VILLAINS AT THE BORDER
BETWEEN MOLDOVA AND TRANSYLVANIA
IN ROMANIAN ACTS FROM THE 17TH CENTURY*

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Abstract: We are considering ways to resolve the causes arising from crimes committed on the border between two historical provinces and the perception of the judicial practice as one component of diplomatic ties during the 17th century, through the exchange of official documents and private letters. Language ability, on one hand and insistence, on the other required for recovering losses, extradition of perpetrators or restitution of goods to a murder victim, prevention policy, but also for punishment of the robbers made it difficult to conduct trading activities in the framework of “neighborly” relations. This principle was also invoked in solving criminal case. These are the objectives of the present research.

Keywords: theft, robbery, murder, diplomacy, “neighborly”

Conflict situations at the border between Moldova and Transylvania were numerous, and their settlement was the responsibility of the vornici1 of districts Câmpulung and Vrancea. In the present study we will present aspects of the way of handling cases arising from crimes committed in the northwestern border of the two Romanian provinces in trading between Moldova and Bistrița, whose land connection was Câmpulung. Appointed by the Prince as guards at the border with Transylvania, vornici of Câmpulung were subordinated to the chief magistrate of Suceava and had the power to intervene in conflicts caused mostly by thefts, but also in cases of murder, citing mutual benefits in restoring the neighborhood peace2. We should mention that the judicial practice on either side of the mountains in the 17th century was linked to the diplomatic relations of the two countries, as reflected in the exchange of official documents and private letters. Trading links with Bistrița were strong in the previous century, when the Transylvanian city was “the main shopping center across the mountains for Moldavian merchants” encouraged, in the age before, by Ștefan cel Mare and then amplified by the measures taken by Alexandru Lăpușneanu3. Regarding

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1 Vornici = princely rulers with administrative and judiciary rights.

the sources reflecting the resolution of disputes by the Moldavian authorities, we noticed some issues that we intend to highlight in the following pages, namely: language skills on the one hand and insistence on the other, from one side, and the other, for remediation, extradition of offenders or return of a victim of a murder, Eudoxiu of Hurmuzaki policy for prevention, but also for punishing the thieves that complicated business activities in the relationships that must be based on being a “good neighbor”, a principle often cited in solving criminal cases.

Our research is based on Romanian documents, gathered in two volumes by N. Iorga, Romanian documents from the archives of Bistrița (royal and private letters), I-II, Bucharest, 1899-1900, bringing to light rich correspondence between Transylvania and Moldavia, which capture political and economical ties between the two countries over three centuries (1587-1781). As it is known, the two volumes experienced an extended form by being reprinted in the collection Hurmuzaki, Vol. XV, part two. As for the historiography issue of great interest to us is the information brought in the Preface of the first volume of documents published by N. Iorga, in over one hundred pages consisting in the history of the commercial links between Moldavia and Bistrița from the first documentary certification to the late 17th century, which does not lack data on border disputes. For the general guidelines on resolving problems arising at the Moldavian border with Bistrița we found a contribution in 1975, due to D. Asanache, entitled Contributions to the history of relations between Moldavia and Citadel of Bistrița (17th century). The problem was taken into consideration a decade later, by Alexander I. Gonţa, in a reference work entitled Economic relations between Moldavia and Transylvania in the 13th-17th centuries, exploiting both published and unpublished documents collected from transylvanian archives. Of course, researching political relations between Transylvania and Moldavia by historians from both principalities touched the subject of our article, because, as stated in the beginning, the political circumstance was a support for how they used to resolve disputes between Moldavia and Transylvania.

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5 N. Iorga, Prefață, la Documente românești din archivele Bistriței (scrisori domnești și scrisori private), I. p. I-CXVI.


8 We mention here the two works of Susana Andea, Transilvania, Țara Românească și Moldova. Legături politice (1656-1688) [Transylvania, Romanian Country and Moldova. Political
We must emphasize, from the beginning, that in order to solve border disputes they needed a legal judgment enforced by municipal courts of law, and in Moldavia also by the Prince. Typically, the case had to be decided by the court in the city or country that included the defendant, as it was in the previous century, and deviations from this rule by abuse complaints on either side were fined with threats with punishment of those responsible, as the perpetuation of the state of insecurity at the border would have affected trade relations needed by both Moldavia and the Saxon land beyond the mountains. That is, as Alexander I. Gonţa showed, “they were always seeking peace”. But this, especially in the second half of the 17th century, was hard to find, in terms of the downfall of political ties and decline of economic exchanges between Moldavia and Transylvania during this period. Therefore, conflicts generated by political and economic realities of this time also manifested in how to resolve the borders affairs, where the old commercial agreements were violated by both sides: for example, detention, challenged by the moldavian side and refusal to restitute payment compensations by the people of Bistriţa.

Even before the beginning of the 17th century, Moldavia was marked by unrest that will follow throughout that age. In the context of political tensions between the Christian powers and the Ottoman Empire, the situation of Moldavia was fragile in the last decade of the 16th century and the early years of the next century, its territory turned into a scene of disasters caused by military campaigns, plundering expeditions and local battles. The dispute for dominance over this space arising between Poland and the Porte caused a perpetuating unsafe atmosphere dominated by relentless and bloody rule changes. A time when even the longest reign of Ieremia Movilă brought stability that was hardly maintained by the Polish authorities and fragmented by the ephemeral reign of Mihai Viteazul. On the other hand, the changes in Transylvania represented by the replacement of Sigismund Bathory with cardinal Andrei Bathory, chosen by the polish, followed by Mihai Viteazul’s campaign over the mountains in the fall of 1599, again disturbed peaceful trade relations between Moldavia and the Principality of Transylvania. Besides upsetting everyday life, the state of war favored daylight robbery, which led to closing the roads and thus to impairment of trade between the two regions. As a result, throughout the 17th century continued exchange of letters between Romanian dominions, rulers and merchants, on the one hand and

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9 I. Caproșu, op. cit., p. 27.
10 Ibidem, p. 28.
14 Ibidem, p. 204.
princes and dignitaries from Transylvania, on the other, in political, military, economic, cultural, diplomatic issues etc. there are also those which concern the investigation and trial, on both sides, of the damages brought to the border population, on each side of the mountains, for repairing the damages caused by subjects from Moldavia’s borders. Also we include numerous requests coming from Moldavia to stop incursion of predators and punishment of perpetrators, giving assurance of reciprocity in similar situations. Information regarding the border guard coming from Moldavia was another indicator for the relations between the two states, with impact on preventing robberies committed at the border. For example, the cupbearer Barnovschi gave notice to Bistrița, in 1601 about Serbia’s predators in the army of Mihai Voda “some thieves and robbers and pretenders” on the basis that Bistrița’s judge and city dignitaries are “our good friends and beloved and valued”\textsuperscript{15}.

Resumption of commercial activities in adversity, primarily by reopening roads whose security was to be ensured by strong guards was a priority in the economical policy of Moldavia's reign. As noted above, the vorânci of Câmpulung and chief magistrates of Suceava were delegated by reign in solving many border disputes, thefts being the most often raised in petitions on both sides – and justified by the perpetrators – by war, famine or plague. For instance, regarding the measures taken to prosecute and punish robbers in 1601 we find Gheorghie, vorânc of Câmpulung, writing to the judge of Bistrița for the release of some moldavian merchants detained by a boyard in the county, justifying its request by setting the identical treatment applied to the merchants that came to Moldavia from over the mountains: “we still let your people to pass our country and have everything they need”\textsuperscript{16}. At that time, another officer whose task was to guard the country, namely Simion, wrote to the same official about the agreement he gave to investigate Ștefan Candrea and Ștefan Rusul, accused of robbery. They were summoned to say their host’s name that helped them commit misdeeds\textsuperscript{17}. Also vorânc Simion, with two princely servants, goștinarii (officers in charge of collecting debts payable with sheep, pigs or cows) Vasile Româșcel and Vasilie Tâlmaci, asked the judge of Bistrița to deal with the restitution of stolen assets to Gheorghie, who was with him, to Rodna, but were detained because they got confused by the guards at the borders with robbers\textsuperscript{18}.

The decrease of the reign authority, characteristic to the 17\textsuperscript{th} century, and its representatives plus hunger and deprivation caused by war, made some people, more than in other periods, to get accustomed to evil deeds. Then, when the Prince got reinstated, some of those bad acts are brought to the Prince and its rulers

\textsuperscript{15} Eudoxiu de Hurmuzaki, Documente privitoare la istoria românilor, XV/2, p. 779-780, nr. MDCIV.
\textsuperscript{16} Ibidem, p. 787, nr. MDCXIX.
\textsuperscript{17} Ibidem, p. 787, nr. MDCXX, MDCXI.
\textsuperscript{18} Ibidem, p. 787, nr. MDCXXI.
Villains at the border between Moldova and Transylvania in Romanian acts demanding fulfillment of justice. Food shortages and high food prices lead to an increased number of thefts of cattle, like oxen and cows and also grain\(^{19}\). Wandering or death of the masters, made the servants to acquire the assets of the dead, missing or unable to recover lost or abandoned pieces.

The local fights for Moldavia’s throne, with inherent foreign intervention in support of a candidate or another, have affected, along the century the economic stability of the country, often endangering trade in Transylvania, Poland and Tartar parts, leading to increased thefts both within the country and at the borders. The situation was remedied temporarily by the enthronement of a Prince whose political orientation could provide stability to the country. This was the case of Ștefan Tomșa who once settled in Iași, took care of opening trade passes to Transylvania to resume trading, after a short period it has been plagued by the fights for the reenthronement of Constantin Movilă with Polish help. As a result, the new Prince, liege to the Porte, wrote on 24\(^{th}\) of March 1612 to the judge of Bistrița in order to approve traders coming to Moldavia, where they will not offend anyone, and that we would send someone from the court for purchases, including the gunpowder\(^{20}\). This circumstance has influenced approaches to solving problems concerning robberies committed against Moldavian rulers and merchants. That's what happened with attempts, from both sides, to recover or compensate hetman Ieronim Stavrinos\(^{21}\). Testimony in this regard are the personal letters sent, consigned by Ștefan Tomșa himself and Prince Gabriel Bethlen’s dispatch, to Bistrița, on June 1612, to solve the problem of theft of property of the hetman, meaning gold, silver and clothes worth 5000 florins, taken from his landlord’s house, Francisc Kok\(^{22}\). The same request was addressed again, by the Prince of Moldavia in a letter to the authorities of Bistrița on the 30\(^{th}\) of August 1612\(^{23}\). The theft problem had not been resolved even after the intervention of the two princes,

\(^{19}\) For example, a priest dadstolen two gropi of bread (Documenta Romaniae Historica, A. Moldova, vol. IX, by Petronel Zahariuc, Marius Chelcu, Silviu Văcaru, Cătălina Chelcu și Sorin Grigoruță, București, Ed. Academiei Române, 2014, p. 252, nr. 180).

\(^{20}\) Alexandru I. Goanța, op. cit., p. 179.

\(^{21}\) Ieronim (Hieronim) hetman Stavrinos during Ștefan Tomșa II’s reign – signing on May 3rd of May 1612: Ziaverno, Hatman generalis regni Moldaviae (Eudoxiu de Hărmezaki, Documente privitoare la istoria românilor, XV/2, p. 852, nr. MDCCIII) – was, according to N. Iorga, son of Stavrinos, Greek chronicler of Epir, treasurer of the Romanian Country during the rule of Mihai Viteazul, about whose reign was written, in Greek, the poem Vitejiile prea cucernicului și prea viteazului Mihai Voievod (cf. Dicționarul literaturii române de la origini până la 1900, București, Ed. Academiei Române, 1979, p. 85) while he was imprisoned in Bistrița (idem, Prefață, [Preface] p. XCI-XCII, except that the historian identifies Ieronim with Gheorghe Stavrinos). According to N. Iorga, father and son were killed by order of Ștefan Tomșa (Ibidem, p. XCI).

\(^{22}\) Eudoxiu de Hărmezaki, Documente privitoare la istoria românilor, XV/2, p. 852, nr. MDCCIII; p. 854-855, nr. MDCCVI.

\(^{23}\) Ibidem, p. 855, nr. MDCCVII.
because on 17\textsuperscript{th} of June 1615 Gabriel Bethlen wrote again about catching the person who was responsible for the theft, namely a servant of Francisc Kok, Francisc Olasz, who would have taken it to Braşov.

On 11\textsuperscript{th} of November 1613 Gabriel Bethlen wrote to Bistriţa for guarding roads from thefts committed by soldiers from Moldavia and Wallachia and at the same time, renewed command of the free passage of merchants through the passes that linked the two provinces: “Among these many thieves sheltering themselves under the pretext of poverty (sic!) before the enemy, we understand that courtiers of Moldavia and the Romanian Country, and thus the army, the community and pauperdom, those who with power, by compulsion, could not take and could not get, despite many ways of temptation, with deceit, impose themselves, and with cattle an all, lead everything in it (ie in Moldavia, subl. ns.) or in the other romanian country and do many other improprieties. So we urge you, even lead and command you as you appoint people on roads, to keep and so diligently to take care that such serfs and other people or their cattle do not leave our country. But in doing so to be so caring and secure, that any man coming from there, including merchants who would go from here to there, and no other wanderers to be offended, and not to be stopped on their way, but to allow the passage from both sides, besides pauperdom and evil people who walk with lies and stolen cattle.”

On 15\textsuperscript{th} of May 1619 from Alba Iulia left another letter to Bistriţa, under the threat of drastic sanctioning unless the commandment is fulfilled, to scare away thieves that came from Moldavia: “all paths and roads that stretch from Moldavia in the lands and plains of Bistriţa to be well guarded and cared for so that no thief would escape, but chase them from everywhere and once catching them, to give us notice in order to punish them accordingly.”

On the other hand, requests coming from Moldavia requiring to punish robbers who plundered the lands beyond the mountains were justified by the desire to preserve economic and diplomatic relations, “Oh we beg you, those bad people to reconsider, in order to have good relations with you, that your treacherous people that still come to feed themselves in the land of our Prince and we urge you to have no request from our people.” Thus acted Bălăie, vornic of Câmpulung, in a letter to Sabău Giurgiu, judge of Bistriţa, who was being informed of the uncertain road trades, as complained by the moldavian merchants.

\begin{itemize}
\item \textsuperscript{24} Ibidem, p. 862, nr. MDCCXXII.
\item \textsuperscript{25} Alexandru I. Gonţa, \textit{op. cit.}, p. 179.
\item \textsuperscript{26} Eudoxiu de Hurmuzaki, \textit{Documente privitoare la istoria românilor}, XV/2, p. 859, nr. MDCCXVIII.
\item \textsuperscript{27} Ibidem, p. 878-879, nr. MDCCXLV.
\item \textsuperscript{28} N. Iorga, \textit{Documente româneşti din archivele Bistriţei}, p. 24-25, nr. XXXII.
\item \textsuperscript{29} Eudoxiu de Hurmuzaki, \textit{Documente privitoare la istoria românilor}, XV/2, p. 806-807, nr. MDCXLVI şi MDCXLVII; see also Alexandru I. Gonţa, \textit{op. cit.}, p. 176-177.
\end{itemize}
Solving the problems faced by Moldavians in Bistrița was permanently accompanied by an indication of good neighborliness and friendship. The return of goods stolen from the monastery Putna – 33 good horses, carpets and money – belonging to the monks that had been worked by an organized band of robbers in the land of Bistrița, some caught by locals, was the requirement formulated in 1622, by Ștefan Tomșa in the name of the good neighborly relations: “for which we thank for the good neighborly relations you have showed us”. The Prince’ sent, sulgerul (boyard in charge with supplying the court and army with meat and candles) Ionășco Rotompan, who had the task of returning the goods found on thieves, along with the moldavian thieves that accompanied the Transylvanian ones and sheltered across the mountains: “for that we want you that all the tools and silvers of the monasteries and horses and everything found on the robbers, to be returned, to this boyard of ours and the monks and those thieves to do well and send them to us with this boyard of ours”30. But in 1650 this issue was still not resolved, because, again, the publican Conde asked the rural mayor of Bistrița to send the priest for confrontation “let the priest be present”31.

The Prince’s intervention for his impaired subjects will occur in 1623, in the case of a false payment made by a priest of Ilva to two moldavians from the village Rotompânești. He argued that he “paid his debts to your Prince’s boyard, Conde the great publican”, from which the Transylvanian priest took only two oxen. Researching the facts lead to the invalidation by the moldavian governor of the situation presented by the priest, so that the people from Iași requested the resolve of the dispute “we urge you to judge the priest and give our people their oxen back”32. Return of stolen goods from Voroneţ monastery and extradition of the robbers were also requested by Miron Barnovschi, in 1629, from the authorities of Bistrița, based on the same ‘good close friendship and neighborly relations”33.

Good neighborly relations were also used as the basis for solving issues of punishing thieves during Vasile Lupu’s time, in Moldavia, and Gheorghe Racokzi I, in Transylvania. A good example of this is a letter sent by șoltuzul (title given to the ruler of a medieval town, who was assisted in its work by a council consisting of 6-12 people) from Suceava, to the rural mayor of Bistrița, namely Andreiaș, regarding acts of aggression and theft and a murder attempt committed by Gligorie, son of the priest Petrea of Rebrișoara, and Luca, son of Matei from Bârgăul de Sus: “So then we wanted to get them into the city as evil-doers, and then if they said they are from your Prince’s city, we only requested them to make peace with those whom they have hurt and laid wounded, and yet, if they die, they will have to ask about them. So they gave the barber (rom. bărbier) a fotă (part of Romanian folk

30 N. Iorga, Documente românești din archivele Bistriței, I, p. 40-41, nr. LIV.
31 Ibidem, p. 78-79, nr. CVIII.
32 Ibidem, p. 41-42, nr. LV.
33 Ibidem, p. 44-45, nr. LX.
costume worn by women, made of a rectangle fabric of wool, taking the place of the skirt, or two pieces of cloth covering the front of the body and the rear) and a handkerchief, and another asked the barber to heal those wounded by them, they paid 3 and a half zloty, and for the fine (rom. globă) they payed 6 zloty. That is all they paid and nothing more. And, if they were good people, they would be at peace. For that let it be to your health. That is why we ask you not to believe them, and if we were to ignore good relations, with you, as are good and wise people and our good friends, what they did could not be paid even with 100 taleri (Austrian coin Silver that circulated in the past and in the Romanian regions). And if they were to do to you what they did to us, they would have rotten in prison, if not executed. And we considered our friendship, so we did not ask more than for them to make peace and pay those they have hurt and tell nobody of it”\textsuperscript{34}.

The political and economic decline of Moldavia and the decline of trade relations between Moldavia and its neighbors after 1650, along with desolation of Tatars and Cossacks, in the context of Vasile Lupu’s “overthrow”\textsuperscript{35}, events that have prolonged in the principalities in the following years until the time of Grigore Ghica, which meant a decline that was reflected, for instance, in reducing urban population, violent acts occurred in the second half of the 17\textsuperscript{th} century, against foreigners, during the uprising led by Hâncu and Durac, move that was said to have been in terms of causes, a replay, over decades, to that from the time of Alexandru Ilias because, as the Prince had done in the first part of the 17\textsuperscript{th} century, Gheorghe Duca who decided that some of the debts to be paid by giving posts to creditors of Constantinople – these were moments of maximum intensity of transgressions, from robberies and murders to bigger or smaller thefts. Iniquities recorded not only in the chronicles, because pieces of these dramas sometimes transpire from the content of some acts used by survivors in order to get justice by punishing perpetrators or to recover at least a part of their squandered wealth. A statistic of this kind of testimony reveals a matching of most of the processes involving allegations of grave offenses punishable by death penalty, with these periods of intense disorder.

As a result, poverty pressing everywhere, monks from Moldoviţa complained, in 1650, to the judge of Bistriţa that he releases “edibles” and items purchased and confiscated on the exchange of “edibles”, and also “very expensive religious books” stolen and brought there by robbers\textsuperscript{36}. So did the monks from Slatina, in a request to the same officials for return of goods stolen by Nicolae


\textsuperscript{35} In connection with the circumstances that led to the end of the reign of Vasile Lupu, see Petronel Zahariuc, Țara Moldovei în vremea lui Gheorghe Ștefan voievod (1653-1658), Iași, Ed. Universității “Alexandru Ioan Cuza”, 2003.

\textsuperscript{36} Alexandru I. Goța, op. cit., p. 197.
Pasăre and his companions, who were known to be from Bârgău. On the other hand, delaying the return of stolen goods and suspicion that they would have been appropriated by “the Lords of Bistrița”, led to a changed tone that Toader armașul (governor, which in Moldova, was tasked with guarding the prison and meeting executions, and in the Romanian Country with taking care of army artillery), and Gheorghe, a former postelnic (title given to a boyard, a member of the royal council, which was in charge with the Prince’s bedroom and later hold hearings), vornici of Câmpulung, addressed to Bistrița, in a letter dated imprecise before 1652 asking to renew their old request, notifying them that they are ready to appear before the Prince of Transylvania.

A practice very common in medieval and pre-modern times was the redemption of guilt that stated that the offender escapes the death penalty by compensating the victim or his family in case of murder, and payment of criminal fines to the reign made by the perpetrators or family members. Sources show that those guilty of stealing from abroad escaped the gallows using this practice “thieves have started to pay,” it said in a notice made by Pătrașco Tăutul and Miron Cucoranul to the judge of Bistrița about solving the problem caused by the damage done by Moldavians over the mountains, according to a notice dated the day and month of the year, namely September 19, and the publisher’s assumption that things have happened in 1672 or 1673. And, as this way of punishment was often supported by the judiciary in Moldavia when the financial possibilities allowed payment of a “cost of living”, it is possible that the same thing may have happened to those accustomed to the transgressions at the border of Transylvania.

The implication of the Moldavian authorities in transgressions committed by thieves is also proven by documentary sources, which lead to encouraging and perpetuation of these misdeeds in the land beyond the mountains. In 1673, magistrate Gheorghe who had been, before being sent to guard the border of the country, armaș answered to judge Tânaș, following his complaint about the

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37 N. Iorga, Documente românești din archivele Bistriței, [Romanian documents from the archives of Bistrita] I, p. 98, nr. CXXX; p. 79, nr. CIX; p. 80, nr. CXI.
38 Ibidem, p. 101-102, nr. CXXXVII.
40 N. Iorga, Documente românești din archivele Bistriței, II, p. 20-21, nr. CXCVIII; Eudoxiu de Hurmuzaki, Documente privitoare la istoria românilor, [Documents on the history of Romanians] XV/2, p. 1350, nr. MMCCCCLXXI. Other demands for payment of damages by the authorities of Bistrita and restitution of unjustly confiscated property, Ibidem, p. 1350, nr. MMCCCCLXXII, MMCCCCLXXIII, MMCCCCLXXIV, p. 1351, nr. MMCCCCLXXV.
41 Armaș = a princely governor, in charge of the prison guard, who dealt with corporal punishment and the carrying out of capital punishment.
doings of “moldavian thieves in Câmpulung”: “And the villagers knew they were bad people, robbers, and did not catch them, because the vornic knew these robbers and would not allow them to get caught, and now the village sees him (sic!) as evil”\textsuperscript{42}.

In connection with the seizure of goods on behalf of the prejudice, on the 7\textsuperscript{th} of November 1673\textsuperscript{43} the moldavian side gave assurances to ban such practices. Mihail Tăutul fomer logofăt (title of high official in the hierarchy, a member of the royal council), to Gheorghe, the judge of Bistrița: “I, on my part, do not give permission to confiscate...”\textsuperscript{44}. On the other hand, Moldavian authorities gave notice about the protection that some robbers enjoyed in Bistrița, even from those who had to take action against them for their crimes, while those affected do not receive justice through the restitution they would have to receive. Such occurrences generated tensions at the border, which took the form of threats of closing the borders, “... and for a robbery you would split a Prince and another Prince and close its realm, and nobody to ever walk on it... We will not let our people prejudiced and robbers kept safe by you; not a chance, either we settle or somehow we will do it in a way “- showed a note dated 4\textsuperscript{th} of May 1680 which revealed an imperative tone for termination of such practices\textsuperscript{45}. Also, illegal detention of goods by Transylvanian custom officers was the subject of grievances expressed by Moldavian correspondence exchanged between Mihail Apafi and Constantin Cantemir in 1687\textsuperscript{46}. But both sides wanted to solve misunderstandings at the border, a proposal in this regard came from the Prince of Transylvania, which was to form a committee of foreigners unrelated to the conflict, who would research on the spot and give judgment for offense. The dispute that led to the taking of such measures was the seizing of moldavian cattle at Ciucu by the Transylvanian people\textsuperscript{47}.

The requests to keep good neighborly relations in resolving disputes regarding theft and abuse were filed, almost two decades before, by Prince Dabija to Prince Mihail Apafi and to the judge of Bistrița, and also by Pătrașcu, vornic of Câmpulung\textsuperscript{48}. But the emphasis began taking serious turns when from Moldavia

\textsuperscript{42} N. Iorga, Documente românești din archivele Bistriței, II, p. 24, nr. CCV; Eudoxiu de Hurenzachi, Documente privitoare la istoria românilor, [Documents on the history of Romanians] XV/2, p. 1351, nr. MMCCCCLXXVI.
\textsuperscript{43} Year date framed by de N. Iorga, in Documente românești din archivele Bistriței, Romanian documents from the archives of Bistrita] II, p. 25, nr. CCVI.
\textsuperscript{44} Ibiden. For the meaning of a zăberi, vezi zăpor (zăbor) = garnishment, seizure (cf. Micul dicționar academic, Volume IV, Letters Pr – Z), București, Ed. Univers Enciclopedic, 2003, p. 1347.
\textsuperscript{45} N. Iorga, în Documente românești din archivele Bistriței, II, p. 28-29, nr. CCXI.
\textsuperscript{46} Susana Andea, Din relațiile Transilvaniei cu Moldova și Țara Românească în sec. al XVII-lea, p. 182.
\textsuperscript{47} Ibiden, p. 184-185.
\textsuperscript{48} Alexandru I. Goțuța, op. cit., p. 204.
were launched allegations of housing and protecting robbers, deeds that were “against Prince’s feelings” from Iași. The fact is that in the second half of the 17th century, thefts at the border with Bistrița rose, and Moldavian governors reminded those across the border the need for “peace and settlement as it was before.” Along with doing many evils and “robberies committed freely, things that I have never seen,” confessed Nacul vornic of Câmpulung, towards the rural mayor of Bistrița in 1669, the “quarrels and waves between the subjects of the both parties” also escalated. Due to the gravity of the facts, it appears that the thieves coming from Transylvania and trapped in Moldavia would be hanged: “And, your thieves that came here to our lands, we got and hanged them all”. The discontent and accusing tone continued, the moldavian side being unhappy with the failure to enforce the same judicial practice to moldavians that had found shelter in Transylvania, from where they continue to plunder Moldavia “and our thieves that have passed to your side and stay there and come here to steal from us; we have no way to enforce our laws with them…” – conveyed the same Nacul former high vornic, on the 1st of January 1670, from Câmpulung.

But the warning given by the moldavians that was put into practice, as shown in the act from the 17th of March 1684, when Gavrilaș rohmistrul informed the authorities of Bistrița on the punishment by hanging of a robber: “And one I hanged in middle of the village and was seen by all ... We do not support the robbers, we hang them”53. The repressive measures were justified even by those who applied them, recognizing the magnitude of the crime, “You should know that our land is full of armies and thieves, so many that there is no remaining village or fair or monastery unrifled and unplundered” he wrote in 1685 to Toader the vornic of Câmpulung at that time, and to Mihai Gonoș, great publican of Bistrița. An year later, he was giving his consent to “torture” (rom. căznire) thieves who plundered Pângărați and Biserici monasteries and that were caught in Bistrița “that here, supporting them, many righteous people ended bad for their sake”54. And at the beginning of the last decade of the 17th century moldavian authorities responded to a complaint coming from Bistrița in connection with the thefts committed there by moldavian thieves, where they recognized that they were overwhelmed, “how has the number of robbers increased; nor we have any power”55.

At the end of these lines, in which we tried to bring back to attention the issue regarding the transgressions committed at the Moldavian border with Bistrița

49 N. Iorga, în Documente românești din archivele Bistriței, II, p. 67, nr. CLXXXV.
50 Ibidem, p. 15-16, nr. CLXXXIX.
51 Ibidem, p. 14, nr. CLXXXVII.
52 Rohmistru (rohmistrul) = riding master.
53 Ibidem, p. 45, nr. CCXLII.
54 Ibidem, p. 60, nr. CCLXXII.
55 Ibidem, p. 87, nr. CCCXXXVI; a document dated July 20th, 1692.
in the 17th century and measures needed to keep them under control, we can say that we noticed the incomplete picture of the problem, because the analysis was made solely on the sources issued by the Moldavian authority and not the Transylvanian one. Of course, information on dispute resolution by authorities of Bistrița, in these documents is numerous and extremely important for understanding the jurisprudence at the Romanian border between the two countries. But, the subject demands a complete approach that involves investigating the Transylvanian archives comprising, as conference participants appreciated whose works are reunited in the volume that hosts our contribution, an impressive number of Hungarian acts. As for us, with the hope of further researching the issue of penalty at the border between Moldavia and Transylvania, in the present study we tried a “readback” of Romanian documents, published more than a century ago, in order to capture fragments of life there, at the “water dividing line” permanently tried by history’s “malice”.

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56 D. Ciurea, op. cit., p. 204.