

Wills and Elites In Medieval and Early Modern Banat

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A WILL IS one of the most important juridically valuable documents that the historians have at their disposal. As long as it expresses one's last wishes, it might show facts that other official documents cannot register. Usually wills refer both to the testator's private/daily life and the mentality of the time: attitude towards death, family relations (looking after descendants, matrimonial connections), the testator's wealth and, last but not least, his religious options. There are various reasons to issue a will. Generally speaking, being near his/her end makes the testator to leave a will, but also a will might be written prior to a voyage from which one may not return. No matter the reason, the testators wish the same thing: to leave a clear note on their own wealth and to regulate as best they can the distribution of their wealth among relatives or acquaintances.

As the expression of last wishes, wills were frequently used in the medieval and early modern world, regardless of geographical area¹. The area south of the Mureş belonged to the territories of St. Stephen's Crown, wills there being submitted to the same juridical and drawing up rules. There are more such documents known so far in the territory bordered by the Danube, the Mureş and the Tisza. Certainly, there were many more, but unfortunately only part of them survived until today. On some of them we have only indirect information, in the context of different legates concerning certain heritages², and other ones might wait to be identified in the domestic or foreign archives.

The largest part of the wills we refer to belong to the nobiliary milieu. I know so far only two coming from the ecclesial milieu, namely, from some Roman-Catholic bishops of Cenad in the 16th -17th centuries³, but who had few direct connections with the Banat. Chronologically, the first document we will refer to comes from the 14th century⁴, and the last one from the end of the 17th century⁵. Only some of them belong strictly to the medieval age, the other ones being from the pre-modern age, from the 16th and the 17th centuries, respectively. Once the written culture spreads, the number of testators who write their wills increases. We might also note that the wills as transsumpts in other documents come mainly from the 16th-17th centuries.

Most of the wills in the Banat during the medieval age originate in the Lowland Banat, whilst most pre-modern wills originate in the Highland Banat. We may explain the sit-

uation as we take into consideration the fact that the mountainous area preserved nobiliary structures for a longer time, while the lowlands were conquered by the Ottomans after 1551-1552 military campaigns. Only some the documents were written in the Banat: at Cenad, in Caransebeș, at Măru, or in Lugoj⁶. Out of the province, there are wills connected to the Banat, but written in Trent, Alba Iulia, Sibiu and probably somewhere in the north of the Kingdom of Hungary⁷.

In what concerns the language, the medieval wills are integrally written in Latin, whilst the early modern ones used both Latin and Hungarian, especially during the 17th century. When speaking about the testators, they are both male and female. The males' wills are more numerous than those of women, if we refer to the wills in other documents. But, as for the abundance of information, women's wills are more valuable, given their many details concerning private life.

a. Juridical questions

A written document had to be first of all juridically legal. To prove this, the documents were usually written in the presence of several witnesses who took part in the testator's action to express his final decisions. For instance, Elisabeth, Francisc of Mătnic's wife, has several relatives as witnesses, namely, members of the families of Simon, Vaida, Josika, Fodor, and Basarab. Margaret Găman has for witnesses, for her will dated 2 October 1600, the named Stephen Somogyi, the prime judge of Lugoj, John Murar, Mathia Hagia, and John Bujoran, jurymen, notary Stephen Lippay, and preacher Paul Kováčsházi. George Fărcaș and Magdalena Birta also drew up their wills in the presence of some witnesses, in 1602. The witnesses had usually to sanction the wills with their own seals to show so their personal presence and to confer juridical legality to those documents⁸. It was in 1612 that George Terbusula also indited in Lugoj his will in the presence of several witnesses, the prime judge of the town being among them⁹. Witnesses' presence at the drawing up of the will was useful in the case of later problems. It was the case of noble Gaspar Duma who had had eight witnesses and after his death they had to testify under oath before the prince of Transylvania on the validity of the document that had been indited in their presence¹⁰.

There are other ways, instead of the witnesses' presence, to give juridical basis to a will. In 1376, for example, Ban Benedict Himfy indited his will before the Cenad Chapter, before leaving for the Holy Land. As an institution that usually certified documents, it offered the legal basis for a will. Margaret Găman's last wishes document from 1637 was certified by the Chapter in Alba Iulia. Blasiu, the Literate of Kezy and castellan of Șoimoș and Anastasia, his wife, called a public notary to write their wills¹¹. A different case is that of Reformed noble Michael Halici, who had no witnesses and no juridical authority to certify his will. He certified by himself the will through his own signature and his seal with signs of validity¹². We might explain such a situation both by the time of Michael Halici's will, the end of the 17th century, and the fact that he left no real estate, but only some things of modest value. The two wills of the clergymen we are speaking about in the present study were made juridically legal by their mere signature and seals.

There were standard lines to write in a will during the 16th–17th centuries, no matter the geographical area or the social status of the testator. So, in order to offer juridical credibility, all the testators note their mental integrity at the moment of the will's inditing: "Diseased in body but not in mind". It is the formula that prevents any suspicion and tackling the written decisions in court.

b. Attitude towards death

Apart from juridical questions, a will is a document of the testator's attitude towards death. "My soul to mighty God, my body to the earth, his mother" is the usual end line of a will. It is but the resigned attitude of any human in front of the unavoidable passing away. The spiritual questions are to be also solved, together with the material ones. Part of the testators' wealth should be therefore given to churchmen who might intercede for them with God to save their soul. Thus, the 14th century noble Himfy left part of his possessions to cloister of Vespřem, but the provision was applicable only after the death of his wife, Dorothea¹³. The castellan of Şoimoş and his wife proved their deep Christian creed, as they left many pious donations to the Church, *pro animabus ipsorum*. The men of the Church should regularly pray for the testators' soul as they were given more possessions in Arad and Cenad counties and the testators had also contributed to *unum novum rectoratum*¹⁴.

Wolfgang Kámuthi, married to Catherine Moise, left in 1628 to George Buitul and Stephen Mako, Jesuit missionaries in Caransebes, 50 golden forints and a house in town; his wife was assigned to offer them to the two men of church¹⁵. Some years later, in 1637, Margaret Găman made a similar gesture and left in her will 100 forints to the Catholic Church in Alba Julia, and another 100 forints to the Catholic school in the same town¹⁶. Such donations in favor of the Church are but attempts to redeem the sins committed during the testators' life, and to facilitate the way towards the Heavenly City.

c. Regulating the legacy

Care for heritage and the regulation of legacy are the most visible aspects in a will, no matter the testators' lay or ecclesiastic background.

Ban Benedict Himfy divided his wealth in 1376 between his wife and the Church. To keep the legacy together, his wife was proposed to become a monastic member, as was the rule in the male-dominated world of the Middle Ages. Regardless, Himfy's possessions would be given to the Church after his wife death¹⁷. This might reflect a frustration of the husband, who expected his hard-earned wealth to disperse through an eventual remarriage of his wife.

During the 15th–17th centuries, the nobles in the Banat wanted their lands and buildings to be left in good order. The closer the relative, the more substantial the inherited part of the wealth, especially for children and brothers. The other relatives were not forgotten, and got parts of the deceased's wealth. In 1591 Catherine Patachi left her estates, buildings and gardens to her relative Ladislav Lăţug; similarly, in 1599, Elisabeth, Francisc of Mătnic's wife, left her legacy, and Margaret Găman, in 1600, left

her possessions (buildings, vineyards, and yards) to her daughters Barbara and Sofia, and to her brother Nicholas Găman. In 1602, George Țârcaș left her wealth and family in the charge of his younger brother, Nicholas Zagvyay. Magdalena Birta left all her wealth in the same year to her husband Lupu Măcițaș¹⁸. Wolfgang Kámuthi divided his wealth between his wife and his two sons, but it wasn't a decision likely to prevent future disputes on his legacy¹⁹.

Besides the precious immovable goods, the movable properties held an important place in legacies. The ladies' movable goods make the richest inventory. Francisc of Mátnic's wife left money and precious metal cups to her relatives. As a more careful mother, Margaret Găman (1600) left to her daughters Sofia and Barbara all that a bride's trousseau requires: bed sheets, pillow cases, table cloths, dresses, girdles and 40 cubits of blue silk²⁰. Her niece²¹, who had the same name, had a more impressive collection of movable goods in 1637: lots of bedlinen, undergarments and silk and Damask linen dresses, cloaks, and girdles. She also left money and silverware. Of a certain value seemed to be the cattle, too, so in the same will a cow in milk is donated to one Onyia's wife²². Magdalena Birta and George Țârcaș also left their cattle in legacy, indicating their value at that time.

Michael Halici had a special inventory of movable goods. He left the High School in Orăștie, money, and his whole library and household objects to his many relatives: chests, pillows and blankets, bedclothes and tablecloths, shoes, belts, towels, inkpots, mirrors and candles, etc.²³ Priests also left their everyday objects to their close relatives and, certainly, to their Church. Bishop John Kolosvári divided his wealth among his Church, sister and nephews. The cult objects and holy books went to the Church, and his house at Tyrnavia, with a garden and arable ground, some money and silverware, to his relatives²⁴. Similarly, Bishop Macripodari decided that his wealth be inherited partly by the Church and partly by his nephew Theodore. The fact that wills refer to objects of low importance today makes us note that they had a special value at the time, given the material (silver, gold, silk, Damask linen, linen of a very high quality or damaskined with golden wires) or their rare occurrence.

We may note that together with the left goods, the testators used to also leave the payment or recovery of money or property from their debtors/creditors. Benedict Himfy, for example, has a whole list of goods and money to be recovered. Margaret Găman (1600) also pledged several estates and a girdle that had to be recovered by her motherless daughters. George Terbusula left his wealth both to a relative of him, John Pribek, for a loan he had received, and to his wife Ana; the last one had, on the other hand, to recover money from Terbusula's debtors.

d. Matrimonial alliance

From the very beginning we have to exclude here the wills belonging to clergymen or to Ban Benedict Himfy. Bachelors by force of circumstance, the bishops' relations are restricted to their first degree relatives or to nephews/nieces. As for Benedict's will, there are no specifications on his wife's origin or on the relatives. In turn, the other wills of the nobles in the Highland Banat offer lots of data on the matrimonial combinations at that time. We may speak about a very relaxed world in relation with the

institution of marriage. A noble lady would not keep her widowhood for long. A second marriage might be contracted in order to have descendants if there were none from the first marriage, or to consolidate the remaining wealth. The Găman women are representative for such a rule. The first lady Margaret, Peter's daughter and Nicholas' sister, was thrice married to men from the families of Luca, Horvath and Floca. She had descendants only in the third marriage, her two daughters Sofia and Barbara; but each of her marriages improved her own wealth²⁵. Her niece Margaret, daughter of Ladislav and Anna Simon, married twice: to Stephen Mohacsi of Limba, and to John Török of Megykerek. Other wills indited by women are not so generous in showing details on the matrimonial alliances the ladies contracted in the course of time. The males' wills, on the other hand, feature much fewer details concerning the alliances they contracted. What we know about Gaspar Duma is only that he had married Adviga Török to whom he left his whole wealth, probably for having no descendants.²⁶ George Farcaş, for instance, not even nominated his wife or his descendants, and Michael Halici wasn't married at the time of his will.

We might note, following the analysis of wills, how kinship operated among the representative families of the nobiliary elite. Members of the most important families (Măcişaş, Găman, Fiat) were married both to persons belonging to those families and to persons coming from families less important on the social scale (Horváth, Birta, Török). The nobiliary status was the important element that allowed for the perpetuation of the nobility rank and the improvement of the family's patrimony. What results from such a situation is that the nobles in the Banat preferred to be interrelated. There are some exceptions concerning families with possessions in other areas of the Principality; it is the case of the Gămans: one branch of that family having settled at BinţiŃi, they would take the toponym for their nobiliary name until the disappearance of that family (Găman of BinţiŃi)²⁷.

e. Wills and religious denomination

Wills offer data on the religious denomination of the testators. As I have shown above, expecting to be redeemed, the testators leave shares of their wealth to the Church they are affiliated to, and so we can identify their confession. There are cases of documents that have no clear specification in this regard. So, if we took only his will into consideration, we wouldn't be able to clearly show Michael Halici's confession (Reformed or Catholic), as he leaves shares of his goods both to the Reformed priest and to the Catholic one in Alba Julia. But there are also clear situations in the case of other nobles. One of Margaret Găman's witnesses (1600) is Stephen Kováčsházi, the Reformed preacher in Lugoj, and this means that lady is a Calvinist. On the contrary, her niece with the same name (1637) was a Catholic, as her donations clearly show: money for the Catholic Church and school in Alba Julia. Wolfgang Kámuthi, who left a house and an important amount of money to the Jesuit missionaries in Caransebes, and his wife, who was tasked to effectively give those goods to missionaries, are to be taken for good Catholic believers. The elites in the Banat proved a constant attachment to the Roman-Catholic Church until the 16th-17th centuries; only a minor part of the Banat nobles opted for one or another of the Reformed Churches²⁸.

Thus, wills may be seen as documents that offer different data both on the testator and the world he lived in. Aspects concerning the material, economic, social and confessional life are to be found therein. Attitudes and mentalities are revealed through the mediation of wills, able to reveal a facet of the ethos of Banat elites at the crossroads between the Middle Ages and the early modern age.



Notes

1. The social importance of wills has been analyzed, especially in the case of Transylvania, many of the wills being edited within certain recent studies. See Kinga S. Tüdös, Enikő Rüzsgógarasi, *Erdélyi testamentumok, I-V* (Marosvásárhely, 2003-2014).
2. On 23 January 1591, for instance, Catherine Patachi's will is noted in a trial for sharing the wealth: Costin Feneșan, *Documente medievale bănățene* (Timișoara: Facla, 1981) 80-81; Wolfgang Kámuthi's will is mentioned in 1628 related to Jesuits George Buitul and Ștefan Mako's right of succession: Magyar Nemzeti Levéltár Országos Levéltára (further: MNL OL), F 234 Erdélyi Fiscális Levéltár, XXII szekrény, fasc. 13 Q (further: F 234, XXII, 13 Q), f. 5-5v.
3. Bishop John Kolosvári (1561-1562) and Hyacinth Macripodari, bishop in Cenad in 1658-1672. For the two bishops' life: Kálmán Juhász, *Das Csanád-Temesvarer Bistum während der Türkenherrenschaft 1552-1699* (Dülmen, 1938).
4. Ban Benedict Himfy's will seems so far to be the first will in the Banat; MNL OL Diplomatakai Levéltár (hereinafter DL), 42016.
5. Hyacinth Macripodari's will indited on 18 June 1678. A copy of it is preserved at MNL OL E 229 Collationes Ecclesiasticae, II, p. 184 wherefrom it was published, with some pages of the original text reversed, by Juhász, *Das Csanád-Temesvarer*, 291-292.
6. The already mentioned will of Benedict Himfy's was written at Cenad; the will of Elisabeth, Francisc Mătnic's wife, was indited in Caransebes: Frigyes Pesty, *Krassó vármegye története* IV (Budapest, 1883), 224, as well as that one of Magdalena Birta: Feneșan, *Documente*, 128-129; at Marul, Gheorghe Fărcaș indited his will: *Ibid.*, 127-128; the will of Margaret Găman (1600) is indited in Lugoj: *Ibid.*, 117-120.
7. Bishop Ioan Kolosvári indited his will in Trent, Italy; the original document is preserved in MNL OL, E 150 Acta Ecclesiastica 3 doboz, fasc. 14, nr.7, f. 3-5r; edited by Juhász, *Das Csanád-Temesvarer*, 261-263 with certain inadvertencies. Margaret Găman's will (1637) is indited before the Alba Julia Chapter: Serviciul Județean al Arhivelor Naționale Cluj (hereinafter SJAN Cluj), fond Mătskasi de Tincova, cutia 8, nr. 817; Michael Halici the son's will comes from Sibiu. It was first published by Nicolae Drăganu, "Mihail Halici," *Dacoromania* (1924-1926), both in the original (in the Hungarian language) and in Romanian. Only in Romanian, it was re-published by Doru Radosav, *Cultura și umanism în Banat. Secolul XVII* (Timișoara: Editura de Vest, 2003) 249-254. Bishop Macripodari's will was probably indited in one of the localities in the northern Hungary, where Cenad bishops used to live after the Ottoman conquest.
8. For all of them: Feneșan, *Documente*.
9. MNL OL, Kolozsmonostori konvent országos levéltára, F 17 Cista comitatum, Tömös, no. 10.
10. Feneșan, *Documente*, 163-166

11. Frigyes Pesty, *Diplome privind istoria comitatului Timiș și a orașului Timișoara/Oklevelék Temesvármegyé és Temesvár város történetéhez*, tom II, 1430–1470, ediție, note and comentarii /Magyarázó jegyzetekkel kiadta Livia Magina, Adrian Magina (Cluj-Napoca: Mega, 2014), no. 253.
12. "...in very a picture in good order all of them, the picture specially sealed up and closed in the letter with my will under the old seal with the buck coat of arms...": Radosav, *Cultură*, 250.
13. It is about the locality of Gelse and certain mounts in the county of Zala, northern Hungary: DL 42016.
14. Livia Magina, "Atitudini în fața morții în Banatul secolului al XV-lea," *Tibiscum*, S. N 4 (2014): 37-38.
15. "Ecclesiae Catholicae summam integram quingentorum florenorum hungaricalis testamentaris legassent, totalem et integram domum suae seu curia nobilitaris suam in civitate Karansebes": MNL OL F 234, XXII szekrény, 13 Q, f. 5.
16. "In rationem templi Albensis catholici florenos centum, prout et in rationem scholariorum Albensis Catholicorum alios centum florenos manibus reverendi patris Stephanis assignent...": SJAN Cluj, Matskasi de Tincova, cutia 8, nr. 817.
17. "...nobilis domine Dorothe, consortis sue, adhoc inclinaverint, ut ipsa claustrum religiosarum dominarum sanctimonialium in Wesprimio habitum intrare voluerit (...) si aut religionem intrare nollet, tunc quamdiu vivet possit tenere et possedere ac post obitum suum legare claustrum prenotato...": DL 42016.
18. Pesty, *Krassó*, IV, p. 224; Feneșan, *Documente*, p. 117-120, 127-129.
19. MNL OL F 234, XXII szekrény, 13 Q, f. 31-31v.
20. Pesty, *Krassó*, IV, 224; Feneșan, *Documente*, 120.
21. On the family of Găman and the kinship between the two females with the same first name, see: Dragoș Lucian Țigău, "Familia Bizere-Găman în secolele XV-XVII," *Banatica* 15/II (2000): 31-69, especially 43-51 for the two ladies' relation.
22. "...ex mundis suis muliebribus, calanticis, pulvilis, pulvinaribus, culcitrīs, manutergijs, stropholis, mappis mensalibus, linteis, cinctis, aliisque superessent, eos omnes, genitrix sua, bonam conscientiam divideret inter sorores suas (...) consorti providi cuiusdem Onyia, vaccam unam mulgibilem": SJAN Cluj, Matskasi de Tincova, cutia 8, nr. 817.
23. Radosav, *Cultură*, 250-253.
24. "... domum Tyrnaviensem cum agris et hortis lego duobus predictis nepotibus meis, Alberto et Caspari..." His books were donated to Nicholas Telegdi: Opera S. Augustini omnia, Phigius, lib. 2 Missale, Breviarium, Liber Miscellanoerum, De divinis et apostolicis traditionibus, De conciliis lib. 2, Summa Summarum que Thabiena Reformata dicitur, Tractatus Sacerdotalis, Joannis Ecchi De septem sacramentis tomi 4, Confessio Polonica, Concilium Reginaldi Poli cardinalis, De sanctorum invocatione, De haeresibus, Compendium concertationis contra Lutheris, Psalterium, De sacrificio Missae, De expresso Dei verbo, De missa Evangelica, Naussea de catechismo, Loci communes, Contra Martinum Lutherum: MNL OL, E 150 Acta Ecclesiastica 3 doboz, fasc. 14, nr. 7, f. 5r; Juhász, *Das Csanád-Temesvárer*, 262.
25. The two daughters were born during the second marriage, to Francisc Horvath. She succeeded to improve the joint wealth with each of her three marriages: houses, vineyards, gardens, arable grounds: Feneșan, *Documente*, 119-120.
26. *Ibid.*, 165.
27. The estate of Bințiți was acquire by the family in 1545 in Andrew of Bizere's name, and confirmed later, in 1559, to the other members of the family: MNL OL P 291 Gámán család 1 tétel, f. 1-2; f. 5. Andrew and George Găman would be the first ones to use the toponym

for their noble name: of Bințișni: MNL. OL. P. 291 Gámán család I tétel, Genealogia f. 94 - 95: "Georgius et Andream primen de Bencencz"

28. For the religious denomination of the nobles in Banat, see: Adrian Magina, "Opțiuni confesionale în rândul nobilimii bănățene (secolele XV-XVII)," in *Anuarul școlii doctorale. Istorie. Civilizație. Cultură* I (Cluj-Napoca: Presa Universitară Clujeană, 2005).

Abstract

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The will is a document which offers a lot of information about the people who drafted it, and also about the social, economic and religious situation of that time. In the case of the medieval and early modern Banat, the testaments come only from the aristocracy. A few dozen testaments are known in connection with the territory between the Mureș - Tisza and Danube, most of them belonging to the 16th-17th centuries. For the information contained, the most important wills from the Banat were drawn up by the two Margaret Gaman, aunt and niece, written in 1600 and 1637. A thorough analysis of the testaments reveals that those documents are very important in the mentality of nobles, providing us with information about inheritance, attitudes towards death, matrimonial strategies and the religion of elites of medieval and early modern Banat.

Keywords

Banat, wills, medieval, early modern, elites