

The Manorial Court of the Reformed Parish of Cluj (1676–1695)

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AFTER THE close examination of the body of research concerning the jurisdiction of Transylvanian manorial courts, one may rightfully state that the research in question did not engage in a thorough examination of this institution, due to the fact that only a few such fragmentary studies and blueprints are to be found.¹ The mere understanding of the function of such institution is obscured, not only by lack of source publications, but also by the fact that the possibilities of revealing such sources are scarce, as András Kiss has duly pointed it out. This is, on the one hand, due to the fact that: “the production of written records of litigations were customary only in the case of more significant and regularly functioning manorial courts, furthermore this process reached a general practice only during the 18th century.” The documents produced during the trials of the manorial courts and estate administration had survived in greater number from the 18th century onwards as compared to the previous century, since the use of written records had been introduced initially in the case of greater manors, afterwards it had gradually been applied by the administration of the middle-sized and small manors. The production of written records had become an instrument of work supervision and estate administration in the second half of the 17th century in the case of both Transylvania and Hungary. On the other hand, the contemporary approach was the following: “the value of the document was determined by its legal content”; due to the fact that the legal decisions concerning the serfs were not granted the privilege of written form, the number of such records in the archives are scarce.²

Throughout the 17th century the Reformed Parish of Cluj (Kolozsvár) had gained certain properties by heritage and hypothec outside the walls of the city. Hence the parish and its curators were entrusted the task of organizing the husbandry and also the right of jurisdiction over the serfs who inhabited the estates in question, similarly to other manorial courts with limited legal effects in Transylvania. The purpose of this paper is to delineate the function of the

manorial courts presided over by the parish; contributing, throughout this research, to the establishment of a clearer view upon the organizational particularities of the 17th century reformed parish, as well as to the development of the manorial courts in the early modern Transylvanian society.

Transylvanian Manorial Courts

ALTHOUGH THE function of Transylvanian manorial courts exhibits in many respects particular features, the source publications containing the documents of 16th–17th century manorial courts from the great domains situated in Hungary, as well as the studies investigating the function of courts, have served as comparative material to a comprehensive approach towards the issue.³ The work of Ferenc Eckhart has proven to be the first extensive and detailed survey of criminal law in the landlords' manorial court. Endre Varga's publication presented the manorial courts' jurisdictional practices concerning penal, civil law and manorial issues. The comprehensive study of Alajos Degré unravels relevant aspects such as the fact that the manorial jurisdiction had undergone significant alterations in the 18th century, more accurately its previous broad area of influence had become more intensively monitored, limited and controlled by the newly acquired centralized policy of enlightened despotism, aiming the obliteration of the serfs' total exploitation. Lately István Kállay has pinpointed the fact that the management of the feudal manor is not limited merely to the management of husbandry, it extends its influence upon civil services and jurisdiction. Through their studies, István Kállay and Ferenc Eckhart draw the attention upon the litigations performed by the landlords outside the manorial courts, as practices which had functioned almost concurrently.⁴ Based on recent researches, one might gain a uniform perspective over the organizational aspects of the manorial courts of complete jurisdiction from Hungary; in contrast to such a clear survey, the jurisdictional practices performed by mid- and petty landlords had remained in a nearly uninvestigated state.⁵

The origin of the Hungarian manorial courts can be dated to approximately the 12th century; however, the manorial courts of complete jurisdiction functioned from the 14th century onwards. Transylvanian data with respect to the manorial courts of limited jurisdiction is recorded around 1342, and the existence of courts of complete jurisdiction is dated around the year 1363. The first surviving records of a manorial court in Hungary have been issued around the second half of the 16th century.⁶

The litigations of the manorial courts of the 17th century were based on the jurisdictional approach set forth in Werbőczy's work, *Tripartitum* (Hármaskönyv).⁷

According to the latter source the sole judge of the serf is his landlord, who exercises his legal competences through the institution of the manorial court. Theoretically, all landlords possessed this right, in practice, however, complete jurisdiction and the right to inflict capital punishment was granted only to the landlords of greater authority. According to the investigations performed in Hungary, in the 16th–17th century the manorial courts of complete jurisdiction were functioning exclusively on the greater, far-flung domains. The landlord monitoring and controlling the manorial court exercised complete jurisdiction over all his subjects; his decisions were irrevocable, furthermore he was also granted the right to decide on matters involving capital punishment. On some parts of the domain matters were dealt with by manorial officers in lower degree manorial courts of limited jurisdiction; in order to appeal against decisions made in such courts one had to address the higher manorial court of complete jurisdiction. The manorial courts, which were presided over by mid- or petty landlords possessed the same degree of legal authority as the above described lower degree manorial courts; however, there is but little information available on the function of the former type of manorial courts.⁸

The Transylvanian manorial courts were of complete or limited jurisdiction, the landlord exercising his jurisdiction over all serfs, cottars, servants and soldiers who inhabited his estates.⁹ Furthermore, due to the fact that the legal judge of the serf was his landlord, the complainers against the serf had to address his landlord in legal matters, other courts could be addressed in the same matter only in case the landlord denied or omitted to exercise his jurisdiction (*impensio*).

It is most probable that manorial courts of complete jurisdiction had functioned in fiscal domains, however the existence of such manorial courts can be backed up with written records only in the domains of Făgăraș (Fogaras), Hunedoara (Hunyad), Gurghiu (Görgény), Gilău (Gyalu), Vințu de Jos (Alvinc), Cetatea de Baltă (Küküllővár) and Zlatna (Zalatna). András Kiss had appointed greater focus to the fact that manorial courts of Făgăraș, Hunedoara, Gurghiu and Gilău were privately handled before being under legal influence of fiscal authorities, and their administrative and legal management was unaltered even in the period of private tenure. This meant that the landlord who owned the domain did not accept the legal authority of the county over the territories he had recently received, he himself enjoying the privileges of a *liber* (free) baron. The Diet tried to rectify this situation in many instances with no notable success. Such cases were, however, scarce and eventually this privilege (*liber baronage*) was abolished by the *Approbatae* as well, with the exception of the one from Făgăraș county.¹⁰

The permeation of manorial courts of complete jurisdiction in Transylvania was clogged by the particular situation. The fact that some landlords had only parts of estates in different locations and villages did not facilitate the function

of manorial courts of complete jurisdiction, the function of which was determined by the economic apparatus of the manor in question. Due to this fact, in cases of crimes which threatened public safety the landlords were bound to solicit the authority of the county (*comitatus*), through which they were able to exercise jurisdiction.¹¹

The Transylvanian manorial court of limited jurisdiction had served, on the one hand, as second-instance court and also as highest court of justice in minor matters issued by the court of the villages; on the other hand, it had also exercised its jurisdiction in the following legal actions: serfs against serfs and also serfs against their own landlord. The more serious cases, the matters of major trespass exceeded the limited authority of manorial jurisdiction, such cases were discussed in courts of the county (*comitatus*), or in partial courts (*sedes partialis*) of the former.¹² Those legal matters that were omitted by the landlord were transferred to the county courts or to the subsidiary departments (*sedes filialis*) after they were established.¹³ In manorial courts besides matters concerning private accusations (*delictum privatum*),¹⁴ penal law and civil suits and issues concerning the convention between the landlord and serfs were also dealt with, which were brought in court for different reasons, such as: omission of services or duties, violations of manorial privileges or to appoint bailers.

The above mentioned partial courts of the county were established in the midst of the 17th century.¹⁵ The first such partial court was formed in Cluj county in the year 1664, afterwards the partial courts of Inner-Solnoc (Belső-Szolnok), Turda (Torda) and Hunedoara (Hunyad) county were established. The tumult of suits accumulated in the county courts burdened the function of such institutions, thus to ease this situation the county courts transferred the less significant suits to the two partial courts formed at different locations of the county named after their geographic position, Upper (Felső) and Lower (Alsó).

The authority of manorial courts was extended to all the cases, which exceeded the legal tether of village courts and were not of such importance as to be dealt with in county courts, as elaborated in what follows: the penal suits, which imposed penalties from 1–4 forints to 40 forints, those exceeding this sum were brought to the higher or the partial courts of the county. In matters concerning the manor and in civil cases limitations were not required, due to the fact that according to the regulations the value of a serf together with his fortune did not exceed the sum of 40 forints.

There is relatively scarce information concerning the legal authority of such village courts. It is, however, certain that the judge exercises his jurisdiction, either single-handedly, or in company of his co-jurors over all minor crimes committed in the small community, such as: in cases of small damages, injuries, thefts, breach of peace etc. Furthermore, the judge was granted right to decide in less significant

cases involving serfs from different villages.¹⁶ The contemporary regulations determined the legal authority of such a judge based on the uppermost limit of the imposed penalty, which was generally altering. In the midst of the 17th century the landowners in Abaúj and Gömör counties meant to regulate the authority of such judges by setting the upper limit to 1 forint, not only due to the fact that through this procedure they secured their profit gained from jurisdiction, but also aiming to bulk the judges' possible abuse. On the other hand, in Maramureş (Máramaros) county the upper limit was 3 forints, while in Vas and Veszprém counties penalties of 4 forints were allowed.¹⁷ Other upper limits of penalty were set as follows: in Sepsi, Kézdi and Orbai counties¹⁸ 2 forints, in Târnava (Küküllő) county's *statutum* (regulation records) from 1617 and in the princely instructions set out to the judge of Făgăraş (1676), furthermore in the domains of Vinţu de Jos (1676), Gilău (1652, 1679) and Cătina (Katona, 1692) the upper limit was 1 forint, whereas in Odorhei (Udvarhely) county (1615, 1649, 1666), the domains of Zlatna (1673) and Gurghiu (1688) the penalty fee was set to 3 forints.¹⁹ Suits involving higher sums of penalty needed to be brought to manorial courts.

One of the legal duties of the landlord was to deputize and defend his serfs who were incapable²⁰ of taking legal action, and were to be summoned to county court only in the presence of their landlord in suits, which exceeded the legal authority of manorial courts, thus needed to be brought to higher courts of justice, which were empowered to deal with capital punishments. In addition to this, according to the jurisdictional demands of the county, the landlord was required to lock up and prevent the possible escape of the serf suspected of committing a serious crime, and secure his presence in court.²¹

The participants to the trials of the manorial courts were the following: the landlord in his quality of president of court, or the landlord's officer, the jurymen (*assessores*), who were consulted by the judge in taking decisions, a *iudex nobilium* (official of the county), the accuser, the complaining claimant, the accused, the respondent, furthermore, depending on the nature of the case, attorneys (*procuratores*). The participation of the *iudex nobilium* was compulsory in order to ensure the legality of the procedure. He was not granted to take part in the decision-making; however, he was the person who made a record of the events of the trial, which was subsequently handed on to the county court. His participation in the trial was of key importance if the complaining claimant was a foreign landlord, or the serf of a foreign landlord, because only through him could the landlord of the respondent be summoned to preside over the manorial court, furthermore he was in charge of announcing the participants about the date and location of the procedure. Regularly in the course of one trial the same *iudex nobilium* was entrusted with all the legal duties of a *iudex nobilium*, hence he gained a clear view upon every detail of the trial.

No detailed records were produced of the regulations of manorial courts, which were based on customary law. During this period, in the 17th century, the practices concerning civil and penal law were not as sharply distinguishable. Criminal proceedings can be sectioned as follows: arrest under warrant, subpoena, inculpation, appearance, warrant of the attorney, objections and censures, *litis contestatio*, debate, substantiation, verdict, legal redress and execution. The civil trial started by sending a written admonishment (*admonitio*), afterwards, if this procedure proved to be inefficient, then the claimant filed the statement of claim, which subsequently triggered the citation to the court of the respondent. This process was followed by the appearance, warrant of the attorney, objections and censures, *litis contestatio*, debate, substantiation, verdict, legal redress and execution.²²

The procedure was performed differently in case the serf has committed a crime against a foreign person. In such cases the foreign party claimed gratification (*impensio*) from the serf's landlord; such a gratification could only be claimed by a landlord in his or his serf's behalf. The procedure started with the admonishment filed by the claimant and addressed to the landlord, and it contained the rapport of the event, and required the bringing of the case to the manorial court within the regular terms (which meant the 15th day following the event in Hungary and the 8th day in Transylvania). After the warning the landlord set the date of the trial.²³

The manorial court was not strictly held in one particular place and was not determined by a set timetable, it was held whenever and wherever it was needed. The juries were summoned most probably several times during the course of a year, however some trials involving a gratification had to be discussed within a set timeframe.²⁴ The fact that the manorial jurisdiction had been also practiced outside the manorial courts is probably due to the increased number of cases, the high expense and time consuming nature of such procedures (the daily wages and the cartage of the jury, provision of their accommodation, alimony of the prisoners). According to the sources from Hungary, the landlords single-handedly and on the spot delivered and executed the verdict in minor matters of their serfs. Such verbal litigations, which took place outside the manorial courts, were most likely practiced in Transylvania as well, however this fact cannot be proven by written records of such events.²⁵

As stated beforehand, there were issues brought to the manorial courts involving *criminal law, private accusations (delicta privata), civil and manorial lawsuits* as well. However, these suits were not distinguished on the above mentioned bases, they entered into two categories: summary trials and formal trials. Most of the trials discussed in manorial courts were summary trials. Such trials followed the course of formal, written trials, but they were the shorter version of formal trials, characterized by verbal production and less formality. No attorneys were required,

which would turn the trial into a formal one. The manorial courts favoured the summary trials even in more serious cases and trials involving gratification were discussed in such manner. The summary trial was introduced by the citation and hearing of the claimant, afterwards the accusation was verbally submitted in court, together with the pleadings and the objections of the respondent. The witnesses were immediately heard; the verdict was rendered and became effective instantly. There were no means to appeal. The matter was dealt with in one or two sessions. The manorial court produced written records of the trials, which were signed by the members of the court. These records contained the date and subject of the trial, the name of the parties, the action at law, the response of the respondent and eventually the verdict. The trials performed according to the laws, legal customs and practices of the principality were called written or formal trials. Such trials were performed in case one of the parties required it, or solicited the help of an attorney.²⁶ The serfs had also the right to employ attorney, this was regularly a more experienced serf with greater communicative competences.

The more important instruments of *substantiation* were the testimony of witnesses, the oath and the warrants. If the court could not make a decision based on the warrants and the hearing of witnesses, the placement under oath was introduced. Such procedure was only granted to one party or to its co-jurors. It often occurred that the manorial courts pronounced conditioned verdicts, meaning that the verdict depended on the result of the oath: after the trial within a set timeframe the enactment of the verdict depended solely on the given oath.²⁷

There is seemingly scarce information concerning the regulations and customs of *penalty* in 17th-century Transylvania.²⁸ Based on the source literature from Hungary and on the source publications from Transylvania, one may conclude that the penalties were of a varied typology, and even within that typology the value of the sums was highly altering. According to the *urbariums* (registers of the serfs that belonged to the same estate) not only on different parts of Transylvania but also on different settlements of the same domain the penalties imposed for the same crimes or delinquencies were not always identical, the local customs formed them in different manner. During their appraising trip on purpose of producing the *urbarium*, the estate officers recorded the sums issued by the courts as penalties.

These *urbariums* contained the following types of penalties: fees issued as penalties in case of attack as attempted murder; in case of maltreatments, which have as effects visible physical traces: bruises, lumps and can serve as proof when shown to the authorities; in cases of applied aggression; in cases of minor theft; in cases of adultery; in cases of denying presence in court; in cases of unworthy accusation and eventually in cases of violation of restraint. The sum attributed to the village judge by the landlord or the officer varied depending

on the settlements.²⁹ More data proves the fact that the penalty for minor trespass was 12 forints, a sum that was received by the landlord or the officer, but in cases which issued lower penalties, the village judge also benefited from it as a payment of his work.³⁰

The Manorial Court of the Reformed Parish of Cluj

THE ARCHIVES of the parish contain relatively few documents about the manorial court of the reformed parish of Cluj. These documents were generated in the manorial court of the parish (which was attributed the qualities of the landlord) and contain 11 warrants and a fragmentary record of several trials of the manorial court, the latter consisting merely of three pages. The warrants (records of the *iudex nobilium*, admonishments and letters of guarantee) were dated between 1676–1695 and the records are from 1677.³¹ The latter recorded in an excerpt form the trials of the manorial court, which took place in Filea de Sus (Felsőfüle) in the course of two days, more accurately on the 20th and 21st of October 1677.³²

In what follows, we seek to render the function of the manorial court based on the surviving body of texts, documents. As mentioned before, in the late 17th century the parish gained possession, by means of heritage and hypothec, of plots of land inhabited by serfs. There is no accurate data with reference to the number of the parish serfs, however based on some remaining *urbariums*, one might presume that in the decade of the 1690s there were approximately 100 serfs under the authority of the parish. The parish and its curators were entrusted with the due insurance of the legal rights of the serfs and also the management of their trials.

The Authority, the Location and the Participants of the Manorial Court

THE CURATORS were required to exercise their jurisdiction over all the subjects who lived on the estates of the parish irrespective of the fact that they were serfs, cottars or servants. All such cases were under the legal authority of the parish, which exceeded the tether of the village courts; however, the trials involving capital punishment were transferred to the county courts. The manorial court's limited jurisdiction was backed up by those letters of guarantee which were written by the curators in case of summoning certain

serfs to the county court with the charge of serious crimes. In such cases the curator was required to legally represent his serfs who were not granted legal action in county court.

The manorial court functioned as a *second-instance court* in minor matters, which arose amidst the serfs, more accurately cases in which the accused or both parties were inhabitants of the manor belonging to the parish. These cases had been brought to the manorial court after appealing the decision taken in the village courts. The manorial court was the *first-instance court* engaged in discussing the more significant cases between the serfs, cases which were initially filed in these courts. Amongst these matters there were debates over house heritage, meadow ownership, theft of hive, unauthorized reaping and wrongful appropriation of hay.

Amongst the cases which reached the manorial court through appeal was one involving two serfs from Săcel (Asszonyfalva), and had as its subject the ownership of a meadow. The judge of Săcel transferred the case to the village court of Filea de Sus. In the trial of the latter village court the property rights were duly clarified, however, the payment of the sum of 40 forints required by the claimant was adjudged to the respondent, who at the beginning of the trial agreed to pay such a sum, yet in the hope that the higher court would release the payment of this sum, he appealed to the manorial court.³³ The village judge from Filea de Sus exercised his legal authority over three villages situated in Turda county, Săcel, Filea de Sus and Filea de Jos (Alsófüle). In the Middle Ages these villages belonged to a local administrative unit called *kenesiatus* administered by the *knez* (*kenesius*).³⁴ This denomination also existed in the late 16th century.³⁵ Even if the above mentioned sources do not imply this function, the mentioned appeals addressed from the lower forum of Săcel prove the fact that the function of the *knez* existed in the second half of the 17th century as well.

With respect to the manor courts of the parish, information of their function survived only about the trials of the courts of Cluj and Filea de Sus. The records of the *iudex nobilium* prove that in the courts from Cluj mainly formal procedures took place, trials held within a given timeframe. These trials were mostly brought to court by foreign landlords who required gratification (*impensio*). Generally, these trials were held at the residence of the main curator.³⁶ They only discussed one case at a time after the date has been set and the *iudex nobilium*, the attorneys and the assessors were called upon.

However, in the fragments surviving from 1677 it is revealed that in the manorial court from Filea de Sus summary trials were held, initiated by the serfs of the neighbouring three villages (Săcel, Filea de Jos and Filea de Sus) against each other. Many cases were discussed here, most likely those cases which had been accumulated during the periods before the trials and were not bound

to a given date; verdicts were returned in the case of six trials, in addition to this, the records mention the following: the arrangement of an oath, a notice concerning the next procedure, the payment of two penalty fees set beforehand, the recording of the violation of a command or a restraint, furthermore about a procedure concerning a bail assumed in order to redeem a runaway serf.³⁷ The parish had serfs in other villages as well, and in order to serve their legal interest, the parish presumably summoned its court in the respective village. About these procedures, however, the surviving fragments fail to provide any data.

The participants to the manorial court held in Cluj were, apart from the claimants and the respondents, one curator,³⁸ in quality of presiding judge, the *iudex nobilium*, the assessors and the attorneys. The participating officials to the manorial court from Filea de Sus are not recorded in the above mentioned source; however, it is probable that, besides the parties, one curator and the *iudex nobilium*, the village judge also participated in the trial. The fragmentary proceedings do not contain any record about the presence of attorneys.

Admonishment and Citation

THE FIRST part of the trial was the citation (*citatio*). We have no information whatsoever with respect to the details of the citation in the case of the courts held in Filea de Sus, however one might rightfully presume that it followed the general customs. The citation of the parties took place via a stamped citation letter, or verbal notice, delivered by the village judge or a manorial representative. Those who denied presence to court, thus violating the legal command, apart from the usual forfeits were charged with additional penalty.

The manner in which the court had been summoned in cases of gratification was revealed by the reports realized during three trials brought to court by the complainant in order to request gratification. The subject of one of the trials involved the appropriation of hay, a trial initiated by László Csáki's serf, Márton Nagy Varga from Sânmihaiu Almaşului (Almásszentmihály, Dăbâca [Doboka] county) in September of the year 1676 against the serf of the parish, Márton Bekecz from Aiton (Ajton, Cluj [Kolozs] county). The case had been discussed, in first instance at the village court of Aiton, but Márton Bekecz, the respondent, did not accept the verdict of the court, which most likely proved to be unfortunate for him and appealed to the manorial court of the parish.³⁹ On the eighth day the claimant, Márton Nagy Varga seeking to attend the court went to its set location in Cluj, but the trial was postponed due to the illness of the main curator, Mihály Budai and to the absence of the other curators. The manorial court could not be summoned even on the next day, the 21st of September 1676, because the

curators had more ardent issues to solve on the Lower partial court of the county. Mihály Budai summoned the *iudex nobilium* Miklós Szentsimoni, and had him written an admonishment (*admonitio*), which would inform Márton Nagy Varga about the fact that the trial must be postponed to the eighth day.

The other trial, which involved request of gratification started through the admonishment written and sent by the *iudex nobilium*. The letter contained Ferenc JÓ Bágyi's demand to the addressee to set the day of the trial. Even if the citation should have been sent to the respondent in Aiton, the claimant addressed his letter to the parish in Cluj. Following this event the main curator set the date and location of the trial and with the help of the *iudex nobilium* informed the claimant Ferenc JÓ Bágyi about the date and the location of the trial. The main curator had to assure the presence of the accused at the court. All these events were recorded and handed on to the county by the *iudex nobilium*.⁴⁰

There were cases when a landlord cited the parish serfs not merely to the manorial court but to the partial court of the county with the charge of minor trespass. Such a procedure was performed by the wife of János Was from Țaga (Cege), Éva Ébeni who cited to the partial court of Sărmașu (Nagysármás; Cluj county) on the eighth day (*ad octavum*) three serfs with the mentioned above charge. The claimant asked the *iudex nobilium* to write an *instructio* through which the latter announced the serfs or their families about the citation. In these instances they informed the accused about the content of the charge, furthermore of the particular article on the bases of which charges are being initiated against them (“*iuxta Approbatas Constitutiones et habet. par. 4, tit. 1, art. 28*”), in cases of this caliber (charges of minor trespass), a brief procedure would take place (“*iuxta brevem iudiciarum processum*”).⁴¹

However, such trials were in most cases transferred back from the partial court of the county to the manorial courts.⁴² This must have occurred in the case of the above mentioned trial, since on the 23rd February the trial against the serfs was reopened in the manorial court by the representative of the claimant in the presence of the *iudex nobilium*: the parish received an admonishment to summon the manorial court on the eighth day, with the remark that the respondents will be cited to court in Aiton. The main curator, Mihály Budai accepted the request and informed the claimant through the representative of the latter and through the *iudex nobilium*, Miklós Szentsimoni, about the fact that he intends to open the case in the manorial court from Cluj.⁴³

Appearance and Objections

THE NEXT section of the trial consisted of the *appearance*. In case of the absence of the claimant, the respondent was granted acquittal. If the respondent denied his presence to court, the judge pronounced a judgment in default against him, thus granting the possibility for the claimant to take legal action, however, this might easily be remedied by the respondent. As soon as both parties were present, the trial was opened (*proclamatio*), followed by the statement of claim performed by the complainant or his legal representative. Afterwards the respondent could present his objections, however the manorial court did not grant him as many possibilities to object as the county court did. In case the court approved the objections, the case was closed.⁴⁴

The details of the trials discussed in the court from Filea de Sus are not in the least unambiguous, due to the fact that the surviving fragments of its proceeding only contain a brief description of the trials and the verdicts.

However, the *iudices nobilium* recorded two trials, which took place in Cluj. The above mentioned trial opened by the wife of János Was, Éva Ébeni did not reach the state of appearance. On February 1677, following the requests of the claimant, Mihály Budai, the main curator of the parish set the date of the trial on the 2nd of March, and demanded the serfs (respondents) to come from Aiton to Cluj. Furthermore he requested the presence of the county assessors to the trial (providing them their usual wages), who would serve as fellow judges, besides the usual presence of the *index nobilium*.⁴⁵

This trial was postponed due to the absence of the claimant Éva Ébeni, who did not even send an attorney. Although her trustee, Gergely Kávási, was present in court on that day, he did not hold the office of an attorney. Due to the fact that on formal trials only those could fulfil the post of an attorney who, besides being granted to take legal action, detained such an errand, more accurately they were able to present a *litterae procuratoriae* at the beginning of the trial.⁴⁶

On this day Éva Ébeni through her trustee, Gergely Kávási, and through the *index nobilium*, Miklós Szentsimoni warned the main curator, Mihály Budai, about the fact that she expects them at her residence. Nevertheless, according to the legal instructions the trials should be held in the manorial court of the respondent's landlord. When arriving to the residence of Budai, Gergely Kávási and Szentsimoni realized that the main curator was ready to preside over the manorial court. Budai's response to the admonishment of Éva Ébeni was that he had previously informed the claimant about the location of the trial through the *index nobilium*. He consequently provided the proper conditions for the trial to be held, and hereby expresses his objections with respect to the most arbitrary conduct of the claimant. Through the *index nobilium*, he endeavoured

to draw the attention of Éva Ébeni to the fact that her absence as well as the absence of her attorney empowers him to clear the charges against the serfs.⁴⁷

Following this event, they came to the arrangement that the trial should be postponed to the next day. On the 3rd of March, Mihály Budai by his own initiative requested the presence of the *iudex nobilium* Miklós Szentsimoni, he himself paid his wage. On the previous day the *iudex nobilium* had been the trustee of the claimant. The manorial court gathered once again in the residence of Mihály Budai, the record of the trial mentions also the presence of the accused serfs and the assessors. According to the regulations, the main curator did not act in defence of the accused serfs, this was dealt with the help of the attorney, Gáspár Szőlósi, who due to the repeated absence of the claimant proposed the acquittal of the accused. After the proposal (*propositum*) Mihály Budai, in his quality of presiding judge had acquitted the parish serfs.⁴⁸

The absentee complainant, Éva Ébeni expected the main curator to have held the manorial court at her residence. Due to the fact that this had been omitted she cited the main curator to the Lower partial court of the county with the charge that the main curator did not meet her requirements with reference to the trial, in doing so she adverted the proper article (“*iuxta articulum Approbatarum Constitutionum* par. 4, tit. 1, art. 28”). The citation was written, on her demand, by another *iudex nobilium*, who delivered it to Budai on the same day. He himself not being at home the message was delivered to his servant, who assumed the responsibility of forwarding it.⁴⁹

If the claimant had cited the absentee respondent to the partial court of the county, the latter either obligated the landlord of the respondent to summon the manorial court, or delivered a verdict based on its own tether.⁵⁰ It seems that Éva Ébeni’s obdurate conduct concealed her determination, that the trial should be discussed in the partial court rather than in the manorial court, since from the first instance on the 13th of February she cited the serfs to former court.

One might rightfully presume that the main curator took into consideration the possibility of the case’s transfer to the partial court, he did not intend to delay the regular discussion of the trial, thus, as mentioned, he summoned the manorial court on the 3rd of March, and delivered a verdict in the presence of the *iudex nobilium* and the assessors. Hence, he could use the records realized by the *iudex nobilium* in case the trial was transferred to the partial court, which was needed since he was cited to the latter court by Éva Ébeni. There is no available information on the further development of the case, but the partial court most likely did not amend the verdict delivered by the manorial court.

We mean to mention another procedure, in which the appearance took place, but later the trial was dismissed because of formal censures. On the 1st of May in 1681 both parties were represented by attorneys in the manorial

court of the parish in Cluj. The claimant, landlord Ferenc Jó Bágyi from Cluj was represented by his attorney György Szántó from Fântânița (Köbölkút; Cluj county), the attorney of the parish is not mentioned in the records produced by the *iudex nobilium*. The charge is also unknown. In this case Mihály Budai also called upon assessors to join him in the process of decision-making, and summoned the accused serf.⁵¹

After the participants have gathered in court, in the presence of the *iudex nobilium*, János Székely, the trial was proclaimed (*proclamatio*), then the attorneys of the two parties had written the *levata* (lifting of the trial). Afterwards, Budai, the main curator had set forth formal objections, which were to be handled by the *iudex nobilium* and the assessors. Since they have accepted these objections, the procedure ended with the closing, dismissing of the trial. Objecting to this decision, the attorney of the claimant, György Szántó, challenged the main curator through the *iudex nobilium* to summon the court for the second time in the course of the same day. The answer of the curator was that he would be willing to summon the court but only in conformity with the regulations. The claimant, Ferenc Jó Bágyi was waiting in the course of that day for the court to reopen the case; since this did not take place, he, together with the *iudex nobilium* went to Budai's house in order to set forth his objections regarding Budai's neglect to summon the court.⁵²

***Litis Contestatio* and Substantiation**

THE THIRD session of the trial is the *litis contestatio* (statements and debate), within which the respondent needed to make a statement about the issues related in the statement of claim. About the debate itself between the claimant and the respondent there is little surviving information, there is merely a hint about it in the records.⁵³

In order to reach a verdict, the instruments of evidence were indispensable, the most relevant of which were the oath and the confession of the witnesses. The remaining fragments of the records stand as proof for the fact that the decision-making process in the court from Filea de Sus was mainly based on the oath. From the six trials discussed, in the case of four the verdict was delivered mainly based on the oath.⁵⁴ As the records duly illustrate it, similarly to the examples from Hungary, in these manorial courts as well the practices which rendered a verdict depending on the given oath, were not at all absent. The testimonies of the witnesses were taken into consideration only in two of the mentioned cases.

Adjudication and Penalty

THE PROVIDING of evidence was followed by the adjudication. In the manorial court from Filea de Sus, the curator had managed to take an impartial, equitable decision, while delivering the verdict he paid great heed to the indemnifications and to their proper bringing into effect. The trials discussed on that particular court could not be objected. Apart from the verdicts delivered in the court from Filea de Sus, other courtly instructions were noted.

There is information about only one trial discussed by the presiding judge, the main curator in the court of the parish from Cluj, and the charge of the trial is the above mentioned minor trespass. Based on the little information concerning this trial, one might deduce the fact that the main curator endeavoured to deliver a favourable verdict or an acquittal for his serf, however the claimant could appeal to the partial court of the county where he was able to present his objections with reference to the former trial. The records of the *index nobilium* duly reflect the protective conduct of the curator who tried to acquit his serfs, however he could rightfully deliver an acquittal verdict by adverting the fact that the claimant failed to present himself in court twice.⁵⁵

The manorial court from Filea de Sus discussed trials of civil, criminal law and concerning manorial issues, while that from Cluj delivered verdict in cases involving private accusations and penal law. In the year 1677 the court held in Filea de Sus discussed the following trials: debate over the ownership of a meadow and a house, refusal of the payment of a promissory note, theft of beehive, violation of a command or restraint and fights (injury). Furthermore the court from Cluj discussed charges as illegal appropriation of wheat and minor trespass.⁵⁶ Apart from the above mentioned trials in the court from Filea de Sus a case involving a manorial issue was also discussed: the issue of bail in the case of a runaway serf.⁵⁷

The fragmentary records of the court from Filea de Sus contain only a few types of penalty. For the theft of two beehives the penalty is of 12 forints. The serf who used the land of someone else was also charged with the same penalty, even if he was denied the usage of the land by the legal authority of “camp of the lord”, as well as those who violating the restraints had illegally mowed the meadow of someone else. A claimant was charged with 3 forints for the derogatory disturbance of the respondent, and in the case of another trial the penalty was of 1 forint for the neglect of the stamp of the judge.⁵⁸ The records contain references to the partial or whole payment of the sum on the spot.⁵⁹

Other Legal Obligations of the Parish

ONE OF the main legal obligations of the parish was to insure the representation of its serfs in county court and proceed in their favour in case the matters exceeded the authority of the manorial court of the parish. Apart from this, the county required the parish administrative to arrest its serfs who were accused of more serious crimes, to assure bails for them, to provide a letter of guarantee for them, and to assure their presence in court. With the assistance of the landlord, and provided that 40 forints were paid to the county, the accused could be granted clemency by the *vicecomes* depending on the given circumstances.⁶⁰

In some of the cases the statements of the bailers proved to be sufficient; this fact served as a condition on which the accused was granted freedom until the trial. For instance the curator István Markó explained his decision of Tamás Mád's placement under bail, the latter being a serf from Săcel, on the 28th of June 1691 by the fact that he should not place the serf in goal. In the case of Tamás Mád's possible flee the bailers were demanded to discover his whereabouts, to capture him and take him back to the village as this practice was regular in case of runaway serfs. After the serf had been brought before the court and the verdict had been delivered, the statement of the bailer lost its validity.⁶¹

In other cases the agreement with a bailer was not sufficient. Kriszta Kercze from Filea de Sus – a local serf, who represented the parish serfs of Săcel, Filea de Jos and Filea de Sus – following the instruction of one of the curators, locked in stocks the serf from Filea de Jos, German Sipos on the 14th of August 1695.⁶²

As the above mentioned examples illustrate, the curator István Markó could have intervened in order to hinder the arrest, since he himself had issued the serf's agreement of guarantee. Another similar example is that involving a colt theft, in this case also, as the content of the letter of guarantee proves, the curator was obliged to legally represent his serf from Săcel in the county court.⁶³

The manorial courts of Transylvania were not regulated by the contemporary laws, their function can be followed only through the documents created in the course of the trials, and the publishing of these documents would greatly favour the development of the research. Based on the above presented documents, one cannot draw conclusions of general validity, however, the data found and tackled can surely call the attention upon certain particularities. Similarly to the other manorial courts of Transylvania, the manorial court of the parish was of limited jurisdiction, which could exercise its jurisdiction in all cases, except for those involving capital punishment, which were to be dealt with in the county court. The manorial court tackled legal issues of penal and civil law, private accusations, and in addition to these, manorial matters were discussed as well.

Most probably in order to have more trials discussed, with the exception of those in which the curator had to deliver a verdict in eight days, the manorial court commuted periodically from one village to another, discussing summary trials in the presence of the *index nobilium*. The court from Cluj housed those formal trials which were initiated by other landlords against the serfs of the parish, cases in which the former demanded the summoning of manorial courts. It is, however, curious to notice that even at the end of the 17th century the verdicts were delivered in many cases in a medieval fashion, depending on the oath. □

Translated by DALMA GÁL

Notes

1. Andrei Kiss, “Forul dominal în Transilvania” (The manorial court in Transylvania), *Revista Arhivelor* 12, no. 2 (1969): 59–70; András Kiss, “A vármegyei filiális szék keletkezéséről” (On the formation of *sedes filialis*), in Idem, *Források és értelmezések* (Sources and interpretations) (Bucharest: Kriterion, 1994), 39–69; Veronka Dáné, “Az őnagysága széki ügy deliberalá. Torda vármegye fejedelemségkori bírósági gyakorlata” (“His Highness’ court has deliberated it in such manner”. The juridical activity in Turda county during the age of the Principality), *Erdélyi Tudományos Füzetek* 259 (Debrecen: Debreceni Egyetem Történelmi Intézete; Cluj-Napoca: Erdélyi Múzeum Egyesület, 2006), 39–43, 69–73; David Prodan, *Iobăgia în Transilvania în secolul al XVII-lea* (Serfdom in Transylvania in the 17th century) (2 vols., Bucharest: Editura Științifică și Enciclopedică, 1986–1987), vol. 1, 403–449.
2. Kiss, “Filiális szék,” 46.
3. Endre Varga, ed., *Úriszék. XVI–XVII. századi perszövegek* (Manorial courts. 16th–17th century trial documents), Magyar Országos Levéltár kiadványai no. 2, Forráskiadványok no. 5 (Budapest: Akadémiai, 1958; henceforth: *Úriszék*); Ferenc Eckhart, *A földesúri büntetőbíráskodás a XVI–XVII. században* (The criminal jurisdiction of the landlords in the 16th–17th century) (Budapest: Akadémiai, 1954); Alajos Degré, “Úriszéki peres eljárás a Déldunántúlon a XVIII–XIX. században” (The litigation of the manorial courts in Déldunántúl in the 18th–19th century), *Levéltári Közlemények* 32 (1961): 101–128; István Kállay, *Úriszéki bíráskodás a XVIII–XIX. században* (The jurisdiction of the manorial courts in the 18th–19th century) (Budapest: Akadémiai, 1985); Idem, “Az úriszéken kívüli földesúri bíráskodás” (The manorial jurisdiction performed outside the manorial courts), in *Jogtörténeti tanulmányok* (Studies in law history), no. 4, ed. Andor Csizmadia (Budapest: Közgazdasági és Jogi Könyvkiadó, 1980), 159–186; Imre Hajnik, *A magyar bírósági szervezet és perjog az Árpád- és a vegyesházi királyok alatt* (The Hungarian court organization and trial rights under the reign of the Árpád dynasty and the mixed dynasty kings) (Budapest: Magyar Tudományos Akadémia, 1899), 97–104; Barna Mezey, ed., *Magyar jogtörténet* (Hungarian law history), Osiris Tankönyvek (Budapest: Osiris, 2007), 422–441.

4. Kállay, *Úriszéken kívüli bíraskodás*, 159–160; Eckhart, *Büntetőbíráskodás*, 61–73.
5. *Úriszék*, 12–13; Kiss, “Filiális szék,” 57.
6. *Úriszék*, 9–10; Kiss, “Filiális szék,” 59–60.
7. *Werbőczy István Hármaskönyve (The Tripartitum of István Werbőczy)*, eds. and trans. Sándor Kolosvári, Kelemen Óvári, and Dezső Márkus, *Corpus Iuris Hungarici, Magyar Törvénytar 1000–1895* (Budapest: Franklin Társulat, 1897; henceforth: *Werbőczy*), 3, 26.
8. Kiss, “Filiális szék,” 55–57; *Úriszék*, 9–19; Eckhart, *Büntetőbíráskodás*, 3–8.
9. One of the articles of *Approbatæ* specified that the owner landlord had the right to arrest his own or a foreign serf on his own estate, and could exercise his jurisdiction upon him by involving the *iudex nobilium*. Sándor Kolosvári, and Kelemen Óvári, eds., *Approbatæ Constitutiones Regni Transylvaniae et Partium Hungariae eidem Annexarum*, 1540–1848. évi erdélyi törvények (The Transylvanian laws of the years: 1540–1848), *Corpus Iuris Hungarici, Magyar Törvénytar 1000–1895* (Budapest: Franklin Társulat, 1900; henceforth: *Approbatæ*), 3, 47, 19.
10. Kiss, “Filiális szék,” 60–61; Dáné, *Őnagysága széki*, 39–40; Prodan, *Secolul al XVII-lea*, vol. 1, 412–413, 422.
11. Kiss, “Filiális szék,” 61–62.
12. The minor trespass (*actus minoris potentiae*) was considered to be all kinds of illegal disturbances, minor appropriation of land, exercise of aggression, these did not belong to the domain of major trespass, which involved five cases (*quinque casus*): 1. the assault of the landlord’s manor; 2. the illegal appropriation of his estate; 3. the arrest of the landlord; 4. the wounding, the battering of the landlord 5. the murder of the landlord. In case the committer of minor trespass is a landlord, the penalty for the crime was 50 forints, if the perpetrator was a serf his penalty was 12–12.50 or 20, in both cases this sum was half of the perpetrator’s blood money (*homagium*). Ferenc Eckhart, *Magyar alkotmány- és jogtörténet* (History of Hungarian constitution and law), ed. Barna Mezey (Budapest: Osiris, 2000), 320; Dáné, *Őnagysága széki*, 80, 124, 126, 154.
13. Kiss, “Filiális szék,” 59–69; On omitting the summoning of the manorial court, the *Approbatæ* recorded the following: In case one of the serfs committed trespass or other crime, than he could be pled against in the court of his landlord, who was required to summon the court after eight (15 in the Partium) days following the day of the crime in the presence of a *iudex nobilium*. From this court, appeal could be addressed to the county court. If, however, the landlord refused to summon the court, he could be cited to the county court, where he was required to pay the blood money of his serf and was demanded to summon the manorial court, if the latter demand was denied by the landlord, the claimant won the case. *Approbatæ*, 4, 4, 28.
14. In this period the *delictum privatum* did not belong to the penal cases; the former cases were as follows: slander, aspersion, assault and injury, minor and major trespass.
15. The function of the partial court of Turda county: Dáné, *Őnagysága széki*, 35–38, 79–82, 151–170; In the year 1678 the Diet ordained the abolition of the partial county courts due to their irregular function. Notwithstanding the ban, the partial

courts continued to function due to the great demand for their services, this situation was eventually accepted by the Diet in May 1680.

16. Archives of the Reformed Church of Transylvania (The Erdélyi Református Egyházkerületi Levéltár; Cluj-Napoca), Archive of the Reformed Parish of Cluj (Kolozsvári Református Egyházközség levéltára; henceforth: *ARPC*), 2, 9, 37; Dáné, *Őnagysága széki*, 68; David Prodan, “Judele satului iobăgesc în Transilvania” (The judge in the Transylvanian serf village), *Anuarul Institutului de Istorie Cluj* 4 (1961): 217–235; The authority of the village judge was highly altering e.g. in the 16th century Hungary a landlord authorized such a village judge to deliver verdict in cases of capital punishment. István Szabó, “A parasztfalu önkormányzatának válsága az újkorban” (The crisis of the local administration of the peasant villages in the modern age), in Idem, *Tanulmányok a magyar parasztság történetéből* (Studies concerning the history of the Hungarian peasantry), eds. Kálmán Benda, et al., Történettudományi Intézet kiadványai, no. 2 (Budapest: Teleki Pál Tudományos Intézet, 1948), 265–310.
17. Eckhart, *Büntetőbíráskodás*, 24; Szabó, “Parasztfalu,” 283.
18. The patent of King John II issued in 1564. Károly Szabó, Lajos Szádeczky, and Samu Barabás, eds., *Székely oklevéltár* (Diplomatarium of the Székely/Szeklers) (8 vols., Cluj-Napoca: A Magyar Történelmi Társulat Kolozsvári Bizottsága, A Székely Történelmi Pályadíj-alapra Felügyelő Bizottság, 1872–1898; Budapest: Magyar Tudományos Akadémia, 1934), vol. 2, 176–178.
19. Sándor Kolosvári, and Kelemen Óvári, eds., *Statuta et constitutiones municipiorum Transsylvaniae ab antiquissimis temporibus usque ad finem seculi XVIII. Az erdélyi törvényhatóságok jogszabályai*, Corpus Statutorum Hungariae Municipalia. A magyar törvényhatóságok jogszabályainak gyűjteménye, Monumenta Hungariae Juridico-Historica. Magyarországi Jogtörténeti Emlékek (Budapest: Magyar Tudományos Akadémia, 1885), 278–279; Prodan, *Secolul al XVII-lea*, vol. 1, 412, 413, 416, 421; Zsigmond Jakó, *A gyulai vártartomány urbáriumi* (The urbairiums of the domain of Gilău) (Pécs: Dunántúl Pécsi Egyetem; Cluj-Napoca: Erdélyi Tudományos Intézet, 1944), 206; István Imreh, “Udvarhelyszék legrégebb falutörvénye (1615)” (The earliest village law of Odorhei county [1615]), in Idem, *Erdélyi eleink emlékezete 1550–1850: társadalom és gazdaságtörténeti tanulmányok* (The memory of our Transylvanian forefathers 1550–1850: Studies in social and economic history) (Budapest: Teleki László Alapítvány; Cluj-Napoca: Polis, 1999), 134; Elek Jakab, and Lajos Szádeczky, *Udvarhely vármegye története a legrégebb időktől 1849-ig* (The history of Odorhei seat from the beginnings to 1849) (Budapest: Athenaeum, 1901), 392–394.
20. *Werbóczy*, 3, 25, 3; With respect to this legal regulation the alterations occur only in the second half of the 17th century: Dáné, *Őnagysága széki*, 37, 81.
21. The 10th paragraph of Diet decision of May 1619 ordered that the serf accused of serious charges can be arrested by his landlord, the latter being obliged to give the serf to the *vicecomes*, who had to deliver a verdict in eight days. Sándor Szilágyi, ed., *Monumenta Comititalia Regni Transylvaniae. Erdélyi Országgyűlési Emlékek 1540–1699*, Monumenta Hungariae Historica. Magyar Történelmi Emlékek, no. 3. (21 vols., Budapest: Magyar Tudományos Akadémia, 1875–1898), vol. 7, 516.

22. Kállay, *Úriszéki bírászkodás*, 108, 115–159; Mezey, ed., *Jogtörténet*, 423–426; Eckhart, *Jogtörténet*, 326–340.
23. Kállay, *Úriszéki bírászkodás*, 14.
24. *Ibid.*, 9, 32.
25. Sándor Újfalvi, *Emlékiratok* (Memoirs), eds. Samu Benkő, and Aranka Ugrin (Budapest: Szépirodalmi, 1990), 143–144.
26. Kállay, *Úriszéki bírászkodás*, 109–110, 112–114; *Úriszék*, 43.
27. *Úriszék*, 43–44.
28. The penalty should not be confounded with indemnity, compensation, which was not received by the court officials but by the injured party.
29. As mentioned above, regularly from 1 to 4 forints.
30. Jakó, *Gyalu*, 50–51, 53, 57, 64, 122, 127, 134, 142, 147, 151, 206; Prodan, *Secolul al XVII-lea*, vol. 1, 405–416.
31. Through the admonishments (*admonitio*) the claimant could demand the parish to summon court, or the latter could announce the claimant about the postponing of such a practice. The production of the letters of guarantee was necessary due to the fact that it prevented the possible flee of the serf.
32. *ARPC* 2, 8, 8/a.
33. *ARPC* 2, 8, 8a.
34. About the function of the *knez* from Filea de Jos information may be found from the year 1450: Zsigmond Jakó, ed., *A kolozsmonostori konvent jegyzőkönyvei 1289–1556* (The convent records from Cluj-Mănăştur, 1289–1556), A Magyar Országos Levéltár kiadványai, II, Forráskiadványok, no. 17 (2 vols., Budapest: Akadémiai Kiadó, 1990), vol. 1, no. 900.
35. David Prodan, *Iobăgia în Transilvania în secolul al XVI-lea* (The serfdom in Transylvania in the 16th Century) (2 vols., Bucharest: Editura Academiei, 1968), vol. 2, 690, 693.
36. *ARPC* 2, 1, 10.
37. *ARPC* 2, 8, 8a.
38. The presiding curator could have attained legal knowledge. This can be backed up by the fact that some of the curators, besides their office in the parish, they had occupied posts in the place of authentication of Cluj-Mănăştur: Péter Laki (1696–1703), János Szalárdi (1664–1666), István Vicei (1674–1694) worked as requisitors. Zsolt Bogdándi, “A kolozsmonostori konvent fejedelemség kori levélkeresői” (The requisitors of the convent of Cluj-Mănăştur during the Age of the Principality), *Erdélyi Múzeum* 72, no. 3–4 (2010): 43–72.
39. *ARPC* 2, 9, 37.
40. *ARPC* 2, 9, 56.
41. *ARPC* 2, 1, 26.
42. Dáné, *Önagysága széki*, 77–78.
43. *ARPC* 2, 1, 10.
44. Kállay, *Úriszéki bírászkodás*, 128.
45. *ARPC* 2. 1. 10.
46. Eckhart, *Jogtörténet*, 324–325.
47. *ARPC* 2, 1, 10.

48. *ARPC* 2, 1, 26.
49. *ARPC* 2, 1, 26.
50. Dáné, *Őnagysága széki*, 70.
51. *ARPC* 2, 9, 56.
52. *ARPC* 2, 9, 56.
53. *ARPC* 2, 8, 8a.
54. *ARPC* 2, 8, 8a.
55. *ARPC* 2, 1, 26.
56. *ARPC* 2, 9, 37; *ARPC* 2, 1, 26.
57. *ARPC* 2, 8, 8a.
58. *ARPC* 2, 8, 8a.
59. *ARPC* 2, 8, 8a.
60. Dáné, *Őnagysága széki*, 56, 74.
61. *ARPC* 2, 9, 92.
62. *ARPC* 2, 9, 36.
63. *ARPC* 2, 9, 91.

Abstract

The Manorial Court of the Reformed Parish of Cluj (Kolozsvár) (1676–1695)

The procedures of the Transylvanian manorial courts in the early modern age were not regulated by the contemporary laws, therefore they can be studied only based on the documents of the litigations. The research however is impeded by the fact that the amount of the historical resources concerning this issue is insufficient, and they have not been published yet.

The reformed parish of Cluj received certain properties in the neighbouring villages during the 17th century; hence in the decade of the 1690s there were approximately 100 serfs under the authority of the parish. The curators of the parish exercised their jurisdiction over the serfs via the manorial court. Similarly to most manorial courts in Transylvania, this court had also limited jurisdiction, the serfs were judged for all their offences except for those involving capital punishment. The manorial court of the parish was presided by the curator and the trials were performed in the presence of a *iudex nobilium* representing the county.

Keywords

manorial court, legal procedure, *iudex nobilium*, reformed parish, Cluj, curator