

**An Illicit Trial
Property Litigation
Between Nicholas of Ocna
Sibiului and Peter of Bogata**

MARIA FRÎNC

<https://doi.org/10.33993/TR.2026.2.04>

The experience of the nobleman of Bogata, which exemplifies the exercise of power in contravention of legal principles, was not an isolated occurrence.

AT THE beginning of 1446, the nobles of the Voivodeship of Transylvania convened at Turda for a general congregation presided over by the Vice-voivodes Nicholas of Ocna Sibiului (1439–1446, 1462–1465) and George Bodo. During this assembly, the participants articulated their grievances—predominantly patrimonial—seeking both equitable adjudication and favorable judicial outcomes.

On this occasion, the vice-voivodes examined and resolved a complaint submitted by Abbot Anton of Cluj-Mănăştur. Acting on behalf of his familiar, Elie of Comşeşti, the abbot alleged that Andrew of Mănăstireni was unlawfully in possession of certain

Maria Frînc

Research Assistant at George Bariţiu Institute of History of the Romanian Academy, Cluj-Napoca branch; Documentarian at TRANS.SCRIPT – The Center for Diplomatic and Medieval Documentary Palaeography of Babeş-Bolyai University.

This research has received funding from the European Union through the Horizon Europe project 101132781, *RESTORY—Recovering Past Stories for the Future: A Synergistic Approach to Textual and Oral Heritage of Small Communities*.

estate portions to which Elie held legitimate title. Following deliberation, the vice-voivodes, in agreement with the sworn assessors, decreed the restitution of the disputed properties to Elie.¹

Although the vice-voivode, by virtue of his office and the authority attached to it, was expected to uphold the law and the customary legal order of the country, contemporary documents also record allegations of judicial abuse. One such violation was reported during the aforementioned general congregation, according to a complaint submitted by Peter, the son of Emeric of Bogata. Several days after the congregation at Turda, the nobleman presented himself before the convent of Cluj-Mănăştur, claiming that the Transylvanian vice-voivode, Nicholas of Ocna Sibiului, had induced the assembled nobles, together with whom he exercised judicial competence, to require Peter to present the charter confirming his right of ownership over certain *predium*² in Alba County, namely, Kacz and Makotelke.³

The judgment of the vice-voivode was also contested by Peter's son, Ladislaus, who, being a minor at the time, sought through a legal representative to express his dissatisfaction before the same place of authentication.⁴ The objection submitted to the convent of Cluj-Mănăştur was insufficient to halt the vice-voivode's interference in the possession of the estates held by the noble of Bogata. Consequently, the injured party further submitted a complaint to the prelates and barons of the realm, informing them of the illicit proceedings.

The prelates learned that the Transylvanian vice-voivode had appeared in the proceedings on behalf of his daughter, Magdalena, as well as on behalf of Saal of Şăuleşti and his wife, in litigation against Peter of Bogata, compelling him to present the documents proving his ownership rights, even though the nobleman was not present at the congregation. Furthermore, Peter was required to present the documents at the octave of the feast of St. George without having been formally summoned to court. Given that the Transylvanian vice-voivode, Nicholas of Ocna Sibiului, acted in the same proceedings in the dual capacity of plaintiff and judge, and considering that Peter of Bogata had not been duly notified of the litigation in which he was implicated, the law and the customary legal order of the country had thereby been infringed upon. Consequently, the prelates and barons of the Kingdom of Hungary annulled the judgment issued by the Transylvanian vice-voivode and ordered that the presentation of the documents be postponed until the octave of St. James, without causing any prejudice to Peter.⁵ It remains uncertain whether the examination of the documents attesting the nobleman of Bogata's right of possession over the estates in Alba County was carried out at the appointed term. Nevertheless, the extant documents indicate that the dispute between the Transylvanian vice-voivode and the nobles of Bogata had begun long before the noble congregation held at Turda.

At the end of the fourteenth century, the nobles of Totoiu and those of Bogata had reached an agreement concerning the partition and boundary delimitation of the estates of Kacz and Makotelke, which were held in common by the two families. Subsequently, toward the middle of the fifteenth century, the nobles of Totoiu, Nicholas and George, intended to alienate their share of the aforementioned estates by selling it to Peter of Bogata. The transaction was challenged by the Transylvanian vice-voivode, Nicholas of Ocna Sibiului, who, together with his wife and daughter, as well as the widow of Michael, son of Hedrych and the wife of Sal, filed an objection before the convent of Cluj-Mănăştur.⁶ Despite the objection raised by the vice-voivode, Peter of Bogata took possession of the estates, although the surviving documentary evidence does not attest to any purchase of these properties by the nobleman.

Several months after the objection raised by Nicholas of Ocna Sibiului, Peter of Bogata obtained a charter of *nova donatio*⁷ from the King of Hungary, Albert (1437–1439), as a reward for the loyalty he had demonstrated. The monarch ordered the convent of Cluj-Mănăştur to send a legal representative to formally put Peter of Bogata and his cousin, John of Bogata, in possession of the estates of Makothelke, Kach, and other estates in Alba and Turda counties.⁸ The place of authentication complied with the royal mandate by sending George, the canon of Cluj-Mănăştur, who, accompanied by the royal envoys Gregory of Sâncel and Demetrius of Ciuci,⁹ proceeded on the feast of Apostle Matthew to the site of the aforementioned estates. In the presence of the neighboring landholders, they formally put Peter of Bogata and his cousin, John in possession of the properties, no objections being raised during the procedure.¹⁰ Peter of Bogata continued to hold the estates until the end of his life. Toward the end of 1452, anticipating his impending death, the nobleman placed his wife, Agnes, together with his daughters, Elena and Doroteea, as well as all of his properties, under the protection of Nicholas of Ocna Sibiului and Benedict of Jucu, until his sons, Ladislau and Emeric, attained the legally prescribed age for the administration of the inheritance.¹¹ It remains unclear whether Nicholas of Ocna Sibiului can be identified with the vice-voivode of Transylvania. During that period, two individuals bearing the name Nicholas of Ocna Sibiului were active on the Transylvanian political scene. In order to distinguish between them, even among their contemporaries, they were referred to as Senior and Junior. The individual who subsequently occupied the office of vice-voivode of Transylvania was Nicholas Senior of Ocna Sibiului. By contrast, Nicholas Junior of Ocna Sibiului served as royal judge and was a collateral relative of Nicholas Senior, being his paternal nephew. Although, in light of the strained relations between Nicholas Senior of Ocna Sibiului, the vice-voivode of Transylvania, and Peter of Bogata, it may be hypothesized that the nobleman designated Nicholas Junior of Ocna Sibiului

as his legal protector, the possibility that the vice-voivode himself administered Peter's estate cannot be excluded.

The estate of the nobleman of Bogata passed under the protection of Nicholas of Ocna Sibiului after the proprietor's death, which occurred between November 1452 and November 1453, by which latter date Peter's wife, Agnes, is documented as a widow. Nicholas of Ocna Sibiului exercised guardianship over the Bogata noble's family and property only for a limited period, as Peter's sons, Ladislau and Emeric, attained the legally prescribed age for inheriting their paternal property within a few years.¹² They not only enjoyed the protection of Nicholas Senior or Junior of Ocna Sibiului, but also established a familial alliance with them. Ladislau of Bogata contracted a marriage with Potenciana, the daughter of Nicholas Senior of Ocna Sibiului. In the genealogical table compiled by Engel Pál, Ladislau is listed as having had two wives: Potenciana of the Torockó family and Cristina.¹³ It is highly probable that the nobleman was, in fact, married three times. A charter issued in 1466 records that Potenciana, the daughter of Nicholas Senior of Ocna Sibiului, with the consent of her husband, Ladislau of Bogata, transferred the entirety of the estate she had inherited from her father to Nicholas Junior of Ocna Sibiului.¹⁴

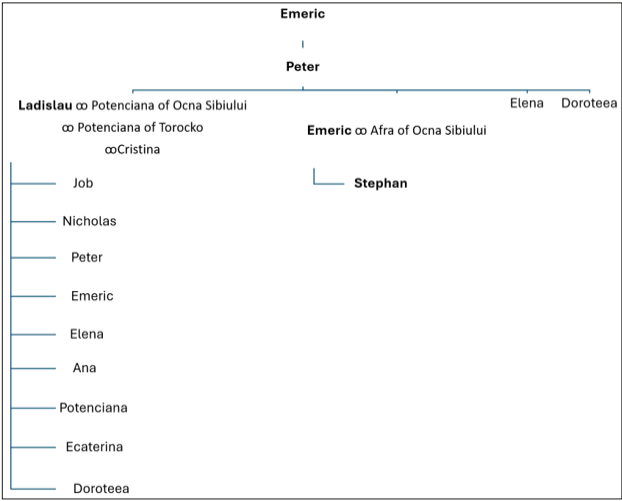


FIG. 1. THE GENEALOGICAL TREE

* The genealogical tree includes just the individuals discussed in the study.

In the same chronological context, Ladislau is documented as having two sons, Job and Nicholas¹⁵; approximately a decade later, in 1476, two further children of the nobleman—Peter and Elena—are attested in the surviving records.¹⁶ It is

difficult to ascertain whether Potenciana of the Torockó family was the mother of the aforementioned children, since in 1474 she is recorded in the sources as still being a minor.¹⁷ Raised by her paternal uncle, Ladislau of Torocko, following the death of her father,¹⁸ Potenciana of the Torockó lineage later became the wife of Ladislau of Bogata, toward the end of the fifteenth century. During this period, the nobleman is attested as acting as her legal representative in several lawsuits involving members of her extended family.¹⁹ Together with his second wife, Ladislau of Bogata most likely had two daughters, Anne and Potenciana, whom he attempted to provide with a dowry from their mother's patrimony, consisting of estates located in Alba County.²⁰ In the final years of his life, the nobleman of Bogata married Cristina, whose familial background remains unknown in the current state of research. With her, he had two daughters, Ecaterina and Doroteea, who were left fatherless at a young age in 1500 (fig. 1).

Ecaterina and Doroteea did not receive a substantial dowry from their father, since the estates located in Turda and Alba counties, which had been acquired by their grandfather, Peter of Bogata, were held in joint possession with Nicholas Junior of Ocna Sibiului and his descendants. Nicholas Junior obtained control over these lands through the marriage of his daughter, Afra, to Emeric of Bogata, the brother of Ladislau and the son of Peter of Bogata. Following the death of Nicholas Junior of Ocna Sibiului and after the demise of Emeric of Bogata, the estates originating from the Bogata domain came under the administration of Afra, who was Emeric's widow and the daughter of Nicholas Junior of Ocna Sibiului and Ecaterina of Hărănglab.²¹ Afra subsequently entered into a second marriage with Thomas Althemberg, the mayor of Sibiu, yet continued to exercise control over the property inherited from her first husband, jointly with her son from that marriage, Stephen, the son of Emeric of Bogata. In 1489, the two were compelled to divide the possession of Mako and the forest of Anya with Ladislau of Bogata.²² Three years later Stephen, the son of Emeric of Bogata, ceded to his widowed mother, Afra, all the estates located in Turda, Alba, and Târnava counties that he had inherited from his father. The properties were to be administrated jointly by Afra and her sons from her second marriage to Thomas Althemberg, in exchange for other estates in Alba and Târnava counties that had formerly been part of the estate of the Hărănglab family, from which Afra's mother, Ecaterina of Hărănglab, originated.²³ The exchange of estates between Stephen and his mother, Afra, was contested by Ladislau of Bogata. Finally, the nobleman ultimately alienated his share of the estates located in Alba, Turda, and Târnava counties to Afra for the sum of 1,610 florins. The wife of Ladislau, Cristina, was permitted to retain possession of one half of the estates of Iernut and Deag even after her husband's death. Should she remarry, Afra and her sons were entitled to exclude her from the possession of the lands upon

restitution of the dowry and the marital gifts.²⁴ In 1500, Cristina is recorded as a widow. She concluded an agreement with Afra stipulating that the latter would pay her 24 florins as dowry and nuptial gifts and would undertake the obligation to arrange a suitable marriage for the daughters of Cristina and Ladislau, Ecaterina and Doroteea, when they reached a suitable age. Within fifteen days, Cristina was required to transfer all the movable and immovable property of her deceased husband to Afra in exchange for a pledge of 200 florins.²⁵

The history of the nobles of Bogata and their control over the estates in Alba County, as discussed above, illustrates the gradual resolution of the conflict that arose in the mid-fifteenth century between the Bogata family and the Transylvanian vice-voivode, Nicholas Senior of Ocna Sibiului, by the end of the same century. Although the vice-voivode is alleged, according to the complaint submitted by Peter of Bogata, to have attempted to obtain possession of the estates through irregular or abusive legal practices, the properties ultimately came under the control of the vice-voivode's lineage through marital alliances and purchase.

Despite his vigorous pursuit of justice, Peter of Bogata adopted a pragmatic stance toward the legal norms, seeking a strict observance of the law and customary practice when these operated in his favor. Conversely, when legal restrictions could be circumvented to secure economic benefit, he did not refrain from doing so. Thus, in 1452, the nobles of Sfăraș and Triteni submitted a complaint before the Transylvanian vice-voivode, George, the son of Rikalf of Tarcău (1451–1468), alleging that, although they had enjoyed immemorial possession of the fishpond and valley known as *Zwnyagos*, situated within the boundaries of the Triteni estate, Peter of Bogata had obtained a charter of *nova donatio* from John Hunyadi by claiming possession of the aforementioned properties. When Peter of Bogata was to be formally installed in possession of the fishpond and valley by the representative of the vice-voivode and the convent of Cluj-Mănăstur, he brought his own familiars to the site, who asserted that the properties lay within the boundaries of the estate of Luduș, which was under Peter's administration. Subsequently, the nobles of Sfăraș and Triteni lodged a complaint before the vice-voivode, arguing that the individuals present during the act of investiture did not constitute the legitimate neighboring landholders of the estate. Instead, Peter of Bogata had brought his own dependents, who offered testimony in support of his claim. The vice-voivode then questioned the legitimate neighboring landholders as to whether the fishpond and valley rightfully belonged to Peter of Bogata. The neighbors replied that the true proprietors were the nobles of Sfăraș and Triteni.²⁶ The testimony submitted by the familiars through which Peter of Bogata attempted to secure possession of certain properties by allegedly irregular means was ultimately acknowledged by the nobleman himself. Consequently, three months later, before the governor of the

Kingdom of Hungary, the two parties reached a settlement according to which the nobles of Sfârș and Triteni retained control of the *Zwnyagos* valley, whereas the nobleman of Bogata was granted ownership of the *Bydestho* fishpond.²⁷

This outcome underscores the extent to which the pursuit of justice was interwoven with considerations of economic interest. The nobles were evidently well acquainted with the legal norms and customary regulations governing land tenure; nevertheless, they resorted to these principles primarily when they proved advantageous to their material position. The legal challenge conducted by the nobles of Bogata in defense of their proprietary rights over the estates in Alba County highlights several noteworthy juridical features that merit closer examination for a more nuanced understanding of the historical and institutional context.

The facts presented so far suggest that the grievance of Peter of Bogata stemmed from what he regarded as an unjust judgement delivered by the Transylvanian vice-voivode, Nicholas of Ocna Sibiului, during the general congregation held at Turda. General congregations functioned as judicial assemblies presided over by the voivode or vice-voivode of Transylvania, and, on certain occasions, even by the King of Hungary himself, acting as institutional bodies for the adjudication of selected provincial legal disputes.²⁸ At the *congregatio generalis*, either the entire nobility of the Voivodeship of Transylvania or only the nobles from selected counties were summoned. In the presence of the voivode or vice-voivode of Transylvania, the nobles presented the disputes with which they were confronted, these matters relating chiefly to patrimonial and hereditary issues.²⁹ The voivode had jurisdiction over the litigations concerning landed property, exercising this authority in accordance with the royal decrees promulgated by the Hungarian monarchs. Accordingly, even nobles whose primary residence lay outside the Voivodeship of Transylvania were required to submit to the jurisdiction of the voivode's court if the disputed estates were located on Transylvanian territory.³⁰ General congregations were convened on a regular basis from the fourteenth century onward, particularly in the city of Turda, which also served as the venue for the assembly discussed above. In the initial phase, judicial hearings were held on the octaves of major religious feasts. Over time, however, the temporal framework of judicial proceedings was substantially modified and extended. Whereas earlier sessions were limited to eight-day terms, the royal decree of 1498 issued within the Kingdom of Hungary instituted four annual judicial periods: two sessions lasting forty days each, held on the feasts of the Epiphany and of St. James, and two sessions lasting twenty days each, observed on the feasts of St. George and St. Michael.³¹ During this interval, individuals seeking judicial redress were required to appear before the voivode's court. The political ruler of Transylvania did not adjudicate cases independently but

rendered judgements jointly with sworn assessors.³² These assessors were selected from the seven noble counties under the voivode's jurisdiction, with six reputable men appointed from each county. In the litigation involving the noble of Bogata, it is likewise evident that Nicholas of Ocna Sibiului did not exercise judicial authority in isolation but deliberated together with the sworn assessors, whom he is reported to have influenced in order to secure a decision consistent with his desire. Consequently, the sworn assessors did not fulfill the judicial duty of rendering impartial justice, but instead acted in accordance with the voivode's directive. As the supreme judicial authority within his jurisdiction, the voivode was expected to function as a guardian of both royal decree and customary legal tradition.³³ In the litigation concerning the Bogata noble, however, personal interest appears to have predominated, since the voivode assumed the dual role of both party to the dispute and adjudicator within the same proceedings. Following the infringement of his property rights, the noble of Bogata exercised the right of appeal to the prelates of the realm, a procedure available to the Transylvanian nobility in cases of dissatisfaction with judgements delivered by the voivode.³⁴ Peter of Bogata lodged a complaint before the prelates of the Kingdom of Hungary, asserting that he had been compelled to present certain property charters despite not having been formally summoned to the court hearing. Although the prelates annulled the judgement rendered by the Transylvanian voivode, they nevertheless set a new procedural term by which Peter of Bogata was required to present the relevant documentary evidence. This situation highlights the central role of written legal instruments in substantiating property rights within the judicial practice of the period. Beginning with the reign of the Angevin dynasty in the Kingdom of Hungary, written documents constituted the principal and most authoritative proof in matters of land ownership.³⁵ Nevertheless, the issuance of such documents also relied upon the testimony of neighboring landholders and boundary neighbors, whose statements served either to confirm or to contest the identity of the legitimate possessor, as well as to delineate the territory of the estate. An on-site investigation was carried out by an envoy of the voivode and a representative of the place of authentication, whose responsibility was to formally put the nobleman in possession of the property in the presence of neighboring landholders or to record any objections that might arise. The allegedly unlawful installation of Peter of Bogata into possession of the fishpond and valley of *Zwnyagos* reflects the failure of the voivode's administration and the place of authentication to make a clear and reliable identification of the legitimate neighboring proprietors of the estate. Royal decrees and the customary law of the realm required that the names of the neighboring and boundary landholders present at the act of investiture be formally recorded.³⁶ In the case of Peter of Bogata, as in numerous other

instances, these names are omitted from the extant documentation, a deficiency that could have served as a subtractive procedural ground for contesting the validity of the investiture.

The unjust judgment rendered by the Transylvanian vice-voivode, Nicholas of Ocna Sibiului, together with the legal struggle pursued by Peter of Bogata, illustrates, on the one hand, the instrumentalization of political authority for the purpose of securing a verdict aligned with personal interest, and, on the other, the level of economic capacity and juridical literacy required to challenge an unlawful decision. The case thus reflects both the material resources necessary to sustain extended litigation and the nobleman's familiarity with the operative legal framework governing landed property. The recourse to royal decree and customary norms was accepted by members of the nobility insofar as these reinforced their material prosperity; when such norms proved detrimental, however, they were liable to be circumvented. The experience of the nobleman of Bogata, which exemplifies the exercise of power in contravention of legal principles, was not an isolated occurrence. Comparable circumstances affected other nobles within the Voivodeship of Transylvania, both before secular judicial forums and ecclesiastical tribunals.³⁷ The story of Peter of Bogata thus marks the emergence of a conflict rooted in the vice-voivode's attempt to acquire certain properties through unlawful means, as well as its eventual resolution through the incorporation of those estates to the vice-voivode's family by way of marriage alliances and purchase.



Notes

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reports issued by chapters and convents.” János M. Bak, Pál Engel, and James Ross Sweeney, eds., *DRMH*, vol. II, 1301–1457 (Salt Lake, 1992), 69, 8 March 1435:9.

37. Following the execution of Michael of Jucu, who had been sentenced to death by the King of Hungary, Matthias Corvinus, for his participation in the revolt against royal authority, the nobleman’s estates were confiscated by the Crown and subsequently granted to one of the king’s loyal supporters. The donation was contested by Michael’s widow and her children. Their legal efforts, however, were obstructed when the *littera prohibitoria* issued by the convent of Cluj-Mănăştur was unlawfully appropriated by the vice-voivode of Transylvania, John Rédey. Only after prolonged litigation were Michael’s descendants able to regain possession of the confiscated estates. The case constitutes a further illustration of the instrumentalization of political authority in the pursuit of material advantage by officeholders of their affiliates. National Archives of Romania, Cluj County Branch, Coll. Suky Family, Series I – Medieval Charters, no. 93. Another example: DL 37558, Aurel Răduţiu et al., *Documenta Romaniae Historica, C. Transilvania*, vol. XIV, 1371–1375 (Bucharest: Editura Academiei Române, 2002), no. 316, 458–459.

Abstract

An Illicit Trial: Property Litigation Between Nicholas of Ocna Sibiului and Peter of Bogata

The present study analyses an inequitable judgement rendered by the Transylvanian vice-voivode, Nicholas of Ocna Sibiului, during a general congregation held in 1446, against the nobleman Peter of Bogata. The case illustrates, on the one hand, the instrumentalization of political authority for the purpose of securing a verdict aligned with personal interest, and, on the other, the level of economic capacity and juridical literacy required to challenge an unlawful decision. The recourse to royal decrees and customary norms was accepted by the nobles insofar as they reinforced their material prosperity; when such norms proved detrimental, however, they were liable to be circumvented. The story of Peter of Bogata thus marks the emergence of a conflict rooted in the vice-voivode’s attempt to acquire certain properties through unlawful means, as well as its eventual resolution through the incorporation of those estates to the vice-voivode’s family by way of marriage alliances and purchase.

Keywords

illegal trial, appeal, nobility, Congregatio Generalis, Medieval Transylvania