

STUDIES

THE BARDEJOV CHARTER OF 1247 (A FEW NOTES ON A MEDIEVAL DOCUMENT)¹

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This study deals with a royal charter of 1247 issued by Béla IV due to a dispute of the Cistercians of Bardejov with Germans over their border. The original is not extant, only its transcription of 1500 is available. In Slovak historiography, the charter was considered to be a forged or interpolated one, or even a late forgery. Although this opinion prevailed among the historians for a long time, the criticism of its authenticity was based on unsupported and unconvincing arguments. An in-depth diplomatic and historical analysis of the charter, however, does not confirm the aforementioned presumption since it does not exhibit any serious deviations in form or content from the other Árpáadian charters of the thirteenth century. The Bardejov Charter is a typical example of a medieval source in whose research the conclusions of earlier historiography completely pushed the newer attempts at the further diplomatic analysis of the document into the background for a long time.

Key words: Middle Ages. Kingdom of Hungary. Medieval charter. Medieval Bardejov. Cistercians. Šariš. Belo IV. Jan Długosz. Peter Cudar. Koprzywnica.

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The royal charter of Béla IV of 7 November 1247 is highly valuable for the earliest history of the town of Bardejov and the northern borderlands of the

1 This work was supported by the [APVV] under Grant [19-0131]: *Ars Moriendi. Fenomén smrti v stredovekom Uhorsku* [Ars Moriendi. The phenomenon of death in medieval Hungary] and by the [VEGA] under Grant [2/0028/22]: *Stredoveká spoločnosť v Uhorsku (štruktúra, koexistencia a konfrontácia sociálnych skupín do konca 13. storočia)* [Medieval society in the Kingdom of Hungary (structure, coexistence and confrontation of social groups until the end of the 13th century)].

Kingdom of Hungary. It is the only source from the first half of the thirteenth century that contains several pieces of information about the territory beyond the border of the land to the north of the royal property of Šariš. The charter pertains to the border dispute of the Cistercians from Koprzywnica, Poland, settled at that time at the Church of St. Giles in Bardejov, with the Germans of Prešov living in their neighbourhood.² The king commissioned Tekus/Tekes (*Tegus*), the *comes* of Šariš, to restore the border of the territory that belonged to the monks. Based on his findings about the new demarcation of their property, Béla IV issued a charter in which he recorded not only the border of the Cistercians in Bardejov, but also of their two *praedia* of Sekčov and Delňa.³ Already from the nineteenth century onwards, this document attracted the attention of historians, who did not doubt its authenticity even though nobody dealt with its in-depth diplomatic analysis. In the early twentieth century, in his book about forgeries, suspicious, and non-dated Hungarian charters, János Karácsonyi critically evaluated several documents from Šariš, too. The Bardejov Charter does not figure among these, and this suggests that he did not assign it among the forgery or forged documents.⁴ The first person to have dealt with its diplomatic criticism was Imre Szentpétery in his pioneering work on Árpáadian charters. According to him, based on the content, style, and formulations used in the document, it corresponded to the other charters issued in the chancellery of Béla IV in the first half of the thirteenth century. Consequently, he regarded it to be authentic.⁵ Vladimír Šmilauer reservedly noted that the charter appeared suspicious to Václav Chaloupecký because it contained a reference to a Cistercian monastery undocumented by other sources.⁶ Later, Ladislav Deák also declaratively concluded that “*there are serious objections to the authenticity of the Bardejov demarcation charter*”, but he did not specify these further.⁷ The 1247 charter was addressed in detail by Ferdinand Uličný, according to whom only the description of the borders of Bardejov was a later interpolation. Subsequently, he specified that an already falsified, extensive property of Bardejov was added to the authentic document

2 HUDÁČEK, Pavol. Boli Nemci v Bardejove už v 13. storočí? (K listine z roku 1247, cistercitom a nemeckým hosťom z Prešova). In: ŠTEFÁNIK, Martin, ed. *Stredoveké mesto a jeho obyvatelia*. Bratislava: VEDA, 2017, pp. 131–160.

3 *Codex diplomaticus et epistolaris Slovaciae II* (abbrev. CDSI). MARSINA, Richard, ed. Bratislava: VEDA, 1987, no. 274++, pp. 193–194 (1247).

4 KARÁCSONYI, János. *A hamis, hibáskeltű és keltezetlen oklevelek jegyzéke 1400-ig*. Budapest: MTA, 1902, pp. 26–27, 70–69, 70–71, 92–93, 114–115, 134–135.

5 *Regesta regum striptis Arpadianae critico-diplomatica I/2* (abbrev. RA). SZENTPÉTERY, Imre, ed. Budapest: AK, 1927, no. 864, p. 260.

6 ŠMILAUER, Vladimír. *Vodopis starého Slovenska*. Praha; Bratislava: USŠ, 1932, p. 232.

7 DEÁK, Ladislav. Bardejovský obchod a Bardejovská obchodná cesta v prvej polovici 15. storočia. In: VARSÍK, Branislav, ed. *Zborník Filozofickej fakulty Univerzity Komenského, Historica Vol. 14, 1963*. Bratislava: SPN, 1963, p. 110.

sometime in the late fifteenth century, as the burghers tried to acquire the surrounding villages.⁸ Although raised suspicions among historians, Vendelín Jankovič considered it a more or less credible document.⁹ Having analysed the content and the terminology of the charter, Branislav Varsik was the first person to claim that it was forged or a later forgery.¹⁰ Richard Marsina also considered the document to be false, but still recommended to examine it in more detail.¹¹ In agreement with the previous, earlier researchers, contemporary Hungarian and Polish historians do not doubt the authenticity of this charter,¹² but they do not mention it in their latest works on Cistercians in medieval Hungary, either.¹³ In Slovak historiography, the Bardejov Charter is still considered to be false, forged, or suspicious, and the historians treat the information it contains with caution. Except for Uličný, Varsik, and Marsina, however, no other researcher has claimed or provided convincing arguments that would have jeopardized the authenticity of this medieval document. Due to the doubts of the aforementioned historians, the “uncertainty” about its authenticity has become part of our historiographical tradition without any effort to re-evaluate or question the previous opinions.

In this study, I will deal with the transcriptions of Béla’s charter and I will try to answer the questions whether it is authentic or false and why its original is not extant today. I will look in detail into the little used information given by Polish chronicler Jan Długosz about the property of the Cistercians of Koprzywnica in Bardejov and into Peter Cudar’s register. I will subject the charter to diplomatic criticism again and compare it with other documents issued in the chancellery of Béla IV. Besides its formal aspect, I will also examine the process in settling disputes over property, the matter of the *comes* of Šariš, and the problematic Latin terms and place names in the charter. Lastly, I will touch on the issue of the

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- 8 ULIČNÝ, Ferdinand. K dejinám Bardejova v 13. a 14. storočí. In: FRICKÝ, Alexander, ed. *Šarišské múzeum 2*. Košice: VV, 1969, pp. 26–27; ULIČNÝ, Ferdinand. Listina Bela IV. z roku 1247 o majetkoch bardejovských cistercitech. In: *Slovenská archivistika*, 1974, Vol. 14, no. 1, pp. 92–98. Initially, I also agreed with this opinion of Uličný. HUDÁČEK, P. Boli Nemci, pp. 131–132.
- 9 JANKOVIČ, Vendelín. Začiatočná etapa vrcholného feudalizmu. In: KOKULA, Andrej et al., eds. *Dejiny Bardejova*. Košice: VV, 1975, pp. 35–36.
- 10 VARSIK, Branislav. K otázke falza bardejovskej listiny z roku 1247. In: *Slovenská archivistika*, 1975, Vol. 10, no. 2, pp. 141–150.
- 11 CDSI II, no. 274++, p. 193.
- 12 DRASKÓCZY, István. Sáros megye vámhelyei a 14. században. In: CSUKOVITS, Enikő, ed. *Tanulmányok Borsa Iván tiszteletére*. Budapest: MOL, 1998, p. 51; SROKA, A. *Stanisław Średniowieczny Bardiów i jego kontakty z Małopolską*. Kraków: Societas Vistulana, 2010, pp. 26–27.
- 13 ROMHÁNYI, Beatrix. The Role of the Cistercians in Medieval Hungary. Political Activity or Internal Colonization? In: SÁGHY, Marianne, ed. *Annual of Medieval Studies at the CEU 1993–1994*. Budapest: CEU, 1995, pp. 180–204.

borders of Bardejov in the first half of the thirteenth century, which is considered to be a later interpolation.

The Charter and Its Survival

The original charter of Béla IV of 7 November 1247 is lost. Its text survived only in the confirmation issued by Vladislaus II on 7 February 1500 on the request of the town judge (*iudex*) Andrew Rawber and the councillor (*iuratus*) Martin Bynder. Béla's charter is mentioned as *litterae metales* and it was to serve for the demarcation of the property of the town of Bardejov from the properties of its neighbours. In the late fifteenth century, the original charter had been still deposited in the royal treasury archive in Buda and, therefore, the king commissioned Benedict (*de Borswa*), the director of royal legal affairs (*director causarum nostrarum*),¹⁴ to look up the charter there. Benedict found it and presented the demarcation charter, written on parchment and issued by the royal chancellery as a privilege certified with a double-sided seal, to the ruler. Commissioned by Vladislaus II, the royal protonotary Ladislaus then produced a transcription of the charter of Béla IV in Buda, and this was issued in 1500 as a royal confirmation.¹⁵ In 1547, with the consent of the town council, Juraj Bynder requested the convent in Jasov to produce a transumption of the confirmation of Vladislaus II, where Béla's privilege also figured.¹⁶ Besides these two documents, a non-certified transcription on paper has also survived, which was originally part of the collections of the Hungarian National Museum and is now deposited in the National Archives of Hungary in Budapest. Most historians claim it was written in the fifteenth century; only Uličný dates it to the sixteenth century.¹⁷ From a diplomatic aspect, the charter of Béla IV of 1247 is a lost original, marked as A, the confirmation of 1500 as extant copy B, the transumption of 1547 as C, and the non-certified transcription from the fifteenth or the sixteenth century as D.¹⁸

14 The director of royal legal affairs/royal prosecutor (*director causarum regis/regalium*) represented the king in legal matters, especially in the restitution of crown property, which included royal towns. See NÁNÁSI, László. Az ügyészi funkció a rendi kori Magyarországon. In: *Pro Publico Bono-Magyar Közigazgatás*, 2017, Vol. 5, no. 4, pp. 222–236.

15 Ministerstvo vnútra Slovenskej republiky, Štátny archív Prešov, pracovisko Bardejov, fond Magistrát mesta Bardejov (abbrev. MMB), signature 3495: 7 February 1500. The photocopy of the charter is deposited in Magyar Nemzeti Levéltár, Országos Levéltára, Budapest, Diplomatikai Fényképgyűjtemény (abbrev. MNL OL DF), signature 216 296.

16 MMB, without signature: 10 September 1547.

17 Magyar Nemzeti Levéltár, Országos Levéltára, Budapest, Diplomatikai Levéltár (abbrev. MNL OL DL), signature 40 022 (1401–1500); RA I/2, no. 864, p. 260; CDSI II, no. 274++, p. 193; VARSÍK, B. K otázke, p. 142; ULÍČNÝ, F. Listina, pp. 88, 98.

18 CDSI II, no. 274++, p. 193.

The non-existence of the original and the very late extant transcriptions of Béla's charter tempted the researchers to various interpretations. Varsik, for example, considered it to be a forgery partly for these reasons. As he says, it is moreover highly suspicious that the burghers had not had its confirmation or transcription made already before 1500. However, he pointed out rightly that the confirmation of 1500 corresponds to the fifteenth-century non-certified transcription except for a few differences in the versions of the place names. Since Varsik did not allow the existence of an original thirteenth-century charter, he presumed that, in issuing the confirmation in 1500, the royal chancellery drew on the non-certified transcription, which he thought was a forgery written sometime in the latter half of the fourteenth century or in the fifteenth century. He also claimed that the burghers did not own any certificate of Béla's charter and they had a confirmation made only of its simple, uncertified transcription. Based on the information by the Polish chronicler Jan Długosz, he even thought that Béla's charter might have been produced by the Cistercians of Koprzywnica and, in the latter half of the fourteenth century, this forgery was submitted to King Louis, who then deposited it in the archive of the royal treasury in Buda. However, he allows also for the highly improbable possibility that the burghers themselves produced a forgery of Béla's charter sometime in the late fifteenth century and "*somehow smuggled it into the treasury archive*".¹⁹

The versions of the Bardejov Charter were discussed in detail also by Uličný. He presumed that the original of 1247 was still present in the Bardejov archive in the latter half of the fifteenth century and he marked it as Version A. This was the document the burghers drew on when producing its forged version, into which they inserted a deliberately enlarged property of the town. He marked this already forged charter of Béla from the latter half of the fifteenth century as Version B. In 1500, the king did not certify the original (A), but the forged charter (B), submitted to him by the burghers. According to Uličný, the privilege on the parchment with a double-sided seal, mentioned at the beginning of the confirmation, was already a forgery and not the original charter. Subsequently, the burghers destroyed the original thirteenth-century charter (A), as well as the original of its forged version (B), and that is why only its confirmation of 1500 has survived to this day, which he marked as Version B1. In 1547, the burghers had a transumption made of the aforementioned confirmation by the convent in Jasov, which he marked as Version B2. Similarly to Varsik, Uličný also claims that the non-certified transcription of Béla's charter "*agrees verbatim*" to the text of the document he marked B1. There are differences only in some of the forms

19 VARSÍK, B. K otázke, pp. 141–142, 147–148.

of the place names and he marked this version B3. Consequently, it logically follows to him that B3 is a later and erroneous transcription of B1, or maybe B2, made only sometime in the sixteenth century.²⁰

In their effort to prove that Béla's privilege was a forgery, a forged or interpolated charter, the unconvincing and complicated constructions of Varsik and Uličný unnecessarily made a simple matter obscure. I think the original of Béla's charter still existed in the late fifteenth century and the question of its authenticity can be answered, and the non-certified transcription correctly dated, only with regard to the royal confirmation of 1500. It should be noted, however, that the original of the 1247 charter was probably never deposited in the Bardejov town archive as Varsik and Uličný supposed. Had the burghers owned this charter before 1500, it would not have been deposited in the royal treasury archive in Buda and they would have surely used it in their numerous disputes with their neighbours over their properties in the first half of the fourteenth century, or in their long dispute with the Cudars, the owners of the Makovica castle demesne, or in that with Zápolya, in the latter half of the fifteenth century. When proving their property rights, the burghers would always present only the demarcation charters of 1320, 1324, and 1351.²¹ They were not aware of the existence of the 1247 charter issued by Béla to the Cistercians settled in Bardejov and it is highly probable that they learnt of it much later, apparently sometime in the latter half of the fifteenth century, during their property dispute with Zápolya.²² That is why the southern border of the town was re-demarcated in 1482 by the representatives of the Chapter of Spiš.²³ It was probably due to this dispute that the burghers had a German translation made about the borders of the town, meant for King Matthias Corvinus and the Zápolyas, sometime between 1480 and 1490.²⁴ In the place names and the size of the property, however, this German translation of the town's borders does not agree with the 1247 charter at all, because its model was most probably the demarcation charter of 1351.²⁵ On the king's order, the convent in Jasov re-demarcated the southern border of the town's property in 1496, and this agrees with the description of the border of Kobyly of 1321,²⁶ owned by

20 ULIČNÝ, F. Listina, pp. 87–88, 94–96.

21 HUDÁČEK, Pavol. Komunikácia mesta Bardejov s majiteľmi Makovického hradného panstva. In: LUKAČKA, Ján and Martin ŠTEFÁNIK et al., eds. *Stredoveké mesto ako miesto stretnutí a komunikácie*. Bratislava: HÚ SAV, 2010, pp. 250–252.

22 MMB, sign. 461 (1480); *Bártfa szabad királyi város levéltára, 1319–1526* (abbrev. Bártfa). IVÁNYI, Béla, ed. Budapest: MTA, 1910, no. 3297, p. 487 (1497); MMB, sign. D. 37 (1483).

23 MMB, sign. 2226 (1482).

24 MMB, sign. 2158.

25 MMB, sign. 10 (1351).

26 *Regesta diplomatica nec nec epistolaria Slovaciae II*. SEDLÁK, Vincent, ed. Bratislava: VEDA, 1987, no. 621, p. 283 (1321/1325).

the Zápolyas in the late fifteenth century.²⁷ As late as in 1500, a few months after the issuance of the confirmation of Béla's charter, Martin Bynder, a burgher in Bardejov, was still complaining to the king about the Zápolyas for having unlawfully taken away the villages of Šiba, Richvald, Kľušov, and Hervartov, lying to the south of the town.²⁸

While settling several disputes over their borders between 1347 and 1500, the burghers never presented the charter of 1247, although the beginning of the confirmation of 1500 clearly says that this privilege was deposited in the royal treasury archive in Buda and, judging from its external description (parchment, double-sided seal), it is highly probable that this was the now lost thirteenth-century original (A). Nevertheless, Varsik claimed that the burghers had a confirmation made only of a non-certified transcription on paper (D).²⁹ However, it is hard to imagine that the royal chancellery would have produced a credible confirmation only based on a simple transcription. Since the original of Béla's charter was never present in the town archive, the burghers could not make forged of it sometime in the latter half of the fifteenth century. They had no chance to change its content, as Uličný supposed, example, even claiming that the burghers "*undoubtedly in an 'appropriate manner'... got Benedict de Borswa involved in 'finding' and presenting the charter. In the royal chancellery, he then submitted Extant Copy B and the text of Béla's charter [i.e. the already forged version]*".³⁰

In the confirmation of 1500, the reference to Benedict, an administrator of royal disputes whom Vladislaus II ordered to look up Béla's charter in the royal treasury archive, is very important. Since Benedict worked in the given archive and kept in close touch with the town council of Bardejov in the latter half of the fifteenth century, it might have been him who called the attention of the burghers to the charter of 1247. Benedict announced to them that he was dealing with their dispute with Emeric Zápolya already in 1487.³¹ A few months later, he wrote to the burghers saying that when the palatine (i.e. Emeric Zápolya) arrived at the king's court in Buda, they would discuss their matter.³² In 1489, he informed them about the ongoing settlement of the dispute over the borders of their property and his plan to come to Bardejov with the officials of the Buda Chapter

27 MMB, sign. 3288 (1496).

28 MMB, sign. 3521 (1500); MMB, sign. 3522 (1500).

29 VARSÍK, B. K otázke, p. 142.

30 ULIČNÝ, F. Listina, p. 97.

31 MMB, sign. 2522 (1487).

32 MMB, sign. 2559/a (1487). In 1488, he informed them that the assembled magnates and noblemen from various counties were waiting for the master of the treasury in Buda to hear the king's decree, but he did not show up. MMB, sign. 2658 (1488). The master of the royal treasury might have been dealing with the dispute of the burghers with the Zápolyas, too.

and the palatine to re-demarcate the borders of the town.³³ Shortly afterwards, he again wrote to the town council about the borders and the payments for issuing the judicial documents.³⁴ Lastly, in 1497, he informed them that he had submitted several letters about their unsettled matters to the master of the treasury and these would be negotiated when the king arrived in Buda.³⁵ Even here, he was most probably referring to their dispute with the Zápolyas, with whom they disagreed over the southern border of the town.

The reference to Benedict is very valuable, since it was him the king ordered to find (*requirere et reinvenire*) and present Béla's charter, deposited (*reponere*) at that time in the treasury archive, for confirmation.³⁶ The burghers had not been aware of Béla's charter and they were notified of it most probably only by Benedict sometime between 1497 and 1500. It might have come in useful for them in their dispute with the Zápolyas and that might have been why, in the late fifteenth century, they "unexpectedly" requested the king to have a transcription made of it. Benedict was a director of royal legal affairs and had therefore access to the treasury archive in Buda, where the royal privileges, charters of donation, and various other documents were deposited. He did not have to look hard for Béla's charter among the numerous documents, as he probably used the royal registers (*libri regii, regestrum regale*) where details of the charters issued in the royal chancellery were recorded, and which also contained brief summary and the place of their deposition. Until 1526, the royal archive and all the registers had been held in the treasury house in Buda. When making copies of the charters deposited in this archive, it is often stated that they would be first looked up (*requirere, reinvenire*) in the royal books.³⁷ While settling the dispute of the town

33 MMB, sign. 2693 (1489); MMB, sign. 2695 (1489). The description of the borders made by the Buda Chapter in 1489 survived in a later copy. MMB, knihy, sign. 17. This description of the borders is probably based on the judicial document of the judge royal Nicholas Szécsi issued in 1355. MMB, sign. 16.

34 MMB, sign. 2716 (1489). In 1492, Benedict was settling a dispute of the town also with the Chapter of Oradea over tolls. MMB, sign. 3082 (1492).

35 MMB, sign. 3320 (1497). Benedict was still writing to the burghers in 1498, but at that time he only demanded canvas from the town. MMB, sign. 3362/a (1498); Bártfa, no. 3359, pp. 495–496.

36 MMB, sign. 3495.

37 HAJNIK, Imre. *A királyi könyvek a vegyes házakbeli királyok korszakában*. Budapest: MTA, 1879, pp. 6–8, 10–11, 13–14, 16–18, 20; RADY, Martyn. The Corvina Library and the Lost Royal Hungarian Archive. In: RAVEN, James, ed. *Lost Libraries. The Destruction of Great Book Collections since Antiquity*. Basingstoke; New York: Palgrave, 2004, pp. 100–102; SZENDE, Katalin. The Uses of Archives in Medieval Hungary. In: ADAMSKA, Anna and Marco MOSTERT, eds. *The Development of Literate Mentalities in East Central Europe*. Turnhout: Brepols, 2004, pp. 111, 114–116, 124.

with the Zápolyas, Benedict probably found even an entry about Béla's charter of 1247 in one of the registers. Although it was a charter about the borders of the Cistercians of Bardejov and did not have much to do with the borders of the property of the town, Benedict called the attention of the town council to its existence. The burghers showed interest in the confirmation of this thirteenth-century charter with the description of the borders of Bardejov, which they could eventually use in their disputes with their neighbours over their property. Since the burghers knew that the demarcation charter of Béla IV was in Buda, the town judge Andrew Rawber and the councillor Martin Bynder requested the king to make a transcription of it at the turn of the years 1499 and 1500. Since the burghers of Trnava requested Matthias Corvinus to make a confirmation of Béla's privilege of 1238 in 1484, and also Vladislaus II in 1494, the town judge and the councillor presented the original charter, deposited in the town archive in Trnava, in both instances.³⁸ This, however, was not the case with the Bardejov charter since the burghers never owned the original and had to therefore turn to the king in 1499/1500 to provide the document for confirmation. On their request, Vladislaus II ordered Benedict to look up the charter in the treasury archive and give it to the royal chancellery for copying. In those times, the king spent most of his time in Buda, and he was there also in the late January and early February of 1500.³⁹ Probably this was when Benedict presented the original of Béla's charter of 1247 (A)⁴⁰ to him and the royal protonotary Ladislaus made a confirmation (B) of it on 7 February 1500, certified by Vladislaus II.

Varsik and Uličný already noticed that, except for a few differences in the form of the place names, Version B and the non-certified transcription of Béla's charter (D) were identical. For this reason, Szentpétery and Varsik are of the opinion that the dating of Version D, written sometime in the fifteenth century, should be based on the confirmation of 1500. The non-certified transcription was probably related to the needs of the burghers or the royal chancellery and might have been produced already sometime in late 1499 or early 1500. It was written in haste, as can be seen from the crossed-out words, words written twice, almost a whole sentence being repeated, a word added as a marginal addition, and several errors in the transcription of some of the place names, which differ from Version B. Contrary to the royal confirmation, the copyist used several abbreviations in his text. Although the forms of some place names differ, the

38 SOLČANSKÁ, Andrea. Privilégium Bela IV. pre Trnavu z roku 1238 a jeho konfirmácie (Diplomaticko-paleografický rozbor). In: DOBROTKOVÁ, Marta, ed. *Studia Historica Tyrnaviensia IV*. Trnava: FF TU, 2004, pp. 34–35.

39 Bártfa, no. 3493, 3495, p. 516 (1500).

40 “*Qui tandem ad nos personaliter reversus...*” MMB, sign. 3495.

author was consistent in writing them and his style is uniform.⁴¹ The spellings of the place names are different also in the transumption of the Bardejov Charter of 1547 despite having been made according to the original of the confirmation. Although several publishers of the Bardejov Charter in the eighteenth to the twentieth centuries drew on Version B, they also made several mistakes in the transcriptions of the place names. When copying the originals, errors used to occur frequently due to inattention or misreading. Although this applies also to the case of the aforementioned versions of Béla's charter, the differences between B and D are not major ones. The type of the script, however, reveals that the simple non-certified transcription was made by another copyist than protonotary Ladislaus who made the confirmation of 1500.⁴² It was not made by Benedict, either, as his extant letters addressed to the town council are written in a different type of script.⁴³ Although we cannot learn who the author was, it might have been produced by a scribe of Benedict or Ladislaus working in the treasury archive or in the royal chancellery in the late fifteenth century.

Contrary to the previous opinions, I think the model for the non-certified transcription (D) was not the confirmation (B) or its Version C, as Uličný thought, but the original of Béla's charter (A), which had still been deposited in the treasury archive in the late fifteenth century. The reason why the original of Béla's charter was lost was most probably the military defeat of the Hungarians in the Battle of Mohács in 1526, after which Queen Mary immediately issued an order for the entire royal archive to be sailed from Buda to Esztergom. In an unfortunate accident, almost the entire archive sank in the Danube during the journey and, besides the royal register, numerous documents that had been previously deposited in the treasury archive got destroyed, too.⁴⁴ These probably included also the privilege issued by Béla in 1247 and the reason why only its confirmation of 1500 has survived to this day is that, unlike the original, it was deposited in the Bardejov town archive at that time. It follows from the above that the confirmation of 1500 (B) was produced according to the original (A), which most probably served as the model also for the non-certified transcription made in the late fifteenth century (apparently in 1499). Therefore, Béla's 1247 charter is not forgery, nor forged or interpolated, even though its content has survived only in its later confirmation, which is the only authentic transcription of the lost original.

41 For example, he constantly uses the word *dicere* instead of *nuncupare* or *vocare*.

42 MNL OL DL 61 080 (1492); MNL OL DL 83 959 (1493); MNL OL DL 30 062 (1500); MNL OL DL 24 780 (1501).

43 See Notes no. 31–35.

44 RADY, M. The Corvina, pp. 91–92, 100–101; SZENDE, K. The Uses, pp. 114–116.

Jan Długosz and the Cistercians of Koprzywnica

Besides the 1247 charter, the activities of the Polish Cistercians in Bardejov are mentioned in the register of benefits, properties, and privileges of the various ecclesiastical institutions of the Kraków Diocese (*Liber beneficiorum*), written by the Polish chronicler Jan Długosz.⁴⁵

He compiled the part concerning the Cistercian monasteries between 1474 and 1480.⁴⁶ In his last record of the possessions of the Koprzywnica abbey (after describing the tithes of the abbey), Długosz notes that Bardejov and thirteen villages in its vicinity had belonged to this Polish monastery until the reign of the Hungarian King Louis I. The abbey had allegedly owned these properties from the time it was established (after 1185), but when, in 1370, Louis became also the king of Poland, he unlawfully confiscated them from the abbey. Conrad, the abbot in Koprzywnica at that time, tried to get them back and made a journey with this aim to the king in Buda, where he presented the privilege charters of Hungarian rulers regarding the ownership of Bardejov and the thirteen villages. Louis heard Conrad out, deposited the documents in the royal treasury, and promised to look into the complaint later. However, this never happened, as the Hungarian king died shortly afterwards, and the abbey did not receive its property back. According to Długosz, the monks of Koprzywnica later learnt, probably from the abbot of the Cistercian monastery in Spišský Štiavnik,⁴⁷ that he saw the aforementioned privilege about the ownership of Bardejov and the thirteen villages in the royal treasury. These facts ultimately convinced the Polish monks to retry to recover their lost property.⁴⁸

45 See KÜRBIS, Brigitte. Johannes Długosz als Geschichtsscheiber. In: PATZE, Hans, ed. *Geschichtsschreibung und Geschichtsbewußtsein im späten Mittelalter*. Sigmaringen: Jan Thorbecke Verlag, 1987, pp. 483–496.

46 A manuscript from the latter half of the fifteenth century (no. 197) and its copy from the seventeenth century (no. 201) are preserved in the Archiwum Krakowskiej Kapituły Katedralnej. POLKOWSKI, Ignacy. *Katalog rękopisów kapitułnych katedry krakowskiej 1*. Kraków: NAU, 1884, pp. 129, 131; KURAS, Stanisław. *Regestum Ecclesiae Cracoviensis. Studium nad powstaniem tzw. Liber Beneficiorum Jana Długosza*. Warszawa: PWN, 1966, pp. 5–10, 20, 24–25, 33–39; ZDANEK, Maciej. Rola dokumentu w opisach klasztorów cysterskich w *Liber beneficiorum*. Przyczynek do archiwalnych kwerend Jana Długosza. In: RAJMAN, Jerzy and Dorota ŻUREK, eds. *Klasztory, miasta, zamki w życiu i twórczości Jana Długosza*. Kraków: KA, 2016, p. 342.

47 DŁUGOSZ, Joannis. *Liber beneficiorum dioecesis Cracoviensis III. Monasteria* (abbrev. LB III). PRZEŹDZIECKI, Aleksander, ed. Cracoviae: Ex. Typographia Kirchmajeriana, 1864, p. 400. Although part of the text is missing in this sentence, the context makes it clear that Długosz was most probably referring to the abbot in Spišský Štiavnik.

48 LB III, pp. 399–400. Przeździecki did not use the original when publishing the *Liber beneficiorum* but based it on a seventeenth-century copy. KURAS, S. *Regestum*, pp. 6–7.

Historians consider Długosz's *Liber beneficiorum* to be a work of exceptional importance due to its reliability and wealth of information. Długosz was the notary, scribe, and secretary of the bishop of Kraków. He had access to the archive of the cathedral and, when writing the register, he used a number of sources from the archives of the Cistercian monasteries (charters, cartulary, lists of abbots, etc.). Also, he probably gained some oral information about the properties of the abbeys and about the local conditions personally during his repeated visits to individual monasteries.⁴⁹ In the case of Bardejov (referred to as *oppidum*), Długosz mentions fourteenth-century events while he wrote the register only in the latter half of the fifteenth century, so he might have added some things to the earlier pieces of information about this property or, in retrospect, he might not have understood them correctly or might have interpreted them wrongly. Unlike in the case of the records of the individual properties of the Koprzywnica monastery, where he used several documents (up to twenty-eight),⁵⁰ the part on the monastic estate in the Kingdom of Hungary is a "stylized narrative" in the form of a story.⁵¹ He did not mention which Hungarian kings issued privileges and when and, apart from Bardejov, he did not know the names of the thirteen villages. However, if no tie had existed between Koprzywnica and Bardejov, Długosz would not have mentioned it in his register.⁵² He did not have any documents about this property, so he probably relied on monastic tradition (oral information)⁵³ or, most probably, he used some records from the monastery archive that are not extant today⁵⁴ and might have included information on the property of the Koprzywnica abbey in the Kingdom of Hungary. Since the part about Bardejov is in the form of a story, it is quite possible that Długosz

49 DĄBROWSKI, Jan. *Dawne dziejopisarstwo Polskie (do roku 1480)*. Wrocław; Warszawa; Kraków: ZNiO; PAN, 1964, pp. 193, 196, 199, 208–210, 213–214; KURAŚ, S. Regestum, pp. 34, 38–39; KOZŁOWSKA-BUDKOWA, Zofia and SZCZUR, Stanisław. *Dzieje opactwa cystersów w Koprzywnicy do końca XIV wieku*. In: *Nasza Przeszłość*, 1983, Vol. 60, pp. 6–8, 11; ZDANEK, M. Rola, pp. 343, 347, 349, 351, 357–361, 363–370, 372.

50 ZDANEK, M. Rola, pp. 350–351, 363–364, 370.

51 The data on the properties of the Koprzywnica Abbey were written by a notary, with Długosz adding further details. Długosz recorded the data on tithes mostly himself and, since the part about Bardejov followed immediately after these, it may also have been written down by him. KURAŚ, S. Regestum, p. 37.

52 This is what Jankovič had already thought. JANKOVIČ, V. *Začiatočná etapa*, p. 36.

53 Kuraś does not assume this and thinks that Długosz used mostly written records. KURAŚ, S. Regestum, p. 39.

54 ZDANEK, M. Rola, pp. 363–364; ZDANEK, Maciej. *Uwagi o losach archiwaliów małopolskiej grupy opactw cysterskich po kasacie w 1819*. In: DERWICH, Marek, ed. *Kasaty klasztorów na obszarze dawnej Rzeczypospolitej Obojga Narodów i na Śląsku na tle procesów sekularyzacyjnych w Europie 3. Źródła. Skutki kasat XVIII i XX w. Kasata w latach 1954–1956*. Wrocław: WTMH, 2004, pp. 120–121, 123–125.

used the now lost, so-called *Kronika koprzywnicka* from the fifteenth century when mentioning the property in the Kingdom of Hungary. This chronicle was authored by the Koprzywnica monk Matern from Kraków, sometime after 1460 (possibly between 1454 and 1465)⁵⁵ and, since it covered the lives and deeds of several Koprzywnica abbots, it may have been a common monastic type of a chronicle, a so-called *gesta abbatum*.⁵⁶ This assumption would explain, among other things, the generally positive assessment of Abbot Conrad in his efforts to recover Hungarian possessions. Długosz's or, rather, Matern's (?) story about Bardejov⁵⁷ is highly valuable for clarifying the uncertainties around the 1247 charter of Béla IV. However, the pieces of information in the *Liber beneficiorum* that Bardejov and the thirteen villages⁵⁸ had belonged to the abbey from the time of its establishment, that the abbey had owned these properties until the reign of Louis I, and that there were several privileges issued by Hungarian kings to the Cistercians of Koprzywnica, are false, distorted, or even fictitious.⁵⁹ What I consider to be credible pieces of information, which could have been part of the written history of the monastery and its abbots (*Kronika koprzywnicka*), are the mentions of the presence of Polish Cistercians in Bardejov (recorded in the

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- 55 He is also considered to be the author of *Spominki koprzywnickie* and the monastery cartulary (*Privilegia monasterii Coprivnicensis librario Materno saec. XV* or *Kopiarz Materna*), which he wrote down sometime between 1461 and 1463. KALISZUK, Jerzy. Matern – cysters koprzywnicki uczony kopista z XV wieku. In: KROCHMAL, Jacek, ed. *Historia, memoria, scriptum. Księga jubileuszowa z okazji osiemdziesięciolecia urodzin profesora Edwarda Potkowskiego*. Warszawa: AGAD, 2015, pp. 249–250, 254, 256–257; ZDANEK, M. Uwagi, p. 121.
- 56 The original of the medieval chronicle is lost, but part of its text survived in the appendix of the Koprzywnica chronicle from the first half of the seventeenth century. PUŁAWSKI, Stanisław. *Kronika czyli katalog Opatów XX. Cystersów w Koprzywnicy*. In: *Kronika Diecezji Sandomierskiej*, 1911, Vol. 4, no. 5, pp. 135–136; ZDANEK, Maciej. Stan i perspektywy badań nad „Kroniką koprzywnicką”. In: STARZYŃSKI, Marcin and Dariusz TABOR, eds. *Dzieje i kultura cystersów w Polsce 1*. Kraków: Societas Vistulana, 2016, pp. 173–188.
- 57 Maciej Zdanek, however, does not assume that Długosz used this chronicle when mentioning Bardejov; instead, he points out his personal contacts with the monks of Koprzywnica. ZDANEK, M. Rola, p. 372.
- 58 It is not known why Długosz mentions exactly thirteen villages. Apparently, he already refers to the settlement situation in northern Šariš in the latter half of the fifteenth century. See ULIČNÝ, F. Listina, p. 90.
- 59 The Cistercians had actually arrived in Bardejov sometime before 1247. In 1320, King Charles Robert granted privileges to the people and guests of Bardejov. In the fourteenth century, this property was owned by the kings of Hungary; consequently, the Polish Cistercians could not have owned it at that time. HUDÁČEK, Pavol. Bardejov. In: ŠTEFÁNIK, Martin and Ján LUKAČKA, eds. *Lexikon stredovekých miest na Slovensku*. Bratislava: HÚ SAV, 2010, pp. 80–87. See also VARSÍK, B. K otázke, p. 148; KOZŁOWSKA-BUDKOWA, Z., SZCZUR, S. Dzieje, p. 30; RAJMAN, Jerzy. Średniowieczne pogranicze w Karpatach. Refleksje nad informacjami Jana Długosza. In: *Res Gestae*, 2018, Vol. 6, p. 97.

story of the ownership of this property, apparently based on Béla's charter of 1247, which had no longer been in the Koprzywnica monastery at that time), the journey of abbot Conrad to Buda to the Hungarian king, and certain privileges of Hungarian rulers (or, rather, only one) deposited in the treasury archive. The note about the contacts of the Cistercians of Spišská Štiavnica with the Polish abbey is probably oral information already from the latter half of the fifteenth century, which Długosz might have heard from the Koprzywnica monks (or their abbot).

In addition, the reference to several privileges of Hungarian kings, which were to document the ownership of Bardejov by the Koprzywnica monastery, is also very important. According to Długosz, Conrad brought some privileges to the king in Buda sometime in the latter half of the fourteenth century. When Louis became also king of Poland,⁶⁰ he spent most of his time in Visegrád or Buda.⁶¹ If somebody from Poland needed to have something settled, he had to travel to the Kingdom of Hungary to see the ruler.⁶² Conrad (1372–1386) was a very energetic abbot and played a major role in the economic upliftment of the Koprzywnica monastery.⁶³ Given that Conrad was vigorously safeguarding and increasing the property of the monastery in Poland, the reference to his visit in Buda in the matter of the “ownership” of Bardejov may be credible.⁶⁴ Długosz mentions that the reason for Conrad's journey to the king was the restitution of the properties the abbey had previously “owned” in the Kingdom of Hungary. Conrad was able to prove their entitlement to the property in Bardejov since he brought along several privileges issued by Hungarian kings to Buda, although it is not further specified which kings had issued these and when. In his reference to the Bardejov charters, Długosz probably did not use written records, but drew on oral tradition, otherwise he would have stated more specific details about these documents. Długosz might have intentionally talked about several privileges

60 On this see FERDINANDY, Michael de. Ludwig I. von Ungarn (1342–1382). In: VARDY, Steven B. et al., eds. *Louis the Great, king of Hungary and Poland* (abbrev. *Louis the Great*). Boulder; New York: EEM; CUP, 1986, pp. 3–48.

61 He spent little time in Poland. In 1370–1382, his visits are recorded in Kraków, Gniezno, Sandomierz, Biecz, Poznań and Kalisz. WERTNER, Mór. Nagy Lajos király hadjáratai (1342–1382) II. In: *Hadtörténelmi közlemények*, 1918, Vol. 19, pp. 247, 253–254, 256, 266–267.

62 BACZKOWSKI, Krzysztof. Dwie tradycje rządów andegaweńskich 1370–1386 w piśmiennictwie staropolskim. In: *Annales Academiae Paedagogicae Cracoviensis 21, Studia Historica*, 2004, Vol. 3, p. 33.

63 BUDKOWA, Zofia. Konrad (2. poł. XIV w.), opat cystersów z Koprzywnicy w l. 1372–1384. In: KLOBASSA ZREŃCKI, Stanisław and Franciszek KOPERNICKI, eds. *Polski Słownik Biograficzny 13*. Wrocław; Warszawa; Kraków: PAN, 1967–1968, pp. 598–599; KOZŁOWSKA-BUDKOWA, Z., SZCZUR, S. Dzieje, pp. 31, 63–64, 69.

64 Kozłowska-Budkowa and Szczur do not rule out the possibility that Konrad did travel to Buda to regain of Hungarian property, either. KOZŁOWSKA-BUDKOWA, Z., SZCZUR, S. Dzieje, p. 31.

to emphasize the lawfulness of the entitlement of the abbey which fitted well with the story of the “outrageous” confiscation of properties by the king of the Kingdom of Hungary.⁶⁵ The several privileges issued by the kings of Hungary, probably “invented” by him, were to clearly document Louis’s unjustified acts. The possibility that Długosz simply assumed the existence of several privileges issued by Hungarian kings to the Koprzywnica monastery during the long period from its establishment at the end of the twelfth century to 1370 may also be taken into account. Conrad most probably brought a single document to Buda, which seems to have been the privilege of Béla IV of 1247. No references to any other charters issued by Hungarian kings are extant, and it is highly unlikely that any existed, since the Cistercians had left Bardejov under unknown circumstances already before 1261.⁶⁶ They most probably returned to Poland to their mother monastery in Koprzywnica and took the privilege of Béla IV along, which might explain why the charter was never present in the town archive of Bardejov. The hypothesis that the monks had taken the charter to Poland and it made its way back to the Kingdom of Hungary only later is supported by Długosz’s words that, after hearing out Conrad’s claims, the king deposited the privileges in the royal treasury (*in thesauro regio*). Even the abbot of Spišský Štiavnik⁶⁷ saw the privilege of the Koprzywnica monastery regarding Bardejov and the thirteen villages deposited in the royal treasury (*in aerario regio*), but this must be a piece of information from the latter half of the fifteenth century, when Długosz wrote his register.⁶⁸ This reference is crucial because, contrary to the previous claims, it talks about a single charter, which might prove that there had been in fact only one privilege and Długosz had previously mentioned several documents by mistake or intentionally. During the reign of Louis I, the terms *thesaurum regium* or *aerarium regium*, used by Długosz in his register, referred to the royal archive and, later, the treasury archive. In fourteenth-century Hungarian sources, however, this archive is most often mentioned as *domus thavernicalis* or *domus thesauraria*.⁶⁹ Even according to the confirmation of 1500, the original of Béla’s

65 By the latter half of the fourteenth century, Louis I had not enjoyed a good reputation in Polish historical tradition, and this is obvious from Długosz’s unfavourable references to the king, too. KŁOCZOWSKI, Jerzy. Louis the Great as King of Poland as Seen in the Chronicle of Janko of Czarnkow. In: *Louis the Great*, pp. 132–138; BACZKOWSKI, K. Dwie, pp. 34–36. However, it is questionable whether this was Długosz’s own view or whether a negative image of this ruler had already been present in the *Kronika koprzywnicka*.

66 HUDÁČEK, P. Boli Nemci, p. 156.

67 See Note no. 47.

68 LB III, pp. 399–400.

69 HAJNIK, I. A királyi, pp. 10–11, 13, 15–18; SZENDE, K. The Uses, pp. 114–116, 124. For the Latin terms, see *Glossarium mediae et infimae latinitatis regni Hungariae*. BARTAL, Antonius, ed. Lipsiae; Budapestini: Teubneri, 1901, pp. 18, 663–664. See also WEISZ, Boglárka.

1247 charter was present *in domo nostra Thauernicali*.⁷⁰ Długosz's information about the *thesaurum regium* in Buda, where the royal charters were deposited during the reign of Louis I, documents that the mention of the property of the abbey in Bardejov and of the existence of privileges, or rather only single charter, is most probably credible.

Based on Długosz's information, I assume the monks took along Béla's charter of 1247, issued in the Kingdom of Hungary for the Cistercians of Koprzywnica, after their unexpected departure to their motherhouse in Poland. Conrad, the abbot in Koprzywnica, brought it to Buda sometime between 1372 and 1382 and Louis I deposited it in the royal archive. It did not stay there for long because it was afterwards acquired by the magnate Peter Cudar, as the register of his charters reveals. The latter mentions also Béla's privilege about the borders of Bardejov,⁷¹ most probably referring to the 1247 charter which the royal chancellery called a privilege.⁷² Długosz also refers to the charter(s) about the property of the monastery in the Kingdom of Hungary as a privilege⁷³ and even according to the 1500 confirmation of Béla's charter it was a privilege on parchment about the borders of the town.⁷⁴ All the above references pertain to a royal document about Bardejov or its borders and correspond to both the content and the form of the charter of Béla IV of 7 November 1247.

Peter Cudar's Register

According to Długosz, towards the end of the reign of Louis I and in the latter half of the fifteenth century, when he wrote his *Liber beneficiorum*, Béla's charter had still been deposited in the royal treasury archive in Buda and that is where Benedict, a director of royal legal affairs, found it before issuing its confirmation in 1500. How is it possible then that Béla's charter found its way to Peter Cudar's hand sometime in the latter half of the fourteenth century and is mentioned in his register of charters (*Registrum litterarum Petri bani*)?⁷⁵ As one of the main representatives of the Cudars, Peter (1343–1394/1395) gained a strong position of power under the reign of the House of Anjou and his career peaked under the

The *magister tavarnicorum* and the towns in the Hungarian Kingdom in the Angevin era. In: *Mesto a dejiny*, 2016, Vol. 5, no. 2, pp. 6–17.

70 MMB, sign. 3495.

71 "*Item litera privilegialis Bele regis super metis Bardfa.*" MNL OL DL 32 263, pag. 3; Neznáme inventáre stredovekých listín zo Slovenska. SEDLÁK, Vincent, ed. In: *Historické štúdie*, 1970, Vol. 15, p. 273.

72 CDSI II, no. 274++, p. 194.

73 LB, pp. 399–400.

74 MMB, sign. 3495.

75 Neznáme inventáre, p. 273.

reign of Louis I, when he held several posts in the administration of the country and its counties.⁷⁶ In 1364, the king donated the demesne of the Makovica Castle, along with the long-term lease of the toll in Bardejov and Gaboltov, to Peter Cudar and his brothers.⁷⁷ In his register, apart from the aforementioned privilege of Louis I, there were also three, now lost, charters of Ladislaus IV from the latter half of the thirteenth century concerning Makovica Castle.⁷⁸ As the oldest member of the Cudar family, Peter most probably received all the earlier documents related to this royal castle from the monarch after the donation of the castle demesne in 1364.⁷⁹

In the 1470s, Peter Cudar was one of the most prominent magnates at the Hungarian court.⁸⁰ Together with the palatine Vladislaus II of Opole, he was sent as a royal envoy by Louis to Kraków, to make arrangements necessary before his arrival. Peter fulfilled his task and personally attended the ceremony of Louis' coronation as King of Poland on 17 November 1370. Louis rewarded Peter magnificently for his loyalty and merits, and while in Kraków, on 25 November 1370, he gave him Bardejov (*civitas seu oppidum*) with all its royal rights as a new donation.⁸¹ Since this frontier town belonged to Peter Cudar from 1370,⁸² Louis I could have given him an older charter of Béla IV concerning Bardejov and its borders with this donation, which had originally been deposited in the Koprzywnica monastery. According to Długosz, Abbot Conrad of Koprzywnica came to Buda to see the King of Hungary about his property claim to Bardejov,

76 FÜGEDI, Erik. *Ispánok, bárók, kiskirályok*. Budapest: Magvető, 1986, pp. 186, 242, 279, 322; ENGEL, Pál. *Magyarország világi archontológiája II. 1301–1457*. Budapest: MTA, 1996, p. 46.

77 MNL OL DL 5343 (1364); MNL OL DL 5344 (1364/1410); MNL OL DL 5345 (1364/1410). The king kept the town of Bardejov to himself, however.

78 Neznáme inventáre, p. 274.

79 The same was the case with the village of Radoma. Although Peter Cudar acquired it from Louis I only in 1352 (MNL OL DL 4249), his register also mentions two charters of this property issued by Ladislaus IV in the latter half of the thirteenth century. Neznáme inventáre, p. 275.

80 Between 1368 and 1371, he was the ban of Slavonia. ENGEL, P. *Magyarország I*, p. 18.

81 MNL OL DL 5892 (1370); *Sprawozdanie z poszukiwań na Węrzach dokonanych z ramienia Akademii Umiejętności*. BARAN, Władysław et al., eds. Kraków; Warszawa: NAU, 1919, no. 29, pp. 16–18; MARZEC, Andrzej. Hungary and Hungarians in the Chronicle of Jan of Czarnkow. In: BAGI, Dániel et al., eds. *Hungary and Hungarians in Central and East European Narrative Sources (10th – 17th Centuries)*. Pécs: UP, 2019, p. 128. See also MARZEC, Andrzej. New King and New Elites. The Reign of Louis the Great in Poland 1370–1382. In: BAGI, Daniel et al., eds. *Hungaro-Polonica. Young Scholars on Medieval Polish-Hungarian Relations*. Pécs: TE, 2016, pp. 190–192, 196–197, 200–201, 218.

82 Presumably this also applied to all the former royal revenues and rights of this town (land tax-*terragium*, half tithe, etc.)

but he does not mention the year of the abbot's journey. Peter might have received the charter of Béla IV from Louis I sometime between 1370/1372 and 1382, i.e. at the time when he was King of Poland. Since this charter about the borders of "Cistercian" Bardejov made its way to Buda thanks to Abbot Conrad of Koprzywnica in the latter half of the fourteenth century, Louis could have given it Peter Cudar sometime between 1371/1372 and 1382.⁸³ After the donation of Bardejov in 1370, as the new owner of the town, Peter would later receive from the monarch also the oldest document of the *super metis Bardfa*, which was most probably the 1247 charter of Béla IV.

Soon after the death of Louis I, Peter Cudar and his brothers came into conflict with Elizabeth, who reigned as the queen regent of her minor daughter Maria. Peter was the governor of Galicia (*regni Rusciae vayvoda*) from 1381 and, in the autumn months of 1382, he was accused of treason for allegedly selling several castles to the Lithuanians for money. Queen regent Elizabeth therefore arrested him and, sometime after September 1382, confiscated all his estates and the deposited his charters in the archive of the royal treasury in Buda.⁸⁴ This was most probably the reason for the compilation of the inventory of all of Peter Cudar's documents, which had apparently reached the archive of the royal treasury already at the end of 1382. There, probably on the queen's instructions, the *Registrum litterarum Petri bani* was written sometime before July 1383.⁸⁵ According to this register, some of the documents were deposited in a large

83 Conrad is mentioned as the abbot of Koprzywnica for the first time in 1372, but it cannot be ruled out that he had already been an abbot at that time. No written records about the abbot's identity are extant from the years 1370–1371. BUDKOWA, Z. Konrad, pp. 598–599. If Conrad had been the abbot already in 1370, he could not have travelled to Buda to see the Hungarian king until 1371 at the earliest, because Louis I was still in Poland in early December 1370 and did not return to the Kingdom of Hungary until the end of that month. However, the year of Conrad's supposed journey cannot be ascertained because, between 1371 and 1382, Louis was frequently in Buda or moved in its vicinity, and the abbot could have visited him anytime between these years. WERTNER, M. Nagy Lajos, pp. 248–251, 253–254, 256–259, 264–268.

84 In 1391, it is mentioned that, after the death of Louis I, Elizabeth and her daughter Mary were angry (*indignatio*) with Peter Cudar and therefore had him arrested (and imprisoned). All his estates became the property of the Hungarian crown and his documents were brought to Buda where they were deposited in the archive of the royal treasury ("*...Budam ad domum ipsarum Thavarnicalem portari et reponi...*"). MNL OL DL 7661 (1391). See also MNL OL DL 7710 (1391); FÜGEDI, E. Ispánok, pp. 278–279; SÜTTŐ, Szilárd. Cudar Péter árulása 1382. In: *Hadtörténelmi Közlemények*, 1997, Vol. 110, no. 2, pp. 311–321. In August 1382, Peter Cudar had still been the governor of Galicia, but in early November, the post was already held by Jan Kaplai. ENGEL, P. Magyarország II, p. 35; SÜTTŐ, Sz. Cudar Péter, pp. 311, 314.

85 This is suggested not only by its name, but also by the form of the list. After the confiscation of Peter Cudar's properties, the chests with his charters were probably deposited in the archive of the royal treasury, where all the documents found in the small boxes were catalogued for record keeping.

chest, which held six smaller boxes. Along with the donation of Makovica in 1364, the third box contained the charter of Béla IV, most probably of 1247, about the borders of Bardejov.⁸⁶ At the end of the first part of the register, where the Bardejov Charter also figures, there is an entry saying that the charters were handed over to Nicholas Zámbo (*Zambus*), who was the master of the royal treasury at that time (1382–1384),⁸⁷ from the chest of Peter Cudar on 10 July 1383.⁸⁸ Nicholas received these documents apparently in order to make a revision of all of Peter's estates, which became the property of the Hungarian crown after his imprisonment. When Queen Maria was settling a property dispute of Peter Cudar with Peter's son John in May 1383, they shifted it to another date because Peter did not have his charters, as they were still deposited in the treasury archive.⁸⁹ Peter Cudar and his relatives did not manage to get back the charters of their confiscated properties in the latter half of 1383, either. Although with the consent of her mother Elizabeth, and through the intercession of prelates and barons, Queen Maria returned the properties to Peter and his brothers in late 1385,⁹⁰ they received the charters regarding Kurima (Dubinné), Radoma, Stročín, the Makovica Castle demesne and **Palwagasa*, which had been deposited in the royal treasury archive according to the register, only in the first half of 1386.⁹¹ Peter acquired these estates in 1352–1370 and, in late 1370, he also received the town of Bardejov from Louis I.⁹² However, due to his aforementioned treason, all his estates and charters were confiscated in 1382. Although these estates, with their respective documents, were eventually returned to Peter in 1385/1386,⁹³

86 However, the register does not mention the charter of Louis I about the 1370 donation of the town of Bardejov.

87 MNL OL DL 32 263, pag. 13; Neznáme inventáre, p. 272; ENGEL, P. Magyarország I, p. 38.

88 The register of charters was written by the hands of two scribes, so the second part of the list might have been produced later, sometime after July 1383.

89 "...in domo nostra Thavernicali..." The dispute was about the property of Panyola. MNL OL DL 52 451 (1383). See HAJNIK, I. A királyi, p. 17.

90 MNL OL DL 7165 (1385); SÜTTŐ, Sz. Cudar Péter, no. 2, pp. 319–320.

91 "...ex serie ipsius registri nostri in annotata domo nostra tavarnicali ex negligenti conservatione deperdita..." MNL OL DL 7208 (1386/1393); SÜTTŐ, Sz. Cudar Péter, pp. 317–318 and no. 3, pp. 320–321. The aforementioned register was most probably the *Registrum litterarum Petri bani* of 1383, which contained records of the documents to these estates. Neznáme inventáre, pp. 273, 275.

92 MNL OL DL 4249 (1352); MMB, sign. 21 (1366); MNL OL DL 5816 (1370); MNL OL DL 5892 (1370).

93 When the lords of Rozhanovce had a dispute with the Cudars in the years 1390–1394, they claimed that the master of the royal treasury, George, the son of Jakcha (1398–1401, ENGEL, P. Magyarország I, p. 39), had not given them any charters of Peter Cudar, but, on the Queen's orders, the Archbishop of Esztergom, Demeter (1378–1387, who was also Lord Chancellor from 1377 – 1386. ENGEL, P. Magyarország I, pp. 64, 89), gave them only their

Bardejov does not seem to have been among them. This town probably became the property of the Hungarian crown again at the end of 1382 and that is why, in 1386, the charter of Béla IV about the borders of Bardejov did not figure among the documents returned to Peter. All the above information suggests that, unlike Peter's other documents, Béla's charter remained in the archive of the royal treasury in Buda even after 1382, and that is where Benedict, a director of royal legal affairs, found it before issuing its confirmation in 1500.

Diplomatic Analysis of the Bardejov Charter

Since the original of the charter of Béla IV of 1247 is not extant, its external criticism cannot be performed. Its script, abbreviations, material, seal, and the fitting of the seal would definitely determine whether the charter was truly issued by the royal chancellery or whether it was a later forgery.⁹⁴ Nevertheless, we know several royal documents from the period of the reign of Béla IV, whose form and style can be compared to the Bardejov Charter from the diplomatic aspect. Already Imre Szentpétery regarded the charter as an authentic one, although its text survived only from 1500. He reached this conclusion after an in-depth diplomatic criticism of most of the documents of Béla IV and, in the case of the royal charter for the Cistercians of Bardejov of 1247, he found no reason to deem it suspicious or forged.⁹⁵ Later, probably due to the previous debate about its authenticity (Uličný and Varsik), Marsina designated it as a forged charter (*litterae falsae*) despite having published several documents of Béla IV which do not confirm this hypothesis. According to historians, one of the most important proofs of its forgery is the description of the “questionable” borders of Bardejov and, to this, Marsina added further reasons: the absence of an arenga and the unusual formulation *hoc nostrum nolens preterire mandatum*, which does not appear in the surviving charters of the respective king.⁹⁶

From a diplomatic aspect, however, the Bardejov Charter of 7 November 1247 has an identical composition to the other documents issued by the royal chancellery of Béla IV.⁹⁷ The complete intitulation used in this privilege charter

own documents about the disputed estates from the archive of the royal treasury, while Peter and his relatives had already received all their charters from this archbishop (which may have happened sometime in 1385/1386). MNL OL DL 7661 (1391). For the dispute, see MNL OL DL 7637 (1390); MNL OL DL 7952 (1394).

94 SOLYMOSI, László. Oklevéltan. In: BERTÉNYI, Iván, ed. *A történelem segédtudományai*. Budapest: Osiris, 2001, pp. 155–159.

95 RA I/2, no. 864, p. 260.

96 CDS I II, no. 274⁺⁺, p. 193.

97 For the internal composition of Árpadian charters, see SZENTPÉTERY, Imre. *Magyar oklevéltan*. Budapest: MTT, 1930, pp. 19–20, 83–118 (mainly pp. 101–106); SOLYMOSI, L. Oklevéltan, pp. 161–166. On the royal chancellery and the charters of Béla IV, see FEJÉR-

does not exhibit any differences from the original documents of this period. Minor differences can be seen only in the inscription and the salutation,⁹⁸ which is understandable since certain differences occurred in making the charters in the first half of the thirteenth century due to a gradual introduction of changes and “novelties”. From the diplomatic aspect, Latin charters had not been completely “codified” by that period and their different structure and expressions often resulted from the fact that several scribes were working in the royal chancellery, and they produced the documents after various models. The relatively long time of the codification of their formal aspect, which began under the reign of Béla III, culminated during the reign of Béla IV, when the royal charters began to gain a more uniform character.⁹⁹ However, a serious reason for its questioning was the absence of an arenga, which does appear in several documents of Béla IV.

The initial and the final parts (the protocols and the eschatocols, respectively) of medieval charters were more fixed and did not change significantly, but this did not apply to their main body (text/context). Depending on whether it was a solemn donation, a “town” privilege, a confirmation or extension of privileges, or a settlement of property disputes, the body was freer and more diverse. Some standard formulations in the main body of a charter could therefore be even omitted.¹⁰⁰ This applies to the arenga, too, which regularly figured in solemn and common privileges, but was absent from several royal documents of the 1240s. The Bardejov Charter was a common privilege,¹⁰¹ as were most of the documents issued in the royal chancellery under the reign of Béla IV.¹⁰² However, the fact that it was not a donation, but a royal decree about the property dispute of the Cistercians with the Germans of Prešov, including a new demarcation of their borders, might explain why it has no arenga, i.e. a solemnly and literarily stylized justification of the issuance of the charter.¹⁰³

PATAKY, László. *A királyi kancellária az Árpádok korában*. Budapest: MTA, 1885, pp. 29–36, 100; HAJNAL, István. IV. Béla király kancelláriájáról. In: *Turul*, 1914, Vol. 32, pp. 1–19; MARSINA, Richard. *Štúdie k slovenskému diplomatáru II*. Bratislava: VEDA, 1989, pp. 25–87.

98 CDSI II, no. 267, pp. 187–188 (1247); no. 268, p. 188 (1247); MNL OL DL 94 899 (1247); CDSI II, no. 271, p. 190 (1247).

99 FEJÉRPATAKY, L. A királyi, pp. 19–29, 36–49; HAJNAL, I. IV. Béla, pp. 8–12; MARSINA, R. Štúdie, pp. 30, 33–34; VERES, Kristóf György. A magyar királyi kancellária okleveles gyakorlata 1172 és 1235 között. In: *Turul*, 2019, Vol. 92, no. 1, pp. 2, 6.

100 SOLYMOSI, L. Oklevéltan, pp. 161–166.

101 Although the corroboration formula mentions it as a description of the boundaries, it was a privilege (*privilegium*) according to the royal chancellery.

102 MARSINA, R. Štúdie, pp. 26, 35, 53–56. See also SZENTPÉTERY, I. Magyar, pp. 95–98.

103 On its role, significance, models, and versions, see MARSINA, Richard. Die Arengen in ungarischen Urkunden bis zum J. 1235. In: DUŠKOVÁ, Sáša, ed. *Folia Diplomatica I*. Brno: UJEP, 1971, pp. 215–225; CDSI I, no. 437+, p. 318 (1234); CDSI II, pp. 498–499 (of the years

Even the promulgation in this document shows no signs that would raise suspicion of forging, since it does not substantially differ from the original charters of the first half of the thirteenth century.¹⁰⁴ In the solemn or common privileges issued in the royal chancellery, several variants of a corroboration formula were used, which testified to the importance of authentication and the way of sealing the charter, by which the document entered into force.¹⁰⁵ The corroboration sometimes contained a note of what legal act the charter referred to: donation or gift (*donatio, collatio*), replacement/exchange (*commutatio, concambio, permutatio*), restoration/restitution (*restitutio*), or granting/permission (*concessio*).¹⁰⁶ The corroboration in the Bardejov Charter does not differ from the original documents of Béla IV issued in 1235–1258, either. Contrary to most of the royal documents, only the corroboration of this charter emphasizes, quite unusually, that it is a description of the borders – a demarcation (*descriptio*). It was not, therefore, a royal donation or its confirmation, but the demarcation of the territory of the properties previously donated to the Cistercians of Bardejov. In this respect, it is very important to examine the seal that confirmed the document. The Bardejov Charter had a double-sided royal seal (*sigillum duplex*) which, under the reign of Béla IV, was most often used for common (*unsolemn*) privileges.¹⁰⁷ According to the confirmation of 1500, this seal had still formed part of the Bardejov Charter in the late fifteenth century. At that time, not only its external execution was assessed, but it was the existing royal seal that convincingly confirmed its veracity.¹⁰⁸ If the seal of the charter had been questionable, the document would most probably not have been confirmed by the royal chancellery. After its legally valid copying, which could be executed only by its issuer, i.e. the king or his successor, the earlier charter re-entered into force. It was not only a complete confirmation of its text but, at the same time, the renewal of its legal force, too.¹⁰⁹ The reference to the double-sided seal clearly documents that, even at the time of its assessment, the Bardejov Charter

1238 and 1255). See also Béla's other charters with an absent arenga CDSI II, no. 259, p. 176; no. 276, pp. 195–196.

104 CDSI II, no. 245, p. 169 (1247); no. 259, p. 176 (1247); no. 268, p. 188 (1247); no. 276, pp. 196–197 (1247); MARSINA, R. Štúdie, pp. 41–42.

105 SZENTPÉTERY, I. Magyar, p. 103; MARSINA, R. Štúdie, pp. 43–45, 53–56.

106 CDSI II, no. 1, p. 5 (1235); no. 11, p. 11 (1236); no. 25 and 26, p. 19 (1237); no. 137, pp. 92–93 (1243); no. 204, p. 139 (1245); no. 224, p. 156 (1246); no. 275, p. 195 (1247).

107 CDSI II, no. 274++, p. 193; KUMOROVITZ, L. Bernát. *A magyar pecséthasználat története középkorban*. Budapest: MNM, 1993, pp. 53–56; KERNY, Terézia. „*Duplici sigilli nostri authenticici munimine*.” A középkori magyar uralkodói pecsétek kutatástörténetének vázlata. In: *Ars Hungarica*, 2015, Vol. 41, no. 2, pp. 173–220.

108 MMB, sign. 3495.

109 SZENTPÉTERY, I. Magyar, p. 206.

was considered to be an authentic document issued by the royal chancellery in the first half of the thirteenth century. In the case of common royal privileges, a dating formula, of numerous variations, was a common part at the end of the charters and it was under the reign of Béla IV that the day date began to be used more commonly.¹¹⁰ Similarly to the previous formulations, the dating used in the Bardejov Charter does not differ from the common ways of its entry in the authentic documents of 1235–1251, either.¹¹¹

Comes Tekus and the Settlement of the Border Dispute

The demarcation of the new border recorded in the Bardejov Charter may be very helpful in answering the question whether the aforementioned procedure was common in the first half of the thirteenth century, too. The reason for writing the charter was the complaint of the Cistercians from Koprzywnica, Poland, settled at the Church of Saint Giles in Bardejov, against the Germans of Prešov who unlawfully destroyed the border signs of their property in Bardejov (*tota terra*). The Germans made new signs and modified the border, unlawfully occupying a substantial part of the territory of the monks. It does not mention, however, in which part of their Bardejov property the border was violated. A substantiation of the role of the ruler in settling the above matter (*arenga?*) follows and, therefore, Béla IV ordered *comes* Tekus of Šariš to re-demarcate Bardejov and the other plots of the Cistercians that might be later stolen, to make new signs, and to revert the old border to its original condition. Although the charter does not contain the full text of the royal mandate for Tekus, the brief formulation recorded in the document most probably drew on this order of Béla.¹¹² Royal mandates had a one-off (temporary) validity, and the ruler commissioned his people to settle some problems in the territory under their competence by them. They frequently oversaw the right procedure in property donation, ensured taking possession of the property, or settled border disputes before the final and binding decree of the ruler, which ultimately resulted in the issuance of a royal privilege.¹¹³ In the Bardejov Charter, the reference to the mandate is followed by an “unusual” formulation: *Idem vero comes Tegus hoc nostrum nolens preterire mandatum*, which does not figure in any other document issued in the chancellery of Béla IV

110 HAJNAL, I. IV. Béla, p. 10.

111 CDSI II, no. 1, p. 5 (1235); no. 24, p. 18 (1237); no. 37, p. 26 (1238); no. 204, p. 140 (1245); no. 221, p. 154 (1246); no. 375, p. 261 (1251); MARSINA, R. Štúdie, p. 48.

112 For comparison, see e.g. the mandate of Béla IV to *comes* Privartus of 1247 (CDSI II, no. 252, p. 172) or the mandate to *comes* Michael of Šariš of 1253 (CDSI II, no. 436, p. 303).

113 LEHOTSKÁ, Darina. Mandáty ako diplomatická kategória. In: HUČKO, Ján, ed. *Zborník Filozofickej fakulty Univerzity Komenského, Historica 34, 1983*. Bratislava: SPN, 1987, pp. 91–95.

and this was one of the reasons why Marsina considered it to be a forgery. Since none of the above matters regarding the composition of the Bardejov Charter conflict with the other documents issued by the royal chancellery in the first half of the thirteenth century, only this singular formulation cannot be taken as the reason for regarding it as a forgery. The texts of medieval charters were usually quite free in their character and the aforementioned text only draws on a reference to the royal mandate, according to which *comes* Tekus accepted the order of the ruler and investigated the complaint of the monks. Subsequently, along with the Cistercians, he demarcated the new border of the territory of Bardejov and settled the dispute. Tekus verbally announced to the ruler the new demarcation of the Cistercian properties (most probably directly in the field) and, moreover, recorded their borders in writing, too. Béla IV then included the restored borders, whose description was available to him from Tekus's document, in his royal privilege issued on 7 November 1247. Since verbs like *introducere* or *assignare*, common in donations and documents of taking properties into possession, do not figure in the Bardejov Charter but the verb *restituere* is used, this clearly indicates that it was a case of ownership restoration or the restitution of a property into its original condition.¹¹⁴ The ruler most often entrusted his people who knew the property situation in the regions they were working in with the settlement of border disputes and their authority over the local population was guaranteed by being representatives of the ruler. The landowner either presented a charter,¹¹⁵ based on which the border was restored, or the representative of the king re-demarcated the border without a “master document” directly in the field and informed the ruler about the completion of the demarcation.¹¹⁶ In some cases, the king ordered his representative in the mandate to record the established circumstances of the dispute, or even the new border.¹¹⁷ In the privileges of Béla IV, in the case of borders that had previously been written down in the charters of his representatives settling the property disputes, mostly the *sicut/prout in litteris vidimus contineri*¹¹⁸ phrase was used and this is what figures in the Bardejov Charter, too.¹¹⁹ The above examples prove that, besides oral reports, written ones

114 See FÜGEDI, Erik. IV. Béla adományai és a szóbeliség. In: *Levéltári Közlemények*, 1992, Vol. 63, no. 1/2, pp. 40–41.

115 It is mentioned e.g. in the royal mandate issued in 1253 to *comes* Michael of Šariš about giving Ur and Sombat into the possession of the village of Veľký Slivník in Šariš based on their privilege in 1253 (CDSI II, no. 436, p. 303).

116 CDSI II, no. 541, p. 377 (1256?).

117 CDSI II, no. 192, p. 127 (1245); no. 252, p. 172 (1247). On the charters of royal counts, see. SZENTPÉTERY, I. Magyar, pp. 145–146.

118 CDSI II, no. 349, p. 243 (1250); no. 500, p. 348 (1255); no. 650, p. 453 (1260).

119 “...prout in litteris ipsius Tegus comitis vidimus contineri...” CDSI II, no. 274++, p. 194.

would also be used to resolve legal disputes, and mainly in cases when new borders had to be demarcated,¹²⁰ whose description the king then inserted in his charters.¹²¹

The kings of Hungary would commission the *comites* of Šariš¹²² to first write down the borders of the donated properties before the donation, and this common procedure was applied also in the case of the restoration of the borders of the Cistercians of Bardejov. In 1247, the dispute of the Cistercians with the Germans was initially only about their Bardejov property. When their territory around the Church of Saint Giles was ultimately re-demarcated, the ruler had the foresight, probably to prevent further border disputes, to have Tekus demarcate also their other monastic *praedia* of Sekčov and Delňa, or it might have been the monks who requested the king to do so.

The reason for the issuance of the charter of Béla IV was, therefore, not a donation to the Cistercians, but the settlement of the dispute over their border and its restoration (*restituere* and *descriptio*). That is why I assume the monks had had no document confirming their properties in northern Šariš before 1247.¹²³ Had they possessed a royal donation, they would have probably presented it when settling this dispute, and Tekus would have used it for the restoration of the violated borders. Since the Cistercians had arrived from Koprzywnica, Poland, only shortly before 1247, they had not yet managed to build a (stone) monastery in Bardejov and had not had their properties confirmed in writing at that time.¹²⁴ They had probably agreed on the rules of their activities in the northern borderland of the Kingdom of Hungary with the ruler or his representative only orally, including the donation of royal properties for the purposes of a new foundation.¹²⁵ Since the Germans destroyed the “old” borders of their Bardejov estate, the territory donated to them after their arrival in the Kingdom of Hungary

120 CDSI II, no. 474, pp. 327–328 (1255); no. 533, p. 369 (1256).

121 FÜGEDI, E. IV. Béla, pp. 40–49.

122 MNL OL DL 31 178 (1249/1355); CDSI II, no. 338, p. 236 (1249); no. 398, p. 276 (1252); no. 400, p. 276 (1252); no. 463, p. 321 (1254); no. 579, p. 403 (1257). On the charters of the *comites* of Šariš, see MARSINA, R. Štúdie, p. 74.

123 E.g. before 1260, the Cistercians of Spišský Štiavnik had had an earlier privilege about their monastic properties, but it was destroyed in fire. CDSI II, no. 650, pp. 452–453.

124 Neither the abbot nor the monastery (*monasterium*) is mentioned in the document. The monks settled in Bardejov near the older Church of Saint Giles and they probably had only wooden buildings built there at that time.

125 For more on this, see the circumstances of the establishment of the Cistercian monastery in Henryków in the early thirteenth century ADAMSKA, Anna. Founding a Monastery over Dinner. The Case of Henryków in Silensia (c. 1222–1228). In: MOSTERT, Marco and Paul BARNWELL, eds. *Medieval Legal Process. Physical, Spoken and Written Performance in the Middle Ages*. Turnhout: Brepols, 2011, pp. 213–230.

was probably demarcated in the field, but the ruler did not deem it “necessary” to issue a charter at that time. The king would often issue a privilege additionally, in some cases only a few years after the arrival of the monks in a new place, or he did so after the dedication of a local church and the erection of a monastery.¹²⁶ The case with the Cistercians of Bardejov was different because the reason for writing the charter was their border dispute with the Germans, which “sped up” the demarcation of their properties in a royal privilege before the completion of the construction of their monastery.

Comes de Sarus

Regarding the authenticity of the Bardejov Charter, Varsik claimed that Tekus could not have been the *comes* of Šariš in 1247 because, at that time, this post was held by Miko, the son of Detrik. This was also his last argument why he regarded the charter as a forgery.¹²⁷ He says Tekus is demonstrably mentioned as the *comes* of Šariš only in 1249,¹²⁸ in a donation of the properties **Kaetetiv* and Bočiar to guests from Seňa¹²⁹ and in a donation of a land near *Svinná to Ech (*de villa Pop*).¹³⁰ The charter of 1247 about Miko, and the two references from 1249, however, do not rule out the possibility that Tekus was actually the *comes* of Šariš already in 1247, or at least in the last third of that year. In the donation of the land by the river Svinka by Béla IV on 17 February 1247, Miko is mentioned as the *comes* of Šariš, who brought Valter of (Veľký) Šariš into the ownership of this land, but the Latin adverb *tunc* is used after his name.¹³¹ This documents that the donation of the property must have taken place before 17 February.¹³² Consequently, Miko might have been the *comes* of Šariš either sometime in the last third of the year 1246 or he participated in Valter’s donation only in the early 1247. The *tunc* adverb might suggest any of these possibilities, and Miko was probably the *comes* of Šariš even in the first third of 1247, when the royal donation was written. Varsik argued that two people could not have been the *comites* of Šariš in the same year and since the Bardejov Charter mentions Tekus and not Miko, although the latter is “truly” documented as the *comes* in 1247, this was a proof that Béla’s charter to the Cistercians of Bardejov was a

126 See ADAMSKA, A. Founding, pp. 213–215, 219–220, 229–230.

127 VARSIK, B. K otázke, pp. 149–150.

128 Attila Zsoldos also allows that Tekus/Tekes was the *comes* of Šariš in the years 1247 to 1249. ZSOLDOS, Attila. *Magyarország világi archontológiája 1000–1301*. Budapest: MTA, 2011, p. 188.

129 CDSI II, no. 319, pp. 222–223 (1249).

130 MNL OL DL 31 178 (1249/1355); CDSI II, no. 338, p. 236 (1249).

131 CDSI II, no. 245, p. 169 (1247).

132 This fact was pointed out already by Uličný in his criticism of Varsik’s views. ULIČNÝ, F. Listina, pp. 91–92.

forgery. This seeming discrepancy may be explained in a simple way, by the years of the reign of Hungarian rulers,¹³³ which were counted from the day of their coronation and would be regularly stated at the end of their royal charters. King Andrew II died unexpectedly on 21 September 1235 and his son Béla was therefore crowned the king of Hungary only on 14 October 1235.¹³⁴ But for a few exceptions, the date of Béla's coronation is taken into account also when stating the years of his reign in the charters issued by the royal chancellery. In the documents of Béla IV dated from January¹³⁵ to before 14 October 1244, the ninth year of his reign is written,¹³⁶ whereas the charter dated 14 October already states the tenth year of his reign.¹³⁷ The same principle appears in the years 1245 and 1246 and this applies also to the charters of 1247, in which year twelve is stated from January to before 14 October, whereas the documents issued in November already state year thirteen of the reign of this ruler.¹³⁸ It follows from the above that, in the charters issued by the royal chancellery, the dating of the reign was determined by the day of Béla's coronation, which took place on 14 October. On this occasion, a ceremonial gathering must have taken place every year, when the old counts if appropriate *comites* would be confirmed or new counts and *comites* would be named. This was therefore the date when the royal officials holding various positions at the court or in the administration would be replaced. Consequently, Miko might have been the *comes* of Šariš until 13 October 1247, but he might have been replaced by Tekus after that date. This is the reason why Tekus and not Miko is mentioned in the Bardejov Charter issued on 7 November 1247 as the *comes* of Šariš. If this presumption about the replacement of the *comes* of Šariš is correct, Tekus must have been settling the dispute of the Cistercians and the Germans of Prešov sometime between 13 October and 7 November 1247, but the unlawful violation of the border might have taken place much earlier, sometime before the October of that year, when the *comes* of Šariš had still been Miko.

The Borders of Cistercian Bardejov

Place names in thirteenth-century charters that survived only in later copies or transcriptions still have high linguistic and historical value.¹³⁹ In their spelling,

133 MARSINA, R. Štúdie, pp. 47–49.

134 KOSZTOLNYIK, J. Zoltán. *Hungary in the Thirteenth Century*. Boulder: EEM, 1996, pp. 116, 121.

135 CDSI II, no. 146, p. 98; no. 149, p. 100; no. 153, p. 104.

136 CDSI II, no. 157, p. 106.

137 CDSI II, no. 158, p. 107. Naturally, this applied also to the documents issued in October and November. CDSI II, no. 159, p. 108; no. 160, p. 108; no. 163, p. 109; no. 165, p. 110.

138 CDSI II, no. 241, p. 166; no. 275, p. 195; no. 276, p. 196.

139 ŠMILAUER, Vladimír. Jazykový materiál slovenských listín do r. 1300. In: *Listy filologické*,

however, there may be unintentional errors or, in rare cases, even non-original versions of the names commonly used at the time when the document was written may appear.¹⁴⁰ This, however, is not the case with the Bardejov Charter since the names *Bardfa*,¹⁴¹ *Sarus*,¹⁴² *Theotonicus*,¹⁴³ *Epuryes*,¹⁴⁴ *Tegus*¹⁴⁵ and *cruciferi*¹⁴⁶ correspond to their versions in authentic thirteenth-century documents. In his effort to prove that it was a forgery, Varsik doubted not only the term *Theotonicus*, but also the names of the rivers and streams in the charter, which could not exist in this form in the thirteenth century in his opinion. This applies mainly to the river Topľa, which would be mostly written as *Topl*, but figures in the Bardejov Charter as *Thopul*. According to Varsik, this version of its name developed in Hungarian only in the fourteenth century and appears sporadically in other suspicious, forged or interpolated charters, too.¹⁴⁷ Based on a few documents from the thirteenth century and the first half of the fourteenth century, he determined certain criteria for when the name of this river might have changed. However, his conclusions are unconvincing, since already the first record, from 1212, states *Tople* and, in 1318–1347, *Topul* appears several times besides other versions.¹⁴⁸ At that time, several versions of names must have been used and, therefore, it cannot be claimed that the “Hungarian” version *Thopul/Topul* in the 1247 charter is unique and unfitting for the period of the first half of the thirteenth century. We must remember that the demarcation was made by Tekus, the *comes* of Šariš,¹⁴⁹ and this might explain why the name of this river differs

1933, Vol. 60, no. 2/3, pp. 129, 131–132. On place names in forgery or forged charters, see SZŐKE, Melinda. A hamis oklevelek a Magyar nyelvtörténeti vizsgálatok szemszögéből. In: *Századok*, 2018, Vol. 152, no. 2, pp. 427–428.

140 KENYHERCZ, Róbert. A középkori oklevelek átírási gyakorlatának nyelvtörténeti vonatkozásai. In: *Helynévtörténeti Tanulmányok*, 2016, Vol. 11, no. 12, pp. 9–15.

141 *Codex diplomaticus Hungariae ecclesiasticus ac civilis V/I* (abbrev. CDH). FEJÉR, Georgius, ed. Budae: RVV, 1829, p. 163 (1261/1271); RA II/1, no. 1778, p. 8 (1261); MNL OL DL 980 (1277).

142 CDSI II, no. 199 and 200, pp. 132–133 (1245); no. 290, p. 203 (1248); no. 338, p. 236 (1249/1355).

143 HUDÁČEK, P. Boli Nemci, pp. 145–153.

144 CDSI II, no. 290, p. 203 (1248); no. 338, p. 236 (1249/1355).

145 FEHÉRTÓI, Katalin. *Árpád-kori személynévtár (1000–1301)*. Budapest: AK, 2004, pp. 743–744.

146 HUNYADI, Zsolt. *Milites Christi* in the Medieval Kingdom of Hungary. In: *Chronica*, Vol. 3, 2003, pp. 51–52.

147 He applies the same logic to the version *Gyboltho* which, in his view, dates to a later period. VARSIK, B. K. otázke, pp. 143–144, 146–147.

148 VARSIK, Branislav. K vzniku a pôvodu názvu rieky Tople. In: VARSIK, Branislav. *Zo slovenského stredoveku*. Bratislava: SAV, 1972, pp. 179–182.

149 On Tekus’s line of descent, see WERTNER, Mór. A Tornaiak ősei. Családtörténeti adalékok.

from its more common version *Topl*, which appeared in the charters issued by the royal chancellery in the latter half of the thirteenth century most frequently. Although there were certain standard rules for the phonetic transcription of place names in the royal chancellery, many of them might have had various forms. Even in the case of the same names, the original names were sometimes changed or abbreviated.¹⁵⁰ Some names had specific versions, although mostly only one of them was used in the royal chancellery. The difference in the names often depended on the person or the institute that made the written record or on the documents which formed the basis of the issuance of the royal charter. Therefore, it is impossible to definitively claim that a certain version of a name was used only in a certain period only based on a few sources and use this argument for questioning the authenticity of a medieval document. The place names in the Bardejov Charter, whether Slavonic, Hungarian, German, or their linguistic combinations,¹⁵¹ have a uniform orthography. This proves that the description of the border was written by a single person and many of the names do not even differ from the similar names or their variants recorded in authentic thirteenth-century Árpáadian charters.

What historians doubted most in the Bardejov Charter was the size of the territory of Bardejov that belonged to the Cistercians in the first half of the thirteenth century. Although some of them considered the document to be an authentic one, they were very sceptical about the description of the borders, or even of the two *praedia* of Sekčov and Delňa. Moreover, Varsik considered even the *prope Sarus* localization of Bardejov instead of the more correct *ultra indagine* to be incorrect and this he saw as another proof that the charter must have been made at a later time.¹⁵² Except for the Bardejov Charter, no documents survived from northern Šariš from the first half of the thirteenth century, so it cannot be claimed that the aforementioned specific term proves its falsity.¹⁵³

In: *Turul*, 1892, Vol. 10, pp. 172–176.

150 KNIEZSA, István. A magyar helyesírás a tatárjárásig. In: *Magyar Nyelv*, 1928, Vol. 24, no. 5/6, pp. 188–189, 194; ŠMILAUER, V. Jazykový, pp. 135–136, 139, 141–144, 154; KNIEZSA, István. *A magyar helyesírás története*. Budapest: Tankönyvkiadó, 1953, pp. 3–10.

151 On Slavonic and Hungarian names, see PÓCZOS, Rita. Über die ungarischen Ortsnamen in der Arpadenzeit. In: *Namenkundliche Informationen*, 2003, Vol. 83/84, pp. 135–148. On compound place names that appear in sources only in the early thirteenth century, see KNIEZSA, István. Chronologie der slowakischen Ortsnamentypen. In: *Studia Slavica Academiae Scientiarum Hungaricae*, 1959, Vol. 5, p. 176.

152 VARSIK, B. K otázke, pp. 142–143, 145.

153 The donation of the land of *Belcella* (the present-day Janovce) of 1261 does not mention that it was situated beyond the border of the land, either. To determine its location, the only thing stated was that it lied *ultra portam Bardfa*, i.e. already in the borderland. CDH V/1, pp. 162–164 (1261/1271).

Although the charter was issued by the royal chancellery, it was issued based on a document of Tekus, the *comes* of Šariš. Tekus must have used the *prope Sarus* formulation because, from his perspective, this was a property near the extensive royal *praedium* of Šariš, of which he was the administrator at that time.¹⁵⁴ Although Bardejov was situated in the borderland of the Kingdom of Hungary and Poland, the territory was referred to as *terra ultra indagines* or *Gepnel* only in documents written in the latter half of the thirteenth century.¹⁵⁵ It cannot be established, therefore, what specification of its location with respect to Šariš had been used in the previous period. The *prope Sarus* formulation obviously expressed only the fact that, although Bardejov lied in the borderland, Tekus did not have to additionally specify its location in the neighbourhood of the royal *praedium* of Šariš.¹⁵⁶

According to Varsik, the border of the Sekčov *praedium* was unnatural and incorrectly determined, because if it had lied beyond the border of the land, this would have been stated in the charter. It was not situated in central Šariš, either, because the villages that had already existed at that time by the river Sekčov would have been mentioned in the demarcation.¹⁵⁷ Just like Tekus did not mention that Bardejov lied *ultra indagines*, he did not have to further specify even the location of the Sekčov *praedium*, which was identical to the later property *Belcella* (the present-day Janovce) on the border.¹⁵⁸ This also applies to the Delňa (Horná Delňa) property, whose location with respect to a seat or territory was not further specified, either. In the case of these two properties, Varsik questioned even their Latin specification *praedium* which, in his opinion, was used in the thirteenth century only for major royal properties.¹⁵⁹ In Hungarian documents from the eleventh to the thirteenth centuries, this term commonly referred not

154 HUDÁČEK, P. Boli Nemci, pp. 138–140. See also the highly improbable explanation by Uličný. ULIČNÝ, F. Listina, p. 91.

155 HUDÁČEK, P. Boli Nemci, pp. 135–136. The fact that Bardejov lied beyond the border in the borderland of the Kingdom of Hungary, Poland, and Rus' is mentioned only in 1277. MNL OL DL 980. According to a 1320 charter, Bardejov was situated in *Geupehelud. Výsady miest a mestečiek na Slovensku I.* (abbrev. VMS). JUCK, Lubomír, ed. Bratislava: VEDA, 1984, no. 107, p. 94.

156 A 1270 donation by Stephen V mentions that the properties Kamenica and **Bachamezey*, situated beyond the border in the borderland of Poland and the Kingdom of Hungary, were *prope terminos terre nostre*, probably referring to the royal property of Šariš. MNL OL DL 68 755. In a document by Palatine Amadeus Aba, the location of a certain unknown property (probably in Spiš near Markušovce?) is also given as *prope Sarus*. MNL OL DL 75 150 (1295–1301).

157 VARSÍK, B. K otázke, p. 146.

158 HUDÁČEK, P. Boli Nemci, pp. 135–136, 144–145.

159 VARSÍK, B. K otázke, p. 146.

only to major and extensive royal lands, but also to the agricultural properties of magnates or monasteries that had received them from the ruler.¹⁶⁰

Uličný considers the 1247 demarcation of Bardejov to be inauthentic since border signs (crosses) are not mentioned in it and it specifies the direction only broadly, insufficiently for more distant border points. In his view, these circumstances suggest that the description of the border was not performed in the field. Even this argument is unconvincing, though, since several border descriptions have survived in original documents from the first half of the thirteenth century which were not very detailed, either. At that time, borders would mostly be marked only in sparsely populated areas, and this specifically applies also to the forested borders of the Kingdom of Hungary, where it was unnecessary, or even impossible, to properly register each border point. A general and common description according to the rivers, springs, mountains, or hills sufficed.¹⁶¹ Béla's charter mentions that the perambulation of the border was performed by Tekus and he recorded its course in writing. Consequently, the border was lawfully demarcated in the field. On the one hand, Uličný considers the description of the border, which he thinks was intentionally extended or supplemented as late as in the late fifteenth century, to be inauthentic, but on the other hand he uses pieces of information from it for the earliest history of the town.¹⁶² He claims, for example, that although it applies to an area distant from the town proper, the reference to *cruciferi* from Gaboltov documents their presence in the Hungarian borderland in the first third of the thirteenth century. However, he does not take the same criterion into account in the case of the northern, eastern, or southern border, where he questions the extensive property of Bardejov and explains it as the burghers' effort to gain the surrounding villages. He even notes that, except for the reference to *cruciferi*, all the other information in the demarcation is "*irrelevant and its content is valueless for the period around the year 1247*".¹⁶³ Since the burghers did not possess the original of the privilege of Béla IV of 1247, it can be completely ruled out that they would have managed to falsify or modify the border in this charter in any way. Had the burghers truly wanted to falsify only the borders of the town to gain a lawful claim over the surrounding villages, they would have probably written in the modified version the place names that were commonly used in the late fifteenth century.¹⁶⁴ However, the

160 CDSI II, no. 81, p. 57 (1240); no. 130, p. 86 (1243); no. 224, p. 156 (1246).

161 See LUKAČKA, Ján. Ohraničovanie majetkových celkov v stredoveku. In: *Archeologica historica*, 2004, Vol. 29, pp. 61–64.

162 He considers the borders of *praedia* the Sekčov and Delňa to be authentic and he is of the opinion that they had figured in the original document, too.

163 ULIČNÝ, F. K dejinám, pp. 24, 27–28; ULIČNÝ, F. Listina, pp. 92–97.

164 According to some detailed descriptions of the borders of Bardejov from 1489 and 1549, other

1247 charter contains names of rivers, streams, border points, and smaller areas which appear only in this document. Moreover, some of the names are even mentioned in other authentic charters of the latter half of the thirteenth century,¹⁶⁵ which document that the names recorded in the demarcation in the Bardejov Charter had been already used in the times of Béla IV. In addition, it is highly unlikely that the burghers would have included in their version of Béla's charter, falsified according to Uličný, even the two *praedia* of Sekčov and Delňa. These not only lied far from the border of the town and were unusable in any effort to gain the surrounding properties, but the burghers had no legal claims over these areas in the latter half of the fifteenth century, since they were owned by other owners at that time.¹⁶⁶ The description of the borders of Bardejov and the two aforementioned *praedia* must have therefore been part of a lost original charter, whose initial, unchanged content survived in the confirmation of 1500.

The doubts of historians regarding the unreasonable size of the property of Bardejov (*terra Bardfa*) for the period of the first half of the thirteenth century can be explained reasonably, too. Researchers always compared the borders of a much larger area of 1247 with the borders in the charter of 1320¹⁶⁷ and, in their view, it was the difference between these that proved that the property of the town in Béla's charter must have later been falsified or interpolated. Uličný even claims that, in 1247, the original, "non-falsified" property of Cistercian Bardejov was roughly the same size as the property of the town recorded in the first third of the fourteenth century.¹⁶⁸ However, the 1247 description of the borders had nothing in common with the borders in the 1320 charter since these were two different legal situations. Bardejov was first the property of the Cistercians and the monks received it from the ruler sometime in the mid-thirteenth century when their monastery was founded. Since the Hungarian borderland was sparsely populated at that time – except for Gaboltov and Smilno, the surrounding areas belonged to the Árpadian Dynasty¹⁶⁹ – the king could donate the extensive property in northern Šariš, stretching from Malá Topľa¹⁷⁰ to the confluence of

names (or names in a different language) were used for the rivers than the ones in the 1247 charter. MMB, knihy, sign. 17 (*Reambulatio metarum*).

165 The rivers *Pricluchyn* and *Grabouch*. MNL OL DL 673 (1269); ŠMILAUER, V. *Vodopis*, pp. 219, 232–233, 417.

166 ULIČNÝ, Ferdinand. *Dejiny osídlenia Šariša*. Košice: VV, 1990, pp. 60–61, 113–114, 137–138; HUDÁČEK, P. *Boli Nemci*, pp. 144–145.

167 VMS, no. 107, p. 94.

168 ULIČNÝ, F. *Listina*, p. 95.

169 HUDÁČEK, Pavol. *Smilno v stredoveku*. In: LUKÁČ, Gabriel, ed. *Smilno. Dejiny obce*. Smilno: Obec Smilno, 2020, pp. 49–54.

170 The present-day Kamenec, the left tributary of Topľa.

Topľa and Hrabovec, to the Cistercian.¹⁷¹ The donated area was not sizeable, though. According to a charter of 1260, the property of the Cistercian monastery in Spišský Štiavnik, for example, was larger.¹⁷² Since the Bardejov property was not enough to provide for the new monastery, Béla IV must have donated two additional royal *praedia* of Sekčov and Delňa to the monks of Koprzywnica. The borders in 1320 are the first record of the size of the property of the royal village, populated under the reign of Charles Robert by German guests, and they were also the borders of the later town. Compared to the property the Cistercians held in 1247, the property of Bardejov in the first third of the fourteenth century was a lot smaller in size and that is why Charles Robert extended it for the needs of the guests and the original population to the centre of the Dlhá Lúka forest, the centre of the village of Bardejovská Nová Ves, and towards Kobyly and Mokroluh. In the first half of the thirteenth century, the extensive property of the Cistercians in Bardejov may have also included several settlements in its vicinity and, for this reason, the territory of the monks in 1247 cannot be associated with the original property of Bardejov because, in the early fourteenth century, before the extension of its borders in 1320, it was a lot smaller. In 1351, the territory of Bardejov was demarcated more precisely since its borders were marked directly in the field. This further demarcation of the property of the town drew on the 1320 extension of its borders.¹⁷³ Therefore, to look for any links between the territory of Bardejov in 1247 and its later property in 1320/1351 is completely unreasonable. The different borders of Bardejov in these diverse times simply resulted from the dissimilar legal circumstances of its ownership and the distinct socio-economic context, which have to be taken into account with respect to the description of the territory of the same locality. In this uncomplicated way, the fact why the borders of Cistercian Bardejov in the first half of the thirteenth century differed from the borders of the royal village and of the later town in the first half of the fourteenth century may be reasonably explained.

Conclusion

In conclusion, it may be established that the royal chancellor of Béla IV issued the Bardejov Charter on 7 November 1247 and it was in the Kingdom of Hungary sometime probably until 1261. After the departure of the Cistercians from Bardejov, it was deposited in the Koprzywnica monastery until the 1380s. From Poland, Abbot Conrad of Koprzywnica brought it back to the Kingdom of

171 CDSI II, č. 274++, pp. 193–194; ŠMILAUER, V. Vodopis, p. 232.

172 JAKUBČIN, Pavol. *Kláštor cistercitov v Spišskom Štiavniku*. Trnava: TUT, 2017, pp. 23, 63–65.

173 VMS, no. 107, pp. 94–95 (1320); MMB, sign. 10 (1351).

Hungary and King Louis I then deposited it in the archive of the royal treasury in Buda. As the new owner of the town of Bardejov, Peter Cudar received Béla's charter (1247) from the king sometime after 1370. However, when all his estates were confiscated from him for his treason in 1382, his documents were deposited in the archive of the royal treasury. According to the *Registrum litterarum Petri bani* of 1383, Béla's charter also figured among the many documents of Peter. From 1382/1383 until the issuance of its confirmation in 1500, the original of Béla's charter was in Buda. King Vladislaus II ordered Benedict, a director of royal legal affairs, to look it up in the royal treasury archive and its confirmation was made in 1500 based on the original. The charter of Béla IV was in Buda until as late as 1526 and was most probably destroyed during the hasty transportation of the royal archive to Esztergom. That is why the original charter did not survive and the confirmation of Vladislaus II from 1500 is the only authentic transcription of the lost original. In the first half of the thirteenth century, the documents issued in the chancellery of Béla IV had various forms. Although "standard procedures" were followed in their issuance by the royal chancellery, there were certain differences, but these were insubstantial. Nevertheless, historians automatically consider some of the charters of Béla IV which do not comply with "strict diplomatic criteria" to be forged documents. Their unsubstantiated and unconvincing arguments in assessing the Bardejov Charter, however, cannot be the reason for declaring this document to be forged. Although in Slovak historiography this charter is still referred to as a forgery, its in-depth diplomatic analysis does not support this hypothesis at all, since the charter does not fundamentally differ from the other documents issued in the royal chancellery of Béla IV in the first half of the thirteenth century. In the protocol, the body, and the eschatocol of the charter, there are no convincing proofs, or indications, that it is a forgery, or a document forged at a later time. Quite the opposite, from the diplomatic perspective, its formal aspect and the procedure in settling the border dispute of the Cistercians with the Germans are all right. Even the unfounded doubts of some historians regarding unsuitable Latin terms, non-contemporaneous place names (which, however, have a very high linguistic and historical value), the unreasonable size of the property of Bardejov in 1247 arbitrarily compared to its borders in 1320, and the wrong localization of the two Cistercian properties in the first half of the thirteenth century recorded in the charter, can all be reasonably explained. Despite the doubts of some previous historians, in my opinion, the 1247 charter of Béla IV is a credible medieval document, whose original and unchanged wording survived in its later confirmation of 1500.

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