



## Wine-Growers and Vineyard Tenants in Hungary in the Middle Ages

Gábor Béli

University of Pécs, Faculty of Law  
E-mail: beli@ajk.pte.hu

**Abstract.** Viticulture and wine-production were of significant importance even in the economy of the Middle Ages. Wine-growers carrying out economic activity, formed a special group amongst servants being under the obligation of the owner of the land. Permanency of their title, furthermore their services and benefits arising from this special type of economy also indicate this. Wine-growing established special contractual relationships, too. Lease, lease of usage of vineyards bore the speciality of viticulture. These contracts were frequently concluded by owners with lessees aiming the planting of grapes, who – as a result of their investments – took over the lands put at their disposal usually for an indefinite term and also acquired rights on these lands based on agreements, further their male descendant heirs inherited the lease right according to the contractual terms. In most cases in the 13<sup>th</sup> century, vineyards were leased by members of privileged *hospes* communities. According to the contract between the lessor and the *hospes*, *civis* tenant, the latter has the obligation to pay rent in return for getting the profits of the vineyard. Further the tenant – as a consequence of his legal status and in lack of other stipulation – had other obligations, too, arising from his economic activity, among others the payment of the *decima*. On the territories under the jurisdiction of their *hospites*, *cives* communities, the members also planted grape if the land was suitable for this. From the 14<sup>th</sup> century, tenants planting grape were mostly serfs, who, further to the payment of the rent fee, were obliged to pay taxes, to deliver some kind of gifts after the profit of the vineyard and the wine produced.

**Keywords:** wine-growing, Hungary, Middle Ages

### I. Viticulture in Medieval Hungary

Viticulture in Hungary, in the Pannon area, goes back almost 2000 years. The deeds born after the establishment of the Christian kingdom, in the 11<sup>th</sup> century mention vineyards, their owners and wine-growers for the first time. The founding deed of the Abbey of Pannonhalma in 1055 mentions 20 wine-growers of the

abbey. Their number is significant in comparison with the number of other group of people such as ploughmen, cavalry servants, fishermen, stablemen, herdsman, shepherds and swineherds (*'sunt igitur aratra XX cum LX mansionibus, vinitores cum vineis XX, equites XX, piscatores, agasones V, bubulci III, pastores ovium III, subulci II, [...]'*). Certainly, the 20 wine-growers meant 20 families, households (*mansiones*), like in the case of ploughmen.<sup>1</sup>

András II on abbot Uros's request made palatine Pot and chancellor Tamás register the lands and people of the Abbey of Pannonhalma. In this register, finalised in 1211, 44 wine-grower families were mentioned in 7 towns of Zala, 4 towns of Somogy and 1 town of Tolna county. In Zala county most wine-growers lived in Aszófő, 17 men in 9 families, while in Somogy the number of wine-growers was the greatest in Török, namely 21 men from 8 families.<sup>2</sup>

The register of the Abbey of Pannonhalma, from 1093, the time of Ladislaus I of Hungary, compiled the donation from Stephen I of Hungary, his heirs, princes, dignitaries of the Church, bailiffs and others to the Church and the lands, people and services of the Abbey, it mentioned 88 wine-grower families.<sup>3</sup> Before the Mongol invasion of Hungary (1237–1240), Albeus canon of Esztergom, archdeacon of Nyitra registered the land, people and services of the Abbey on the order of Béla IV. At this time the Abbey had in Győr county, in Alsók 57, in Semjénecsuka 30, in Örkény 28, in Ság 20, in Perecse 13, in Écs 10, in Nyúl 8, in Ravaszd 3, in Tényő and Csé 1 wine-growers, or rather wine-grower families. In Somogy county in Rád 10, in Ölyvös 5, in Endréd 2, and in Fér 1 wine-grower family served the Abbey of Pannonhalma. In Zala county, along the river Zala, Albeus reported on 6 families, designated by the name of ploughmen and wine-growers (*'in eodem comitatu de Zala iuxta fluvium eiusdem nominis [...] habet [namely monasterium] servos aratores et vinitores VI mansiones cum filiis et cognatis'*). The number of registered wine-grower families was 197 all together.<sup>4</sup>

In a royal letter dated 3 September 1138, Béla II ordered the registration of the land's servants and their obligations to the church of Dömös, established

1 Erdélyi-Füßy-Sörös 1902–1908. X. 487.

2 Erdélyi-Füßy-Sörös 1902–1908. X. 502.

3 Erdélyi-Füßy-Sörös 1902–1908. I. 590. According to László Erdélyi, the register was born between 1038 and 1095. Correctly, Szentpétery 1923. I. 11. (29.)

4 Erdélyi-Füßy-Sörös 1902–1908. I. 771. The number of wine-growers is 256 in the chart divided by villages and people, prepared by László Erdélyi based on the registration of Albeus. This arose from the mistake of designating 62 families as wine-growers, while these were cavalry servants possessing plough-land, reeds, hayfields, forests and groves with royal servants, but did not have vineyard (*'in predio Hegmogos, quod alio nomine dicitur Apati, sunt sexaginta due mansiones preter parvulos et iuvenes [...] de quibus in quolibet mense duo cum uno equo suo debent tenere et custodire equos abbatis, ubicunque ipse abbas fuerit, in stabulo non in campo [in] expensis abbatis, terram autem habeant [...] ad XII aratra preter arundineta, feneta silvas et nemora et colles et pascua pecorum, que omnia sunt eis communia [...] cum udvornicis regis de predicta villa Heygmogos'*). Also according to Erdélyi, half of the 6 families living along the river Zala was ploughman and the other half was wine-grower.

by Béla's father, prince Álmos, together with the donations made by himself and his wife, queen Ilona. The church of Dömös had 18 vineyards and 14 wine grower-families in Tengőd, 10 vineyards and 20 households in Csepel and 7 vineyards and 7 households in Jaba, Somogy county. In Tolna county the number of vineyards was 10 and the number of households was 9 in Ósi, and 4 vineyards and 4 wine-grower families were in Kánya. Besides, the church of Dömös had 10 vineyards and 10 wine-growers in another village, one named Csepel, and 9 vineyards and 6 wine-growers in Vadács and Pomáz. Also the people of the village Koppány, who belonged to this church, had vineyards, but these were not mentioned in the royal letter.<sup>5</sup>

Among the donations of secular nobles establishing monasteries, there were vineyards and wine-growers. In 1157 Walfer, who established an abbey on the hill of Kűszén in Vas county donated 4 estates to the monastery. 10 vineyards with wine-growers belonged to one of these, the Gyarmat *predium*.<sup>6</sup>

From the 12<sup>th</sup> century, the testaments kept memory of numerous data about vineyards and wine-growers of secular nobles. During the reign of Stephen II (1116–1131) Acha, the noble servant of the castle of Veszprém ('*Vespremiensis joubagio*') made a will in favour of the Abbey of Pannonhalma. Acha gave a vineyard and a mill together with 4 men, of which a certain Burd was the wine-grower. During the reign of Béla II (1131–1141) András, provost of Nána, the bishop of Veszprém made a will with the permission of the king and queen Ilona, when he chose to live his life as a hermit. András left his estates in Somogy county and 38 liberated men in 3 villages, Besen, Karád and Rád, also 3 vineyards and 6 wine-growers in Rád to the Abbey of Pannonhalma. Comes Márton and his wife, Magdolna got permission to make a will in favour of their monastery in Zala county, the church of Csátár, on the occasion of the assembly held by Béla II in Esztergom in 1137. According to the letters born in 1141–1146, under the reign of Géza II, Márton left 4 ploughs of land and 4 vineyards to his wife with the condition that she would use it until her death and in case of her death or new marriage it should fall to the monastery of Csátár. Márton also left some estates for his oldest daughter, including 3 vineyards with wine-growers. Márton's wife, Magdolna also made a significant donation, including 7 vineyards and 7 wine-growers, to the abbey of Szent Péter in Csátár, for the salvation of herself, her husband and his relatives.<sup>7</sup>

In 1146 lady Színes in her last will left 5 vineyards and 5 households in village Rád for the Abbey of Saint Martin in Pannonhalma. In the same year *hospes* Fulkó, who first served prince Álmos, then Szerafin, bishop of Esztergom, then Máté, Nána, Péter, finally Pál, bishops of Veszprém, left all his properties

5 Fejér 1829–1844. II. 94.

6 Erdélyi-Füßy-Sörös 1902–1908. I. 604.

7 Wenzel 1860–1874. I. 48; Fejér 1829–1844. II. 88, 92.

in Tath to the Abbey of Pannonhalma, including 3 vineyards. When Adalbert made preparations to visit Rogerius, king of Sicilia, Apulia and Capua as an ambassador, he left 2 vineyards from his estates next to the lake Balaton with 2 wine-growers, 2 vineyards in Zala county, a wine-grower and his son, and the estate in Piriza with 4 servants and 4 vineyards to his wife in a testament around 1153 with permission of the king, the nobles of the country and his relatives. Adalbert, concerning his wife's usufruct, laid down the condition in his last will that she had to commemorate him with funerals and prayers and if she married again befitting her rank, the Abbey of Pannonhalma inherited all estates. In 1171, Benedek *comes* from Veszprém decided that 'Jesus will be the heir' of his acquired properties, except for the Moysa land, which was taken away from Moysa by the king as a punishment for robbery and given to Benedek for 2000 *bizantinus*. So he left his 9 vineyards and 2 wine-growers in Zamárd village, Somogy county, and 2 households with 9 vineyards to Saint Michael's church in Veszprém. Benedek from his inherited properties left the land named Keschen with a vineyard, forest and one servant to her daughter, together with 2 vineyards and 2 wine-growers in Kengerce and 2 more wine-growers in Ninn, in Somogy county. Likewise in 1172, Konrad decided that 'Jesus will be his heir' so he left his lands named Hecse and Csicsó with all their income to the Abbey of Pannonhalma. Konrád kept his 3 vineyards, which belonged to his land named Écs for the moment and left them to Saint Martin's church in case of his and his wife's death, while he left the rest of the land to his 4 grandchildren.<sup>8</sup>

## II. Wine-Growers

Wine-growers (*vinitor*) were under the obligation of some lord and were responsible for grape-growing and wine-production. The *vinitor* based on his legal status and situation was bound to do other services for his lord.

The royal letter of 3 September 1138, summarising the donations to the church of Dömös, registered the families of bread-giver servants in Koppány, Somogy county ('*in villa Cuppan hee sunt mansiones seruorum, qui preposito et canonicis Dymisiensis ecclesie dant panem*'). Because of the damage of the letter, 67 heads of families can be identified. Based on the damage their number could not exceed 70. These families were donated to the church together with their lands, forests and vineyards ('*Hii omnes cum terra et silva et vineis dati sunt*'). The register did not mention the wine-growers at this point, only later, in connection with the people living in villages near Koppány, who were obliged to deliver 60 butts of mead annually, except for those who were working in vineyards ('*qui habitant*

<sup>8</sup> Wenzel 1860–1874. I. 56; Erdélyi–Füssy–Sörös 1902–1908. I. 599, 602; Fejér 1829–1844. IX/7. 632; Erdélyi–Füssy–Sörös 1902–1908. I. 604.

*in villis, que sunt circa Cuppan, debent dare per annum LX cubulones marcii, sed qui laborant in vineis, marcium non dant*'). The royal letter only identified 6 heads of families from the 20 wine-growers of the church in Dömös, living in Csepel, Somogy county. About the rest, the letter only said that they are those servants, mentioned earlier, who are obliged to deliver bread to the church (*'quos prescripsimus in numero seruorum, qui dant panem'*). In the first part of the register about lands, Csepel village in Somogy county was in fact mentioned; because of the damage of the letter only 11 servants can be identified for sure.

In her last will lady Színes described the services of her wine-growers and left them to the Abbey of Pannonhalma with the condition that they would not deliver to the abbey wine and flour as the supply of priests, and they would not be forced to do other work than the cultivation of the estate and wine-growing.

In Joakim and his wife, Anglia's last will, confirmed by king Imre in 1199, in lack of heir all their property was left to Saint Michael's church, including vineyards and wine-growers. Joakim gave 1 plough land, 1 vineyard and 1 ploughman cultivating it with his wife and son in Kozmadomján, over the river Zala. He also left a wine-grower called Kozma with his free wife and son in Kál village to the church. He put 4 vineyards at Kozma's disposal and 30 Hungarian acres (= 0.57 hectares or 1.42 English acres) of land and 3 oxes for personal use. Moreover, he left 2 households, namely Kabó with his wife and son, and Kárász with his wife and 2 sons to the church. These households got a vineyard each for organising commemoration every year. Those who were obliged to present a memorial service (*exequias dantes, exequiales*, in Hungarian *torlók* or *dusnokok*) served the church and were designated by the testator for commemorating him annually on the anniversary of his death, of his funeral. The two families were obliged to deliver 80 buckets of wine under the obligation of presenting funeral. Joakim had *exequiales* in Lőrinte village, Modu with his two sons and Chopos with his 2 sons. They delivered wine from Kál with their own cart for the funerals and 1 fat ox, 1 one-year-old pig, 5 geese, 10 hens, 100 breads and 40 buckets of wine and salt according to need. Joakim's wife, Anglia left a meadow with the profit of 60 carts of hay, an orchard and a vineyard in B[e]rencs to the church of Veszprém. Two thirds of these were left to the church of Veszprém, including 2 wine-grower families, and the other third was left to 2 families, together with 4 oxes and 1 plough land with the obligation of presenting funeral. These 'torlós' had the same obligations as those in Lőrinte village.<sup>9</sup>

In his register of Pannonhalma, Albeus mentioned also 'other' obligations of the wine-growers. For example the people living in Ság, Győr county were obliged to plough for the church, while those living in Alsók village had to carry wood on their back to the court of the abbot and clean it (*'isti [...] tenentur in totam iemem portare ligna super dorsum ad domum vel curiam abbatis et purgare'*). Albeus also added that the people of Ság have this obligation because they were

9 Ipolyi-Nagy-Véghely 1873. V. 1.

all bought and donated servants (*'quia omnes sunt servi empticii et et donati'*). 28 wine-grower families had the same obligation in Örkény. Albeus in his register sometimes indicated the status of servants, for example of those living in Nyúl village, telling that they were real servants of the church (*'isti sunt veri servi ecclesie'*). Márton bailiff's wife, Magdolna also mentioned the legal status of wine-growers in her testament, among 5 wine-growers cultivating 5 vineyards in Saján 2 were unmarried servants, and 3 were servants obliged to do services (*'quorum duo serui sunt, sine vxoribus, tres vero debitores'*).

Among the sources of the 13<sup>th</sup> century, the royal letter for servants of Győr castle dated from 25 April 1240 gives more information on the legal status of wine-growers, saying that the wine-growers living in Ság, Nyúl, Tarján and Écs villages belonged to the royal people unlike the above mentioned ones.

The customary law of the 4 villages, namely that wine-growers gave two-thirds of the produced wine to the king and one third to the *comes* of Győr by family and keep the half of the rest of the wine, was changed by Béla IV, who prescribed that the households (families) should give 20 buckets of wine to the *comes* of Győr and pay 1 *pondus* (in Hungarian *nehezék* = 1/48 mark = 10 denarius) by house, collected on Saint Michael's day by the *comes buchariorum*, the officer of the king, but these wine-growers had no other obligations towards the castle. The king cancelled those debts of the people of the four villages which other people (*ceteri castrenses*) had to pay, also the bounty due to the *comes castri* and the obligation to accommodate, and also limited the obligation to accommodate the king to the strict necessities. The king regulated the jurisdiction of the *comes curialis* over the wine-growers, prohibiting him to judge over their services while acting on behalf of the *comes castri*. In these cases the *comes castri* had jurisdiction in presence of the noble servants of the castle (*jobagiones castri*). In addition, from the beginning of the 13<sup>th</sup> century, Béla IV exempted the wine-growers from the jurisdiction of judges under the *comes parochialis*. Formerly, these royal judges had jurisdiction in counties on the order of the king. These two judges, residing in every county (*judices magelas*), also named as *biloti* after their summoning seal, were placed under the power of the *comes parochialis*, the leader of the county, also the head of the royal castle of the county as *comes castri* by András II.<sup>10</sup>

As opposed to the ploughmen, wine-growers seemed to be in favoured position, though their majority was slave (*serui*) at the beginning of the 13<sup>th</sup> century. From the examined sources it is also clear that there was a distinction between servants, also verified by the existence of services other than wine-growing. Among the wine-growers the number of liberated people (*libertini*) increased from the second half of the 12<sup>th</sup> century. *Libertini* were the wine-growers who were ordered to perform services for the Abbey of Pannonhalma by the last will of lady Színes, who expressed explicitly that these wine-growers are under the

<sup>10</sup> Endlicher 1849. 448; Béli 2008. 12.

material obligation of Saint Michael's church in Pannonhalma. Those *debitores* who were left to the Abbey of Saint Peter in Csátár by Magdolna were also *libertini* under material obligation, and so was the wine-grower Kozma, with his free wife, left by Joakim to Saint Michael's church in Veszprém.

The wine-growers of the villages in Győr county were royal people who were under the obligation to serve by agreement (*conditionarii*), and who cultivated lands, vineyards as their own with own tools, and for performing the expected service (*pro cultura sua*) they disposed freely over one part of the wine produced.

After the wine-grower *libertinus* died, his male collateral or direct line relative inherited in the vineyard. This is verified by the point 11 of the royal letter to the people of Ság, Nyúl, Tarján and Écs dated from 25 April 1240, ordering that if the deviser dies without an heir, that is, without a male in direct line, or without a male relative in the male line, the heir shall be his male relative on female line. If he does not have such a relative, but has a wife and a daughter or daughters, these inherit half of his fortune and the other half goes to the *comes*. And if the deviser has no children, one third of his fortune goes to the wife as usual and fair ('*si quis ex ipsis fratrem uterinum habens sine herede decesserit, non dicitur, sine herede decessisse, sed fater eius uterinus pro filio [...] successore, si vero fratrem uterinum non habuerit, medietas bonorum desedentis ad uxorem et filiam vel filias, si habuerit, legitime deuoluatur, medietatem vero comes recipiat, si [...] penitus prole caruerit, tertia pars bonorum decedentis sit uxorem, due partes autem ad comitem perineant, sicut iustum et consuetum est*').

Some of the obligations and rights of the people of Ság, Nyúl, Tarján and Écs villages were repeated, some in exactly in the same form, some with partly the same content in the regulation issued by Stephen V in 1270 for border guards (*specultores*), guards living in Őrmagyarósd, Vas county. The border guards, based on their legal status, belonged to the people or servants of the castle, namely to their noble classes. From the comparison it is clear that the wine-growers of the four villages had more favourable position than the border guards in respect of financial liabilities.<sup>11</sup>

Vineyards were not cultivated exclusively by wine-growers. Joakim's last will shows that people with special obligations also had one or several vineyards and the delivery of wine was part of their expected services. Vineyards were cultivated also by ploughmen but they were not considered and never categorised as wine-growers with special obligations.

11 Ipolyi-Nagy-Véghely 1873. VIII. *Custodes confinium*, the border guards appeared first in the sources in the 11<sup>th</sup> century. The 17<sup>th</sup> chapter of the second decree of Ladislaus I ruled on the delict of bailiffs and border guards of the frontier counties, providing that those border guards who let horses, oxen be sold abroad without permission shall lose their freedom. (Hidas 1999. I.) Border guards were military people settled in frontier counties, who served under their officer, the *maior speculatorum*. The border guards and their major belonged to the royal castle. The power over them was exercised by the *comes castri*.

*Vinitor* did not indicate independent legal status. Although Béla IV issued a regulation regarding the situation of the wine-growers of the castle of Győr, providing them with numerous advantages, and he may have issued more regulations of similar content, the people obliged to cultivate vineyards living on royal estates were distinguished from other servants only by the specialty of their activities. This difference was less evident among the people serving ecclesiastic and secular nobles and free landowners.

By the middle of the 14<sup>th</sup> century, considering also the decrease of royal lands as a consequence of land-grants, wine-growers merged into the unifying serfdom in all types of estates and their advantages, granted to them because of their economic activity, disappeared.

### III. Tenants of Vineyards

On 25 March 1240 Bertalan, bishop of Veszprém reported in a letter that on the one hand the abbots of Telk and Kána, their *comes curialis* and military servants, and on the other hand Olbranth's son Henrik, Willam, Nerbort, Henrik the bell-maker and Pertold, Germans from 'bigger' Pest (*theutonici de maiori Pest*) made their appearance in front of him, and the two abbots leased out 200 Hungarian acres of land, what they had from the donation of Janus *comes* and Apa *banus*. According to the agreement, the tenants accepted the obligation of planting grape on the 200 Hungarian acres and pay a rent of 10 Friesach marks annually on Saint Michael's day, from the third year after the day of Saint Michael (29 September) in the year of the signing of the contract, or if they do not have the money at their disposal, they pay one tenth of the rent in fired silver (*'argentum decimae combustionis'*). The tenants were obliged to pay after the land and vineyards the legal tenths to the bishop of Veszprém. On the other hand the abbots accepted the obligation of protecting the tenants and keeping them in possession. It was also agreed that if the tenants sell or put the land in pledge, those who buy it or accept the pledge will have to pay a determined price and the tenths. And if the tenants or their heirs, or those who buy the land or accept it as a pledge do not pay the price, they would be obliged to pay twice the sum as penalty, and if they do not pay this (according to the formulation of the letter they completely default) the named vineyards revert into the right of the abbeys. And if only one of the tenants defaults the annual rent, he will be obliged to put the land in pledge to the double value, or he will be deprived of the part belonging to him.<sup>12</sup>

In 1289 Tamás, abbot of Tihany leased out his land named Urkuta, in Esztergom, suitable for viticulture for some residents of Esztergom. Formerly, Tamás had already planted grape on this land. He leased out one of his vineyards to Csépán,

12 Fejér 1829–1844. IX/7. 657.



canon of Esztergom for 50 Vienna denarius per year. Mikó's son Albert leased from abbot Tamás another vineyard, planted in the year of the contract, for 50 denarius for 5 years. Other 11 residents of Esztergom also leased vineyards from Tamás, one each. One of the latter was obliged to pay the rent, 50 denarius from the year of the contract, 4 others from the second year of the contract, two from the third year and three were obliged to pay the 50 denarius from the fourth year, while 2 tenants had to pay 40 denarius. Four residents of Esztergom leased only half vineyards. Three of them were obliged to pay 25 denarius rent annually from the fifth year of the contract and one had to start to pay the rent in the fourth year. Finally, two residents leased a vineyard together for 50 denarius rent to be paid from the fourth year of the lease. Abbot Tamás agreed with his tenants that they have to pay the rent on the 8<sup>th</sup> day of Saint Michael's feast every year and if they are unwilling to fulfil this obligation on the named day, they owe to pay double of the sum. All contracts, except for one, were for indeterminate term. Considering this, abbot Tamás agreed with his tenants that they and their heirs can alienate the vineyards among themselves. In case that one of the tenants does not cultivate his land, the abbot gives a notice of leaving and takes the vineyard back.<sup>13</sup>

Pál and Kozma, sons of Bazini wrote a letter about their agreement with the citizens of Nagyszombat on 20 February 1295. Pál and Kozma fixed 3 pensa (120 denarius) annual rent per a vineyard for the citizens of Nagyszombat to be paid in Vienna denarius twice a year, one third on Lent and the rest at vintage. The rent of a half vineyard was 60, of the quarter was 30 denarius. Besides, the tenants had to pay on the above mentioned days 4 denarius per vineyard, 2 denarius per half and 1 denarius per quarter of a vineyard to the officer of the owners and also on the pretext of 'rent after land' (*'terragium, quod purchrecht [Burgrecht] dicitur'*) 2 bizan 'akó' (about 12 gallon each) of wine and 2 denarius. Considering the measure of the 'akó' of Pozsony (Bratislava), which was 54,3 litres, the bizan 'akó' could have been similar, around 50 litres. Moreover, the tenants had to pay 6 denarius as customs duty after every barrel of wine taken away from the leased vineyard and the villages of the owners. The heirs of the tenants could lease the vineyards under the same conditions, and the tenant without heir could leave the vineyards to anyone if 40 denarius were paid for that.<sup>14</sup>

These tenants, guests (*hospites, cives*) in all three cases, members of privileged communities were free agriculturists, who could freely contract with lessors. The specialty of the contract between the two abbots and the five Germans from Pest is that the abbots leased out their lands for indeterminate term with the primary purpose of grape-planting. Therefore, until the vineyard did not bring profit, they did not ask for rent. In the contracts between Tamás, abbot of Tihany and the residents of Esztergom, which were also for indefinite term, except for the one with Mikó's

13 Wenzel 1860–1874. IV. 349.

14 Wenzel 1860–1874. XII. 571.

son, Albert, the abbot guaranteed 2, 3, 4 or 5 years of free usage, consequently, the tenants were the planters of grape, so probably they were formerly under contractual obligation to the abbot. Thus it is just possible that Bazini Kozma's sons, Pál and Kozma concluded the contract with those residents of Nagyszombat who planted the grape or participated in planting. Planting did not mean only the actual activity as an obligation of tenants but also to cover expenses. In the contract drafted by the chapter of Győr on 19 August 1311, concluded between Baráti Márton's son István in his and his brothers' name and 30 so-called 'Fenus people' tenants, the parties agreed that the tenants would fulfil their obligations of planting grape on the territories given to them on their own efforts and expenses ('*quasdam particulas terrarum suarum et eciam unam particulam terre ecclesie beate Virginis, cuius patroni existunt, in territorio ville Barath existentes, dedit et locavit quibusdam hominibus Fenus nominatis pro plantandis vineis [...], quod iidem homines plantabunt vineas cum laboribus et expensis eorundem*').

The tenants of Baráti Márton's sons, possibly all from the same family judging by their name, leased 1 Hungarian acre of land each for plantation of grape, except for three cases, for 6 years from the year of the conclusion of the contract they were free from the delivery of the 1 vessel (1 *cubulus*  $\approx$  108 litres) of 'squeezed' wine, namely 'must' per acre ('*singulos [...] cubulos vini in alveo torculari*'). The lands ceded for plantation were 31 Hungarian acres together. The land between the Abbey of Pannonhalma and the estate of Ulrik's son Károly was of 9 acres. It was leased by 9 tenants. 16 tenants shared the land of 15 acres named Mercse, where Frank's two sons Pál and György accepted the plantation of one acre together. The land of 7 acres of the Holy Mary church in Ménfő in the neighbourhood of Ulrik's son Károly and Pál tailor, was leased by 6 tenants, including Pál tailor. Csepán's son Pál was one of the tenants who leased 1 acre here and 1 acre from the first piece of land. Another tenant, Pál's son Péter leased 2 acres in Ménfő accepting the obligation of planting and growing grapes.<sup>15</sup>

The common characteristic of the rental agreements of the 13<sup>th</sup> century was that the heirs of those tenants who leased the vineyards for indefinite term could continue grape-growing and wine production under the same conditions as their predecessors. Also the tenants, like the residents of Nagyszombat, could alienate the lease by failure of heirs, could transfer the right for third parties who were probably co-tenants or male relatives from the female line considering the regulations on succession of the letter given to the people of Ság, Nyúl, Tarján and Écs.

According to the contract dated on 19 March 1311 between Baráti Márton's sons and the 30 tenants, also the heirs of the tenants could keep the lease. Moreover, the tenants had the right to alienate their vineyards, according to the conditions drafted in the contract, for those who accepted the obligations of tenants ('*easdem vineas relinquere filiis et heredibus eorum, vel aliis, quibus*

<sup>15</sup> Radvánszky–Závodszy 1909–1922. I. 14.

*voluerit, vendere poterunt iuxta modum condicionis'*). As mentioned before, earlier the five Germans from Pest had the same privilege from the abbots of Kána and Telk, thus they could transfer the leased vineyard, more exactly the right to lease for purchasing price, according to the text of the letter, they could sell the vineyards or put them in pledge if those who bought the vineyard or accept the pledge would pay the annual rent and the tenths, so fulfil the conditions of the contract ('*si dicti teheutonicí vineas sive terras predictas vendent alteri [...], vel obligarent pignori, tam hii, qui emunt, quam hii, quibus obligarunt, ad predictam pensionem annum et decimas persolvendas teneatur'*). Similar right of disposal was given to the tenants of Tamás, abbot of Tihany, with the limitation that they could only alienate the vineyards to their co-tenants.

The right of the lease or lease of usage was passed to the tenant's heir or heirs if the parties concluded the contract for indeterminate term and there was no other stipulation. The alienation of the lease was due to the tenants, under the contract, who invested in the land with their own effort on his own expenses, for example plantation of grape. As a matter of fact, between the investor tenant and the lessor, with the investment increasing the value of the land, a special joined property came into being, shown by the fact that the tenant won a kind of right of disposal over the alienation of the right to lease or purchase. The owner of the land guaranteed this right of disposal even in the 15<sup>th</sup> century for his tenants planting grape. In 1413 in Nagymihályi Péter's two villages, Tiba and Csértész he gave the privilege of plantation of grape to the servants of himself and of those living in his relative's villages, and in return they had the right to purchase or alienate it like the residents of Kassa.<sup>16</sup> It should be noted that when the owners of the vineyards gave the right of disposal to their tenants, they limited it with stipulating that the transfer cannot be done without their permission.

In the 13<sup>th</sup> century the vineyards were usually leased by the members of privileged *hospes* communities. According to the contract between the lessor and the *hospes*, *civis* tenant, the latter has the obligation to pay rent for getting the profits of the vineyard. If the tenant did not pay the rent, he owed the double sum and if he did not pay that either, the owner summoned him to quit and took the vineyard back. The tenant had other liabilities too, in lack of other stipulation, among others, the payment of the *decima*.

On the territories under the jurisdiction of their *hospites*, *cives* communities, the members also planted grape if the land was suitable for this. And if they had the possibility, they not only leased, but bought vineyards outside of the borders of the city. Point 6 of the charter of the residents of Sopron in 1277 provided that those who acquire vineyards for purchase price from nobles or others and want to have the privilege of citizens have to pay 63 denarius after every vineyard. This amount – basically a kind of fee – was due to the community, the city,

<sup>16</sup> Nagy 1887–1889. II. 116.

because the recognition of the privileges practiced under the jurisdiction of the city on lands outside of the city was the old privilege of the city, according to the letter of László IV dated from 1277 (*'volumus, quod quicunque de ipsis civibus terras seu vineas a nobilibus vel ab aliis extraneis precio comparauerint, in libertate Sopron possidere valeant et habere, et de qualibet vinea in terra nobilium existenti nonnisi sexaginta tres denarii persoluantur, iuxta antiquam eorum libertatem'*).<sup>17</sup>

From the 14<sup>th</sup> century the tenants planting grape were mostly serfs, who, besides paying rent, were under the obligation to pay other taxes after the profit of the vineyard and the wine produced and also to deliver some kind of gift. These contracts bore the characteristics of villein socage.

According to the letter of the chapter of Pozsony dated from 13 August 1347, 4 nobles from Bél decided to plant grape on their new land in Bél. They wished to cede their land to their future tenants with the condition of paying one fourth of the wine annually as 'hegyvám' (*tributum fori*), paying the rent and delivering 1 hen, 12 denarius, census after 10 years of free usage. Among the other burdens the rent was 12 denarius. The contract of 2 nobles from Örs, Mihály's son Miklós and Miske's son Pál and 13 people on the replantation of a vineyard on a hill named Szömörécsmál was drafted on 23 April 1350 by the chapter of Veszprém. According to this contract the tenants were obliged to pay 5 'köböl' (= butt, 25 gallons) of wine per Hungarian acre as 'hegyvám' (*tributum fori*) and to deliver gifts, namely 1 capon, 2 sweet yeast-leavened egg breads and 1 'mérő' (an old and obsolete grain measure) oats after 8 years of free usage. The owners also stipulated that if anyone takes legal action against the tenants, they would reserve their jurisdiction.<sup>18</sup> In the contract between the nobles of Örs in possession of tenancy in common and the 13 persons no provision dealt with the rent. The services required by the owners and the obligation itself had the nature characteristic to serfs.

#### IV. Decima, cibrio, tributum montis, Obligations of Wine-Growing and Wine Production

Among the Hungarian kings Ladislaus I was the first regulating the tenth. Chapter 4 of the 1<sup>st</sup> decree (issued in Szabolcs on the occasion of the council in 1092) prescribed that the bishop collects tenths from all produce. Chapter 66 of king Kálmán's so-called 1<sup>st</sup> decree (dated around 1100) regulated the obligation of paying tenths in more details, ordering for the priests and abbots, and persons holding any offices to pay it to the church on the land of which they cultivate or

<sup>17</sup> Fejér 1829–1844. V/2. 397.

<sup>18</sup> Nagy 1878–1891. V. 115; Nagy–Nagy–Véghely 1886–1890. I. 498.

harvest. In the decree this is the first reference to wine tenths because the harvest evidently referred to grape harvest (*'in territorio [...] exercent aut vindemiant'*).<sup>19</sup>

The tenth was to be paid from the agricultural products, as the two early sources regulated. In case of grape-growing, the tenth was collected after the harvested grape, more exactly after the must. From the 13<sup>th</sup> century the churches entitled to collect the tenths demanded it not only in kind, namely in must, but in money. This is confirmed by Chapter 20 of the decree dated from 1222, the Golden Bull, providing that no one has to pay the tenth in money, but as the land produces the wine or other crop, the tenth is to be paid in kind.<sup>20</sup> The payment of the tenth in money was supported not only by the churches but sometimes also by the taxpayers, as it is clear from point 9 of the regulations of 1277 determining the obligations and privileges of the residents of Sopron. The king, upon the request of the residents of Sopron, decided that the tenth had to be paid in money, denarius or in must at harvest (*'decime [...] vini, tempore vindemie per decimatores cum musto, iuxta consuetudinem approbatam, exigantur, vel denarii pro ipsis decimis vini eo modo persolvantur, sicut tempore vindemie in torculari mustum comparatur'*).

The regulation of Ladislaus IV dated on 1 July 1276 gives further information about the way of paying the tenth. This regulation was issued because of the abuses committed by the residents of Esztergom, who paid the tenth in their cellars in the city ignoring the universal custom of other citizens of the country and the Hungarian churches according to which the tenth shall be paid in the tents and sheds established outside of the city. They also delivered less and in worse quality than they owed to the provost and chapter of Esztergom. Therefore, the king decided that the provost and chapter of Esztergom, according to the customary law of other churches, at harvest, when tenth was collected from the grape could install tents and sheds at appropriate places outside of the city, and there they could collect the tenth from the citizens without any trickery on either side. The citizen who would deliver the must from there to his house shall be punished with the double sum of the tenth, as the letter says: besides the tenth he has to pay the ninth, as Stephen I once decided so (*'Si quis autem ipsorum civium decima de suis vineis in ipsis foliatis et tabernaculis non soluta, vinum sive mustum, exinde natum, ad domum suam deferre [...] presumpserit, extunc, pro pena [...] cogatur [...] dare novem partes capitulo [...], prout sanctissimus rex Stephanus olim circa hoc dicitur statuisset'*).<sup>21</sup> Though there is no sign of the above mentioned regulation attributed to the first Hungarian king and probably he did not have a decree regulating the way of payment of the tenths, but it is certain that the collection of the tenth goes back to the beginning of his reign.

19 Hidas 1999. I. 30.

20 Hidas 1999. I. 34.

21 MS II. 56.

On 23 June 1279 Ladislaus IV in his decree regulating the collection of the tenth of the chapter of Veszprém, specified even the measuring pot and based on the rules of the church of Esztergom decided that the wine tenth shall be collected with a pot of 3 palms counted with one thumb and two fingers (*'decime vini cum cubulo trium palmorum, adiunctis pollice et duobus digitis ab omnibus exigantur'*). Based on the given parameters, the height of the pot was around 0,3 meter.<sup>22</sup>

Article 15 of the decree of 1290 of king Andrew III also regulated the collection of the wine tenth and following the customs it determined the order of the collection of the tenths, prescribing that the tenths shall be collected on the spot in autumn in must, and if at the time of the collection there is no new wine or must any more it shall be paid in money. So this rule of the collection of wine tenth maintained the payment of tenths in kind as general rule, but also considered the special features of the tenths.<sup>23</sup>

The tenth was to be paid by the owner of the land giving the produce, the vineyard, but actually it was collected from the grower under the material and personal obligation of the owner, since the owner paid the part due to the church from the crop produced by the grower. The wine-grower who cultivated the land of the owner as his own, as *condicionarius*, having share in the profit, and also the free tenant had to deliver the tenth.

Among the referred contracts from the 13<sup>th</sup> century the one concluded between the abbots of Telk and Kána and the Germans of Pest mentioned the payment of the tenth after the vineyards because that was to be paid not to the Abbey of Telk and Kána, but to the bishop of Veszprém. In the contract of the tenants of Esztergom the tenth was not mentioned because the residents of Esztergom were the taxpayers of the church of Esztergom, as were the tenants of Bazini Kozma's sons. King Stephen V's letter, issued in 1271 enumerating the rights of the bishop and the chapter of Eger, offers precise data about the churches entitled to collect wine tenth. This letter was issued on the occasion of the council in Hajóhalom and Heves at the request of Lampert, bishop of Eger, because the charters of the church of Eger were destroyed. When with the help of 25 aged noblemen the rights were justified, it was established that the bishop and the chapter of Eger collect wine tenth in Borsod, Abaúj Zemplén, Ung, Szabolcs, Külső-Szolnok, Heves, Bereg and Ugocsa counties, but in Zaránd county the wine tenth is due only to the bishopric.<sup>24</sup>

The *cibrio*, in Hungarian 'csöbör' meant originally a pot for measuring liquids, from the 12<sup>th</sup> century a liability for wine production. Its measure was not based on the quantity of the wine produced but on the size of the vineyard and it was to be paid from the wine, in effect it was a special kind of rent, as it is clear from

---

22 MS II. 113.

23 Hidas 1999. I. 44.

24 Fejér 1829–1844. V/1. 153.

the contract between Bazini Konrád's sons and the citizens of Pozsony, written down on 20 February 1295. The formers collected 2 'akó' of wine per vineyard from their tenants as rent.

The *cibrio* was a royal income which could be remitted for the owner of the vineyard by the king. This is verified by the letter of king Imre dated around 1200, which relieved the abbey of Borsmonostor of this obligation, prohibiting the *comites* of Sopron to collect the *cibrio*, considering that the land of the abbey, donated by Dénes comes, Florentin and Domonkos *banus* had been free from this obligation earlier; the *cibrio* had not been paid even by the donators ('*omnibus comitibus Supruniensis castri [...] mandamus, quatinus de vineis in terra abbatis et fratrum de monte sancte Marie cibrones non recipiatis [...] possessio quippe libera est, et sicut aliorum accepimus testimonio, possessores eiusdem predii comes videlicet Dionisius et Florentinus, ipseque Dominicus banus, qui eandem terram ecclesie et fratribus illis tradidit, hactenus non persolverunt*').<sup>25</sup>

The collection of *cibrio* was first regulated by king Andrew II with general force in article 21 of his decree from 1231. He prohibited the *comites castri* from taking away from the income due to the king, among others those collected as *cibrio* ('*Comites iure sui comitatus sint contenti, cetera ad regem pertinencia, scilicet cibrones, tributa, boves, et due partes castrorum, ad regis voluntatem cui volet distribuuntur*').<sup>26</sup>

Comparing the rule of Andrew II's decree of 1232 to the point 1 of Béla IV's letter issued on 25 April 1240 for the wine-growers living in Ság, Nyúl, Tarján and Écs villages of the castle of Győr, the 1 *pondus* per house, family, collected by the officer of the king can be identified with the *cibrio* ('*in festo sancti Michaelis solvant comiti buchariorum unum pondus [...] de una quaque mansione*').

For the end of the 13<sup>th</sup> century it became a presumptive tax, an income due to the owner, who could collect it from his debtors who cultivated vineyards, and was generally referred to as 'hegyvám' (*tributum montis, tributum montanum, jus montanum*) from the 14<sup>th</sup> century.

## Literature

- ERDÉLYI, L.–FÜSSY M.–SÖRÖS P. 1902–1908. *A pannonhalmi apátság története, I–X. [The History of the Abbey of Pannonhalma, I–X.]* Budapest.
- SZENTPÉTERY I. (ed.) 1923. *Regesta regum stirpis Arpadianae critico-diplomatica. Az Árpád-házi királyok okleveleinek kritikai jegyzéke.* Budapest.
- FEJÉR, G. 1829–1844. *Codex diplomaticus Hungariae ecclesiasticus ac civilis, I–IX.* Budaë.

25 Nagy 1891. I. 4.

26 Hidas 1999. I. 39.

- WENZEL, G. (ed.) 1860–1874. *Codex diplomaticus Arpadianus continuatus*, I–XII. *Árpádkori új okmánytár*, I–XII. Pest–Budapest.
- IPOLYI, A.–NAGY, I.–VÉGHÉLY, D. (eds.) 1873. *Codex diplomaticus patrius Hungaricus*. *Hazai okmánytár*. Győr.
- ENDLICHER, S. L. (ed.) 1849. *Rerum Hungaricum Monumenta Arpadiana*.
- BÉLI, G. 2008. *A nemesek négy bírója. A szolgabírók működésének első korszaka 1268–1351. [The four judges of the nobles. The first period of the office of the judices nobelium 1268–1351.]* Budapest–Pécs.
- HIDAS, P. I. (ed.) 1999. *The Laws of Hungary. The Laws of the medieval Kingdom of Hungary, I. 1000–1301. Decreta regni mediaevalis Hungariae, I. 1000–1301.* California.
- RADVÁNSZKY, B.–ZÁVODSZKY, L. (eds.) 1909–1922. *Héderváry-család oklevéltára, I–II. [The Collection of Documents of the Héderváry Family, I–II.]* Budapest.
- NAGY GY. (ed.) 1887–1889. *A Nagymihályi és Sztáray gróf Sztáray család oklevéltára, I–II. [The Collection of Documents of the Count Stáray Family from Nagymihályi and Sztáray, I–II.]* Budapest.
- NAGY, I. (ed.) 1878–1891. *Codex diplomaticus Hungaricus Andegavensis. Anjoukori okmánytár, I–VI.* Budapest.
- NAGY, GY.–NAGY, I.–VÉGHÉLY, D. (eds.) 1886–1890. *Zala vármegye története. Oklevéltár, I–II. [The History of County Zala. Collection of Charters, I–II.]* Budapest.
- NAGY, I. (ed.) 1891. *Sopron vármegye története. Oklevéltár, I–II. [The History of County Sopron. Collection of Charters, I–II.]* Sopron.