

**“...It is impossible to endure the above mentioned serious matters
and grievous injuries...”
Misunderstandings between István II. Koháry, General-Captain of
Fiľakovo and the Nobility (1667–1682)**

ZOLTÁN IGOR KOMJÁTI

Private researcher, Abasár, Hungary

Abstract: In the 17th century Fiľakovo was not only the base for the royal garrison, but at the same time the fort was the seat of three counties: Novohrad, Pest-Pilis-Solt and Heves and Külső-Szolnok earlier fleeing before the Ottomans. By the common sense and the practical reason, we could believe that the dependency on each other, the mutual national interest and the patriotic solidarity would bring about cooperation between the border soldiers and the nobility. The stark reality was, however, that they could not agree: mutual accusations, disagreements, atrocities, severe debates — occasionally with the intention to kill — characterised the relationship of the Fiľakovo troops and the nobility residing or temporarily staying in the border castle. The main problem was the lack of supplies for the army. As the border soldiers did not receive their dues, they procured food and goods needed for their living and clothing from the nearby settlements in the county, which was ever so often violent. The county nobility was deeply harmed by the attacks of the soldiers that not only hindered their living, but they saw it as the derogation of their ancient noble rights and their sanctity, which they could not tolerate. As a result the nobility had to limit the privileges of the Fiľakovo border soldiers that the other party could not stand, either. The war between the two social strata both regarding themselves privileged precipitated in legal debates: who is to accuse and punish the guilty and captured border soldiers? who has the right to call to account and punish the guilty captured soldiers? whose jurisdiction is stronger and in what case? Heves and Külső-Szolnok County sent their representatives either together with other counties or on its own to Pál Esterházy, Ferenc Nádasdy, then from 1670 to Ádám Forgách, Chief Judge of Hungary, but they could have even presented their grievances to the Emperor. The other frontline of the confrontation between the two parties manifested in the use of violence. People were treated roughly by the soldiers due to the mutual conflict, but the village inhabitants instigated by the County Magistrate did not hold themselves back when capturing a soldier. This way, there were often human casualties. When a person of noble origin committed an atrocity, no matter how significant it was he was treated carefully and judgement was very slow. This is shown in the study through the case of Menyhért Ebeczky, the Deputy-Lord-Lieutenant of Novohrad County and Noble Judge of Heves and Külső-Szolnok County from 1678.

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In the second half of the 17th century, it was still challengeable for the Hungarian Kingdom to chase out the Ottoman troops from the Occupied Territories. The Hungarian noblemen insisted on it, especially those of them, who owned demesnes in that area, and they wanted to mobilize every purpose for regaining these estates needed their subsistence. But lack of enough economic and military power, and without will and permission of the Habsburg Sovereigns, the noblemen did not initialize nothing, and they had to endure seeing impotently and unwillingly their demesnes as used and possessed by the Ottomans.

Particularly hard was the situation of those noblemen who were chased away from their home by the Ottoman invasion. Large number of noblemen moved to the Hungarian fortresses for protection, but from the places, too, which were situated between the Ottoman and the Hungarian border defence systems. They thought that if it is no longer possible to own their demesnes and values, they conserved themselves at least, unless they regain them again. (Noticed that the complete submission to the Turks not necessarily means the sure destruction, as the Ottoman Empire had the same interest in keeping productivity all over the territories occupied.) Thus, a certain part of the Hungarian noblemen wandered to the safety of the fortresses, and endeavoured to adapt themselves and settle down on the new places, entering into a special "alliance" with the border soldiers, asking for their help in regaining or collecting the taxes from their condominium [=common possession] estates.

Several noblemen also moved to Fil'akovo border castle, amongst the local estate-owners led by István II. Koháry. In course of the 17th century, three counties were settled in Fil'akovo: Novohrad, Pest-Pilis-Solt and Heves and Külső-Szolnok. This meant that the Magistrate of the three counties lived in the town and they were directed and ruled from there. Thus, Fil'akovo was not only a royal fortress, but even a regional centre of safeguarding of the noble interests and protection of their liberty and privileges.

By reason of the sober human mind and the rationality, we shall think that the dependency of each other, the common national interest, and the patriotic solidarity made a co-operation between the border soldiers and the noblemen. But we have to see that they did not reconcile their common interests: mutual repeated accusations, disagreements, atrocities (might as well with attempting a murder) characterized the border soldiers' and the in-land or moved-in noblemen's connection. There was no occasional remedy for them, either, that the noblemen sometimes "hired" the soldiers to recover the debts, taxes and other natural remunerations from their serfs.

In this study, I examine the causes of the disagreements happened in the time of General-Captaincy of István II. Koháry (1667-1682): what were the grounds of them? why did the argues deteriorate?; shall had been

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any compromises which made the border soldiers and noblemen satisfied?; and what was the solution of the problems at all? These are the questions what I want to answer.

I. The complaints of the border soldiers

The changes in the foreign policy of the Hungarian Kingdom in the second half of the 17th century, especially those articles of the Treaty of Vasvár which banned making forays and taking any territories, carried very heavy and existential aftermath for the condition of the border soldiers. The Imperial authorities were not able to supply them in the proper manner, nor in money, nor in nutrition, nor in industrial goods. This did not mean that the authorities would not want to pay them, but there were often delays in the delivering. But it could even take years between two supplies, and that fact obviously endangered the border soldiers' endure. The non-payment made difficulties, as only few fortresses had such a plenty reserve from which the garrison could be fed (the storehouses were only “discovered” and used at a wide range in Western Europe at the end of the 17th century).

The sum of the pay were 4 Hungarian forints for each private cavalryman, 2 forints and 30 denars for each private infantryman¹, what should be taken monthly, in principle. But this pay should not cover the costs of living of an infantryman and his family at all, and not even for obtaining their armament (since he was to supposed to buy, repair and take care of them). Though a cavalryman got higher pay than an infantryman, it was hardly enough for him to living off because of buying the harnesses, mainly if his money was delayed. The Hungarian Chamber was trying to find a solution by supplementing the pay with clothing goods or agricultural crops. The clothing goods were charged at higher value than the pay should have been itself (the Chamber gained profit in that way). The grain crops divided among the border soldiers were coming from the so-called “grain tax” of the serfs (they had to give 15 per cent of their annual yield)². Taken into consideration the level and achievement of the contemporary harvest efficiency, however, this quantity was not constant in every year and depended on the weather condition. So it was impossible to pre-calculate it.³

After all, the border soldiers purchased all essential nutrition need for living on his own money. If the border soldiers did not get their pay,

¹ Magyar Nemzeti Levéltár–Országos Levéltár (hereinafter: MNL-OL) C 1293rd roll № 15317, (Štátný archív v Banskej Bystrici (hereinafter: ŠABB), Rodový archív Coburg-Koháry, Pars V.), the list of the pay for the Hungarian soldiers in Filákovo Fortress in the 1670s.

² PERJÉŠ, Géza: *Zrínyi Miklós és kora*. Budapest: OSIRIS Kiadó, 2002. s. 31.

³ In the same place. s. 70.

they easily got into trouble, mainly if they must have to keep their families. Telling the truth, the county magistrates ordered certain villages to give further food and oat for the soldiers' supply (over the "grain tax"), but that was even very hard to transport there or insufficient for them. So the border soldiers were often starving. "*... We, Valiant Soldiers, have got only shabby clothes, and almost starve to death, and only God can know and see our poverty and dire need...*" — complained about their fate the border soldiers of Fil'akovo border castle on 18th of January, 1669.⁴ Several times occurred that the border soldiers under the pretext of making forays against the Ottomans, pre-planning and systematically, pillaged the settlements, both next to the border castle and in the Great Plain region.⁵

Now I will examine the complaints of the border soldiers one by one.

A. The bad faith possession of the service lands by the noblemen. The military persons got lands of service in certain border castles, if soils fit to cultivation belonging to it. Fortress of Fil'akovo had got lands of service, which were divided amongst the soldiers in order to produce agricultural goods and provide themselves. But bearing arms and the settled way of living needed for tillage were difficult to combine with each other, moreover, the border soldiers of Fil'akovo more and more diminished, and the noblemen gained such lands which their possessors had died by chance.⁶ We can read these phrases as an evidence in one of István Koháry's letter to Pál Esterházy: "*...In the territory of Fil'akovo, in the better and old days, when the Valiant Soldiers were at full strength, definite sized lands and meadows had been divided amongst both the soldiers and the officers. But some of them had not got used to or had not being taught to plough, and often had let their arable-lands and meadows by lease to the inland noblemen for some wheat and for giving some gifts. After a certain time, several lessors passed away and their vacancy was not filled in, so the noblemen occupied these service-lands and they have used and owned them on different pretexts up to now...*"⁷

The noblemen laid their hands on the officers' service-lands, too. In the just mentioned letter of complaint, István Koháry submitted the fact to the Palatine that nor Deputy-Captain Sámuel Bellovics, nor János Oláh

⁴ MNL OL P 125, 4716th roll № 5292, (Eszterházy Pál nádor iratai), letter of complaint of the border soldiers of Fil'akovo to Pál Esterházy (Fil'akovo, 18th of January, 1669).

⁵ KOMJÁTI, Zoltán Igor: *Egyetértésben a közös érdekért. A füleki végvár működtetése Koháry István főkapitányságának idején (1667–1682)*. Dunaszerdahely: Vámbery Polgári Társulás (Lilium Aurum Kiadó), 2015. s. 229.

⁶ MNL OL P 125, 4706th roll, № 2791, (Eszterházy Pál nádor iratai), István Koháry's letter to Pál Esterházy (Fil'akovo, 4th of October, 1680).

⁷ MNL OL P 2257, 667th unit, 7th item, A, fol. 33–34, (Koháry István (1649–1731) levelezése), István Koháry's letter of complaint to Pál Esterházy (without any date, but on evidence of its content, it was originated in August, 1682).

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cavalry lieutenant would not use their property because the families of their predecessors occupied, and maintained and owned them as alienated properties.⁸ Investigating another source, we can find the same facts: “...Some of the noblemen deliberately occupy the common lands belonging to Fil’akovo, and also expropriate those arable lands assigned to the Valiant Soldiers...”⁹ Deputy-Captain Sámuel Bellovics informed Koháry about John Oláh’s service-land in his letter dated from 23rd of March, 1681: “...János Oláh is complaining that the arable land assigned to him after the duty of lieutenancy has also been sold and already been dunged...”¹⁰ Pál Esterházy — taking into consideration the request of the General-Captain of Fil’akovo — bade the following order against the abuses of the noblemen: “...Your Lordship will act the adequate instructions by course of the law, because there are concrete mandates about them, so Your Lordship can do the best in the situations without my consent...”¹¹ So István Koháry was entitled to make decisions about the eviction.

B. Complaints in connection with the profit of the wine-licence of the border soldiers. The wine-licence (*ius educillæ*) also belonged to the supply of the border soldiers. When Ferenc Wesselényi was holding the post of the General-Captain, he had rented the wine-licence beginning regularly after Saint Michael’s Day for 100 Forints to the border soldiers and the noblemen. This agreement lasted until 1657, when István I. Koháry (1616–1664) bought the Demesne of Fil’akovo from Wesselényi, and retained himself the revenues of the wine-licence.¹²

When the General-Captain died in the summer of 1664, the noblemen and the border soldiers (taking advantage of the incapacity of the widow and the orphans being at school) brought up their previous wine-licence, about what the widow complained to the Palatine.¹³

When István Koháry took up his post of general-captaincy in July of 1667, restored the routine of his father, which caused tremendous anti-

⁸ In the same place

⁹ MNL-OL P 125, 4706th roll № 2780, (Eszterházy Pál nádor iratai), István Koháry’s letter to Pál Esterházy (Fil’akovo, 14th of March, 1680).

¹⁰ MNL OL C 1058th roll, № 730, (ŠABB, Rodový archív Coburg-Koháry, Pars I.), Sámuel Bellovics’s letter to István Koháry (Fil’akovo, 23rd of March, 1681).

¹¹ MNL OL P 2257, 667th unit, 7th item, B, fol. 125–126, (Koháry István (1649–1731) levelezése), Pál Esterházy’s letter to István Koháry (Šintava, 17th of August, 1682).

¹² MNL OL C 1064th roll № 5661, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), István Zichy’s letter to Tamáss Baranyay (Bratislava, 15th of September, 1667).

¹³ MNL OL C 1275th roll № 12383, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), Ferenc Wesselényi’s letter to Judit Balassa (Muráň, 2nd of September, 1666); MNL OL C 1288th roll № 14542, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), Judit Balassa’s complaints about the undue claims committed against her revenues between 1664 and 1667; MNL OL C 1294th roll № 15421, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), Judit Balassa’s letter to Ferenc Wesselényi (Čabrad’, 16th of December, 1665).

athy among the border soldiers and the noblemen. By the coming of the vintage, the indignant noblemen sent a delegation to Ferenc Nádasdy Chief Judge (*iudex Curiae Regiae*), and they gave their letter of complaint to him. In the letter they expressed their enormous displeasure and applied for Leopold I. for the arranging of their affair. Nádasdy demonstrated the situation in a way, that the lease had really been existed, which was now annihilated by István Koháry after the death of the Palatine, and threatened the noblemen and the border soldiers with plucking of the trade-plates and smashing of the casks, if they would break his order and commence the wine-selling. The harmed persons stressed their encroachment upon their rights, and decided to defend themselves in all manner of ways, and if the privileges would not be restored, then “...*clash of arms and blood flowing would ensue...*”, and István Koháry would be blamed for the escalation. Nádasdy resigned the final arranging of the very prickly affair to the Sovereign.¹⁴

Koháry wrote to Tamás Baranyay, living in Trnava, about the delegation of the noblemen sent to the Chief Judge. The foster-father perceived the barely 18-years-old General-Captain's worry, so wrote back to him reassuring pieces of advice. He elucidated that Koháry could not bother from anything, because the noblemen had sent the delegation and handed the letter of complaint over Nádasdy concerning the wine-licence in vain, as they had nothing to do with it, as the Fil'akovo Demesne has been possessed by the Koháry Family together with the wine-licence. The Palatine's formerly lease was not a bit of use, because it has been ceased in 1657, when a new owner had come. In Baranyay's opinion, the noblemen fabricate the affair from envy. What concerns the grumbling of the border soldiers, it would not go beyond the Chief Judge's cognizance at all, and obviously would forward the affair for arranging to Annibale Gonzaga, President of the Aulic War Council, or General Louis de Souches, Substitute General-Captain of the General-Captaincy of the Mining Towns.

Baranyay wrote three pieces of advice to Koháry. Firstly, he suggested him that he would request a licence for taking evidences (*compulsoria mandatum*), and then each of noblemen and border soldiers would be called in evidence, who were eyewitnesses or earwitnesses, that

¹⁴ MNL OL C 1057th roll № 634, (ŠABB, Rodový archív Coburg-Koháry, Pars I.), Ferenc Nádasdy's letter to Sovereign Leopold I. (Čachtice, 5th of October, 1667). — About the determination of the noblemen: „...*sub tympano per plateas eiusdem loci facta publicatione dictum Educillum eidem ordini militari et nobilitati intendixisse sub pœna dissectionis et disruptionis vasorum vini, ipsam aulem Nobilitatem et ordinem militarem Juribus suis in hærendo præmissa protestatione Jus suum cum inculpata Tutela defensuros se declarasse, unde si qui tumultus et armorum strepitus, sanguinique effusio contingerit, non sibi, sed Capitaneo adscribendum. Quam protestationem suam coram me iterando, litteras quoque Testimoniales postularunt...*”

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Koháry and his servants received death threat from some people. The noblemen were to be sworn in, and the border soldiers also were to be concussed into testifying, even by means of the authority of general-captaincy. The refuse of the testifying was not to be allowed anyone — emphasized Baranyay. The second advice from Baranyay was that the General-Captain would request audience from Nádasdy and would represent that the Fil'akovo Demesne was possessed by the Koháry Family since 1657, and neither the noblemen nor the border soldiers laid claim to the wine-licence until his father's death, and only after come up with their ignored privilege, causing losses for either the widow or the orphans. The wining-licence was integral part of the family demesne, and its dispossession might sorely dwindle the revenues of the family. Finally, Baranyay suggested Koháry to visit György Szelepcsényi, Archbishop of Esztergom, and would ask him to intervene on behalf of him, and then the high priest would argue the Chief Judge into communicating with Annibale Gonzaga about the facts concerned with the grumbling of the border soldiers.¹⁵

Sovereign Leopold I. assigned the decisional authority to the Aulic War Council. That supreme military office did not want to involve into the affair, so General Louis de Souches commissioned Commander of the General-Captaincy of the Mining Towns was directed to arrange the affair from the military part, while the noblemen's mollifying was devolved on the Hungarian Court Chancellery using the valid laws, but always keeping in mind the main principle: abstaining from the dispute and riots in a border castle.¹⁶

Hereinafter, Koháry gave share the border soldiers of Fil'akovo from the profit of the inn-keeping, but the noblemen did not put up with the profits coming from the wine-selling and were trying to usurp that for a long time, so the military officers were compelled to assemble a meeting, as the General-Captain wrote to Pál Esterházy: “...*the college of the border soldiers and their superiors have assembled together for constituting the regulations of the wine-licence of the Saint Michael Day's inn-keeping, and have found that the noblemen, by the name of the border soldiers, have usurped it to themselves, leaving their privilege out of account, and have caused losses for the border soldiers' income as the profit coming from the*

¹⁵ MNL OL C 771st roll № 1430, (ŠABB, Rodový archív Coburg-Koháry, Pars IV.), Tamás Baranyay's letter to István Koháry (Trnava, 5th of October, 1667).

¹⁶ MNL OL A 14, 15298th roll, № 312, (Insinuata Consilii Bellici), mandate of the Aulic War Council (Vienna, 18th of October, 1667): “...*Consilium Aulæ Bellicum Cæsareum non intermisit, quoad militarem jurisdictionem, Domino Comiti de Souches, juxta petitionem Domini Comitis de Nádasd curam statuendi remedii imponere Eique Inclytæ Cancellariæ Hungaricæ simul intimandum duxit, quatenus etiam pro suæ parte Nobilitati omnes violentos actus inhihere, eamque ad ordinariam Juris viam remittere velit...*”

*inn-keeping was acquired by the civil persons...*¹⁷ But the noblemen were not only discontented with the acquiring of the profit, but also they elected the members of the supervisory board of the inn-keeping (in Hungarian: *borbírák*) from themselves. Koháry wrote about that: “...I cannot know of what kind of pretext and reason, but the noblemen neglected my disposal, and have constituted a supervisory board on their own, and neglecting the border soldiers’ analogous college, began to sell their wine...for example, Ferenc Barátnaky, Noble Judge [=szolgabíró or iudex nobilium] of Novohrad County, have displayed his trade-sign and have begun to sell his wine, about which I have been informed by the supervisory board of the border soldiers. I have messaged to him four times that he would remove that trade-sign and quit the own inn-keeping, otherwise he would be self-harming. Barátnaky categorically responded that he would not remove the trade-sign at all and continue the inn-keeping, and his companion, István Bertóthy did the same. So I have been compelled to order their casks’ confiscation and plucking their trade-signs...”¹⁸

István Koháry did not want to be totally averse from permitting of the noblemen’s wine-licence, as he formerly consented to it, but, in a consequence of the noblemen’s abusing, the border soldiers were irreversibly damaged („...quod alicui conceditur, id in ejus dispendium non est retorquendum...”). Koháry’s strict countenance touched only those practices of the wine-license, in which the border soldiers’ profit was menaced and the noblemen’s selfish interest was simply kept in mind. But if the noblemen tend to co-operate with the border soldiers, they might deal in own wine, moreover, they might just partake of the profit of the military inn-keeping. It is lightened from a letter of István Koháry to Pál Esterházy that he manifestly acquainted the noblemen that Fil’akovo was a border castle, a military base of the surrounding area, which was unfortunately undermanned, so it would be proper from the noblemen that they would take part in the military tasks.¹⁹ The same can be read in his another letter to the Palatine: “...If watching and wall guarding must be necessary for the sake of the defence and remaining of the border castle, the noblemen refuse them by the reason of no belonging to the military men. So it would be required and proper that the noblemen would not take profit from their own wine-selling and would not partake from the revenues of the wine-licence of the border soldiers...”²⁰

¹⁷ MNL OL P 125, 4706th roll № 2791, (Eszterházy Pál nádor iratai), István Koháry’s letter to Pál Esterházy (Fil’akovo, 4th of October, 1680).

¹⁸ In the same place.

¹⁹ In the same place.

²⁰ MNL OL P 2257, 667th unit, 7th item, A, fol. 33–34, (Koháry István (1649–1731) levelezése), István Koháry’s letter of complaint to Pál Esterházy (without any date, but on evidence of its content, it was originated in August, 1682).

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C. Refusing of the military tasks by the noblemen. Fortress of Fil'akovo was especially exposed to the Turkish and Kurucian attacks and raids in the time of general-captaincy of István Koháry. The continuous fights decreased the complement of the soldiers, their replacement came up against a difficulty, as, on the one hand, the man-power of the enlistment territories rather preferred the Kurucian side (in the hope of the better supplying and paying and the looser military discipline)²¹, and on the other hand, the Aulic War Council (*Consilium Aulicum Bellicum*) forbade the increase of the “registered border soldiers” several times. Thus, István Koháry had to manage the just ready man-power and try to defend successfully the border territories. It would be evident that the nobility (having some war-experience) went to the border soldiers’ relief, and gave them assistance into the defence of the border castle. Nevertheless, it could be seen that the noblemen did not tend to undertake that role, but there was a need for it, as “...the number of the local complement was so decreased that it was unable to do their duties. For their unbearable charge would to be eased, the noblemen have been duly requested for giving a helping hand. A great many of them are living in the border castle, moreover they had got a lot of houses here. Recently, our enemies are approaching and threatening us in these evil days, so it would be worth for them to understand that they are living together with us, and the hostile troops are threatening them in the same way than us, so their and our reason is common: defending the border castle and save the lives all of us...”²² Koháry instanced that in other border castles (in Putnok, Krupina and, according to the above-mentioned letter of complaint from 1669, also in Drégelypalánk and Szécsény during the Christian possession²³) the noblemen patrolled together with the border soldiers, and did not plead none prerogative, so if it would be taken into consideration, the noblemen’s prerogatives would be compatible with the assisting into the military tasks. Koháry referred to his own role: “...I am serving faithfully His Majesty, and my duty does not contradict to my nobiliary liberty, and I also count myself nobleman, because the faithful service in a royal border castle and the nobiliary liberty can be implied and comported with each other...”²⁴

²¹ NAGY, László: „Kuruc életünket megállván csináljuk...” *Társadalom és hadsereg a XVII. századi kuruc küzdelmekben*. Budapest: Akadémiai Kiadó, 1983. s. 112.

²² MNL OL P 125, 4706th roll № 2791, (Eszterházy Pál nádor iratai), István Koháry’s letter to Pál Esterházy (Fil’akovo, 4th of October, 1680). — This complaint was mentioned by Koháry to Pál Esterházy at another time: MNL OL P 2257, 667th unit, 7th item, A, fol. 33–34.

²³ MNL OL P 125, 4716th roll № 5292, (Eszterházy Pál nádor iratai), letter of complaint of the border soldiers of Fil’akovo to Pál Esterházy (Fil’akovo, 18th of January, 1669).

²⁴ MNL OL P 125, 4706th roll № 2791, (Eszterházy Pál nádor iratai), István Koháry’s letter to Pál Esterházy (Fil’akovo, 4th of October, 1680).

On the basis of the archival sources, the noblemen's resistance also attended with contempt, they ridiculed and had a hit at the border soldiers, although they watched the noblemen's corporeal integrity and nobiliary liberty: "*...the border soldiers were often mocked and disdained by the noblemen, albeit they always repose under the constant shield of the Valiant Soldiers' day and night services...*"²⁵

Pál Esterházy responded to István Koháry that he would not expect the noblemen to take part in giving assistance to the military tasks, because when the danger approaches "*...after all, for the sake of their integrity, remain and possession, the noblemen will initiate the good co-operation and join to the border soldiers for patrolling and watching the walls...*"²⁶

D. Complaints for the noblemen's moving to the territories ruled by the Ottomans. István Koháry also complained about that the noblemen were travelling and moving between the Hungarian border lands and the territories ruled by the Ottomans, taking that their own course: "*...previously the submission and moving to the lands possessed by the Turks with certification of fidelity, has been strictly banned by the mandate of His Majesty...But there are a lot of noblemen from Fil'akovo, who do not take into consideration this mandate, and get the military office to engross certification of fidelity, and travel with it to the Turkish territories, and, at his own leisure, return to their house of Fil'akovo...*"²⁷ Pál Esterházy seriously judged that, and he gave an strict and unambiguous order to the General-Captain: "*...it is completely and fully banned and inhibited at all, that submitted person and bondsman of Turks can live in a border castle, because as many submitted persons live there, the same number is the spies of the Turks. So such nobleman has to have his certification of fidelity confirmed, and he can live in the border castle...but if he does not want his certification of fidelity to be confirmed, he would be expelled from the border castle...*"²⁸

²⁵ In the same place.

²⁶ MNL OL P 2257, 667th unit, 7th item, B, fol. 125–126, (Koháry István (1649–1731) levelezése), Pál Esterházy's letter to István Koháry (Šintava, 17th of August, 1682).

²⁷ In the same place, A, fol. 33–34, (Koháry István (1649–1731) levelezése), István Koháry's letter of complaint to Pál Esterházy (without any date, but on evidence of its content, it was originated in August, 1682).

²⁸ In the same place, B, fol. 125–126, (Koháry István (1649–1731) levelezése), Pál Esterházy's letter to István Koháry (Šintava, 17th of August, 1682). — The law 48 of 1681 disposed about the penalization of the counties and settlements willingly submitting to the Ottomans, empowering the Noble Judge to penalize the submitting villages and inhabitant with the strictest way: „*Quoad loca, seu colonos sponte, ut ultro, sineque scitu generalium, et comitatus nobiliumque loci, sese Turcis subjicientis...ut contra tales, vice-comites comitatum, serio, et, rigorosius quam antea, condigna pœna (non obstantibus quibusvis dominorum terrestrium inhibitionibus) animadvertant.*” — CORPUS Juris Hungarici 1657–1740. Budapest: Franklin-Társulat Kiadó, 1900. s. 304.

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E. Atrocities against the border soldiers instigated by the noblemen. It can be seen that the noblemen were not supposed to co-operate with the border soldiers in principle, as it was correct by the consuetude. However, the noblemen being in the county Magistrate retarded the implementation of the military tasks, and contributed to the destruction of the otherwise weak defence of the border castle.

The bondsmen expressly entertained hostile intentions regarding the border soldiers instigated by the noblemen, it might occur attacks and homicide against them. “...*If the border soldiers go out of Fil'akovo only for a half-mile distance, they were taken, imprisoned by the bondsmen, their horses and armaments were also seized. They were no guilty, nevertheless, the Noble Judge demands cramoisy boots as a commutation for their release. Not for a long time ago, our guiltless soldiers were taken and imprisoned, and the Deputy-Lord Lieutenant of Gemer County ordered to seize their eighteen horses and other values...*”²⁹ The chit of the conflicts may be found in the fact that the border soldiers were non-provided in food: “...*The foot soldier is almost ready to die with hunger, he is compelled to go countryside. He begs food into his tucker-bag for feeding his family, though he is taken and immediately driven before the Deputy-Lord Lieutenant for punishing, and the surrounding Turkish garrisons are surprised at this and mock our nation...*”

The border soldiers listed concrete cases. For example, five registered foot-soldiers went to Nádújfalu (nowadays part of Mátraterenye) for gain some food, and they slaughtered a lamb beset by hunger. But the villagers took them into prison and oppressed them until they did not give the bondsmen over two Thalers and three Forints, moreover: “...*one of the flocking peasants, a bondsman of the Second Deputy-Lord Lieutenant immediately killed one simple heyduck from the five...*” Another occasion, nine foot-soldiers arrived to Nová Bašta situated in Gemer County, and one of them inadvertently gave the disobedient village-head a cut with his whip, wherefore the inhabitants “...*the nine good soldiers pushed into a deep pit, where they all died. None of their killers have been sentenced yet, and their horses and armaments have been acquired by the Deputy-Lord Lieutenant of the County...*”. Almost similar case happened at Járdánháza situated in Borsod County, where nine border soldiers

²⁹ MNL OL P 125, 4716th roll, № 5292, (Eszterházy Pál nádor iratai) — We can find this case in the letter of complaint translated to Latin and sent to the Aulic War Council: “...*milites etiam innocentissimos vix ad milliare a Præsidio exeantes per rusticos captos inque manus eorundem adductos severissime mulitando, uti proxime etiam solum pro victu oberrantes compræhedendo, octodecim eorundem Equos, una cum alijs omnibus apparatusis, Vice Comes Cottus [=comitatus] Gömöriensis, violenter detinuit...*” — MNL OL A 14 (Insinuata Consilii Bellici), 15298th roll, № 317.

were massacred by the infuriated bondsmen in the same way in consequence of a simple insult.³⁰

The border soldiers especially aggrieved the refusal of the quarters. Namely, the large part of the noblemen owned sites, houses and residential buildings inside the castle walls. The barracks of the border castle were not enough to accommodate all of the garrison soldiers (mainly for the foot-soldiers), so it would be dire need for yielding the noblemen's houses, at least during the colder times. Although in the winter period they did not permanently live in them, and they did not tend to give the houses over the soldiers: "...*Since when the nobility has moved to Fil'akovo from here and there...and they are living in spacious houses, in which the foot-soldiers of His Majesty may have a quarter. There are such houses which owner come to Fil'akovo only one occasion in a year, and are continuously vacant, and still are not given over the soldiers. Recently, an infantry lieutenant lived in one of the houses, and suddenly appeared the landlady, and demanded the lieutenant to leave out of the house in winter, though there were several other buildings on the landlady's site. If the General-Captain [=István Koháry] did not give him quarter in one of his houses, the lieutenant would be in a bad way...*"³¹

We can find among the complaints that the noblemen also impeded and retarded the refortifying, defence and maintenance works of the border castle (*gratuitus labor*). When the continuously deteriorating ramparts would be repaired, the County Magistrates just only said to István Koháry and his officers: "...*If His Majesty need the Fortress and palisades, He does arrange for the construction on His own expense!...*", albeit there were parliamentary law about the gratuitous labour and the duties were divided into equal proportions among the counties and districts.³² It might occur, that the gratuitous labour was not fulfilled, or "...*was performed on a maimed way...*" by the county leadership.

³⁰ MNL OL P 125, 4716th roll, № 5292, (Eszterházy Pál nádor iratai) — The description of the mentioned cases translated to Latin reached to the Aulic War Council with that words: "...*unum e quinque Haidonibus alias cum præscitu Dominj Capitanej victum querentibus Subditus quidam Náduifalusiensis, ex eo solum quod in medio eorum Agnum quendam apprehenderit, compressum statim nefarie interemerit, reliquis quatuor per subditos Pagi vino onustos in Præsidium adductis...Pariratione nefary Subditi Possessionis Bástok in Comitatu Gömöriensis, propter uni cum levem scuticæ ictus Novem Nostros: Alios similiter novem iri Possessione Járdánháza in Comitatu Borsodiensis miserabiliter interemerunt, rebus eorum usque ad hodiernum diem præ manibus Vice Comitit Comitatit existetibus...*" — MNL OL A 14 (Insinuata Consilii Bellici), 15298th roll, № 317.

³¹ MNL OL P 125, 4716th roll № 5292, (Eszterházy Pál nádor iratai), letter of complaint of the border soldiers of Fil'akovo to Pál Esterházy (Fil'akovo, 18th of January, 1669).

³² The following laws are concerned with the gratuitous labour in the Hungarian Code (Corpus Juris Hungarici): law 49 of 1618, law 3 of 1630, law 153 of 1647, law 86 of 1649, law 116 of 1655, law 130 of 1659, law 20 of 1662.

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Moreover, they were not willing, either, when Koháry offered cash for the works! For intentionally inhibiting the General-Captain's task, one of the Noble Judges sent back the money for the stone purchase and the carts, messaging: he would not accept it, but he would not give any stone, either.³³

It can be seen among the grievances that the military rules and regulations were disregarded by the noblemen. They intentionally breached the quiet rules: being overtaken in drink, or they loudly expressed their joy and pleasure, or maliciously teased with the border soldiers, and occasionally took up arms against them. For example, Sámuel Bellovics, Deputy-Captain informed Koháry in his letter dated from 22nd of September, 1681, that a certain nobleman named Kozáry “...got drunk, mounted a horse and riding back and forth, and gunning with his pistols in the street of Fil'akovo...” When a lieutenant asked Kozáry why he did so, the nobleman fired at him. According to the military rules, the nobleman would be sentenced to death for such crime, if he were in military service.³⁴ The problem was not unknown to Pál Esterházy, as István Koháry did not miss to inform him about the noblemen's such transgressions.³⁵

The attitude of the nobility disbelieving István Koháry's judicial competence was also destructive to the military discipline. The noblemen wanted to take the jurisdictional exercising in its entirety from the General-Captain, and the three counties settled in Fil'akovo made attempt to it on the basis of the above-mentioned letter of complaint petitioned to the Aulic War Council.³⁶ It means that they tried to appropriate the jurisdictional exercising over the captured bolder soldiers without examining

³³ MNL OL P 125, 4716th roll № 5292, (Eszterházy Pál nádor iratai) — We can also find the same in the Latin version written for the Aulic War Council: „...*Qualiter autem illi emolumento et bono Præsidiŷ succurrant, liquet vel ex eo quod ad requisitionem Dominorum Capitaneorum, quatenus nimirum pro restauratione quandoque Propugnaculi alicuius, nonnunquam vero alterius necessitatis opem ferre velint, facile respondent præspecificati Cottuum Vice Comites, qui Præsidium tenet etiam ædificari noverit, signanter Comitatus Neogradiensis, non solum segniter præstat labores gratuitos, quin imo in ingruentia maioris necessitatis, uti Anno præterito accidit, in ædificatione unius Propugnaculi, etiamsi Domini Captaneŷ pro parata Pecunia materialia offerri curare vellent in eo quoque contrariatur, sicut tunc temporis, dum quodam cum Rustico conventum fuisset per officiales ad id deputatos, et secundum id Pecuniam quoque acceptasset, resciendo idipsum Judex Nobilium Comitatus Neogradiensis, acceptam per Rusticum Pecuniam per eundem remisit, non sine magna laboratorum retardatione...*” — MNL OL A14 (Insinuata Consilii Bellici), 15298th roll № 317.

³⁴ MNL OL C 1276th roll, № 12606, (ŠABB, Rodový archiv Coburg-Koháry, Pars V.), Sámuel Bellovics's letter to István Koháry (Fil'akovo, 22nd of September, 1681).

³⁵ MNL-OL P 125, 4706th roll № 2780, (Eszterházy Pál nádor iratai), István Koháry's letter to Pál Esterházy (Fil'akovo, 14th of March, 1680).

³⁶ MNL OL A 14 (Insinuata Consilii Bellici), 15298th roll, № 317.: „...*Iam vero nescitur quibus ducti opinionibus, Vice Comites Sex Comitatum /. Nimirum Neogradiensis, Hevessiensis & Exterioris Szolnok, Item: Pest Pilis et Solth unitorum, quorum sedes quoque Iudiciariæ inibi*

if they were guilty or not. Besides, the transgressing bondsmen were not brought up before the court for a long time, conversely, the trials of the border soldiers were demanded by them. On the before-mentioned case of Nádújfalu, the four captured soldiers were released by the order of István Koháry until the trial day, whereon the Deputy-Lord Lieutenant amerced a fine of 500 forints per soldiers, which he wanted to be exacted from the General-Captain's assets. The noblemen ordered the bondsmen not to take into consideration the General-Captain's directions until they would not confirm that. At the same time they did not allow the village mayors summoned by the General-Captain to the military trial until giving them directives. The bondsmen were instigated by them to attack the soldiers, in fact, they did not tolerate the military persons inside the territory of the settlement. The soldiers were accused of all kind of crimes, their values were seized (as we can see above).³⁷ There was a case in which they also disbelieved Koháry's seigniorage.³⁸ (It will be set forth in the chapter concerning with the noblemen's complaints).

The noblemen almost looked for the opportunity to retard the offices controlled by the military leadership. Apart from Koháry, they took a dislike to Pál Bélteky, Deputy-Captain of Fil'akovo. János Oláh cavalry lieutenant deposed an attestation in which he remembered a case from 1677, when Mihály Tassy nobleman from Novohrad County (in addition: Deputy-Lieutenant of Heves and Külső-Szolnok County) emboldened five foot-soldiers from Šomoška Castle to drive the cattle from Pál Bélteky's estate. The General-Captain even then absented with leave, and the capture of the delinquents was devolved on the harmed Deputy-Captain. But when the five bound foot-soldiers "*...were brought into the Fortress, the mentioned Mihály Tassy liberated them and hid into a barn situated in his own Fil'akovo plot...*" Pál Bélteky sent Lieutenant János Oláh three times so as to bring the nobleman about. Firstly, he went on his own, but Tassy did not defer. Secondly, Oláh took armed soldiers with him, but Tassy rejected the demand again, moreover "*...closed the gate of the barn and the plot, took up arms and shouted: "There is a gun in my hand. If anyone wants to enter into my plot, so help me God, must die! Do not come through my gate, Lieutenant, because you will die!..."*" For avoiding the unnecessary massacre, and finding the armed nobleman dangerous, János

celebrari solent:/ propter avulsionem aliorum, in hoc Præsidio Domicilia figentes, in maximum autoritatis Domini Capitanej vilipendium, Publico Edicto in Congregatione Comitatum Constituto, hanc Inconvenientem Prærogativam non solum sibi mordicitus vendicare percipiunt, verum etiam iam in realem effectum summere cœperunt..."

³⁷ MNL OL P 125, 4716th roll № 5292, (Eszterházy Pál nádor iratai), letter of complaint of the border soldiers of Fil'akovo to Pál Esterházy (Fil'akovo, 18th of January, 1669).

³⁸ MNL-OL P 125, 4706th roll № 2780, (Eszterházy Pál nádor iratai), István Koháry's letter to Pál Esterházy (Fil'akovo, 14th of March, 1680).

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Oláh had to consult again with Pál Bélteky, who ordered the violent seizure of the plot third time. But Tassy already did not wait for that, but he released the five foot-soldiers toward the fields, through the rear gate, so they were later caught one by one.³⁹

The disagreements with the noblemen caused displeasure to Koháry and his relatives, so the sudden information or the encouragement stood him in good stead. In time of the dissension of 1667, Tamás Baranyay informed him about the results of the nobiliary delegation, then gave him good advices⁴⁰, and during the accusation of the noblemen, in the beginning of 1669, György Gerhart Deputy-Lord Lieutenant of Hont County calmed Judit Balassa that the noblemen would not do nothing against István Koháry, and it had been a lie when they had claimed that 10 “akos” of wine [approximately 530 litre] had been consumed, and had been only greatedened their losses with that statement. In Gerhart’s opinion “...*the noblemen of Fil’akovo do not do any harm to Master István, but only he would keep his authority, as there is no room for anyone’s accusation in Vienna, it used to examining the affairs there...If he do wrong to the noblemen beyond his general-captaincy, he is himself nobleman, and he will be able to stand his ground before the court and the justice...*”⁴¹

In October, 1680, another nobiliary delegation saw Pál Esterházy about Koháry’s abuse concerning with the membership of the supervisory board of the inn-keeping. The General-Captain’s mother became aware of the advantageous fame that Esterházy deemed the accusations to be insufficient against the General-Captain of Fil’akovo, and he let them know about that he would encourage him for bigger persistence against them.⁴² But few days later, the widow wrote to her son that the noblemen stated so as if they stand to win, which she did not deem to be conducive to the interests of the border castle.⁴³ Imre Koháry, who was

³⁹ MNL OL P 2257, 667th unit, 7th item, A, fol. 25–26, (Koháry István (1649–1731) levelezése), János Oláh’s attestation (Fil’akovo, 11th of December, 1680).

⁴⁰ MNL OL C 771st roll № 1430, (ŠABB, Rodový archív Coburg-Koháry, Pars IV.), Tamás Baranyay’s letter to István Koháry (Trnava, 5th of October, 1667).

⁴¹ MNL OL C 1131st roll № 7555, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), György Gerhart’s letter to Judit Balassa (Krupina, 28th of January, 1669).

⁴² MNL OL C 778th roll № 2301, (ŠABB, Rodový archív Coburg-Koháry, Pars IV.), Judit Balassa’s letter to István Koháry (Galanta, 5th of November, 1680). Koháry’s mother wrote the following: “...*Úgy hallom, vékony válasszal mentek az füleki nemesek, azt mondván nékik az Generális [=Esterházy Pál], hogy’ ha szemben lészek Koháry Istvánnal, olyan tanácsot adok neki, földesúr lévén Fülekben, utat mutasson nemes uraiméknak, ahelyett lakja azt is vitézlő ember’...*”

⁴³ MNL OL C 773rd roll № 1634, (ŠABB, Rodový archív Coburg-Koháry, Pars IV.), Judit Balassa’s letter to István Koháry (Kolárovo, 10th of November, 1680). The widow wrote these words: “...*A füleki nemes emberek avval dicsekednek, hogy Generális Uram már mellették vagyon, igen biztatják magokat, hogy övék lesz a nyereség, aki nem volna jó, hogy ők véghelyben is laknak, hasznot is vennének, [és hogy] nem parancsolna senki nekik...*”

belonged to Pál Esterházy's servants, informed his elder brother that the noblemen were intriguing against him even in December.⁴⁴

II. The complaints of the noblemen

In spite of the special historical-political situation evolved in the Hungarian Kingdom, the social strata owned estate privileges adhered to their prerogatives, they made use of their rights, moreover, they also abused, as it could be seen above. They paid particular attention to their domain affairs, and always appealed to the Royal Chambers and ecclesiastical audit-houses in case of bestowal, descent, property purchase and litigation, apart from the fact that the demesne was situated on the Occupied Territories ruled by the Ottomans.⁴⁵ They also defended their demesnes' inviolability against the border soldiers, and their envy and antipathy toward the military persons can be originated that they thought them to be dangerous to the livelihood, they regarded them as rivals, and always tried to hurt them when they could.

Fil'akovo — as above mentioned — gave residence to the Magistrates of three counties. These counties differed from the other Hungarian ones that showed extraordinary good-fellowship and co-operation toward each other. It might occur that certain magistrate member simultaneously exercised position in two counties. In case of juridical proceedings, always declared common statements, and mutually asserted their nobiliary privileges.⁴⁶ For example, all three counties decided to send a delegation to the Chief-Judge in December of 1668. The case discussed was caused by István Koháry who released the four border soldiers formerly had been taken capture in Nádújfalu. The delegation of the noblemen consisted of György Bezzegh, Ferenc Mocsáry and Mihály Tassy, and they started on its way in the beginning of January of 1669.⁴⁷ The letter of

⁴⁴ In the same place, № 1638, Imre Koháry's letter to István Koháry (Fraknov, 5th of December, 1680).

⁴⁵ HEGYI, Klára: *Török berendezkedés Magyarországon (História Könyvtár, Monográfiák 7.)*. Budapest: História-MTA Történettudományi Intézete, 1995. s. 157.

⁴⁶ SZAKÁLY, Ferenc: Nemesi vármegyeszervezet és török hódoltság. A „menekült vármegye” fogalmáról és szervezetéről. In: *Történelmi Szemle*. vol. 3–4, 1991. (roč. XXXIII), s. 139. and s. 153.

⁴⁷ MNL HML IV-1/a, 3rd volume, 56–57., Heves és Külső-Szolnok vármegye közgyűlési jegyzőkönyvei (Fil'akovo, 29th of December, 1668); MNL OL, 3375th roll, 3rd volume, 148., Pest–Pilis–Solt vármegye közgyűlési jegyzőkönyvei (Fil'akovo, 30th of December, 1668.); The minutes of the General Assembly of Novohrad County were perished in the time of the siege of Fil'akovo in 1682. The letter of complaint of the border soldiers dated from 18th of January, 1669, and the mentioned minutes of the other two counties clearly refers to Novohrad County's taking part in the common delegation. — Further data: KOMJÁTI, Zoltán Igor: „...Főkapitány Urunk ujjat ne vonjon a Nemes Vármegyékkel!...”. A Fülekre betelepült vármegyék jogi harca a katonai vezetőséggel Koháry II. István főkapitánysága idején (1667–1682). In: *Neograd 2020 (a Dornay Béla Múzeum Évkönyve, XLIII., szerkesztette: Balogh Zoltán)*: Salgótarján, 2020. s. 76–78.

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complaint of the border soldiers written in 18th of January, 1669, to Pál Esterházy was originated by this delegation.

The counties individually cried out against the border soldiers, too. Heves and Külső-Szolnok Counties barely two months after István Koháry's designation to General-Captain wrote letters to the commanders of the adjacent border castles (amid them Fil'akovo) that they would look for the border soldiers on the loot and punished them. Otherwise, the county magistrate would dispose of the captured and guilty soldiers' penalization itself.⁴⁸ One year later, the magistrate wrote to Count Ferenc Nádasdy Chief-Judge about the offences of the border soldiers. Moreover, they also accused them of homicide. The magistrate entered into the minutes that the ecclesiastical organizations and the royal civil servants already had enough of the grievous injuries, and compiled the heads of the charge against the general-captains of Fil'akovo and other border castles.⁴⁹

Pest–Pilis–Solt County, after István Koháry's designation, sent a deputation led by Ferenc Mocsáry to Ferenc Nádasdy against the looting border soldiers, firstly in September, 1667.⁵⁰ Another county deputation applied to the Chief-Judge in August, 1668. Its leader, István Guttay presented the instructions of General Louis de Souches to István Koháry about the penalization of the guilty border soldiers. This letter had been sent by the General itself to Nádasdy so as he handed over to the county deputation.⁵¹ Pest–Pilis–Solt County also wrote about the abuses of the border soldiers in 1674 and 1675, but already to Pál Esterházy.⁵²

Novohrad County compiled a list of damages and letter of complaint on 11th and 12th of March, 1672, which was titled for Ádám Forgách Chief-Judge. This document firstly quoted point by point the border soldiers' letter of complaint which was previously written and sent to the Aulic War Council. After the quotations, the text answered to and disconfirmed those, complementing with its injuries. The county especially resented that the border soldiers of Fil'akovo always obtain the food and horse-feed, and were discontented with the quantity provided by the bondsmen, “...but also they fill several sacks with wheat, horse-feed and

⁴⁸ MNL HML IV-1/a, 2nd volume, s. 142., Heves és Külső-Szolnok vármegye közgyűlési jegyzőkönyvei (Fil'akovo, 31th of August, 1667).

⁴⁹ MNL HML IV-1/a, 3rd volume, s. 47., Heves és Külső-Szolnok vármegye közgyűlési jegyzőkönyvei (Fil'akovo, 14th of November, 1668).

⁵⁰ MNL OL 3375th roll, 3rd volume, s. 95., Pest–Pilis–Solt vármegye közgyűlési jegyzőkönyvei (Fil'akovo, 22nd of September, 1667).

⁵¹ In the same place, s. 133., (Fil'akovo, 30th of August, 1668).

⁵² In the same place, 4th volume, s. 160–164., (Fil'akovo, 19th of September, 1674.) and s. 186., (Fil'akovo, 13th of September, 1675.). In the latter occasion, a delegation was also sent to the General of the General-Captaincy of the Mining Towns.

other alimentations, and make them convey by carts to the border castle, besides, they more drag away them on loaded horses...” And it happens almost all the time: *“...As the news about the Turkish raid is over, or heard not to be dangerous, the gates of the border castle are opened again for their licensed outcome...”*⁵³

The border soldiers cast up to the inhabitants that they menace and blaspheme them. The County responds that the border soldiers are exactly the ones, *“...who curse and damn the peasantry with words quivering and shaking the Heaven, and blaspheming God...”*, so no wonder that the bondsmen sometimes desperately had called back. Moreover, the soldiers menace with sword and gun and bullied them: *“...the soldiers act as a judge, beat them, or avenge upon them, not bearing the peasantry’s dislike at all...”*⁵⁴

Hereinafter, Novohrad County reposts the statement of the border soldiers, according to which the peasantry do not show the proper honour toward the military officers which deserves them. The County responds that the inhabitants of the villages respects the military officers in most cases, moreover, they better obey them than their own landlords or the county officers, as it can be read in this text: *“...it is really true that the peasantry is rather afraid and fear of the General-Captain and the Deputy-Captain than the County Officers and hold them higher...”*⁵⁵

According to the next point, it is not entirely true that the civil inhabitants intentionally do not bring the caught border soldiers to the General-Captain’s jurisdiction, instead of carrying them before the county court to be sentenced. The landlords and the county officers give the orders and instructions to the peasants, pursuantly the feudal dependence. Thus, the bondsmen were aware of the legal behaviour toward the border soldiers and defended themselves against their abuses, especially as rules were also compiled which are accepted by the commanders of every border castles. Novohrad County declared that the peasantry do not usually attack the soldiers for no reason, but still they deserve the peasant’s attacks as the *“oppressors of the miserable folk”* according to the law article 15 of 1659. When the inhabitants did not bring

⁵³ MNL OL P 2257, 667th unit, 7th item, A, fol. 9–11, (Koháry István (1649–1731) levelezése), document of Novohrad County written to Ádám Forgách Chief-Judge (Fil’akovo, 11th–12th of March, 1672). — Further data: KOMJÁTI, Zoltán Igor: *„...Főkapitány Urunk ujját ne vonjon a Nemes Vármegyékkel!...”*. A Fülekre betelepült vármegyék jogi harca a katonai vezetéssel Koháry II. István főkapitánysága idején (1667–1682). In: Neograd 2020 (a Dornay Béla Múzeum Évkönyve, XLIII., szerkesztette: Balogh Zoltán), Salgótarján, 2020. s. 80–81.

⁵⁴ MNL OL P 2257, 667th unit, 7th item, A, fol. 9–11, (Koháry István (1649–1731) levelezése), document of Novohrad County written to Ádám Forgách Chief-Judge (Fil’akovo, 11th–12th of March, 1672).

⁵⁵ In the same place.

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the captured border soldiers to the General-Captain and Deputy-Captain to be punished, they acted upon the law article 16 of 1659. But it is not true, either, that the County Magistrate does not administer justice at all in the case of the soldier-killing peasants, because each of them was sentenced to death.⁵⁶

The military pasturage (*pascuatio*), though it extinguished by the laws of previous diets, Novohrad County still tolerate in the settlements, albeit that would not be allowed for the border soldiers of Fil'akovo. Thus, they would not charge the County that counterwork that, as it let them either the quartering or the conveyance of the horse-feed, albeit these services caused shortness and damage for the bondsmen.⁵⁷

The noblemen of Novohrad County refuted the border soldiers' accusations about their behaviour in the sixth point. Two complaints were arisen by the military men. Firstly: the livestock of the noblemen overran all of the grasslands, and there were no room for the cattle of the border soldiers. The reply of the noblemen was the following: it was just in reverse, as the border soldiers were the ones who occupied all places in the (in other respects) narrow territories and establish yards. It might occur that the border soldiers beat the herdsmen of the noblemen, or shot to the stray cows and swines. This was very indignant for the nobility because they regarded themselves as good-intentioned and honest people and also patriotic persons, who were living in Fil'akovo “...for patriotic fervency, for the commonweal and for the defence and development of the border castle...”

The border soldiers' second charge in the sixth point was that the noblemen do not want to bear a part in the military tasks. The noblemen replied: “...In case of emergency, the noblemen not only tend to fight against the enemy of the Christianity as they did previously, but also put their lives in danger. But the noblemen refuse the orderly and everyday guarding on the city walls and the patrolling (as the border soldiers desire), because there are mandates about the immunity of the noblemen settled in Fil'akovo issued by the Diet...” Anyway, if they did not take part in the unnecessary military tasks, their staying and living were also useful for the border castle.⁵⁸

Besides the military rules needing to be remedied the abuses of the soldiers, sometimes the noblemen also compiled regulations, because they found that the rigour of the General-Captain was not enough for bringing the border soldiers under discipline. These county regulations were in force only in the actual county where were issued, and also were

⁵⁶ In the same place.

⁵⁷ In the same place.

⁵⁸ In the same place.

accepted by the military leaders. We know a regulation compiled by Gemer County, in which the cognizance of the county court was emphasized over the border soldiers and intentionally expressed the interests of the county. For example: the border soldiers are banned to take up their quarters in the territory of a settlement, and are banned to get food, either. Taking up quarters are also banned yet, even if it is authorized by the General-Captain, because “...*there is no parliamentary law which allows the quarters for anyone...*”, but that declaration is modified later, that it is only banned if the group is too large, thus, a certain, smaller group of people can be bearable in a settlement. But the text conditions: “...*wherever the group stops to rest, it must depart ere night...*”. Thus, the peasantry will give accommodation and quarters for a smaller group of armed passengers, “...*who go on errands in just cause, or attendants and servants of some magnates of noblemen...*”, but the sojourners will be contented with the hospitality. The regulation let the bondsmen act in decided manner against the violent soldiers, moreover, it considers this necessary. The regulation also expedites the co-operation mid the county settlements so as to efficiently arrange such cases. According to the text, a fine of 100 forints must be imposed on that settlement which no wanting to assist for another village. A fine of 40 forints must be provided for that village mayor who denies the co-operation. And any of the inhabitants who will not want to join to the helpers, must be inflicted a fine of 12 forints. The County Magistrate orders the inhabitants to capture the border soldiers committing abuses, and then bring them under strict escort to Hajnáčka Castle.⁵⁹

The religious affiliation also might cause disagreements. The large part of the noblemen living in Fil'akovo were Lutherans, who with great difficulty, but took notice of the fact that their practice of religion was not tolerated by the Government. But the laws of the Diet of 1681 in Sopron allowed small latitude for the non-Catholic persons, either, and the noblemen immediately endeavoured to take advantage of that. They saw János Oláh cavalry lieutenant about authorising the evangelistic worship. They said that the concionator from Lučenec was on the move to Fil'akovo yet, and they were entitled to celebrating the worship on the basis of the newest parliamentary laws. The substitute commander of the border castle (as Koháry stayed in Sopron, and Sámuel Bellovics went to General Æneas Caprara's aid) imperiously declared to them that the concionator will not enter into the border castle at all, until authorization in writing do not arrive from the General-Captain himself or from Palatine

⁵⁹ MNL OL C 1275th roll № 12543, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), local regulation about the co-habitation between the inhabitants and the border soldiers compiled by Gemer County (undated).

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Pál Esterházy. Pál Gyürky and János Sípos noblemen had to ride out of the border castle so as to send the approaching concionator back to Lučenec. On the next day, they tried to shuffle him through the postern-door, but Oláh stood on guard and the noblemen’s plan was failed again. They threatened Oláh that they would report him to the higher authorities, especially to the freshly appointed Palatine, complaining that Oláh defaulted the parliamentary laws.⁶⁰ The report really happened: Pest–Pilis–Solt County sent a delegation to the Diet of Sopron and to Palatine Pál Esterházy about the hindrance of the free practice of religion.⁶¹

The Hungarian noblesse, realizing their power increasing, wanted to be represented their togetherness by the acquiring of certain juridical proceedings, mainly at the detriment of the military jurisdiction. The noblemen in Fil’akovo endeavoured to acquire the rights of the arrangement over the ancient demesnes.

In fact, the border soldiers of Fil’akovo were ordered by two kinds of jurisdiction: firstly the military, and on the other hand, the seigniorage, as István Koháry was simultaneously General-Captain of a royal border-castle and lord paramount of a demesne centralized in Fil’akovo. He judged the soldiers either on the military court as a commander, or on the court as landlord, as he was entitled to do that. Besides, in certain occasions, the counties also had the right for judging the soldiers committing crimes. For example: in the case of intentional homicide (law 38 of 1563); when robbery, brigandage, pillage were committed (law 82 of 1649, laws 15 and 16 of 1659); and such jurisdictions concerned the noblemen’s movable and immovable properties were under the cognizance of the county magistrate court (law 75 of 1635 and law 81 of 1649).⁶²

At 11th of March, 1680, the noblemen of Novohrad County sent a letter to Pál Esterházy, complaining that István Koháry discouraged the jurisdiction in the case of András Megyei and Éva Kovács concerning with a house in Fil’akovo: “...By the order of General-Captain István Koháry, the military judge of the border castle forbade the seizure property which have been ordered by Our Deputy-Lord Lieutenant together with the assistant judges...” When the county asked him why he had done, the reply was the following: “...he will not tolerate and recognise any judge other than himself inside the walls of the border castle, and anyone who will want to bring

⁶⁰ MNL OL C 1297th roll № 15980, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), János Oláh’s letter to István Koháry (Fil’akovo, 28th of October, 1681).

⁶¹ MNL OL 3376th roll, 5th volume, s. 59., Pest–Pilis–Solt vármegye közgyűlési jegyzőkönyvei (Fil’akovo, 24th of October, 1681).

⁶² VARGA J., János: *Szervitorok katonai szolgálata a XVI–XVII. századi dunántúli nagybirtokon.* (Értekezések a történeti tudományok köréből — Új Sorozat, 94. kötet). Budapest: Akadémiai Kiadó, 1981. s. 146.

an action concerned with house or properties be found in the territory of the border castle, that person being either nobleman, or commoner, shall not appeal to the Deputy-Lord Lieutenant or the county judge, but only to the military judge of the border castle...". In the county noblemen's opinion, it violated their ancient liberty rights and privileges fought out by sweat and blood of their ancestors. They quoted law articles to demonstrate that such cases always fell within the competence of the county.⁶³

At 14th of March, 1680, István Koháry also sent a letter to Pál Esterházy. He informed his superior concerning the house property case of the before-mentioned András Megyei, that the person, in fact, was a commoner (not nobleman), indeed, Koháry's own bondsman, moreover, Novohrad County did not recognise him as a nobleman, either. So the Deputy-Lord Lieutenant would not make any decision in this case, "*...because Megyei is a commoner, due to it, the house in which he dwells, is not his own property. Moreover, pursuantly the law 75 of 1635, the jurisdiction about the commoners' houses or plots situated in the territory of the border castle does not fall within the Deputy-Lord Lieutenant's competence...*" Koháry declared: only the military judge of Fil'akovo is to be authorised to the ennoblement of an earlier commoner plot. Had been meddling in the case, the Deputy-Lord Lieutenant violated the seigniorage of Koháry and his family, and he expressed his indignation so: "*...Some people arbitrarily want to introduce new rules and orders to the jurisdiction of the border castle, and do not accept my absolute authority, either as a General-Captain, or a landlord...*"⁶⁴

After had been receiving the letters of István Koháry and Novohrad County, Pál Esterházy examined thoroughly the case of András Megyei. In his letter dated from 27th of March, 1680, and titled to the county, he decided in favour of Koháry: "*...the man who is backed up the County as a noble person, in fact, is a bondsman in person, and also the plot where he dwells has no privilege. According to the Code of the Country, only the landlord has the claim on disposal of such plot. And the perpetual landlord is the above-mentioned István Koháry. And as it is so, the County shall not impede his own jurisdiction! And he defends his own rights and privileges as a landlord, he will not do any harm to the County, but neither to the nobiliary liberty, because he is also personally nobleman...*"⁶⁵ In his letter dated from 18th of April, István Koháry returned thanks for Esterházy's righteous decision,

⁶³ MNL OL P 2257, 667th unit, 7th item, B, fol. 144–145, (Koháry István (1649–1731) levelezése), letter of the General Assembly of Novohrad County to Pál Esterházy (Fil'akovo, 11th of March, 1680).

⁶⁴ MNL-OL P 125, 4706th roll № 2780, (Eszterházy Pál nádor iratai), István Koháry's letter to Pál Esterházy (Fil'akovo, 14th of March, 1680).

⁶⁵ MNL OL C 1057th roll № 718, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), Pál Esterházy's letter to the noblemen of Novohrad County (Eisenstadt, 27th of March, 1680).

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then, rousing on the momentary success, he inquired about the eviction of that properties which had been encroached upon by the noblemen.⁶⁶

The standing of the noblemen ocularly gained strength by the autumn of that year, because István Koháry had to apologize in his letter dated from 4th of October, 1680, what was the reason of the complain of the county noblemen. (This letter consisted of the listing of the disagreements caused by the wine-licence and the above-mentioned injuries.) Besides, the General-Captain spoke of the noblemen’s praiseworthy attitude showed during the siege of 1678 in high terms: “...*As the Kurucs arrived next to the Border Castle, threatened and started to siege, the noblemen comported themselves bravely and heroically, and displayed their loyalty to the Sovereign, what I have reported duly to the Aulic War Council...*” And he sadly realised that the noblemen (despite his praise) did not cease the hostility, and sent a delegation against him to the Aulic War Council, to the Chief Judge, moreover, wanted to appeal to the Sovereign, “...*continuously thinking and conspiring about angling me as initiator of the quarrelling and destructor of the nobiliary liberty, and are quite decided about carrying out, offering even 10,000 Thalers for this purpose...*”⁶⁷ The noblemen really swung into action: firstly, Mihály Tassy and Gáspár Csemiczky County Notary saw Pál Esterházy about representing the injuries of the county. At 14th of October, the magnate ordered István Koháry up to Šintava, asking him that he would bring older people with himself, together with the original book of the wine-licence, “...*so as the donation shall to be examined and I shall clearly ascertain the facts, and the disagreements shall be ceased and the tranquillity shall be remedied in the best possible way...*”⁶⁸

In the threatening air of the recrudescing Thököly Movement, when there would be a need for common accordance, neither the two parts did not want to aim at entering into a composition. In his letter dated from 27th of April, 1682, Pál Esterházy exhorted the noblemen dwelling and settled in Fil’akovo to try to live in amity with the border soldiers, because that would be required “...*for the sake of either the commonweal, or the advancing of the loyal service toward His Majesty, Our Lord...*”. If they would not make attempt to the concordance, he provided for stricter measures.⁶⁹

⁶⁶ MNL OL P 125, 4706th roll № 2783, (Eszterházy Pál nádor iratai), István Koháry’s letter to Pál Esterházy (Fil’akovo, 18th of April, 1680).

⁶⁷ In the same place, № 2791, (Eszterházy Pál nádor iratai), István Koháry’s letter to Pál Esterházy (Fil’akovo, 4th of October, 1680).

⁶⁸ MNL OL C 1287th roll № 14287, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), Pál Esterházy’s letter to István Koháry (Šintava, 14th of October, 1680).

⁶⁹ MNL OL C 211th roll № 1648, (ŠABB, Rodový archív Coburg-Koháry, Pars IV.), Pál Esterházy’s letter to the noblemen of Fil’akovo (Vienna, 27th of April, 1682).

Surely, the Palatine would not be pleased by the fact that he had to give orders to István Koháry in the very last minutes before the threatening siege to avert the noblemen's insidious "thrusts"⁷⁰, albeit the country was about to be in catastrophe, and maybe the General-Captain might receive the Palatine's letter together with the information about capture of Košice and the approaching of the Turkish–Kurucian troops to Fil'akovo.

Finally, it is stated that the county noblemen always endeavoured to separate the military jurisdiction and the civil jurisdiction from each other, as they thought derogatory that the local military court (in Hungarian: *seregszék*) and the territorial military court (in Hungarian: *hadiszék*) impaired those cases which for the county court would be competent. As the mentioned military courts arrogated the jurisdiction about the property cases several times, and examined not only the abuses committed by the civil inhabitants against the military regulations. So they really endeavoured to separate the two type of jurisdiction from each other, and continued a permanent "juridical struggles" for decades to carry on, and the taking in effect of the law 41 of 1567 and the law 6 of 1588 displayed very well this process, moreover, the law 81 of 1649 categorically declared that the military judges would bring in a verdict only in military cases, and, by all means, had to stand clear of the decisions concerned with the noblemen's property and distraintment cases, because they fell within the cognizance of the county jurisdiction.⁷¹ But the military judges did not take that into consideration for the most part. If the General-Captain or the Commander of the border castle were also present in the practitioner of the jurisdiction as a landlord, he took care of his own interests, and mostly counteracted the county judges' decisions, and ordered the military court (which was regarded as an "authentic official chamber/audit-house" (in Hungarian: *hiteleshely*) in property cases) to administer justice, neglecting the competence of the county.⁷² Not to mention that the county magistrates had no armed summoners or any attendants to enforce the county law, as the border soldiers could be used as police forces in the whole county.⁷³ They would just exclaim against the injuries on the Diet sessions, or would express their dislike toward the border soldiers by

⁷⁰ MNL OL P 2257, 667th unit, 7th item, B, fol. 125–126, (Koháry István (1649–1731) levelezése), Pál Esterházy's letter to István Koháry (Šintava, 17th of August, 1682).

⁷¹ CORPUS Juris Hungarici 1608–1657. Budapest: Franklin-Társulat Kiadó, 1900. s. 563.

⁷² VARGA J., János: *Szervitorok katonai szolgálata a XVI–XVII. századi dunántúli nagybirtokon*. (Értekezések a történeti tudományok köréből — Új Sorozat, 94. kötet). Budapest: Akadémiai Kiadó, 1981. s. 152–153.

⁷³ PERJÉŠ, Géza: *Zrínyi Miklós és kora*. Budapest: OSIRIS Kiadó, 2002. s. 74.

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means of the above-demonstrated scale of attitude interchanging from resistance to aggressiveness.

III. When the disagreements almost caused homicide...

As we can see previously, besides the simple annoyances and the smaller-bigger juridical rivalries, it might occur that scrimmage came to blow between the bondsmen and the border soldiers, and there were casualties from both parts. But it was very rare that nobleman taking up arms would attack on the life of the Deputy-Captain of Fil'akovo.

Because it really happened so. Menyhért Ebeczky, who was magistrate member in more counties, designedly wanted to kill Pál Bélteky on 31st of May, 1678, on Whit Monday. István Koháry informed Pál Esterházy about the horrible and scandalous event in his letter dated from 2nd of June: “...*The day before yesterday, the mentioned Deputy-Captain [=Pál Bélteky] went for a walk together with László Kubinyi and having had speech with other people which among Menyhért Ebeczky was there, too. During the conversation, the nobleman execrated and damned the Deputy-Captain with hideous and awful curses, and not being satisfied with that, he went home, saddled his horse, mounted on it, armed with his loaded rifles and his sharpen-dagger, rid out of the city gate, and barred Bélteky's way, shouting loudly, at the top of his voice, that he intended to kill him. Bélteky and Kubinyi were calmly walking toward the gate with no any sword, axe and mattock, and not far from the gate, they met over the way with Ebeczky, who fired at the Deputy-Captain's breast, and if Kubinyi did not yank him aside, Bélteky would be awfully killed by Ebeczky's shoot...*” Anyway, the bullet pierced the Deputy-Captain's garment, and also penetrated into his batman's clothing being behind Bélteky. Ebeczky was pulled down from his horse by other soldiers and began to lather. Certain noblemen also meddled into the brawling, made a dash at the soldiers being busied with Ebeczky's thrashing, and they broke the head one of the soldiers. At last, the raging Ebeczky were curbed and made him confined by István Koháry, but his helpers were released. But wanting to meet his commitment, István Koháry informed Pál Esterházy about the incidence, asking him that he would make a decision about Ebeczky's case as fast as he could, because that “...*should cause the detriment of the border castle...*” and so as the “...*same internal affairs destroying the tranquillity should be entirely wound up in the future...*” István Koháry argued out that the superior's intervention would be necessary, as the noblemen right away had sworn revenge against him. The General-Captain also became aware of that several counties had made a promise about combining against him. He would not release Ebeczky from the prison, until Esterházy's

order would not arrived to him, but for the aim of the investigation of the background of the case, he would sent Mihály Dúl Military Judge of Fil'akovo to the General.⁷⁴

Mihály Dúl, on his way to Vienna, had come round to Pál Esterházy and orally had informed him about the Ebeczky-case. The General had approved and had applauded the arresting and detention of the nobleman committing violence — reported the military judge to Koháry. Then he wrote about that he had arrived to the Imperial Capital, where he immediately had seen Ádám Forgách Chief-Judge about. According to the magnate's opinion, István Koháry had fallen into error when “...*Menyhért Ebeczky had been arrested in his own home, for hours later, after the action...*”, and the General-Captain had damaged his nobiliary liberty, and an attachment might as well issued against his properties, unless he would tend to mitigate Ebeczky's punishment, as that document would be already planned to be drafted. Mihály Dúl also wrote to Koháry that he would personally appeal to the Aulic War Council for the case — by the order of the General-Captain —, but he would wait for arriving of Pál Esterházy to Vienna, who offered his patronage.⁷⁵

We can come to know about the further developments from Mihály Dúl's letter dated from 21st of June. While he was writing, the conference just when took place about the case of Menyhért Ebeczky on which took part the highest public and ecclesiastic dignities of Hungary: Ádám Forgách, Chief-Judge of Hungary; Pál Esterházy, General of the General-Captaincy of the Mining Towns; Miklós (IV.) Pálffy, Master of the Doorkeepers and Guardian of the Holy Crown of Hungary; George Illésházy, Master of the Royal Cuisine; János Draskovich, High Steward; István Zichy senior, Chairman of the Hungarian Chamber and the Spiš Chamber; György Szelepcsényi, Archbishop of Esztergom; György Széchényi, Archbishop of Kalocsa. According to some spread information, Dúl thought so that the assailant might be released by fining a sum of 1,700 Forints, but his case would be come on for trial at the territory military court of Pál Esterházy at Šintava. Mihály Dúl also informed Koháry that Pál Esterházy called him to himself at 7 o'clock morning and read the letter of complaint of Novohrad County. This letter contained those abuses committed by the border soldiers in Fil'akovo and caused the injuries against the nobiliary liberty: they penetrated into noblemen's own house by arms; made a dash at a nobleman by arms; a bondswoman was dragged out of the own landlord's house; appropriated lot of horses from the nobiliary

⁷⁴ MNL OL P 125, 4706th roll № 2756, (Esterházy Pál nádor iratai), István Koháry's letter to Pál Esterházy (Fil'akovo, 2nd of June, 1678).

⁷⁵ MNL OL C 1057th roll № 693, (ŠABB, Rodový archív Coburg-Koháry, Pars I.), Mihály Dúl's letter to István Koháry (Vienna, 17th of June, 1678).

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possessors. Mihály Dúl promised that he informed Koháry orally about the developments of the case, when he would return to home.⁷⁶ János Borsics, Land-Stewart of the Koháry Family, also informed the General-Captain about the noblemen’s same accusations against him.⁷⁷

Soon the Aulic War Council became aware of the incident, firstly from István Koháry, later from Pál Esterházy’s letter dated from 14th of June. The military councillors took cognizance of the serious disagreements between Pál Bélteky and Menyhért Ebeczky, but momentarily they were not able to make a definitive decision, as either the military or the civil tribunals would be applied for the examination, moreover, the complexity of the case needed longer consideration before the final verdict. So the military office would make a proposal that the case of Menyhért Ebeczky would be placed on the agenda of the Gubernium’s following session, and on the trial day, for the sake of the equality before the law for both part, not only Pál Esterházy, but also the county nobleman would have to come up before the Court.⁷⁸

The Magistrate of Heves and Külső-Szolnok County felt prompted to protest not only for the derogations of the nobiliary prerogatives, but also for the fact that Ebeczky was one of the noble judges (in Hungarian: *szolgabíró*; in Latin: *iudex nobilium*) of the county and the electing assembly of the Magistrate Officers (in Latin: *sedes restauratoria* or *electitia*) just would be due. So, at the 1st of June, the County had written a letter to the Lord-Lieutenant, Ferdinánd Pálffy, who was simultaneously the Bishop of Eger. According to the request of the Magistrate, the Lord-Lieutenant had written a letter to Tamás Pálffy, Chancellor of the Hungarian Court Chancellory at 17th of June. Ferdinand Pálffy had drafted what had happened in Fil’akovo, declaring that the two military leaders of the garrison “...caused the enormous detriment and grievous injury of Our Nobiliary Liberty which was acquired by Our Ancestors with blood, sweat and

⁷⁶ In the same place, № 694, Mihály Dúl’s letter to István Koháry (Vienna, 21st of June, 1678).

⁷⁷ MNL OL C 1294th roll № 15431, (ŠABB, Rodový archiv Coburg-Koháry, Pars V.), János Borsics’s letter to István Koháry (Fil’akovo, 10th of June, 1678).

⁷⁸ MNL OL P 125, 4731st roll № 8779, (Eszterházy Pál nádor iratai), letter of the Aulic War Council to Pál Esterházy (Vienna, 22nd of June, 1678): „...*Ex Litteris Illustrissimæ Dominationis Vestræ de decima quarta Junij ad nos datis informationeque Domini Supremi Capitanei Filleckiensis nobis desuper scriptotenus transmissa intelleximus quales non ita pridem, inter Dominum Vice Capitaneum Filleckiensem et quendam eiusdem Loci nobilem differentiæ contigerint, quæ cum altioris indaginis sint, negotiumque hacce ex parte memorati Domini Vice Capitanei forum quidem militare, quo ad nobilem vero polliciticum concernat.*

Ideo consultum duximus Inclytum Gubernium Regium requiri, quatenus præfatum nobilem haud gravatim in medium sui citare vellet, ubi non minus in Illustrissimæ Dominationis Vestræ præsentia, et antelatus nobilis comparere, sicque amborum partium causa levare ac deinde pro re nata decidi posset, quod Illustrissimæ Dominationi Vestræ responsi loco celari noluimus...”

tears and also sealed by their heroic death and loyal service toward the Austrian Royal House...”, and he had asked the Chancellor to issue an order to István Koháry to immediately released Menyhért Ebeczky out of the prison. At 28th of June, the Bishop–Lord Lieutenant informed Heves and Külső-Szolnok County about his arrangements, he calmed the Magistrate not to be worried about the election, because it would be adjourned due to the yearly repeated offensive of the Kurucs. The Lord-Lieutenant entrusted the further negotiations about the Ebeczky-case to the County Magistrate, and if they would need for any assistance, he would travel to Vienna in a month, and he might as well introduce the case before to the Sovereign, if it would be need.⁷⁹ The letter of the Lord-Lieutenant was read before the General Assembly held at 6th of July, and the County replied even on that day to Ferdinánd Pálffy. The Magistrate informed him that István Koháry was disinclined for the release of the Noble Judge out of the prison, until he would not receive Pál Esterházy’s order. He had set the condition of Ebeczky’s release, and would not want to decline from those. So the County asked Pálffy that he would use his credit in the County’s favour in Vienna.⁸⁰ Soon the Lord-Lieutenant informed the County the he had entered into relations with Pál Esterházy, and had wrote a new letter to the Chancellor for issuing the licence for taking evidences. Pálffy also wrote a letter to István Koháry for releasing Menyhért Ebeczky, and promised the county Magistrate, if the nobleman would not be released in a little while, he would really apply to the Sovereign for legal remedy.⁸¹

Both the letter to Pál Esterházy and to the County was dated from the same day. It was written by Ferdinánd Pálffy in that mentality what the county had transmitted about the case, and he was still certain of innocence of Ebeczky. He developed Esterházy that the further debates could be solved only in one way — with releasing of the Noble Judge, but István Koháry was still disinclined to that, and he also personally declared at the General Assembly of the Heves and Külső-Szolnok County held at 6th of July. In the high priest’s opinion, each person and public office taking part in that case would gain solace, if the General would make an order to the General-Captain of Fil’akovo for the releasing of Ebeczky within few days, because the Bishop tended to become impatient, and in the course of his

⁷⁹ MNL HML IV-1/b, 5th box, 1678:50., Heves és Külső-Szolnok vármegye közgyűlési iratai, Ferdinánd Pálffy’s letter to the Magistrate of Heves and Külső-Szolnok County (Suchá nad Parnou, 28th of June, 1678).

⁸⁰ MNL HML IV-1/a, 5th volume, 338., Heves és Külső-Szolnok vármegye közgyűlési jegyzőkönyvei (Fil’akovo, 6th of July, 1678).

⁸¹ MNL HML IV-1/b, 5th box, 1678:54., Heves és Külső-Szolnok vármegye közgyűlési iratai, Ferdinánd Pálffy’s letter to the Magistrate of Heves and Külső-Szolnok County (Suchá nad Parnou, 16th of July, 1678).

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hithermost staying at Vienna, he would request audience from the Sovereign and report that unprecedented case, which would be done by him as a Lord-Lieutenant for the sake of the reputation of his county.⁸²

Meanwhile, Menyhért Ebeczky sent an application to György Szelepcsényi, Archbishop of Esztergom (who was the Governor of Hungary until the legal occupation of the Palatine Office), in which he asked intervention for his release, and the further information would be told by Tamás Ebeczky, handing the petition over to the Archbishop. The imprisoned nobleman openly overtook the legal proceedings, even after his release: “...I do not run away from the jurisdiction at all. If my appearance before the Sovereign will be needed, I will take the road to His Majesty in this miserable and wounded physical state of mine...”⁸³

The conference of the Hungarian dignitaries could not make any decision worthily, so (as it was proposed by the Aulic War Council earlier) the final arrangement was devolved upon the Gubernium. But for being appealed to the Gubernium, the first condition was the noble-born Menyhért Ebeczky's release, so Pál Esterházy immediately ordered István Koháry to fulfil that. The General wrote with a slight resentment to Koháry that the General-Captain must have disposed of the release earlier, and Esterházy suggested him to try to persuade the two opponent main characters of the case for the mutual reconciliation.⁸⁴ Imre Koháry being in close attendance of the General of the General-Captaincy of the Mining Towns, also suggested his elder brother to release Ebeczky out of the prison for the reason of the quicker remedy of the case.⁸⁵

Finally, István Koháry accepted the benevolent advices, and released the nobleman out of the prison, as it was turned out from Pál Bélteky's letter.⁸⁶ At 1st of August, Menyhért Ebeczky re-establishing into his Novohrad County office, as a Second-Deputy-Lord Lieutenant [= *substitutus vice comes*] ordered the dwellers of a village to fulfil the usual teind.⁸⁷

⁸² MNL OL P 125, 4708th roll № 3435, (Eszterházy Pál nádor iratai), Ferdinánd Pálffy's letter to Pál Esterházy (Suchá nad Parnou, 16th of July, 1678).

⁸³ MNL OL P 125, 4722nd roll № 6952, (Eszterházy Pál nádor iratai), Menyhért Ebeczky's letter to György Szelepcsényi, Archbishop of Esztergom (undated, but based on contexts written in the dungeon of the Fortress of Fil'akovo during June and July, 1678).

⁸⁴ MNL OL C 1287th roll № 14262, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), Pál Esterházy's letter to István Koháry (Šintava, 22nd of July, 1678).

⁸⁵ MNL OL C 1058th roll № 977, (ŠABB, Rodový archív Coburg-Koháry, Pars I.), Imre Koháry's letter to István Koháry (Šintava, 25th of July, 1678): „...*Vestra Dominatio Ebeczkium dimittat ne in disgustum incidat et viveat ut possint conalnire valde laudabilem rem facturus...*”

⁸⁶ MNL OL P 125, 4701st roll № 1213, (Eszterházy Pál nádor iratai), Pál Bélteky's letter to Pál Esterházy (Fil'akovo, 30th of July, 1678).

⁸⁷ MNL OL G 12, XII.1., 2nd box, fol. 196–197, (a Thököly-szabadságharc levéltára — Levélek (1672–1691)), letter to an unknown village subscribed by Mihály Dúl, Menyhért Ebeczky and Ferenc Sótér (Fil'akovo, 1st of August, 1678).

(Thus, Menyhért Ebeczky also had a county magistrate office in Novohrad County. His county firstly protested for his release in a letter written at 6th of June to Pál Esterházy, in which they listed another abuses against the noblemen of Novohrad committed by István Koháry and Pál Bélteky.⁸⁸ That was the letter mentioned by János Borsics and Mihály Dúl. Then Novohrad County requested Menyhért Ebeczky's release again.⁸⁹)

But the case went on. According to the earlier requests, Ádám Forgách Chief-Judge of Hungary issued the licence for taking evidences [compulsoria mandatum] to Novohrad County. The Magistrate questioned thirty-one witnesses between 3rd and 18th of August. After the entire examination of the evidences, we can find the following statements. 1. All of the evidences check up with the fact that Menyhért Ebeczky was overtaken with drink when he began to taunt with Pál Bélteky for a horse in a wine cellar outside the walls, and his servants had to pull him out of that place. 2. Menyhért Ebeczky intentionally attempted Pál Bélteky's life. His crime was twofold: firstly, he cursed and damned the Deputy-Captain with the most hideous words according to the contemporary morality; secondly, he wanted to kill him by all means, which was turned out from the fact that he loaded two rifles, also took a sharpen-dagger along. He was stopped three times (by the gate of his house, when his wife was beseeching him and by the gate of the border castle), and Ebeczky did not want to give his murderous intent up at all, for which there is no excuse that he was overtaken with drink. After the fail of his first attempt, he wanted to stab Pál Bélteky with the sharpen-dagger, and when he was taken home, all the night he was cursing and damning, while was always shouting about Bélteky's killing. 3. Showing an unbelievable tolerance, Pál Bélteky did not argue with the taunting nobleman, he did not take Ebeczky's cursing into consideration. And when he was pulled away by László Kubinyi, and he dodged the bullet, he ordered his servants to take care of Ebeczky's life during the brawling. 4. The each of noble-born persons or their dependents affirmed that Ebeczky was continuously cursing and damning, but the events of the attempted murder were told by them on several and different ways, as some confessed that the rifle was turned up skywards and fired only accidentally. Others reported that Pál Bélteky raised a cane at the nobleman (and by still others, he punched with it on his head, too). Several witnesses intentionally obscured the truth.⁹⁰ But taking all the evidences into consideration, wil-

⁸⁸ MNL OL P 125, 4713th roll № 4622, (Eszterházy Pál nádor iratai), Novohrad County's letter to Pál Esterházy (Fil'akovo, 6th of June, 1678).

⁸⁹ In the same place, № 4623, Novohrad County's letter to Pál Esterházy (Fil'akovo, 18th of July, 1678).

⁹⁰ MNL OL C 1277th roll № 12797, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), the minute of evidences of the Ebeczky case taken by the Magistrate of Novohrad County

“...It is impossible to endure the above mentioned serious matters and grievous injuries...”

fulness can be seen in Ebeczky's behaviour and he did not want to show no signs of repentance about his deeds.

Ferdinánd Pálffy received the letter of his county dated from 3rd of August, urging the re-election⁹¹, but in his reply, he expressed his very displeasure, as it turned out of the evidences that Menyhért Ebeczky was responsible for the whole awkward incident. Pálffy was mainly piqued at the magistrate members that they stated Ebeczky as innocent person, and dissembled essential information, and due to that, he fell into discredit before the higher authorities. So he would not continue taking part in the case before the Gubernium and refused the further patronage of the Noble Judge.⁹²

At 10th of September, Pál Esterházy advised Koháry of Bélteky's and Ebeczky's summoning to Bratislava for the trial fixed at 17th of September to the office of the Gubernium. The General benignly suggested the unconciliated persons to enter into a composition amicably with each other, moreover, he asked Koháry to exhort them to do that, because if they would not agree with each other at all before the Gubernium, then the case would be placed to the Diet's agenda, and that would be very shameful for both of them before the whole Hungarian estates. Esterházy also wrote about that he would not be present at the trial because of his travelling to Vienna, but he requested the Gubernium that the trial would be postponed by few days as far as possible.⁹³

The Gubernium reprieved one day, but Pál Esterházy did not travel to Vienna, and he met with Mihály Dúl being on behalf of Pál Bélteky and Menyhért Ebeczky so as to enter into a composition amicably on the formerly fixed date. The military judge reported István Koháry about the meeting so: “...we arrived to Eisenstadt at 17th of September, and visited Our Lord of General. Soon Menyhért Ebeczky also arrived and Our Lord of General made us reconcile with each other. The circumstances and conditions of its reconciliation I will orally report to Pál Béteky when I will be back to Fil'akovo. He will have wanted to arrange the

(Fil'akovo, 3rd–18th of August, 1678). — The minute of evidences is fully worked out in this place: KOMJÁTI, Zoltán Igor: *Amikor az ellentétek kiéleződnek...A Füleken lakozó végvári katonaság és nemesség viszonya két tanúvallatási jegyzőkönyv tükrében Koháry István főkapitányságának korából (1667–1682)*. In: Neograd 2013 (a Dornay Béla Múzeum Évkönyve, XXXVII., szerkesztette: Balogh Zoltán és Fodor Miklós Zoltán): Salgótarján, 2015. s. 88–100.

⁹¹ MNL HML IV-1/a, 5th volume, s. 343., Heves és Külső-Szolnok vármegye közgyűlési jegyzőkönyvei (Fil'akovo, 3rd of August, 1678).

⁹² MNL HML IV-1/b, 5th box, 1678:67., Heves és Külső-Szolnok vármegye közgyűlési iratai, Ferdinánd Pálffy's letter to the Magistrate of Heves and Külső-Szolnok County (Suchá nad Parnou, 27th of August, 1678).

⁹³ MNL OL C 1286th roll № 14217, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), Pál Esterházy's letter to István Koháry (Eisenstadt, 10th of September, 1678).

case before the Gubernium, but now, when the reconciliation has been occurred, it is not needed..."⁹⁴

Pál Bélteky sent a document to Pál Esterházy for the reconciliation meeting, in which he declared that he forgave Menyhért Ebeczky and felt disposed to the agreement for only the following reasons: 1. He did not want to be blamed for appealing to the Gubernium against any nobleman for several times. 2. The type of the recent case (also according to the consuetude) was under the cognizance of General Pál Esterházy, thus Pál Bélteky did not want to appeal to another juridical court. The Deputy-Captain of Fil'akovo, as a claimant, formulated his conditions in five points. He declared in the first point, he would forgive Menyhért Ebeczky only when, then the nobleman would tender his apologies for the attempted murder and the hideous cursing, firstly before Pál Esterházy, and after his return to the border castle, before the Magistrate of Novohrad County. If he would be disinclined to do that, a fine of 100 Forints would be imposed on him. According to the second point, Menyhért Ebeczky would swear an affidavit that he would not commit similar atrocity never more in the royal border castle. If he would break his words, he would be punished by decapitation. In the third point, Bélteky asked the nobleman to give 300 Forints to his legal expenses, but not for his own sakes, as Bélteky would offer this sum for the purposes of the Catholic Church. He added: the paying of the desired sum simultaneously might alleviate the Lutheran Ebecky's moral sense. The fourth point abolished the fact of Ebeczky's staying in the prison, but on the other hand, the nobleman would not haul any person up for Bélteky's helping during the brawling. But Bélteky would reserve the right in the fifth point, that he would call Ebeczky's compeers into account for their deed at all times.⁹⁵

Pál Bélteky also informed Koháry about the agreement, but not personally, as he stayed at furlough for a while, and put the forwarding in the care of Koháry's younger brother, Imre, who sent the Deputy-Captain's letter to Fil'akovo in the beginning of October.⁹⁶

⁹⁴ MNL OL C 1057th roll N^o 699, (ŠABB, Rodový archív Coburg-Koháry, Pars I.), Mihály Dúl's letter to István Koháry (Bratislava, 21st of September, 1678).

⁹⁵ MNL OL P 125, 4717th roll N^o 5642, (Eszterházy Pál nádor iratai), Pál Bélteky's agreement project to Pál Esterházy (undated, but on evidence of its content, it was written in September, 1678).

⁹⁶ MNL OL C 1000th roll N^o 4683, (ŠABB, Rodový archív Coburg-Koháry, Pars V.), Imre Koháry's letter to István Koháry (Eisenstadt, 2nd of October, 1678): „...*Per Dominum Vice Capitaneum hic nuperam in Dominum Ebeczki existentem inservivissem litteris Vestrae Dominationis, verum certe dormiebam dum abire voluissent, excitatur ab jisdem vix per eosdem salutem transmittere poteram...*”

“...It is impossible to endure the above mentioned serious matters and grievous injuries...”

SUMMARY

It can be seen that the “source” of the disagreements between the border soldiers and the county nobleman was not only the existential matter of life and death, with which the both parties tried to assert their own rights, but in the depth of the problems, we can find a farther, psychological and ideological segment. Namely, the border soldier expected himself to be supplied and provided against his military service, and all the actions of the noblemen aiming a blow at his authority and hurting his rights and supplying, he found injurious and degrading. Because, according to the mentality of the border soldier, he was a member of a free and impeccable college, having rich traditions in virtues and military experiences, which was retained its reputation almost on the example of the guilds, and last but not least, he had freedom. Because he was different from the bondsman, belonged to an upper class, and due to this, he also had self-respect, even if it was manifested negatively in the contempt and “exploitation” toward the peasantry. But the border soldier was lesser than a nobleman who wanted to live with curtailing his liberty. Namely, the nobleman imperilled those liberty rights of him had been fighting out earlier: exemption from the *corvée*, *teind* and other talliages; the acquiring of the wine-licence and the butchery law; and the accepting from the landlords that the bondsman-originated persons would be enlisted. The border soldier especially resented that the nobleman also brought down the peasantry’s wrath on him.⁹⁷

And practically there was no solution. The function of the Country is characterised as a “vicious circle”, of which the get-out was not possible, and its effect increasingly pushed it toward the final perdition. When the county took the upper hand in the juridical struggles, the border soldiers suffered, mainly they were not supplied and provided, and the border defence was damaged due to the demoralisation, and as a further consequence: the desperate soldiers began to prey, made a dash at the villages and settlements for their providing and living. And on the reverse situation (when the border soldiers overcame) the effect was the same: due to their “free acquiring”, the noblemen and the peasantry (the main taxpayer) were disprofited, and were not able to pay the state taxes, from which the border soldiers would come in for in the long run. So the border soldiers would be unpaid again after a while, and he would be compelled to acquire food and horse-feed from the civil settlements again. This was a really “vicious circle”, and neither the function of the Country, nor the border defence system turned that to good account.⁹⁸

⁹⁷ PERJÉS, Géza: *Zrínyi Miklós és kora*. Budapest: OSIRIS Kiadó, 2002. s. 74–76.

⁹⁸ In the same place, 72.

Zhrnutie

„...Je nemožné vydržať uvedené ťažkosti a vážne zranenia...“ Nedorozumenia medzi hlavným kapitánom Fil'akova Štefanom II. Kohárom a šľachtou (1667 – 1682)

V 17. storočí bolo Fil'akovo nielen základňou kráľovskej posádky, ale pevnosť bola zároveň sídlom troch stolíc: Novohradskej, Peštiansko-Pilišsko-Šoltskej a Hevešskej, ako aj Solnockej, ktoré tam ustúpili pred Osmanmi. Na základe zdravého rozumu a praktického úsudku by sme sa mohli domnievať, že vzájomná závislosť, národný záujem a vlastenecká spolupatričnosť prinesú súčinnosť medzi pohraničnými vojakmi a šľachtou. Strohou skutočnosťou však bolo, že sa nevedeli dohodnúť: vzájomné obviňovanie, nezhody, ukrutnosti, ostré výmeny názorov – občas s úmyslom zabiť – charakterizovali vzťah fil'akovských vojsk a šľachty sídliacej alebo dočasne sa zdržujúcej na pohraničnom hrade. Hlavným problémom bol nedostatok zásob pre vojsko. Keďže pohraniční vojaci nedostávali zásoby, obstarávali si potraviny a tovar potrebný na živobytie a oblečenie z blízkyh dedín v stolici, čo bolo často násilné. Stolícnej šľachte veľmi ublížili útoky vojakov, ktoré im nielen sťažovali živobytie, ale považovali to za ponížovanie svojich dávnych šľachtických práv a ich posvätnosti, čo nemohli tolerovať. Šľachta tak musela obmedziť výsady fil'akovských pohraničníkov, čo nemohla zniesť ani druhá strana. Vojná medzi dvoma spoločenskými vrstvami, ktoré sa považovali za privilegované, sa odrazila v právnych debatách: Kto má obviňovať a potrestať vinných a zadržaných pohraničných vojakov? Kto má právo volať na zodpovednosť a potrestať vinných zadržaných vojakov? Koho právomoc je silnejšia a v akom prípade? Stolice Heveš a Solnok posielali svojich zástupcov buď spolu s inými stolicami, alebo samostatne k Pavlovi Esterházymu, Františkovi Nádaszymu, potom od roku 1670 ku krajinskému sudcovi Adamovi Forgáchovi, ale svoje sťažnosti mohli predložiť aj cisárovi. Druhá línia konfrontácie medzi oboma stranami sa prejavila v použití násillia. V dôsledku vzájomného konfliktu sa vojaci k ľuďom správali hrubo, pričom obyvatelia dedín na podnet zástupcov stolice sa neovládali, keď zadržali vojaka. Takto často dochádzalo k ľudským obetiam. Keď osoba šľachtického pôvodu spáchala ukrutnosť, bez ohľadu na to, aké závažné to bolo, zabobchádzali s ňou opatrne a súd bol veľmi pomalý. Ukazuje to prípad Melichara Ebeczkého, zástupcu veliteľa Novohradskej stolice a šľachtického sudcu Hevešskej a Solnockej stolice z roku 1678.