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**THE FORMATION OF THE ROMANIAN NOBILITY FROM THE
BANAT (14-15TH CENTURIES)**

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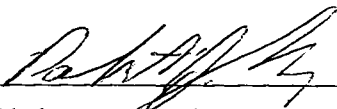
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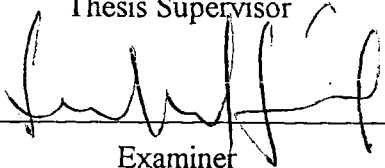
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Chapter I.

I.1 Introduction

Investigations of the Romanian nobility in general has produced in the last two decades important important scholarly works. Modern research of this topic started more than thirty years ago with the studies of historians like Maria Holban and Radu Popa, and continued with researches conducted by younger historians from Cluj, such as Ioan Aurel Pop, Ioan Drăgan, and Adrian Andrei Rusu, and from Bucharest, Costin Feneșan and Viorel Achim. In general the studies covered the evolution of the Romanian elite in Transylvania and the areas of medieval Hungary inhabited by Romanians such as Maramureș and the Banat.

The history of the Hungarian nobility was also a favourite topic of research for recent Hungarian scholars such as Erik Fügedi, Pál Engel, Jenő Szűcs and many others, who by their writings have reached valuable results concerning this topic. In the last decades the interest in studying the history of the elites, and particularly that of the nobility, was present in almost all schools of historical study in Europe.

The history of Romanian nobility from the Banat represents a topic related to the evolution of the Romanian elite in Hungary in the Middle Ages. This study was began in the last decades of the last century by the Hungarian historian Frigyes Pesty who published large amounts of documents regarding the history of Timiș and Caraș counties. Soon Romanian historians approached this subject from different perspectives, and the source collections published by Eudoxiu Hurmuzaki and N. Densușianu included also the documentary material from the Banat. Studies about the history of different noble families from the Banat and the history of the eight privileged districts were written in the inter-war period. After the World War II the study of the elites' history was seriously impeded by ideological limitations. The studies concerning the Romanian elite were continued in a scholarly manner by very few historians (Radu Popa, Maria Holban, and others), afterwards at the beginning of the 80s by a new generation of medievalists from Cluj. The main area of studies was the Romanian cnezial and noble society of the Hațeg district. At the same time

studies were also pursued concerning Romanian elites living in the Banat, Maramureş, Hunedoara county, and so on.

In this thesis I will focus on the process of formation of Romanian nobility by analysing records from the second half of the fourteenth century and first half of the fifteenth one. An essential source for the history of this group is represented by the royal charter which confirmed the privileges of the eight districts from the Banat in 1457; its analysis is included in the first chapter and it constitutes the starting point for a regressive examination. In the subsequent chapters I will analyse donation charters for Romanian nobles and *cnezes* and pursue the details concerning the process of ennoblement of the *cnezes*.

According to the narrative sources, (The Hungarian Anonymus and the Legend of Saint Gerard), the region of the Banat, was gradually conquered and incorporated in the Kingdom of Hungary. The Romanian elite from the Banat, the *cnezes*, appears in the diplomatic sources at the beginning of the fourteenth century, being more and more often mentioned in the later periods. Since the focus of this thesis is the evolution of the *cnezes* toward noble status, the issue of their origin, does not seem necessary to discuss here.

The *cnezes* represent the traditional elite in all territories inhabited by a Romanian population (called in medieval Latin sources *Walachi*, *Olachi*). Differences appeared within this class because of the subjection of many of them to Hungarian landowners in the thirteenth and fourteenth centuries. Numerous *cnezes* are mentioned as subjects living on the noble domains in Transylvania and other regions. Thus only in regions where the domain of the royal fortresses was preserved, did a class of free *cnezes* survive. These regions were the mountainous part of the Banat, the region of Haţeg and Hunedoara county, Maramureş, and Făgăraş. The evolution of the elite of these regions was to some extent similar. Many of the *cnezes* from Maramureş acceded to noble status in the fourteenth century. Due to their geographical proximity and similarity of status of the regions, the evolution of the *cnezes* from the Banat and Haţeg was identical: the process of ennoblement

started after the mid-fourteenth century and ended approximately at the mid-fifteenth. The cnezes from the Făgăraș region, held for a long time as fief by the princes of Wallachia became boyars.

1.2 The privilege from 1457 and the *nobiles Valachi*

On 29 August 1457 two noble representatives of the Romanian cnezes and nobles from eight districts of the Banat¹ went to Vienna to King Ladislas V Posthumous, asking for and obtaining a charter for a global confirmation of all their previous privileges.² This charter was intended not only to confirm old privileges, but also to restore some liberties negatively affected during the preceding decades. This action was the result of a moment of solidarity amongst an already privileged group struggling to restore and to secure its status and position. This surviving document represents the clearest proof of the existence of the Romanian nobility from the Banat as a social group. Its analysis is crucial for understanding the formation of the social group called *nobiles Valachi*, a process which was concluded before 1457.

The confirmation was justified by the faithful services performed during the wars against the Ottomans and thus it appears as a recompense of the king for military services. Under a generic formulation comprised in the first article of the privilege the king confirmed and promised to maintain and preserve:

...each and every privilege of these same Romanians and cnezes drawn up concerning any of their liberties, prerogatives, and rights as if [these were] inserted in the present charter word by word, under the same conditions, obligations, and services under which these same [privileges] have been issued and granted to them by our predecessors the kings of Hungary....³

¹The names of the eight privileged districts from the Banat are: Lugoj (*Lugas*), Sebeș (*Sebes*), Mehadia (*Mihald*), Almăj (*Halmas*), Carașova (*Krassofw*), Bârzava (*Borzafw*), Comiat (*Komiathy*), and Ilidia (*Illyed*). A discussion about these districts in the second chapter of this thesis.

²Frigyes Pesty, ed. *A Szörény vármegyei hajdani oláh kerületek* (The former Romanian districts from county Severin) (Budapest: M. Tud. Akadémia, 1876), 73-5. (henceforth quoted *oláh kerületek*).

³Ibid., "...omnia et singula eorundem Valachorum et Keniziorum privilegia, super quibuscunque eorum libertatibus, prerogatiuis et Juribus confecta, ac si presentibus literis nostris de verbo ad verbum inserta essent, sub illis tamen condicionibus, oneribus et servitutibus, quibus eadem emanata et per predecessores nostros Reges Hungarie ipsis concessa sunt, Autoritate Regia pro eisdem nobilibus Valachis et Kenezys ceterisque Valachis presentibus scilicet et futuris perpetuo

The reference to earlier privileges concerning "liberties, prerogatives, and rights" needs a closer examination. A discussion of the meaning of these terms in medieval Latin-Hungarian charters, crucial for the clarification of the development of the Romanian nobility, will follow the analysis of the whole charter.

The second article, resulting most probably from a special request of the supplicants, comprises the decision of the king that from that moment on no possessions or villages within the eight districts shall be granted to extraneous persons (*aliqui extranei* refers to persons originating outside the group).⁴ This provision reflects the supplicants' intention to close the circle of those who possessed land inside the territory of the eight districts. It was limited in its effectiveness by the following provision, by which the king preserved a certain possibility to grant possessions to foreigners insofar as the king limited the range of possible recipients only to those who shall be seen as deserving. Certainly, the goal of the supplicants was even to stop completely the access of outsiders to landed properties within the territory of the eight districts and consequently to preserve the land exclusively for the local owners.

It appears that this provision was motivated by the improvement of the services performed in the defence of Danube fords, which would result from the "strengthened" union of the Romanian nobles and the cnezes. The common goal of both groups, performing now their services in a "union," was to remove the threat of losing their estates to outsiders. It is obvious from the formulation of the article that the king partially agreed to their request in order that they would continue "in a better way" to perform their defensive tasks. Their request reflects the fear of being dispossessed, and along with the confirmation of their old privileges, they asked for another royal guarantee that no outsider shall receive landed properties in their

valitura, roboramus et confirmamus, eosque in unum quemque eorum sicuti maiorem, sic et minorem in omnibus huiusmodi eorum libertatibus prerogativis et Juribus manutenere et conservare promittimus... " (Translation mine).

⁴Ibid., "...Et nihilominus ut ipsi Nobiles Valachy et Kenezy firmata inter se unione dicta servicia nostra et Regni nostri in tuendo vado Danuby eo melius continuare possint, decrevimus a modo in posterum in prefatis octo districtibus nullo unquam tempore alicui extraneo possessiones et villas donare, nisi illis qui bene meriti propter eorundem servicia videbuntur."

districts. This confirmation in itself suggests the reaction of a threatened community attempting to defend its interests. It may also be a reaction to some actions which were perceived by the supplicants to be dangerous for the community. Indeed they can be only associated with the policy of John Hunyadi in the Banat, which must have been perceived as contrary to the interests of the local elite. The next two articles, the third and the fourth, are concerned with similar problems, the analysis of which will demonstrate the cause of the whole charter.

Although distinct from one another, the two articles are logically connected. In the third one the king promised that the eight districts shall never be separated again, nor any one of them shall be donated to someone, and that they shall be maintained and preserved together by himself, as they used to be held by the former kings of Hungary. The fourth article concerns the restoration of the status of one district. King Ladislas decided to annex and rejoin the district of Comiat to the other seven, which formerly had been pledged by King Sigismund to John Hunyadi and afterwards reclaimed by the inhabitants themselves from Hunyadi. Also, this district was to enjoy the same privileges as the other seven, and to be considered as being "from their body."⁵ In fact, these two articles refer directly to actions in the near past which gravely affected the customary order of one of the eight districts. Fortunately, there is some supplementary information about the episode of pledging the district Comiat,⁶ which is helpful for establishing the chronology of events. In 1435 and in

⁵Ibid., "...Et quod huiusmodi octo districtibus ab invicem non separabimus, nec aliquem ex eis alicui donabimus, sed Sacre Regni nostre Corone sicuti predecessores nostri Reges, sic et nos quasi simul iunctos tenebimus. Imo prefatum districtum Komyathy, qui per quondam Serenissimum Principem dominum Sigismundum Romanorum Imperatorem ac Hungarie etc. Regem, Auum nostrum charissimum quondam Joanni de Hunyad alias eiusdem Regni nostri Hungarie Gubernatori impignoratus, ac per incolas eiusdem Districtus ab eodem redemptus esse perhibetur prefatis septem Districtibus iterum anectimus, decernendo a modo deinceps, sicuti aliquem alium ex ipsis Districtibus, ita et ipsum districtum Komiathy de corpore illorum districtuum esse, atque uno et eodem privilegio cum illis gaudere... "

⁶The king Sigismund had pledged the district Comiat to John Hunyadi twice. The first time was in June 1435 for the sum of 1500 florins, when he gave as collateral the town Comiat with its district and with the incomes and utilities of the villages of the *cnezes* pertaining to the town and the district: "Opidum nostrum Komyathy vocatum, cum toto Districtu similiter Komyathy, necnon villis Kenesys obuencionibus utilitatibusque et pertinencys ad Idem Opidum et Districtum prenotatum spectantibus et pertinentibus", Idem, ed. *Krassó vármegye története, III (Oklevéltár)* (The history of the county Caraş. III Diplomatarium) (Budapest: Az Atheneum R. Társ. Könyvnyomdája, 1882), 351-2 (henceforth quoted *Krassó*); The same district was pledged again by the king on 21 september

1437 the district was pledged, and as a consequence John Hunyadi became its actual owner, enjoying its incomes and complete rights of lordship until the borrowed sum of money was paid back. Along with the customary obligations owed by the district to its lord, the burdens became even heavier when the elites of the district, the nobles and the *cnezes*, paid back the whole pledge sum of 2750 florins. This transfer of property from the king to a magnate was most probably perceived by the elite of the district almost as a subjection, and certainly as a serious limitation of their former liberties. Unfortunately, there are no records available concerning the relations between the district and Hunyadi after he effectively became its owner, but the conditions must have been grave if the local elite decided to pay back the king's debt in order to eliminate any subjection to a magnate. The infringement of their status was even more serious when we consider that in the same period John Hunyadi enjoyed his greatest political power. The customary order of the district seems to have been restored only after his death in 1456 and after the defeat of the party of the Hunyadis in 1457. In the light of these circumstances the formulation of the third and the fourth articles, about the royal promise that the eight districts shall not be separated nor donated again, is more understandable. This promise is immediately followed by the restoration of the status of the district Comiat which was re-annexed to the other seven districts and granted the same privileges.

The next two articles of the privilege comprise regulations regarding the jurisdiction and judicial procedure of the nobles and the *cnezes*.⁷ In these articles the king approved the principle that only their *comes* can judge the Romanian nobles and the *cnezes*, and that in case of dissatisfaction with his judgement they had the right to

1437 to both brothers Hunyadi for the sum of 1250 florins, under the same conditions encompassed in the previous pledge; see the document in Idem, *oláh kerületek.*, 66.

⁷Idem, *oláh kerületek*, 74, "...Preterea annuimus eidem Nobilibus Valachis et Kenezys ut nullus eos iudicet preter Comitem eorum pro tempore constitutum, cuius iudicio si non contenti fuerint, ad Iudicem Curie nostre, et dehinc in nostre Maiestatis personalem presenciam possint et valeant causas eorum provocare. Volumus insuper quod Comites eorum vel Vicecomites pro tempore existentes, in exigendis Byrsagys et Iudiciorum grauaminibus Equum leporarium, Arma et Aves convictorum vel convincendorum auferre non presumant, nec aliter pro exactione huiusmodi Birsagiorum, nisi sumpto secum Iudice nobilium eorundem Valachorum exire valeant modo aliquali."

bring lawsuits before the royal judge's court and finally to the court of special royal presence (*personalis presentia regia*). Moreover, the powers of the *comes* and the *vicecomes* were limited by the subsequent article of the charter concerning the exaction of fines and judicial fees. The king prohibited the taking of "the war-horses, weapons, and falcons"⁸ from those condemned or those who were to be condemned. Moreover, the royal officials were not allowed to exact any fines in the absence of the noble magistrate of the Romanian nobles.

In these articles there are several elements characteristic of the noble status and noble privilege worthy of note. Although jurisdiction over the nobles pertains to the local royal official, the *comes*; the privilege of appeal to the highest judicial courts of the kingdom is typical for the nobility; the limitation of the power of the royal officials, who could only exact fines when in the presence of the noble magistrate, seems to result from the principles of the judicial autonomy of the county nobility.⁹

Characteristic more specifically for the Romanian nobility of the Banat is the provision concerning the exemption from fines exaction of war-horses, weapons, and falcons. It is quite remarkable the importance given to excluding particular items from seizure. Most probably they were important for the Romanian nobles¹⁰ not only for their high financial value, but more than that, for their social significance: for their owners they represented the sign of higher social standing, and no one, not even the king's official, could deprive them of these marks of prestige.¹¹

⁸The archivists of the Hungarian National Archives translated "*leporarium*" as "grey hound" (*leporativum*), see the abstract of the document 026615 at <http://www.iif.hu/dipl/index.html>. Thus instead of "war-horse" it could be translated simply "horse". This translation does not weaken the argument since "grey hound" as the falcons, was used for hunting exclusively by the social elites.

⁹Erik Fügedi, *The Elefánthy: The Hungarian Nobleman and His Kindred*, (Budapest: Central European University Press, 1998), 63-8. Since the mid-fourteenth century the nobles were represented by elected noble magistrates (*iudex nobilium*, *szolgabiro*), who assisted the *comes* in legal affairs.

¹⁰It is not very clear if this provision refers also to the *cnezes*. Only a *iudex nobilium Volachorum*, who naturally was expected to represent the interests of the nobles mentioned in the text of the privilege. Although, given the above mentioned "strengthened union" between *cnezes* and Romanian nobles, it is not excluded that the same *iudex nobilium* was also to represent the interests of the *cnezes* in front of the *comes*.

¹¹It is important to note the similarity between this provision and another one from a privilege issued in 1434 by the voivod of Transylvania, confirming the liberties and the rights of the inhabitants of the district Dobra. This privilege contains also the prohibition that the fines inflicted upon the *cnezes* and other inhabitants to be exacted in horses and weapons: the condemned had to

The seventh and the last article of the privilege contains provisions regulating status and jurisdiction. The first provision stipulates the exemption of the Romanian nobles and cnezes from paying any kind of tolls, either royal or of anyone else.¹² According to the privilege, the Romanian nobles were to enjoy this right as the "true nobles of the kingdom."¹³ More than likely this is a new right granted to the cnezes who previously had not been exempted from paying tolls. It is not clear at all if the Romanian nobles enjoyed this right earlier or if they were granted it only by this charter. This is one of the questions which will be addressed in the next chapters.¹⁴

Further provisions of the article concern the jurisdiction over the tenant peasants of the cnezes and nobles.¹⁵ Namely the king prohibited both the stopping

pay them from other goods. Differently from the provision discussed above, this one does not include falcons; see Costin Feneşan, "Districtul Dobra și privilegiile sale până spre sfârșitul veacului al XV-lea" (The district Dobra and its privileges until the end of the 15-th century) *Anuarul Institutului de Istorie și Arheologie din Cluj-Napoca* 27 (1985-1986): 301-21; see a detailed analysis of the whole privilege of district Dobra in Ioan Aurel Pop, *Instituții medievale românești. Adunările cneziale și nobiliare (boierești) din Transilvania în secolele XIV-XVI* (Medieval Romanian institutions: The cnezial and noble (boyard) assemblies during the 14-16th centuries) (Cluj Napoca: Dacia, 1991), 105-12.

¹² Pesty, *oláh kerületek*, 74, "...Postremo eosdem Nobiles eorundem Valachorum instar verorum nobilium Regni nostri. Item Kenezios eorundem Valachorum ex omni soluzione tributi tam nostri quam aliorum quorumcumque exemptos esse volumus et supportatos..."

¹³ A printing mistake in the two editions of this document caused different interpretations of this provision in Romanian historiography. In the first edition of the document, the whole sentence was separated into two by a full stop (see above note 18), and this led to the interpretation of the first part of the phrase as an individual sentence; in the second edition (see Pesty, *Krassó*, 405) in the place of the full stop appears a coma, which allows a completely different reading of the whole sentence. On the basis of the second edition, it has reasonably been argued recently that the interpretation of this article in the sense of "the assimilation of the Romanian nobles with the common nobility," was caused by a forced translation of the sentence, Ioan Drăgan, *Cnezi și nobili români în vremea Corvineștilor* (Cnezes and Romanian nobles during the time of the Hunyadis) in *Nobilimea românească din Transilvania. Az erdélyi román nemesség* (The Romanian nobility from Transylvania) (Satu Mare: Editura Muzeului Sătmărean, 1997), 113-14, note 12. Nevertheless, the text of the original, in fact a copy from seventeenth century, the source of the first edition of the document published by Pesty, contains the version with full stop (see Df. 26615, Hungarian National Archives) which lead to the conclusion that the first interpretation is not completely erroneous.

¹⁴ An explanation would be that, some of the cnezes who became nobles were individually granted the exemption of tolls and, through the privilege from 1457, this right was extended to all Romanian nobles. This hypothesis can be supported by a similar charter issued by King Sigismund of Luxemburg through which *universos Wolachos et alterius status, seu linguay homines* from the district Sebeș were exempted from paying any kind of tolls, Pesty, *A Szörény bánság és Szörény vármegye története* (The history of the Banat of Severin and of the Severin county), vol. 3, (Budapest: M. Tud. Akadémia, 1878), 117-9 (henceforth quoted as *Szörény*). It means that some districts managed to gain special privileges like this one, which were partially extended to nobles and cnezes of the other districts in 1457.

¹⁵ *Ibid.*, "...et quod nullus omnino hominum res et bona eorum et Jobbagionum ipsorum in quibusuis locis arestare seu prohiberi facere, aut eosdem vel dictos eorum Jobbagiones ad cuiusuis instanciam iudicare vel eorum astare Judicatu compellere presumant..."

and the arresting of the peasants and of the cnezes' goods or of their peasants anywhere. Further it prohibited to force the cnezes or their peasants be subject to anyone else's judgement.¹⁶ This provision is obviously connected with the trade activity of the cnezes and nobles on their own or through their tenant peasants, to which the first part of this article, namely the exemption of tolls refers. While this article was crucial for the trade of nobles and cnezes, the sense of the whole article is essentially clarifying the jurisdiction against cnezes, Romanian nobles, and their peasant tenants outside their territory. In this sense the last provisions of the article state that if somebody should have a complaint against a tenant peasant of the Romanian nobles, he shall sue the peasant in front of his lord. Complaints against the Romanian nobles and the cnezes shall be sued in front of their *comes*, and in case of dissatisfaction with the judgment of the *comes*, they could be appealed to the royal judge's court and finally at the court of *specialis presencia regie*.¹⁷

Looking at the charter in its totality is important to examine the provision from its beginning, where the king confirmed all the previous privileges of the Romanians concerning "... any of their liberties, prerogatives, and rights ... under the same duties, obligations, and services"¹⁸ A correlation between rights and obligations can be noted. An analysis of these terms, which defined status, can offer a picture of the status reached by the Romanian elite from the Banat before 1457. The first article of the charter confirms each and every privilege of the Romanian nobles and cnezes (*omnia et singula eorum privilegia*) concerning any of their liberties, prerogatives, and rights (*libertatibus, prerogativis et iuribus*). It is obvious

¹⁶Ibid., "...sed aliqui quidquam actionis vel questionis contra eosdem Nobiles Valachos et Kenezios, aut annotatos ipsorum Jobbagiones vel alterum eorum haberent vel habere sperarent, hi id contra prefatos ipsorum nobilium Valachorum Jobbagiones in presencys eorundem Nobilium aduersus autem eosdem Nobiles Valachos et Kenezios coram prefatis Comitibus eorum pro tempore existentibus prosequantur, qui si in reddenda iusticia tepidi fuerint, in presenciam Judicis Curie nostre, et si ibi iterum iusticia eis deerit, in presenciam nostre Maiestatis iuridice prosequantur, ex parte quorum omni contra eos querulanti iudicium et iusticia impendentur, prout dictabit ordo iuris."

¹⁷There is to note another similarity with the article 18 of the royal decree from 1351 which prohibited the arresting of the tenant peasants stipulating that any complaint against them shall be made before their lords, *DRMH II*, 12.

¹⁸For the latin text see above note nr. 9.

that these medieval Latin terms were legal terms having a specific meaning. Thus the term *libertas* in the privilege from 1457 meant most probably exemption;¹⁹ *prerogativa* also refers to exemption or immunity from performing obligations or services.²⁰ The term *iura* meant rights in general.

The confirmation was made “under the same duties, obligations, and services” (*condicionibus, oneribus et servitutibus*) under which they were issued by the previous kings of Hungary. All three terms are closely connected to obligations in general. *Conditio* had several meanings such as duty, obligation, and service.²¹ In this charter *onus* meant task, and *servitus* refers to service in general. All these are generic terms referring, on the one hand, to rights and exemptions from paying a certain range of taxes or performing some kind of obligations and, on the other, to certain obligations, tasks and services rendered to the king. It is important to note that all these rights and obligations were inserted or guaranteed within earlier privileges.

Unfortunately for historian, the issuer did not need to list those specific rights and obligations (for they were well-known and to the supplicants and the king they represented custom referred to only in general terms) which would have offered a clearer image of the status of the recipients of the privilege, namely the cnezes and the Romanian nobles.

The aim of this thesis is to examine and reach some conclusions concerning the process of formation of the Romanian nobility from the Banat. The privilege from 1457 creates a valuable point of departure for this examination. That is, the information comprised in this document constitutes the basis for further questions, to

¹⁹J.F. Niermeyer, *Mediae latinitatis lexicon minus* (Leiden, New York, Cologne: Brill, 1997), 608. The term *libertas* had several meanings such as: deed of manumission, charter of liberties, grant of urban liberties, noble descent, and others which can be easily excluded from the possible meaning of the analysed term; a similar meaning might be found in Antonius Bartal, *Glossarium Mediae et Infimae Latinitatis Regni Hungariae* (Leipzig: B.G.Teubner, 1901), 378.

²⁰ Bartal, *Glossarium*, 516.

²¹*Lexicon Latinitatis Medii Aevi Hungariae*, vol. 2, (Budapest: Akadémiai Kiadó, 1991), 273-4. Alas, this useful instrument for analysis of medieval Latin terms in the Kingdom of Hungary is not complete yet. It would be interesting to have the definitions of the other terms according to this lexicon, far more appropriate in this context than Bartal's *Glossarium* and Niermeyer's *Lexicon minus*.

which answers can only be found by examining the earlier records from the region. The special circumstances of the issue of this privilege and its character -the restoration of rights-, suggests that, this group enjoyed for some time, but most probably only partially, noble privileges. Except the provision concerning the exemption of toll payment, which seems to be a new grant, all other rights and juridical provisions seem to aim at the restoration of old privileges and procedures.

The main reason of asking for the privilege in 1457 was the restoration of customary order modified by the pledge of Comiat district in 1435 and 1437. For the local elite of the district, among which the records refer not only to cnezes but also to nobles or ennobled cnezes, the pledge, which was in fact a transfer of possession from the king to a magnate, meant a reduction in the status. The royal deed certainly caused alarm and triggered joint reaction by the other seven districts which fear to suffer the same reduction. The reaction could come only after the defeat of the Hunyadis' party in 1457, as an action in the name of all the districts, pointed to restoration of affected liberties and gaining royal guarantees against future similar acts. This is also a reason to consider this document as a conventional end of the process of formation of Romanian nobility, which by that time was acting as an organised group defined by certain legal provisions.

If after the presentation of this confirmation, the existence of the Romanian nobility is undoubtedly, the privileges which defined the status of this group are not completely clear. In fact the confirmation itself did not encompass all of them, rather they were only summarised through general terms. The privileges are important for the investigation of this theme because an eventual identity with the privileges of the lesser nobility in Hungary, theoretically would point to an identical status.

As it appears from the records, this was not the case: the Romanian nobility constituted a particular privileged group which enjoyed noble privileges, but had some obligations inherited from the previous cnezial status. This specificity appeared because of the particular way in which the cnezes from the privileged districts of the Banat gained the noble privileges. In other words, the answers might be found in the

process of formation of the Romanian nobility. There are several questions to be answered about this process. such as: what was the basis of ennoblement, what happened with the obligations attached to the *cnezial* status, what kinds of privileges were attached to the noble one, what is the difference between the title *nobiles Valachi* and *nobilis* concerning rights and obligations, and how was the group of Romanian nobles constituted.

I.3 The formation of the lesser nobility in Hungary

The formation of the Romanian nobility in the Banat region cannot be studied without reference to the emergence of privileged groups in medieval Hungary: the formation of what is called the lesser nobility. In the relevant historical scholarship the mid-fourteenth century is accepted as the period when the lesser nobility evolved as a legally homogeneous group. The formation of the Romanian nobility from the Banat took place roughly in the second half of the fourteenth century and the first half of the fifteenth. In the following I want to examine and analyse the process of ennoblement of the members of the traditional Romanian elite, the *cnezes*, which started roughly from the mid-fourteenth century, and lasted approximately a century. The examination of this process of social upward mobility which partially included the Romanian elite, can not be approached successfully without comparison with the class into which the Romanian nobles later came to be included.

The lesser nobility appeared and developed as a privileged group in thirteenth-century Hungary.²² The formation of this social layer originated in the

²²See the most recent assessment of this topic in Fügedi, *The Elefánthy*, 33-44. There is also extensive historical literature on this topic in Elemér Mályusz, "A magyar köznemesség kialakulása" (The formation of the Hungarian lesser nobility) *Századok* 76 (1942): 272-305, 407-34; Idem, "Hungarian Nobles of Medieval Transylvania" *History & Society in Central Europe* 2 (1994): 25-53; Jenő Szűcs, "Az 1267 évi dekrétum és háttere. Szempontok a köznemesség kialakulásához" (The Decree of 1267 and its background: Points of view on the formation of lesser nobility) in *Mályusz Emlékkönyv*, eds. Éva H. Balázs, Erik Fügedi, and Ferenc Maksay (Budapest: Akadémiai Kiadó, 1984), 341-94; Șerban Papacostea, *Românii în secolul al XIII-lea. Între cruciată și imperiul mongol* (The Romanians in the thirteenth century: Between the crusade and the Mongol Empire) (Bucharest: Editura Enciclopedică, 1993), 144-49.

convergence of different social groups, such as the *servientes regis* and the castle warriors (*iobbagiones castri*). The process in itself was complex and its development involved multiple causes, factors, and solutions.²³

The group of *servientes regis* seems to have been in the core of the process of the formation of the nobility, even if we count only the provisions of the Golden Bull of 1222 a third of which are concerned directly with the regulation of their rights and privileges.²⁴ The *servientes* were royal "servitors" or military retainers of the king. An individual accepted in the group of *servientes* was usually absolved of obligations attached to his previous status, could present legal grievances before the king or royal judges, and seems to have been exempt from taxes and other obligations. In return, he performed military service for the king. In the later thirteenth century, the *servientes* also obtained the privilege of establishing their own tribunals. At the same time the *ispán* (*comes*), the administrative head of the county, or his deputy (*vicecomes*), could no longer make legal decisions alone, but only assisted by the noble magistrates (*judex nobilium*, *szolgabíró*) who were elected from among the *servientes*. This evolution toward judicial autonomy signalled the transformation of the royal county into the noble county, a corporation designed to defend the interests of the *servientes*.

The second component were the castle warriors (*iobbagiones castri*).²⁵ During the eleventh and the twelfth centuries, they were integrated into the governmental system of the royal county, performing military obligations for the king, under the leadership of the *comes*. In return for their services they received a piece of land. In the thirteenth century many of them were elevated by royal privilege into the group of the *servientes regis*, while the rest participated as *iobbagiones*

²³A detailed description of the process of formation of lesser nobility is offered in Fügedi, *The Elefánthy*, 35-44, 63-68.

²⁴Twelve articles out of thirty-one dealt directly with the rights of *servientes regis* (art. 1, 2, 3, 4, 5, 7, 10, 15, 17, 18, 21, 22) and one (art.19) with the ancient "liberties" of *iobbagiones castri*: see the text of the Golden Bull in *The Laws of the Medieval Kingdom of Hungary*, vol 1, (1000-1301), eds. János M. Bak, György Bónis, and James Ross Sweeney, (Bakersfield, CA: Charles Schlacks, Jr., 1989), 34-37. (henceforth quoted *DRMH I*)

²⁵Attila Zsoldos, "Jobbágyok a királyi várszervezetben" (The castle warriors in the organisation of the royal castle). *Történelmi Szemle* 34, 1-2 (1992): 1-15.

castri, together with the *servientes regis*, in the organisation of the emerging noble county as the legal framework for the defence of their interests. Gradually, their military duties and privileges which were similar to those of the *servientes*, led to the formation of one single group. Members of the guests (*hospites*), members of the impoverished aristocratic families, and freemen landowners were also involved in the process of formation of the lesser nobility in Hungary.

The terminology applied to this group underwent a significant evolution. At the beginning of the thirteenth century, the term *nobilis* was applied only to aristocrats, but gradually it came to be used as a synonym for *serviens regis*. During the reign of the last king of the Arpadian dynasty, Andrew III (1290-1301), the term *servientes* disappeared, and only the term *nobilis* was used for those raised to a noble rank.²⁶

According to the surviving charters the basis of ennoblement also underwent some changes during the reign of King Andrew III. Under the previous kings from the thirteenth century, the reason for ennoblement was military service: the participation in military campaigns was rewarded by the king with the granting of noble status or noble liberties to individuals. During the reign of Andrew III and later under the Angevin kings, the change in ennoblement implies a decrease in the importance of military deeds and an increase in the importance of estates, the land ownership becoming the characteristic quality of a noble. By the time of Charles I (1308-1342), ennoblement meant essentially bestowal of estates.²⁷

However, it should be noted that the ennoblement of *cnezes* from the Banat seems to have been an exception to this trend. It seems that in their case military deeds represented the main reason for ennoblement and that the *cnezes* were granted noble privileges for their own estates earlier held by their previous title. The bestowal of royal estate as a sign of ennoblement, characteristic for the reign of Charles I, is hardly documented for the *cnezes* from the Banat. The ennoblement of *cnezes* from

²⁶Fügedi, *The Elefánthy*, 35-7.

²⁷*Ibid.*, 41-3.

this region only started after the mid-fourteenth century during the reign of the next Angevin king. And it is also documented that king Louis the Great (1342-1382) was more careful in preserving the royal domain; in fact in the known cases of ennoblement among the cnezes from the Banat, we find there only confirmations of older landed possessions.

What is most important for my inquiry is the clarification of noble privilege and noble status in mid-fourteenth-century Hungary. Noble privileges appeared during the process of formation of lesser nobility as legal provisions pertaining to the nobility. The roots go back to the Golden Bull, which was considered the main privilege comprising the rights and liberties of the nobility in Hungary in the Middle Ages. Although it was first issued in 1222, its confirmation was only claimed later in 1267, and then again in 1351 when it was confirmed in its entirety, except for the article concerning the rights of free disposal of estates.²⁸ The most important elements of the noble privileges consisted in the direct and exclusive subjection to the king, certain procedures of judgment, the right to participate in general assemblies, exemptions from paying several kinds of taxes and tolls.

²⁸The text of the Golden Bull in *DRMH I*, 34-37; the text of the royal decree from 1351 in *The Laws of The Medieval Kingdom of Hungary*, vol. 2, (1301-1457), eds. János M. Bak, Pál Engel, and James Ross Sweeney, (Salt Lake City UT: Charles Schlacks, Jr., 1992), 8-13, 162-8 (henceforth quoted *DRMH II*).

Chapter II.

II.1 The Romanian elite from the Banat during the Angevin Age

The aim of this chapter is to analyse the conditions of life and the evolution of the Romanian elite from the Banat region²⁹ during the reign of Charles Robert and Louis the Great. The first preserved records available today come from this period and they refer to different types of *cnezes* living on different types of domains. Therefore before focusing on the formation of the Romanian nobility, a brief discussion of the information about the *cnezes* from this region is necessary.

Socially speaking, in the fourteenth century the Romanian elite from the Banat consisted largely of an internally diversified group of *cnezes* (*kenezii*). The most simple definition of the *cnez* refers to him as a possessor of land and subjects. Usually the property of the *cnez* was called "*cnezat*" (*kenesiatus*), meaning both land possession and a whole range of rights over tenant peasants. In the source material the term *kenesiatus* refers to a village or part of a village possessed by a *cnez*, but it also comprises the abstract meaning of certain rights. Another essential element defining the *cnez* was that usually - until mid-fourteenth century- his possession over land was not guaranteed by a charter, in contrast with most of the nobles of the kingdom.

The evolution and development of the noble domains in the Banat determined radical changes within the class of *cnezes*. The land donations to the Hungarian nobles placed some *cnezes* under the lordship of nobles, and thus there appeared three categories of *cnezes*: the *cnezes* subject to nobles, the *cnezes* of the royal fortresses, and a category which seems to have been nor subject to nobles, neither to the fortresses, the so called free *cnezes*.

²⁹The Banat region is the area bordered by the rivers Mureş, Tisa, Danube and Timiş-Cerna and it consisted mainly of the counties Timiş (Temes), Caraş (Krassó), Cuvin (Keve), and Arad, which in the Middle Ages formed an administrative unit called the Banat of Severin (Szörényi Bánság) or of Timiş, led by a royal official called "ban".

The cnezes subject to the nobles were those whose land had been previously donated to a noble and was thus included in the noble domain. When the *kenesiatus* of a cnez was donated to a noble, the rights of possession and lordship attributes of the cnez were limited. These cnezes were reduced to the role of intermediaries between the noble lord and the inhabitants of the village. This type of cnez acted as a *villicus*: he could judge the peasants of the village up to certain petty crimes, he was charged with maintaining order, the peasants owed him obedience, and he was responsible for the collection of their obligations in money, labour, or in kind. In case of these cnezes, the most important thing for their evolution is that, by being subjected to a noble, they lost any opportunity to become nobles themselves as long as they remained on the noble domain.³⁰

Since the subject of this research is the formation of the Romanian nobility, the next two categories of cnezes from the Banat are more important. In the fourteenth century both of them had the possibility to accede to noble status.

Before focusing on the remaining two categories, there is another case of social mobility regarding cnezes: the ennoblement of cnezes during the reign of Charles Robert represents another type of evolution as in the case of the families Zecul and Voya, ennobled sometime during the reign of King Charles Robert. In the second half of the fourteenth century both families were involved in judgements concerning their landed properties which ended with their definitive dispossession in favour of such influential royal officials as John *Bissenus*, castellan of Ersomlyo, or

³⁰, in 1376 the cnezes of the domain Remetea addressed a petition (Lukinich E., Gáldi L., and L. Makkai, eds. *Documenta historiam Valachorum in Hungaria illustrantia usque ad annum 1400 p. Christum*. Budapest (M. Tud. Akadémia, 1941: 287) to the wife of Benedict Himfy, the lord of that possession, complaining about the miserable conditions and various abuses committed by certain officials of that domain against them. The cnezes declared that they would no longer endure them and that they were ready to leave together with their people to live in some other place. This proves that in 1376, it was still possible for a cnez, as a chief of a group of people (in documents they are still called *homines*, only later they will be called *iobbagiones*) to move to another place; thus, the cnez by preserving a certain amount of freedom, had virtually the chance to acquire a landed property as cnezial or a noble possession; cf. Maria Holban, "Mărturii asupra rolului cnezilor pe marile domenii din Banat în a doua jumătate a secolului al XIV-lea" (Proofs on the role of the cnezes within the great domains from Banat in the second half of the fourteenth century). *Studii și Materiale de Istorie Medie* 2 (1957): 407-420.

the family of Benedict Himfy.³¹ During several stages of the legal process, the Zecul and Voya families presented their charters to the judicial courts, proving their rights over the disputed possessions. In both families the first ancestor was a cnez who was granted the land by the king Charles Robert. Later, the heirs of these cnezes were always referred as nobles. These examples of ennoblement of cnezes from the Banat are known only by chance. There may well have been other noble families of cnezial origin in the Banat, but the available written evidence does not contain information about their origin. So they cannot be definitely connected with the following group of the cnezes inhabiting the districts of the royal fortresses, from which later formed the social group called *nobiles Valachi*.

II.2 The cnezes of the royal fortresses

Although the history of the royal fortresses from the Banat can be approached as a separate subject of research in itself, the nature of this thesis requires a few brief remarks on this topic. The royal domain in the Banat was administered by the castellan, a royal official, whose residence was in a fortress. A general deficiency of the studies dealing with medieval Banat is the lack of a map of settlements, which impedes seriously any attempt to approach systematically the evolution of the districts of royal fortresses. Although it is impossible to define with certainty the structure and the borders of these administrative units, there is at least some knowledge about the number of these fortresses and their geographical location. For the region where the Romanian privileged districts were later situated, that is approximately the territory of the counties Caraş and Timiş, the written sources mention a number of royal fortresses. They are grouped according to their location on the bank of the Danube, or at a location inside the territory. The first group comprises the royal fortresses of Severin, Orşova, Pech (localised today in the neighbourhood of Dubova), Saint Ladislav (localised at Pescari), Lybrasd (Liborajdea), Pojejena, Dranko (Drencova),

³¹See details in M. Holban, "Deposedări şi judecăţi în Banat pe vremea Angevinilor şi ilustrarea lor prin procesul Voya (1361-1378)" (Dispossessions and judgements in Banat during the age of the Angevins(1361-1378). *Studii şi Materiale de Istorie Medie* 5 (1962): 57-131.

and Halmas (not identified). Their role was mostly military, that is defence of the border. In the other group are placed the following fortresses: Caraș, Erdsomlyo (Vršac), Chaak (Ciacova), Chery (Sacoșu Turcesc), Jdioara, Lugoj, Cuiești (Bocșa), Bîrzava, Ilidia, Mehadia, Caran, and Sebeș.³²

From the second half of the fourteenth century onward, the written sources gradually begin to mention the *cnezes* living on the territory of the royal fortresses or of the districts of the royal fortresses. In general, scholars speak about a number of 33 districts in the whole region of the Banat, but their number varied during the fourteenth and fifteenth centuries. Within the 33 a distinction must be made between privileged and unprivileged districts. The eight privileged districts covered a compact area mostly in Caraș and Timiș counties, and constituted the place of formation of the Romanian nobility.

The first district known on the basis of written sources was the district of Cuiești (Kövesd) mentioned in 1341.³³ The next one was the district Sebeș mentioned as *provincia Sebes* in 1352.³⁴ In 1370 this district was already united with the district Caran, the one from its immediate neighbourhood and mentioned as the district Caransebeș.³⁵ In 1376 is first mentioned the district Mehadia.³⁶ In 1387 the district *Temeskuz* is referred to as being in the neighbourhood of the district Sebeș.³⁷ In 1391 appears the first written information about the districts Lugoj and Comiat.³⁸ Certainly the date of the first written information available today does not correspond with the

³²Ștefan Matei, "Fortificațiile de pe teritoriul Banatului în lumina izvoarelor scrise" (The fortifications from the territory of Banat in the light of written sources). *Banatica* 5 (1976) 255-63; Pál Engel, *Királyi hatalom és arisztokrácia viszonya a Zsigmond-korban* (Relationship of Royal Power and Aristocracy under Sigismund) (Budapest: Akadémiai Kiadó, 1977), *passim*; Erik Fügedi, *Vár és társadalom a 13-14 századi Magyarországon* (Castle and Society in 13-14th century Hungary) (Budapest: Akadémiai Kiadó, 1977), *passim*.

³³Pavel Binder, "Localizarea vechiului district bănățean Cuiești (Kövesd)" (The localisation of the ancient district from Banat Cuiești (Kövesd)). *Anuarul Institutului de Istorie și Arheologie din Cluj*, (1964):322-325.

³⁴Pesty, *Krassó*, 28, nr. 24.

³⁵*Ibid.*, p.101, nr. 74.

³⁶Costin Feneșan, "Districtul românesc Mehadia la sfârșitul secolului al XIV-lea" (The Romanian district Mehadia at the end of the fourteenth century). *Banatica* 5 (1979): 265-275.

³⁷Pesty; *Szörény*, 9-10, nr. 15.

³⁸*Idem*, *oláh kerületek*, p.52-53.

date of establishment of these districts, which took place sometime at the beginning of the fourteenth century.

These districts of the royal fortresses offered the territorial, political, and social-economic frame within which the development of the Romanian elite took place. It is difficult, if not impossible, to reconstitute the early stages of development and evolution of the districts. However, the documents preserved, although limited in number and scarce in information for the Angevine age, do allow an analysis of the social and legal status of the *cnezes* of the districts.

The documents which were preserved concern the legal status of properties. Almost all documents available were caused either by the concern for the preservation of certain rights of possession or by the intention to remedy infringements. They are mostly donations or confirmations of properties issued either by the king or by his local officials such as the ban, *comes*, *vicecomes*, and castellans.

The earliest known charters concerning *cnezial* possessions or donations within the districts of the royal fortresses come from the mid-fourteenth century, during the reign of King Louis. These charters contain several special features defining a particular status for the *cnezes* of some districts. The conditions of lordship specific to *cnezes* are mentioned in the donation charter for the possession *Mutnukpataka* from Sebeş district, issued in 1352 by Posa of Zer, as the *comes* of Caraş and the castellan of Sebeş, in favour of Iuga and Bogdan, the sons of Stephen of Mîtnic: the recipients shall "possess and multiply that possession, and hold it in such liberty in which the *cnezes* from the province Sebeş possess *liberas villas*."³⁹ The term *libertas* defines here the particular mode of possession of free villages by the *cnezes*.⁴⁰ Another condition of donation defines the legal and juridical status of this *cnezes* as follows: "no judge may judge them, but they themselves can judge all cases except robbery, theft, and arson which must be judged at the seat of the

³⁹ "...in tali libertate, in qua libertate habent liberas villas quenesii in provincia Seebus, et in eadem libertate possident et multiplicarent..." See the document in Pesti, *Krassó*, p.28, nr.24

⁴⁰The term *libertas* was used in a similar sense in a charter issued by King Charles I when the *iobbagiones castri* from Hont received a possession "with the liberty of the nobles and not with the liberty of the *iobbagiones castri*", see Fügedi, *The Elefánthy*, 43.

magistrate in Sebeş.⁴¹ As we have seen this provision concerning the jurisdiction over the *cnezes* was maintained in the confirmation of privileges by the king Ladislas.⁴²

The royal disposition from 1366, according to which no one could own land within the district of Sebeş, unless he was a true Catholic, either *sub titulo nobilitatis* or *sub titulo kenesiali*,⁴³ contains the earliest reference to Romanian noble possessions within this district. The prohibition of Orthodox landowners from possessing land either under noble or *cnezial* title was intended to promote the conversion to the Catholicism among the Romanian landowners.⁴⁴ But, the reference to the two modes of possession implies that by that time some of the Romanian *cnezes* already held charters with noble title. Thus the beginning of the formation process of the Romanian nobility within the privileged districts can be dated to before 1366. Other information from Mehadia district referring also to Romanian nobles, sustains this assertion.⁴⁵

The Sebeş district seems to have been the largest one in the Banat, and on the basis of the surviving records it encompassed a well-organised community of local elite. A petition of the *universitas keneziorum et aliorum olachorum de districtu Sebes, item cives et universi divites et pauperes de civitate eiusdem* addressed to the ban of Severin approximately in 1369, allows valuable insights into the activities and obligations performed by the inhabitants for the king between 1365 and 1369. The petition encompassed a list of reasons for the refusal of supplying a sum of money asked by the ban. They justified their refusal by the poverty which affected all the inhabitants since the beginning of the war against Bulgaria, during which each of

⁴¹Ibid., "...ita tamen quod nullus Judex habeat iudicare ipsi autem poterunt iudicare preter tres causas, scilicet latrocinium furtivum et incendiarium, et si contingerit esse tunc ad sedem Judicis ad Sebus admittere debeatis..."

⁴²see above p. 8, 10.

⁴³Lukinich, *Doc. Val.*, 207, "ut in tota provincia seu districtu Sebes nullus alter nisi vere catholicus et fidem quam Romana tenet at profitetur ecclesia fideliter colens, possessiones aliquas sub titulo nobilitatis aut sub titulo kenesiali tenere posset et conservare".

⁴⁴See a recent analysis of this information in Ioan Aurel Pop, "Un privilegiu regal solemn de la 1366 și implicațiile sale" (A royal solemn privilege from 1366 and its implications). *Mediaevalia Transilvanica* I 1-2 (1997): 80 sq.

⁴⁵Feneșan, 268-71.

them had participated and had paid their own costs, and additionally they offered lodging to the king. Afterwards, when the bans Denis and Emeric Lackfi, the petitioners participated with them in the expedition against Vidin. In addition, they had lodged the Byzantine emperor at great expense to themselves. And beginning from the same time they went to war twice a year and besides, they contributed to the military expenses. When the king raised an army against Wallachia, they permanently maintained in the mountains 200 soldiers and another 500 of petitioners went to Mehadia awaiting the return of the king, and besides they contributed to the military expenses. Then they lodged the ban and the king. And finally, the royal army itself, billeted in the district, devastated their possessions, burning down buildings, courts, gardens, and taking hay by force thus provoking the death of their flocks of sheep.

All these things, so they argued, created considerable shortages and famine.⁴⁶ It is notable that the petitioners entitled themselves *universitas*, a term usually applied to privileged corporations. The community was that of the "cnezes and of other Romanians." The term *aliorum olachorum* could have referred also to the nobles, the number of which was perhaps still low enough for not being mentioned distinctively. Whatever the composition of their community, it is important to note the services the community of the cnezes and other Romanians performed in this period: individual participation in military campaigns, contributions to military expenses, lodging for the king and the ban, billeting the royal army, and paying a levy imposed on the entire district including the town of Sebeş.

Interesting data about the organisation of the Sebeş district is provided by a document from 1371-1372, concerning the building the fortress Orşova. In fact, the document is a list of workers sent to Orşova by each lord, town, or district. A total of 322 people were sent by different lords, many of them cnezes, and by royal towns, in a number varying from 1 to 10, but the rule seems to have been 1 worker for each

⁴⁶Thallóczy, Lajos, "Nagy Lajos és a bulgár bánság" [Louis the Great and the Bulgarian Banat]. *Századok* (1900): 608-610. See an analysis of this petition in the context of the cnezial assemblies in Pop, *Adunările cneziale*, 120-1.

village; as for towns, the number varied according to their size. The Sebeş district distinguished itself in this list with a number of 80 men assigned.⁴⁷ These data help to estimate the dimensions and the importance of this district: it could provide 700 soldiers and participated with the highest number of workers to the building of the royal fortress. It is plausible to suppose that all those who sent workers to the construction of the royal fortress had some obligations towards the royal domain. The district Sebeş seems to have been special by its size and the evolution of the *cnezes* from this district toward ennoblement may have served as a model for the other districts.

A donation charter from 1370 concerns a *cnezial* family from the same district and perhaps a branch of the previously mentioned family of Mîtnic. King Louis granted as *nova donatio* two royal possessions located in the area of two rivers called Mîtnic, which had been long time settled and populated by *Struza* "in the name of the king" and under the name of his *kenesiatus*. Since the charter contains no reference to the *cnezial* status or *cnezial* obligations concerning the possessions, it is reasonable to consider it a donation implying noble title. The recipients of the donation were the successors of *cnez Struza*, named in the charter "our faithful Romanians" (*fideles Olachy Nostri*).⁴⁸ This term was used for Romanians from the royal districts, who were considered Romanians of the king, subject directly to him and led by a royal representative, the castellan. In some cases, along with the names of the recipients of the charters is either their status -noble, *cnez*, noble-*cnez*- or only *Olachus*, *Wolachus*, *Walachi* mentioned.

Two charters from 1376 refer to Romanian nobles. The first charter was issued by King Louis after the settlement of disputes over land between the citizens and the *hospites* from Caran on the one hand, and Bogdan, son of Stephen and Radul, son of Voinic, and other nobles from Mîtnic (*ac alios nobiles de Muthnuk*) on the other.⁴⁹ It represents an example which documents previous ennoblement of the

⁴⁷Ibid., 610-12.

⁴⁸Krassó, 101-3.

⁴⁹Pesti, *Szörény*, nr. 12, p. 6-8.

cnezes from the district Sebeş or in other words it is the first direct reference to *nobiles* from a certain place. There must have been some other similar cases of noble families for which there is no data available.

The second charter is a royal donation for the possession of Valea Bolvaşniţei from the district Mehadia, to Şurian, Bogdan, Demetrius, Thomas, and Basil, sons of *Bayk olachi nostri*. It documents similar changes in the social status of the Romanian elite from the district Mehadia. The allusion to the liberty and custom of possessing land of the other Romanian nobles from the district Mehadia (*ea libertate et consuetudine possidendam, tenendam et habendam, qua ceteri nobiles Olachi districtus de Mihald suas possessiones...*) suggests that the elite of this district underwent a similar evolution to that of Sebeş.⁵⁰ This time, the document mentions more clearly the *libertas* and *consuetudo* of holding possessions by Romanian nobles from the district Mehadia. The number of the Romanian nobles from the privileged districts increased continually during the reign of the king Sigismund so that gradually the districtual assemblies came to be called *universitas nobilium et keneziorum*.⁵¹

It would be interesting to know what was the precise difference between the "cnezial" and "Romanian noble" possessions and how the transformation occurred. On the basis of documents issued later by King Sigismund's chancery, which are more numerous and more precise concerning the obligations and rights of both cnezes and nobles, some differences can be noted.

⁵⁰Feneşan, *op.cit.*, 268-71.

⁵¹Pop, *Adunările cneziale*, 122-145. First such assembly of the (Romanian) nobles and cnezes is recorded in 1389-1390, when the nobles and cnezes of districts Sebeş, Lugoj, and Mehadia ascertained that the family of the noble-cnez Dej of Temeşel lost its charters. The royal charter comprised some errors: instead of *universi nobili et kenesii*, which was the accustomed formula referring to assemblies from the Romanian districts, was used the formula typical for county assemblies *a nobilibus et alterius status hominibus Comitatum Sebus Lugas et Myhald* (Pesti, *Szörény*, 10-12). Also the word "comitatum" is wrong in this case, since the correct one is "districtum." In 1391 *nobiles et kenesios districtum et provinciarum quatuor scilicet de Sebes, de lugas, ac de karan et kompyathi* participated in a judgement concerning land possessions in Sebeş district. This type of assemblies comprising nobles and cnezes, is fairly well documented for more than sixty years.

According to the information preserved by the documents, the *cnezes* were required to pay some taxes in money for each hide they held, to which was added the common royal tax paid by Romanians, the *quingagesima ovium*. Military service, also constituted an obligation, each *cnez* being obliged to appear in the king's camp together with a group of warriors under his leadership.⁵²

It is not clear whether, once ennobled, a *cnez* was automatically exempted of his *cnezial* obligations. Exemptions from certain taxes or obligations were granted individually, as a reward for outstanding military actions, as it is well known from several cases of nobles from Hațeg.⁵³ The title "Romanian noble" seems to have been a creation of the royal chancery. Usually, ennoblement was meant to be an act of reward. The king responded to the faithful services of his nobles or *cnezes* by granting possessions, but the amount of royal domain was decreasing and the amount of free land was ever more limited. This is why many of the charters are only confirmations of older possessions. In the case of *cnezial* possessions which, according to the information available, were sometimes defined as belongings of the royal fortresses or as free villages of the *cnezes*, a charter of donation made under the noble title could mean a change, if not in the real conditions and obligations of the possession, then at least in the status of the individual.

The services performed by the *cnezes* and nobles could also be rewarded by certain acts which seem to have been arranged in a kind of hierarchy. First a possession could be granted, then followed its confirmation, and finally a kind of exemption or grant of certain exceptional jurisdictional rights, e.g. right for holding fairs or for exacting tolls. The creation of the concept of *nobiles Valachi* can be interpreted from the standpoint of the crown, as an invention designed to supplement the lack of free royal lands. The natural desire for upward social mobility of the *cnezes* should not be underestimated. Participating in wars together with *veri*

⁵²Pesti, *oldh kerületek*, p.51-52.

⁵³A.A.Rusu, I.A. Pop, and I. Drăgan, eds. *Izvoare privind evul mediu românesc. Țara Hațegului în secolul al XV-lea* (Sources concerning the Romanian Middle Ages: The Hațeg's Country during the fifteenth century) vol.1 (1402-1473). (Cluj-Napoca: Editura Dacia, 1989), 38-41.

nobiles, and especially having in their immediate neighbourhood, noble counties such as Timiș and Caraș, could have stimulated the desire of some elements of the Romanian elite to enjoy the same rights.

In conclusion, during the reign of Louis I within the districts Sebeș and Mehadia there appeared Romanian nobles, who had already a defined mode of possessing land and subjects. This trend continued under the reign of the next king; Sigismund (1387-1437).

Chapter III

III.1 The Romanian elite from the Banat during the reign of Sigismund of Luxembourg (1387-1437).

During the long reign of Sigismund of Luxembourg the trend of ennoblement or the grant of charters for cnezes and nobles from the privileged districts continued. The surviving documents testify an intense activity of donations of "royal villages" and cnezates to the same possessors.

The evolution of the family of Bogdan of Mâtnic is fairly well documented and therefore may serve as a good example of a cnezial family rising to noble status. In 1387 King Sigismund donated to Bogdan *Olah*, son of Stephen of Mâtnic, as a *nova donatio* an estate called *Almafa*, located in the district *Temeskuz* and held until that time under his cnezat (*kenesiatus*) or service (*officiolatus*).⁵⁴ Since this charter contains no provision regarding the maintenance of the conditions of cnezial possession, it may be assumed to have implied noble title. Four years later, Nicholas *Literatus*, son of Bogdan, went to the chapter of Transylvania, asking for a transcript of the royal charter of 1387.⁵⁵ In the same year, the ban of Severin, Nicholas of Peren summoned *Nobiles et kenesios districtuum et provinciarum quatuor scilicet de Sebes, de lugas, ac de karan et kompyathi*, for the settlement of a dispute over a piece of land claimed by the inhabitants of the town Caran from the properties of Bogdan of Mâtnic. Through an inquest, the ban learned from the cnezes and nobles of the four districts that the disputed piece of land pertained *semper et ab antiquo* to Bogdan. Therefore the ban adjudicated that piece of land to Bogdan and to his sons.⁵⁶

⁵⁴Pesti, *Szörény*, 9-10, "sub ipsius keneziatu seu officiolaru hactenus habitam."

⁵⁵*Ibid.*, 13-4. Bogdan of Mâtnic had six sons, Nicholas, Stephen, Ladislav, Ladislav Jr., Peter, and John. Nicholas, called in this document *Literatus*, pursued an ecclesiastical career. Certainly he was a graduate of a University, since in 1394 he was a clerk of the choir in the bishopric of Transylvania from Alba Iulia. This is an explanation for appealing to such a remote authentication place. For the Banat usually this was the role of the chapters from Cenad, Arad, and Titel. At any rate, it should be noted that this cnezial family was certainly Catholic, as many other families from the Romanian elite of the Banat.

⁵⁶Pesti, *oláh kerületek*, 52-3.

In 11 June 1392, when King Sigismund was in Caran, Bogdan obtained from him a royal confirmation for the sentence of the ban. However, in this charter Bogdan was called *kenesius de Muthmuk*.⁵⁷ In October 1394 Nicholas, son of Bogdan, asked the chapter of Alba Iulia for a transcript of a royal charter issued on 19 April 1394 in Buda. This charter rewarded the faithful services of Bogdan *Valachi de Muthmuk*, performed during the conflict with the Ottomans, by the donation of two estates, *Machwa* and *Dobregozte*, located in the domain of the royal fortress Sebeş. The two possessions, held by Bogdan under the service of his *cnezat* (*kenesiatus*), were previously separated and pulled out from the *dominium* of the royal fortress.⁵⁸ This is clearly a donation with noble title, because it conferred the estates as *nova donatio* and also comprised the clause of perpetuity. Moreover the provision which states the separation of the two possessions from their previous connection with the royal fortress is helpful for understanding the evolution of *cnezial* possessions. In fact it gives unique information about the stages through which many *cnezial* possessions must have passed until being completely held as noble possessions. Most probably, this provision, which stated that the donated estates had been earlier separated from royal domain, represented in fact a condition for donation. Otherwise, the estates would have been donated only as *cnezial* estates. In any case, the provision implies that before the donation, Bogdan already held them separated from the castle authority. Something similar appeared in charters concerning donations of estates from the district Haţeg, only approximately fifty years later. In this case the provision was only a restricting clause, that is, the donation of the estates was valid only if they did not belong to a royal castle or office.⁵⁹ The similitude of these two provision

⁵⁷Pesti, *Krassó*, 218-9.

⁵⁸*Ibid.*, 229-30, "... quas alias idem sub servitute Kenesiatus tenuisse perhibetur sequestrantes et eximentes dominio dicti castri potestate..."

⁵⁹This provision was included in a series of royal charters for donation having an identical content, issued to a group of Romanian nobles from Haţeg district in Prague, 13-15 November, 1453, *ITH*, 188, for a detailed description and analysis see Adrian Andrei Rusu, "Un formular al cancelariei regale, din epoca lui Iancu de Hunedoara, pentru nobilii români din Transilvania" (A charter model of the royal chancery from the epoch of John Hunyadi, for the Romanian nobles from Transylvania). *Acta Musei Napocensis* 20 (1983):155-77.

consist in the fact that they both reflect the concern for preservation of the royal domain.

This is the last charter mentioning Bogdan of Mâtnic, who must have died sometime between 1394 and 1404, the latter being the date of the next charter given to his sons. Bogdan was first mentioned in 1352, then in 1376, and several times during the first two decades of King Sigismund's reign. All this time he was called either *Olachus*, *Walachus*, or *kenesius*. In 1404, in the donation charter of two royal estates from the district of Sebeş fortress to his sons *nobiles viri* Stephen, Farkas, Ladislas, and John, he was called *Comes Bogdan de Muthnuk*. What the title *comes* in this period meant is not very clear. Bogdan of Mâtnic was never appointed county *comes* (*ispán*); it must rather have been an honorific title connected with the pre-eminence and prestige of the person within the district. Whatever Bogdan's position, the sons were in 1404 called *nobiles*. It seems, therefore, the charter for *Almafa* of 1387 implied a noble title for the recipient, even if Bogdan continued to be called *cnez*, not noble. This fact can induce suspicion regarding the grant of noble title in 1387. It can be added that the charter from 1394 comprised basically the provisions usual for *nova donatio* charters, and in conclusion it can be said that both of them granted possessions with noble title. Is difficult to find a definite answer to the question why Bogdan was not called *nobilis* although the charters seems to have entitled him to, but it draws one's attention to the fact that the use of titles (such as *comes*) should not always be taken as legal definitions. At any rate, there was no impediment for his sons to be called *nobiles*.⁶⁰

The family of Bogdan of Mâtnic seems to have acquired a strong position in the district that allowed its members to win judgments against claims to land by the town Caran and to participate in different local activities. The presentation of all surviving data about different members of the family of Mâtnic in the first half of fifteenth century, would make a long list not entirely necessary in this context.

⁶⁰Although I can not prove it, a possible explanation would consist in the preference of Bogdan for the traditional title *kenezius*, perhaps more prestigious within the local society than the title *nobilis*.

Therefore only some cases characteristic for the evolution of this family will be presented. On 17 April 1406, *fideles Wolahii*, Ladislav *dictus farkas*, and another Ladislav, representing themselves and their brothers Stephen, Denis, and John (Nicholas *Literatus* was dead by that time), obtained the confirmation of two previous charters for the estates *Almafa*, *Machwa*, *Dobrogozta*, and *Muthnok*.⁶¹ Ladislav *dictus Farkas* was distinguished among his brothers by his advancement. In 1412, due to many kinds of services provided to numerous cnezial family from Gyepew, a group of members of this family in their own name and in the name of their relatives donated a half of their *kenesiatus* held *titulo perpetue donacionalis Regalis* to Ladislav *Farkas* and to his sons Nicholas, Stephen, Bogdan, and Michael.⁶² In 1439, Bogdan and Michael, sons of Ladislav *Farkas* of Mătnic, obtained in a similar manner from Michael, son of Cosma of *Olohsaag*, a half of the possessions *Olohsaagh* and *Dragomerfalwa*, from Lugoj district.⁶³ This kind of donation of parts of estates as reward of services and support previously provided by stronger and richer nobles, is documented also in other cases from Banat and from Hațeg in fifteenth century. It reflects a way of acquiring new possessions by well-off landowners on the one hand, and the difficulties and pauperisation which affected some landowner families, on the other.

An interesting evolution is documented in the case of the family of Dej of Temeșel from the Mehadia district. On 18 July 1387, Stephen of Losoncz, ban of Severin, donated the royal village *Patak* from the district of the royal fortress Mehadia to Peter, son of Dej, *kenezius districtuum Castri regalis Michald*. The donation was a reward for faithful services performed by Peter and his brothers Hălmagiu, Christopher, and Michael to the former bans, in the past, but mostly for

⁶¹Pesti, *Krassó*, 254-58. The confirmation was required by a royal order according to which all the possessors from the kingdom, of any rank, had to present their charters issued by King Ladislav, Queen Elisabeth, Queen Mary, and King Sigismund, for confirmation within one year, from the feast of St. George, 1406 until next feast of the same saint.

⁶²Idem, *Krassó*, 277-79, "... directam et equalem medietatem possessionis ipsorum Gyepew vocatam, In Comitatu Themensiensi, in districtu karanSebes (sic) existentem habitam, ipsos titulo perpetue kenesiatus donacionalis Regalis concernentem... "

⁶³Idem, *Krassó*, 367-69.

services performed during the last struggle when the ban fought "for the liberation of Queen Mary." The donation was a typical *cnezial* one; it was not a perpetual donation, but rather a temporary one, because it was not granted with full rights (*pleno iure*) but only for being "used and held" (*utendam et tenendam*) and was made under the obligations and payments (*condicionibus et solucionibus*), paid customarily from the other "free *cnezial* villages," that is, each year, at the feast of Saint Michael (September 29), three groats for each hide and the *quinguesima ovium* at the feast of Saint George the Martyr (April 24).⁶⁴

Three years later, Peter, son of Dej, *nobilis kenezius* of Temeşel, asked King Sigismund to grant him two possessions, *Kryuapatak* and *Patak*, owned by his family by the charters of the former kings, which were lost during the occupation of Mehadia district by the army of Dan, the Voivod of Wallachia. Therefore, Peter asked for new charters. Before granting the required instrument, the king ordered the ban of Severin to make an inquest on the veracity of the matter. From this, the ban learned by "certitude of the truth" from the "nobles and peoples of other status from the counties Sebeş, Lugoj, and Mehadia" (*a nobilibus et alterius status hominibus comitatum Sebus, Lugas et Mihald*) that the applicants indeed had lost their charters. Therefore, the king granted the possessions as *nova donatio* "together with all their rights and jurisdictions ... by means of the following mode and obligation, that, when we or our successors, the kings of Hungary, shall start to move the army toward the East, they and their heirs shall come to the army with one *lancea* ... as it is the custom of certain noble *cnezes* of those lands ...".⁶⁵ Here we find the first

⁶⁴Idem, *oláh kerületek*, p.51-52, "...duximus concedendam sicut modo incumbit officio sub infrascriptis condicionibus et solucionibus, vtendam et tenendam, videlicet quod in festo beati Michaeli archangeli singulis annis, de qualibet sessione singulos tres grossos et in festo beati Georgy martiris, quinguesimam castellanis prescripti castri Mihald pro tempore constitutis soluere teneatur prout de alys liberis villis ipsorum keneshialibus soluere sunt consueti...." In the context the similitude of this tax with the chamber profit (*lucrum camerae*) owed by the nobles should be noted, see *DRMH* 2, 10.

⁶⁵Idem, *Szörény*, 10-2, "... predictas possessiones Kryuapatak et Patak ... simul cum omnibus ipsarum Juribus Jursidiccionibus terris arabilibus ..., Tali modo et condicione mediante, quod dum nos vel nostri successores reges Hngarie temporum in processu exercitum versus plagam orientalem instaurando moveremus et mo(vere.....ipsi) (sic) et heredes ipsorum de dictis possessionibus ad predictum exercitum cum una lancea vtconsuetudinis (sic) certorum nobilium Keneziorum dictarum terr(arum.....t) (sic) proficisci teneantur."

mention of noble-cnezes. This could very well be a formula referring to ennobled cnezes, those who enjoyed noble privileges as individuals, but who held their possessions according to their previous status, namely the *keneziatus*. This form of lordship survived until the mid-fifteenth century when the records mention nobles possessing villages as *keneziatus* and making payments in kind and money from them to the bans of Severin.⁶⁶

The strong financial situation of the family of Temeşel is illustrated by a document from 1392 about the purchase of two possessions from the district of Mehadia, called *Hydech* and *Temesin*, for 200 florins, 100 oxen, and 300 sheep. The possessions had been sold by the cousins of Christopher, son of Andrew of *Kyzen* who had confirmed the purchase and handed the charters of the possessions issued by King Charles to the new owners.⁶⁷ This is one of the very few surviving examples of land transactions from the area of the privileged districts. In the case of the family of *Kyzen*, the available information refers only to the cousins of Christopher, the priest Lucasius from Sebeş and a certain Briccius, son of Christopher. Most probably the possessions sold were noble estates for which their owners had royal charters. If the family of *Kyzen* had cnezial origin, by obtaining a royal charter for their estates, they were ennobled. The confirmation of Christopher required for the purchase of the possessions, suggests also a noble status, since the possessions constituted the patrimony of the family.

King Sigismund donated estates within the privileged districts under different conditions, sometimes as noble possessions, sometimes as cnezial ones. In 1397, Ladislav, son of Peter *dictus Olah de Wazylyowa*, and his relatives received as *nova donatio* the royal possession *Paganch*, from the district Karan, previously held and

⁶⁶Ibid., 66-68. Similar evolutions were found in the case of the cnezes from district Haţeg, see Radu Popa, *La începuturile evului mediu românesc. Ţara Haţegului* (At the beginnings of the Romanian Middle Ages: The Haţeg's Country) (Bucharest: Editura Ştiinţifică şi Enciclopedică, 1988), 191-192.

⁶⁷Ibid., 14-15.

used by the recipients of the donation. It was a hereditary donation with noble title and complete rights of lordship.⁶⁸

Something similar was done in the case of a donation from 1406. A *cnez* called Denis, son of Ciucă of *Lopathaka alionomine Myhalyanch*, and through him his relatives, was rewarded for his military services performed during the Bosnian expedition by a *nova donatio* of the possession held previously under their own *keneziatus*. Moreover, the charter comprises the provision according to which the recipients were "ennobled by the plenitude of royal power according to the custom of and as the other nobles of the kingdom, as long as our benevolence shall last."⁶⁹ The charter also comprised the clause of perpetuity, that is, the hereditary rights of property. This type of charter is singular among the acts received in the Banat. No other known charter mentioned so clearly the elevation at the rank of the other nobles of the kingdom. As presented above, mentions of Romanian nobles, noble *cnezes* or simply nobles can often be found in the charters preserved, but the reference clearly to "ennoblement" according to the custom of the nobility of the kingdom is very rare. This provision implies that the recipients could enjoy all the privileges of the Hungarian nobility. Unfortunately it is impossible to know if this family was really exempted from the *cnezial* obligations, which were certainly maintained in the cases of other Romanian noble families.

A donation under *cnezial* title was issued in the name of the king in 1420, by Sigismund of Losoncz, castellan of the royal fortresses Severin, Orşova, Mehadia, Sebeş, and Jdioara, to Bogdan, son of Nicholas, son of Magoya, and his relatives for the *keneziatus* of three possessions from Comiat, *Magoyafalva*, *Rekethe* and *Stremptura*. In fact, a new charter was needed because the *literals instrumenta* regarding those possessions had been destroyed earlier by the "most savage" Turks. Previously, the castellan was informed by *comprovinciales*, *cnezes* and nobles from the districts Sebeş, Lugoj, and Comiat, about the veracity of the matter, and

⁶⁸Ibid., 15-16.

⁶⁹Pesti, *oláh kerületek*, 54-56, "... more et ad instar ceterorum regni nostri nobilium de plenitudine nostre regie potestatis nobilitamus, nostro tamen duntaxat beneplacito perdurante"

subsequently he donated the mentioned possessions "to be owned and held according to the custom of *cnezates* of the other Romanians."⁷⁰ This is only a confirmation of *cnezial* estates issued due to the loss of charters; in this case no modification of the previous status is documented.

In 1422, the sons of Bogdan of Mâtnic obtained a written confirmation of the purchase of the possession *Libanmezeye* or *Wozestia* from the former owners, Stanciul, son of Barb and Drăgan, son of Manciu, *aule regie milites* and their relatives, *Volahis de dicta Komyath*.⁷¹ The latter obtained the possession from King Sigismund for their services and sold it to the nobles of Mâtnic for 100 golden florins. It is interesting to note that the nobles of Mâtnic received an adjudication in 1404 for the same possession from Philip of Korogh, *comes* of Timiș.⁷² More than likely there were disputes regarding this possession for which no records are available, most probably being settled by a payment of a sum of money. It should be noted that *egregii viri magistri* Stanciul and Drăgan *Volachi de Komyath* were at that time *aule regie milites* and probably occupied some official position.⁷³ This is not a singular example; during the reign of King Sigismund, some other Romanian nobles from the Banat also performed services as knights of the royal court.

A similar evolution is documented for the Romanian elite of the districts of Bârzava and Almăj. In 1418 Pipo Scolari, *ispán* of county Timiș, issued a charter regarding the settlement of a dispute and the perambulation of some "cnezial possessions from the royal estates" located *juxta Riuulum Maylatmaycho* from the Bârzava district. The *ispán* appointed eight arbiters, *certos probos ac nobiles kenezys* (the noble Jacob of Abel, castellan of *Borzafew*, and seven *cnezes*, Michael

⁷⁰Ibid., 56-57, " ...more Keneziatuum ceterorum volahorum tenendas possidendas et habendas"

⁷¹Idem, *oláh kerületek*, 57-58. The relatives of the sellers were Balotă, Dan, and Costea, Stanciul, son of Dan, and another Stanciul, son of *Draguta*, also *Volachis de dicta Komyath*.

⁷²Ibid., 53-54, "eisdem quendam possessionem regiam Lybanfalua alias Vozestya vocatam in districtu castri Sebesyensis habitam, cuius keneziatum in nostri Judicy figura, Juridice ab alienis manibus optinuerunt, simulcum cunctis Juribus et pertinencys eiusdem universis ad eandem rite spectantibus."

⁷³Pál Engel, *Magyarország világi archontológiája 1301-1457 I.* (Secular archontology of Hungary 1301-1457) (Budapest: MTA Történettudományi Intézete, 1996), 503.

Izach, John *nyakazo*, Nicholas *Bachy* of *Borzafew*, Denis of Luca, and Dominic of *Grunlya* of Carașova) to settle the dispute between the *cnezes* of Bârzava.⁷⁴

In 1433 the *vicecomes* of Caraș county and the noble magistrates recorded the results of an inquiry made by nobles from the same county at the request of Frank of Remetea, about a conflict between him and the *nobiles kenesios et universos populos de Borzafew*. The nobles who made the inquiry learned from those who had arbitrated the case that Frank of Remetea did not offend *prefati kenesi et populi de Borzafew*, who had "pillaged him without cause by the way of their force."⁷⁵ Unfortunately for the historian, no further details are available for this interesting episode of the relationship between Romanian elite and Hungarian nobles. The variation of the terminology applied to Romanian elite from this district, who were called either *nobiles kenezi* or simply *kenezi*, should be noted. There is no direct reference to ennobled *cnezes* from this district, thus the usage of *nobiles kenesi* suggests a tendency of assimilation of the Romanian elite with nobility, not in the sense of melting into each other, but as a term implying a similar or equal position.

Approximately at the same time, the Romanians from the Almăj district(*Halmas*) had conflicts with the same noble family of Remetea. On 18 July 1430, Nicholas of Radewitz, ban of Severin, informed his "beloved friend", the noble Emeric of Remetea, about the complaint of Denis, *Inhabitor de Halmas*, that the former had taken 33 sheep of the latter unjustly and without any cause, and did not want to give them back. The ban warned Emeric that he should return the claimed animals.⁷⁶ It is not sure that this fact was connected with the next information which refers to a larger conflict.

On 21 August 1430, the same ban wrote to King Sigismund that, Emeric of Remetea had requested that he judge the matters in regard to "estates and violent

⁷⁴Pesti, *Krassó*, 284-87. The names of the *cnezes* in dispute were Michael, Gruban, and Lucas, sons of Dya, Ladislas and Andrew, sons of Philip, Brank and Dan, sons of Ivan, Stephen, Mika, John, and George, sons of Laczk, Roman and Ivan, sons of Zarna, Stephen and Gruban, sons of Duma, and Michael, son of Ivan on the one hand and Philip and Peter, sons of Iuga and Mailat Dragomir, on the other.

⁷⁵*Ibid.*, 346.

⁷⁶Pesti, *Szörény*, 23-24.

trespasses" (*Infacto possessionum et facta potentiaria*) between him and the *Kenesios et nobiles de Halmas*. A term for judgment was fixed, but when the time came, only the noble presented himself to judgment, while the cnezes and the nobles from Almăj neither came nor excused their absence, "but insisted that all their legal matters could only be judged by the king."⁷⁷ The document is very concise, but it refers to a clear refusal of submission to the judgment of a royal official. This refusal seems to imply their right of appeal to the royal court. In this case, which seems to have involved a good part of, if not all of the district's elite, the cnezes and the nobles availed themselves of this right. It is one of the rarely known cases of appeal to royal judgment, which suggests that the Romanian elite enjoyed this right the privilege of 1457. It should be noted that this case constitutes an exception caused probably by the importance of the matter; usually the cnezes and the Romanian nobles accepted the jurisdiction of the local royal officials, that is the *comes* or the ban.

In general, the charters issued by King Sigismund or by his local officials, such as the ban or the *ispán* were donations of estates, confirmations of former properties, and settlements of disputes. One type of royal deed, seldom found in the records from the Banat, but nonetheless present, was the exemption. In the cases known it consisted in an exemption from payment of tolls or a relaxation of cnezial obligations.

There are few examples of toll exemptions granted to different recipients from the Banat. The most important was a collective exemption granted to Sebeş district, some time during the reign of King Sigismund. The original privilege did not survive, and the exemption is known only from its confirmation by King Wladislas II from 1494. According to that, the exemption rewarded not only military services, but was also intended to compensate for damages and losses caused by the Ottoman

⁷⁷Ibid, 24, "... prescripti vero Nobiles et Kenessy de Halmas predicta, non venerunt neque miserunt sed iudicationem vestre Serenitatis in omnibus se admiserunt." The translation of this sentence is problematic, but this is its most probable interpretation. It was interpreted similarly in Pop, *Adunările cneziale*, 129.

invasions, and seems to have been issued sometime between 1420 and 1437.⁷⁸ By it, the king granted to "all Romanians and people of other status or language from Sebeş district" --that is not only the elite!-- exemption from payment of any kind of tolls, anywhere within the borders of the kingdom, either royal or private, for all their goods.⁷⁹ According to the privilege of 1457 the Romanian nobles were exempted by their noble status from tolls. This privilege must have, therefore, referred to the *cnezes*, and other categories of the district's population. The Romanian nobles benefitted indirectly from this privilege as it extended the exemption to their tenant peasants.

On 28 August 1428, King Sigismund prohibited the Lugoj royal customs officers from infringing on the ancient exemption from tolls (*libertas*) of the *populorum et iobbagionum* of Hodoş, a village near Lugoj, held by the family of *Zewdy*.⁸⁰ The royal order was determined by the complaint addressed by the noble family which possessed the village.

An interesting case is that of the noble family of Măcişaş, which toward the end of the third decade of the fifteenth century, obtained not only charters for confirmation of its former possessions, but also a relaxation of its *cnezial* obligations regarding the annual gifts. This fact is known from a complaint made by the bans of Severin in 1454 in the assembly of *universi nobiles de districtu Sebes* that the nobles from *Alsomachkas* did not pay their *Census et munera annualia vt moris kenezatus est*. A member of the family from *Alsomachkas* answered to this accusation that they paid the obligations each year, but according to *favorabilem remissionem* of King Sigismund: that is, each year Ascension Day, one fattened calf and three boars; at

⁷⁸In 1420 an Ottoman army invaded first time Transylvania penetrating through Banat. In the same year near castle Severin took place a battle between the Ottomans and an army commanded by the ban of Severin, Sigismund of Losoncz. After this date Ottoman invasions in the region occurred repeatedly.

⁷⁹Pesti, *Szörény*, 117-18, "...Eosdem universos Wolachos et alterius status, seu linguagy homines predicti districtus Sebes, eorumque quemlibet, ab omni solucione tributaria, de personis, Rebusque et bonis ipsorum quibuscunque in locis quorumcunque Tributorum, tam Regalium quam Reginalium, quam aliorum quorumlibet, vbilibet intra ambitum dicti Regni Hungarie habitis, fieri debenda, suo beneplacito perdurante..."

⁸⁰Idem, *Krassó*, 326-327, "... antiqua eorum Libertate requirente, ab omni solucione tributaria, in prescripto tributo nostro de Lugas facienda exempti sint et emancipati habeantur..."

Christmas three knot-shaped breads with roasted meat; and at Easter, twelve eggs with three knot-shaped breads.⁸¹ The bans were not satisfied with this answer and required a legal judgment of the matter. Thus six nobles were elected to pursue an inquest; they learned that previously the noble family of *Alsomachkas* used to pay the *census and munera* in the same amount as the other (*cum plures*), but after the death of Roman and Michael of Măciș in the battle for the fortress Golubac, King Sigismund agreed to the relaxation of their *cnezial* obligations from two possessions, *Alsomachkas* and *Alsothewis*, giving them also a charter which disappeared when an Ottoman army plundered the district.⁸² The family Măciș family owned several estates in Sebeș district, being mentioned as a noble family since the beginning of the fifteenth century. This document indicates a characteristic feature for the evolution of the Romanian elite: although individuals were raised to the rank of nobles -or only called- nobles, their previous *cnezial* obligations remained, unless explicitly remitted or reduced

The documentation preserved is fragmentary, that is it provides only partial information in regard to the economic standing of the elite from the privileged districts. Only for a few noble families are records for all their estates available. The presentation of a brief survey of some examples may at least offer an image of the amount of land owned a few families. The data available only mention the estates by name without a detailed description.

In Sebeș district, besides the noble family of Mătnic, the families of Bizere and Măciș also had an important economic position. The family of Bizere owned possessions in fourteen villages.⁸³ The estates of the Măciș consisted in eleven

⁸¹Idem, *Szörény*, 66-68, "... Tenemur enim Singulis annis exsolvere Circa festum Penthecostense vnum vitulum saginatum et Tres verres, et Tres cerculos Cum una asatura circa festum natalis domini, nec non doudecim oua cum tribus cerculis circa festum Ressionis domini;" Idem, *Krassó*, 395, John Hunyadi wrote in 29 May 1453 to the bans of Severin that he exempted the nobles Jacob, Șerban, Ladislav, and Iantsul from paying the *cnezial* obligation to the bans "universos proventus keneziales, de predicta Also Matskas, Banis provenire debentes, generose duximus remittendos et relaxandos."

⁸²Ibid., 68-70.

⁸³Idem, *Szörény*, 26-27, In 1433, King Sigismund donated to Ladislav of Bizere *aule militis*, the portions of possession of his uncle from the following estates from Sebeș district: *Bizere, Kalowa*,

villages.⁸⁴ The families of Cornea and Temeşel from Mehadia district seems to have had a similar economic standing. In 1439, the sons of Stoian and Michael of Cornea (*Chorna*) owned twelve villages⁸⁵; the family of Temeşel possessed in 1447 ten entire villages and half-villages in another ten possessions from districts Mehadia and Lugoj.⁸⁶ According to surviving evidence, these families were the well-off landowners of the area. The possessions of middle landowners from the districts ranged between four and six estates, but many other Romanian nobles owned only one or two villages and sometimes even less. It should be added that many such families were already separated in branches, and owned the estates in common or dividing their possessions among themselves.

The charters issued between 1420s and 1437, contain no reference to the *cnezial* conditions of possession, typical for the districts, in contrast to the previous period. This fact might be interpreted as signifying the disappearance of *cnezial* obligations for some of the Romanian nobles. The study of the charters of the next two kings, Albert and Wladislas I, suggests that this was not the case; on the contrary, they were maintained and continued to define the status of the Romanian nobles. In conclusion, during the long reign of King Sigismund, it seems that almost all landowners from the Banat received charters for their possessions. Due to the looseness of the terminology applied to members of the Romanian elite, called *cnezes*, noble *cnezeş* and nobles, it is difficult to assess precisely the changes which happened in this long interval. It is certain that many of the charters were the type called *nova donatio*; very often the recipients were called *nobiles*, and in general this term occurred more and more often in the documents. The term *kenezius* did not

Warcharua, Zabadfalu, Rampna, Meel, Szlatyna, Nouakfalua, Myhalancz, Weelgh, Laczkan, Danilest, Apadya, and Ohabyca.

⁸⁴Idem, *Krassó*, 378-380, A confirmation from 1440 for a group of nobles from Măciş mentioned: *Macskas, Tyvisk, Inferiorem Tinko, Perlo, Dobrogoszt, Ruginocz, Toplicza, Leurdis, Csuta, also Szekas, felso Szekas, and Zazesth.*

⁸⁵Idem, *Szörény*, 36-39, *Chorna, Jordanyca, Paprad, Thoplocz, Plwgoua, Wereden inferiorem et superiorem, Fazakas, Thopliczan, Kyskyralmezew and Belabwk.*

⁸⁶Idem, *oláh kerületek*, 70-73, The family Temeşel owned the villages *Themessel, Thwreguba, Wrbachyen, Alsohydeg, Krewa superior, pathak, Krwssowcy, Yabelchna, Zalyn, Kwzephkrewa*, half of the villages *Naghlwkawycza, Thoplichaan, Kisłwkawicza*, from the same district, and half of the villages from district Lugoj *Barthafalwa, Gedefalwa, Felsewkwesd, Alsokwesd.*

disappear, but after the 1430s it occurs more rarely. Also, the documents suggest a prevalence of the usage of the term *nobilis* for some districts like Sebeș, Mehadia, Lugoj, and Comiat, while the opposite is the case for the elite of Bârzava and to some extent those of the Almăj district, who continued to be called almost exclusively cnezes. This difference might result from the simple fact that the former group is in general better documented by the surviving evidence than the latter. It might also be the result of a real advance of the elite from the first group in gaining charters for their possessions.

Chapter IV.

IV.1 The Romanian elite during the epoch of John Hunyadi.

The epoch of John Hunyadi covers conventionally the reigns of King Albert (1438-1439), Wladislas I (1440-1444) and Ladislas V (1444-1457) and is particularly relevant for our region. In this chapter the focus will be on several charters issued by these kings for nobles from the privileged districts, documents which are essential for the understanding of the status of the Romanian nobility in the period which preceded the privilege of 1457.

If during the last two decades of Sigismund's reign the charters reflect a lack of precision or even ignorance concerning the special conditions of Romanian possessions, (which could suggest a complete transformation of Romanian possessions into noble estates), those issued by the kings Albert and Wladislas I include careful provisions referring to the particular obligations of Romanian nobles.

Thus, on 9 May 1439, for faithful services King Albert donated to Michael, son of Michael and Basil, son of Stoian of Cornea, *walachorum nostrorum*, eleven estates from the district Mehadia held before, "under those modes, taxes, forms, agreements, and obligations in which these [estates] were held and owned by the said parents of Michael and Basil, but also by them themselves until now, under each of them [conditions, etc.] [in which] the other faithful Romanian nobles of those parts were accustomed to hold and own their estates and goods."⁸⁷

On 6 August 1440, King Wladislas I issued to the nobles from Măciuş another charter for all their estates, after the loss of their *literals instrumenta* in an Ottoman invasion. The charter comprised a similar provision: "under the modes, forms, taxes, agreements and obligations, as well as services ..., or duties of services,

⁸⁷Idem, *Szörény*, 36-39, "... sub illis modis Censibus formis pactis et condicionibus quibus eas prefati progenitores ipsorum Michaelis et Blasy, sed et ydem hucusque tenuissent, et possedissent, Sub quibusque ceteri eis fideles wolahy nobiles parcium illarum possessiones suas atque bona tenere et possidere consueuerunt..."

under which these [estates] the above mentioned ancestors ... formerly and they themselves until now is known to have held and owned."⁸⁸

On 11 June 1444, King Wladislas I issued a charter for donation with similar content. The recipient was Nicholas of Bizere, *familiaris* of John Hunyadi, who distinguished himself as captain of a unit of soldiers in several wars. He was granted four possessions in the district Caransebeş (from that time on the former Sebeş district came to be called also like this), held by him and by his *condivisionales* relatives, through the charters of King Sigismund and Albert, which were lost in an Ottoman raid. The donation charter contains the provision concerning the special conditions of Romanian possessions "and under those obligations and services under which other Romanian estates are held and owned in the named district and under the same grounds under which similar Romanian estates were accustomed to be conferred by our predecessor kings."⁸⁹

The wording of these provisions reflects clearly that obligations specific to *cnezial* possessions were maintained also to the Romanian nobles. Actually these provisions prove that the *cnezes* were acknowledged by standard charters as legal landowners, and also named nobles, but without bestowing on them all the privileges of nobility. The Hungarian nobility enjoyed in general an exemption from taxes. Particular for the Romanian nobles, was the limited range of fiscal exemptions and thence the most important element which differentiates them from the Hungarian nobility. Moreover, the documents mention clearly the obligations, the taxes in money and in kind, the services, and most probably the military duties.

Perhaps the imprecision of terminology applied to the Romanian elite, also often called *nobiles*, had produced confusion even by that time (not only for the historian). It seems probable that, at one moment, a more precise terminology was

⁸⁸Idem, *Krassó*, 376, "... sub modis formis, censibus, pactis et conditionibus, nec non servitys praematurato et ex novo novaeque, seu servitiorum officys, quibus eas praescripti Progenitores eorundem Nicolai filij Dionisy et fratrum suorum ab olim et ipsi hucusque tenuisse et possedissee dignoscuntur... "

⁸⁹Idem, *oláh kerületek*, 69-70, "...ac sub illis condicionibus et serviciis quibus alie possessiones Wolachicales in dicto districtu tenentur et possidentur ac sub eisdem vigoribus quibus similes possessiones wolachicales per predecessores nostros Reges conferre solite fuere... "

needed; since for almost one century, members of the Romanian elite were called, from time to time, *nobiles*, without being in fact identical with the "nobility of the kingdom," a special term for this class became necessary: that is why the term *nobiles Valachi* appears so often in the privilege from 1457 .

This term is not a creation of the mid-fifteenth century; it appeared as early as 1376 in a charter referring to the Mehadia district, as a term applied to ennobled *cnezes*. In itself it constituted the most appropriate term for distinguishing a particular type of landowners, that was different from the common nobility in regards to privileges. An oscillation in using a few different terms for naming the same group has been noted in the previous chapters. The question after the reason of this at this point in the inquiry should best left open.

It is, however interesting that after an interval of time which roughly coincides with the last two decades of King Sigismund's reign, when the usage of the term *nobiles* for Romanian landowners became almost exclusive, a more clear definition was needed. Why did this form of charter appear in the time of King Albert, after a period when the special conditions for Romanian possessions seemed to have been forgotten? Perhaps a new preoccupation for the preservation of the royal domain might have determined a careful statement of the status of these possessions. It could have been also correlated with the alienation of important parts of the royal property through pledge (e.g. Comiat [1435, 1437] and Icuş districts [1439]); the decrease of the royal domain might have determined a more careful consideration of the possessions within other districts.

The usage of this special term for the Romanian elite is reflected also in the terminology applied in the same period to the local judicial courts. On 8 June 1451, John Hunyadi requested the "noble magistrates of the seven Romanian seats" (*Nobilibus viris Judicibus Nobilium Septemsedium volachicalium*) to make an inquest in their extraordinary assembly (*proclamatae congregationis*) concerning the donation by King Albert of the fortress and district Drencova (*Dranko*) to the bans of

Severin, *egregy* Michael and Basil of Cornea and Nicholas of Bizere.⁹⁰ The extraordinary assembly was held in January 1452, in Sebeş, "the principal judicial seat of the seven Romanian noble seats (*Sedem scilicet Judiciariam principalem Septem Sedium Nobilium Walachicalium*), and within it the participants confirmed the truth about the donation."⁹¹ In this case, the usage of the terms oscillated from "Romanian seats" to "Romanian noble seats," and more than likely, it reflects a tendency toward a more precise terminology for the institutions of the Romanian elite. In any case, toward the year 1457, the terminology applied to Romanian elite seems to have adopted in some cases the more precise term *nobiles Valachi*, but the term *nobilis* seems to have also been used as the usual term.

⁹⁰Idem, *Szörény*, 58-60.

⁹¹Ibid., 62-64. It is interesting to note that the nobles who testified about the matter came from seven districts including Comiat, which according to the privilege from 1457 was re-annexed to the other seven only in 1457. In this assembly did not participate the nobles from Ilidia district. This information modifies the chronology of events. Perhaps the rejoining Comiat district to the other took place earlier, during the time of government of Hunyadi, perhaps as a result of paying the debt of the king. At any rate it is still unclear why the representatives from district Ilidia were not mentioned in this charter, and that together with Comiat district there are already seven districts.

IV.2 Conclusions

The formation of the Romanian nobility can be considered as a process that ended in 1450s. At the beginning of the process, there was a homogenous layer of *cnezes* owning their *cnezates* or possessions within the districts of royal castles from the Banat. At the end of the process the districts came to be called "Romanian districts," and the Romanian elite living there had an autonomous organisation similar to that of the noble county.

The Romanian nobility as a group resulted from the evolution of *cnezes* living on the royal domain who succeeded in gaining royal charters for their former possessions. It is not entirely correct to speak about real ennoblement in case of this elite, since it seems that in general only the terminology applied to them changed. As *cnezes* they enjoyed a quasi-privileged status. The royal charters granted to the *cnezes*, similar in form with the charters usual for the nobles, did not automatically change the Romanian landowners' status. These acts only secured the property, as was usually the case with other noble estates. Actually, as we have seen from the analysis of the charters, the Romanian nobles retained the former obligations toward local royal officials such as the ban or castellans.

Although more and more often called simply *nobiles*, it would be an error to consider Romanian nobles identical with the nobility of the kingdom. They certainly enjoyed only partially the privileges of the nobility, which justified their title of nobles, but they differed from the nobility in regards to fiscal exemptions and by the specific obligations and duties. I consider that at least for another century, the Romanian nobles retained their special obligations which distinguished them from the nobility of the kingdom, and only later it came to enjoy all the privileges of the Hungarian nobility. Thus, the opinion prevalent in the Hungarian historiography that there was only a nobility of Romanian origin and not a Romanian should be modified.

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