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## CUPRINS ■ SOMMAIRE ■ INHALT ■ CONTENTS

### ARHEOLOGIE ȘI ISTORIE VECHĂ

---

REMUS MIHAI FERARU

Le culte d'Apollon Didymeus dans les colonies milésiennes de la Propontide et du Pont-Euxin ☞  
*The cult of Apollo Didymeus in the Milesian colonies of the Propontis and the Euxine Pontus* ..... 11

GABRIEL MIRCEA TALMAȚCHI

Despre un nou tezaur monetar de dioboli din Mesembria descoperit în sudul Dobrogei ☞ *About a new monetary hoard of diobols from Mesembria discovered in the south of Dobruja* ..... 25

BOGDAN LĂPUȘAN

Keys, locking mechanisms and padlocks from the old collections of the National Museum of Banat, from Pojejena and Tibiscum ..... 33

ANDREI-CĂTĂLIN DÎSCĂ, IULIAN LEONTI

Drumul roman imperial între Tibiscum și Ulpia Traiana Sarmizegetusa. Câteva considerații și rezultatele unor cercetări de teren ☞ *The Roman Imperial road from Tibiscum to Ulpia Traiana Sarmizegetusa. Several observations and the results of new field investigations* ..... 49

ALEXANDRU FLUTUR

Considerații despre valurile romane din Banat ☞ *Considerations about the Roman earth embankments in Banat* ..... 71

ROBERT GINDELE

Așezarea sarmatică descoperită la dezvoltarea infrastructurii rutiere de la Cerneteaz – Sit 7 (jud. Timiș) ☞ *The Sarmatian settlement discovered during the construction of the road infrastructure at Cerneteaz-Sit 7 (Timiș County)* ..... 109

DANIELA TĂNASE

Din nou despre antichitățile romano-bizantine descoperite la Drobeta-Turnu Severin din colecția lui Imre Pongrácz ☞ *New remarks about the Roman-Byzantine antiquities discovered at Drobeta-Turnu Severin from the collection of Imre Pongrácz* ..... 137

### LUCRĂRI PREZENTATE ÎN CADRUL CONFERINȚEI „POLITICS AND SOCIETY IN CENTRAL AND SOUTH-EASTERN EUROPE. DAILY LIFE IN MEDIEVAL AND EARLY MODERN TIMES (11<sup>TH</sup>–17<sup>TH</sup> CENTURIES)” (7–8 OCTOMBRIE 2021, TIMIȘOARA)

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JELENA ĐORĐEVIĆ, VOJISLAV ĐORĐEVIĆ

“Livade-Đurđevac” near Pančevo. Results of archaeological research of medieval churches and necropolises 2009–2013 ..... 157

ALEKSANDAR KRSTIĆ

Reflection of daily life in medieval inscriptions and notes from Serbia and Bosnia (12<sup>th</sup>–16<sup>th</sup> centuries) ..... 181

MILOŠ MAREK	
„In numerum proscriptorum malefactorum assignati“. Proscription in Banat and Transylvania in the Middle Ages (14 <sup>th</sup> –15 <sup>th</sup> century) .....	193
ELEK SZASZKÓ	
The last members of the Dobozi Dánfi family .....	203
MIKLÓS FÓTI, ISTVÁN PÁNYA	
Topographic data in Ottoman registers as a resource for the identification of vanished settlements in Bodrog County .....	213
NICULINA DINU	
Ottoman pottery discovered in Hârșova fortress in year 2020 .....	227

## ISTORIE MODERNĂ ȘI CONTEMPORANĂ

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COSTIN FENEȘAN	
O încercare de reglementare a veniturilor fiscale din Transilvania în timpul celei de-a doua ocupații habsburgice (1603) ☞ <i>An attempt to regulate tax revenues in Transylvania during the second Habsburg occupation (1603)</i> .....	239
HAJNALKA TÓTH	
The 1707 raid of Kecskemét by Serbs and its diplomatic consequences in Habsburg–Ottoman relations .....	261
ZORAN MARCOV	
Coifurile Gărzii Cetățenești din Timișoara din colecția Muzeului Național al Banatului (prima jumătate a sec. al XIX-lea) ☞ <i>The helmets of the Citizen Guard from Timisoara from the collection of the National Museum of Banat (first half of the 19<sup>th</sup> century)</i> .....	273
RÓBERT KÁROLY SZABÓ	
Die historiografische Bedeutung der Schulregister der siebenbürgischen reformierten Schulen im Ersten Weltkrieg ☞ <i>The historiographical significance of register books of Transylvanian reformed schools in the First World War</i> .....	287
MARIAN-ALIN DUDOI	
The Romanian election of 1946 in the Norwegian press .....	297
RADU TABĂRĂ	
Serviciul Muncii. Analiză a impactului său economic la nivelul economiei naționale (1950–1961) ☞ <i>The Labor Service. Analysis of its economic impact on the national economy (1950–1961)</i> .....	301
VASILE RĂMNEANȚU	
Ultima vizită de lucru a lui Nicolae Ceaușescu în județul Timiș (14–15 septembrie 1988) ☞ <i>Nicolae Ceaușescu's last working visit in Timiș County (September 14–15, 1988)</i> .....	311

## ISTORIA CULTURII, ARTEI, MUZEOLOGIE, RESTITUIRI

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MIRELA BONCEA, CĂLIN TIMOC	
Despre activitatea de anticar și colecționar a umanistului italian Luigi Ferdinando Marsigli ☞ <i>The activity of the Italian humanist Luigi Ferdinando Marsigli as an antiquarian and collector</i> .....	323

## RECENZII, PREZENTĂRI DE CARTE

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ANDREI MIC

Sorin Mitu (editor), *Raporturi și imagini româno-maghiare*, Cluj-Napoca, Ed. Argonaut-Mega, 2023,  
211 p. .... 335

## OBITUARIA

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Kakucs Lajos (1944–2023)..... 339

ABREVIERI BIBLIOGRAFICE/ ABREVIATIONS BIBLIOGRAPHIQUES ..... 343

## „IN NUMERUM PROSCRIPTORUM MALEFACTORUM ASSIGNATI“. PROSCRIPTION IN BANAT AND TRANSYLVANIA IN THE MIDDLE AGES (14<sup>TH</sup>–15<sup>TH</sup> CENTURY)

Miloš Marek\*

*Keywords: Proscription, crime, general congregations, Transylvania, Banat, 14<sup>th</sup>–15<sup>th</sup> century.*

### Abstract

An important part of medieval Hungarian justice was the proscription. It was a legal procedure taken at special assemblies of regional aristocracy held upon the order of the king and presided by the palatine or a person in the dignity of baron (e. g. duke of Transylvania). At these judicial assemblies people accused of crime were listed in registers. When they did not attend the assembly the county authorities found them guilty in absentia, proclaimed as public malefactors and the palatine outlawed them, which meant sentencing to death and confiscation of their property. In comparison with other parts of the kingdom of Hungary only one proscription register from the voivodate of Transylvania and its seven counties and from the territory of modern Banat has been preserved. From this and from other medieval documents we know that also in these parts of kingdom, the general congregations dealt with criminals, who had been summoned before their courts and recorded in proscription lists. Several documents about the proscribed persons and their destinies have been preserved, the data of which are discussed in this papers.

Crime and punishment as a natural consequence of a committed delict are a part of human life throughout the duration of human society. Times change, but people, their crimes and their motivations have remained the same for centuries, only their ways have changed, as has society's attitude towards crime and criminals, but it has always been true that crime should be eradicated from human society and the criminals punished<sup>1</sup>. Several authors dealt with the problem of crime in the medieval Hungarian Kingdom and the issue of prosecution of criminals by local authorities<sup>2</sup>. A specific feature of

medieval justice, which was known not only in Hungary, but also in other countries of Western and Central Europe, was the proscription of criminals<sup>3</sup>. According to the testimony of written sources in the Kingdom of Hungary until the end of the 15<sup>th</sup> century (1486) the proscription was

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<sup>1</sup> William Chester Jordan, *From England to France. Felony and Exile in the High Middle Ages*, Princeton and Oxford (2017). Trevor Dean, *Crime in medieval Europe 1200–1550*, London and New York (2001). Bronisław Geremek, *Slitování a šibenice. Dějiny chudoby a milosrdenství*, Praha (1999). Nicole Gonthier, *Le châtement du crime au Moyen Âge (XIIe–XVIe siècles)*, Rennes (1998).

<sup>2</sup> István Tringli, *Hatalmaskodások a középkori Magyarországon*. Akadémiai doktori értekezés (Vác-Budapest 2020). Mihai Florin Hasan, Banditry in the kingdom of Hungary in the Middle Ages: Case study. Some gangs on the 'royal land' (15<sup>th</sup> century), *AMN*, 53 (2016), 23–31. Pál Engel, *Le règlement des conflits dans la Hongrie médiévale*.

*Le règlement des conflits au Moyen Âge. Actes des congrès de la Société des historiens médiévistes de l'enseignement supérieur public*, 31e congrès. Angers (2000), 305–315. With an emphasis on Transylvania and Banat: Mihai Florin Hasan, *Proscriși și infractori în Transilvania în secolele XIV–XVI*, Cluj-Napoca (2017), 534. Adrian Magina, Cum manibus armatis: Facets of violence in the medieval Banat, *Banatica* 24, 2 (2014), 47–64. With an emphasis on the urban environment: Enikő Csukovits, Zločin a trest v stredovekej mestskej praxi. Trestné prípady banskoštiavnickej mestskej knihy zo 14.–15. storočia. Enikő Csukovits – Tünde Lengyel (eds.), *Z Bardejova do Prešporku. Spoločnosť, súdnictvo a vzdelanosť v mestách v 13. – 17. storočí*, Prešov – Bratislava (2005), 128–148. Vladimír Segeš, *Kriminalita a justícia v stredovekom Prešporku*, Bratislava (2020), 256.

<sup>3</sup> Eduard Eichmann, *Acht und Bann im Reichsrechts des Mittelalters*, Paderborn (1909); Friedrich Battenberg, *Reichsacht und Anleite im Spätmittelalter*, Köln–Wien (1986); Armin Feuring, *Die Verfestung nach dem Sachsenspiegel und den Quellen des Magdeburger Rechtskreises*, Bonn (1995); Paweł A. Jeziorski, *Proskrypcja i banicja w miastach pruskich późnego średniowiecza*, Warszawa (2017). Here we can find the list of previous literature on this issue.

resolved at palatine general congregations, later at county judicial assemblies<sup>4</sup>.

The oldest references to the public declaration of delinquents outside the law can be found in the laws of the first Hungarian kings or in various cases listed in the well-known Oradea Register (or *Registrum Varadinense*)<sup>5</sup>. The younger King Stephen summoned a congregation to punish criminals as early as 1263, in which the nobles of the Borsod, Ujvár, Zemplin, Heves and Gemer counties took part, who accused and convicted the criminals “per publicam proclamationem”<sup>6</sup>. The first mention of palatine congregations aimed at combating crime dates back to 1273, when palatine Denis, on the order of the king and on the advice of the barons of the kingdom, held an assembly of the nobles of the Zala county, at which thieves, robbers and other criminals were accused and publicly proclaimed<sup>7</sup>. Five years later (1278), palatine Matthew Chak was commissioned by the king to hold judicial assemblies to exterminate thieves, bandits, ravagers and other criminals. The palatine summoned one such assembly in the Somogy county that year<sup>8</sup>. The first proscription registers drawn up at general congregations date from the 1340s, from the time of King Louis I. But there are mentions of them already from the 20s of this century<sup>9</sup>.

Proscription was a judicial decision by which an individual or a group of persons was placed outside the law, i.e. deprived of his rights. This punishment was intended for all public criminals:

<sup>4</sup> Géza Istváni, A generalis congregatio I, *Levéltári Közlemények*, 17 (1939), 50–83. *Idem*, A generalis congregatio II, *Levéltári Közlemények*, 18–19 (1940–41), 179–207. Tibor Szócs, A nádori generalis congregatio intézmények előképe és kialakulása, *Acta historica* (Szeged), 135 (2013), 45–58. *Idem*, *A nádori intézmény korai története 1000–1342*, Budapest (2014), 163–180. Éva B. Halász, Generalis congregatiók Szlavóniában a 13–14. Században, *Történelmi Szemle*, 59–2 (2017), 283–298.

<sup>5</sup> Sancti Ladislai regis decretorum liber secundus. Article IV. Levente Závodszy (ed.), *A szent István, szent László és Kálmán korabeli törvények és zsinati határozatok forrásai*, Budapest (1904), 167.

<sup>6</sup> Emericus Nagy (ed.), *Codex diplomaticus patrius VIII*, Budapest (1891), 93–94, nr. 73.

<sup>7</sup> Gustavus Wenzel (ed.), *Codex diplomaticus Arpadianus continuatus IX*, Pest (1871), 38–40, nr. 22.

<sup>8</sup> Georgius Fejér (ed.), *Codex diplomaticus Hungariae ecclesiasticus ac civilis (hereafter: CDH) VI/2*, Budae (1829), 477.

<sup>9</sup> According to the words of the Slavonian ban Mikch (1334), his predecessor, ban Nicholas, son of Omodeus from the Gutkeled family (in office in the years 1322–1325), had Farkas, son of Filip and his companions sentenced to death for their crimes, as evidenced by his register. Emericus Nagy (ed.), *Codex diplomaticus Hungaricus Andegavensis. III*, Budapest (1883), 83, nr. 67.

notorious thieves, robbers and those who provided them with protection and refuge, as well as forgers of money, seals and documents, arsonists and also criminals who earned the label of an unfaithful person (“nota infidelitatis”) for their crime. At general congregations held upon the order of the king and presided over by the palatine or at county judicial assemblies, elected county officials made lists of proscribed persons, in which simple peasants, burghers, but also clergy, nobles or groups of persons and institutions could be enrolled. These lists were published by a three-fold announcement in public places (markets). In case that declared criminals did not appear at the judicial assembly to respond for their crimes, they were sentenced to death and loss of their property. According to Hungarian medieval customary law, anyone could capture, detain and execute the proscribed or otherwise punish him at will and seize his property<sup>10</sup>. Later, the authorities reserved the administration of justice for themselves and the properties of such criminals also fell to the authorities of the county<sup>11</sup>.

The first (unfortunately false) mention of

<sup>10</sup> Miloš Marek, *Zločinnosť v stredoveku (podľa svedectva proskripčných listín)*. *Studia historica Tyrnaviensia*, XIII. Historiae vestigia sequentes, Kraków (2011), 126–168. László Bártfay Szabó, Proscriptio I. Mátyás király korából, *Turul. A Magyar Heraldikai és Genealógiai Társaság Közölnye*, vol. 23, 1 (1905), 10–17, 63–76. István Tringli, Az 1481. évi szlavóniai közgyűlés. Enikő Csukovits (ed.), *Tanulmányok Borsa Iván tiszteletére*, Budapest (1998), 291–318. István Tringli, Jagelló-kori levelesítő jegyzék Zalából, *Levéltári Közlemények*, 69, 1–2 (1998), 3–31. László Solymosi, Szabolcs és Bereg vármegye gonosztevőinek lajstroma 1435-ből. *JAMÉ*, 42/2000, 139–147. Ferenc Piti, Kont Miklós nádor levelesítő okiratai 1366-ból, *AUSz. Acta Historica*, CXXXII (2011), 51–57. Ferenc Piti, Opuliai László nádor proskribáló oklevele (1370), *AUSz. Acta juridica et politica*. Tomus LXXV (Ünnepi kötet dr. Blazovich László egyetemi tanár 70. születésnapjára), Szeged (2013), 553–557. István Tringli, Két szokásjogi norma a közgyűlések működéséről. *Szokás és szabadság. Tanulmányok a középkori magyar jogszokások és kiváltságok történetéhez* (2017), 15–27. Norbert C. Tóth, Tolvajok és rablók 1393-ban Szabolcs megyében, *Történelmi Szemle*, vol. 31, 1 (2019), 149–164.

<sup>11</sup> According to the decree of King Sigismund from 1405, the proscription of criminals was carried out as a special legal procedure in Hungary at general congregations and judicial tribunals “ex antiqua regni nostri consuetudine” already in the time of the holy kings. In the mentioned year, Sigismund also extended it to cities and free villages, which were given the right to proscribe delinquents, draw up proscription registers and documents and inform all judges in the kingdom about them („illi, qui proscriptionem fecerint, tales malefactores proscriptos”). Franciscus Döry (ed.), *Decreta Regni Hungariae: Gesetze und Verordnungen Ungarns 1301–1457*, Budapest (1976), 194–195. Franz Zimmermann, Carl Werner (eds.), *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen. Band III: 1391–1415*, Köln (1902), 371–382,

proscription from Transylvania dates back to 1272. It refers to Andrew son of Jacob from the Kaplon family, who after the coronation ceremony of the new king Ladislaus IV. attacked the young king, then only ten years old child, and struck him several times with his club. On the proposal of the king's loyal barons and nobles, Andrew was declared unfaithful and proscribed for this daring act. The king donated his property to Nicholas, duke of Transylvania, who once freed him from captivity. It is one of the rare cases from the Hungarian Middle Ages when individuals committed an open attack on the king's person. This unheard of act was automatically considered a crime of insulting the king's majesty and the perpetrator was sentenced to death and the loss of all property<sup>12</sup>.

General congregations in Transylvania from the 14th century to 1412 were held under the presidency of the duke. As early as 1322, Duke Thomas led the first general congregation in this area aimed at restoring royal power<sup>13</sup>. Perhaps the oldest known general congregation in Transylvania convened explicitly for the suppression of crime and punishment of thieves, robbers, bandits and any persons of whatever condition who made a living from harmful activities<sup>14</sup>, took place in the town of Turda on October 22, 1344 under the presidency of Stephen Lackfi, Duke of Transylvania and in the presence of the local nobility, the Siculs, Saxons and other ethnic groups. According to the document, which tells about the progress of the congregation, its purpose was to rectify the situation in this region, so that people burdened by the gravity

nr. 1547. <<http://siebenbuergenurkundenbuch.uni-trier.de/catalog/1646>>.

<sup>12</sup> CDH V/2, 426–427. Gyula Nagy (ed.), *A nagymihályi és sztárai count Sztáray család oklevéltára I.*, Budapest (1887), 16–18, nr. 14. *Documente privind istoria României veacul XIII. C. Transilvania. Vol. II (1251–1300)*, Bucharest (1952), 167–169, nr. 174 (in Romanian). However, the document is considered a forgery. Emericus Szentpétery (ed.), *Regesta regum stirpis Arpadianae critico-diplomatica II/2–3*, Budapest (1961), 203, nr. 2846.

<sup>13</sup> Hungarian National Archives (hereafter MNL OL) Collection of Charters (hereafter DL) 62 681. Zimmermann, Werner, *Urkundenbuch I*, Hermannstadt (1892), 361, nr. 390. József Vass, *Erdélyi országgyűlései a vajdák alatt (időköz 1002–1540)*, Pest (1869), 81.

<sup>14</sup> „pro compescendis furibus, latronibus, raptoribus et qualibet nocivitate arte suos victus querentibus ac pro reformatione status eisdem (!) partis, ut huiusmodi malefactorum gravaminibus inbuti pena debita plecterentur et condigna ulcione ferirentur“ MNL OL, Budapest, Collection of Photocopies (hereafter DF) 238 228; Zsigmond Jakó (ed.), *Codex diplomaticus Transylvaniae (hereafter CDT) III*, Budapest (2008), 101–102, nr. 227; Ferenc Piti (ed.), *Anjou-kori Oklevéltár XXVIII*, Budapest – Szeged (2010), 404, nr. 712.

of their crimes would be punished with an appropriate penalty and struck with due retribution. Of all the seven counties of this voivodship: Hunyad, Alba, Küküllő (Târnava), Turda, Cluj, Dăbâca and Solnoc Interior, seven representatives were elected, honorable persons who were to testify under oath taken on a cross with crucified Christ that they had been chosen as truthful jurors in the court of the duke<sup>15</sup>.

These chosen and elected associates in the voivodship court had the right to convict criminals outside the law, as it happened in 1350, when, together with officials and associates of Solnoc County, they convicted Stephen and John, the sons of Peter from Gurghiu („Georgyn“), as provincial criminals for their ungodly acts and at three public assemblies they had them declared as proscribed which meant condemnation to death and loss of property<sup>16</sup>. Their possession \*St. George (“Zentgeorgh”) on the river Someșul Mic (“Wyzzamos”)<sup>17</sup>, which went to the Transylvanian duke Stephen Lackfi, the duke and at his request also the King Louis I. donated to the members of the family from Felpestes (today Pestișu Mic), who served faithfully in the royal army during the military expeditions in southern Italy.

A document from 1353 provides us with additional information about this proscription. In the presence of King Louis I, the chief treasurer Denis, the son of already mentioned Stephen Lackfi (at that time Croatian and Slavonian ban), in accordance with his mother's last will, returned the property of Iar (Jaar) and Apalina (Abafája) in the county of Turda to John, the son of Peter from Gurghiu (“Georgyn”). These possessions originally belonging to John's inheritance fell into the hands of Denis's father Stephen Lackfi, formerly the Duke of Transylvania, after John's brother Stephen was proscribed by the Transylvanian jurors and nobles at several general congregations as a royal criminal.

<sup>15</sup> The prosecution of criminals is no longer written here, except for the dispute over the occupation of Felvinc village by the community of Siculs. Ibidem.

<sup>16</sup> „propter nefarios, publicos et enormes actus nocivos Stephani et Joannis, filiorum Petri de Georgyn, registratorum et proscriptorum ac in tribus generalibus congregationibus nostris iuxta dictum et assertionem iuratorum assessorum ac universorum nobilium partis Transilvaniae et districtus memorati per iudiciariam sententiam condemnatorum“, József Torma, A zonuki grófságról. XIV. Közlemény, *Magyar Történelmi Tár* (1888), 71–72. Éva Teiszler (ed.), *Anjou-kori oklevéltár XXXIV*, Budapest-Szeged (2013), 211–212, nr. 358. Jakó, *CDT III*, 219, nr. 564 a 565.

<sup>17</sup> An extinct settlement in the cadastre of the village Széplak (rum. Aluniș), in Solnoc Interior county, today Județul Cluj. Jakó, *CDT III*, 599.



In return, John, Peter's son, gave up all rights to the property of \*St. George ("Zentgeorgh") near the river Someșul Mic ("Wizzamos") in Interior Solnoc county, which came into the hands of former ban Stephen as a confiscation, and at his request the king gave it to another person (to Ladislaus, son of John of Felpeste and his brothers)<sup>18</sup>. According to this document, out of the two brothers, only Stephen was affected by the proscription, and Ján was finally cleared of the accusation.

It seems that in the middle of the 14th century the public security situation in Transylvania became serious. There lived Hungarians (Siculs), Saxons, Slavs (Serbs) and Vlachs (Romanians) side by side in the area, whose social status was as different as their culture, customs and religion. Peaceful coexistence between them turned into conflicts accompanied by open violence. The local Hungarian nobility blamed the Vlachs (Romanians) for the escalation of violence. According to them, they experienced many difficulties every day, caused by indecent behavior of various criminals, especially Romanians. Therefore, during his stay in Transylvania, King Louis I issued a special decree in 1366, in which he established the rules of the legal procedure with the intention of suppressing crime. According to the place of its publication, it is sometimes called the Turda Decree<sup>19</sup>.

The decree does not contain the actual reasons for its issuance. According to some researchers, the conflicts there arose from the nomadic way of life of the local Wallachians, different from the life of the surrounding Hungarians or Saxons. Others are looking for a motive for issuing a decree in the intense efforts of the catholic Anjous to suppress the influence of the Orthodox church in Hungary and to convert the Serbs and Romanians living in the kingdom to Catholicism. The Orthodox population living in large numbers in the peripheral areas

<sup>18</sup> Jakó, *CDT III*, 261, nr. 708.

<sup>19</sup> DL 30 690, 31 104, 37 229. Ioan Dani, Konrad Gündisch et alii (eds.), *Documenta Romaniae Historica, vol. XIII, Transilvania (1366–1370)*, Bucharest (1994), 161–162; Zsigmond Jakó – Géza Hegyi – András W. Kowács, *CDT IV*, 206–207, nr. 492; Ioan-Aurel Pop, Nations and Denominations in Transylvania (13<sup>th</sup>–14<sup>th</sup> Century); Csaba Lévai, Vasile Vese (eds.), *Tolerance and Intolerance in Historical Perspective*, Pisa (2003), 111–123; Ioan-Aurel Pop, "De manibus Valachorum scismaticorum...": *Romanians and Power in the Medieval Kingdom of Hungary: The Thirteenth and Fourteenth Centuries*, Frankfurt am Main (2013), 461; István Petrovics, Foreign Ethnic Groups in the Towns of Southern Hungary in the Middle Ages. Derek Keene, Balázs Nagy, Katalin Szende (eds.), *Segregation-Integration-Assimilation: Religious and Ethnic Groups in the Medieval Towns of Central and Eastern Europe*, Ashgate (2009), 67–88.

of the Kingdom of Hungary were considered schismatics by the king and the Catholic Church. The papal curia in Avignon saw them as a threat to the positions of Latin Christianity and urged the king to try to convert them to Catholicism. Members of the Franciscan order were active in this direction. The victory in the previous year (1365) in the war against the Bulgarians and the conquest of the fortress of Vidin prompted the king to act against the Orthodox Christians in his kingdom<sup>20</sup>. It is known that in the same year when the decree of Turda was issued king Louis I. ordered to assembly all the Serbian priests together with their families with the intention of their baptism in the Catholic faith<sup>21</sup>. Another reason for the intervention against the Wallachians could have been their opposition to the efforts of the local nobility and the king to deprive them of their hereditary landed property, which they owned according to customary law, without having a written document for it, a deed of donation<sup>22</sup>. Anyway, the situation in these parts was restless at the time, and the king tried to solve it by issuing a decree.

The decree from Turda dealt with, among other things, the issue of proscription. It is mentioned in several places. According to the decree, Transylvanian nobles and their subjects in cities or free villages were not to be detained for theft or robbery or any other criminal act unless they were publicly caught in one of these crimes. The nobles in these Transylvanian towns and villages were not even allowed to be proscribed, i.e. placed outside the law.

On the contrary, if any of the non-privileged population ("homines communes") or the Vlachs outlawed and proscribed at congregations or judicial assemblies held by the Duke of Transylvania, vice-duke or his authorized county officers did not receive royal grace could be detained by anyone and punished without problems, but the nobles could

<sup>20</sup> Miloš Marek (ed.), *Monumenta Vaticana Slovaciae. Tomus III. Regesta ex actis Innocentii papae VI. res gestas Slovaciae illustrantia. Volumen 3 (1352–1362)*, Trnavae – Romae (2014), 191–192, nr. 114, 199, nr. 119; Pál Engel, *The Realm of St. Stephen. A History of medieval Hungary, 895–1526*, London – New York (2001), 172.

<sup>21</sup> *CDH IX/3*, 543. „De baptizazione quorundam Sclauorum“, Elisabeth Galántai, Gyula Kristó (eds.), Iohannes de Thurocz, *Chronica Hungarorum. I. Textus*, Budapest (1985), 185 (cap. 178).

<sup>22</sup> Adrian Magina, Răufăcători sau ...schismatici? Statutul ortodocșilor bănățeni în jurul anului 1400. Dumitru Țeicu, Ionel Căndea (eds.), *Românii în Europa medievală (între Orientul bizantin și Occidentul latin). Studii în onoarea profesorului Victor Spinei*, Brăila (2008), 283–294.

not be proscribed anywhere but only in the special congregations or courts of the Duke of Transylvania, and in case of their capture and detention they were to be extradited to the Duke, even if they did not receive royal grace for their excesses.

The last article of the decree, which mentions proscription, talks about the obligation to hand over proscribed persons for the administration of justice to the royal hands. It says that: Whoever would not detain the king's unfaithful and proscribed people, though he could, and would not hand them over to the king's hands or keep their side, would himself be guilty of the crime of unfaithfulness to the king and listed into the proscription register, of whatever condition he might be. This principle was also in validity in other places of the Kingdom of Hungary as evidenced by several written documents. The hosts and protectors of criminals formed a significant part of the proscription registers.

Nevertheless, the conflicts in Transylvania lasted in the following period, as we learn from the complaint or declaration of the nobles of Arad County, which in 1400 was filed against the local Slavs and Vlachs. According to them, these perfidians („Sclavi, Olahique perfidi huius provincie“) harassed and tormented almost all local Christians, clergy and local nobles, women and men without distinction. Their violence, murder, rape, theft and arson caused damage to the entire county and its surroundings. Therefore, the local authorities, on behalf of the Duke of Transylvania, appointed three people to whom they gave a power of attorney for armed intervention against the mentioned Slavs and Wallachians<sup>23</sup>.

The only surviving proscription list from the researched area (Transylvania and Banat) was issued in 1370 at the Palatine General Congregation of Caraş county nobles, which took place on May 12 in the city of Mezösomlyó (Romanian: Şemlacu Mare)<sup>24</sup>. It was chaired by the then Palatine, Ladislaus of Opole. At his initiative, the sub-prefect, four servants and 12 elected jurors<sup>25</sup>, under

<sup>23</sup> DL 92 129. Elemér Mályusz (ed.), *Zsigmondkori oklevéltár. III/1*, Budapest (1958), nr. 25. The charter was published by Adrian Magina and István Petrovics. Magina, Răufăcători sau ...schismatici?, 293–294. Petrovics, *Foreign Ethnic Groups in the Towns of Southern Hungary*, 67–88.

<sup>24</sup> The proscription document came from the Festetics family archive. DL 91 759. Frigyes Pesty (ed.), *Krassó vármegye története III. Oklevéltár*, Budapest (1882), 96. *Documenta Romaniae Historica. C. Transilvania. Volumul XIII (1366–1270)*, Cluj-Napoca (1994), 770–774, nr. 511.

<sup>25</sup> Twelve jurors elected at the congregation came from the ranks of the local minor nobility.

oath and after mutual consultation, compiled a list of names of public and notorious thieves, robbers and criminals. The register contained 75 names of persons who were mostly subjects. The only person (Magister Ladislaus of Dench) was from the ranks of the nobility, although he was not named as a nobleman in the document. He was registered together with his three peasants. Among those proscribed were 20 royal subjects and 21 peasants were subjects of private landowners. Apart from two barons: Frank, son of Ban Kónya from the Kačić kindred and George, son of Duke Emeric, their landlords were local minor nobles. We also find three kenezii, representatives of the Wallachian community. The proscription register distinguishes between criminals permanently settled in a particular place and itinerant criminals roaming the country. He refers to them by three different terms: vagabundus, divagans and latitans. Interestingly, the type of crime committed is mostly not reported, except in the case of counterfeiters and hosts of criminals. Generally, proscription documents from the 14<sup>th</sup> century are scarcer in this regard, and the crimes of the proscribed persons are often not mentioned<sup>26</sup>.

The list of proscribed malefactors from Caraş county contains following names:

1. Prosa, iobagio magistri Ladislai filii Galli de Vmur in possessione eiusdem Kundench commorans
2. Dominicus dictus Cantatur, iobagio eiusdem magistri Ladislai in possessione sua Dench
3. magister Ladislaus in possessine sua Dench residens
4. Benedictus dictus Orrus, iobagio ipsius magistri Ladislai in dicta villa Dench commorans
5. Thomas Rufus in civitate Mezeusomplyo residens, iobagio domini regis
6. Iohannes filius Abrahe in dicta civitate commorans
7. Hranoya Kenezius, iobagio regalis in villa Zuhor commorans, hospes furum
8. Ladislaus filius Bratanch (or Bracanch), kenezius, iobagio regalis in villa Zcepteleky residens, similiter hospes furum

<sup>26</sup> Proscription registers from two other Hungarian counties come from the same year. The first of them was made at the general congregation of nobles of the Ung county on August 11th, 1370 (DF 263 393, I. Nagy, *Sztáray család oklevéltára. I.*, 366), and the second at the general assembly of Gemer county on October 2nd, 1370 (DL 85 388. F. Piti, *Opuliai László nádor proskribáló oklevele (1370)*, 553–557). All under the leadership of Palatine Ladislaus of Opole.

9. Bratk, similiter iobagio regalis, in villa Sama et pertinenciis Erdsomplyo commorans
10. Valentinus filius Nicolai, kenezius, iobagio regalis in villa Petri filii Wolk in pertinenciis Borzwafeu commorans
- 11.–12. Bratyzlou et Bucha, iobagiones magistrorum Benedicti et Petri filiorum Pauli filii Heem in villa Radymla residentes
13. Vanchuk in quarta filiali in possessione Doman commorans
14. Drugan, iobagio regalis in villa Basta ad castrum Erdsomplyo pertinens commorans
15. Ladislaus Faber, iobagio regalis in Moxond residens
16. Andreas filius Thome dicti Kutus, divagans
17. Iacobus filius Kopaz, latitans
- 18.–19. Choga et Petrus filius Thodor Chodor in villa Hom commorans, iobagiones Francisci filii magistri Konya condam Bani
- 20.–21. Ztoyk et Woych, filius eiusdem, iobagiones dicti Francisci in villa Ters commorantes, hospites furum
22. Bakaan latitans
23. Buguzlou divagans
24. Radouch Raduch in villa Bozyas, iobagio Nicolai filii Nicolai de Iank residens
- 25.–26. Rada filius Myrus in villa Hom commorans, iobagio predicti Francisci filii magistri Konya et Wolxa filius Ztyrew, iobagio domini regis in villa Nouak commorans
27. Mychael frater predicti Bucha, iobagio regalis in villa Kwzeg residens ad castrum Galambuch pertinens
28. Kychyn filius Nogyhna divagans
29. Radus filius Tysen, iobagio regalis in villa Terenyen residens
30. – 34. Farkas alio nomine Faryan, Veytyh, Benche, Buchan et Lukasius divagantes
35. Ztoyan filius Bratyzlou in villa Karalus in pertinenciis civitatis Somplyo residens
- 36.–37. Demetrius dictus Bychench et Drusoya, iobagiones Thome in villa sua Matyaz vocata residens
38. Mykola in villa Kygyos residens, cursor falsorum denariorum
39. Ladislaus frater predicti Mykala, circa magistrum Kerepch II commorans, falsorum denariorum cursor
40. Ladislaus filius Kragny, iobagio regalis in villa Kragunfalua residens in pertinenciis ad Ilyed, hospes furum
41. Ratk, iobagio magistri Petri filii Heem in villa Egurzeg residens
42. Goczyn divagans
43. Dubruy, iobagio Georgii filii Emerici condam woyuode in villa Teyed commorans
44. Ztoha divagans
- 45.–46. Bolda et Hoal, iobagiones regales in villa Almas residentes
47. Sysa vagabundus
- 48.–50. Dobruy et Prodan filii Walkonya ac Pryan, iobagiones regales in villa Herchek commorantes
51. Blasius dictus Rendes divagans
52. Wolha, iobagio Zemere in villa Tolyanfalwa residens
53. Synka filius Ztanyzlou latitans
54. Thomas dictus Loaz, iobagio regalis in villa Baya commorans
55. Horgach iobagio filiorum Nicolai de Iank in Chazarteteu commorans
- 56.–57. Basylo et Lukasius filius Maladin divagantes
58. Veze vagabundus
59. Radyn filius Donk, iobagio Andree dicti Ordas in villa Vodad commorans
- 60.–61. Mark dictus Dmya et Rada frater eiusdem divagantes
62. Valentinus filius Lukachii latitans
63. Dragoya alio nomine Thefoya divagans,
64. Andreas filius Iohannis latitans
65. Zlana divagans,
66. Blasius, iobagio magistri Petri filii Heem in Egurzegh commorans
67. Raduan filius Raduzlou divagans
68. Radyka latitans
69. Krayzlou iobagio regalis in villa Tyuko commorans,
70. Obrad filius Dragonya latitans
71. Krya filius Druguzlou in villa Leurynfalua commorans, iobagio Francisci filii magistri Konya,
72. Ztayk iobagio regalis in villa [.]aktalan in pertinenciis ad Kwesd residens,
73. Kukul, iobagio regalis in villa Merchyn in pertinenciis Iabulnuk
- 74.–75. Rahyn, iobagio Mychaelis dicti Bubal in villa Gyuluez residens et Mekenye filius Kunbogdan in Mezeusomplyo commorans

The nationality of proscribed persons is not indicated in the list. Based on the nature of the names, we could perhaps say that the majority were of Slavic origin and some came from the ranks of Wallachians. One of the criminals was the son of Kunbogdan, which suggests a Cuman origin. Incidentally, the village of Kundench, listed as his residence, is also eloquent in this regard<sup>27</sup>.

<sup>27</sup> The following locations are listed as the residence of

Most of the documents where the proscriptions from the researched area are mentioned come not from the proscription lists, but from several other types of charters such as letters of investigation, pardon and so on. They contain numerous references to proscribed individuals and their fates. It can be concluded from them that the most common reason for proscription was theft and robbery. Robbers and people who concealed malefactors were also represented in every proscription register. Murderers, mutilators of people, forgers of money, documents and seals, arsonists, even adulterers, sodomites, heretics and witches were also contained in proscription lists. Here we find not only public and notorious perpetrators of property crimes but also people who committed violence<sup>28</sup>.

Anyway, property crimes prevailed. Many times the victims of the theft tried to track down the thieves themselves. For example, Peter, son of Ladislav of Andreasháza (Rădaia, in Cluj county) in 1370, from whom thieves stole three horses. Peter searched for them and during the search the tracks led him to the village of Doba (Solnoc medicris county, now judetul Salaj), where he found and recognized one horse by color. He found out that the horse had been stolen from him by Stephen, called Fudor, a proscribed man, entered in the list of criminals, who had been given refuge by the local nobleman Nicolas, the son of Bekus. When Peter wanted to detain him, the mentioned nobleman came out in his defense, but he suffered a serious hand injury. We do not know what the consequences of this incident were, but Peter issued a public protest about everything in front of the officials of Solnoc County on April 29<sup>th</sup>, 1370<sup>29</sup>.

On October 13<sup>th</sup> 1394, the officials of Timiș

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the proscribed persons. \*Almas 2, \*Baja (Vaja) 1, Bocsa (Kővesd), Ersig 2, Denta 3, \*Doman 1, \*Gyülvesz 1, \*Korulos, Kusic (Kőszeg?) 1, Maksond 1, Mercina 1, Semlacu Mare (Mezősomlyó) 3, \*Ternjen 1. Unidentified settlements [Fak]aktalan 1 (vanished village, near Reșița), Basta, appurtenance of Vrșac (Érdsomlyó) 1, appurtenance of Borzvafő 1, \*Császártető 1, \*Hercek 3, Hom (Haam) 3, Jank (Janik, Ivank) 1, Kigyos 1, Kragunfalva 1, Kundench 1, \*Levrinfalva 1, Matias 2, Novák 1, Radomlja 2, Sama 1, Széptelege 1 (Széplak?), \*Taliánfalva 1, Tejed 1, Ters 1, Tyuko 1, Vadad 1, and Zuhor 1. It is interesting that most of them gradually disappeared and did not survive to the present.

<sup>28</sup> István Tringli, *Bűbájos és néző asszonyok levelesítő jegyzékekben. Szokás és szabadság. Tanulmányok a középkori magyar jogszokások és kiváltságok történetéhez*, Budapest (1999), 28–41. Cf. ref. nr. 2.

<sup>29</sup> DL 73 734. Samu Barabás (ed.), *A római szent birodalmi gróf széki Teleki család oklevéltára. I. 1206–1437*, Budapest (1895), 161, no. 117. Jakó, Hegyi, Kowács, *CDT IV*, 329, nr. 838.

and Caraș counties and the entire noble community of both counties issued a statement that George called “Cholnuk” from Omor (Romanian: Rovinița Mare) and his accomplices committed violence against the local nobility and their subjects and caused them constant damage by ravaging their properties. Despite many admonitions and requests to desist from these crimes, they continued to commit them even more often than before. The county authorities therefore allowed anyone who could take revenge on Juraj for the committed acts in the name of the noble community to do so. In the end, however, they authorized Magister Stephen, the son of Peter from Remete (Romanian: Remetea-Pogănici) to intervene against Stephen and his accomplices<sup>30</sup>.

It was completely in line with the decree from Turda according to which it was the duty of the landowner to present his proscribed subjects for punishment, otherwise he could be himself accused of providing refuge or concealing the malefactors and declared as „hospes malefactorum“. In 1394 (October 19<sup>th</sup>), Stephen, the son of Peter from Remete (Remete, a vanished village near Berzovia), took and handed over to the officials of Timiș County for punishment his two subjects, Vrač and Dragul the Lame, who were at the general congregation of the nobles of Cenad, Timiș and Caraș counties held (October 5<sup>th</sup>) under the presidency of the Hungarian King Sigismund of Luxembourg outlawed and enrolled among the proscribed. The authorities of Timiș County issued him a written confirmation for this<sup>31</sup>.

A similar case happened in 1398 in Cluj County. Nicholas called Bulgar from Tușinu („Thuson“, judetul Mures) then, on the orders of the deputy of the Duke of Transylvania, John Strich, had captured a proscribed Vlach named Kiskoman. However, two other Vlachs, Michael and Dionisius from Solmus, tried to free the imprisoned Vlach. They succeeded, but when they were going out of the neighboring village of Tomp (today Dâmbu), where he was imprisoned, they were attacked by Bulgar’s servants. However, the Vlachs managed to defend themselves, on the contrary, they attacked, wounded and captured the attackers. Later, Nicolas Bulgar asked for the extradition of one of the kidnappers, the Vlach

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<sup>30</sup> DL 52 849. Elemér Mályusz (ed.), *Zsigmondkori oklevéltár I*, Budapest (1951), 399–400, nr. 3655.

<sup>31</sup> DL 52 850. Tivadar Ortway, Frigyes Pesty (eds.), *Oklevelek Temesvármegye és Temesvárváros történetéhez I. 1183–1430*, Pozsony (1896), 245, nr. 145. Mályusz, *Zsigmondkori oklevéltár I*, 401, nr. 3671.

Michael, who was hiding in the village of Archiud („Erkud“), to personally administer justice under the customary law of the kingdom (“iudicium regni consuetudinis”), but the local mayor refused. Nicolas thus had to turn to the officials of the Cluj County (April 24<sup>th</sup>). However, we don't know how the whole case ended<sup>32</sup>.

It was quite uncomfortable for a landowner to have proscribed persons on his property. It was the case of Matthias from the village of Orosfaia (in Cluj county, now Județul Bistrița-Năsăud)<sup>33</sup>, who also had property in the neighboring village of Nyulas (now Milaș), where the local Vlachs, kenezii Bogdan, Vajk and Dragmer also lived and who were at the general congregation of the Transylvanian nobility, held near the town of Turda (March 1<sup>st</sup>, 1406) entered in the number of proscribed criminals. Matthias, who was accused of being their lord, also had a problem with this. He refused this accusation, but he could not deny that another proscribed men from Nyulas: two Vlachs named Sorb and Dan and another Stephen with a cut nose called Peech were his subjects. And as he neglected his duty to hand them over to dukes Jacob Lack and John, Henrik's son<sup>34</sup>, to do justice to them, he had to be purified by an oath. Together with 17 nobles, he was to take an oath in Apáthida (now Apahida) that the first three Vlachs were not his subjects and the other three persons he was unable to detain and bring to justice. Nevertheless, he did not get out of responsibility for his subjects. He was ordered to pay a homage for them worth 30 marks of silver pennies (marcas denariorum), which indicates that the prosecuted Vlachs committed the crime of murder<sup>35</sup>. The nickname of one of them: Stephen „ciso nasu“ suggests that he was a recidivist who had already been punished for his crime by cutting the nose.

We encounter a similar case two years later. When, in 1408, the dukes of Transylvania at the general assembly of Transylvanian nobles in Turda (March 1<sup>th</sup>) outlawed Thomas Seles, a subject of Michael of Rediu (Cluj county), he was obliged as his landowner to detain him and to hand him over to justice. However, Michael did not do this,

so the dukes of Transylvania obliged him to purify himself of this by an oath, which he was to take in the presence of the duke's man, together with two other people, at St. Nicholas Church in Turda on the specified day (May 8<sup>th</sup>) and to pay for his subject a homage of 10 marks. Although Michael took the oath, he no longer had to pay for the homage. The then count of the Siculs (Michael, son of Solomon) asked for his pardon, to which the dukes of Transylvania responded positively and relieved him of the obligation to pay<sup>36</sup>.

If a nobleman was outlawed, his subjects could leave his property. This happened in the case of the subjects Stephen and George, called Sicul, nobles from Sânpetru de Câmpie (Cluj county, now județul Maros), who were proscribed at the general congregation of Transylvanian nobles in the town of Turda and their subjects moved to the property of Nicholas called the Bulgar from Tușinu („Tuson“) (who was already mentioned in the previous case). However, they were not at peace here, because they became the object of harassment by the familiars of the Duke of Transylvania, Ladislav. That is why Nicolas Bulgar and the count of Timiș, Ladislav, son of Peter, turned to duke with a request for help. Thus, in 1391 (April 29<sup>th</sup>), the duke ordered his deputy and other familiars to leave their subjects to live in peace on the new estates<sup>37</sup>.

Only the king could cancel the proscription, delete from the list of the proscribed, and grant grace. This was mostly done with regard to the merits on the battlefield. In one case, it was the king's military expedition to Moldova against Duke Michael. At the general assembly of the Transylvanian nobility held in Turda in 1395, the former Ban Ladislav, son of Stephen of Lučenec (January 30<sup>th</sup>)<sup>38</sup> and John, son of Nicolas of Benchench (today Aurel Vlaicu?) (February 3<sup>th</sup>)<sup>39</sup> were proscribed and outlawed due to their infidelity. Both of them took part in the expedition and, according to the king, thus proved their allegiance, so the king ordered that they be freed of the stain of unfaithfulness („nota infidelitatis“) and to cancel their entry in the proscription list. He forbade all judges in the county, especially the duke of Transylvania and his deputy, to harass them in

<sup>32</sup> DL 73 818. Barabás, *Teleki család oklevéltára I*, 263–264, nr. 197.

<sup>33</sup> Orosfaia is adjacent to the village of Archiud mentioned above.

<sup>34</sup> Jacob Lachk de Zanthow and John Henrici de Tamasy. Dukes of Transylvania and counts of Solnoc in the years 1403–1419. Pál Engel, *Magyarország világi archontológiája 1301–1457. Magyar középkori adattár*, Budapest (2001).

<sup>35</sup> DL 73 866. Barabás, *Teleki család oklevéltára I*, 308–309, nr. 238.

<sup>36</sup> DL 39 496. Mályusz, *Zsigmondkori oklevéltár III/1*, 135, nr. 6094.

<sup>37</sup> DL 73 793. BARABÁS, *Teleki család oklevéltára I*, 231, nr. 175.

<sup>38</sup> DL 107 457. Mályusz, *Zsigmondkori oklevéltár I*, 415, nr. 3801.

<sup>39</sup> DL 29 745. Mályusz, *Zsigmondkori oklevéltár I*, 415–416, nr. 3804.

person and in property. In both cases, the king granted his pardon during the military expedition.

However, the king could grant a pardon to the proscribed person for reasons other than military merit. Convicts also stated health or social reasons in their requests for pardon. In 1361, Nicholas, son of Thomas of Buzieș („Bursouch“) in Crasna county, appeared before king Louis I. with a request to be freed from the stain of the proscription („nota proscriptionis“) imposed on him by the officials of this county. With regard on his blindness and the resulting misery, the king abolished this proscription and the relevant documents which contained the conviction and at the same time allowed him to redeem his pledged property<sup>40</sup>.

According to medieval sources the king could pardon not only of his own will, but also at the request of the other party, as was the case with Stephen, son of Peter „de [...]lwa“, who was defiled by the stigma of proscription („proscripcionis nota offuscatus“) at the general congregation under the presidency of Ladislaus, Duke of Transylvania, in Turda in 1391 (October 10<sup>th</sup>). The king freed him from this defilement and also from all legal burdens. He granted mercy to his person and his possessions. He also canceled all the documents and lists that made him outside the law. At the same time he ordered him to make due satisfaction to the victim of his malicious act (it is not mentioned what crime he had committed) and to remain a blameless person in the future. He forbade the Transylvanian Duke Ladislav and all the judges of the kingdom to harass Ștefan in court and out of court because of his proscription<sup>41</sup>.

It can be said that the request for pardon followed almost automatically after the individual was registered among the proscribed persons. It was often accompanied by the intercession of influential persons. Let's mention the request for mercy of the nobleman Stephen, son of Dere („Gyerew“) of Miheșu de Câmpie („Mehes“) in Cluj county, who was proscribed for infidelity at the general congregation led by count of the Siculs, Ladislaus of Kanizsa in Târgu Mureș („Zeculusarhel“). Several prelates and barons spoke for Stephen and the king granted him a pardon (1395, February 24<sup>th</sup>) on the condition that he provides adequate financial satisfaction to the victims of his crime and continues to lead a blameless life<sup>42</sup>.

<sup>40</sup> DL 67 666. Jakó, Hegyi, Kowács, *CDT IV*, 73, nr. 104.

<sup>41</sup> DF 257 555. Mályusz, *Zsigmondkori oklevéltár I*, 247, nr. 2242.

<sup>42</sup> DL 73 806. Mályusz, *Zsigmondkori oklevéltár I*, 420, nr. 3841. Barabás, *Teleki család oklevéltára I*, 251, nr. 186.

Wandering peasant malefactors who escaped from their lords usually ended up on the gallows, as there was no one to intercede for them and pay an adequate satisfaction to the victims of their crimes. For the resident proscriptors interceded with the king their landlords. The loss of even one peasant also meant a loss of income for them, so it was also in their interest to keep the proscribed subject alive. And so in 1414 (March 11<sup>th</sup>) Michael called Boryus, a subject of Anthony of Somkerek (Șintereag) living in the village of Grebenișu de Câmpie („Gerebenes“), who was proscribed at the general congregation of the Transylvanian nobility in Turda county, held under the chairmanship of the Timiș count Pipo of Ozora, was pardoned. At the same time, the king ordered the pardoned Michael not to continue his crimes and forbade all the judges of the kingdom from further prosecuting him<sup>43</sup>.

Although most of the proscribed persons were pardoned by the king for the reasons we have already mentioned, some ended up on the gallows. The possessions of such unfortunates then fell to the palatine, count or other dignitary presiding over the general congregation, who had the right to dispose of them as he pleased. He most often offered them for purchase to surviving relatives who were most interested in these properties.

When Michael, son of Jacob, called Wrkun of Tritenii („Tetreh“), at the general assembly in Transylvanian Turda in 1368, was repeatedly called („inclamatus“) to respond for his criminal excesses, he did not appear at it and thus was on the basis of proclaimed public crimes („nomine publice malefacionis“) entered in the list of proscribed, his Transylvanian properties fell into the hands of the Duke of Transylvania and were offered for purchase by those who were most entitled to acquire these properties. And so Nicholas, son of Nicholas of Grindenii („Gerend“), appeared before the Duke and declared that he was a relative of the proscribed Michael and that his property: Tritenii, \*Tordalaka, \*Sokol, Ghiriș was the most suitable for him to buy at the estimated price due to his kinship and proximity. Finally, the estate was sold to him for 400 florins<sup>44</sup>.

It often happened that disputes arose between members of the surviving family regarding this property. At the general assembly of nobles, Siculs and Saxons in Transylvanian Turda in

<sup>43</sup> DL 73 936. Mályusz, *Zsigmondkori oklevéltár IV*, 410, nr. 1766.

<sup>44</sup> DL 24 332. Jakó, Hegyi, Kowács, *CDT IV*, 281–282, nr. 700.

1376 the widow of Jacob of Ciuciu (today Stâna de Mureş) presented the case of her son Martin, who at the last congregation of the seven counties of Transylvania in 1363 was listed among the proscript and his property was confiscated. After the death of her son, his mother then bought these properties from the Transylvanian vice-duke Peter, but the deceased's cousin, Bako of Ciuciu, was also interested in them, all the more so because he was his only male relative, since the proscribed Martin died childless, and so the properties were to go to him rather than the mother, who could claim only the payment of the pecuniary share according to the customary law<sup>45</sup>.

However, not only relatives were interested in the properties confiscated from the proscribed persons. For example, in 1351, the sub-prefect of the Exterior Solnoc county, Deseu, allowed the purchase of the Fyle property once belonging to Majus, the son of Stephen, which fell to him after his proscription (for an unknown crime), for 10 marks of silver to Bishop Andrew of Transylvania, as it was located in his neighborhood<sup>46</sup>.

In the previous lines, we presented several documents about the proscriptions of criminals in the Transylvania and Banat region in the 14<sup>th</sup>–15<sup>th</sup> century.

In connection with this form of medieval justice, the most important source of knowledge are proscription documents and proscription lists made from the proceedings of general or county judicial assemblies. A total of 38 registers have been preserved from the territory of the medieval Kingdom of Hungary. But only one from the region of Transylvania and Banat. The proscription register from 1370 on criminals from the Caraş county and other written sources from the counties of Cluj, Crasna, Solnoc, Timiş and Turda confirm the data, which contain documents preserved from other parts of the Kingdom of Hungary. For the most part, they do not mention the crimes for which they were outlawed and put on the proscription list, but it was mainly thieves, robbers, and their hosts. Several documents also from this area testify that a large part of proscribed persons received a pardon from the king and thus escaped possible death penalty and loss of property. It concerns not only nobles but also common subjects who had their intercessors in the person of landowners. It was worse for the peasants who ran away from their lords, wandered from place to place, grouped themselves into bandits and became a threat to society.

<sup>45</sup> DL 29 181. Jakó, Hegyi, Kowács, *CDT IV*, 189–190, nr. 448.

<sup>46</sup> DF 277 320. Jakó, *CDT III*, 232, nr. 606. Bishop Andrew of Rimavská Seč (Szécsi) held his office in the years 1320–1356. Pál Engel, *Magyarország világi archontológiája 1301–1457. Magyar középkori adattár*, Budapest (2001).