

FROM LATIN TO HUNGARIAN. TRANSFORMING OF OFFICIAL WRITTEN PRACTICE IN THE MARKET-TOWNS OF HEGYALJA FROM THE 14TH TO THE 17TH CENTURY¹

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**GULYÁS, László Szabolcs.** Od latinčiny k maďarčine. Premena úradného písomníctva v trhových mestách v regióne Hegyalja od 14. do 17. storočia. Štúdia sa zaoberá úradnou písomnou kultúrou vo vybranom regióne stredovekého Uhorska. Toto územie sa nazýva Hegyalja. Nachádzalo sa v severovýchodnej časti stredovekého Uhorského kráľovstva, v ktorom bolo v stredoveku lokalizovaných niekoľko významných vinárskych trhových miest. Tieto osady mali vlastnú rozvinutú úradnú písomnú spisbu, mali právo vystavovať predajné zmluvy na vinice a potvrdzovať ich vlastnou pečaťou. Od 14. do 16. storočia boli tieto dokumenty písané výhradne v latinčine, ale od polovice 16. storočia začal prenikať do písomností z tohto regiónu aj maďarský jazyk. Cieľom tejto štúdie je popísať rozvoj v tejto oblasti v období medzi 14. a 17. storočím.

**Kľúčové slová:** stredoveké Uhorsko; stredoveký región Hegyalja; stredoveké trhové mestá; vydávanie listín; gramotnosť;

**Keywords:** Medieval Hungary; Medieval Hegyalja Region; Medieval Market-Towns; Issuing of Charters; Literacy;

As it is well known in historical research, there were three specific kinds of settlements in the Kingdom of Hungary at the end of the Middle Ages (before 1526). They are the villages (in Latin: *villa*, *possessio*), the market-towns (*oppidum*), and the cities (*civitas*). This situation was a final result of complicated development, which began in the 14<sup>th</sup> century.<sup>2</sup> During this period, by the end of the 1300s, the

<sup>1</sup> I owe thanks to Zoltán Czövek for checking the English text of this study, and to Tamás Oláh (Hungarian National Archives, Archives of Borsod-Abaúj-Zemplén County, Branch Archives of Sátoraljaújhely) for giving me photocopies of some charters from the collection kept in the Archives of Sátoraljaújhely.

<sup>2</sup> For the urban development which occurred in 14th-century Hungary: LADÁNYI, Erzsébet. *Libera villa, civitas, oppidum. Terminológiai kérdések a magyar városfejlődésben.* In *Történelmi Szemle*, 1980, Volume 23, Issue 3, pp. 450–477.; KUBINYI, András. *A magyarországi városháló-*

early urbanized towns of the Arpadian era, which were generally episcopal or county seats,<sup>3</sup> totally transformed, some of them got a royal patent and in this way reached the level of real cities, but much more of them turned into a market-town or a simple and unimportant village.

Another significant phenomenon was the spreading of the newly settled and privileged settlements from the first half of the 13<sup>th</sup> to the 14<sup>th</sup> century. The inhabitants of these villages and towns initially had an alien origin (mainly German, Slav, Rumanian etc.) but later they were often Hungarians. They appeared in the sources as guests (*hospites*), and they had generally achieved a charter from the monarch or sometimes their landlords, which granted their most essential liberties.<sup>4</sup> This type of settlements had three ways to develop: in rare cases they were able to obtain the rank of the royal cities, while others which had been gained by secular or ecclesiastical landlords by the end of the 14<sup>th</sup> or the beginning of the 15<sup>th</sup> century, became market-towns or remained privileged villages.<sup>5</sup>

The mining towns, founded from the first half of the 1200s on, were another new and special type of urban settlements in the medieval Kingdom of Hungary. They were obviously mentioned in medieval charters as real cities (*civitas*), as well as another group of towns located in Transylvania and populated by Saxons.<sup>6</sup>

Last but not least, by the turn of the 14<sup>th</sup>-15<sup>th</sup> centuries, the transformation of settlement network resulted in the emergence of another new urban category in

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zat 14-15. századi fejlődésének néhány kérdése. In TARJÁNI, Sándor et al. Tanulmányok Budapest múltjából 19. Budapest: Budapesti Történeti Múzeum, 1972, pp. 39-56.

<sup>3</sup> The early urbanized towns in the Arpadian era are either considered as western-type „proto-urban”/”pre-urban” settlements, or on the contrary, eastern type „bazaar-towns”. KUBINYI, András, „A magyar várostörténet első fejezete”. In FAZEKAS, Cs. *Studia Miskolcinsia* 2. Társadalomtörténeti tanulmányok. Miskolc: Bíbor Kiadó, 1996, pp. 36-46.; FÜGEDI, Erik. A városok kialakulása Magyarországon. In FÜGEDI, Erik. *Kolduló barátok, polgárok, nemesek. Tanulmányok a magyar középkorról*. Budapest: Magvető Könyvkiadó, 1981, pp. 311-335.

<sup>4</sup> FÜGEDI, Erik. Középkori magyar városprivilegiumok. In FÜGEDI, ref. 3. pp. 238-310.; SOLY-MOSI, László. Hospesprivilegium 1275-ből. In KREDICS, László. *Tanulmányok Veszprém megye múltjából*. Veszprém: Veszprém Megyei Levéltár, 1984, pp. 17-100.; JAVOŠOVÁ, Erika. Hostia na Slovensku pred Tatárskym vpádom roku 1241. In *Historický časopis*, 1998, Volume 46, Issue 1, pp. 3-11.; SZENDE, Katalin. A magyar városok kiváltságolásainak kezdetei. In BÁRÁNY, Attila – PAPP, Klára – SZÁLKAI, Tamás. *Debrecen város 650 éves. Várostörténeti tanulmányok*. (Speculum Historiae Debreceniense 7.). Debrecen: Debreceni Egyetem Történelmi Intézet, 2011, pp. 23-48.; SZENDE, Katalin. Mennyit ér a kiváltság? A városprivilegiumok kibocsátása és rendelkezéseik betartása I. Károly alatt. In WEISZ, Boglárka. *Pénz, posztó, piac. Gazdaságtörténeti tanulmányok a magyar középkorról*. (Monumenta Hungariae Historica. Dissertationes). Budapest: MTA BTK TTI, 2016, pp. 285-339.

<sup>5</sup> Settlements populated under the command of a deputy mandated by the landlord, under optimal circumstances were able to develop into a city or a market-town. Look at for instance Kuri-ma (Slovakia), Podolin (Podolíneč, Slovakia), Hannusfalva (Hanušovce nad Topľou, Slovakia), Dobsina (Dobšiná, Slovakia), Lubló (Stará Ľubovňa, Slovakia), Rozsnyó (Rožňava, Slovakia) and so on. GULYÁS, László Szabolcs. Megjegyzések az Északkelet-magyarországi mezővárosok középkori fejlődésének jellemzőihez. In *Századok*, 2013, Volume 147, Issue 2, pp. 329-330.

<sup>6</sup> For the mining towns: PAULINYI, Oszkár. Tulajdon és társadalom a Garam-vidéki bányavárosokban. In *Történelmi Szemle*, 1962, Volume 5, Issue 2, pp. 173-188.; concerning the Saxons in Transylvania: BLAZOVICH, László. Az Andreanum és az erdélyi szászok az etnikai autonómiák rendszerében a középkori Magyarországon. In *Erdélyi Múzeum*, 2005, Volume 67, Issue 3-4, pp. 5-17. Their most significant city was Szeben (Sibiu, Romania).

Hungary. Probably, considering its role in the Hungarian social and economic history, it was the most important of all. This was the market-town.

These settlement categories (*villa*, *oppidum*, *civitas*) have some common and much more different features. Concerning the level of their development, cities owned usually by the king were the regional centres of commerce and handicraft industry, they had much more inhabitants than the two other types, and from the viewpoint of a specific and nowadays more widespread research method of central points applied for Hungarian medieval urbanization by András Kubinyi,<sup>7</sup> they were much more urbanized and developed than the two other groups of settlements. On the other hand, as usual, villages had strong agricultural features, and concentrated less population than cities, and it can be said, that their level of centrality was relatively low. Basically, the most important difference between these can be observed from the legal point of view: settlers of villages and market-towns were peasants, their population had mainly secular or ecclesiastical landlords. At the same time, citizens living in cities were free, as for their personal rights.

Creating an accurate definition of medieval market-towns is much more difficult than in the case of cities and villages: their level of economical, social and legal development was somewhere between the *civitates* and *villae*, some of them had great importance, but there were a lot of *oppida* which were similar to simple villages. If we try to sum up the most important characteristics of market-towns, we can recognize, that they were located by their importance within a broad range between cities and villages, and their population – as in the villages – consisted of serfs (or in Hungarian *jobbágy* = *iobagio*). To define what an economic status they existed in at the end of Middle Ages, the most advanced *oppida* were usually local centres of economic life, and they were able to affect commerce in the nearby region. It is important to mention, that most market-towns had limited urban functions in their small rural region.<sup>8</sup>

Beside these, in one field, market-towns were almost similar to real cities: they also had self-government, they had the right to decide lawsuits in less serious matters, the right to issue authentic charters, and to seal them with their own sigil.

The medieval market-towns' self-government performed various tasks. The magistrates verified the circulation of private properties in their own territory,

<sup>7</sup> KUBINYI, András. Városfejlődés és vásárhálózat a középkori Alföldön és az Alföld szélén (Dél-alföldi évszázadok 14.). Szeged: Csongrád Megyei Levéltár, 2000.; KUBINYI, András: Városhálózat a késő középkori Kárpát-medencében. In CSUKOVITS, Enikő – LENGYEL, Tünde. Bártfától Pozsonyig. Városok a 13-17. században (Társadalom- és művelődéstörténeti tanulmányok 35.). Budapest: MTA TTI, 2005, pp. 9-36.; For the Slovakian reception of Kubinyi's research method: MARSINA, Richard. A középkori városok jellemzőiről és kategóriáinak megalkotásáról. In CSUKOVITS – LENGYEL, ref. 7, pp. 37-45.

<sup>8</sup> About the medieval and early modern Hungarian *oppida* see MÁLYUSZ, Elemér. A mezővárosi fejlődés. In SZÉKELY, György. Tanulmányok a parasztság történetéhez Magyarországon a 14. században. Budapest: Akadémia Kiadó, 1953, pp. 128-191.; BÁCSKAI, Vera. Magyar mezővárosok a 15. században (Értekezések a történeti tudományok köréből. Új sorozat 37.). Budapest: Akadémiai Kiadó, 1965.; SZAKÁLY, Ferenc. Mezőváros és reformáció. Tanulmányok a korai magyar polgárosodás kérdéséhez (Humanizmus és reformáció 23.). Budapest: Balassi Kiadó, 1995.

mainly buying and selling of vineyards and they put down in writing the trading contracts concerning those matters. In case of testaments of local citizens their role was the same. Beside this, they collected the annual tax, maintained the peace and order of the recently organized fairs, and represented their inhabitants' rights against others. Their jurisdiction activity was also very important, however it was usually restricted to the population of the settlement itself. It means, that strangers did not have to apply for justice to them. However, if aliens decided to do that, market-town councils returned the verdict, but this was not obligatory for them to do so.<sup>9</sup> By the 15<sup>th</sup> century, the market-town councils always had an own seal, which was used for affirmation of the documents issued by them. This right was obvious in the whole country, it was not necessary to have a charter confirming this prerogative, although we know some examples of this as well.<sup>10</sup>

Issuing of purchase contracts was one of their most important functions. Cities and other privileged territories and communities started to set down such documents from the middle of the 13<sup>th</sup> century, but their official written activity developed to a really high level by the 15<sup>th</sup> century.<sup>11</sup> At the end of the Middle Ages, their liberty of writing charters and using seals for corroboration was already applied, as we can see this for instance in the *Tripartitum*, a well-known collection of Hungarian law edited by István Werbőczy.<sup>12</sup>

<sup>9</sup> BÁCSKAI, Vera. A mezővárosi önkormányzat a 15. században és a 16. század elején. In: BÓNIS, György – DEGRÉ, Alajos. *Tanulmányok a magyar helyi önkormányzat múltjából*. Budapest: Közgazdasági és Jogi Könyvkiadó, 1971, pp. 9-34.; GULYÁS, László Szabolcs. *A mezővárosi önkormányzat funkciói és társadalmi háttere a középkori Hegyalján*. (PhD dissertation). Debrecen: DE BTK, 2008 (unpublished manuscript). pp. 131-181. <https://dea.lib.unideb.hu/dea/handle/2437/33459>; LAKATOS, Bálint Péter. *Hivatali írásbeliség és ügyintézés a késő középkori magyarországi mezővárosokban, okleveleik tükrében*. (PhD dissertation). Budapest: ELTE BTK, 2013 (unpublished manuscript). <http://doktori.btk.elte.hu/hist/lakatosbalintpeter/diss.pdf>; Regarding the control of market-towns over commerce, see: GULYÁS, László Szabolcs. *Írott szabályok és íratlan normák a 15-16. századi mezővárosi kereskedelemben*. In *Urbs. Magyar várostörténeti évkönyv*, 2014, Volume 9, pp. 29-59.

<sup>10</sup> The best-known example is that of Várda oppidum. Its letter of privileges was donated by István Várdai, and it ordered the obligatory corroborating of their sales contracts with the seal of the market-town. Magyar Nemzeti Levéltár – Országos Levéltár (MNL OL), Diplomatikai Levéltár (DL) 81656. Published in NAGY, Imre – NAGY, Iván – VÉGHÉLY, Dezső – KAMMERER, Ernő – LUKCSICS, Pál (ed.). *A zichi és vásónkeői gróf Zichy-család idősb ágának okmánytára*. Volume I-XII. Pest-Budapest: Magyar Történelmi Társulat, 1871-1931. Vol. X. pp. 448.

<sup>11</sup> SZENTPÉTERY, Imre: *Magyar oklevéltan*. Budapest: Magyar Történelmi Társulat, 1930, pp. 147.; The first known charter issued by a city in the Kingdom of Hungary is a document of Esztergom (1255). For the beginnings of the Hungarian urban written culture see SZENDE, Katalin. *A magyar városi írásbeliség kezdetei*. In BÁRÁNY, Attila – DRESKA, Gábor – SZOVÁK, Kornél. *Arcana tabularii. Tanulmányok Solymosi László tiszteletére*. Volume I-II. Budapest – Debrecen: ELTE BTK, 2014, Vol. I. pp. 435-458.

<sup>12</sup> WERBŐCZY, István: *Tripartitum. A dicsőséges Magyar Királyság szokásjogának hármaskönyve*. Tudománytár. Editor of series Gazda István. Budapest: Téka könyvkiadó, 1990, pp. 498-499. (P. III. tit. 13.): „Item fassio coram iudice, aut duobus juratis civibus, ratione et praetextu quarumcunque rerum, sive mobilium, sive immobilium, in eorum medio vel territorio existentium et adjacentium facta, semper rata permanet.” and „Nec valet alia fassio, inter ipsos cives super hujusmodi rebus, coram aliis iudicibus regni vel in locis testimonialibus, jure perennali facta.”

The number of this kind of sources from the 14<sup>th</sup> century to the end of the Middle Ages was growing continuously in a remarkable way. Most of them can be connected with real cities, but we also have charters in a sufficient quantity which were written by oppida. Based on the calculation of Bálint Lakatos, in medieval Hungary (before 1526) we know 1115 charters belonging to this group.<sup>13</sup> This adequate number of sources enables us to research in the economic, legal and social life, and the official written culture of medieval market-towns.

There is a characteristic region in the north-eastern part of the Kingdom of Hungary, where such research seems even more successful. This is Hegyalja and its immediate vicinity, located in contemporary Zemplén and Abaúj counties. Now this territory can be found in Hungary, near the Slovak-Hungarian border. From the 14<sup>th</sup> to the 16<sup>th</sup> century it developed into a specific wine-growing region with some important (Patak, Újhely) and much more less significant (Liszka, Mád, Tolcsva, Tállya, Tarcál, Bodrogkeresztúr, Szántó etc.) oppida and some villages of similar nature. Viniculture and wine trade played the most significant role in their economic, social and legal development, and generally in their everyday life.<sup>14</sup>

Market-towns in the region were in private possession of important secular and ecclesiastical seigneurs at the end of the Middle Ages (Patak and Újhely: Pálóci family; Liszka: provostry of Szepes; Tolcsva: Tárcai family and later the Perényis; Tállya, Mád, Keresztúr, Tarcál and Szántó: Szapolyai family).<sup>15</sup>

Because 120 of the 1115 extant medieval documents issued by market-towns in medieval Hungary were written by the councils of these nine settlements, it can be said, that local magistrates pursued a constant official written practice in this area.<sup>16</sup> The fact itself that numerous medieval documents survived here is a remarkable thing. But this is only one reason why these oppida are important for

<sup>13</sup> LAKATOS, ref. 9, pp. 29-30.

<sup>14</sup> About the short history of local wine-growing in the Middle Ages: GULYÁS, ref. 9, pp. 45-52. For the foreign civic grapeholders in medieval and early modern Hegyalja: GECSÉNYI, Lajos. Bártfa város hegyaljai szőlőgazdálkodása 1485-1563. In *Agrártörténeti Szemle*, 1966, Volume 8, Issue 4, pp. 470-485. and GECSÉNYI, Lajos. Városi és polgári szőlőbirtokok és borkereskedelem a Hegyalján a 15-16. század fordulóján. In *Agrártörténeti Szemle*, 1972, Volume 14, Issue 3-4, pp. 340-352. The most ambitious review of the history and vine culture of the discussed district, with strong ethnographic perspective: BALASSA, Iván. Tokaj-Hegyalja szőleje és bora. Tokaj: Tokaj-Hegyaljai ÁG Borkombinát, 1991.

<sup>15</sup> For the medieval history of the region see GULYÁS, ref. 9, pp. 21-38.; a short English summary: GULYÁS, László Szabolcs. Elite Citizens in the Market-towns of the Late Medieval Hegyalja. In BÁRÁNY, Attila – GYÖRKÖS, Attila. Matthias and his legacy. Cultural and political encounters between East and West (*Speculum Historiae Debreceniense* 1.). Debrecen: DE Történelmi Intézet, 2009, pp. 228-231.; ÉDER, Katalin. Mezővárosok és plébániatemplomok a középkori Hegyalján. In *Urbs. Magyar várostörténeti évkönyv*, 2009, Volume 4, pp. 123-147.; The development of Sátoraljaújhely was summarized by TRINGLI, István. Sátoraljaújhely (Magyar Várostörténeti Atlasz 2.). Budapest: MTA TTI, 2011. About the medieval urban development and settlements with central functions in the wider region: KUBINYI, András. Központi helyek a középkor végi Abaúj, Borsod, Heves és Torna megyékben. In *A Herman Ottó Múzeum Évkönyve*, 1999, Volume 37, 499-518. Some of the oppida were a part of the Tokaj-Tállya estate. NÉMETH, Péter. A tokaji uradalom kialakulása. In *Századok*, 2005, Volume 139, Issue 2, 429-447.

<sup>16</sup> The list of these documents: GULYÁS, ref. 9, pp. 185-189.



historical examination. Other one is the homogeneity of the settlements situated in Hegyalja. Their unified nature was being formed by a continuous progress from the end of the Middle Ages to the mid-18<sup>th</sup> century. This homogeneity can be observed in their economic life (wine-growing monoculture), in their legal situation (their using common customary law in everyday actions), in their ethnographic characteristics and identity as well.

From the 17<sup>th</sup> century, the term „Hegyalja” increasingly meant a well-defined territory with well-defined settlements: market-towns and villages. It included only 7 „cities” in 1622, but 13 settlements in 1641, when they discussed their common matters in Mád. Lastly, in 1737, 21 were listed in an act, which provided that they had to sell their wine in barrels marked with the same stamp.<sup>17</sup> Today this unique concept of separation still can be observed in Hegyalja.

The high number of available sources is explainable by the fact that ecclesiastical, civic and family archives in the neighborhood of Hegyalja have successfully preserved these documents,<sup>18</sup> but there was another important phenomenon related to this question and this was the formation of wine production.

It is a widely accepted opinion in Hungarian historical literature, that wine-growing affected the development of written culture. Viticulture in every case intensified the property circulation, as we can see it in the examined region too. Planting, growing, purchasing and donating vineyards usually needed written documents, so this was considered as a crucial social demand in medieval Europe, and similarly, from the 12<sup>th</sup> century in Hungary as well.<sup>19</sup>

In the 14<sup>th</sup> century, when official written practice started to spread in Hungarian market-towns, charters were written in most cases by local priests or pilgrims, because market-town councils lacked secular literate people. There is another possible explanation for this phenomenon, which can verify this presumption. When an oppidum did not have its own seal, and so it was not able to confirm documents, the magistrates needed the assistance of an ecclesiastical institution, which was in most cases in a practical and logical way the local parish. The parish

<sup>17</sup> BALASSA, ref. 14, pp. 15-18. The 1737 act mentioned the following settlements: Tállya, Golop, Rátka, Mád, Zombor, Ond, Tarcál, Keresztúr, Kisfalud, Szegi, Bénye, Vámosújfalú, Tolcsva, Liszka, Zsadány, Olaszi, Patak, Újhely, Kistoronya, Erdőhorváti and Szántó.

<sup>18</sup> They are the archives of the Zichys and Kállays, of Pauline cloisters in the vicinity of the Hegyalja, and of the royal cities situated in the north-eastern region of the Kingdom, especially Bátfá (Bardejov, Slovakia) and Eperjes (Prešov, Slovakia). GULYÁS, ref. 9, pp. 18, footnote 44.

<sup>19</sup> For the connection between written culture, wine-growing and vine commerce GULYÁS, László Szabolcs. A középkori szőlőművelés és borkereskedelem információ-történeti vizsgálatának lehetőségei. *Aetas*, 2012, Volume 27, Issue 4, pp. 155-175. and SOLYMOSI, László. Szőlőbirtok és oklevéladás a középkori Magyarországon. In BARÁTH, Magdolna – MOLNÁR, Antal. A történettudomány szolgálatában. Tanulmányok a 70 éves Gecsényi Lajos tiszteletére. Budapest-Győr: MOL, 2012, pp. 311-323. As to the basic social need of this kind of documents, see the latter, mainly pp. 322-323. In Hegyalja, councils of market-towns were probably more active in official writing than magistrates of other oppida in medieval Hungary. LAKATOS, ref. 9, pp. 30-31. This necessity of written documents occurred in other viticulturist settlements as well. I mention the nearby Miskolc oppidum and its official written practice. The Miskolc council often penned contracts connected with vineyard circulation at the end of the Middle Ages and in the 16th century. GYULAI, Éva. Szőlőbirtoklás Miskolcon a 16. században (Officina Musei 3.). Miskolc: Hermann Ottó Múzeum, 1995, pp. 10-12.

priests usually had an authentic sigil, so they were able to write and seal documents. At the beginning of the 14<sup>th</sup> century, small towns often lacked their own seal, and so they had to appeal to an ecclesiastical institution, as it can be seen by the example of Somlóvásárhely and Pápa, market-towns located north of Lake Balaton.<sup>20</sup>

We can also experience this feature in the case of Hegyalja. The most important market-towns in the region, Újhely and Patak were the earliest oppida which started to issue sale contracts. Their autonomous official writing activity set out in the 1300s.

The first known documents dealing with the citizens' vineries in Újhely were a donation (in 1307), two venditions (in 1310 and 1318), a testament (1321), and all of them were issued by the parish priest of the nearby Patak. The next similar charter was a last will again and it was written by the priest of Újhely in 1336.<sup>21</sup> The first extant document of the market-town council is a wine donation from 1349.<sup>22</sup> After that, this practice became frequent and continuous in the market-town. They put down in writing by the beginning of the 16<sup>th</sup> century 53 charters altogether.<sup>23</sup> But, as we could realize above, in the early period of official writing activity connected with the Újhely council, issuing documents was the task of the local clergy, and obviously, when the council started to make out charters, clerks were henceforward local clerics.

We know for example a document set down by the market-town in 1380, and a charter of the cleric of Patak from 1377. If we investigate their handwriting and general outlook, it will be almost certain, that both were written by the Patak priest.<sup>24</sup> In a similar way, the charter of the Újhely council from 1383 resembles another which was committed to writing by Miklós Kakas churchman in Patak in 1391. The similarity between them seems evident, mainly in the case of the text of the *promulgatio* and the *datatio* (mainly at numerals). However, there is no clear evidence of this, it is probable, that their writer was the same person.<sup>25</sup> The following charters of Újhely (1386, 1389, 1391, 1395) were written by another hand, but unfortunately we do not know the clerk who wrote them.<sup>26</sup>

The magistrates of Patak started to write charters earlier than those of Újhely. We know 21 documents issued by them between 1303 and 1366, and until the year 1508, 30 in all.<sup>27</sup> The question is who wrote them: a secular scribe of the market-town or a local priest? We are able to answer this problem accurately by means of two charters from 1324. From this year we know a vineyard purchase contract issued by the magistrates, and a charter of the local priest, Ithimerius as

<sup>20</sup> SOLYMOSI, László. Adatok Pápa város középkori történetéhez. In: HERMANN, István. Tanulmányok Pápa város történetéből. 2. Pápa: Pápa város önkormányzata, 1996, pp. 40-41 and 48-53.

<sup>21</sup> MNL OL DL 1709, DL 1759, DL 1915, DL 2059, DL 4164.

<sup>22</sup> MNL OL DL 4026.

<sup>23</sup> Probably, regarding the market-towns, Újhely has the most charters extant from the Middle Ages in Hungary. The list of the sources with publication data: GULYÁS, ref. 9, pp. 188-189.

<sup>24</sup> MNL OL, Diplomatikai Fényképgyűjtemény (DF) 233939 and DF 265524.

<sup>25</sup> MNL OL DL 6980 and DL 7676.

<sup>26</sup> MNL OL DL 7194, DL 7542, DL 7733, DL 7734, DL 8115.

<sup>27</sup> The first one is MNL OL DL 57232. For the others: GULYÁS, ref. 9, pp. 186.

well.<sup>28</sup> Investigating the introductory lines of the sources, especially the unique appearance of the first word in the text („Nos...”), it is sure, that both of them were written by Ithimerius (Figures 1 and 2).

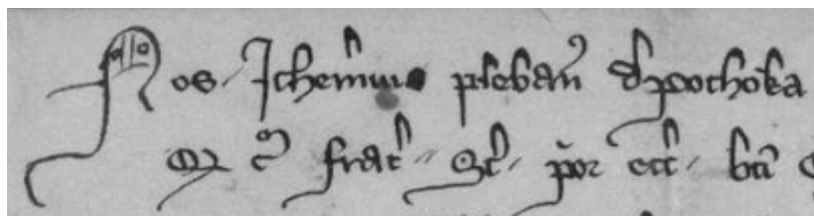


Figure 1: Starting lines in the charter of Ithimerius, cleric of Patak, 1324 (MNL OL DL 76337 and DL 2258).

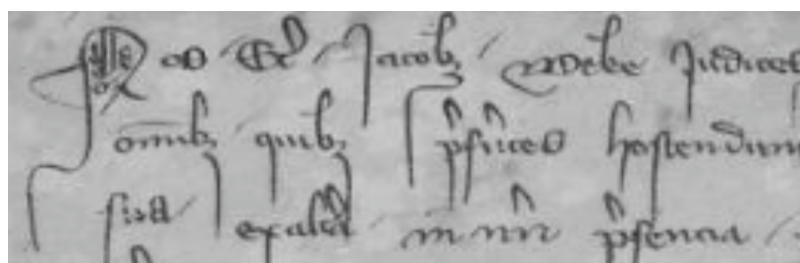


Figure 2: Starting lines in the charter of the council of Patak, 1324 (MNL OL DL 76337 and DL 2258).

As in the 14<sup>th</sup> century market-town contracts were written usually by clerics, from the mid-15<sup>th</sup> century scribes were mainly local educated inhabitants, who had got their knowledge at the nearby village or market-town schools, and probably, sometimes at a university.<sup>29</sup> We can identify the learned inhabitants by their last name (or in a more precise phrase: „distinctive name elements”), and by other terms near their given name. They are the Hungarian „deák” (*Dyak/Dyach/Deak/Deach*), which is equivalent to the Latin *litteratus* (or sometimes: *scolasticus*). Their meaning is literate man („who is able to write and read”), so it is logical, that before the act of naming they had certainly been students somewhere. Similarly, the words *rector schole* (schoolmaster), *baccalaureus* (a university degree) and *notarius* (notary) near a Christian name also show us that somebody belongs to this literate group. Most likely, their proportion in the whole population of the Kingdom of Hungary was under 1 % at the end of the Middle Ages.<sup>30</sup> But, definitely, this

<sup>28</sup> MNL OL DL 76337 and DL 2258.

<sup>29</sup> By investigating registers of Hungarian students learning in Krakow and Vienna in the late Middle Ages, András Kubinyi proved that numerous inhabitants of villages and oppida attended these two universities. KUBINYI, András. A középkorvégi magyarországi városhálózat hierarchikus térbeli rendjének kérdéséhez. In Településtudományi Közlemények, 1971, Volume 23, pp. 58-78.

<sup>30</sup> For the definition of the „literatus”: PAPP, László. A 16. századi Literatus: Diák~Deák nevek kérdéséhez. In *Magyar Nyelv*, 1956, Volume 52, Issue 4, pp. 480-481. About their proportion in the Hungarian society at the end of the Middle Ages: GULYÁS, László Szabolcs. A középkori magyar városfejlődés migráció- és ipartörténeti vonatkozásai a történeti személynévtan tükrében II. Személynévadás és kézműipar. In *Névtani Értesítő*, 2015, Volume 37, pp. 147-148.



value amongst profane intellectuals in the 15<sup>th</sup> and 16<sup>th</sup> centuries was much more higher than before, in the 1300s.

By the 15<sup>th</sup> century, they sometimes played a significant role in market-town councils, which permit us the supposition, that they played a double role in the medieval elites of the oppida: they were the members of the magistrates and scribes of the charters issued by the market-towns at the same time.<sup>31</sup> If there was a litteratus in the council, it seems evident, that he was the scribe of the charters as well.

From the 1300s there were some market-town schools in the wider region, where ambitious young people were able to acquire the science of writing and reading: in Nagymihály (Michalovce, Slovakia) for instance in 1355, in Liszka in 1472, in Újhely in 1477, and Tállya in 1485. We know the schoolmasters of Szikszó (1517), Gönc (1543), and a simple village called Kisbári (1524).<sup>32</sup>

In this district, the most famous school was in Patak. At the end of the 15<sup>th</sup> century it was supervised by Kisvárdai János *baccalaureus*. The school of Patak had well-known and important students, for instance the future archbishop of Esztergom Szalkai László.<sup>33</sup>

We know some further persons, who, as it can be judged on the basis of their personal names, came from that region, and probably, they had studied at their hometowns' school previously. They are Szikszói Márton, who was a prebend in Fehérvár from 1470 to 1473, and Sárospataki Menyhért, who had the same function in Győr and Veszprém at the end of Middle Ages.<sup>34</sup>

We can be sure of the fact, that in the Hegyalja region at the end of the Middle Ages, the local *rector schole* was the person who wrote testaments, letters and trading contracts, if it was needed by the council. It has basic pieces of evidence: two charters issued by the magistrates of Tállya oppidum mentioned that the writer was the local schoolmaster.<sup>35</sup> By the 16<sup>th</sup> century, this practice occurred apparently in other market-towns in the region as well. At the beginning of the 17<sup>th</sup> century, when the commonly used local customary law (denoted in documents by *ius, mos, ritus, libertas, consuetudo* etc.) was codified in more places of the Hegyalja

<sup>31</sup> We know literate men who were members of market-town councils in the north-eastern part of the medieval Kingdom of Hungary, for example from Beregszász (Berehovo, Ukraine, 1452: MNL OL DL 81065), Eger (1410, 1434, 1456: MNL OL DL 43036, DF 209988, DF 209956) and Lelesz (Leles, Slovakia, 1444: MNL OL DF 234256), in the territory of Hegyalja from Szántó (1485: MNL OL DF 215139, DF 215141), Liszka (1487: MNL OL DL 31995) and Újhely (1481: MNL OL DL 18590), etc.

<sup>32</sup> BÉKEFI, Remig. A népoktatás története Magyarországon 1540-ig. Budapest: MTA, 1906, pp. 56 (Kisbári), 107 (Gönc), 128 (Liszka), 132 (Nagymihály), 164 (Szikszó, another data: MNL OL DF 217000). MNL OL DL 18005 (Újhely), DF 215141 (Tállya). GULYÁS, ref. 9, pp. 164-165.

<sup>33</sup> About the school: MÁLYUSZ, Elemér. Egyházi társadalom a középkori Magyarországon. Budapest: Akadémiai Kiadó, 1971, pp. 374-375., BÉKEFI, ref. 32, pp. 149-150., and MÉSZÁROS, István. A Szalkai-kódex és a 15. század végi sárospataki iskola. Budapest: Akadémiai Kiadó, 1972, pp. 289-309. For Kisvárdai and his student, archbishop Szalkai see ibidem pp. 18-20. The first direct data on the school of Patak is from 1521. ÉDER, ref. 15, pp. 132.

<sup>34</sup> KÖBLÖS, József. Az egyházi középréteg Mátyás és a Jagellók korában (Társadalom- és művelődéstörténeti tanulmányok 12.). Budapest: MTA TTI, 1994, pp. 368. and 422.

<sup>35</sup> „est emanatum et conscriptum per Antonium scolasticum de Miskolcz, protunc rector scole de sepefata Thalya” – MNL OL DF 215141 (1485); „Laurentius scolasticus de Nagyhalaz, protunc rector schole oppidi Thalya” – also MNL OL DF 215141 (1524).

region, it was mentioned in the „Law of Tarcal”, that the teacher of the school located in Tarcal oppidum had had the right earlier to put down in writing this kind of documents. As the text tells us about the duty of the market-town notary: when he wrote a document, clients gave him for his service one forint, but he had to hand the half of this amount to the local schoolmaster. Its reason is that issuing charters had been the duty of the *rector schole* previously and later, because of the appointment of the notary, he lost this income.<sup>36</sup>

Of course when there was no school and so no teacher or other literate inhabitant in the community, the local council needed the assistance of a cleric, who was able to write charters. It can be detected well for instance in Tolcsva market-town. We know two bills of sale from here issued in 1505, on the same day (12 May). The first one, written by the council, deals with vendition of a vineyard, while the other with purchasing a house in the settlement. The latter is a common document written by Damján, who was the local presbyter, together with the magistrates of Tolcsva.<sup>37</sup> On the basis of examining their handwriting, there is no doubt, that both was written by the same person. It seems sure that the scribe was in both cases presbyter Damján (Figures 3 and 4).



Figure 3: Starting lines in the charter of Tolcsva oppidum, 1505  
(MNL OL DF 229261 and DF 229262).

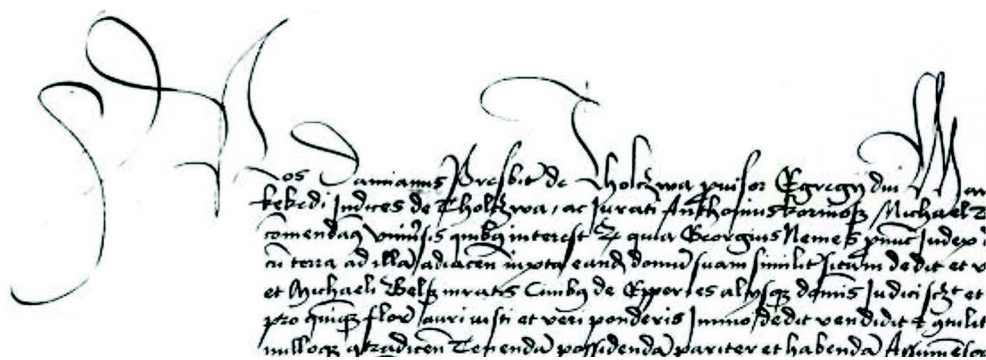


Figure 4: Starting lines in the common charter  
of presbyter Damján and Tolcsva market-town, 1505  
(MNL OL DF 229261 and DF 229262).

<sup>36</sup> NÉMETH, Gábor. Hegyaljai mezővárosok „törvényei” a 17-18. századból. (A Magyar Nemzeti Múzeum művelődéstörténeti kiadványa 1.). Budapest: MNM, 1990, pp. 44-45, 54.

<sup>37</sup> MNL OL DF 229261 and DF 229262.

Later, in the 1600s, Hegyalja market-towns did not have to solve such problems. We know that by this time most oppida had employed an own notary, who was responsible for writing charters on behalf of the council, and who received allowance for his activity. It is testified by the so-called „law-books” of some Hegyalja market-towns, composed in the 17<sup>th</sup> century and written in Hungarian. These „law-books” were in fact compilations of local customary law. We know this kind of sources from Tarcál (1606), Bodrogkeresztúr (1607), Tokaj (1610), and Mád (In 1614 it was copied into the protocol of Mád, under the title of „Law of Tállya”).<sup>38</sup> All of the listed sources mention the local notary, whose task was to write official documents and ones of real estate sales.<sup>39</sup>

Concerning medieval charters issued by market-town councils in the examined region, it can be seen, that the subject of these sources is highly various. We can find testaments, bills of sales, letters, and proceedings of litigation amongst them.<sup>40</sup> Sales contracts of properties are the most interesting ones. 56 of all of the 150 medieval charters of the Hegyalja oppida and its close vicinity (including the neighbouring Szikszó, Gönc and Telkibánya) belong to this group (Table 1).

Table 1: Immovables in medieval sales contracts issued by the market-towns of Hegyalja and its vicinity (1305-1520)

| Years             | 1305-1400 | 1401-1500 | 1500-1520 | Altogether |
|-------------------|-----------|-----------|-----------|------------|
| vineyard (vinea)  | 8         | 23        | 10        | 41         |
| field (terra)     | 4         | 1         | -         | 5          |
| house (sessio)    | 4         | 2         | 2         | 8          |
| mill (molendinum) | 1         | -         | 1         | 2          |
| Altogether        | 17        | 26        | 13        | 56         |

The charters usually record purchase contracts of vineyards, however other property type can also be found amongst them.<sup>41</sup> If we survey this source material, we are able to come to some basic conclusions. Firstly, from the 14<sup>th</sup> to the 15<sup>th</sup> century, the real estates circulation recorded in written sources was continuously growing. It is also an important phenomenon, that while in the 1300s vineyards were only half of all of the appearing immovables in the contracts, by the late Middle Ages they became the most common type of real estates in Hegyalja. This shows us the formation of the grape monoculture, which fully developed by the Early Modern Age in this region. There are many signs of this economic feature in our sources written in the 16<sup>th</sup> and 17<sup>th</sup> centuries.<sup>42</sup>

<sup>38</sup> They are published with full text in NÉMETH, ref. 36, pp. 29-68 (Tarcál), pp. 69-91 (Bodrogkeresztúr), pp. 92-121 (Tokaj); KALMÁR, János. Mád, tokajhegyaljai község élete a 16-18. században. Mád falukönyve. n. p., n. d., pp. 145-153. (Mád).

<sup>39</sup> Tarcál: NÉMETH, ref. 36, pp. 54-55.; Bodrogkeresztúr: ibidem, pp. 82.; Tokaj: ibidem, pp. 104.; Mád: KALMÁR, ref. 38, pp. 145.

<sup>40</sup> GULYÁS, ref. 9, pp. 15-17.

<sup>41</sup> The summary of the types of properties bought and sold: GULYÁS, ref. 9, pp. 203., Appendix 8.

<sup>42</sup> N. KISS, István. Szőlő-monokultúra a Hegyalján, 16-18. század (Termelés, export, ár, minőség). In Agrártörténeti szemle, 1973, Volume 15, Issue 3-4, pp. 383-390. For example, the urbarium of Tokaj (1561) and that of Tarcál (1606) let us know, that inhabitants were in need of arable land,

The structure of this kind of documents is fixed, elements of the text are rather formal. However, in some respects these charters were structurally very simple, even so, this feature was the result of long evolution, which goes back to the 14<sup>th</sup> century, to the beginnings of the market-towns' official activity. There are several signs of this simplicity, which is observable from the 1200s in documents concerning vineyard sales, as for instance the missing *arenga*. At the same time, the documents always contain some pieces of important information: the names of the council members, the precise appellation of the concerned parties, and the precise location of the property to sell. They enumerate the detailed borders of the estate in the order of the cardinal points and mention the name of the owners who possess the adjacent immovables. Lastly, they list accurately the witnesses who appeared. The charters use clauses in order to secure the purchaser against losing the newly bought immovable property.<sup>43</sup>

Using of clauses was very important part of purchase contracts, which marked the particular customary-law. They had some specific types, which most often were in connection with the right of pre-emption of local inhabitants and of relatives of the alienator. The warranty was the most widespread kind of clauses in the sources. It had several forms in the documents (*evictio, tutoria, calumpnia*, etc.).<sup>44</sup>

The seller had other important legal instruments, which made the rights of the emptor more stable and his occupation more secure. To achieve this security, the act of the purchasing took place in the presence of witnesses, that method was able to provide a guarantee of the new possessor's peaceful possession. This procedure was based on the collective mind of the community, which preserved the memory of the purchasing. For a similar reason, the contract sometimes informed the readers of the charter about the legal status of the immovable property. When the alienator held his property actually and legally in his hands, and he had acquired it legitimately before, then he had the full right of selling too.<sup>45</sup> Most of the mentioned legal elements were widely spread in medieval Hungary, not only in the cities and market-towns, but in the official written practice of the royal and ecclesiastical institutions as well. It is an interesting question, how these elements got in the everyday legal routine of the oppida.

Investigating the Latin terminology of charters penned by market-towns, it seems evident, that they had been received their legal knowledge from the writing practice of places of authenticity (*loca credibilia*) and that of public notaries. This science of drawing up charters was definitely transmitted by local clerics

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and probably this was also connected with the grape monoculture. NÉMETH, ref. 36, pp. 62, pp. 123, pp. 127.

<sup>43</sup> SOLYMOSI, ref. 19, pp. 318–321.; LAKATOS, Bálint. Ingatlanforgalmi ügyek a késő középkori mezővárosokban és falvakban. In VESZPRÉMY, László – PITI, Ferenc. Acta Universitatis Szegediensis. Acta Historica. Tomus CXXXV. Szeged: SZTE BTK, 2013, pp. 144–149.;

<sup>44</sup> LAKATOS, ref. 43, 149–151. For a special example of the application of warranty in medieval Hegyalja see GULYÁS, László Szabolcs. A hegyaljai mezővárosok középkori kiadványainak sajátosságaihoz (Adásvételi szerződések utólagos megpecsételése). In Agrártörténeti Szemle, 2008, Volume 49, Issue 1–4, pp. 213–228.

<sup>45</sup> GULYÁS, László Szabolcs. A mezővárosi ingatlanforgalom szokásjoga a 14–16. századi Zemplén megyében és környékén. In Történelmi Szemle, 2016, Volume 58, Issue 1, pp. 49–53.



who were working in market-towns.<sup>46</sup> Mainly places of authenticity are important in this regard. The medieval Hungarian *loca credibilia* were ecclesiastical institutions, most often chapters and convents, which had obtained the right to set down authentic charters, and this had been recognized by the king in the 13<sup>th</sup> century.<sup>47</sup>

If we investigate a medieval sale contract from Hegyalja, we are able to come to know the carefully worked-out structure of its text. On the basis of the already mentioned example of a vineyard selling contract issued by Tolcsva in 1505, we can say that this kind of sources most often contain the following parts.<sup>48</sup>

In the *intitulatio* there is a list of names of the council members, the two judges and four jurymen. The *contextus* starts with a *promulgatio* („*memorie commendamus universis et singulis quibus expedit*”), and this is followed by an expanded *dispositio*, which reports to us that two emissaries of Prešov, on behalf of the city, in the presence of the magistrates, bought a precisely localized vineyard from a resident of Tolcsva. The next part of the *contextus* is a *clausula evictionis* which declares, that the vendor is liable for protecting the peaceful possession of the purchaser (city of Prešov) with his own expenses and efforts during the next one-year period. The ensuing element of the text is a *sanctio temporalis*, which states, that if whoever litigates in the future because of the vineyard, he will have to pay its estimated value before the trial. The last part of the *contextus* is a *corroboratio* which enumerates the witnesses, and claims that the market-town council confirms the charter with its own sigil. The *eschatocollum* is the closing section of the writing, and it is ended with the *datatio*.

The described text is an ordinary piece in the medieval source material of the Hegyalja oppida, but of course, we would be able to find charters with a more complicated structure, if we had a review of the numerous documents made out by the councils of these market-towns.

From the 16<sup>th</sup> century great language changes took place in the official writing activity of the Hegyalja market-towns. As in other regions of Hungary, the most important characteristic of this alteration was the formation of using the Hungarian language in everyday official written practice.

This development began relatively late in Hungary in comparison with Western Europe. Although before 1526 we know a lot of sources containing Hungarian expressions and fragments of sentences, on the whole we only have about 50 documents written in Hungarian at full length. They are mostly vouchers, testaments and letters, and there are not any documents set down by cities

<sup>46</sup> This process is discussed in detail in GULYÁS, ref. 45, pp. 54-59.

<sup>47</sup> About the places of authenticity and public notaries see in general: ÉRDÚJHELYI, Menyhért. A közjegyzőség és hiteles helyek története Magyarországon. Budapest: Pallas Nyomda, 1899.; CSUKOVITS, Enikő. Közjegyzők a középkori Magyarországon. In ROKOLYA, Gábor. 700 éves a közjegyzőség Magyarországon (Studia notarialia Hungarica 9.). Budapest: Magyar Országos Közjegyzői Kamara, 2008, pp. 54-73.; FEDELES, Tamás – BILKEI, Irén (ed.). Loca credibilia. Hiteleshelyek a középkori Magyarországon (Egyháztörténeti tanulmányok a pécsi egyházmegye történetéből 4.). Pécs: Fény Kft, 2009.

<sup>48</sup> MNL OL DF 229261. The Latin text of the charter is published in GULYÁS, ref. 44, pp. 225-226. At the end of the text there is a clause, which was written a year later, when the charter had been sealed.

and market-towns included in this number.<sup>49</sup> The Hungarian language started to spread at the end of the 15<sup>th</sup> century in wider noble and often clerical social groups, who acquired humanist learning and they usually were in touch with the royal court. In the 16<sup>th</sup> century the secular latifundium was the most impressive ground of this propagation, which used the Hungarian language in the economic data recording and in its correspondence. Although, this Magyarization was not so successful in the written practice of the government authorities. Later, in the second half of the 16<sup>th</sup> century, the main places of using the national language were cities, oppida and villages populated by Hungarian inhabitants. Regarding their geographical situation, the central part of Hungary, occupied by the Ottomans, was the most important region where Hungarian was in everyday use in writing. In the general opinion of the Hungarian historical literature, sources which were put down in writing in Hungarian had a strong Latin influence in respect of their using of structure and terminology.<sup>50</sup>

As for charters issued by market-towns, we do not have sources containing full Hungarian text before 1526.<sup>51</sup> The first known example which incorporates Hungarian sentences is the charter of Varsány *oppidum* issued in 1474.<sup>52</sup> This development can also be observed in Hegyalja, where in the Middle Ages only Hungarian fragments appeared in the documents.<sup>53</sup>

Despite the fact that in the second half of the 16<sup>th</sup> century Hungarian market-towns started to use the national language, Latin was also applied in the everyday official written practice. We have expressive pieces of evidence of this cultural process from Hegyalja. Here newly appearing Hungarian and old Latin were

<sup>49</sup> SOLYMOSI, László. Anyanyelv és írásbeliség a középkori Magyarországon. In *Történelmi Szemle*, Volume 53, Issue 4, pp. 496.

<sup>50</sup> ISTVÁNYI, Géza. A magyarnyelvű írásbeliség kialakulása (A Pázmány Péter Tudományegyetem Történelmi Szemináriumának kiadványa 1.). Budapest: Pázmány Péter Tudományegyetem, 1934.; PAPP, László. Magyar nyelvű levelek és okiratok formulái a 16. században (Nyelvtudományi Értekezések 44.). Budapest: Akadémiai Kiadó, 1964.; BAK, Borbála. A 16-17. századi magyar nyelvű források kiadásának kérdései. Ajánlás a magyar nyelvű források közreadásához. In *Fons*, 2000, Volume 1, pp. 93-108. The most important collection of late medieval and early modern non-narrative Hungarian sources: PAPP, Lajos – HEGEDŰS, Attila (eds.). *Középkori leveleink 1541-ig* (Régi Magyar Levelestár 1.). Budapest: Tankönyvkiadó, 1991. Testaments represent an amazing field of Hungarian language using at the end of the Middle Ages. The clarification and successful identification of movables listed in the legacies made the use of Hungarian version of object names necessary. KELÉNYI, Borbála. Magyar kifejezések késő középkori női nemesi végrendeletekben. In GÁL, Judit – PÉTERFI, Bence – VADAS, András – KRANZIERITZ, Károly. *Micae Mediaevales III. Fiatal történészek dolgozatai a középkori Magyarországról és Európáról*. Budapest: ELTE BTK, 2013, pp. 183-185. Initially, in the mid-16th century market-towns and villages used the Hungarian language most often in their letters sent mainly to their landlords or other settlements. See for instance HARGITTAY, Emil (ed). *Régi magyar levelestár* (16-17. század). Volume I-II. Budapest: Magvető Könyvkiadó, 1981. Vol. I. pp. 228-232 (n. 47.), pp. 240-242 (n. 50.).

<sup>51</sup> Though we know a Hungarian vineyard sale contract issued by Ungvár oppidum and this can be found in the collection of medieval Hungarian sources, it is sure, that its date is not 1512, but 1572. MNL OL DF 209883. HEGEDŰS – PAPP, ref. 49, pp. 623.

<sup>52</sup> MNL OL DL 55978. It is published with its facsimile version in HEGEDŰS – PAPP, ref. 50, pp. 3.

<sup>53</sup> For instance, the charter of Tállya written in 1498 contains a Hungarian word (this phrase is „circuitus vine wlgo mesdewth” = „a road which encircles a vineyard”, MNL OL DF 269688).

used together, and it is hard to explain the reasons of the decision on language choosing, made by the scribes when starting to write a charter.

If we look at the Latin written practice continuously living in the Hegyalja market-towns during the 16<sup>th</sup> century, it seems that this is fully originated in medieval Latin writing,<sup>54</sup> however, charters written at the beginning of the Early Modern Age in their appearance are more decorative as before. The connection between medieval and early modern Latin charters is explainable by the method of their preparing: scribes used old medieval documents as samples for writing new ones, which means that they simply copied them word for word in the new sale contracts, and replaced the old data with the new ones (the new pieces of information are for example the names of the current magistrates and the interested parties, the appellation of the neighbours of the real estate, the date, etc.).<sup>55</sup>

Regarding Hungarian, the most important places of written national language applying from the 16<sup>th</sup> century were the protocols and lawbooks, put down in writing by notaries of the Hegyalja oppida. These penned exclusively in Hungarian, as for instance the aforementioned „laws” of Tarcál, Bodrogkeresztúr and Tokaj, and the protocol of Mád, which contains 433 litigation cases and real estate transactions. The latter usually involve vineyards and go back to the period between 1598 and 1717. Patak oppidum also owned such documents, they used two protocols in parallel. Their first entries were written in 1576 and 1579.<sup>56</sup>

Charters texts set down in the Hegyalja market-towns from the 16<sup>th</sup> century were also influenced by medieval Latin written culture and the terminology used. Since the method of property alienating remained the same as in the Middle Ages, it is not a simple coincidence, that the structure of contracts of sale did not change by that time.<sup>57</sup> It is important to mention, that Hungarian bills of sales were put down at the end of the 16<sup>th</sup> century by not only market-towns, but

<sup>54</sup> For this official writing activity and the customary law they used from the Early Modern period see NÉMETH, ref. 36, pp. 11-22. and NÉMETH, Gábor. Mezővárosi írásbeliség, ingatlanforgalom és szokásjog az abaúji és zempléni mezővárosokban a 16-18. században. In KOVÁCS, Tibor. Folia Historica. A Magyar Nemzeti Múzeum történeti évkönyve 18. Budapest: Magyar Nemzeti Múzeum, 1994, pp. 47-48.

<sup>55</sup> For the structure and terminology usage of three Latin charters issued by Tállya (1569, 1578) and Zombor (1608) market-towns and their connection with the medieval writing see LADÁNYI, Erzsébet. Középkori elemek továbbélése a 16-17. századi hegyaljai oklevéladásban. In KÁLLAY, István. A magyar hivatali írásbeliség fejlődése 1181-1981 (Magyar Herold. Forrásközlő, családtörténeti és címertani évkönyv 1.). Budapest: ELTE BTK, 1984, pp. 232-237.; Nine similar documents of Mád between 1563 and 1598 with their facsimile versions: KALMÁR, ref. 38, pp. 96-101.; two Latin charters issued in 1588 by the council of Mád are described with their facsimile versions in KALMÁR, János. Szőlővásárlás a Tokaj-Hegyalján 1588-ban. In Hermann Ottó Múzeum Évkönyve, 1969, Volume 8, pp. 187-194.

<sup>56</sup> NÉMETH, ref. 36, pp. 29-68, pp. 69-91, pp. 92-121 and KALMÁR, ref. 38, pp. 113-177.; NÉMETH, ref. 54, pp. 49-50. Similar sources from the later period: FODOR, Jenő. Hegyaljai városok statútumai 1719-ből. In Adalékok Zemplén vármegye történetéhez, 1895-1896, Volume 1-2, Issue 10, pp. 324-325. We also know the protocol of Tarcál (1606-1692, 1717-1792), those of Tokaj (1610-1686), Újhely (1617-1762), Liszka (1657-1749), Tolcsva (1659-1776), etc. NÉMETH, ref. 54, pp. 49, footnote 22.

<sup>57</sup> About the duties of the Hegyalja market-town councils, the proceedings of the purchasing and litigation, the use of local customary law from the 16th century, see NÉMETH, ref. 54, pp. 50-63.

by simple villages as well. It is probably based on the everyday practice of the nearby market-towns: the judges and literate people of these villages simply copied the documents of the Hegyalja oppida. We know for instance charters dealing with vineyard purchase of Rátka (1596) and Fony (1593) villages (Figure 5).<sup>58</sup>

If we compare a Hungarian source from the 16<sup>th</sup> or 17<sup>th</sup> centuries, and a Latin one written in the Middle Ages, the similarities are obvious. It is clear that the reason of correspondences is originated in the method of composing Hungarian charters. It means that clerks took and utilized old Latin bills of sale so as to translate them into Hungarian. In order to prove this statement, let us see some instances of the relation between documents written in medieval and early modern times (Table 2.).

Table 2: Some instances of similarities and conformable formulas of charters issued by Hegyalja settlements in Latin and Hungarian.<sup>59</sup>

| Medieval Latin text                                                                                                                        | Early Modern Hungarian text                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Promulgatio</b>                                                                                                                         |                                                                                                                                                            |
| „memorie commendamus significantes tenore presentium quibus expedit universis” (Újhely, 1428) <sup>60</sup>                                | „adjuk minden rendbeli embereknek tudtára, az kiknek illik, az kik az mi pecsétetes levelünket látják, olvassák és hallgatják” (Rátka, 1596) <sup>63</sup> |
| „memorie commendamus quibus incumbit universis presentium notitiam habituris tenore presentium significantes” (Liszka, 1478) <sup>61</sup> | „adjuk tudására és emlékezetére mindeneknek az kiknek illik, ez mi levelünknek rendjében” (Tarcál, 1612) <sup>64</sup>                                     |
| „damus pro memoria universis et singulis quibus incumbit presentium notitiam habituris” (Újhely, 1506) <sup>62</sup>                       | „adjuk emlékezetül mindeneknek, kik ez mi levelünket látják, hallják és magyarázzák” (Tállya, 1612) <sup>65</sup>                                          |
|                                                                                                                                            | „adjuk emlékezetül mindeneknek, az kiknek illik, mind ez mostaniaknak és mindaz következőknek” (Tállya, 1623) <sup>66</sup>                                |

<sup>58</sup> HUNFALVY, Pál. Hegyaljai oklevelek. In *Nyelvtudományi Közlemények*, 1867, Volume 6, Issue 3, pp. 334-335. Rátka is a village situated in the immediate neighborhood of Mád; The Hungarian National Archives, Archives of Borsod-Abaúj-Zemplén County, Branch Archives of Sátoraljaújhely (hereinafter referred to as MNL BAZML SFL), Fund XIII. 12. A deteki és tengerfalvi Meczner család levéltára (1249) 1527-1997., 3. cs. Meczner József korláti levéltára 1527-1864. *Litterae haereditariae*. Fony, 1593. december 22. Fony is also a village in the southern vicinity of Telkibánya.

<sup>59</sup> I have modernized the Hungarian orthography of the cited words. There are some Hungarian and Latin documents which occur repeatedly in the chart, but due to the length limit, the bibliographic data of the source publications were mentioned only on the first occasion.

<sup>60</sup> MNL OL DL 12029.

<sup>61</sup> MNL OL DL 18007.

<sup>62</sup> MNL OL DF 216809.

<sup>63</sup> HUNFALVY, ref. 57, pp. 334-335.

<sup>64</sup> SZILÁGYI, Károly. Egy öröklevél 1612-ből. In *Adalékok Zemplén Vármegye történetéhez*, 1900, Volume 5, Issue 6, pp. 181-183.

<sup>65</sup> HUNFALVY, ref. 57, pp. 343-344.

<sup>66</sup> HUNFALVY, ref. 57, pp. 344-346.



| Dispositio                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| „accedentes ad nostram presentiam” (Újhely, 1454) <sup>67</sup> „venientes nostri in presentiam” (Újhely, 1506)                                                                                                                                                                                                                       | „miképpen jönnek mi elünkbe ez becsületes személyek” (Tállya, 1612)                                                                                                                                                                                                                                                       |
| „ministerio vivevocis atque oraculo confessi sunt” (Liszka, 1478)<br>„spontanea eorum voluntate” (Újhely, 1509) <sup>68</sup>                                                                                                                                                                                                         | „senki nem kényszerítvén, az ő élő nyelvével szabad akarata szerint ilyen vallást tett” (Rátka, 1596)<br>„a maga szabad akarata szerint, senki nem kényszerítvén tett mi előttünk ilyen vallást” (Tállya 1612)<br>„hogy ők az ő maguk szabad akaratuk szerint adták el egy darab szőlőjüket” (Újhely, 1643) <sup>69</sup> |
| „sex florenis puri auri plene et integraliter persolutis” (Újhely, 1454)<br>„plene rehabitis et persolutis” (Újhely, 1481) <sup>70</sup>                                                                                                                                                                                              | „19 forinton, melyről... megelégtívén minden fogytatkozás nélkül” (Tállya, 1612)                                                                                                                                                                                                                                          |
| „cum omnibus utilitatibus suis et pertinentiis” (Patak, 1356) <sup>71</sup><br>„ymmo emerunt coram nobis iure perpetue (!) possidendam pariter et habendam” (Újhely, 1454)<br>„vendiderunt... in filios filiorum suorum heredumque per heredes iure perpetuo et irrevocabili tenendam possidendam pariter et habendam” (Liszka, 1478) | „hanem bírja mint szabad örököt, fiúról fiúra és nemzetségre, minden hasznával egyetemben...” (Tállya, 1612)<br>„adta el pedig örökösül, fiúról fiúra, nemzetségről nemzetségre utriusque sexus irrevocabiliter tenendam possidendam pariter et habendam” (Tarcál, 1612)                                                  |
| „nullo penitus contradictore apparente” (Újhely, 1413) <sup>72</sup><br>„nullo penitus contradictore apparente” (Liszka, 1478)<br>„nullo contradictore apparente” (Újhely, 1506)                                                                                                                                                      | „senki mi előttünk ellene mondó nem lévén” (Tarcál, 1612)<br>„senki mi előttünk ellene mondó nem lévén” (Újhely, 1643)                                                                                                                                                                                                    |

<sup>67</sup> MNL OL DL 14898.

<sup>68</sup> MNL OL DL 21935.

<sup>69</sup> ANDORKO, János. Egy öröklevél 1643-ból. In Adalékok Zemplén Vármegye történetéhez, 1905, Volume 11, Issue 6-8, pp. 189.

<sup>70</sup> MNL OL DL 18590.

<sup>71</sup> MNL OL DF 219468.

<sup>72</sup> MNL OL DL 10044.

|                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| „egissent victimam predictorum vinearum” (Tállya, 1524) <sup>73</sup><br>„in quarum memorie obtulerunt victimam in domo iudicis predicti” (Tállya, 1487) <sup>74</sup>                                                    | „megnevezett bírák és polgárok eleinknek régi élő szokásuk szerint áldomását is ittuk...” (Tállya, 1612)<br>„mely vallástételeknek nagyobb bizonyosságára mi is felül megnevezett bírák és esküdtek eleinknek régi élő törvényük szerint áldomását is ittuk” Tállya, 1624) <sup>75</sup> |
| <b>Clausula evictionis</b>                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                          |
| „in pacifico dominio dicte vinee contra quosvis legitimos impeditores, causidicos, et actores protegere tueri et conservare propriis suis laboribus et expensis” (Liszka, 1484) <sup>76</sup>                             | „ha idő jártában találatnák olyan vér, ki ez szőlőnek uraságában... megakarná háborítani... posteritási tartozának maguk költségével és fáradságukkal megoltalmazni” (Tarcál, 1612)                                                                                                      |
| <b>Sanctio temporalis</b>                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                          |
| „ante litis processum sew ingressum estimationem vinee iamfate persolvat” (Tolcsva, 1505) <sup>77</sup><br>„ante litis ingressum valorem pretium et condignam estimationem deponere debeat” (Tolcsva, 1515) <sup>78</sup> | „ha valaki a szőlő örökségében megakarná... háborgatni... annak becsét tegye le az felperes” (Rátka, 1595)<br>„annak semmi pere addig elő ne vétesék, míglen az szőlőnek becsit áldomásával együtt le nem teszi” (Tállya, 1624)                                                          |
| <b>Corroboratio</b>                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                          |
| „nostras litteras munimine nostri sigilli roboratas” (Újhely, 1428)<br>„in cuius rei testimonium firmitatemque perpetuas litteras nostras sigilli nostri [authentici?] munimine roboratas” (Újhely, 1506)                 | „adjuk mi ennek nagyobb bizonyosságára... az mi falunknak pecsétjével megpecsételt levelünket” (Rátka, 1596)<br>„Melynek nagyobb, erősebb és állandóbb bizonyosságára adtuk ez mi városunknak hiteles pecsétjével megerősített levelünket” (Újhely, 1643)                                |

As we can see, the well-known medieval Latin text elements in their original or modified forms were continuously in use in the Hungarian local legal written practice during the 16<sup>th</sup> and 17<sup>th</sup> centuries as well.

In order to summarize our experiences about transforming of the official written culture which developed in the Hegyalja market-towns from the medieval times up to the 17<sup>th</sup> century, we are able to recognize the dominant role of utilizing previous models. The official writing activity started in the 1300s, when local

<sup>73</sup> MNL OL DF 215141.

<sup>74</sup> MNL OL DF 215343.

<sup>75</sup> HUNFALVY, ref. 57, pp. 346-347.

<sup>76</sup> MNL OL DF 264569.

<sup>77</sup> MNL OL DF 229261.

<sup>78</sup> MNL OL DF 217486.

clerics wrote the first charters documenting real estate circulation. They transmitted successfully the terminology usage of places of authenticity and that of public notaries to the written legal practice of market-towns. Later, when the market-town councils had to issue documents dealing with property purchase, these early charters served as samples for scribes. From the 1400s the first local schools started to function in the region, and so secular literate inhabitants appeared in the Hegyalja oppida. As notaries or schoolmasters, they wrote the charters in market-towns using henceforward preceding texts and simply copied them when making out contracts of sales. When from the second half of the 16<sup>th</sup> century, oppida magistrates started to produce Hungarian documents, this practice remained the same as before. Clerks simply translated earlier Latin charters into Hungarian, and so the new contracts preserved the structure, the terminology and in general the most important characteristics of these medieval sources.

This process persisted for a long time. We know some similar Hungarian charters from the region issued in the 18<sup>th</sup> century, and though their structure were somewhat more uncomplicated than before, the main features of these contracts are analogous to medieval and early modern bills of sale. As an example, one of them is a contract of sale issued in 1710 by the Sátoraljaújhely magistrates, and records a matter of vine purchase. Its structure and terminology usage are evidently in a close connection with other, previously written charters (Figure 6).<sup>79</sup> So it is indisputable that medieval Latin written practice was able to exert real influence on Hungarian legal writing activity for a long time, until the dawn of the Modern Age.

Words: 9343

Characters: 60560

<sup>79</sup> MNL BAZML SFL, Archives of Sátoraljaújhely. Fund V. 1. Sátoraljaújhely város iratai (1111) 1617–1848 (1898), III. f. 7. 1710. június 10.

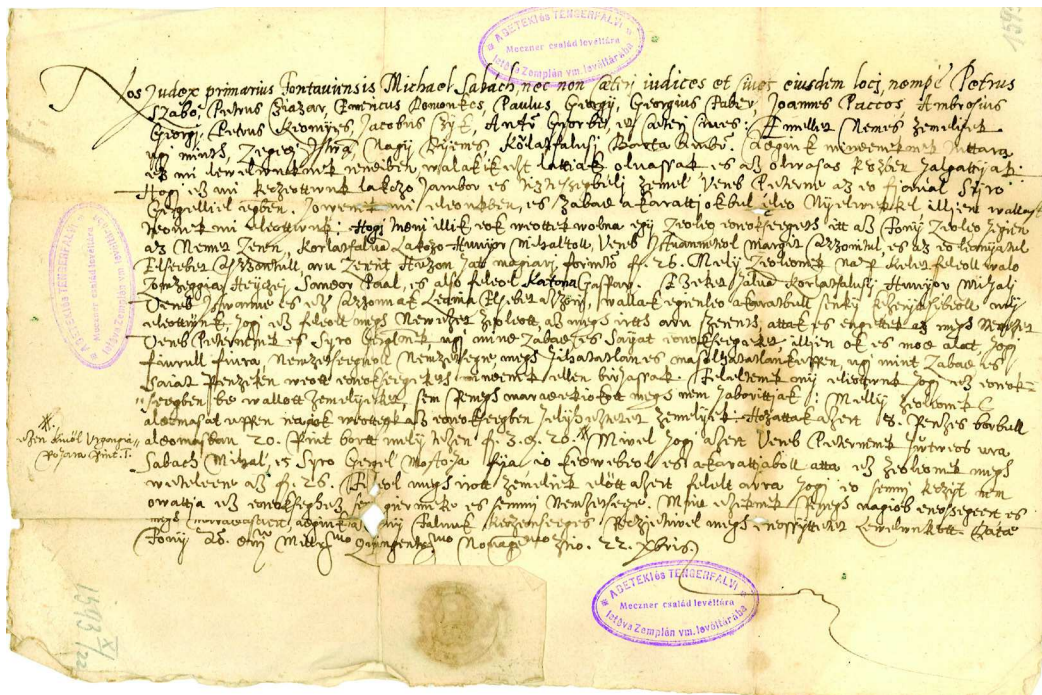


Figure 5: Charter issued by the village of Fony, 1593  
(MNL BAZML SFL, Fund XIII. 12. A deteki és tengerfalvai Meczner család levéltára (1249) 1527-1997., 3. cs. Meczner József korláti levéltára 1527-1864. Litterae haereditaria. Fony, 1593. december 22.).

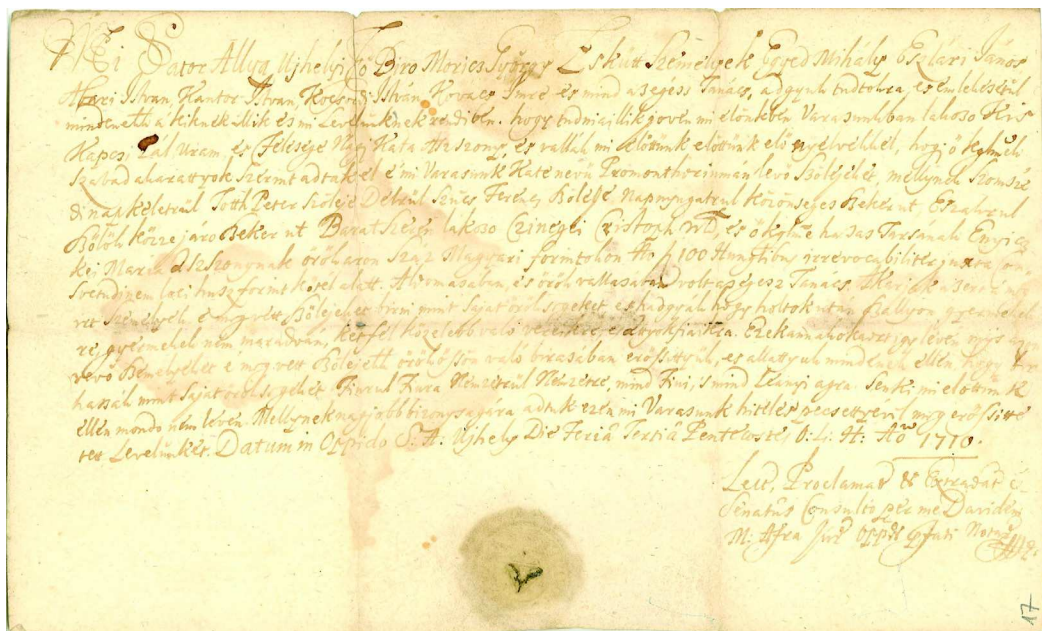


Figure 6: Charter issued by Sátoraljaújhely market-town, 1710  
(MNL BAZML SFL, Fund XIII. 12. A deteki és tengerfalvai Meczner család levéltára (1249) 1527-1997., 3. cs. Meczner József korláti levéltára 1527-1864. Litterae haereditaria. Fony, 1593. december 22.).