

# At the Border of Transylvania: the County of Severin/the District of Caransebeş in the 16<sup>th</sup>–17<sup>th</sup> Centuries

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**L**OCATED BETWEEN three major rivers, the Mureş in the north, the Tisa to the west and the Danube to the south, the Banat was, throughout its history, a border province of the medieval Hungarian kingdom. In a document from the year 1501, issued by the chapter of the church in Arad, with regard to several estates from the Banat, there appeared the formula *in comitatu Zoriniensis*. Three years later, in a document issued by the Ban of Severin, that formula was reiterated, as a sign that this administrative reality was already functional.<sup>1</sup> We do not know the exact reason for the establishment of the new county, but it may have been an attempt to streamline the defense system on the Danube, which had suffered severely from the frequent Ottoman attacks. The result was also reflected in the administrative situation of the lower territories from the southern border. The administration of this new county was part of the responsibilities of the two Bans of Severin. This appears quite clearly from the formula used in 1501, 1504 and 1508, when Jacob of Gârlişte and Barnabas Belai were referred to as *bani comitatus Zeoreniensis*.<sup>2</sup> For almost two decades, there was a terminological alternation regarding the administrative units here, without our knowing to what extent they reflected the reality. Thus, in the document cited above, in 1508, the District of Mehadia was part of the County of Severin and then, in 1519, the same district appeared framed within Timiş County.<sup>3</sup> The situation of Caransebeş District was similar: references were made to it either as part of Timiş County<sup>4</sup> or *sub banatu castris Scewerinensis*.<sup>5</sup> The county/banat alternation persisted, indicating that at the time there was no administrative or terminological consensus on the realities from the kingdom's southern border.

The territorial overlap between Severin County and the District of Caransebeş did not entail the disappearance of the latter but the merging of its administrative structures into the newly created entity. Pesty Frigyes' contentions made over 130 years ago are still valid: "the County of Severin did not have a separate body of officials. The political merging was becoming apparent in that the *comites* and the noble judges, etc., called themselves *comites* and noble judges of both the County of Severin and the District of Caransebeş; and because in the Severin area, the notions of *comitatus* and *districtus* had the same meaning, we can rightly also speak of the County of Caransebeş... The notion

of *Caransebeș District* was often used politically and juridically to express, in fact, the County of Severin.<sup>6</sup> Pesty's considerations indicate the presence of two administrative units at a terminological level, which nonetheless operated as one from the vantage point of the body of officials/ officers. Not incidentally, the first officials were called Bans of Sebeș/ Caransebeș. As the authority of the ban expanded in the territory, the officials' titlature also changed: they were almost always mentioned in the documents as "banus et officialis Karansebesiensis" or "banus districtuum Caransebeș et Lugos" (*Karánsebesi és Lugosi bán* in Hungarian).<sup>7</sup> As shown in a series of documents from the 17<sup>th</sup> century, besides the position of bans, these officials also held that of supreme *Comites* of Severin County. Thus, in 1612, when Paul Keresztesi of Nagy Megyer was appointed as ban, the high official appeared with the title "comitis comitatus Zeoriniensis."<sup>8</sup> One year later, the same character was mentioned again in the position of supreme *comes* ("Zeorin vármegiénék feőispánniának és Karansebesi - Lugosi bánnak").<sup>9</sup> In 1614, Prince Gabriel Bethlen wrote his relative Peter Bethlen "comiti comitatus Zeoriniensis ac districtum Lugas et Karansebes bano supremo"<sup>10</sup> The three examples show unequivocally that during certain periods, the office of a ban overlapped with that of Supreme *Comes* of Severin. They were appointed by the prince for a certain period, "for as long as we like,"<sup>11</sup> which reveals the profile of an official/ office holder rather than that of an aristocrat who may have been appointed because of his wealth or importance in the area.

The most important and longest serving bans were not the ones chosen from among the local nobles but mainly from the neighboring regions—Hațeg or Hunedoara. The powers of the *comites* and, in this case, of the Bans of Caransebeș-Lugoj, covered a wide range of activities: military, diplomatic, administrative (order maintenance, the enforcement of various sentences at the local level), judicial (the settlement of litigations between individuals and institutions in the county/ banat/ district) and even ecclesiastical.<sup>12</sup> Being amongst the high-ranking officials in the principality, the Bans of Caransebeș-Lugoj did not always reside in the territory they administered, especially given that some of them also held other offices at the princely court or served as diplomatic representatives of the principality.<sup>13</sup> That is why the most important members of the administration of Severin County/ Caransebeș District were the vice-bans, the vice-*comites*, the noble judges, the assessors and the notary.

In the Banat area, the vice-ban was a kind of deputy of the ban, who seconded and assisted the latter in managing various problems across the territory. Like the holders of the supreme office in the area, vice-bans extended their authority over both the county and the district. Some of them concurrently held other positions as well, such as that of mayor-magistrate for the town of Caransebeș, *tricesimator*,<sup>14</sup> or that of Vice-*Comes* of Severin.<sup>15</sup> Little is known about the duties of this official. He most likely replaced the ban and took on his responsibilities when the latter was absent from the area, the other county officials being subordinated to him. The documents reveal that his powers were primarily juridical. In 1537, the two vice-bans, John Floca and John Olah, presided over the seat of justice of Caransebeș District, together with the castellan (the vice-*comes*) and the noble judge.<sup>16</sup> Vice-Ban Nicolae Măciș was also involved in a trial in which he was presented with the decisions reached in the first instance by the Vice-*Comites* of Severin.<sup>17</sup> In 1654, a settlement was concluded before the vice-ban,

the noble judge, the notary and an assessor, sealing the agreement between the Tivadar and Fiat families as regards the estates they owned in the village of Brebu; this agreement had to be abided by under the penalty of 1,000 gold florins.<sup>18</sup> As one of the foremost dignitaries in the county/ district, the vice-ban testified, together with other nobles and serfs in favor of the Găman family and its estates.<sup>19</sup> These cases show that in the absence of the bans, the vice-bans had powers in the field of justice, assuming also the collaboration with the other comital institutions. Unfortunately, we lack other examples that might give us a more complete picture of the functioning of this institution because the other documents in which the vice-bans are mentioned do not refer to their sphere of competence but to the personal issues of one or the other of these vice-bans.

The next tier in the county administration was represented by the *vice-comes*. He was one of the main county officials, being elected from among the representative nobles of that county. By the middle of the 16<sup>th</sup> century, the rule whereby the *vice-comes* should be elected by the county and confirmed by the supreme *comes* was adopted. In the beginning, there was a single *comes*, assisted by a *vice-comes*. Later, due to the multiplication of the duties, the county could have two *comites* and two *vice-comites* or only one *comes*, assisted by two *vice-comites*. However, in some cases, one *vice-comes* could hold this office for several counties.<sup>20</sup> In the County of Severin/ District of Caransebeș, there were two *vice-comites* elected from among the local elites. Up until the beginning of the 17<sup>th</sup> century, the position was correlated with that of Castellan of Caransebeș, these castellans being practically the equivalent of *vice-comites*. In the 15<sup>th</sup> century such a situation was encountered at the level of the administration in Hunedoara County, where the (vice)-*comites* were associated with the position of Castellans of Deva, Hunedoara or Hașeg.<sup>21</sup> In the Latin documents these officials issued, the name used in their case was that of the castellan/ castellans. In the Hungarian documents, the term originally used was that of *porkolab* (castellan), the word *ispán* (*comes*) being used in parallel and eventually imposing itself as a manner of designating the *vice-comes*. The equivalence between *vice-comes* and castellan is captured in a document from 1585. There mention is made of a problem from the previous year: “akkor Dragna Gyeorgy es coregbik Symon Janos valanak ispanok”.<sup>22</sup> In the document from 1584, however, the two officials appear with the title of castellans,<sup>23</sup> which indicates, beyond a doubt, the aforementioned equivalence.

Their remit must have been similar to that of their corresponding officials in the other counties, where the *vice-comes* was entrusted with managing the county revenues, supervised the levying of taxes, and collected a portion of the fines and payments incurred in various juridical cases. His powers also encompassed the military and religious domains, the situations involving donations and estate ownership, the punishment of wrongdoers, and the county seal was in his custody.<sup>24</sup> In the County of Severin, when the *vice-comes* had a problem and was absent, or when he had to hear a case pertaining to his jurisdiction, he was replaced by another official, probably one of the assessor jurors.<sup>25</sup> In the documents the princely chancery issued, they were among those nominated to assist with the putting in possession of the donees from the District of Caransebeș/ the County of Severin, being also responsible for taking note of any opposition to those cases of vesting in possession.<sup>26</sup> The two officials also participated in the partitioning of estates and the boundary drawing thereof, or in the division of inheritances.<sup>27</sup> They

also issued or had documents drafted before them in connection with various pledges or sales.<sup>28</sup> The vice-comes, the noble judge and the notary certified the choice of legal representatives for the noblemen of Caransebeș, who were later confirmed by the prince.<sup>29</sup> Other tasks included hearing witnesses in a trial or the taking of oaths in serious cases, such as robbery, where, as county officials, they were involved in apprehending and punishing offenders.<sup>30</sup> The Vice-Comites of Severin were also involved in the conclusion of or compliance with agreements between individuals: the regime of some mills, reconciliation in the case of legal disputes, or dowry settlements.<sup>31</sup> Together with the noble judge, the two officials were responsible for investigating and returning runaway serfs to their masters. Thus, in 1622, the vice-comites and the noble judge were required to handle the restitution of a serf who had been moved without approval from the Gârbovăț estate into the village of Goleț.<sup>32</sup> Finally the two Vice-Comites of Severin had the duty to constrain the losing party in a lawsuit to pay their dues. Together with the noble judge, they imposed fines or penalties on those who were found guilty. The easiest form of interaction with those who were deemed liable for an offense was an admonishment, followed, in the case of a blatant infringement of the ruling issued by the seat of justice, by fines or the seizure of the culprits' goods.<sup>33</sup>

The vice-comites were almost always assisted in their legal and administrative work by the noble judges, *iudices nobilium* in Latin or *szolgabírák* in Hungarian. In the counties from Hungary proper, there were four noble judges in each county, while only two operated in Transylvania. These officials were elected for a fixed period of time, usually one year, from among the elites of the county where they activated. Severin County was a special case because all the documents from the 16<sup>th</sup> and 17<sup>th</sup> centuries mention only one noble judge. This particular situation can be explained by reference to the earlier, medieval organization of the territory and to the administrative overlap between Severin County and Caransebeș District. Among the provisions of the privilege obtained by the Romanian districts from the Banat in 1457, there was the communities' right to choose their own noble judge, suggesting that the districts tended towards a well-delineated administrative organization. After that moment, the documents began to bring to the fore those who held that office and the institution continued to exist throughout the second half of the 15<sup>th</sup> century. The references were unilateral and exclusively concerned the noble judge from the District of Caransebeș, the largest unit of its kind in the Banat and the venue where all the districts' seats of justice were organized.<sup>34</sup> Given the territorial changes of the 16<sup>th</sup> century and the overlap between the two administrative entities, there remained the already entrenched custom of only one noble judge holding this office. Similar to the vice-comites, all those who served as noble judges were locals, mostly from Caransebeș. Together with the vice-comes, he took part in the drawing of boundaries, intervened in matters of ownership and participated in the hearing of witnesses. His most important duty was to assist the vice-comes in the cases heard before the seat of justice. In fact, all the official documents issued by the county bore the seal of the noble judge besides those of the vice-comites. There were, however, cases when the holders of this office issued documents in their own name, containing procedural aspects rather than court rulings. The documents of this kind preserved to this day

come from the end of the first half of the 17<sup>th</sup> century and are, without exception, written in Hungarian. For example, in 1629, Francisc Veres, one of the longest serving noble judges,<sup>35</sup> issued a letter certifying that three representatives of the Fiat family had decided to divide certain assets and serfs among themselves.<sup>36</sup> In 1641, the same noble judge, together with one of the assessors, informed the prince that they had traveled to the residence of the noble lady Doroteea Lazăr and had summoned her to appear before the princely Board to solve the problem of some estates.<sup>37</sup> Four years later, the omnipresent Francisc Veres was involved, as the representative of the county, in the ownership disputes among several nobles. In the name of Nicolae Măciçaș, he went to deliver an amount of money that the latter offered to several noble persons in redemption of previously mortgaged estates. Failure to comply with the terms of the pledge contract and the refusal to surrender the estates in exchange for that amount had led to the culprits being summoned by the judge to appear before the county's seat of justice.<sup>38</sup> In 1650, the noble judge and two assessor jurors presided over the settlement of a litigious matter, concerning the ownership of certain estate portions that were disputed between the widows of two noblemen from Caransebeș.<sup>39</sup> Sometimes, when the office-holder was absent, he was substituted, possibly by one of the assessors. This happened in 1632, when Ladislaus Domsa entitled himself "substitutus szolgabiraya."<sup>40</sup> As it may be seen, the noble judges, sometimes in their own name, sometimes together with one or two assessors, were in charge of the procedural part of the comital administration. They went to the residence of various people, took statements or protests, confirmed certain agreements or issued summons for the seat of justice of the county or of the Prince.

The assessors (assessor jurors) of the counties, *esküátek* in Hungarian, appeared in the 15<sup>th</sup> century. They were initially chosen for a specific task, and later, in the 16<sup>th</sup> century, the position became permanent. They were always elected from among the local nobles, their main role being in justice, as members of the county's seat of justice. They were usually 12 but their number could vary by age and county, reaching up to 40 in some cases.<sup>41</sup> At the level of Severin County, those who held the position came from both the urban and the county nobility. In 1535, among those considered to be assessors, there was the mayor-magistrate of Caransebeș.<sup>42</sup> The ancientness of this institution can be attested from the first half of the 16<sup>th</sup> century. As proof of this stands the letter King John Szapolyai sent to 9 noblemen in the area in 1532, so that they would participate in the administration of justice: "iudicium et iusticiam facere."<sup>43</sup> In fact, throughout the 16<sup>th</sup> century, the titlature *assessor/ assessores* never appeared next to individuals whose names featured in documents. It was generally encountered in 1566, when a trial was presided over by Ban Miklós Bethlen "sedisque eiusdem iudicariae reliqui coassessores."<sup>44</sup> That is why one might suspect that the various noblemen nominated in the princely commandments which contained provisions towards the administration of justice were actually the assessors of the county's seat of justice. An example comes from 1576, when several representatives of the local elite were demanded to attend, alongside the *vice-comites* (castellans) and the noble judge, a vesting in possession in the District of Caransebeș.<sup>45</sup> A few years later, several noblemen from the Caransebeș area presented themselves before 10 people in order to reach an agreement on the division of the daugh-

ter's quarter, this agreement becoming binding under a penalty of 100 florins.<sup>46</sup> Although nowhere is the position of the 10 people specified, these must have been the assessor jurors because the matter brought before them was legal, the letter issued and the nine seals applied to it certifying that agreement. Another 10 noblemen were asked by Prince Sigismund Bathory to notify the officials of Căvâran town that they would have to appear in court against George Găman if they did not return one of the nobleman's serfs who had settled without permission in the urban milieu. Consequently, two of the nominees informed the prince that they had performed the task they had been assigned.<sup>47</sup> They were mandated to register and send the prince testimonies provided by the county officials and other persons, or to take note of any opposition to the seizure of goods.<sup>48</sup> They could participate in admonitions or summons to the seat of justice<sup>49</sup> and they were in a position to issue documents related to contracts, the exchange or sale of certain properties or serfs, concluded before them and other county officials (usually the noble judge or the notary).<sup>50</sup> In the 17<sup>th</sup> century the documents rarely mentioned them with the title of the position they occupied. When they did, they were mentioned as "nemes szemely es hütös assessor" because all documents were written in Hungarian. Only by chance did George Gârliște "nobilis de Karansebes et assessor sedis judicariae comitatus Szoriniensis" or Nicolae Thot "iuratus assessor" have their official capacity written down in Latin. Their sphere of competence remained the same: the admonition and summoning before the princely Board of a widow who would not cede the ownership documents to her relative<sup>51</sup> or a trial between the Fiat and Tivadar families.<sup>52</sup> Essentially, besides attending the administration of justice in assizes, the assessor jurors assisted/ helped other county officials to carry out various administrative tasks, which were most of the times directly related to their membership in the tribunal.

The county notary was one of the most important officials in the 16<sup>th</sup> and 17<sup>th</sup> centuries.<sup>53</sup> The development of writing and the increase in the number of documents led to the appearance of an official who could provide a solution to these problems. The protocols of the county assemblies were in his care, being originally written in Latin and, from the 16<sup>th</sup> century on, almost exclusively in Hungarian. Also, this office holder kept various documents, the archive of the county or town where he operated, one and the same person acting sometimes as notary for several counties. For his activity, the notary charged certain fees which varied depending on the area or period.<sup>54</sup> During the 16<sup>th</sup> century, the district/ county notaries featured in documents in parallel with those of the town of Caransebeș. In the next century, those who held the office of notary for the town of Caransebeș concurrently served in that position at the county level too. This does not automatically mean a lesser involvement of notaries in the public life of the county. Rather both princely letters and those of the local authorities suggest the importance of the notarial office for the county. The notary Nicolae Moise assisted the Vice-Comites of Severin on the day of the seat of justice in 1581 and registered the complaint filed by Nicolae Flore, testifying to this effect.<sup>55</sup> It seems that the notary was required to participate in the seat of justice, as he was the one who noted down the rulings in the comital protocols, as it appears in a situation from 1585, when a trial involving the members of the Berta family took place.<sup>56</sup> In 1573, Prince Stephen Báthory wrote to the county officials, includ-

ing the notary Ioan Zegey, that they should settle the matter related to the estate left by Dionisie the literate, who had had no direct descendants.<sup>57</sup> Gabriel Bethlen nominated, among other officials, the notary John Bobic to participate in an identical case, the inheritance of Barbara Raja's assets, who had died without direct heirs.<sup>58</sup> The next occupant of the notarial office, Nicolae Ivul, accompanied the vice-comes and the noble judge to the forced execution of Sigismund Fiat, for the sum of 100 florins, because he had not complied with the agreement he had made with Gregorius Tivadar on the Brebu estate. In another case, accompanied by one of the assessors, the said notary recorded the protest John Mâtnic had filed on the seizure of some of his property, a proof with which the nobleman could appear before higher authorities to demand justice for himself.<sup>59</sup> Similarly, various nobles appeared before the notary when they made agreements concerning the division of property or financial issues (for instance, in the case of a lawsuit against the princely revenue authority). The above gives an indication of the notarial powers because agreements between various people became legal only when they were certified before an authorized person, such as the urban judges, jurors and, in this case, the local notaries.

The county's seat of justice (*sedes iudiciaria*, abbreviated as *sedria*) served as a local court. This court represented one of the stages where various legal cases between the elites of the Banat region were heard, especially on matters related to inheritance or ownership. The procedure followed the standard established by law but maintained specific customs, probably along the usage lines of the old *ius valahicum* in Caransebeș District.<sup>60</sup> The first phase involved the summons and appearance in court, at a certain date, before the county officials and the assessors. Sometimes the procedure demanded the use of arbitrators who attempted to resolve the conflict.<sup>61</sup> On other occasions, it required the presence of witnesses for both parties. They supported the case of the one who had called them and took the oath before the county's seat of justice, which could thereafter rule. It was also on this occasion that various justifying documents were presented, which were meant to strengthen the testimonies.<sup>62</sup> The witnesses' oath was decisory when there were no probatory documents in a particular case.<sup>63</sup> After the old and commendable custom of the area (*regy dicziretes zokassa zerinth*), the final county ruling was given after the case was heard before three consecutive seats of justice, where those involved could appear in person or through representatives.<sup>64</sup> Thus, on a Thursday in the year 1537, the seat of justice of the district/ county was convened to rule on the ownership dispute between Francisc Fiat and the widow of Nicolae Nocha.<sup>65</sup> It was also on a Thursday that a seat of justice was held in 1543, when Francisc Fodor and Francisc Moise appeared before the court and presented the vesting deed issued by Queen Isabela. As there was no adversary, they were vested in possession.<sup>66</sup> The practice of convening the *sedria* on a Thursday is evinced more clearly in a testimony from 1581 (*szek napian czeterteökön*). There Nicolae Flore of Slatina filed a claim before the county (*varmegie eleoth*) against the Fiat family's ownership, use or sale of portions from a number of 12 estates in the County of Severin. The evidence for the impugment, confirmed by the testimony provided by the vice-comites, the notary juror of the county and the assessors, was submitted by the applicant before the Chapter of Alba, which took notice of it. According to one of the witnesses, the impugment and, respectively, the seat of justice, took place in the house

of the (vice)-*comites* (*az ispanok hazaban*).<sup>67</sup> We do not know whether this was the county see or a private home. The latter seems a more accurate possibility because in 1648, the assessors met in the private homes of the two vice-*comites*,<sup>68</sup> suggesting that there were no well-established headquarters of the county administration. After trial before the *sedria*, the ruling was recorded in the county protocol (*az varmegie protocolumnak*),<sup>69</sup> and the decision could always be justified and confirmed.

The final decision on matters of justice in the area belonged to the ban himself. The ruling of the vice-*comites*, the noble judge and the comital assessors could be challenged by appeal to a higher court, represented by the ban.<sup>70</sup> Those involved in lawsuits came to the “palace within the city”, mentioned in 1646, where, before the ban and the county officials, there took place the litigation between Ana Fodor and her son Jacob Fiat.<sup>71</sup> Townspeople, for example, possibly due to their status, were judged only in the presence of the ban or his deputy. The Diet of the Principality meeting in Turda in 1563 ruled that the disputes between them should be resolved before the ban.<sup>72</sup> Consequently, in 1585, the officials of Căvăran town allowed those who were not satisfied with the ruling of the town court to appeal to the ban’s seat of justice.<sup>73</sup> The urban community appealed to the ban’s seat of justice in 1649, according to their ancient laws, rights and customs (*legibus, usibus, consuetudinibus*).<sup>74</sup> Besides towns, the comital officials could also appear before the ban, as it was the case in 1593, when the officials of Severin County and the town of Caransebeș were indicted for failing to pay an amount due to priest Stephen.<sup>75</sup>

It was not always the case that a trial ended promptly before the local authorities. It could continue, as we are informed by a document issued in 1559, when the intervention of Queen Isabella was required to resume a pending case.<sup>76</sup> If the parties involved could not be reconciled, the case was referred to the princely court, which had the ultimate appellate jurisdiction. For example, in the lawsuit between John Racoviță and his wife Dorotea against the Fiat family, the ban “cum sedis suae iudiciariae coassessoribus iurisperitisque viris” found in favor of the former. The case came before the prince, who confirmed the ruling of the local authorities.<sup>77</sup> The proceedings were identical in the trial between Margaret Găman and Sigismund Fiat, the county ruling reaching the prince, who ruled definitively on it.<sup>78</sup> As can be easily seen, almost all the cases were related to the ownership or inheritance of various assets, most often those appearing in court being members of the elite, characters who had grounds to sue because of the estates they owned or were under dispute.

The written production of the county officials which has reached us despite the devastation incurred by the archives of the Banat is representative of the administrative institutions from the Banat area. Whereas in the 16<sup>th</sup> century, the most numerous documents of the county/ district were in Latin, the situation changed radically in the next century, the documents being drawn up in Hungarian exclusively. The letterheads most often included, in the consecrated formula, the name of the vice-*comites* and the noble judge. There were exceptions, some of the documents being issued by only one vice-*comes*, sometimes assisted by the noble judge or by assessors. In other situations, there appeared only the vice-*comites* without noble judges or any other official. In a single case from



1642, the letterhead comprised the vice-*comites*, the notary and the noble judge.<sup>79</sup> All the documents issued by the officials had to bear the seal of the institution to be legally enforceable. There are several testimonies about the seal of the county and its use by the competent bodies. For instance, in 1589 or in 1608, mention was made of the ordinary seal of the county.<sup>80</sup> The most numerous references, however, were related to the county seal. The documents issued by the county officials mentioned that they were reinforced by the county seal, but below the text there were applied the three seals of the officials, who usually were two vice-*comites* and the noble judge,<sup>81</sup> in some cases the seal of one of the vice-*comites* being replaced by that of the notary.<sup>82</sup> However, it is possible that one of the three seals belonged to the county, being merely in the keeping of one of the vice-*comites*. This would explain why in a document issued by the county in 1580, next to one of the seals there appeared the formula: *Sigillum districtus Caransebes*.<sup>83</sup> Since no indication of this type was used in the 17<sup>th</sup> century, it is likely that the county seal was substituted by that of the officials who, in their position, could use their seals to make the document legally binding, by identifying their own seals with those of the administrative institution.

As can be seen, the County of Severin functioned within the limits set by the Transylvanian legislation of the 16<sup>th</sup> and 17<sup>th</sup> centuries. Located in a marginal, frontier area of the principality, this administrative structure retained a series of specific characteristics derived from the medieval tradition and from its overlapping with the District of Caransebeș.



*Translated into English by CARMEN-VERONICA BORBELY*

## Notes

1. Pesty Frigyes, *A Szörényi Bánság és Szörény vármegye története* III (Budapest, 1878), 140; Lugossy József, "Két magyar köriratú pecsét 1500 évből," *Történelmi Tár* II (1855): 177–178.
2. Pesty, *Szörényi* III, 140, 153; Lugossy, "Két pecsét," 177.
3. Pesty, *Szörényi* III, 165.
4. *Ibid.*, 155.
5. *Ibid.*, 158.
6. Pesty, *Szörényi* I, 405.
7. *Ibid.*
8. MOL, E 148 Neo Registrata Acta, fasc. 1821, no. 37.
9. The Romanian Academy Library, Cluj Branch (BAC), Ms. KJ 288 C, József Kemény, *Diplomatarii Transilvaniciei*. Supplementum IX, 163; Costin Feneșan, *Documente medievale bănățene (1440–1653)* (Timișoara: Facla, 1982), 140.
10. The Cluj County Service of the National Archives (SJAN–CJ), Bethlen de Ictar Fund, reg. X, fasc. 2, no. 146; Feneșan, "Șase scrisori ale principelui Gabriel Bethlen către banul Lugoșului și Caransebeșului (1614–1615)," *Apulum* XIV (1976): 181.
11. Costin Feneșan, "Întregiri și îndreptări la istoria banilor de Caransebeș și Lugoș (sec. XVI–XVII)," *Analele Banatului*. Serie Nouă, Arheologic Istorie XVI (2008) 187, 190, 192; Dragoș Lucian

- Țigău, "Banii de Caransebeș și Lugoj. Considerații asupra atribuțiilor și competențelor acestora," *Studii și Materiale de Istorie Medie* XVI (1998): 228–229.
12. Fekete Lajos, *A vármegyei tiszttakar a XVI–XVII században*. Bölcsészet-doktori értekezés (Budapest, 1914), 6–21; Charles D' Eszlary, *Historire des institutions publiques hongroises*, II (Paris: Marcel Rivière et Cie, 1963), 234–235. For the similar powers and responsibilities of bans, see Țigău, "Banii," 232–239.
  13. Țigău, "Banii," 230–234.
  14. Magyar Tudományos Akadémia Könyvtára (MTAK), Kézirattár, Pesty Frigyes gyűjteménye.
  15. MOL, P 291 Gámán család, 1 tétel, 80.
  16. Pesty, *Szörényi* III, 200–201.
  17. MTAK, Pesty Frigyes gyűjteménye.
  18. Ibid.
  19. MOL, P 291 Gámán család, 1 tétel, 80.
  20. Fekete, *Tisztikar*, 29–57; D' Eszlary, *Historire*, II, 225–227, 235.
  21. W. Kovács András, "Administrația comitatului Hunedoara în Evul Mediu," *Sargeția* XXXV–XXXVI (2007–2008): 206–207.
  22. MOL, P 291 Gámán család, 1 tétel, 15.
  23. Ibid., 28.
  24. See the powers and responsibilities of vice-comites in Fekete, *Tisztikar*, 29–57.
  25. MOL, P 291 Gámán család, 1 tétel, 48; Feneșan, *Documente*, 107–108.
  26. Pesty, *Szörényi*, III, 404–406; Pesty, *Krassó vármegye története* IV (Budapest, 1882), 92–93, 94; Feneșan, *Documente*, 60–62, 70–72.
  27. Pesty, *Krassó* IV, 85–86, 115–116, Feneșan, *Documente*, 65–66.
  28. Pesty, *Szörényi* III, 276–277; Pesty *Krassó*, IV, 88, 97, 107, 117–118, 230–231, 233–234, 238, 249–250 etc.; Feneșan, *Documente*, 109–110.
  29. MTAK, Pesty Frigyes gyűjteménye.
  30. Pesty, *Krassó* IV, 270; Feneșan, *Documente*, 166–168.
  31. Ibid., 107–108, 150–151, 154–156.
  32. MOL, P 291 Gámán család, 1 tétel, 55.
  33. MOL, P 1916 Sombory család, 2 csomó, 19; MTAK, Pesty Frigyes gyűjteménye; Feneșan, *Documente*, 66–68, 82–83, 161–162, 170–172
  34. Iusztin Zoltán, „Politică și administrație în districtul Caransebeș (sec. XIV–XV)”, *Analele Banatului*. Serie Nouă, Arheologie Istoric XX (2012): 162–164.
  35. With intermitences, he held this dignity from 1629 until 1643.
  36. MTAK, Pesty Frigyes gyűjteménye.
  37. Pesty, *Krassó* IV, 332–334.
  38. Feneșan, *Documente*, 181–182.
  39. Pesty, *Krassó* IV, 347–348.
  40. MTAK, Pesty Frigyes gyűjteménye.
  41. Fekete, *Tisztikar*, 76–81, D' Eszlary, *Historire*, II, 228, 236.
  42. Pesty, *Szörényi* III, 194.
  43. Ibid., 187.
  44. Ibid., 332. In 1560, those involved in the justice system together with the ban were called: "ceterique sedis nostrae judiciariae iudices" (Ibid., 290).
  45. Ibid., 404–406, 418–420.
  46. Feneșan, *Documente*, 72–74.
  47. MTAK, Pesty Frigyes gyűjteménye.
  48. Feneșan, *Documente*, 163–168, 171–172.

49. Pesty, *Krassó IV*, 313–314.
50. MOL, P 291 Gámán család, 1 tétel, 68; Pesty, *Krassó IV*, 327–328, 344–346, 351–352; Feneşan, *Documente*, 194–195.
51. Pesty, *Krassó IV*, 332–334.
52. MTAK, Pesty Frigyes gyűjteménye.
53. Foglein Antal's "A vármegyei notárius," *Levéltári Közlemények* 14 (1936): 149–171.
54. Adrian Magina, "Notarii Caransebeşului în secolul al XVII–lea," *Analele Banatului*. Serie Nouă, Arheologic Istoric XIX (2011): 304.
55. MOL, Gyulafehérvári Káptalan Országos Levéltára, F 2 Protocolla, I, 55.
56. MOL, Gyulafehérvári Káptalan Országos Levéltára, F 4 Cista comitatuum. Zarand, fasc. II, no. 15.
57. Pesty, *Krassó IV*, 92–94.
58. BAC, Ms. KJ 288 D, József Kemény, *Appendix Diplomatarii Transilvaniciæ XVI*, 223.
59. MTAK, Pesty Frigyes gyűjteménye.
60. Ioan Aurel Pop, *Instituţii medievale româneşti. Adunările cneziale şi nobiliare (boiereşti) din Transilvania în secolele XIV–XVI* (Cluj-Napoca: Dacia, 1991), 127–163.
61. MTAK, Pesty Frigyes gyűjteménye; Pesty, *Szörényi III*, 183.
62. Pesty, *Szörényi III*, 250–252; Pesty, *Krassó IV*, 270–273. For the averment of the parties, in 1613, the town protocols had to be brought before the seat of justice.
63. See, for instance, the litigation involving Ana Fiat and her uncle Francisc Fiat, in which the role played by the witnesses was decisive (Pesty, *Szörényi III*, 188–192).
64. For example, the trial between Margaret Gáman and Sigismund Fiat held in 1628 (SJAN–CJ, Macskási de Tincova Fund, box 8, no. 812) or the suit filed by the authorities of Caransebeş against the former judge of the town (Feneşan, *Documente*, 135–141).
65. Pesty, *Szörényi III*, 203.
66. *Ibid.*, 232.
67. MOL, Gyulafehérvári Káptalan Országos Levéltára, F 2 Protocolla, I, 52–55.
68. MTAK, Pesty Frigyes gyűjteménye.
69. SJAN–CJ, Macskási de Tincova Fund, box 8, no. 812.
70. Pesty, *Szörényi III*, 286–290.
71. MTAK, Pesty Frigyes gyűjteménye.
72. Szilágyi Sándor, ed., *Monumenta Comititalia Regni Transylvaniae. Erdélyi országgyűlési emlékek II* (Budapest, 1876), 18.
73. Ţigău, "Banii," 246.
74. MOL, Gyulafehérvári Káptalan Országos Levéltára, F 2 Protocolla, XII/1, 159–160.
75. Adrian Magina, *De la excludere la coabitare. Biserici tradiţionale, Reformă şi Islam în Banat (1500–1700)* (Cluj-Napoca: Academia Română, Centrul de Studii Transilvane, 2011), 159–160.
76. Pesty, *Szörényi III*, 278–279.
77. SJAN–CJ, Macskási de Tincova Fund, box 8, no. 793.
78. *Ibid.*, no. 814.
79. MTAK, Pesty Frigyes gyűjteménye.
80. Feneşan, *Documente*, 76–77; Pesty, *Krassó IV*, 249–250.
81. Feneşan, *Documente*, 107–109, 146–147, 150–151, 154–155; Pesty, *Krassó IV*, 249–250, 257–259, 292–293.
82. MTAK, Pesty Frigyes gyűjteménye.
83. *Ibid.*

### **Abstract**

#### **At the Border of Transylvania: the County of Severin/ the District of Caransebeș in the 16<sup>th</sup>–17<sup>th</sup> Centuries**

Organized probably at the end of the 15th century, the County of Severin was coterminous with the old Romanian districts from the highlands of the Banat. From the 16th century on, it merged with the District of Caransebeș at the administrative level, with which it shared a joint body of officials. Integrated in the Principality of Transylvania, following the Ottoman conquest of the Plain Banat, Severin County retained a number of peculiar features in its organization. The most notable was the fact that the Ban of Caransebeș–Lugoj substituted for the position of supreme *comes*. In the 17<sup>th</sup> century, the area was aligned with the legislative system of the principality, but it nevertheless preserved the usage of legal practices that stemmed from the medieval tradition of *ius valahicum*. The functioning of this administrative unit was violently discontinued in 1658, after the imposition of the Ottoman occupation. This analysis aims to capture, through the institutions presented hereinafter, the manner in which this administrative unit from the periphery/ frontier of the Transylvanian principality functioned in the 16<sup>th</sup>–17<sup>th</sup> centuries.

### **Keywords**

Severin, the Banat, frontier, county, Caransebeș, Transylvania.