

Theses of doctoral (PhD) Dissertation

**THE FUNCTIONING OF THE COUNTY IN MEDIEVAL
TRANSYLVANIA
(EARLY 14TH CENTURY–1540)**

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I. AIMS OF THE DISSERTATION, DEFINITION OF THE SUBJECT

The aim of this dissertation is to overview the functioning of Transylvanian county authorities from the early 14th to the mid-16th century. The term Transylvanian counties includes the seven counties (Lat.: *comitatus*) which were placed in the 13th century under the authority of the royal official appointed as the head of the province, the Voivode of Transylvania.

The periodization of the history of the counties is not always identical with the periodization used in political history. The changes in the institution of the county ended by the early 14th century, leading to the “nobiliar” county, which took the place of the former “royal” counties, as termed by earlier scholarship. The beginnings of the “nobiliar” county were marked by the appearance of the judges of the nobles (Lat.: *iudices nobilium*; Hung.: *szolgabíró*) at the county courts and of charters issued by the county authorities. The earliest county charters issued in Transylvania all date to the first third of the 14th century.

The next transformation was brought about neither by the lost battle of Mohács (1526), nor by the Turkish occupation of Buda (1541) (at least not directly), but by the new political framework, the lengthy process of the formation of the Principality of Transylvania.

The upper limit of my investigation is 1540 – although at times I will also refer to some later – especially archontological – evidence. On 22 April 1540, the Estates of Transylvania assembled at Torda (Ro.: Turda) and codified the operating procedures of the Transylvanian counties and brought some decrees to partially modify it. Although some of these measures remained on paper, they signify the beginning of a new stage in the development of the county, all the more so as such a kind of codification valid just for Transylvania had been unknown before. The text of the decree contended that the county *comes* (Hung.: *ispán*) continued to be appointed by the Voivode of Transylvania, but the *vice-comes* (Hung.: *alispán*) would no longer be appointed by the *comes*, but elected by the county nobility. While this was a clear sign of change, it only marked the first steps in transforming the counties into “local governments”, which was yet another new stage in their development. The post-1540 development of the counties happened then in the framework of the Transylvanian state in formation, also witnessing, from 1556, the beginnings of a more regular legislation to settle the functioning of the Transylvanian counties. The evolution of this institution after the mid-16th century is part of early modern history.

After the monograph of József Holub (1885–1962) published in 1929 about the history of Zala county, the researches on the functioning of the nobility county came to a long-lasting halt.

However, during the last 15 years, this topic has seen a new wave of interest and significant new results. As opposed to the long-standing unquestioned earlier opinion, the medieval county is no longer seen as an institution of “nobiliary autonomy”, but a territorial governmental unit of the central power, an executive body. It has also become clear that there were marked differences and particular features that distinguished the seven Transylvanian counties from the other counties of medieval Hungary. In what follows, I will present the specificities of the Transylvanian counties, and only refer to the general aspects of the functioning of the counties as much as it is absolutely necessary.

This work presents the Transylvanian county authority and county court and examines the role of the counties in tax collection and the execution of the orders of the central power, and their military duties.

The sources of the investigation are the charters issued by the counties examined, as well as the written orders of the king, the voivode and the vice-voivode addressed to the counties. I intended to collect all the sources issued from the beginning of the 14th century until the late 1540s, but I managed to collect the full number of sources only for the period before 29 August 1526, mainly based on the pre-1526 collection of the National Archives of Hungary, to a lesser extent the medieval database of the Romanian National Archives, and my own archival research before the times of massive digitalization. I tried to collect all archontological and prosopographic data relevant for this subject matter as well (the results are included into the annexes). Like in the case of any other medieval institutions where the “official” archives had not been preserved, the history of the office itself has to be reconstructed from the biography and careers of the office holders and their sequence in a given office. Based on earlier scholarly research, I also examined how the institution of the county worked.

II. THE COUNTY MAGISTRATES

The *comes* (Hung.: ispán) was a magistrate in each of the seven counties of Transylvania (Inner-Szolnok, Doboka, Fehér, Hunyad, Kolozs, Küküllő, Torda).¹ From the beginning of the 14th century, the Voivode of Transylvania, a royal magistrate heading the area of the seven counties of Transylvania appointed the *comites* from among his *familiares* for a period determined by him, but the *comites* were not always removed when the voivode changed. The previously existing relations of *familiaritas* and the experience gained in the office explains the fact that the same person became *comes* of different counties during his career. In some cases, however,

¹ Ro.: Solnocul Interior, Dăbâca, Alba, Hunedoara, Cluj, Târnava, Turda.

the comes was the *familiaris* of the vice-voivode and not the voivode. The *comites* of Hunyad county in the late 15th and early 16th century were the *familiares* of the owner of Hunyad [Ro.: Hunedoara] castle, were castellans of the castle, and as such, also owed allegiance to the voivode for the defence of the province. The decree of the assembly of the Estates of Transylvania at Torda in 1540 wanted to end the practice of appointing the *vice-comes* by the *comes*, and wanted this to be elected by the county nobility. Sometimes it was the vice-voivode, the voivode's deputy, who acted as the *comes* of a county. In the 14th century, the vice-voivodes were also *comites* of Fehér (*Albensis*) county, their last mention in this office dates from 1406. From 1435 at the latest, the vice-voivodes definitely no longer had the office of *comes* of Fehér county. In the 14th century, the *comites* were also castellans of a royal castle either entrusted to them or belonging to the voivode's honorary estate (Lat.: *honor*) in a neighbouring county. From the second half of the 15th century, the Transylvanian *comites* during their office were only exceptionally castellans of the two castles in the voivode's honorary estate (Küküllővár and Déva; Ro: Cetatea de Baltă, Deva). The majority of the *comites* of the seven counties had estates in Transylvania, but they were not necessarily appointed to hold office in the same county where most of their estates were located. The voivode could even appoint his *familiaris* as *comes* of two counties. In such cases, the *comes* always headed two neighbouring counties; as the known examples show, the usual pairs were Inner Szolnok–Doboka, Doboka–Kolozs, and Kolozs–Torda. A little before the mid-15th century, there were two (or, rarely, even more) *comites* appointed for one county, and this custom prevailed later on as well. It was probably introduced based on an already existing practice in the case of higher dignities. The *comites* are sometimes called *vice-comites*: the name of the office may change, sometimes even in the case of the same person. The “*vice-comites*” may most probably be considered *comites*, except for those rare cases when the *comes* and the *vice-comes* terms appear together in charters. We find no castle owners among *comites*, they had no political role either. Based on their estates, the most often employed families were minor landowners, members of the so-called “county” nobility, who had few estates or lands in one, or rarely two counties. They most often appear in the charters as legal representatives, judges, royal or voivodal delegates. The offices of the *comes* (and the judge of nobles/*iudex nobilium*) were the most accessible for Transylvanian noblemen who chose to hold office, and for many of them this was the only possibility for a career.

The office of *iudex nobilium* (Hung.: *szolgabíró*) was created by royal authority in Hungary in the 1270s, and it was introduced shortly afterwards in Transylvania as well, most probably by the king's local representative, the Voivode of Transylvania. *Iudices nobilium* were mentioned in Transylvanian documentary sources in all counties already in the first decades of

the 14th century; their number settled at two per county. They formed, together with the *comes* (*ispán*) and the county notary (*notarius*), the “authorities” of the “nobiliar” county, as literature calls it. The two *iudices nobilium* were elected by the county nobility from their own circles. Their participation as assessors in the judicial sessions (*congregatio generalis*) held by the voivodes for the Transylvanian nobility can be documented from 1327 up until they stopped in 1412. In addition to judicial activity, they executed orders of the voivode and the vice-voivode as well. *Iudices nobilium* were local smallholders, who did not hold any offices of greater importance, though in some cases became *comites* of their county.

King Matthias’s (1458–1490) law from 1486 created the office of permanent county jurors. The role of the jurors was to conduct investigations, file summons on the orders of the king and the high courts (in Transylvania, on the orders of the voivode or the vice-voivode). They were elected by the *comes* and the county nobility, their number, according to the law, was between 8 and 12. Not long after the introduction of this office, in 1489, a county juror is mentioned in Doboka county. The holding of permanent noble jurors was abolished by King Vladislas II (1490–1516) in 1492, nevertheless jurors are mentioned occasionally even later on in the county charters issued in Transylvania.

III. THE FUNCTIONING OF THE COUNTY MAGISTRATES

In Transylvania, just like in other Hungarian territories, the county courts were usually held in villages of the small nobility or in non-privileged market towns. In case of Inner-Szolnok, Doboka, Hunyad, Kolozs and Küküllő counties, the location of the county court was primarily chosen on the basis of the geographical position and easy accessibility; in addition, in Fehér and Torda counties, the decisive factor was the existence of a vice-voivodal or voivodal court. The court was held every two or three weeks, with the exception of Fehér county, where – at least until the mid-16th century – it was held on the *octavae* of important religious feasts.²

² Places and times of *sedriae*, by counties: *Inner-Szolnok county* (1368–1468: Dés [Dej]; 1470–1509: Vízszentgyörgy [deserted settlement near Széplak/Bunesti], Wednesdays; (1539: Németi [= Szamosújvárnémeti; Mintiu Gherlii], before 1540: Dés), Thursdays. – *Doboka county* (1334–1544: Bonchida [Bonțida] and neighbouring settlements), always Tuesdays. – *Fehér county* (1339–1455: Szentimre [Sântimbru]; 1478: Lapád [Lopadea Nouă] /?/; 1478–1479: Szentkirály [= Enyedszentkirály; Sâncrai]; 1483–1525: Enyed [= Nagyenyed; Aiud]) always the *octavae* of feasts. – *Hunyad county* (1333–1371: Déva [Deva]; 1382–1516, 1524: Barcsa [Bârcea Mare]; 1520–1523, 1528, 1536, 1547: Bácsi [Băcia]; 1531: Pestes [Peștișu Mare]), between 1333–1390 on Wednesdays, between 1395–1536 on Tuesdays. – *Kolozs county* (1312–1355, 1359, 1378: Kolozs [Cojocna]; 1358: Kályán [Căianu]; 1376, 1381–1497: Apahida [Apahida]; 1499–1510, 1530–1533: Kolozsvár [Cluj]; Bács [= Kisbács; Baci]; 1512–1526, 1539–1544: Szamosfalva [Someșeni]), always Wednesdays. – *Küküllő county* (1331: Csávás; 1407, 1416–1439: Kápolna [Căpâlna de Jos/Sus]; 1416, 1448: Kornéltelke [deserted settlement neighbouring Küküllőpócsfalva/Păucișoara, Erdőalja/Sub Pădure and Dicsőszentmárton/Târnăveni]; 1479: Abosfalva [Abuș]; 1478, 1509–1532: Szőkefalva [Seuca]; 1564–: Dicsőszentmárton [Târnăveni]), always Wednesdays. – *Torda county* (1383–1536: Torda [Turda]), always Mondays.

Fehér county's special position goes back to the Arpadian age, when the voivode was sometimes also the *comes* of Fehér county. After the pacification of Transylvania, from 1325 to 1329, the place of the voivodal court – when it did not take place at the voivodal assembly – was Szentimre (Ro.: Sântimbru) in Fehér county, but from 1329 the court was held by the vice-voivode and not the voivode, on the *octavae* of feasts. Since the *comes* of this county was always the vice-voivode, this is where the county court also settled and functioned between 1339 and 1445. Fehér county's *sedria* often took place during the octaval court of the vice-voivode at Szentimre (as long as the vice-voivodes were also *comites* of Fehér county), and the vice-voivode personally attended the county courts. Loránd Lépes of Váraskeszi was the last vice-voivode (1415–1438) who was also the *comes* of Fehér county during his office. All the extant charters from Fehér county were issued at octaves, and trials were also postponed for octaves. The custom of county courts on the octaves outlived not just the moving of the vice-voivodal court from Szentimre, but the office of vice-voivode itself as well. At times, Fogaras (Ro.: Făgăraș; Germ.: Fogarasch) district land also counted as part of Fehér county (e.g. in 1464), but not always. Its territory did not border on Fehér county, only on some of its island-like exclaves and the Saxon seats, as well as Wallachia. There are no charters from Fehér county before 1526 which deal with the affairs of the *districtus*. In 1540, István Majlád, *liber dominus* of Fogaras, went to trial with Sárkány (Șercaia; Schirkanyen; situated in Fogaras district) at the Fehér county court.

Another special case, besides Fehér county, is the functioning of the county court in Hunyad county. Most often in the 14th and 15th century, the office of the *comes* of Hunyad county was held by the castellans of the royal castles of Déva and Hátszeg (Ro.: Hațeg), or of the castles of Déva and Hunyad (1446–1456; 1458). From 1477, the castellans of Hunyad were the *comites* of Hunyad county. In 1482, King Matthias donated the family estate, the Hunyad estate and the castle of Hunyad, which also included the office of *comes* of the county, to his illegitimate son, János Corvin. The castle was inherited by János Corvin's daughter, and then by her husband, Georg of Brandenburg. The *comites* of Hunyad county – and this county alone of all the Transylvanian counties –, at least after 1482 and until around 1530 (probably except for the short period between 1492 and 1493) were thus appointed not by the Voivode of Transylvania but by the owner of Hunyad castle; during this time the *comites* were also castellans of the castle of Hunyad.

Although there is no evidence that the counties of Transylvania were divided into districts in the Middle Ages, in the case of the northern counties extended between the western and eastern ends of the province (Doboka, Kolozs and Torda) it can be observed that one of the two

judges of the nobles were always elected from the “upper” and the other one from the “lower” districts. (However, of districts we only have evidence starting with that we know of from the 17th century.) In these three counties the court tasks were usually also divided so that the territorially “competent” judge, the one with the best local knowledge, would attend to them. Neither the election of the judges from two districts, nor the division of their tasks accordingly can be accounted for in the other counties, the also northern Inner-Szolnok, or Fehér, Hunyad and Küküllő.

Citizens of the free royal towns were exempted from under the jurisdiction of the county court, when the decision concerned a debate between county noblemen and townspeople. Such examples occurred in the town of Kolozsvár (Ro.: Cluj), because – as opposed to the majority of free royal towns like Beszterce [Ro.: Bistrița; Germ.: Bistritz], Brassó [Brașov; Kronstadt], Szeben [Sibiu; Hermannstadt], etc. – it lay on county territory. The market towns owned by the king (like Dés [Ro.: Dej] or Szék [Sic]) were also exempted from the jurisdiction of the county court. The Abbot of Kolozsmonostor (Cluj-Mănăștur) and the Bishop of Transylvania were primarily entitled to conduct the seigneurial court and administered justice to their peasants only in minor cases, but the noblemen who had the right to run blood court could pass judgment in major crime cases and thus they were exempted from the county court.

The Saxons couldn't be summoned to county court even in case of debate with a county nobleman. The county estates (so-called “nobilian” estates) of the Saxon towns and seats were also exempted from the county court, as well as from the taxes that the county serfs had to pay and from military duties. Most royal and voivodal orders however were issued not in the case of court exemptions, but in the case of the exemption from taxes collected in the counties, but this is a clear sign of exemption from the jurisdiction of the county court. Such were the estates of the Seven Saxon Seats (with Szeben as the centre): 1.) The monastery of Egres (Ro.: Igrış; Germ.: Egresch),³ certain estates of the Provost of Szeben;⁴ the parts of estate confiscated from Miklós Salgói;⁵ and the estates of the Abbey of Kerc (Cârța; Kerz);⁶ 2.) Péterfalva (Petis;

³ Csanád (= Szászcsanád; Cenade; Scholten), Holdvilág/Apátfalva (= Csicsóholdvilág; Țapu; Abstdorf), Monora (Mănărade; Donnersmarkt) and Sorostély (Soroștin; Schorsten) (Fehér county) since 1417.

⁴ Nagyekemező and Kisekemező (Kleinprobstdorf, Großprobstdorf; Küküllő county/Szeben seat), Rüş (Ruși; Reussen) (Fehér county) since 1424.

⁵ Bolkács and Zsidve (Küküllő county) also since 1424.

⁶ Apátfalva (= Szászapátfalva; Apoș; Abstdorf), Földvár (Feldioara; Marienburg), Glimboka (Glâmboc; Hühnerbach), Kercisóra (= Sztrezakercisóra; Cârțișoara; Oberkerz), Keresztúr (= Szászkeresztúr; Criș, Deutsch-Kreuz), Kisdísznód (Cisnădioara; Michelsberg), Kolun (Colun; Kellen), Mese (Meșendorf; Meschendorf), Miklóstelke (Cloașterf, Klosdorf). In 1264 the Junior King Stephen exempted the people of the abbey of Kerc from the duty of housing the Voivode of Transylvania and the barons (*descensus*), and ensured that they paid the taxes according to the privileges of the people of Szeben and together with them; in 1322 King Charles I (1308–1342) extended the privilege and annexed Kerc with its estates to Szeben.

Petersdorf) and Rovás (Răvășel; Rosch);⁷ 3.) Talmács (Tălmăciu; Talmesch); 4.) Rukkor (Rucăr, Ruckersdorf);⁸ 5.) Fogaras and Omlás (Amnaș, Hamlesch).⁹ The jurisdiction of the county did not extend over the county estates of the royal towns: Felek (Feleacu) in Kolozs county (estate of Kolozsvár [Cluj; Klausenburg] since 1376), the market town of Radna (Rodna; Alt-Rodna) and the Radna district (estate of Beszterce since 1474/1475), Volkány (Vulcan; Wolkendorf) in Fehér county (estate of Segesvár [Sighișoara; Schässburg] since 1478), Pócstelke ([Păucea; Puschendorf] estate of Medgyes [Mediaș; Mediasch]). The estates of Brassó,¹⁰ unlike those of other Saxon towns, were not intercalated among county territories, although the villages of the estates of Törösvár (Bran; Törzburg) and Hőltövény (Hälchiu; Heldsdorf) were part of the exclaves of Fehér county, placed between the Barcaság (reg. Bârsei; Burzenland) and Fogaras land, and the Barcaság and the Sekler land, respectively.

The most important role of the medieval county was to hold court (*sedes iudiciaria*, or *sedria*). The most important decisions regarding the entirety of the county were taken also at the county court, and at the beginning of the 16th century in the inner parts of Hungary these important gatherings (where, for instance, the judges of the nobles were elected), began to be called county assemblies. Research has claimed that this was a sign of the formation of the county as “local government”. The first assembly, called *congregatio*, was organized in Hunyad county in 1528, at the usual place of the court. (This time, they tried to have the castellan of Hunyad removed from his office, and the county noblemen complained about a tower built by the voivode at Volkány in Hátszeg, and the abuses of the voivode).

In affairs regarding estates (and beginning with the 15th century, in cases involving sums over 100 florins) the county had no jurisdiction, and could not even instate in possession of landed property. The nobleman who was not satisfied with the sentence given at the county court could ask for the relocation of his trial to the vice-voivodal court held at Szentimre (and later at Torda), or in the last third of the 15th century to the voivodal court. However, the voivode was the authority in judging criminal acts committed by noblemen. In the beginning of the 16th

⁷ Péterfalva and Rovás (Fehér county). In 1460 pledged to Péter Veresmarti, royal judge of Szeben, then left as heritage by his wife to the Seven Saxon Seats before 1486.

⁸ The estate of Talmács and half of Rukkor (Fehér county) got into the property of the Seven Saxon Seats in 1453.

⁹ Fogaras *districtus* (which was occasionally considered part of Fehér county) and Omlás were donations of King Matthias to the Seven Saxon Seats (1469, 1472).

¹⁰ Tohán (Tohanu Vechi; Alt-Tauchen), Zernyest (Zărnești; Zernescht) (since 1409, in several stages, estates of the Virgin Mary parish of Brassó), Újfalu (= Barcaújfalu [Satu Nou, Neudorf-Burzenland]) (since 1462), Sárkány, Mikefalva/Páró (Părău; Berau/Mikesdorf) (since 1471), Pürkerec (Purcăreni; Purchuressen), Zajzon (Zizin; Zaisendorf), Tatrang (Tărlungeni), Hosszúfalu (Satu Lung; Langendorf), Szentmihály (Cernatu, Michelsdorf), Türkös (Turcheș; Türkeschdorf), Bácsfalu (Baciu; Batschendorf), Krizba (Crizbav; Krebsbach), Apáca (Apața; Geist; the estate of Törösvár, since 1498).

century, according to legal theorist Stephen Verbóci, only the trials exceeding the value of three florins could be appealed from county courts to the voivodal court. The decree of the Estates of Transylvania issued at Torda in 1540 stipulated that the cases of noblemen which were fined with a fee over 12 florins must be relocated “to the Diet, that is, the assembly of noblemen” for “supervision and a more thorough debate”. From the voivodal court the cases could be appealed to the royal curia, except for four acts of might, in which cases – according to the decrees of King Vladislas II – the voivode had the jurisdiction.

There are hardly any other specific ways of functioning of the county court apart from those said above. The same customary law was applied all over the entire country, in Transylvania as well. Summoning with a seal is unknown in Transylvanian counties; the judge of the nobles or a county representative never summoned or conducted inquests in the presence of a witness of a place of authentication. Trial-by-combat as a form of proof was practised until very late, the mid-15th century in county courts, although on very rare occasions. The decree from 1540 of the Estates of Transylvania preserved several minor details of the legal procedures of the county not known from other sources.

Transylvanian counties, just like elsewhere in the country, also conducted inquests or executed orders of high courts. The jurisdiction of the Judge Royal did not extend to Transylvania: the county nobility of the province fell under the sole jurisdiction of the voivode. Only exceptionally, at a time when the office of the voivode was vacant, did the Judge Royal and not the voivode order an investigation in Kolozs county in 1498. The majority of orders instructed for the so-called simple inquests.

From the mid-15th century the counties also had the duty to bring back escaped serfs (before that they only recorded the objections in the matter). However, they did not proceed independently, but by orders of the voivode (or more rarely of the king). According to the decree from 1540 of the Estates of Transylvania, a county representative could not bring back an escaped serf, this was the duty of the judge of nobles alone.

Affairs of the most diverse kinds could be brought before the county court – just like before the places of authentication; the charters issued about these are labelled following the labels of the charters with the same subject of the places of authentication. Since they did not have an authentic seal, the counties could not take the place of the two Transylvanian places of authentication (the Transylvanian Chapter in Gyulafehérvár [Ro.: Alba Iulia] and the convent of Kolozsmonostor).

The Transylvanian counties started to issue charters at the beginning of the 14th century with the formation of the county magistrate (1305/1331: Doboka; 1312: Kolozs; 1320: Fehér;

1325: Inner-Szolnok; 1331: Küküllő; 1333: Hunyad; 1335: Torda). The first mention of a county notary in Transylvania dates from 1423. The notaries originated from the same stratum of the smaller nobility (which the literature calls county nobility) as the judges of the nobles. Sometimes the same person held the office of notary of two neighbouring counties. Apart from the fact that the charters were issued in the name of the entire county magistrate, that is the *comes* or the *vice-comes* and the two judges of the nobles, the charters issued by Transylvanian counties followed the practice of the inner Hungarian counties. The two judges issued charters without the *comes*, but they did not hold court individually. If there were two or more *comites* in office simultaneously, one of them was enough to hold court, and although the *intitulatio* of the charters lists all of them, such charters are only sealed with three seals. The county issued charters concerning general affairs of the entire nobility in the name of the *universitas*. The earliest such charter from Transylvania dates from 1467 (in which they tried to transfer the task of the execution of a sentence to the voivode), but the next one only dates from 1497, and their number only increased gradually from the early 16th century on. Research has assessed the appearance of charters issued in the name of the county nobility as a sign of the transformation of the county into a local government institution.

Another sign of the formation of the county as local government, or in other words the formation of the “county autonomy”, would be the introduction of the county seal and the county protocols. Literature claims that Hunyad county had a circular seal with the inscription COMITATUS HUNIAD[IENSIS] AN[NO] 1490. However, there is no evidence of its medieval use. The charters issued in this county, until the mid-16th century and, according to sporadic sources, even the late 16th century, were sealed by the two judges and the *comes*. The county used indeed the above mentioned seal in the 17th century, but the circumstances of its making are unknown. A county protocol is only known from a copy of a 1494 charter issued in Torda county, which claims that an earlier charter about a pledge was later transcribed from a protocol. However, the existence of this pledge is highly doubtful based on contemporary data concerning the history of landed estates. Our evidence shows that the regular use of court protocols in Transylvania only started much later, in the second half of the 16th century.

Documents issued by county courts in medieval Transylvania sporadically mention a representative (*nostrum hominem*) who, in the course of legal procedures, was sent out by the county in order to carry out certain inquests on their behalf. This representative would witness and certify the performance of certain actions, such as settlements between litigants, requests for compensation, taking oaths, or appointments of legal representatives. He could also summon defendants to court on behalf of plaintiffs. He accompanied the judge of the nobles (*iudex*

nobilium) when commissioned by the county court to carry out inquiries or hearings of witnesses ordered by voivodes or vice-voivodes. On such occasions, the representative of the county appears in a role very similar to that of the trustworthy man sent by the places of authentication. This representative of the county was not a permanent member of county authorities (permanent members were only the *comes/ispán* and the two judges). According to the decree from 1540 of the Estates of Transylvania adopted at Torda, the representative of the county was chosen by the plaintiff (and not by the judge of the nobles) to investigate minor cases. He was to carry out a commission when the judge was either too busy to do it personally or the distance between the judge's home and the place of inquiry was too great.

IV. COUNTIES AS EXECUTIVE BODIES OF THE CENTRAL POWER

Counties were the executive bodies of the central power as well: they promulgated the decrees of the Voivode of Transylvania, the representative of the royal power, and enforced them, they participated in preserving the order, collecting the royal taxes, and put together the county's banderial army.

At the provincial assembly of Transylvania, the county promulgated the measures regarding military campaigns, or the decrees of the voivode (e.g. by which he prohibited the export of certain merchandise) at the county courts. The *comes*'s task was to find and punish thieves, robbers, counterfeit money makers, and other rogues. In 1514, they had to seize instigators (whose punishment could even be death).

The counties also had the task to collect the state (royal) taxes. The direct state tax of the serfs, the chamber's profit (the *lucrum camerae*), was collected from 1336 onwards also in Transylvania with other local taxes; however, King Louis I (1342–1382) exempted the Transylvanians from paying these in 1366. So far we only have fifteenth-century data on the collection of the so-called courting money (*pecunia udvarnicalis, denarius udvarnicalis*) in the Transylvanian counties for the upkeep of the delegates sent by the Transylvanian nobles to the royal court. When in 1467 King Matthias introduced the *tributum fisci regalis* instead of the *lucrum camerae* and wanted to collect it in Transylvania, an uprising broke out. After its fast repression, however, only the one-florin tax was collected with growing intensity. The collection of the taxes of the counties was supervised by the leading officeholder, the voivode (and his deputy, the vice-voivode), and the tax money was kept by the treasurer. The tax collectors were noblemen chosen rarely from the same county, or most often from more distant counties, just like in other parts of the country. The settlements which belonged to any of the privileged towns

(Koložsvár, Beszterce, Brassó) or to the Seven Saxon Seats, were exempted from the jurisdiction of the counties, and did not pay the taxes collected by the counties. Sources connected to tax collection do not mention whether the counties were divided into territorial subunits, districts, and in case they were, whether these played a role in tax collection.

The estates under Saxon jurisdiction which lay on county territory were exempted from the jurisdiction of the counties not just in legal matters and tax paying, but also with regard to military duties. Inhabitants of these estates had to join the armies of the Seven Saxon Seats and not the counties, they had the same military duties as the privileged Saxons. Similarly, the Saxon “nobles”, who had county (that is, “noble”) estates, could be exempted from military duties by royal privileges.

The military structure applied in Transylvania not only in the Angevine age but also until the end of the Middle Ages was based on a system of *honors* (the system of royal appointments into highest offices) and the voivode was the military leader of the troops recruited in the counties under his jurisdiction. There is no evidence that King Sigismund’s (1387–1437) decree that the noblemen had to send one archer for every twenty serfs on their own expense was applied in Transylvania, as both the nobility and the serfs had already taken part in military defense at a larger scale than elsewhere in the country. In 1434, Küküllő county only tried to collect the courting money in Bolkács (Bălcaciu; Bulkesch) and Zsidve (Jidvei; Seiden), two of the estates of the town of Szeben located on county territories. At this time, the counties had not yet collected taxes for banderial army. If such a tax had existed, the tax collectors would have tried to collect it also from the county estates of the towns, as they later often did.

The county troops marched under the banner of the voivode, and went to war led by the voivodes (as proved by the orders regarding the county troops sent by the king to the voivode, and by the voivode to his vice-voivodes and the counties of Transylvania). However, it seems that only the poorest noblemen (called on one occasion “estateless nobles”) fought in county troops. The wealthier ones joined the services of higher officeholders as their *familiares*.

Since 1463, the county *comites* were responsible for the recruitment, and the counties announced the order summoning the nobility to war. The counties supervised whether the noblemen followed the orders, as also proved by voivodal (or vice-voivodal) exemptions and orders addressed to the counties (1471, 1480, 1487, 1512, 1519). The county troops – according to the few concrete sources – were used in the neighbouring territories of Transylvania (against the Turks, in Southern Hungary or in Wallachia).

V. PARTICIPATION AT PROVINCIAL ASSEMBLIES

Transylvanians occasionally took part in the Hungarian Diet. The exact composition of the occasional Transylvanian delegations sent to the king is only rarely known. In the 14th and the beginning of the 15th century (until 1412), it was usually the voivode who organized general assemblies (*congregatio generalis*) for the Transylvanian nobility at Torda. This assembly was primarily the location of the voivodal court, but it also discussed general matters regarding the province's affairs. In the 15th century the Estates organized provincial assemblies several times, where the delegates of the Saxon and Sekler Seats also took part besides the nobility. The names of the delegates of the three Estates (the county nobility, the Saxons and the Seklers) are usually not known. The delegates were elected in every county, the county representatives were invited by the voivode to the assembly.¹¹

In the light of the above, the Transylvanian counties did not differ significantly from those in Hungary proper. However, the fact that the county administration did not extend to the privileged Szekler and Saxon seats, to the provinces of Beszterce and Brassó, and to Fogaras, gave a particular colour to the development of Transylvania. The free royal towns or the privileged but scattered estates of the Seven Saxon Seats in the counties caused local conflicts, mainly because of tax collection, but not the insignificant islands of Fehér county in the Saxon and Szekler seats, because the land acquisitions of the Saxon towns and the Szekler nobles were not primarily aimed at these areas. For the Szekler noblemen who had acquired a county estate, it was precisely the possession of noble rights that was an advantage, and therefore the extension of Szekler privileges to county estates (as opposed to the county estates of the Saxon towns) did not even arise.

The Transylvanian counties were always part of the Transylvanian voivode's honor, and the Transylvanian *comites* were the voivode's appointees, low-status *familiares*. They were never political figures and, by virtue of their position, could never become so; in the period

¹¹ Only some of these voivodal invitation letters are extant. In 1478, Voivode Péter Geréb of Vingárd summoned the noblemen of Doboka county by name, to appear in person at the council in Kolozsvár, where the nobility of all Transylvanian counties would be represented. In 1502, Voivode Péter Szentgyörgyi ordered the noblemen and any other landowners of Torda county to come to Enyed, where he would summon the Diet (on the king's orders), and where the representatives of the other counties would also be present. In 1511, Voivode János Szapolyai ordered the nobility of Hunyad county to send their delegates to Torda, because he wanted to talk to them. The Transylvanian Diet gathered at Torda on 29 March 1542 decided that the county nobility should send one envoy for each county to the Diets. At the same time, he also elected a council for the locum-tenens, and the counties were represented by a council member. The names of the council members representing the counties prove that the counties were not necessarily represented in the council by the *comes*, but to hold office as one was not a reason for exclusion; László Mikola is the only council member we know of who was at the same time the *comes* of Kolozs county (1530–1536, 1540–1549).

discussed, the only one from Transylvania to have a place in the list of dignitaries of royal charters was the voivode. While the appointment or replacement of a voivode with a considerable military power and control over a large territory was a matter of domestic policy, the appointment of the *comites* of the counties or of the castellans of the Transylvanian royal castles was not, because they were exclusively in the hands of the voivode. The *comites* of the Transylvanian counties had no direct contact with the royal court or with any other baron than the voivode (with the exception of the barons who were sent to Transylvania for days or weeks at a time to settle a specific matter) and thus had no court connections. In Hungary proper, the holders of certain baronial offices were also given the title of *comes* of one or more counties, but they did not participate in the life of the county, this function being performed by the *vicecomites* appointed by them. However, the Transylvanian *comites* were always present in their county and carried out the minor tasks of their office themselves, the most important of which was presiding over the *sedes iudiciaria*.

ANNEXES

The dissertation has several annexes: 1.) A list of judges of nobles holding office at the same time (by early modern districts) and their duties; 2.1.) Duties of the county representatives (a chronological overview); 2.2.) A list of county representatives known by name (an alphabetic list); 3.) Vice-voivodal octaval courts held at Szentimre at the same time with the Fehér county court; 4.) Octaves of the Fehér county court; 5.) The 1494 charter which mentions the alleged county protocol; 6.) The archontology of the Transylvanian counties from the early 14th century to 1540 (mentions of the *comites* and the period of their office holding, and mentions of the judges of the nobles and county notaries); 7.) Prosopographical database of *comites*, judges of the nobles and notaries. A map presents the estates which were exempted from royal taxes collected by the counties. The last annex is a facsimile of the charter issued in six identical copies in Hunyad county in 1547.



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