Leonhard's journey to Sigismund in Hungary would inevitably have taken him down the Danube through Albrecht's territory and even through Vienna itself. For Leonhard, this route through the lands of his fiercest opponent was perhaps simply too dangerous.⁷ The charters give therefore "*impedimenta legitima*" or "*merkliche irrung*" as justification for Leonhard's absence.

Bistumsstreit von 1423 bis 1428: Zur Kirchenpolitik Herzog Albrechts v. von Österreich (Paris, Bibl. Nat. lat. 1515) (Wien, 1984: *Fontes Rerum Austriacarum. 2. Abteilung: Diplomataria et acta* 84), pp. 9-13; G. KOLLER, *Princeps in Ecclesia: Untersuchungen zur Kirchenpolitik Herzog Albrechts v. von Österreich* (Wien, 1964: *Archiv für Österreichische Geschichte* 124), especially pp. 117-118; M. PFANNENSTIEL, *Der Passauer Bistumsstreit (1387-1393) und seine Beziehung zur deutschen Reichsgeschichte* (Halle-Wittenberg, 1910), especially pp. 2-7.

⁴ Cf. LAUMER, *Sigismund*, pp. 191-194; UIBLEIN, *Dokumente*, pp. 13-50; P. UIBLEIN, *Neue Dokumente zum Passauer Bistumsstreit (1423-1428)*, in: *Festschrift Franz Loidl zum 65. Geburtstag*, ed. E. KOVÁCS (Wien, 1971), 3, pp. 291-355, at pp. 291-300; KOLLER, *Princeps in Ecclesia*, pp. 127-177.

⁵ For Leonhard's relationship with Sigismund cf. J. F. BÖHMER, *Regesta Imperii XI: Die Urkunden Kaiser Sigmunds 1410-1437*, 2 vols., ed. W. ALTMANN (Innsbruck, 1896-1900), 1, No. 4725; LAUMER, *Sigismund*, p. 191. For the relationship between Sigismund and Duke Albrecht cf. for example LAUMER, *Sigismund*, p. 193; P. ELBEL, S. BÁRTA and W. ZIEGLER, *Die Heirat zwischen Elisabeth von Luxemburg und Herzog Albrecht v. von Österreich: Rechtliche, finanzielle und machtpolitische Zusammenhänge (mit einem Quellenanhang)*, in: *Manželství v pozdním středověku: Rituály a obyčej*, ed. P. KRAS and M. NODL (Praha, 2014: *Colloquia medievalia Pragensia* 14), pp. 79-152.

⁶ Munich, Bayerisches Hauptstaatsarchiv, Hochstift Passau Urkunden 1392, 1393; *Regesta Imperii XI*, 2, No. 6256.

⁷ Cf. LAUMER, *Sigismund*, pp. 192-193; KOLLER, *Princeps in Ecclesia*, p. 151.

However, it is not immediately apparent why two versions of the charter were necessary. The Latin version in particular goes into unusual detail, emphasising Leonhard's special suitability by highlighting his "*famam celebrem, multamque laudum preconia, litterarum scienciam, vite honestatem ac alia probitatum et virtutum merita*",⁸ while the German charter only refers to his "*redligkeit, gancze liebe und trüwe und auch willige und unverdroßne dienste*" in rather generic terms.⁹ In general, the Latin version emphasises in great detail the legal validity of the enfeoffment, whereas the German version merely refers to it using the usual formulas. The reason for this may be the fact that both, Leonhard and his procurator Silvester, were learned jurists,¹⁰ but Albrecht's appeals to the papal court against Leonhard, which were still pending,¹¹ may also have made a detailed royal charter in Latin seem sensible. However, the two versions also differ in the way in which the subjects of the diocese, above all the city of Passau, were called upon to remain obedient to their new lord. While the Latin document emphasises that the oath of fealty to the bishop must not be withheld, the German version is particularly explicit in its demand that no one other than Leonhard be recognised as bishop. Perhaps this latter charter was intended to be presented to the city of Passau directly, but also the failure to swear allegiance, as mentioned in the Latin charter, remained a much-discussed point of contention between the bishop and his new subjects.¹² The Latin version thus also held significance especially for the German speaking council of the city of Passau.

With this collection of charters, Sigismund had now taken a clear position in favour of Leonhard. However, as already indicated, Duke Albrecht continued to refuse to accept Leonhard as Bishop of Passau. Instead, he continued to negotiate not only with the Pope, but apparently also with Sigismund about a possible transfer of Leonhard to another bishopric. On 23 June 1425, he informed the city of Passau that he had granted Leonhard safe conduct to Sigismund in Hungary, but only because the king had promised to work towards the bishop's transfer and otherwise to side with Albrecht.¹³

Leonhard did indeed travel to Sigismund in autumn 1425; however, contrary to his promises to Albrecht, the king personally conferred the *regalia* of the bishopric of Passau to Leonhard on 30 November and again on 1 December of the same year in Skalica in the kingdom

⁸ Munich, Bayerisches Hauptstaatsarchiv, Hochstift Passau Urkunden 1392; *Regesta Imperii* XI, 2, No. 6256.

⁹ Munich, Bayerisches Hauptstaatsarchiv, Hochstift Passau Urkunden 1393; *Regesta Imperii* XI, 2, No. 6256.

¹⁰ Cf. for Leonhard von Laiming KOLLER, *Princeps in Ecclesia*, p. 133; for Silvester Pflieger cf. E. NAIMER, *Silvester Pflieger*, *Neue deutsche Biographie* 24 (2010), pp. 416-418.

¹¹ UIBLEIN, *Dokumente*, pp. 13-50; KOLLER, *Princeps in Ecclesia*, pp. 127-177.

¹² Cf. LAUMER, *Sigismund*, pp. 194-195, 200.

¹³ Passau, Stadtarchiv, II A 26, No. 6. Cf. LAUMER, *Sigismund*, pp. 192-193; KOLLER, *Princeps in Ecclesia*, pp. 147, 150-152.

of Hungary.¹⁴ In doing so, he not only further consolidated Leonhard's position as prince-bishop of Passau, but also insulted his son-in-law Albrecht. There has no direct reaction from Albrecht been preserved, but he continued to vehemently refuse to recognise Leonhard, which only ended in 1428.

This second granting of the royal prerogatives was also documented in several charters: a Latin version, preserved in two identical copies, dated 30 November,¹⁵ and a German version, preserved in three copies, dated 1 December.¹⁶ The two different dates could certainly be explained by the regular chancery procedures at Sigismund's court, but it is nevertheless interesting that these five documents are spread out over two days. Furthermore, the question arises again as to why charters in two languages were necessary for this essentially quite simple legal act, especially since the two versions in this case do not differ from each other as much as was the case with the first charters in March. Both versions contain the essential elements of a charter granting royal prerogatives, including a mandate to the bishop's subjects to be obedient to their new lord. The latter certainly had a political component here, as the city of Passau had still not sworn its oath to the bishop.¹⁷ However, while the German versions only address the bishop's subjects in general terms, the Latin versions contain an interesting clarification: Here, the subjects are not only explicitly required to take the oath, but are also repeatedly commanded not to withhold the bishop's income "*de omnibus censibus, fructibus et emolimentis ipsius ecclesie*".¹⁸ This is likely another reference to very real issues in Passau. It is striking, however, that the Latin version in particular has this clear reference to reality, whereas the German version is much more generic, even neutral, almost as if it were intended to appease the bishop's reluctant subjects.

This leads to some reflections regarding the procedures at Sigismund's chancery: The main question here is of course why so many charters were issued. But the question of how these were produced within the royal chancery might also provide us with valuable answers. Since there have been hardly any studies on the exact functioning of the imperial chancery under Sigismund,¹⁹ it may be possible to take at least a brief look behind the veil.

¹⁴ Munich, Bayerisches Hauptstaatsarchiv, Hochstift Passau Urkunden 1404, 1405/I, 1405/II, 1405/III; *Regesta Imperii* XI, 2, No. 6460, 6461.

¹⁵ Munich, Bayerisches Hauptstaatsarchiv, Hochstift Passau Urkunden 1404 (2 Latin versions); *Regesta Imperii* XI, 2, No. 6460.

¹⁶ Munich, Bayerisches Hauptstaatsarchiv, Hochstift Passau Urkunden 1405/I, 1405/II, 1405/III; *Regesta Imperii* XI, 2, No. 6461.

¹⁷ Cf. LAUMER, *Sigismund*, pp. 194-195.

¹⁸ Munich, Bayerisches Hauptstaatsarchiv, Hochstift Passau Urkunden 1404.

¹⁹ Cf. only some older studies: E. FORSTREITER, Simon Amman von Asparn: Ein Niederösterreicher als Notar in der deutschen Reichskanzlei Kaiser Sigmunds von Luxemburg, *Jahrbuch für Landeskunde von Niederösterreich, Neue Folge* 21/3-4 (1928), pp. 112-139; E. FORSTREITER, *Die Deutsche Reichskanzlei und deren Nebenzkanzleien*

It is interesting that the charters relating to the personal granting of royal prerogatives from November and December have been preserved in two and three copies, respectively, which are almost identical in their respective wording. This is especially remarkable in that the charters name only one recipient and are still preserved today in total within the archival fonds of the bishops of Passau in the *Bayerisches Hauptstaatsarchiv* in Munich.²⁰ Since two Latin and three German copies have been preserved, this can hardly be explained by the need for charters in two languages alone.

The respective versions are quite consistent within themselves. Both Latin copies dated 30 November were clearly written by two different scribes, but their content is identical. However, they differ in the spelling of some words, especially when it comes to the letter combinations *ti* and *ci*. It is therefore likely that both copies are based on the same source, perhaps even an oral one. Otherwise, both copies bear the same notes of the chancery, and the seal is also likely to have been identical. The situation is somewhat different in the German version: Here, too, three different scribes were certainly involved, but the respective texts differ more clearly from one another. For ease of reference, the individual copies will be addressed by their archival signature as I, II and III²¹ – the charters themselves do not bear any internal classification. Versions I and II are very similar in terms of spelling. But since version I is missing several words that appear in version II, it can be assumed that version I is a later copy of II. Version III, on the other hand, is more consistent with version II in terms of text, albeit not completely, but has a significantly different spelling. Parallel to the Latin charters, we can therefore assume that there was a common source. It is interesting that the *Reichsregisterbücher* – imperial cartularies –, where many, but not all of the charters issued by Sigismund's imperial chancery were noted, preserve a text, that corresponds to version II.²² The copying of such charters was usually denoted on the reverse side of the charter itself with an *R* cipher. It is now particularly striking that all of the charters discussed here from 30 March, 30 November and 1 December bear such a cipher, but only version II of the German charter dated 1 December was actually registered in these cartularies.

There are several possible explanations for this, but none of them provides a truly satisfactory answer: Perhaps the other charters were entered in a book that has since been lost,

Kaiser Sigmunds von Luxemburg (Das Kanzleipersonal und dessen Organisation): Ein Beitrag zur Geschichte der Deutschen Reichskanzlei im späteren Mittelalter (Wien 1924).

²⁰ Cf. note 14 above.

²¹ Munich, Bayerisches Hauptstaatsarchiv, Hochstift Passau Urkunden 1405/I (German version I), 1405/II (German version II), 1405/III (German version III).

²² Vienna, Haus-, Hof- und Staatsarchiv, Reichsregisterbücher H, f. 127v. On Sigismund's *Reichsregisterbücher* cf. FORSTREITER, *Die Deutsche Reichskanzlei*, pp. 188-203.

or the version that was entered was intended to represent all of the others, which is not unlikely given the fact that all the charters pertain to one legal act – split up, of course, into two instances in spring and autumn 1425. However, it may also simply be a case of carelessness on the part of the chancery, although it cannot be completely ruled out that this ‘carelessness’ could be part of a deliberate act. After all, we know that several close associates of the bishops of Passau worked for Sigismund’s imperial chancery.²³ Otherwise, however, the charters do not give rise to any suspicion of forgery.

Finally, it should be noted, that the different versions also show slight variations in their seals: The two Latin charters dated from November were each sealed with a grand royal seal affixed with black and yellow silk threads,²⁴ which is entirely appropriate for the occasion of the charter. The German versions also bear a grand royal seal, although only version III has it attached on silk threads, while parchment tags were used for versions I and II.²⁵ It appears that version III could be regarded as a main copy, while versions I and II would be secondary versions. This may also clarify the question of the numerous different copies of the charters: Even though a single copy would certainly have been sufficient for legal reasons, the surplus copies may have been due to the fact that several legal disputes were still pending, both at the papal court and in the diocese of Passau, where Leonhard was by no means universally recognised. It is possible that evidence of Leonhard’s appointment had to be presented in various places. It is also likely that he wanted to protect himself against the loss of a charter, whether accidental or at the hands of his opponents, by having multiple copies issued.

The unusual redundancy of the charters alone clearly shows that we are dealing with a political component that goes beyond a mere administrative act. Leonhard von Laiming, who had obviously spent a lot of money on this, was clearly very keen to secure his fragile position in the bishopric of Passau with indisputable royal authority, while Duke Albrecht of Austria took every measure against this appointment – which was certainly no less costly.

In this tense climate, which did not entirely rule out violent action, it is understandable that Leonhard did not want to rely on a single charter, but sought to obtain several of them, some even in multiple copies. It is quite remarkable that the royal chancery issued him with a total of seven charters, with four text variants that differed greatly in some respects, although

²³ Cf. LAUMER, *Sigismund*, pp. 185-187, 205; F.-R. ERKENS, Über Kanzlei und Kanzler König Sigismunds: Zum Kontinuitätsproblem in der deutschen Königskanzlei unter dem letzten Luxemburger, *Archiv für Diplomatik* 33 (1987), pp. 429-458, at pp. 440-441; FORSTREITER, *Simon Amman von Asparn*; FORSTREITER, *Die Deutsche Reichskanzlei*, pp. 5, 52-60.

²⁴ Cf. note 15 above.

²⁵ Cf. note 16 above.

they all dealt with more or less the same legal act – divided, of course, into the indirect enfeoffment in March and the direct enfeoffment of Leonhard in November and December.

It is precisely the differences in the content of the texts that demonstrate the necessity of these charters. They are likely to have been drafted for specific occasions, which required a slightly different form depending on the specific addressee to whom a charter might have been presented as prove of Leonhard's appointment as prince-bishop of Passau. This also demonstrates the flexibility of the royal chancery, which obviously made it possible to produce different versions of the same charter.

The certainly quite unique example of Sigismund's intervention in the dispute over the bishopric of Passau clearly illustrates the interplay between governance in a political context and its direct representation in the respective charters. Not only the texts of the charters, but also their specific design can provide us with valuable insights into the arguments and strategies of the conflicting parties in Sigismund's environment.