

(Chapter) 4 pages 15 to 27. The Rights of the settlers

King Geysa II allocated to the immigrants the “desertum”, the desert in the south of Siebenbürgen. The seven Chairs (Stühle): Broos, Mühlbach, Hermannstadt, Schenk, Leschkirch, Schässburg, and Reps were settled. Their citizens were given a number of rights so that his promises were met and the settlers would have the opportunity of free development. A short time later the deed got lost in the many invasions by enemies. That is why King Andreas the Second renewed the rights of the Saxons (Sachsen) in the year 1224 in a certificate which became known under the name “Goldener Freibrief”. This charter remained the legal basis of the Saxon people throughout the centuries. It was recertified twenty-one times by kings and dukes of the country. The assured rights and imposed duties were the following:

- King Andreas II confirms that he has rededicated the free land to the German settlers into which they had been called by his pious grandfather King Geysa II,
- So that all of its people remain one nation under a supreme judge.

Nobody shall be a judge who is not a resident among them.

The people shall elect the best among them. Nobody may buy this authority with money or influence.

- The people are obliged to give 500 Marks in Silver annually for the use of the King's Chamber (Martinszin).
- If the King undertakes a campaign within the empire the Siebenbürgen Sachsen shall provide 500 soldiers for the King's army. For campaigns outside the empire the people shall send 100 warriors if the King goes out by himself without allied troops.

If he sends a High Rank Officer into a campaign outside the empire the people shall send 50 soldiers. The King should not ask for more nor should the community be obliged to send more.

- The people should select their pastors in free elections. The selected should be introduced, the Tenth (der Zehnte) should be given to them, and the selected candidates should present themselves to the people observing the traditional liturgical and judicial formal introductions.
- Nobody shall be their supreme judge except ourselves or the Duke of Hermannstadt, when we determine the time and place of his office.

The judges shall only judge according to the rules of common use (Gewohnheitsrecht).

They shall not invite anyone into our presence, except when the judicial conflict cannot be resolved by their judges.

- In addition to the items already mentioned above we also have bestowed to them the forest of the Blachen and Bissenen with the adjoining waterways for common use with the rest of the land already mentioned so that they can enjoy freedom without obligations (this was the so-called Ghost Forest-Geisterwald, named after the place Geist).
- In addition we have granted them to keep a single seal which we and the other powers will acknowledge without a doubt.
- If somebody should sue one of the (Siebenbürgen) people in matters of money he can bring no witnesses from the outside before the judge, so that the people are entirely freed from the judicial system outside their community.
- We granted them the right to fetch salt (Kleinsalz) three times a year for eight days each time from the royal mines.

- In addition to this being said we grant them the right not to be harassed by custom agents on their travels in- and out of the area.
- The usage of the forests and all that goes with it including that of the waterways is granted to everyone for free, be they rich or poor.
- We also want and herewith order in virtue of our royal authority that none of our Nobles dare make demands for a village or a piece of land from his Royal Majesty. But if anyone should demand such a thing the citizens of this community should rightfully protest based on the freedoms granted to them by us.
- We will also establish herewith that, if the case occurs that in the course of a campaign, our faithful allies should march across the land of Siebenbürgen the people should entertain the King's ambassadors and be responsible hosts on three occasions. But if the Woiwode on behalf of the King comes to them or is sent through their area the Siebenbürgen people should not refuse to serve the guests twice, that is at entry and exit.
- We add to the freedoms mentioned above that their merchants shall be able to travel forth and back wherever they want to go in our empire freely and without customs and that this right remains effective, independent from the King's inclinations. Also, we order the markets under their control hold all custom duties.

The most remarkable of all of the regulations in this Charter by King Andreas is the rule that "the people be ONE PEOPLE". This way a unity developed out of single individuals and settlements which now stood together as one people of brothers in joy and sorrow and who perceived nothing as painful as when this unity was endangered from the inside or from the outside in the course of history. For this unity the provision granting them to freely elect their pastors was of great benefit.

In the beginning the Bistritzer Gau, the Nösner Gau, and the Burgenland did not belong to the unity of the Seven Chairs. The Burgenland had been destined only recently for German settlement. King Andreas II had conferred this area to the German Knight Order (Deutscher Ritterorden) in the year 1211 in order to erect a bulwark against hostile intruders here at the intersection of several mountain passes in the Southeast of the country. At first the king gave the Order permission to erect earth-walled castles and later stone castles and the right to settle in the region. The Order did that. Perhaps the greater portion of the settlers came from the gentility of middle and north Siebenbürgen, because from the area of the Seven Chairs nobody could be recruited per order of the King. But when the Knights wished to put the region under the supremacy of the Pope, Andreas II evicted them from the country in 1225. The castles they built stayed as did the settlers. Thanks to their industriousness and the fertile quality of the soil a blooming countryside unfolded particularly in front of the city of Kronstadt which later also earned the rights granted in the Golden Charter (Goldener Freibrief). In future time Kronstadt played a significant role in the economic, political, and cultural life of our people.

In the region of the Gross Kokel, in the later two chairs Mediasch and Schelk, where Gross Kopisch is located, only a few Germans lived there at the time. It had been settled by the Szeklers, who had placed the border forward from Mieresch to the Gross Kokel and taken possession of the land. A series of names of local places and corridors go back to their time and signify there Magyar origin. Among those is the name of Big Kopisch (Grosskopisch). The first document mentioning this location is from the year 1283. In it the place is called Copus. After that the place appears for several centuries under the name Nagy Kapus, which eventually is superseded by the German name Grosskopisch. The name of the location is to be derived from the Hungarian kapu= gate (Tor) and means the same as gate guard (Torwächter). The community guarded the eastern gate to the Chair (Stuhl), just like Little Kopisch (KleinKopisch), Kiss Kapus, the little guard at the low end of the place watched over the in-road from the lower Kokel valley, the valley of the Weissbach, and the crossing through the King's ford All of them could be viewed from the Wartberg mountain adjacent to Probstdorf.

The top of the mountain of Grosskopisch forms a strategically important point which is located 514 m above sea level above the church. From this location all the ways leading into the village can be surveyed. There is the way to the east from Neudorf, from the west the way across the Hill of Birthälm, to the south the ways across the Pettenkofer Mountains from the valley of Harbach, and, finally, to the north the way from the Kokel Valley upward across Waldhütten. The saying tells about a strong fortification which once was on the mountain top but fell into disrepair. The stones of the ruin were used to build the church and the church castle. According to the archeologist K. Horeth this was only a fortified court (Wartburg) to protect the village. This assumption is likely correct because of the small dimension of the flat surface on the

top of the mountain which would not support an extended build-up of a larger structure for defense. In the circular wall on the east of the church castle one could still detect the arch of a door now bricked as late as in the seventies (1970s). The door had been planned to serve as the escape route for the guardians on top of the mountain to reach the security of the fortification on the shortest way in case of danger.

Under the reign of King Andreas II the power and high esteem of the nobility rose to a dangerously high level. This happened mostly in the years of 1217 and 1218 when the King was on a crusade under the vanguard of a Saxon compliment. When he returned the nobility forced the King to put into law the Golden Rule (Goldene Bulle) in the year 1222, which granted extraordinary rights to the nobility. This went so far that the Nobles now could use their weapons even to attack the sovereign of the country if he were to diminish the rights of the Nobility in any way. The Golden Rule also specified that the Saxons were not to be harmed in their rights. There must have been a justified reason why they needed to have these rights restated in the Golden Charter (Goldener Freibrief) two years later. They wanted to have a legally binding document when they realized that the King was unable to withstand the power-hungry Nobility. Perhaps he was, based on the character of his daughter, too good-hearted for the rough reality of his times. His daughter was none other than Elisabeth, the Saint (St. Elisabeth von Thüringen), who, in ascetic isolation, dedicated herself in to care for the poor and invalids in Marburg, after the death of her husband as a crusader, the country count (Landgraf) Ludwig IV from Thuringia. She died young and was beatified.

In 1235, when Bela IV, son of Andreas II, ascended the throne he began to collect systematically all royal possessions which had been amassed illegally by the Nobles. This also pertained to the area of Mediasch and Schelk which had been in possession for three generations in the family of the Szekler Count Gyula. He King settled the area with Germans from the neighboring Seven Chairs (Sieben Stühlen). This way the area of the Seven Chairs was nicely rounded off. Among the new settlements was also Grosskopisch. When in 1268 this region was returned to the heirs of Gyula the settlement had already been completed. The Szeklers had migrated to the east and left the country to the Saxons. In these newly formed chairs the judicial situation was different as compared to the other chairs. Their inhabitants did not enjoy the same rights and privileges as the citizens in the other chairs. As late as 1307 the Woiwode Ladislaus von Siebenbürgen placed the people under the jurisdiction of the Counts of Szekler. In the year 1315 the citizens complained to King Karl Robert about the tyranny of the Count of Szekler and that of the Woiwode Ladislaus and his son. In response the King ascertained equal rights for all citizens of the Seven Chairs. Every community now had an elected judge at the top, which, with a community council of twelve of the most respected elders and a community notary formed the administration. The judges and the most senior members of all the communities made up the Gau Meeting (Gau Versammlung) of the two Chairs which ruled in cases of dispute under the chairmanship of the Royal Judge. The Nation University in Hermannstadt served as a higher instance.

That Grosskopish was a free community on Royal grounds was attested to for the first time by the mentioning of two Counts with inheritance rights (Erbgraf) named Nikolaus, who participated at a Gau meeting on the first of February, 1359, with all the Most Seniors of the community. During this session the community Wölz was awarded a piece of wooded land contested by the neighboring community Baassen.

King Karl Robert freed the two Chairs from the duty of military service and entertainment of the King. Instead they were to pay a tax of 400 Thalers of fine silver on Martin's Day. It becomes clearer to you to learn how great a burden this was when you know that you could buy nine Joch of farmland along with the rights to use adjacent woods and pastures. At that time the number of people living within the two Chairs was about 12000 souls.

In the year 1369 King Ludwig I voided the rule of sending soldiers and entertain and host royal parties, but he did not cancel the duty of paying the Martin's tax for the two Chairs, neither did he lift the judiciary power of the Count of Szekler. Only in the year 1402 the citizens of the two Chairs gained the equal status for all Seven Chairs and that they had sought after for so long by suing the Count of Szekler before the Court of King Sigismund. They claimed that the Count, in his role as the appointed judge representing the King, had frequently violated the rights of the citizens and disregarded their freedom. The King realized that it was not right that the judiciary power over the Mediasch region (Gau) was subject to the whims of a foreign Count. The King freed the citizens from that rule forever. "From now on the citizens should elect their judge from their own community", it says, "and this judge out of their midst shall speak the right, and pass judgments based on their custom, tradition, and law of the Seven Chairs." Thereby a goal was achieved that they had in front of their eyes and which had required a lot of tenacity for one and a half of century. Their labor was richly awarded by now

belonging to the entire community of the Saxon people, to the National University (Nationaluniversität), which was unique in their democratic self-administration. Now they elected their own Royal Judge wherever they found the most suitable man within the community of the Chairs. His seat was at his place of residence to which he invited the Gau Council Meeting (Gauversammlung) for discussion and eventual closure of contentious questions. Not until Mediasch with help of all Chair communities had been expanded to a post of defense, beginning in the year 1495, Mediasch became per Royal Decree the seat of the Royal Judge and Capital of the Chairs (Stuhlsvorort) in 1552. Until then this position had been in dispute by Birthälm and other great places of the Chairs.

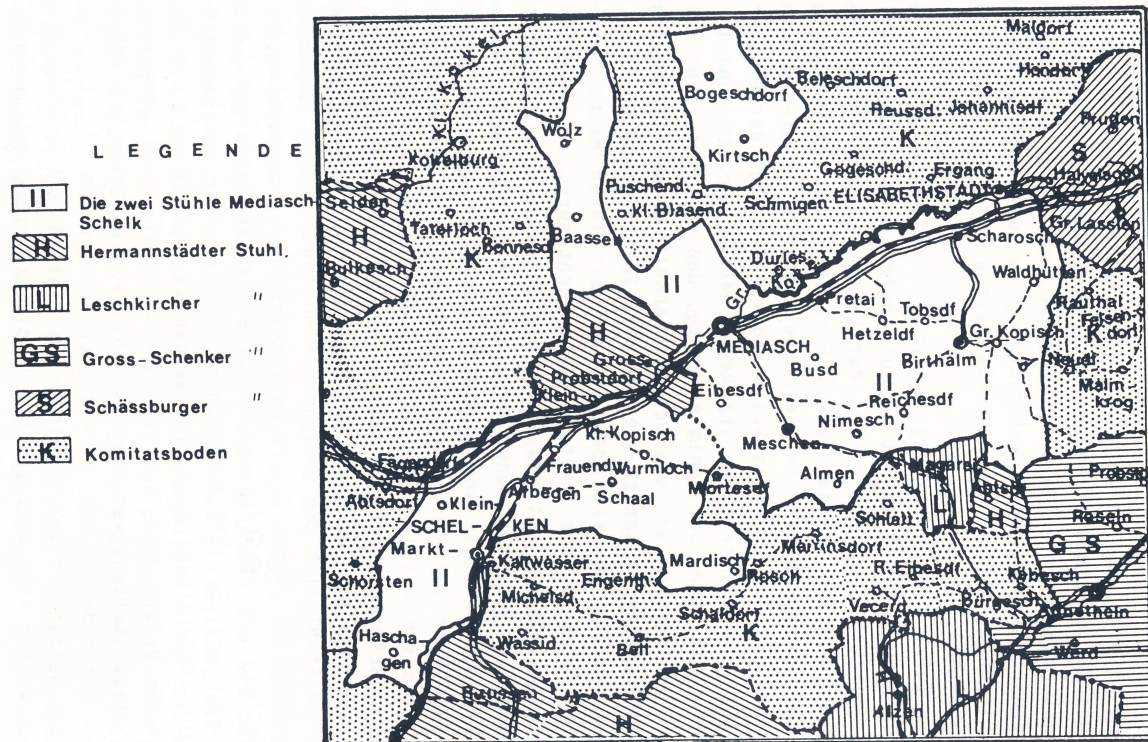
The competition of the communities for influence and prestige continued. Everybody fought to obtain the right for the Annual Fair (Jahrmarkt). Influential men who had advanced through natural talents, industriousness, education, and special skills, into higher positions used their reputation and wealth not only for their own gain but also to serve the community, their homeplace.

In a document issued on the twelfth of March, 1455, King Ladislaus V granted the right to hold an Annual Fair (Jahrmarkt) scheduled for the day before and after the day of Bartholomäus, on the 23rd and 25th day of August every year, to the community of Grosskopisch. The first day was reserved for the cattle market, the second for trading general goods. Likewise he granted the community the right to hold a weekly market (Wochenmarkt) every Monday. This took place as it is written in the Latin document:

"In response to the urgent, forever subservient and pleading request by our faithful and honorable man, Nikolaus de Kapus, Archdeacon (Archdiakon) from Kokelburg, Canon (Kanonikus) of the church of Weissenburg in Siebenbürgen, Pronotar of the Hungarian Court Office (Hofkanzlei), chaplain of the Royal Court of our majesty on the one hand and the person of our faithful judges, the jury, and further to all members of our community of our village in the property of our royal Kapus, in our region of Siebenbürgen, as well as to the use and pleasure of that region of Siebenbürgen and the residents of the named village."

The Annual Fair for cattle took place until 1962. At that time the compulsive collectivization of the agriculture was pushed through which, among others, caused the Romanian farmers lose their cattle. Two years later the annual market for cattle ceased to exist. The seasonal market for goods already had not been scheduled for quite some time. The craftsmen, mostly Saxons, who had been offering their products at the fairs until then, had been forced to give up their private places of business several years before. They now worked in craft cooperatives, which, for many reasons, did not produce or offer wares for the free market. It used to be a tragic-comical sight, when, at the end of the fifties, a rickety cart drawn by a weak, scruffy horse, drove up slowly the village street. On it an old woman sat next to the driver. On the wagon were some wooden planks, a tent cloth, and several cartons. The wagon stopped under the village Linden tree. Within minutes time a small vending place emerged with gingerbread cookies and other sweets. It was still the time of school holiday and in an instant a small group of children surrounded the woman and marveled at the exhibited treasures, until the woman admonished them: "Go home, children. Ask your parents for a few Lei, so that you can buy for yourself something from me! Today is the day of the Annual Fair in Grosskopisch." The children did not know this. So quickly things of this world are forgotten. Two hours later the place under the Linden tree was empty. The tent was folded up and on the street to Waldhütten, the cart left a sparse cloud of dust. This had been the last Annual Fair...This too was a sign that a new time had arrived, not a better one.

The residents of the Two Chairs engaged themselves not only politically for the same rights that residents of the Seven Chairs enjoyed but also aimed at obtaining the same and equal rights pertaining to religious matters. Residents of the Seven Chairs had united themselves into church parishes, like in the old home place, and had all the rights granted to them in number 5 of the Golden Charter from 1224. This also meant the free election of priests and their appointment through the Dechant, who also exerted supervision of the community. Their priests obtained the Tenth without deductions. In the other chapters, which formed later, until approximately 1400, the bishop of Weissenburg claimed the supervisory rights. He performed this right not alone but delegated the task in part to the Archdiakon. The bishop was entitled to receive three quarters of the Tenth. From this the Archdiakon received a portion, or, he demanded arbitrarily from the clergy themselves. Such travels of inspection resembled hostile raids.



DIE ZWEI STÜHLE