

**The »Decretum unicum« of Louis the Great and his
Kassa (Koszyce) Privilegium**

I. Introduction

One of the many reasons why King Louis I is unanimously known by Hungarians as Louis the Great¹ seems to me particularly significant. I refer to the legal thinking² of this really *Apostolic*³ King of Hungary and King of Poland. The foregoing sentence is not just a paraphrase; it is rather a most conscientious and concrete affirmation of his extraordinary legal mentality and legal feeling concerning several of the most

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¹ By the classic Hóman-Szekfű: *Magyar történet* (Hungarian History), op. cit., III, 104 King Louis the Great is characterized as "the most powerful King of Hungary". Significantly, O. Halecki calls him "Louis the Great", too (op. cit., 66).

² In the quoted volume of Hóman-Szekfű on pages 110—112 there can be read expressions such as "Legality", "Law and Equity", "Justice", "Juridical feeling", "Royal rights and those of the Crown", "Law of others", "Defense of his right", "Legal and ethic basis", "Historic rights", "Cult of the Law", "Moral conscience" and others as the typical approach of King Louis to all his governmental, diplomatic, military, religious, and social acting.

³ We are, of course, aware of the fact that the title "Apostolic" of the Kings of Hungary has been *officially adopted* by Maria Teresa in June 3, 1758 and *officially granted* to her and her successors by Pope Clement XIII in August 19 of the same year. At the first sight the Pope had not accepted Maria Teresa's contention, i. e., that such a title "belonged" to the Kings of Hungary since the times of her first King St. Stephen († 1038), maintaining that St. Stephen's right to exhibit before himself the Apostolic Double Cross did not mean *in itself* the title of "Apostolic King" (Somogyi, op. cit., 446). However, constitutional and political tradition in earlier centuries attributed such a title to the King of Hungary (Hock, op. cit., 130 as quoted in this Author's *Il funzionamento giuridico*, etc., op. cit., 10). In other words, "the formula *Apostolic King* is known for the first time in 1096, however it is found much later, in 1521 as a title of the King of Hungary" (Ferdinandy-Miskolczy-Gallus-Szász, op. cit., 65; Eckhart, op. cit., 37).

To this I have to add the title *Propagator fidei* granted to the Kings of Hungary by the Popes (Ferdinandy-Miskolczy-Gallus-Szász, 82).

Curiously, Maria Puskely writing about Blessed Elisabeth of Töss, the daughter of Andrew III, the last King of the House of the Árpáds († 1301) states as follows: "Pope Nicholas IV has reserved for himself the right to designate the new 'Apostolic' successor after the extinction of the House of Árpád" (op. cit., 17).

Concerning King Louis the Great there is to be mentioned that because of his great merits in the expanding and diffusion of the Catholic Faith, Pope Innocent VI granted him the title of "Capitaneus Ecclesiae" (Somogyi, op. cit., 221; Ferdinandy-Miskolczy-Gallus-Szász, op. cit., 107 and Ferdinandy, op. cit., 58).

serious social problems of Hungary in his time reflected in his 1351 *Decretum unicum*.

The purpose of this essay consists of analyzing said *Decretum* which both reaffirmed and amended the famous *Aranybulla* (Bulla Aurea⁴ or Golden Bull), enacted by King Andrew II in 1222, and made it possible for the principles proclaimed in these two most important legal instruments to guarantee further development of the constituent elements of the Hungarian society during the forthcoming centuries.

Louis the Great reigned in Hungary from 1342 to 1382 and in Poland after November 17, 1370, when his coronation as King of Poland took place in Cracow. So he extended some of the principles and rights of the *Decretum* and granted other singular privileges to Poles in his 1374 *Kassa* (Koszyce) Privilege.

II. The Analysis of *Decretum unicum*

The 1351 *Decretum unicum*⁵ is formally an unusual legal document, since — as Bálint Hóman, following Ladányi⁶ states correctly — its style reflects the characteristics of a resolution taken in the Broader Royal Council⁷ rather than those of a law properly called as such passed by the *Dieta* or National Assembly (*országgyűlés*)⁸.

There are, of course, historic, constitutional, and political distances, but just exteriorly or formally considered *Decretum unicum* might be (*mutatis mutandis* compared to a Decree-Law) so common in some Latin American countries — enacted by the First Executive, the President, during the recess or in the absence of the Legislative Branch of Government. It is characterized by the fact that it is enacted by the President after consulting the opinion of the influential social strata of the country. It is legally binding⁹.

Decretum unicum consists at large of the following logical parts, i. e.:

1. An Introduction which contains *inter alia* a greeting “*omnibus Christi fidelibus, praesentibus pariter et futuris*”;
2. The transcript of the *Aranybulla* (Bulla Aurea)¹⁰ which contains the liberty rights (the “human rights”) of the nobles and very especially Article 31 ratifies the *ius resistendi* of the Nation against any Constitution violating sovereign¹¹;

⁴ We read “*aurea bulla*” in point 4, *Decretum unicum*.

⁵ Text in *Corpus Iuris Hungarici* (1000—1526), Budapest 1899, page 166 ss.

⁶ Gedeon Ladányi, op. cit., I, 160—199 (quoted in Hóman-Szekfű, op. cit., III, 459).

⁷ The Broader Royal Council was constituted by the *Praelati, Barones, Proceres* (the new aristocracy created by the Anjous) and representatives of the *Nobiles*.

⁸ Hóman-Szekfű, op. cit., III, 459.

⁹ Mouchet and Zorraquín Becú, op. cit., 208 and Torré, op. cit., 303.

¹⁰ Géza Ferdinandy (*A koronázás*, etc.), op. cit.; Bartoniek, op. cit.

¹¹ Deme, art. cit., 13.

3. The amendment “excepto solummodo uno articulo (...) eo videlicet: Quod nobiles homines, sine haerede decedentes, possint (...) in vita, vel in morte dare, et legare, possessiones, eorum vendere, vel alienare”. And it follows: “Imo ad ista facienda nullam penitus habeant facultatem, sed inter fratres proximos, et in generationes eorundem: ipsorum possessiones, de jure, et legitime, pure, et simpliciter, absque contradictione aliquali, devolvantur” (Article 11 of the Bulla Aurea modified).

4. The following twenty five *Articuli* contain disposals concerning *praelati*; *lucrum*; *tributa*; *nobiles regni una et eadem libertate gratulentur*; *nobilium possessiones*; *coloni* (that) *violenter non abducantur*; *filius, pro excessibus patris, non puniatur*; *inquisitiones non possint aliter fieri, nisi nobilibus simul congregatis*, etc.

5. The Ending confirms the concessions that “nec ullo unquam tempore per nos, vel nostros successores, in aliqua sua parte quoquomodo valeat in irritum revocari; praesentes concessimus litteras nostras privilegiales, pendentis, et authentici sigilli nostri munimine roboratas”.

6. The last part refers to the expedition of the document, its *datum* and its consignees: “Venerabilibus in Christo patribus, et dominis (...)”¹² as well as “Magnificis baronibus”.

In other words, the *formal* or *exterior presentation* of *Decretum unicum* is this:

- Heading
- Greetings (1)
- Reasons (2, 3)
- Rogation to Prelates, Barons, Procers and Nobles (4)
- Confirmation of the “Aurea bulla” (5)
- Text of the Golden Bull (6 to 12)
- New liberties (13)
- Articles 1 to 25
- Ending: 1. The Great Seal
- 2. Date
- 3. Commendations

III. *Analysis in merito*

According to our purpose mentioned in the Introduction we are going to deal only with those issues contained in the *Decretum* that relate to the basic rights of the Nation-constituting body of magnates, barons, nobles and jobagiones (*jobbágy*).

1. So *Decretum unicum* constitutes practically the codification of the Hungarian nobility’s political rights in the form of the so called “legal equality”.¹³ This means that *Decretum unicum* recognized the liberty

¹² I. e. *Praelati*.

¹³ Hóman-Szekfű, op. cit., III, 122.

of the earlier *servientes regis*, the predecessors of the "small" (*kis*) or "common" (*köz*) nobility (*köznemesség*)¹⁴.

Through this procedure disappeared the century-old distinction between original *szállásbirtok* (possession by the right of occupation at the time of the conquest of the country) and the *hűbéres adománybirtok* (feudal possession by donation) because the *gens* or *genere* succession (*nemzetségi öröklés*) will be of universal application to both kinds of possessions mentioned. According to this principle the *gens* or *genere* possession became an unalienable property of the *gens* whose predecessor or *avus* has originally occupied or received it in feod. Such a possession returned to the Holy Crown¹⁵ in the only case of the extinction of every and all branches of the said *gens*¹⁶.

This principle is called *ősiség* (*avicitas* or *aviticitas*) which permitted and provided for the national defense system by granting the individual armament of the nobles through the personal recruitment of their soldiers¹⁷.

The effects of this *ősiségi törvény* of the law of *avicitas* remained in force till 1848¹⁸.

2. Another very important disposition of the *Decretum* concerning the jobagiones consisted of their obligation to pay, in addition to the ecclesiastical *dézsma* (diezma) or *decima* or *decima pars*, also a second *decima pars* which would be a *pars nona* of the remained gain. The importance of this Article 6 consisted of the following:

First, all jobagiones were forced to pay the same tax;

Second, the existing differences among members of the peasantry according to the amount of their possessions, income or personal liberty were abolished;

Third, the Article established that the nobles *had to force* the execution of the said *nona* and if they failed to do so, the King would execute them — but for himself.

This rule protected both the noble and the jobagio — the noble for obvious reasons, and the jobagio because he could thenceforth live in peace without suffering abuses. He also was granted his own income. This was significant not only at the personal level but also in the general sense since the jobagio had no more to move from one noble to another to seek better conditions of living. That fact has directly served peaceful agricultural production in the whole country¹⁹.

¹⁴ Ferdinandy-Miskolczy-Gallus-Szász, op. cit., 86.

¹⁵ This is called *fiscalitas* (Eckhart, op. cit., 115).

¹⁶ Somogyi, op. cit., 219.

¹⁷ Ferdinandy-Miskolczy-Gallus-Szász, op. cit., 108; Eckhart, op. cit., 114; Somogyi, op. cit., 219; Hóman-Szekfű, op. cit., III, 120.

¹⁸ See also Szilágyi, op. cit., 575.

¹⁹ Hóman-Szekfű, op. cit., III, 133; Eckhart, op. cit., 115 and Ferdinandy-Miskolczy-Gallus-Szász, op. cit., 109. See István Szabó, art. cit., who quotes important historical documents of King Louis himself from 1370 and 1373 and of King Albert from 1438 about the royal execution of the *nona* (518, note 63 and 516 and 517).

3. Further, vitally important was Article 11 establishing that “all real (*veri*) nobles, living within the borders of our Kingdom” — adding “*etiam (or tam) in tenuis ducalibus, sub inclusione terminorum ipsius regni nostri existentes*”, i. e., including those living in the ducal provinces (the Banats, Slavonia) within the borders of the Kingdom of Hungary — “*sub una, et eadem libertate gratulentur*”.

The expression “*universi viri (more properly veri) nobiles*” means “the entire nation by virtue of the juridical concept of the epoch”²⁰. In other words, this Article closed the century-old development of the Hungarian society as well as sanctioning legal unity and legal equality for the future Hungarian nation through the nobility as the most important state-sustaining national force till the 1848 transformation.

4. Let us mention Articles 16 and 18 related to both the nobles and the jobagiones. Article 16 disposed that “*Jobagiones aliquorum regnicolarum nostrorum, ad regiam, vel reginalem celsitudinem pertinentes, vel ad ecclesiarum praelatos, aut potentes regni nostri attinentes: absque voluntaria permissione dominorum eorundem jobagionum, potenter non abducantur*”.

This phenomenon, called *abductio*, meant that a most powerful noble might no more take away another noble's (no matter his rank) jobagiones by force, promises, better payment, or any other more favorable situation. This Article constituted a necessity in those times when the nobles tried to “acquire” as many jobagiones as they could from their fellow noblemen²¹.

5. On the other hand, Article 18, which is difficult to understand, is also related to the same problem since it rules that “*jobagiones regnicolarum nostrorum, pro pristinis factis non possint impediri, prohiberi, et arestari, in rebus, et personis*”; on the contrary, it established that in case of any crime committed by them, they must be judged “in priorum dominorum suorum praesentia”.

According to the most conscientious construction of this Article by István Szabó²², that we accept as the most logical interpretation, it does not concern the right of free moving of the jobagiones nor does it concern the noble's right to judge a jobagio for earlier “facts” either, but refers to the jobagio's extradition and his trial before his own noble *dominus* for serious crimes such as “*vulnera, laesiones, mortem, incendia, et alia consimilia enormia (...)* manifeste” (...) committed.

²⁰ Santa-Pinter, “The Legal Thought”, etc., art. cit., 32. Curious: the constitutional situation was very alike in Poland: “The sovereign, the Magnates and the knights of the Dieta” = the Prince and the Nation (Luzscienski, op. cit., 56).

²¹ Some authors mention the “great” or “black death” (plague) of 1349 as the immediate source of this Article for obvious reasons; see Szabó, art. cit., 515.

²² Szabó, op. cit., 513.

IV. *The Kassa (Koszyce) Privilege*

As Luzscienski states²³, the Polish lords, nobles and the knights of the *szlachta* requested from King Louis a solemn oath before he ascended the throne of Poland in 1370. The oath made an express reference to the following issues:

First, not to create new taxes;

Second, to respect their innumerable privileges, exemptions, and immunities granted them by the Piasts and especially by the so called *pacta conventa*; and

Third, not to appoint aliens to public positions, military or civil²⁴.

During the Polish *Dieta* convoked in the Hungarian city of Kassa (Koszyce, Kaschau or Košice)²⁵ in 1374²⁶, Louis extended to Polish lords and nobles (and the knights of the *szlachta*) and later on also to the clergy some of the rights granted to Hungarian lords and nobles in the *Decretum unicum*.

The document is known as the *Privilegium magnum* (or *maius*), i. e., the Great Privilege²⁷ or maybe more properly²⁸ just as the *Kassa (Koszyce) Privilege*. It was, indeed, a great privilege²⁹, a group of privileges, since "for the first time" Louis granted "all the rights of the Polish nobility, while considerably extending them"³⁰.

Briefly, these great privileges consisted of freeing the nobility from all taxes with the sole exemption of an insignificant duty, "more of a symbolic nature, levied upon its landed property"³¹, called *poradlne*, a tax of two *gros* (*garas* in Hungarian) by cart or wagon. The other great privilege was to be free from any public service obligation with the exception of the military duty, in very special circumstances³².

²³ Luzscienski, op. cit., 56.

²⁴ There is a passage in the Kassa Privilege related to this point. It reads: "...veluti in coronacione nostra sumus et fuimus obligati nostris iuramentis". The only exception were the members of his own family, in fact, he sent his mother Queen Elizabeth, the sister of late King Kazimir the Great of Poland to govern the country in his name and on his behalf. After several problems arosen in Cracow Louis appointed, in 1377 Prince Władysław of Opole, former *nádor* (*Palatinus*) of Hungary, as a Viceroy but two years later the Poles asked the King to remove him. Louis sent again his mother who died in 1380. After her death Louis designated a regency under the leadership of Zavisza of Kurozweki, Bishop of Cracow, to be in charge of the government.

²⁵ Luzscienski calls it "the famous Assembly of Koszye (or Kassau)" (op. cit., 57. Halecki speaks of "the Polish representatives" at Kasse and "the Polish nobility" using both terms as synonymous (Halecki, op. cit., 66).

²⁶ All sources but one (Gieysztor-Kieniewicz-Rostworowski-Tazbir-Wereszycki, op. cit., 133 stating 1372) coincide in the date 1374.

²⁷ Hóman-Szekfű, op. cit., III, 82; Ferdinandy-Miskolczy-Gallus-Szász, op. cit., 105.

²⁸ It could also be called as *Privilegium maximum* since in the printed text there is the expression "*amplissima privilegia*" (in plural).

²⁹ Halecki mentions it as "a charter of great importance" (op. cit., 66).

³⁰ *Ibid.*

³¹ *Ibid.*

³² Luzscienski, op. cit., 57; Hóman-Szekfű, op. cit., III, 82.

V. *An Analysis*

The *Kassa Privilege* of September 17, 1374 deals with the problem of succession to the throne of Poland granting Louis "nobilibus regni Poloniae, qui non extante prole masculina filias suas in heredes regni acceptaverunt, *amplissima privilegia*". The same idea of "benevole acceptaverunt atque receperunt" the daughters of Louis the Great "sibi in dominos et heredes" comes back in the text on many occasions. This is the reason of the whole law, as we conclude after we analyze the text and concepts of these great privileges granted by the King to his Polish subjects.

1. The King promises "bona fide" (...) "ipsam coronam regni Poloniae salvam et integram ac illibitam conservare".

2. Idem with respect to the territory of the country: "et nullas terras vel partes earum ab ipsa alienare vel minuere; sed eam augere et recuperare" — according to his coronation oath³³.

3. Again, because the Poles accepted "prolem nostram femineam veluti masculinam eis in principem et dominum" — says the King — "eos speciali favore prosequentes, cititates, castra, possessiones, oppida et villas, incolas villarum tocius regni Polonie inhabitantes ipsorum baronum et nobilium omnium *absolvimus, liberamus et exemimus ab omnibus et singulis* collectis, dacionibus, contributionibus, exactionibus sive tributis, tam *generalibus* quam *specialibus*, quocunque nomine censeantur, et *ab omnibus* serviciis, laboribus, vexacionibus, angariis et preangariis in rebus et personis commitendis, pure et simpliciter *solutos et absolutos esse volumus et exemptos*; sed hiis tantum volumus esse contenti, quod *duo grossi* usualis monete in dicto regno currentis (...) in festo beati Martini confessoris in signum summi dominii et recognitionem corone regni Polonie exsolvantur". In other words, the tax exemption is complete since the "duo grossi" tax is rather nominal than real.

4. However, there is a sentence which imposes on the nobles the burden of the national defense. It reads: "Eo expresso, quod si insultus hostium in dictum regnum invalesceret, tunc nobiles ipsius regni ad repellendum eorum serviciam occurrant cum omnimoda eorum potestate".

5. In time of war outside Poland the King promises "plenariam satisfactionem".

6. In time of peace the owner must realize all the repairs to his castle.

7. In time of war, however, the soldiers of the royal forts are obliged to "coadiuvare ad reparationem et reformationem". The same if the King orders the construction of forts to defend the Kingdom "cum consilio et consensu eorundem baronum"; if not, the "hoc nostris sumptibus et expensis faciemus". In other words, if the barons consent to the construction

³³ The Hungarian Coronation Ceremonial contained a similar oath. For the text of the Coronation oath see Brook-Shepherd, op. cit., 54. For comparison see the text of the coronation oath of Ferdinand I and Francis Joseph, in Géza Ferdinandy, op. cit., 24—25.

of forts, they must contribute to the work; if they do not consent, the King will pay all the expenses.

8. All dignities and offices will be filled by natives.

9. *Idem* for military posts.

10. No fort will be ascribed to aliens for administration.

11. No cities, towns or "iudiciales sedes" will be ceded for administration to aliens.

12. The law orders the appearance in court except the cases reserved to the King.

13. There is no military obligation: "Descensus super barones, milites, nobiles ipsorumque populum, kmethones vel iobagiones non faciemus contra ipsorum voluntatem". If there is no way to avoid it, "extunc pro nostris sumptibus et pecunia nos procurari in victualibus et aliis necessariis faciemus".

14. The following passage grants liberties *similar* to those granted in *Decretum unicum*. It reads as follows:

Insuper omnes barones, magnates, nobiles, civitates, opida, villas, possessiones eorumque populum et kmethones, in eorum libertatibus pollicemur et spendemus conservare, neque eos contra illas intendimus aggravare vel per quempiam paciemur aggravari.

My phrase "similar" liberties is, however, even broader than the "una, et eadem libertas" of the Hungarian *Decretum unicum* because the latter refers exclusively to "universi veri nobiles" while the former mentions not only the "Barones, Magnates and Nobiles" but *expressis verbis* also "civitates, opida, villas, possessiones eorumque populum et kmethones" whose liberties are "promised and solemnly granted" to be conserved and not intended to be aggravated nor allowed to be aggravated by anybody.

15. The ending of the text invalidates any contradiction past, present or future, between this document and any other instrument: "Litteras, ordinationes, pacta, instrumenta et munimenta data et concessa (...) cassamus, vacuumus, annullamus, cassas, vacuas et irritas nunciamus volentes ipsas carere omni robore firmitatis, presentibus solummodo perpetuis temporibus valiturus".

VI. Conclusion

The *Kassa (Koszyce) Privilegium*, a real Magna Charta for Poland, has only one explanation: the desire of King Louis the Great to convince,

³⁴ According to Polish constitutional tradition (just the same as in Hungary) even a reigning woman was *Rex* (King) instead of *Regina* (Queen). This name has been reserved for the wife of the *Rex* (King). As I already mentioned Latin American precedents *in re* of the *decree-laws*, I think another Latin American reference might make more understandable this *Rex* issue.

compromise and engage Polish lords and nobles to really accept after his death one of his daughters as their Rex³⁴ — as did occur, even if in a somewhat different way³⁵.

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When Mrs. María Estela Martínez de Perón (Isabelita) became President of the Argentinian Republic, the Secretary of Press and Diffusion of the Presidency of the Nation has ruled that according to Article 74 of the Federal Constitution the title of Mrs. Perón was *la Presidente*, i. e., "the" (in *feminine*) "President" (in *masculine*). See *La Nación*, international air edition, Buenos Aires, Argentina, July 15, 1974, page 8.

³⁵ Some months before his death on September 10, 1382 — more precisely on the 40th anniversary of his ascension to the throne of Hungary on July 16, 1342 — Louis convoked another Polish Assembly in another Hungarian city, Zólyom, in order to secure definitively the Polish succession (Somogyi, *op. cit.*, 228) for his daughter Maria; she became *Rex* of Hungary after her father's death and her sister Hedwig (Hedwige or Jadwiga) *Rex* of Poland in 1384. So ended the personal union between Hungary and Poland created by Louis the Great in 1370.

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ANNEX I

LUDOVICI I. REGIS,* decretum unicum, anno 1351, editum.¹

Ludovicus, dei gratia, Ungariae, Dalmatiae, Croatiae, Ramae, Serviae, Galitiae, Lodomeriae, Cumaniae, Bulgariaeque rex; princeps salernitanus et honoris montis sancti angeli dominus.

§ 1. Omnibus Christi fidelibus, praesentibus pariter et futuris, praesentium notitiam habituris: salutem in eo, qui regibus dat salutem, ac feliciter regnare, et victorioso triumphare.

§ 2. Thronus, et potentia regalis dignitatis, tunc dignoscitur roborari, cum subditorum quieti, et tranquillitati, provida circumspectione, providetur, ipsisque digno remunerationis bravio in libertatibus largiendis; imo etiam per alios reges, pia consideratione, institutis, componendis, nec non confirmandis, liberaliter responderetur.

§ 3. Nam tum, observantia fidei suae, habens originem debitam, rationis, et naturae legibus, stabilis perseverat; cum benevolentia principis in suos ostensa regnicolas, sic semper coalescit in subditos; ut nisi vitae suffocetur igniculus, in corpore vigor fidei non lentescit.

§ 4. Eapropter, ad universorum notitiam harum serie, volumus pervenire: Quod praelatorum, baronum, nec non procerum, ac nobilium regni nostri, coetus, et universitatis idemptitas, nostrum regium conspectum adeundo, fidelitatibus suis, et fidelium servitiorum praeclaris meritis, in cunctis nostris, et regni nostri negotiis, prosperis, et adversis, cum summae fidelitatis studio, et votiva diligentia, nostrae Majestati exhibitis, et impensis, declaratis, et nostram in memoriam revocatis: exhibuerunt nobis quasdam literas privilegiales, illustrissimi principis domini Andreae secundi, filii Belae regis tertii, olim incltyti regis Ungariae, avi et praedecessoris nostri piaae recordationis, aurea bulla sua roboratas: libertatesque isporum, per sanctissimum Stephanum Ungaricae gentis regem, et apostolum (ut praedictae literae declarabant) ipsi institutas, innovandas et confirmandas, tenoris subsequenter.

§ 5. Supplices unanimiter, et conformiter, nostrae humiliter Majestati; ut ipsas acceptantes, ratificantes, et approbantes, praesentibusque² de verbo ad verbum transumi facientes³, simul cum omnibus libertatibus eorundem in eisdem expressis (excepto solummodo uno articulo, in subsequentibus declarando) confirmare; ac easdem libertates, in dictis literis expressas, ex regiae benignitatis clementia, autoritate regia, innovando, ipsos in eisdem perennaliter fruituros, et gravisuros, literis nostris privilegialibus mediantibus, stabilire dignemur. Quarum tenor talis est:

* Corpus Iuris Hungarici (1000—1526), Budapest, 1899, pages 166 ss.

¹ E decretum hiteles eredetiében megvan:

a) A bécsi udvari titkos levéltárban,

b) a régi regnicolaris levéltárban,

c) Szepesmegye levéltárában, mely Kovachichnak az összehasonlítás alapjául szolgált,

d) gr. Battyáni Ignác könyvtárában.

e) gr. Teleki-család könyv- és levéltárában Marosvásárhelyen.

² Az eredetiben csak: «praesentibus». (K. és Ó.)

³ Az eredetiben: «transumpmi faciendo. (K. és Ó.)

§ 6. «In nomine sanctae trinitatis, et individuae unitatis.

§ 7. Andreas, dei gratia, Ungariae, Dalmatiae, Croatiae, Ramae, Serviae, Galliciae, Lodomeriaeque rex. In perpetuum.

§ 8. Quoniam libertas tam nobilium regni nostri, quam etiam aliorum instituta, a sancto Stephano rege, per aliquorum regum potentiam, ulciscendum aliquando iram propriam, aliquando etiam attendentium consilia falsa hominum iniquorum, vel sectantium propria lucra, fuerunt⁴ in quam plurimis partibus diminuta, etc.»⁵

§ 9. Nos igitur, petitioni dictorum praelatorum, baronum, procerum, et nobilium regni nostri, aures exaudibiles, regio cum favore inclinantes; consideratis, et in memoriam revocatis, fidelibus obsequiis, et sincerissimis complacentiis eorundem; quibus in cunctis nostris, et regni nostri negotiis, prosperis pariter et adversis; specialiter vero in summenda vindicta innoxii sanguinis, olim domini Andreae, hierusalem, et siciliae regis, fratris nostri charissimi, beatae recordationis, cujus dirae necis acerbitas, fere totius orbis fines, seu plagas, perpulsavit, ad dictum regnum Siciliae, nobiscum proficiscentes, inopinatis fortunae casibus, et variis personarum periculis, summa fidelitate fulti, intrepide se submitiendo; nostrae Majestati studuerunt complacere, et se reddere nobis gratiosos,⁶ et acceptos.

§ 10. Volentes votis ipsorum gratiose occurrere, et eorum beneplacitum adimplere, ut ipsos ad similia fidelitatis opera exercenda devota mente, incitemus; praedictas literas ipsius domini Andreae secundi, regis, avi, et praecessoris nostris harissimi, aurea bulla sua roboratas, omni penitus suspicione carentes, de verbo ad verbum praesentibus insertas, acceptantes, ratificantes, et approbantes, similiter⁷ cum omnibus libertatibus in eis expressis.

§ 11. Excepto solummodo uno articulo, praenotato⁸, de eodem privilegio, excluso, eo videlicet: «Quod nobiles homines, sine haerede decedentes, possint,⁹ et queant ecclesiis, vel aliis quibus volunt, in vita, vel in morte dare, et legare, possessiones, eorum vendere, vel alienare.» Imo ad ista facienda nullam penitus habeant facultatem, sed inter fratres¹⁰ proximos, et in generationes eorundem: ipsorum possessiones, de jure, et legitime, pure, et simpliciter, absque contradictione aliquali, devolvantur.

§ 12. Ut tenor continet privilegii bullarum domini Andreae regis supra dicti, confirmantes, et easdem libertates, de beneplacita voluntate serenissimae principissae, dominae Elisabeth, eadem gratia, Reginae Ungariae genitricis nostrae charissimae, ac de consilio eorundem baronum nostrorum, ex regiae benignitatis clementia innovantes, ipsos eisdem perenniter commisimus fruturos, et gravisuros.

§ 13. Insuper pro tranquilliori statu, et pacifico commodo regnicolarum nostrorum, de voluntate ejusdem genitricis nostrae, et consilio eorundem baronum nostrorum, ipsis ex solita liberalitate, hujusmodi libertates infra scriptas superaddendum duximus, et concedendum.

⁴ Az eredetiben «fuerat». (K. és Ó.)

⁵ A decretum (aranybulla) szözerinti szövegét l. fönn a 130—145. lapon.

⁶ Az eredetiben «nobis gratiosos» helyett «Utique gratiosos» áll. (K. és Ó.)

⁷ Az eredetiben «simul» (K. és Ó.)

⁸ Az eredetiben «modo praenotato». (K. és Ó.)

⁹ Az eredetiben «possit» áll. (K. és Ó.)

¹⁰ Az eredetiben «in fratres» áll. (K. és Ó.)

ARTICULUS 1.

Ecclesiastici viri, pendente lite, contra nobiles, per censuras ecclesiasticas, procedere non possint.

Quodsi praelati, vel aliqui viri ecclesiastici, contra nobiles regni nostri, in aliqua causa, in praesentia alicujus judicis regni nostri processerint, et litem habuerint: tunc pro causa, pro qua agitur, lite pendente, interdictum in eos ponere, vel contra ipsos sententiam excommunicationis non possunt¹¹ promulgare (sicut hactenus usi sunt, et consueti) absque scitu, et notitia regiae majestatis.

§. 1. Et si iidem viri ecclesiastici, seu praelati, tramite juris observato, in alicujus regii judicis praesentia¹² de jure convicti fuerint; tunc in eandem¹³ gravaminis poenam, qua¹⁴ eorum adversarios intendebant aggravare¹⁵, incidant eo facto.

ARTICULUS 2.

Archi-diaconi, pro funere interfecti, nihil exigant.

Item¹⁶, pro funere hominum, per aliquem, vel aliquos interemptorum: archidiaconi, mala consuetudine, sicut usi sunt, nullam¹⁷ marcam exigere valeant¹⁸.

ARTICULUS 3.

Conventus minuti, ab, emanatione literarum, factum possessionum tangentium, cessent.

Minuti etiam conventus, ab emanatione literarum suarum, super perpetuatione possessionum conficienda-

rum, cessent, et eorum sigilla, omni careant firmitate.

ARTICULUS 4.

De lucro camerae instituto.

Lucrum vero camerae, prout tempore inclyti principis domini Caroli, olim regis Ungariae, genitoris nostri carissimi, piaae memoriae, de quolibet integro fundo curiae, tres grossi solvabantur; sic et nunc, cum tribus grossis, in nostra camera cudendis (quorum grossorum unus, sex denarios camerae nostrae, in valore, et quantitate sex latorum Viennensium valeat; et ipsorum grossorum quatuordecim, unum fertonem faciant) persolvatur.

§ 1. Superfluos autem denarios, dicarum¹⁹ redemptionem, et victualia, recipere non valeant.

ARTICULUS 5.

De exemptis a solutione lucri camerae.

Villicos, et servientes, in propriis eorum possessionibus commorantes, ac servos; ipsius lucri camerae dicatores, dicare, et super ipsos lucrum camerae exigere non possint.

§. 1. Et generaliter dicendo, nihil plus quam tres grossos recipere valeant, et extorquere.

ARTICULUS 6.

De nonarum solutione, et exactione.

Praeterea, ab omnibus jobagionibus nostris, aratoribus, et vineas haben-

¹¹ Az eredeti szövegben «non possint».

¹² Az eredetiben «praesentium».

¹³ Az eredetiben «in ejusdem».

¹⁴ Az eredetiben «quo».

¹⁵ Az eredetiben «intendebant honerare seu aggravare».

¹⁶ Az eredetiben «item» helvett «nec» áll.

¹⁷ Az eredetiben «unam» olvasható.

¹⁸ Az eredetiben «valeant atque possint».

¹⁹ Az eredetiben «denarios videlicet dicarum». (K. és Ó.)

tibus, in quibuslibet villis liberis, ac etiam udvarnicalibus villis, quocunque nomine vocitatis ac reginalibus constitutis (exceptis civitatibus muratis) nonam partem omnium frugum suarum, et vinorum suorum²⁰ exigi faciemus; et domina regina exigi faciet; ac praedicti barones, et nobiles similiter, ab omnibus aratoribus jobagionibus, et vineas habentibus, in quibuslibet possessionibus ipsorum existentibus, nonam partem omnium frugum suarum, et vinorum suorum, pro eorum usibus exigant, et recipiant.

§. 1. Praelati quoque, et viri ecclesiastici jobagiones habentes, primo decimas, post haec similiter nonam partem omnium frugum suarum, et vinorum ipsorum exigant.

§. 2. Et, si qui in exactione praedicta secus fecerint; nos in talium rebellium, et praesentem nostram institutionem²¹ alterantium, possessionibus, pro usu nostro, ipsa nonam partem ipsarum frugum, et vini, exigi faciemus, sine diminutione, et relaxatione aliqua²².

§. 3. Ut per hoc, honor noster augeatur, et ipsi regnicolae nostri, nobis fidelius possint famulari.

ARTICULUS 7.

De literarum redemptione, super possessionibus donatis in cancellaria.

De possessionibus²³, a nobis, et nostris successoribus inveniendis, juxta eorum quantitatem; videlicet de possessione proventuum decem marcas facientium²⁴, vice-cancellaria

rius noster unam marcarn, et scriptor unum fertonem, et de majoribus, possessionibus, proventus viginti marcarum facientibus, duas marcas, et scriptor similiter unum fertonem, recipere possint, et habere: et sic consequenter, juxta excrescentiam possessionum, denuo inveniendarum.

ARTICULUS 8.

De tributis injustis, super terris siccis non exigendis.

Tributa omnium²⁵ injusta super terris siccis, et fluviis; ab infra descendantibus, et supra euntibus non exigantur.

§. 1. Nisi in pontibus, et navigiis, ab ultra transeuntibus solvantur.

§. 2. Cum in eis, nobiles, et ignobiles regni nostri, multum²⁶, et nimium percipinius aggravari.

ARTICULUS 9.

De convictis in judicio, per judicem captivandis, et infra triduum, causa pacis, conservandis.

Si quis²⁷ nobilis ordine judiciario in facto potenciali, aut succubitus duelli, in poena calumniae, aestimationis²⁸ falsi termini, et exhibitionis falsarum literarum, ac sententiae capitalis, pro quocunque facto, in praesentia palatinali²⁹, et judicis curiae nostrae, aut alterius cujuscunque judicis praesentia convictus fuerit.

§. 1. Judex illius causae, talem convictum recaptivet et tribus diebus,

²⁰ Az eredetiben «vinorum ipsorum» áll. (K. és Ó.)

²¹ Az eredetiben «statutionem» áll. (K. és Ó.)

²² Az eredetiben «aliquali». (K. és Ó.)

²³ Az eredetiben «enim a nobis». (K. és Ó.)

²⁴ Az eredetiben ez olvasható «proventus decem marcarum facienti». (K. és Ó.)

²⁵ Az «omnium» szónak itt nincs értelme, e helyett az eredetiben «etiam» áll.

²⁶ Az eredetiben «multo». (K. és Ó.)

²⁷ Az eredetiben «ceterum siquis». (K. és Ó.)

²⁸ Az eredetiben «astationis». (K. és Ó.)

²⁹ Az eredetiben «palatini». (K. és Ó.)

causa reformationis pacis inter partes fiendae, et ordinandae, detineat³⁰.

§. 2. Et, si concordare nequirent; tunc in manus sui adversarii ad infligendam sibi poenam, juxta regni consuetudinem, de jura debitam, assignet.

§. 3. Et, si tali convicto pars adversa, sive receptione³¹ alicujus pecuniae, sive gravaminis possessionis³² suae complacuerit; erit expeditus.

ARTICULUS 10.

Filii, fratres, proximi, sorores, et uxores condemnatorum, pro horum excessibus non debent aggravari.

Filii, fratres, proximi, sorores, et uxores, pro excessu talis perempti hominis, non debent aggravari, sed in possessionibus, domibus, et bonis ipsorum, quieti et pacifici, permaneant.

§ 1. Si autem cum parte adversa, homo praemisso modo convictus, posset concordare: judex non ultra, nisi quinquaginta marcas, dando sibi terminum debitum ad easdem persolvendas, recipere possit.

§ 2. Et, si dato sibi termino solvere non curaret; de possessione sua (expirato ipso termino) recepto homine regio, et testimonio alicujus capituli, vel credibilis conventus, portionem, vel portiones ipsas, quinquaginta marcas valentem, vel valentes, possit occupare, tamdiu possidendam, vel possidendas; donec per hos, quorum redemptioni eadem, vel eadem, magis convenire dignoscuntur, pro ipsis quinquaginta marcis redimantur.

³⁰ Az eredetiben «detineant». (K. és Ó.)

³¹ Az eredetiben e §. első része így szól: «et si tali convicto pars adversa mortem vel aliam poenam consuetudinis regni de jure debendam infligerit vel fecerit, tunc a jure et parte adversa sine receptione». (K. és Ó.)

³² Az eredetiben «possessionibus». (K. és Ó.)

³³ A «viri» szó helyett helyesebb a «veri» szót írni. (Ó.)

³⁴ Az eredetiben «tam». (K. és Ó.)

³⁵ Az eredetiben «veris». (K. és Ó.)

³⁶ Az eredetiben «ceteri regni nostri nobiles». (K. és Ó.)

³⁷ Az eredetiben «et» szó hiányzik. (K. és Ó.)

³⁸ Az eredetiben «si vero aliquae minerae». (K. és Ó.)

ARTICULUS 11.

Nobiles regni, una et eadem libertate gaudeant.

Ad eorundem etiam nobilium petitionem annuimus: ut universi viri³³ nobiles, intra terminos regni nostri constituti, etiam³⁴ in tenentis ducalibus, sub inclusione terminorum ipsius regni nostri existentes, sub una, et eadem libertate gratulentur.

ARTICULUS 12.

Nobiles inter fluvios Dravae, Savae, ac de Posega, et de Valkó, a solutione marturinarum exempti habeantur.

Lucrum etiam camerae nostrae, nobiles inter fluvios Drava, Sava, ac de Posega, et Valkó, cum aliis viris³⁵ nobilibus regni nostri, unanimiter solvere teneantur.

§. 1. Nec ratione collectae marturinarum, bansul mora vocatarum, amodo, et imposterum molestantur.

§ 2. Sed ab omni exactione aliarum quarumlibet collectarum, hactenus persolvi consuetarum, exempti penitus, tanquam caeteri nobiles³⁶ nostri aliarum partium, et³⁷ immunes habeantur.

ARTICULUS 13.

Nobilium possessiones, in quibus minerae reperiuntur: rex, absque aequivalentibus possessionibus, non auferat.

Si quae vero minerae³⁸ auri, vel argenti, cupri, vel ferri, aut alliae

fodinae³⁹, in possessionibus nobilium invenientur⁴⁰; absque competenti cambio non auferantur, sed pro talibus possessionibus mineras auri in se germinantibus⁴¹, si regiae placuerit voluntati, aequales possessiones conferat nobilibus praenotatis.

§. 1. Alioquin, si possessiones ipsas minerosas, regia Majestas pro cambio habere nolit;⁴² extunc, jus regale, seu urburas, juri regio pertinentes; recipere suo nomine faciat⁴³: easdem possessiones ipsis nobilibus, cum caeteris quibuslibet suis utilitatibus, proventibus, et juribus relinquens⁴⁴.

§. 2. Prout etiam idem dominus Carolus rex, genitor noster charissimus, ipsis regnicolis annuerat, literarum suarum per virorem.

ARTICULUS 14.

Regium nomen, super factis possessionum donatarum, litigionariae quaestioni non immisceatur.

Si autem alicui possessionem, vel possessiones contulerimus, ille possessionem, vel possessiones eidem collatas, pro se recipiat⁴⁵, et non nomine nostro, sed nomine suo⁴⁶ proprio, cum contradictoribus in statutione dictae possessionis, apparentibus trahat litem.

§. 1. Ita, quod nomen nostrum ipsi litigionariae questioni non immisceatur⁴⁷.

§. 2. Nec procuratoris literas, ad executionem talium causarum a nobis recipere possint, seu impetrare.

ARTICULUS 15.

Nobiles ad loca tributorum ire, non compellantur.

Nobiles, ad loca⁴⁸ tributorum ire, non compellantur.

§. 1. Sed per portus, quo⁴⁹ voluerint, libero transitu, absque aliquo impedimento, potantur.

ARTICULUS 16.

Coloni, violenter non abducantur.

Jobagiones⁵⁰ aliquorum regnicolarum nostrorum, ad regiam, vel reginalem celsitudinem pertinentes, vel ad ecclesiarum praelatos, aut potentes regni nostri attinentes; absque voluntaria permissione dominorum eorundem jobagionum, potenter non⁵¹ abducantur.

ARTICULUS 17.

Nobiles, tempore nuptiarum, ad solutionem unius marcae, in locis tributorum non cogantur.

Denique istam consuetudinem: Quod dum nobiles regni nostri, ad conducendas uxores eorum accedunt; et more solito, cum eorum uxoribus

³⁹ Az eredetiben «Cupri, ferri, vel aliae fodinae». (K. és Ó.)

⁴⁰ Az eredetiben «invenirentur». (K. és Ó.)

⁴¹ Az eredetiben «germinandis». (K. és Ó.)

⁴² Az eredetiben «nollet». (K. és Ó.)

⁴³ Az eredetiben «percipi suo nomine faciet». (K. és Ó.)

⁴⁴ Az eredetiben «relinquendo». (K. és Ó.)

⁴⁵ Az eredetiben «recapiat». (K. és Ó.)

⁴⁶ Az eredetiben «ipsorum». (K. és Ó.)

⁴⁷ Az eredetiben «inmiscetur». (K. és Ó.)

⁴⁸ Az eredetiben «etiam ad loca». (K. és Ó.)

⁴⁹ Az eredetiben «quos». (K. és Ó.)

⁵⁰ Az eredetiben «Nec etiam jobbagiones» (K. és Ó.)

⁵¹ Az eredetiben «potenter abducantur». (K. és Ó.)

ad propria redeunt⁵², in pontibus, et tributis una marca ab eis exigitur: duximus cassandam, et annihilandam.

ARTICULUS 18.

Coloni, pro pristinis excessibus non possint arestari, si migrare velint.

In civitatibus⁵³, et liberis villis, regalibus, et reginalibus, praelatorum, et baronum, ac aliorum nobilium tenutis, et possessionibus, jobagiones regnicolarum nostrorum, pro pristinis factis non possint impediri, prohiberi, et⁵⁴ arestari, in rebus, et personis.

§. 1. Sed si iidem⁵⁵ vulnera, laesiones, mortem, incendia, et alia consimilia enormia perpetrarent manifeste: extunc ex parte eorundem, iudicium, et justitiam, quilibet querulantium⁵⁶, in priorum dominorum suorum praesentia prosequatur⁵⁷ congruentem.

ARTICULUS 19.

Filius, pro excessibus patris, non puniatur.

Porro, pro excessibus patris filius, nec in personam imo nec⁵⁸ in possessionibus, aut in⁵⁹ rebus, damnificetur, aut condemnetur⁶⁰.

ARTICULUS 20.

Ecclesiastici viri, cum tribus literis inquisitoriis possessiones acquirere non possint.

Episcopi quoque, capitula, abbates, conventus, praepositi, et caeterae possessionatae personae ecclesiasticae, cum tribus literis inquisitoriis (nisi regia majestas, destinatis probis viris, quos maluerit, experiatur, et informetur: inter nobiles, et ecclesiasticos super possessionibus acquirendis)⁶¹ possessiones, nec requirere, nec retinere possint.

§. 1. Nisi cum literis⁶² privilegialibus regii, vel reginalibus, aut iudicum, vicem⁶³ gerentium rogiae majestatis.

ARTICULUS 21.

De testimoniis capitulorum, et conventuum: et de salariis eorundem.

Homines autem capitulorum, seu conventuum, qui ex mandato regio, pro testimonio ducuntur; non possint esse alii, nisi, hi, qui dignitates habent in eadem ecclesia.

§. 1. Et, si ipsius capituli vel conventus testimonium, in equo suo proprio ductus fuerit; tunc per diem duos grossos; si vero in equo ipsius nobilis ducetur; tunc per diem, unum

⁵² Az eredetiben «redeutes». (K. és Ó.)

⁵³ Az eredetiben «nichilominus etiam in civitatibus». (K. és Ó.)

⁵⁴ Az eredetiben «seu». (K. és Ó.)

⁵⁵ Az eredetiben «idem». (K. és Ó.)

⁵⁶ Az eredetiben e helyett «et justitiam quilibet querulantium» ez áll: «et justitia impendatur, et quilibet querulantes».

⁵⁷ Az eredetiben «praesentia prosequatur» helyett ez áll: «praesentia iudicium et justitiam prosequantur». (K. és Ó.)

⁵⁸ Az eredetiben «imo nec» hiányzik. (K. és Ó.)

⁵⁹ Az eredetiben «nec in». (K. és Ó.)

⁶⁰ Az eredetiben a «damnificetur aut condemnetur» helyett csak: «condempnetur» olvasható. (K. és Ó.)

⁶¹ A zárjel, mint ez az 1486: LVII. t. cikkelyből kétségtelenül kitetszik, nem ide, hanem az «informetur» szó után teendő; csak így van meg a törvény-cikkelynek a helyes értelme. (Ó.)

⁶² Az eredetiben «Cum tribus literis». (K. és Ó.)

⁶³ Az eredetiben «vices». (K. és Ó.)

grossum ipsi, iidem nobiles dare teneantur⁶⁴.

ARTICULUS 22.

Regius homo fieri non possit, nisi de eodem comitatu, in quo fit executio.

Homo autem regius, qui ducitur ad citandum, vel ad inquisitionem faciendam, non possit esse aliunde, nisi de eodem comitatu, vel districtu, in quo est ille, qui citatur, vel contra quem fit inquisitio.

§. 1. Et capitulorum testimonium, de propinquiore capitulis abducatur, ad citandum, vel⁶⁵ ad inquirendum.

ARTICULUS 23.

Inquisitiones non possint aliter fieri, nisi nobilibus simul congregatis.

Quod⁶⁶ inquisitiones non possint fieri per alium modum, nisi median-tibus literis regalibus, vel palatini, aut iudicis curiae regiae.

§. 1. Et ut praesentis nostrae confirmationis, innovationis, constitutionis, et libertatum largitionis, et concessionis series, robur obtineat perpetuae firmitatis, nec ullo unquam tempore per nos, vel⁷⁰ nostros successores, in aliqua sui parte quoquomodo valeat in irritum revocari; praesentes concessimus litteras nostras privilegiales, pendentis, et authentici sigilli nostri munimine roboratas.

§. 2. Datum per manus venerabilis in Christo patris, domini Nicolai, eadem et apostolicae sedis gratia, episcopi ecclesiae Zagrabiensis, aulae nostrae vice-cancellarii, dilecti, et fidelis nostri, anno domini, millesimo, tercentesimo, quinquagesimo primo, tertio idus decembris: regni autem nostri anno decimo.

§. 3. Venerabilibus in Christo patribus, et dominis, Nicolao Strigoniense, locique ejusdem comite perpetuo: et dominico Spalatense, archiepiscopis: fratre Dionysio, archielecto Colocense; Nicolao Agriense; Demetrio Varadiense; Andrea Tinniniense⁷¹; Colomano Jaurinense; Nicolao quinque-ecclesiense; Michaele Vaciense; Joanne Vesprimiense; Thoma Chanadiense; fratribus: Tho-

§. 1. Et congregentur nobiles illius comitatus, vel districtus in unum, et ab eis inquiretur manifeste.

ARTICULUS 24.

Pro iudicio pacis, tres marcae exigantur: et non plus.

Causantes enim, in quacunque maxima, et ardua causa, si⁶⁷ concordare voluerint; iudex prohibere non possit.

§. 1. Et de iudicio pacis, ab ipsis non plus, quam tres marcas exigere valeat quoquomodo.

ARTICULUS 25.

Universae causae in facto possessionum, absque dilatione, in tertio termino terminentur.

Universae⁶⁸ causae in facto possessionum motae, vel⁶⁹ movendae, in tertio termino absque dilatione, et pro-rogatione aliquali, terminentur.

⁶⁴ Az eredetiben «idem nobilis dare teneatur». (K. és Ó.)

⁶⁵ Az eredetiben «vel» helyett «aut» áll. (K. és Ó.)

⁶⁶ Az eredetiben «quod» helyett «Et» áll. (K. és Ó.)

⁶⁷ Az eredetiben «si» hiányzik. (K. és Ó.)

⁶⁸ Az eredetiben «universae etiam causae». (K. és Ó.)

⁶⁹ Az eredetiben «vel» helyett «et» áll. (K. és Ó.)

⁷⁰ Az eredetiben «vel» helyett «et» áll. (K. és Ó.)

⁷¹ Az eredetiben «Andrea Transilvano» olvasható. (K. és Ó.)

ma Seremiense; Pelegrino⁷² Bosnense; Stephano Nitriense⁷³ episcopis, ecclesias dei fideliter⁷⁴ gubernantibus.

§. 4. Magnificis baronibus; Nicolao palatino, et iudice cumanorum: Nicolao filio Laurentii wayvoda Transylvano: Oliverio magistro tavernicorum nostrorum, et iudice curiae dominae Reginae, genitricis nostrae charissimae; comite Thoma iudice curiae⁷⁵; Stephano totius Sclavoniae, et Croatiae; Dominico de Machow, et Nicolao a Zewrino banis; Paulo magistro tavernicorum reginalium; Bartholomaeo pincernarum; et Lewkenes⁷⁶ dapiferorum; Dionysio Agazonum; et Thewtews, janitorum nostrorum; nec non Joanne filio ejusdem Oliverii, dapiferorum reginalium magistris; Simone filio Mauriti comite posoniense; et aliis quam plurimis⁷⁷, regni nostri comitatus tenentibus, et honores⁷⁸.

ANNEX II

Lodovicus Hungarie Polonie etc. rex 1374 Sept. 17, Cassovie;*

Pergam. orygin. Format duży, dolny brzeg szeroko założony; w nim szerokie wcięcia poprzeczne od przywieszenia jednej pieczęci.

Biblioteka XX. Czartoryskich. Diplomata, Vol. III, Nr. 9. — Volumina legum.

In nomine Domini amen. Cum gesta principum debeant inviolabiliter futurorum memorie enodari, et confirmationes, libertates, communitates, privilegia, instrumenta, ratificationes perpetuis temporibus perhennari, proinde nos Lodovicus, Dei gracia Hungarie, Polonie, Dalmacie etc. rex, ad universorum tam presencium quam futurorum noticiam volumus devenire, quod ex puro animo et sinceris affectibus regnum nostrum Polonie in bono statu et robore permanere anhelantes, licet alias nostris promissionibus instrumentorum seu privilegiorum nobilibus ipsius regni Polonie fuissemus obligati: quod decedentibus nobis de hac luce, masculam prolem nostram tantum et non femininam deberent habere et sibi recipere nostrum in heredem et successorem regni Polonie: demum baronum, militum, nobilium et aliorum omnium consensu et voluntate accedente, filias nostras, non extante prole masculina, sibi in dominos et heredes regni predicti benivole acceptaverunt atque rece-

⁷² Az eredetiben «Peregrino». (K. és Ó.)

⁷³ Az eredetiben e helynév után még ezek állanak: «et Blasio Tininiense». (K. és Ó.)

⁷⁴ Az eredetiben «feliciter». (K. és Ó.)

⁷⁵ Az eredetiben «Curiae nostrae». (K. és Ó.)

⁷⁶ Az eredetiben «Lewkus». (K. és Ó.)

⁷⁷ Az eredetiben «pluribus». (K. és Ó.)

⁷⁸ A Corpus Juris korábbi kiadásában e mondat után ez következik: *Finis decreti unici Ludovici I. regis.* («Vége I. Lajos király egyetlen végzeményének».)

* Codex Diplomaticus Maioris Poloniae, Vol. 3. Poznanie 1879, pages 425 ss. nobilibus regni Poloniae, qui non extante prole masculina filias suas in heredes regni acceptaverunt, amplissima privilegia largitur.

perunt, quas fieri nostros successores et coronam regni Polonie ipsas volunt et voluerunt obtinere. Tamen in eo casu, quo filium vel filios divina nobis providente clemencia habuerimus, unum ex eisdem masculum, illis autem deficientibus, unam ex nostris filiabus nunc natis et extantibus ac in futurum nascituris, quem vel quam nos vel excellentissime domine regine, mater et consors nostre carissime, ipsis assignabimus et assignabunt, illum vel illam habeant pro herede et successore nostro et ipsi regnicole assumere teneantur et habere, prout eisdem per barones, nobiles, proceres, civitatenses et singulos inhabitantes regni Polonie fit et facta est de nostra voluntate obligacio homagialis, tanquam vero principi et nostro successori. Ipso vero vel ipsa, quod absit, in vita deficiente prole sua non extante, alter filius noster vel filia nostra habet succedere in regno Polonie supradicto, et sibi similiter obligacio homagialis et promissio fit et facta est, exnunc prout extunc, et extunc prout exnunc recipient in principem, heredem et legitimum successorem; et deinde vel abinde successores eorundem vel earundem locum regiminis habent obtinere in regno Polonie prenotato. Sed quia corona regni eiusdem per has successiones posset aliquomodo dividi, rumpi vel quovismodo violari: promittimus bona fide, absque omni dolo cuiuslibet fraudis, sub sacramento fidei nostre, ipsam coronam regni Polonie salvam et integram ac illibatam conservare, et nullas terras vel partes earum ab ipsa alienare vel minuere; sed eam augere et recuperare, veluti in coronacione nostra sumus et fuimus obligati nostris iuramentis. Et quia predicti regni nobiles affectum ad nos habentes specialem, quod eciam prolem nostram femineam veluti masculinam eis in principem et dominum ut predicatur acceptaverunt: ideo, ob merita fidelique servicia facta et voluntates universitatis ipsorum, que nobis et nostris pueris utriusque sexus facto fideli homagyo prestiterunt et in posterum loco et tempore fidelia servicia sunt parati dante Domino exhibere, eos speciali favore prosequentes, civitates, castra, possessiones, oppida et villas, incolas villarum tocius regni Polonie inhabitantes ipsorum baronum et nobilium omnium absolvimus, liberamus et exemimus ab omnibus et singulis collectis, dacionibus, contribucionibus, exactionibus sive tributis, tam generalibus quam specialibus, quocunque nomine censeantur, et ab omnibus serviciis, laboribus, vexacionibus, angariis et preangariis in rebus et personis committendis, pure et simpliciter solutos et absolutos esse volumus et exemptos; sed hiis tantum volumus esse contenti, quod duo grossi usualis monete in dicto regno currentis, quorum quadraginta octo marcam Polonicalem facient, de quolibet manso vel sorte locatis et possessis, singulis annis nobis et nostris successoribus in festo beati Martini confessoris in signum summi domini et recognitionem corone regni Polonie exsolvantur; eo expresso, quod si insultus hostium in dictum regnum invalesceret, tunc nobiles ipsius regni ad repellendum eorum seviciam occurrant cum omnimoda eorum potestate. Demum, si nostro et nostrorum successorum regiminis tempore pro aliqua expedicione facienda ultra fines eiusdem regni procedere nos expediat, vel eosdem nobiscum vel sine nobis cum inimicis quibuscunque in eadem expedicione conflictum seu bellum facere et inire contigerit, et aliqui ex ipsis in eodem conflictu capti fuerint et detenti dampnaque parva vel magna perceperint, ipsis in rebus et personis plenariam satisfactionem impendemus. Item, si aliquod castrum vetus reparacione indigeat, tunc, tempore pacis, burgravius seu possessor et conservator illius castri tenebitur reparare. Oriente autem guerra et discordia, castra nostra in confinibus regni nostri Polonie sita et existencia, homines illorum districtuum, ubi ipsa castra sita existunt, coadiuvare ad reparacionem et reformacionem teneantur. Si autem aliquod castrum pro defensione et utilitate ipsius regni

nos cum consilio et consensu eorundem baronum construere voluerimus, tunc ad eius constructionem iidem regni proceres tenentur coadiuvare. Si vero sine scitu et consilio eorundem nobilium et procerum edificare voluerimus, tunc hoc nostris sumptibus et expensis faciemus. Item promittimus et assumimus, quod tales honores et dignitates, utpote palatinatus, castellanias, iudicia et subcamerariatus officia et hiis similia, qui vel que usque vitam conservari consueverunt, aliis quibuspiam hospitibus extraneis non conferemus, nisi talibus, qui sunt regnicole terrarum eiusdem regni, in quibus huiusmodi dignitates vel honores consistunt. Quas etiam dignitates et omnia officia ac singula, volumus in eorum iuribus, prout fuerunt tempore serenissimorum principum dominorum Vladislai avi et Kazimiri avunculi nostrorum regum Polonie conservati, plenarie conservare. Insuper promittimus, quod nullum baronem, militem seu nobilem, vel alium quemcumque cuiuscunque condicionis existat extraneum hospitem seu alinegenam, preterquam nacione Polonum, in capitaneum, in vulgo starosta dictum, preficere debemus, nisi talem, qui sub eadem corona et de gente Polonica sit oriundus, dummodo non descendat de stirpe ducali. Ceterum promittimus, quod nullum castrum seu fortalitium dicti regni Polonie alicui duci vel principi aut descendenti de genere ducali regendum et tenendum committemus, pro tempore vel in evum. Deinde spondemus, quod castra et civitates sepedicti regni de quibus honores et iudicialia sedes procedunt, hec videlicet: Cracovienses, Biecz, Zondocz, Wizlicia, Vaynicz in terra Cracovie; Zandamerie, Zavizost, Liublyn, Zeczehov, Lukow, Radon in terra Zandamiriensi; ac castrum Lancicie in terra Lanciensi; item in terra Siradiensi Siradia et Peterko; item in terra Cuyavie Brezt, Cruspicia et Wladizlavia; item in Polonia Maiori Poznania, Medzerecz, Izbansyn, Kalis, Nakel, Konyn et Pezdri⁷⁹ nuncupata: nulli alteri, nisi terrigenis seu capitaneis in eodem regno consistentibus conferemus. Alia autem castra quecumque, hospitibus vel aliis quibuscunque voluerimus, nos et nostri successores habebimus et habebunt liberam conferendi facultatem: decernentes, quod ipsi burgravii seu rectores castrorum et homines ipsorum, coram capitaneis, iudicibus seu subiudicibus regni predicti, qui pro tempore fuerint, citati compareant et respondeant de se querulantibus, prout ceteri nobiles et homines quicumque regni predicti; dummodo causa ulcionem sanguinis non requirat, cuius cognicionem pro nobis et nostris successoribus specialiter reservamus. Preterea, si per regnum illud quocunque tempore nos et successores nostros procedere contigerit, descensus super barones, milites, nobiles ipsorumque populum, kmethones vel iobagiones non faciemus contra ipsorum voluntatem, nec aliquid occasione dicti descensus exigi faciemus ab eisdem; quod si alias pro faciendo descensu divertere non possemus, extunc pro nostris sumptibus et pecunia nos procurari in victualibus et aliis necessariis faciemus. Insuper omnes barones, magnates, nobiles, civitates, opida, villas, possessiones eorumque populum et kmethones, in eorum libertatibus pollicemur et spondemus conservare, neque contra illas intendimus aggravare vel per quempiam paciemur aggravari. Omnes autem alias litteras, ordinationes, pacta, instrumenta et munimenta data et concessa per nos et predecessores nostros, parte ex una, ac predictos barones et nobiles regni Polonie predicti, parte ex altera,

⁷⁹ Biecz, Biecz. Zondocz, Sącz. Wizlicia, Višlica. Waynicz, Wojnicz. Zandameria, Sandomierz. Zavizost, Zawichost. Liublyn, Lublin. Zeczehov, Sieciechów. Łuków, Radom, dziś tak samo. Peterko, Piotrków. Brezt, Brześć. Cruspicia, Kruszwica. Medzerecz, Międzyrzecz. Izbansyn, Zbąnszyń. Nakel, Nakło. Konin, Pyzdry, dziś tak samo. Cassovia, Koszyce.

que successionem filiarum nostrarum directe vel indirecte in dicto regno fieri excludebant, de consensu eorundem baronum, militum et nobilium dicti regni Polonie cassamus, vacuumus, annullamus, cassas, vacuas et irritas nunciamus volentes ipsas carere omni robore firmitatis, presentibus solummodo perpetuis temporibus valituris. In quorum omnium premissorum evidens testimonium firmitatemque perpetuam, presentes concessimus litteras nostras pendentis et autentici sigilli nostri simplicis munimine roboratas. Datum et actum Cassovie decimo septimo die mensis Septembris, anno Domini millesimo trecentesimo septuagesimo quarto, regni autem nostri anno tricesimo tercio.