

## About the interpretation and purpose of the charter issued by Bishop of Eger for burghers of Košice in 1290 \*

Drahošlav Magdoško

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According to the charter issued by Andrew, Bishop of Eger, the Košice burghers were exempted from jurisdiction of Archdeacon of Abaujvár in 1290. Circumstances connected to its origin and then comparison with other charters containing similar privilege seem to be essential factors leading to better understanding of the source. Hereby a very detailed analysis of the text might say more to explain its meaning. Therefore, the cognoscible context of exemptions with the examination of circumstances leading to the issuance of the charter in 1290, along with consideration of the words written in the text, encourage the opinion that the burghers of Košice had been exempted from jurisdiction of Abaujvár's Archdeacon even before. The Bishop's charter seems to be only a confirmation of the right allowed earlier, which was a common phenomenon in the towns (or in the communities of guests) of the Hungarian Kingdom.

Key words: Košice. Towns. Church Administration. Church. Medieval Slovakia.

There is a famous charter concerning the church terms in medieval Košice (present day Slovakia) from 1290. According to this instrument issued by Andrew, Bishop of Eger (present day Hungary), the Košice burghers were exempted from jurisdiction of Archdeacon of Abaujvár (present day Hungary). The original piece has not been preserved, however, its text is known from the transcription carried out by later Bishop of Eger, Imrich („Henry“), in 1382. This transumpt has been conserved in the Archives of the city of Košice up to the present times.<sup>1</sup> The impulse for putting the immunity in writing in 1290 had emerged apparently from the actions of the burghers themselves, who complained before the Bishop that the Archdeacon was annoying them by unfair fees taxing various deaths in the town. The burghers refused to pay such charges, this decision was followed by interdicts of Archdeacon imposed upon the town.<sup>2</sup> Košice, as well as the Archdeaconate of Abaujvár, were subjects to the competency of the Bishop of Eger. Andrew assessed the activity of the Archdeacon as indeed unjustified,<sup>3</sup> therefore he consequently exempted the parish

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1 Archív mesta Košice (Archives of the city of Košice, hereinafter AMK), fund Slobodné kráľovské (municipiálne) mesto Košice, Tajný Archív (hereinafter TA), C – Parochia, č. 38. Magyar Nemzeti Levéltár (Hungarian National Archives, hereinafter MNL), fund Diplomatikai Fényképgyűjtemény (hereinafter DF), 269 185. Transcription in: JUCK, Lubomír. *Výsady miest a mestečiek na Slovensku (1238 – 1350) I*. Bratislava : Veda, 1984 (hereinafter VMMSI), p. 73, no. 73. WENZEL, Gusztáv. *Árpádkori új okmánytár. Codex diplomaticus Arpadianus continuatus. V. 1290 – 1301*. Pest, 1864, p. 14, no. 9. KONDORNÉ LÁTKÓCZKI, Erzsébet. *Árpád-kori oklevelek a Heves Megyei Levéltárban*. Eger, 1997, pp. 66-67, no. 41.

2 VMMSI, p. 73, no. 73: „(...) iudex, cives et universitas hospitem de Cassa nostre diocesis, dilecti in Christo filii nostri, (...) pecierunt, ut ipsos et ecclesiam eorum ab indebite vexacione parochialis archidiaconi et immoderato divinorum interdicto, ut hactenus frequenter accidit, petendo pro quolibet casu mortis hominum sexus utriusque penalem marcam pro homicidio quovis modo, sive appareat sive non homicida, allevare dignemur.“

3 VMMSI, p. 73, no. 73: „Nos igitur volentes effrenate ambitionis vicium refrenare et quod informe est reformare, ex officio nostri debito et pie condescendere petentibus, petitionem et vota iudicis ac hospitem predictorum, cum sint filii eiam uterini ecclesie, paterna mansuetudine ampliantes, ecclesiam ipsorum nedum aggravamine homicidiorum petito, (...)“

of Košice from jurisdiction of Abaujvár's Archdeacon<sup>4</sup> and he enabled the priest to judge all ecclesiastical cases of the burghers autonomously, at his own competency. If a case was too complicated, the parish priest could ask only the Bishop for advice.<sup>5</sup>

Thus, the meaning of the charter seems to be very clear. Therefore, all historians who have previously dealt with medieval history of Košice, or with the church in the medieval Hungarian Kingdom, have been explaining the text of the source in interpretation that exactly from that time the burghers of Košice were exempted from jurisdiction of Abaujvár's Archdeacon and were subordinated directly to the Bishop.<sup>6</sup>

Ondrej R. Halaga even considered the charter as an extraordinary act, which could have been related only to parallel issuance of an unpreserved royal privilege charter promoting Košice to a full-fledged and fortified royal town. According to his opinion, the Bishop's decision must have also resulted in the equalling of the Košice parish priest to Archdeacon.<sup>7</sup> However, such perception of the meaning of exemption in the system of church hierarchy is over-exaggerated.<sup>8</sup> The Bishop's charter from 1290 was also certainly not related to any unpreserved royal privilege charter, which has not even been mentioned in any written references. Furthermore, as we have already stated above, there is no sign of involving of the king into the process of origin of the Bishop's charter from 1290, since the only reason was represented by complaints of the burghers in one case current in that time.<sup>9</sup> The burghers wanted to resolve their conflict through the intervention of the Bishop, and their endeavour was successful.

However, the translation of the core parts of the text is not sufficient for the most consistent interpretation of (not only this) charter from 1290. Circumstances connected to its origin and then comparison with other charters containing similar privilege seem to be essential factors leading to better understanding of the source. Hereby a very detailed analysis of the text might say more to explain its meaning. Therefore, in the following lines, we will explore just this context of the charter. Subsequently we shall be able to assess whether such knowledge somehow specifies, or changes, its interpretation.

Before a brief introduction of similar exemptions, we should explain the actual case between the burghers of Košice and the Archdeacon of Abaujvár. The Archdeacon bothered the burghers by demanding the payment of one mark of silver for each death in the town, whether it was an apparent murder or not. Refusal to pay was penalized by frequent

4 VMMSI, p. 73, no. 73: „(...) verum etiam ab omni iurisdictione archidiaconi parochialis auctoritate presencium amore hospitum predictorum duximus eximendam.“

5 VMMSI, p. 73, no. 73: „Concessimus etiam, ut omnes causas spirituales in eadem villa emergentes rector sive sacerdos ipsius ecclesie de Cassa iudicare possit et ad quod vel ad quas ipsius pericia non sufficeret iudicandas, im hiis sit ad nos recurrendum.“

6 See: KRONES, X. Franz. *Zur ältesten Geschichte der oberungarischen Frelstadt Kaschau. Eine Quellenstudie.* Wien: Gerold, 1864, pp. 25-26. OSVÁTH, Gyula. *Adalékok Kassa város közzogi helyzetéhez és közigazgatási szervezetéhez I. Lipót koráig.* Kassa, 1918, pp. 21-22. WICK, Vojtech. *Dóm svätej Alžbety v Košiciach.* Košice: Mesto Košice, 1936, pp. 14-15. HALAGA, R. Ondrej. *Počiatky Košic a zrod metropoly.* Košice: Východoslovenské vydavateľstvo, 1993, pp. 202-206. Within the wider issue of urban privileges: FÜGEDL, Erik. *Középkori magyar városprivilegiumok.* In: *Tanulmányok Budapest múltjából*, 1961, vol. 14, pp. 27, 75-76. MÁLYUSZ, Elemér. *Egyházi társadalom a középkori Magyarországon.* Budapest: Műszaki Kiadó, 2007, p. 121.

7 HALAGA, R. O. *Počiatky Košic...*, pp. 135-137, 205-206.

8 Pointed already by: ŠOTNÍK, Stanislav. *Zakladacia listina fary v Ponikách z roku 1310.* In: *Slovenská archivistika*, 1999, vol. 34, no. 1, p. 40.

9 To the question of an unpreserved fundamental privilege charter of Košice from 1290 which former existence has been expected (only) by Ondrej R. Halaga see also: MAGDOŠKO, Drahošlav. *Nehodnovernost tradície o opevnení Košic v roku 1290.* In: *Studia Historica Tyrnaviensia XIV – XV.* Kraków: Spolok Slovákov Poľsku, 2012, pp. 290-308.

interdicts.<sup>10</sup> Such charges for funerals of murdered people represented an old custom in the medieval Hungarian Kingdom, nevertheless, they were illegal from the perspective of the Roman canon law. Already in early patrimonial system of government of the realm the Archdeacons acted together with the royal counts in cases related to murder,<sup>11</sup> what might have been also the starting point for introduction of those fees. Since the 14<sup>th</sup> century, however, the papal curia made efforts towards definitive rooting out of the peculiar custom. The Pope Benedict XII prohibited requesting of such fees by the bull from 1335.<sup>12</sup> But subsequently the Hungarian kings, diets, church dignitaries and popes had to repeat such prohibitions for a longer time. We find such decisions in royal decrees and acts of the Diet from 1351, 1397 and even from 1439.<sup>13</sup> At the initiative of Louis I (the Great), Ladislav, the Bishop of Veszprém (present day Hungary), who had the title of the representative of the royal chapel and the secretary of the royal chancellery, did the same in 1355.<sup>14</sup> In addition to these examples, the King Sigismund of Luxembourg prohibited such charges in 1405 and 1417. Then, in 1411, the papal legate Branda threatened all priests requesting the illegal fees by excommunication. Soon the antipope John XXIII confirmed the legate's regulation with an addition that murdered people should be buried even without the consent of archdeacons or prelates.<sup>15</sup>

Hence the Archdeacon of Abaujvár abused a custom unknown to burghers of Košice in their original homeland, even asking fees in the cases where it was unclear whether the dead had been murdered or not. Another remarkable fact is that it is even uncertain whether such claims of Archdeacons were annihilated just by exemptions from their jurisdiction. For example, later in 1359, burghers of Sabinov, Veľký Šariš and Prešov (present day Slovakia) appeared before William, Provost of Eger (and the Count of the royal chapel and the Secretary of the royal chancellery at the same time) complaining that Archdeacons and vice Archdeacons asked a fee of one mark for each murder from them. But such claims were in contradiction to the papal bull prohibiting those charges.<sup>16</sup> That means that the burghers were not referring to an exemption, although the three town parishes are considered to be exempted by historiography from the second half of the 13<sup>th</sup> century.<sup>17</sup>

We should pay some attention to another judicial case of Košice burghers and the Chapter of Eger regarding the tithe, just in the time of the dispute with the Archdeacon

10 VMMSI, p. 73, no. 73: „(...) iudex, cives et universitas hospitem de Cassa nostre diocesis, dilecti in Christo filii nostri, (...) pecierunt, ut ipsos et ecclesiam eorum ab indebite vexacione parochialis archidiaconi et immoderato divinorum interdicto, ut hactenus frequenter accidit, petendo pro quolibet casu mortis hominum sexus utriusque penalem marcam pro homicidio quovis modo, sive appareat sive non homicida, allevare dignaremur.“

11 There is a mention of it in the Code of the King Coloman. See: FÜGEDI, Erik. Kirchliche Topographie und Siedlungsverhältnisse im Mittelalter in der Slowakei. In: *Studia Slavica Academiae Scientiarum Hungariae*, 1959, vol. 5, no. 3-4, p. 375.

12 ŠOTNÍK, Stanislav. Hospodárske a majetkovoprávne vzťahy pri správe fár na Slovensku do polovice 14. storočia. In: *Slovenská archivistika*, 2001, vol. 36, no. 1, p. 57.

13 DÖRY, Franciscus – BONIS, Georgius – BÁCSKAI, Vera. *Decreta Regni Hungariae. Gesetze und Verordnungen Ungarns 1301 – 1457*. Budapest : Akadémiai Kiadó, 1976, p. 131, art. II; p. 164, art. XXVII; p. 299, art. XXXIV.

14 FEJÉR, György. *Codex diplomaticus Hungariae ecclesiasticus ac civilis* (hereinafter CDH) CDH IX/2. Budae, 1833, pp. 697-698, no. CCCXLVI.

15 To this data see: DVOŘÁKOVÁ, Daniela. *Rytier a jeho král*. Bratislava : Vydavateľstvo Rak a VEDA, 2010, s. 351.

16 CDH IX/3, pp. 64-65, no. XXIV: „(...) Iudices, et lurati ciuitatum de Cybinio, de Sarus, et de Eperyes grauem porrexissent querimoniam super eo, vt archidiaconi et Vice-Archidiaconi de sepultura hominum, quocunq; modo interfectorum, marcam exigendo, ipsi et ad eos pertinentibus maximam continue inferrent iniuriam (...)“

17 Summarizing in: ŠOTNÍK, S. *Zakladacia listina...*, pp. 39, 41, 50.

of Abaujvár. The conflict for tithe was closed by a written agreement in 1292,<sup>18</sup> being mediated by Andrew, the Bishop of Eger, and the man who had issued the privilege charter with exemption for burghers of Košice two years earlier. Both charters, from 1290 and 1292, could therefore create an impression of a direct coherency and conditionality in the process when Košice only gradually gained substantial municipal privileges, among them also those in the ecclesiastical sphere.<sup>19</sup> However, the researched charter of 1290 could undoubtedly not have encouraged Košice burghers in their subsequent effort to modify paying of tithe. Such dispute with Chapter of Eger had actually arisen earlier. Already in 1288, the Provost and canons of Eger complained about burghers of Košice before the Pope in Rome,<sup>20</sup> so the disagreement had to be in process of resolving in the Hungarian Kingdom even before it, with the subsequent compromise in 1292. Therefore, the circumstances of drawing up the exemption in 1290 and paying the tithe in 1292 were not dependent on each other, although these cases took place simultaneously for some time. There could have only been indirect connection. As it is recognized, archdeacons were also canons in chapters, hence the Archdeacon of Abaujvár held such post in the Chapter of Eger. It might be taken into account that in addition to his personal benefit, he could have also tried to harm burghers of Košice, due to their refusal to pay the tithe, which ultimately concerned the Archdeacon himself. Nevertheless, such a course of events cannot be described any more. But it may be stated that when the burghers of Košice complained on the activity of the Archdeacon in 1290 it was quite likely justified, and that the intervention of Bishop and issuance of the charter with exemption were consequences of their initiative. If the burghers had not asked for those outcomes, the charter would not have originated, since it was not a targeted result of any ecclesiastical or secular establishment.

The next step for interpretation of the examined source will be comparing it to other privilege charters containing similar exemption. After analysis of such sources, several historians have already concluded that, among other motivations, the exemption from jurisdiction of Archdeacons was directly related to the liberties of burghers, or those of foreign settlers called „hospites“ (guests) in the sources. Freedom in election of the priest and own custom in paying of the tithe also belonged among such privileges. Some historians used to support these general findings also by the charter concerning Košice from 1290, which was perceived by them as an example of granting of the privilege.<sup>21</sup> However, no historian has neither studied, nor resolved, why the parish of Košice should have been exempted from the competency of Archdeacon with delay of several decades after the foreign guests settled in this locality. They were granted privileges from

18 AMK, TA, A – Cassovia, no. 3. Transription in: TUTKÓ, József. *Szabad királyi Kassa városának történelmi évkönyve*. Kassa : Werfer Károhr., 1861, pp. 205-206, no. 4.

19 See for an example: FÜGEDI, E. *Középkori magyar városprivilegiumok...*, p. 27-28.

20 MNL DF 210 700. The charter was mentioned already in: GYÖRFFY, György. *Az Árpád-kori Magyarország történeti földrajza I*. Budapest : Akadémiai Kiadó, 1963, p. 102. To the charters concerning the judicial dispute because of tithe from Košice see: MAGDOŠKO, Drahošlav. *Vylkynus villicus – najstaršia zmienka o košickom richtárovi*. In: BOJKOVÁ, Alžbeta (Ed.). *Spoločnosť, kultúra a každodennosť v dejinách Slovenska*. Košice : Univerzita Pavla Jozefa Šafárika, 2012, pp. 26-33.

21 From Hungarian historians: FÜGEDI, E. *Középkori magyar városprivilegiumok...*, pp. 74-77. FÜGEDI, E. *Kirchliche Topographie und Siedlungsverhältnisse...*, p. 397 (but for the territory of the diocese of Esztergom only). MÁLYUSZ, E. *Egyházi társadalom...*, p. 121. From Slovak historians, and even globally thorough, see: ŠOTNÍK, S. *Zakladacia listina...*, pp. 36-54 (and more detailed overview on historiography for this problematics on the p. 37, bottom notes no. 5 and 6).

the Hungarian king even before 1249.<sup>22</sup> Apparently, such question is closely related to the interpretation of the charter from 1290. Therefore, we shall carefully learn the circumstances of granting such exemptions, or more precisely, we should primarily focus on the time since when the communities of guests (burghers) used this privilege and the manner they used to obtain it. For our purpose, a concise overview until the beginning of the 14<sup>th</sup> century would be sufficient, relying mostly on existing heuristics of historians. All such currently known charters will be mentioned, not only those ones concerning the towns.

The oldest known piece from the territory of present day Slovakia refers to an act, by which Lampert, the Bishop of Eger, exempted the parish church in Veľký Šariš and also several other churches in the area from jurisdiction of the Archdeacon in 1262. All of those villages belonged to the royal castle of Šariš.<sup>23</sup> The wish of the king is seen as a decisive impulse for this decision by historians.<sup>24</sup> Soon, in 1263, the Archbishop of Esztergom (present day Hungary) exempted the parish in Nemecká Ľupča (present day Partizánska Ľupča, Slovakia).<sup>25</sup> The same year is being referred to also in the text of a privilege charter of the King Béla IV for German settlers of that place, though found to be a forgery.<sup>26</sup> But the most important issue for us at the moment is the reason of issuance of the Archbishop's charter. The major impulse was certainly presented by initiative of the guests, who were allowed to build a new church. The church was exempted from the patronage of the previous parish in Liptovský Michal (present day Slovakia) and was subsequently exempted also from jurisdiction of the Archdeacon. Later we are informed by one undoubtedly authentic privilege charter of the King Ladislav IV from 1270 that the parish in Nemecká Ľupča used the same liberties as Krupina and Banská Štiavnica (present day Slovakia), whereby such customs were considered to be a convention of other Germans (in the Kingdom of Hungary) too.<sup>27</sup> We may assume that there was the right for free election of the priest among such liberties, furthermore, own custom for paying the tithe, and, as it will be shown on some parallels, usually also exemption from jurisdiction of the Archdeacon. Consequently, a few decades later, we find another similar charters. The newly established parish in Poniky (present day Slovakia), belonging to nobles Peter and Thomas, sons of Philip, was exempted in 1310.<sup>28</sup> In 1311 the exemption was mentioned by similar circumstances in charter for Zolná (present day Slovakia), on the request of its noble owners, sons of Tobias from Zvolen (present day Slovakia).<sup>29</sup> Later Čanad, the Bishop of Eger, removed several

22 In that year the settlers from near Seňa (present day Slovakia) asked the King Béla IV. to grant them the same privileges, which had already been used by the „guests“ in Košice. See edition in: MARSINA, Richard. *Codex diplomaticus et epistolaris Slovaciae II*. Bratislava : Obzor, 1987 (ďalej len *CDSI II*), p. 223, no. 319. Probable content of the liberties sketched by: HALAGA, R. O. *Počiatky Košíc...*, pp. 157-165.

23 WAGNER, Carolus. *Diplomatarium comitatus Sarosiensis*. Posenii – Cassoviae : Joannus Michaelis Landerer, 1780, pp. 460-461. ŠOTNÍK, S. *Zakladacia listina...*, pp. 39, 41.

24 ULIČNÝ, Ferdinand. *Dejiny osídlenia Šariša*. Košice : Východoslovenské vydavateľstvo, 1990, p. 349.

25 ŠOTNÍK, S. *Zakladacia listina...*, p. 40. VMMSL, p. 46, no. 30: „(...) *ecclesiam parochialem construendi (...) liberam habeant facultatem (...) ut liberis decimis perfruatur prout ecclesie de Corpona et Sebnuchbana, et plebanus eiusdem ecclesie ab omni iurisdiccione et descensu archidiaconi sit exceptus(...)*“

26 See: VMMSL, p. 44, no. 29.

27 VMMSL, p. 53, no. 38: „(...) *ecclesiam suam Carponensis et Banensis civitatum habeant more et libertate Theutonicorum aliorum.*“

28 ŠOTNÍK, S. *Zakladacia listina...*, pp. 50-54.

29 ŠOTNÍK, S. *Zakladacia listina...*, p. 46.

churches staying on the estates of sons of Rikolf and Čana in the county of Šariš (present day Slovakia) from competency of the Archdeacon in 1323.<sup>30</sup>

In addition to the aforementioned sources, there were privilege charters, which contained the exemption mixed among another liberties being granted (usually) by the king. This especially applies to charters for burghers (or for guests). Thus, the privilege charter for German settlers in Satu Mare (present day Romania) involved the free election of the priest, followed by his exemption from jurisdiction of the Archdeacon and specification for paying the tithe.<sup>31</sup> By confirming these privileges in 1271, the King Stephen V affirmed the exemption as well as another circumstance closely associated to it, according to which the elected priest would be introduced to the competent Bishop for ratification.<sup>32</sup> In the same year the king acted accordingly in Sasovo (present day Ukraine), the location of royal chapel („capella regia“).<sup>33</sup> Similarly, there was also a royal chapel in Spišské Vlachy (present day Slovakia), which, together with the guests settled at the place, was exempted from jurisdiction of the Archdeacon, in this special case of the Provost of Spiš. We learn of this fact with some delay, from the privilege charter of Ladislav IV from 1273. At that time the Provost of Spiš had interfered in election of the priest of Spišské Vlachy, therefore the community of the settlers complained before the king. Subsequently, the king confirmed their privileges by general formulation and, above all, he stated that the chosen priest was to be certified by the Archbishop of Esztergom, not by the Provost of Spiš, as the „hospites“ and church had already been exempted from the jurisdiction of the Provost. Such an exemption had been a custom even since the beginning of their settlement in Spišské Vlachy.<sup>34</sup> Later, the royal privilege charter for Nagymaros, present day Hungary, from 1324 contains the right for judging the burghers in ecclesiastical cases by their own priest only, not by an Archdeacon or a Bishop. The parish priest was subordinated only to the Archbishop of Esztergom, as well as the parish priest in Buda (present day Hungary).<sup>35</sup>

Finally, although there is no mention of the exemption in other urban privilege charters, some of them contain at least a duty to present the elected priest before the competent Bishop. It may be concluded that such formulation usually also meant the exemption from jurisdiction of the Archdeacon and the submission of the parish priest directly under the Bishop, suggesting the aforementioned case of Satu Mare from 1271 and Spišské Vlachy

30 ŠOTNÍK, S. *Zakladacia listina...*, pp. 40-41.

31 CDH III/2, p. 212: „Item sacerdotem, quemcumque voluerint, in eorum ecclesia possint conservare, ab omni iurisdictione et potestate archidiaconi de Sasvar, cum quarta parte decimarum in villa ipsorum continente penitus duximus eximendum (...)“ MÁLYUSZ, E. *Egyházi társadalom...*, p. 121.

32 CDH IV/3, p. 207: „Item sacerdotem eligant, quem ipsi voluerint, qui per episcopum diocesanum possit et debeat per praesentationem eorum confirmari; cum ecclesia ipsorum sit penitus exempta a iurisdictione archidiaconi pleno iure.“ MÁLYUSZ, E. *Egyházi társadalom...*, p. 121.

33 CDH V/1, p. 176: „Praeterea restituimus eisdem, ut ecclesia Beati Petri, capella nostra, a iurisdictione omnium plebanorum et archidiaconorum penitus libera habeatur, et exempta.“ To diplomatic critique of the charter see: SZENTPÉTERY, Imre. *Az Árpád-házi királyok okleveleinek kritikai jegyzéke. II. kötet. 1. füzet.* Budapest, 1943, p. 116, no. 2117.

34 VMMSI, pp. 58-59, no. 47: „(...) plebanum (...) electum, archiepiscopo Strigoniensi vel eius vices gerentibus et non preposito de Scepes, nomine Saxonum presentent confirmandum, dum eadem ecclesia et hospites de Latina Villa predicta a iurisdictione et potestate prepositi de Scepes, ab ipso congregacionis ipsorum principio sint exempti.“ ŠOTNÍK, S. *Zakladacia listina...*, p. 44.

35 CDH VIII/2, pp. 514-517, no. 141: „(...) nullum iudicium ecclesiasticum per aliquem episcopum, vel archidiaconum possit iudicari, nisi per plebanum dictae ecclesiae inter ipsos observandum. Nihilominus obedientiam Sanctae Strigoniensis ecclesiae archiepiscopo, quam plebanus ecclesiae Budensis tenetur observare.“ ŠOTNÍK, S. *Zakladacia listina...*, p. 43.

from 1273.<sup>36</sup> Likewise, we find such privilege in the charters for Trnava from 1238 (present day Slovakia),<sup>37</sup> Berehovo from 1247 (present day Ukraine)<sup>38</sup> and Banská Bystrica from 1255 (present day Slovakia).<sup>39</sup>

It can therefore be summarized that the brief overview brings several notable findings. Firstly, there have been only few charters related especially to the right of exemption, eventually supplemented by some other ecclesiastical liberties in the text. Somewhat more numerous are there charters containing the exemption mixed among other privileges of the burghers (guests). However, the total number of such deeds is still very low with regard to the amount of localities in which the foreign settlers lived. For all that, the reasons leading to issuance of such charters were so diverse that there is no system to talk of. Either it happened on the initiative of the king (Veľký Šariš and surrounding churches), or on the occasion of building a new parish church (Nemecká Ľupča, Poniky, Zolná), or most often as a part of guests' (urban) privileges (cases of Satu Mare, Trnava, Berehovo, Banská Bystrica, Nagymaros), and, along with these last examples, also in locations of royal chapels (Sasove, Spišské Vlachy). Spišské Vlachy is an example of confirmation of the liberties being used even earlier. But the right of exemption was well known also on noble estates (Poniky, Zolná, villages in the county of Šariš belonging to sons of Rikolf and Čana).

A perceivable circumstance listed in those charters is that they were usually issued either by landowners (kings), or at least the wish of landowners such as kings, nobles played an important role in process of their origin. In this respect, therefore, the charter of Košice from 1290 is different, since it was created due to a current judicial case only. It cannot even be compared to the charter for Nemecká Ľupča from 1263, which concerned the newly established church, as there was a parish church in Košice long before 1290, and also the church of St Elizabeth in Košice was already standing in the second half of the 13<sup>th</sup> century.<sup>40</sup> Further significant fact is that guests (burghers) usually possessed the right of exemption in writing from the basic privilege charter, i.e. from the granting of the liberties. This again does not correspond to the situation known from the charter from 1290. Actually, we do not know about another similar case in the Hungarian Kingdom, when a town parish would become exempted in the Middle Ages with such delay after the granting of (urban or guests') privileges. Chronologically, we can go even further, as the charter of Spišské Vlachy from 1273 proves that the community of foreign settlers of that

36 The coherency between the presentation of the priest before the bishop and exemption from the jurisdiction of the archdeacon was researched and given by reasons in: ŠOTNÍK, S. *Zakladacia listina...*, pp. 43-46. Nevertheless, as the author mentions, there could have been exceptions, when the priest was presented directly to the bishop, but still did not have a full exemption from the archdeacon. Such limited right is observable in the cases of Trnava, Prievidza and also Bratislava (present day Slovakia).

37 CDSI II, p. 31, no. 44: „(...) ipsi liberam eligendi plebanum habeant facultatem, quem archiepiscopo Strigoniensi representent, si idoneus fuerit confirmandum (...)”

38 CDH IV/1, p. 456: „Ecclesia vero eorum ad Archiepiscopatum Strigoniensem contineatur, et sit sine iurisdictione magistratus” To the diplomatical critique of the charter see: SZENTPÉTERY, Imre. *Az Árpád-házi királyok okleveleinek kritikái jegyzéke. I. kötet. 2. füzet.* Budapest 1927, p. 261, no. 867.

39 CDSI II, p. 341, no. 491: „(...) plebanum de communi eligant voluntate, qui per ipsos venerabili archiepiscopo Strigoniensi presentabitur in ipsorum ecclesiam confirmandus.”

40 A brief summarizing in: SLEZÁKOVÁ, Miroslava – NÁDASKÁ, Katarína. Košice. In: ŠTEFÁNIK, Martin – LUKAČKA, Ján et al. *Lexikón stredovekých miest na Slovensku*. Bratislava: Prodama pre Historický ústav SAV, 2010, pp. 205-206. The settlers in Košice were likely using the right for election of the priest since their settlement there, eventually since the granting of privileges by Béla IV. once before 1249. Their right of patronage for the church of St Elizabeth may also be assumed since the time of its construction.

place had already been exempted since the times of their first arrival, thus, long before their well-known privilege charter from 1243, as well as before drawing up the breached exemption in 1273.<sup>41</sup> According to this fact, similar procedure may be probably expected in the cases of other communities of guests, what would be in connection with their right to election of their own priest. Thus, such liberty could precede the granting of privileges by charter.<sup>42</sup> Finally, it should be noted that while almost all of the aforementioned charters contain the right of exemption together with other related ecclesiastical rights (manner of paying the tithe, presentation of the priest before the Bishop, permission for construction of a new parish church, etc.), the charter for burghers of Košice from 1290, and the charter for Spišské Vlchy from 1273 as well, were primarily targeted only on the exemption and on the solving of one current jurisdictional dispute.

It is noticeable that the charters with a reference to exemption were not issued at similar frequency as were those by which kings granted privileges to burghers (or to „hospites“). Hence, the reasons for origin of such charters was not a global rigorous intention for putting the right of exemption in writing. On the contrary, the observable impulses were represented by some current circumstances, specific for each location, of course. However, despite the low number of such charters, there were dozens of parishes exempted from jurisdiction of Archdeacons within the medieval Kingdom of Hungary, and even on the territory of present day Slovakia. Those churches were registered in a list of Diocese of Esztergom in 1516.<sup>43</sup> Besides the common churches, the list includes also the exempted ones, either on the territory of the diocese itself (i.e. mostly in Slovakia), or those being formerly royal chapels located in other dioceses, but in terms of competency covered by the Archbishop of Esztergom. The list recorded over a hundred such exempted churches. Therefore, the exemption was not a unique right, but a widespread phenomenon related mostly to towns, but also to a number of villages. Overwhelming majority of them possessed the exemption without any written form (a charter).

Here it is again possible to draw attention to the yet unanswered question of why the burghers of Košice should have obtained the exemption in 1290 only at their own request in delay of several decades after their arrival to Košice with privileges dating back before 1249. Dozens of such localities on the territory of the Archbishop of Esztergom had exempted parishes since the granting of their privileges (or even since the beginnings of the settlement of guests), usually without a written acknowledgment. According to the privilege charter issued by the King Béla IV for settlers in Seňa (present day Slovakia) in 1249, those guests were using the liberties of the near community of „hospites“ in Košice. Such privileges were to be related to tithe, justice and some other issues.<sup>44</sup> The mention of the tithe certainly refers to own custom of guests in paying it, what in the context of many

41 The settlement of Waloons in Spišské Vlchy historians date back to the 12<sup>th</sup> century, more precisely to its last decades. See: MAREK, Miloš. *Cudzie etniká na stredovekom Slovensku*. Martin : Matica Slovenská, 2006, p. 423. HOMZA, Martin – SROKA, A. Stanisław (Eds.). *Historia Scopusii I*. Bratislava – Kraków : Katedra slovenských dejín UK FiF Bratislava – Instytut Historii Uniwersytetu Jagiellońskiego Kraków, 2009, p. 225.

42 Such pre-privilege-charters origin of the right of electing own priest has already been suspected by: ŠOTNÍK, Stanislav. *Farská organizácia v stredoveku vo svetle základných mestských privilégii*. In: *Historica – Zborník FF UK*, 2002, vol. 45, p. 198.

43 The list was published by: MELNÍKOVÁ, Marta. *O stave cirkevnej organizácie na Slovensku začiatkom 16. storočia*. In: *Slovenská archivistika*, 1995, vol. 30, no. 2, pp. 127-140. Its interpretation also in: ŠOTNÍK, S. *Zakladacia listina...*, pp. 47-48.

44 *CDSI II*, p. 223, no. 319: „...ut omni libertate gaudeant, qua ex concessione nostra hospites nostri de Kassa perfruuntur, tam in decimis exsolvendis, quam in iudiciis, seu etiam in omnibus aliis...“



other privilege charters also indicates the existence of the right for a priest being freely elected by „hospites“, and as it can be seen in some of the aforementioned examples, such references were usually supplemented by an exemption from jurisdiction of the Archdeacon too. Košice belonged to those few settlements in the Hungarian Kingdom whose privileges have been adopted by some other localities even since the 13<sup>th</sup> century,<sup>45</sup> such as in the case of near Seňa in 1249 and Židov Potok (together with privileges of Gelnica in present day Slovakia) in 1317.<sup>46</sup> Therefore, the liberties of Košice could not have fallen behind other contemporary towns, since this town seemed to be just an appropriate pattern for practice of some near localities.

When we compare the charters listed above, it is also apparent that the charter from 1290 presents a unique text. There is no other instrument with similar content, i.e. with a complaint of burghers (guests) before the Bishop, which would have been followed by an exemption of their parish. This exceptionality, therefore, urges caution in interpreting of the source. The mentioned impulse for its origin (with delay after granting of privileges) seems to be in parallel with another example, similarly rare, the charter for Spišské Vlachy from 1273. Also, this deed was issued due to complaints of foreign settlers living in that locality. In this case, the claimers stated before the king the illegitimate intervention of the Provost of Spiš (functionally the Archdeacon in that area) into election of their priest. There is no doubt in the recent historiography that such exemption for Spišské Vlachy was not a new privilege from 1273, but it was just a confirmation of an older custom, being unwritten until the time, when the Provost tried to violate it in 1273.<sup>47</sup> The same reason may apply to charter for Košice from 1290. Both charters addressed particular contemporary controversial circumstances, with their issuers (and mainly the petitioners) not considering it necessary to put a broader set of privileges attached to the custom of guests and the exemption in writing. As there was a royal chapel situated in Spišské Vlachy, the king himself resolved the case on the request of hospites, having adjoined also confirmation of their liberties at least by a general formulation. Situation in Košice in 1290 must have been different, as this year brought a turmoil even for the royal throne itself.

Nevertheless, it is necessary to note that the custom of guests did not always have to be implemented in practice. Sometimes, the interest of certain church dignitaries prevailed, what can be observed on the territory of present day Slovakia in case of churches subordinated to provosts, those in Bratislava and Spiš who held all Archdeacon's jurisdiction within their areas. The Chapter of Bratislava even limited the liberty of the election of priests in the town of Bratislava, who was to be elected by burghers from canons of the chapter only.<sup>48</sup> But the right of election, although a limited one, was given. The significant fact is that according to the list of exempted churches existing on the territory of the diocese of Esztergom from 1516, there was only one church in the area under the competency of the Provost of Bratislava – in Podunajské Biskupice (present day

45 FÜGEDI, E. *Középkori magyar városprivilegiumok...*, pp. 64-68 did not mention Košice (and few another possible examples) among towns, whose privileges were taken over by other settlements until the 14<sup>th</sup> century, since he only provided the cases of Székesfehérvár, Buda (both in present day Hungary), Krupina and Banská Štiavnica (both in present day Slovakia).

46 VMMSI, p. 88, no. 99.

47 For such an interpretation see: ŠOTNÍK, S. *Zakladacia listina...*, pp. 44, 49.

48 Briefly summarized in: LYSÁ, Žofia. Bratislava. In: ŠTEFÁNIK, Martin – LUKAČKA, Ján et al. *Lexikón stredovekých miest na Slovensku*. Bratislava : Prodama pre Historický ústav SAV, 2010, p. 125. However, there are known examples when burghers of Bratislava used to present the priest elected by them to archbishop of Esztergom. See: ŠOTNÍK, S. *Zakladacia listina...*, p. 45.

Slovakia).<sup>49</sup> Town of Trnava also belonged under the Chapter of Bratislava, its privilege charter from 1238 contains the right of presentation of the priest directly before the Archbishop of Esztergom, what could indicate an exemption. But in this case, the exemption did apparently not come into practice.<sup>50</sup> Thus, it was only the partial privilege known in few other towns.<sup>51</sup> A similar phenomenon can be also observed in Spiš region, where we can notice some indications of a genesis. Although the parishes of the community of Saxons in Spiš were subjects to the Provost of Spiš according to the sources from the last decades of the 13<sup>th</sup> century, they were subordinated in some matters to Archbishop of Esztergom. Also, the right to appeal to the Archbishop remained, which probably points to a remnant of an earlier tradition.<sup>52</sup> Although Bratislava, Trnava and towns of Spiš had no exemption, this circumstance did not obstruct their urban development. And since we examine the case of Košice, the significant fact here is that this town was not under jurisdiction of any provost, who would have interfered with its exemptional position. Finally, we may mention a notable example of Prievidza (present day Slovakia), where burghers gained privileges in 1383 with the right to present the priest before the Archbishop of Esztergom, too. But the local parish did not become an exempted one. It was not mentioned among such churches in the list from 1516, where, on the contrary, the parish of Prievidza was included among common churches of Archdeaconate of Nitra (present day Slovakia). This case would, therefore, probably deserve a further consideration, since Germans undoubtedly lived in medieval Prievidza.<sup>53</sup>

For now we can summarize the knowledge of the causes leading to exemption from the jurisdiction of Archdeacons in the medieval Kingdom of Hungary, as well as about the significance of such act. Several Hungarian and Slovak historians researched this issue, among whom mainly Stanislav Šotník carried out most comprehensive examination of historiography and sources (relating mostly to present day Slovakia) with a more thorough explanation. Let us briefly introduce his conclusions:

a) the exemption was a part of legal practice and customs in parishes of guests. In the same way, when their communities were exempted from jurisdiction of counts, similar process took place in the ecclesiastical sphere, in which they were also exempted from the competence of Archdeacons. Since the right of „hospites“ was subsequently adopted by the native population too, new exempted churches originated from the 14<sup>th</sup> century even in the localities, in which no foreign settlers lived.<sup>54</sup>

The remarkable fact is that the measure of secular autonomy did not affect the right for ecclesiastical exemption. For example, the Saxons from Spiš did not possess full judicial self-government, since their more serious cases were to be judged in presence of the count of Spiš only.<sup>55</sup> Though, it may be assumed that their parishes would have been

49 ŠOTNÍK, S. *Zakladacia listina...*, p. 48. MELNÍKOVÁ, M. *O stave cirkevnej organizácie...*, p. 133: „(...) plebanus de Pyspeky prope Posonium (...)“

50 It became an exempted parish in 1544, after moving the archbishop and Chapter of Esztergom to Trnava. See: RÁBIK, Vladimír et al. *Vývoj cirkevnej správy na Slovensku*. Kraków : Spolok Slovákov v Poľsku – FF TU v Trnave, 2010, pp. 148-149. LUKAČKA, Ján. Prievidza. In: ŠTEFÁNIK, Martin – LUKAČKA, Ján et al. *Lexikón stredovekých miest...*, p. 541.

51 ŠOTNÍK, S. *Zakladacia listina...*, pp. 44-45.

52 See: HOMZA, M. – SROKA, A. S. (Eds.). *Historia Scepusii I...*, s. 277-279.

53 To town of Prievidza see: MAREK, Miloš. *Formovanie farskej siete na území Nitrianskej župy v stredoveku*. In: RÁBIK, Vladimír et al. *Vývoj cirkevnej správy na Slovensku*. Kraków : Spolok Slovákov v Poľsku – FF TU v Trnave, 2010, pp. 148-149. LUKAČKA, Ján. Prievidza. In: ŠTEFÁNIK, Martin – LUKAČKA, Ján et al. *Lexikón stredovekých miest na Slovensku*. Bratislava : Prodama pre Historický ústav SAV, 2010, pp. 354-360. ŠOTNÍK, S. *Zakladacia listina...*, p. 44.

54 ŠOTNÍK, S. *Zakladacia listina...*, p. 49.

55 Edition of the privilege charters from 1271 and 1317 in: *VMMSL*, pp. 55-56, no. 43; pp. 88-90, no. 100.

exempted, if they had not been on the competence territory of the provost. The residents of Jasov (present day Slovakia) possessed a lower level of self-government in judicial cases according to their privilege charter from 1243 (though most historians consider it to be a forgery), however, their church is mentioned as an exempted one in the list from 1516.<sup>56</sup> Krompachy was also a town belonging to noblemen, and Jaklovce was only a village (both in present day Slovakia), with limitations in the judicial sphere, despite of which we find them in the list summarizing the exempted parishes.<sup>57</sup> A more detailed research would perhaps discover similar examples, nevertheless, as it is already known, exemption used to be given also to rural churches staying on noble estates, whose residents were certainly subordinated to their owners in judicial cases. Therefore, even a potential consideration of some lower level of self-government of the guests living in Košice in the 13<sup>th</sup> century, would not solve our issue concerning the charter from 1290. The measure of secular judiciary was apparently not a factor limiting the right of „hospites“ to free election of their priest being exempted from jurisdiction of the Archdeacon.

b) written deed was not necessary, not even usually used in practice, for exemption from the competency of the Archdeacons. It was sometimes put in writing later, in cases, when the Archdeacon interfered into the rights of a priest, despite having no competence for such activity any longer.<sup>58</sup>

c) a specific case of exempted churches is represented by royal chapels. They were subjects to the Archbishop of Esztergom only. Thus, when such parish was situated outside the Diocese of Esztergom, it was exempted from jurisdiction of the Archdeacon as well as from the competence of the relevant Bishop.<sup>59</sup>

d) the historical background for such exemptions is also formed by the fact that they were corresponding with effort of Bishops to restrict the competence of Archdeacons, as they competed with Bishops in the administration of dioceses. The important change was brought in the 13<sup>th</sup> century. Similarly to Western Europe of that time, the Hungarian Bishops perceived the relatively broad and autonomous competence of the Archdeacons as an obstacle to their own position. Therefore, the Bishops began to restrict jurisdiction of the Archdeacons by establishing general vicars and officials, who fulfilled the function of new episcopal ministers.<sup>60</sup>

The key knowledge resulting from the conclusions listed above has already been mentioned several times. The exemption was apparently considered to be a part of privileges of burghers (guests), even without a necessity to put it down in writing. Such liberty is known in the sources since the first third of the 13<sup>th</sup> century, as proved by the example of Satu Mare. Then, in the case of Nemecká Ľupča, the exemption was included among other ecclesiastical rights simply referred to in short as a custom of other Germans too. The example of Spišské Vlarchy testifies that the exemption was in use also by other ethnics of guests (the so-called „Latini“). They might have possessed an exemption even before the granting of a privilege charter. Those facts are, therefore, essential for

56 MELNÍKOVÁ, M. *O stave cirkevnej organizácie...*, p. 133: „(...) plebanus de Jazow (...)“ Edition of the privilege charter from 1243 in: *CDSL III*, pp. 96-97, no. 145. The *hospites*, certainly Germans, undoubtedly lived in the medieval Jasov. See: MAREK, M. *Cudzie etniká...*, p. 71.

57 MELNÍKOVÁ, M. *O stave cirkevnej organizácie...*, p. 133: „(...) plebanus de Krompach (...) plebanus de villa Jeklyn (...)“ To the development of the settlements and their German population see: CHALUPECKÝ, Ivan – RAK, Ján (Eds.). *Dejiny Krompách*. Košice : Východoslovenské vydavateľstvo, 1981, pp. 16-24. MAREK, M. *Cudzie etniká...*, pp. 152, 154.

58 ŠOTNÍK, S. *Zakladacia listina...*, p. 49.

59 ŠOTNÍK, S. *Zakladacia listina...*, pp. 49-50.

60 ŠOTNÍK, S. *Zakladacia listina...*, pp. 38, 49.

the interpretation of the charter for burghers of Košice from 1290. The granting of the exemption in that time, by a very rare charter, does not make much sense. No limitations for foreign settlers in Košice, which would have restricted them from the right of ecclesiastical exemption since the time of their arrival, or since the granting of privileges from the king before 1249 are known.

Here it is necessary to return back to the researched source itself, making a more detailed analysis of the text from 1290. First, we would conclude the issue of causes of the conflict. As the sequence of words in narration (and then also in disposition) of the charter proves, the burghers of Košice asked the Bishop of Eger to solve only the unjustified actions of Abaujvár's Archdeacon.<sup>61</sup> The Archdeacons of the Hungarian Kingdom possessed the right to collect the fees for murdered persons and we cannot exclude that they used to exercise this demand (regularly or occasionally) even on exempted churches.<sup>62</sup> This would be suggested by the aforementioned case of Sabinov, Veľký Šariš and Prešov from 1359. Yet, the exemption surely did not affect an abolition of all Archdeacon's incomes from such church, since there was only one definitely cancelled income in all those exemptional cases, the payment of „descenzus“.<sup>63</sup> Anyway, the fees for funerals of murdered people were not the reason causing the complaint of Košice burghers in 1290, as they did not protest against such a custom. The problematic point of the dispute was represented by the circumstance that the Archdeacon of Abaujvár levied the charges for various deaths of men and women, even at occasions, when it was not apparent, whether a murder had been committed.<sup>64</sup> Such actions undoubtedly exceeding his (specifically Hungarian) competence and were harmful to Košice burghers. Thus, these claims with following interdicts gave the reason for counteraction of burghers.

Now we can draw our attention to the exemption itself. The Bishop of Eger had accepted the request of Košice burghers, when he firstly exempted their parish from the burdening payments for murders, and later he added that the parish of Košice was also to be exempted from jurisdiction of the competent (i.e. the Abaujvár's) Archdeacon according to the custom of those guests.<sup>65</sup> The Bishop expressly allowed the priest of Košice to judge of all ecclesiastical judicial cases of his parishioners. Stanislav Šotník has already pointed out the interesting words in this part of the charter, according to which the Bishop Andrew had not given reason for exemption as the damages committed by the Archdeacon, but the simple

61 VMMSI, p. 73, no. 73: „(...) iudex, cives et universitas hospitem de Cassa nostre diocesis, dilecti in Christo filii nostri (...) pecierunt, ut ipsos et ecclesiam eorum ab indebite vexacione parochialis archidiaconi et immoderato divinorum interdicto, ut hactenus frequenter accidit... allevare dignaremur.“

62 On the fees paid to archdeacons see: ŠOTNÍK, S. *Hospodárske a majetkovoprávne vzťahy...*, p. 57.

63 See examples in: ŠOTNÍK, S. *Zakladacia listina...*, pp. 39-46.

64 VMMSI, p. 73, no. 73: „(...) petendo pro quolibet casu mortis hominum sexus utriusque penalem marcam pro homicidio quovis modo, sive appareat sive non homicida (...)“

65 VMMSI, p. 73, no. 73: „(...) ecclesiam ipsorum nedum aggravamine homicidiorum petito, verum etiam ab omni iurisdictione archidiaconi parochialis auctoritate presencium a more hospitem predictorum duximus eximendam.“ There is one mistaken transcription in the cited edition, though. Instead of the word „aggravamine“ there should be „a gravamine“. Only if read like this the translation of the sentence gives a sufficient meaning. Already: ŠOTNÍK, S. *Zakladacia listina...*, p. 40, bottom note no. 22 drew attention to the fact that the scribe who had written the charter used to join the preposition „a“ to the following words. The author demonstrated it on one other case only (mentioned in our next bottom note), so the correct trascription of „a gravamine“ was far of focus of historians hitherto. Such mistakes of transcription contain also another editions of the charter in: WENZEL, Gusztáv. *Árpád-kori új okmánytár. Codex diplomaticus Arpadianus continuatus. V. 1290 – 1301*. Pest, 1864, p. 14, no. 9. KONDORNE LÁTKÓCZKI, É. *Árpád-kori oklevelek...*, pp. 66-67, no. 41.

fact that it was a custom of the foreign settlers („a more hospitum predictorum“).<sup>66</sup> The aforementioned historian interpreted the record in general terms of meaning, as a custom of the guests. We could add that the relevant words still speak more specifically about the custom of settlers (the burghers) living just in Košice, since shortly before these words, at the beginning of the same sentence, the Bishop (or the scribe) referred to the residents of Košice as the „guests listed above“ („hospitum predictorum“).<sup>67</sup> If the Bishop meant only guests in a broader sense of meaning, the scribe could have adequately expressed it (for example as: „a more hospitum“, „a more hospitum aliorum“, „a more Teutonicorum“, etc.). The used formulation, therefore, indicates an earlier practice, which had already been implemented in Košice before, and which was confirmed by authority of the charter from 1290. Otherwise, the chosen words would have been useless. This circumstance actually represents one more parallel to the privilege charter for Spišské Vlachy from 1273, in which the exemption was mentioned as an old custom of those settlers.

Therefore, the cognoscible context of exemptions with the examination of circumstances leading to the issuance of the charter in 1290, along with consideration of the words written in the text, encourage our opinion that the burghers of Košice had been exempted from jurisdiction of Abaujvár's Archdeacon even before.<sup>68</sup> The Bishop's charter seems to be only a confirmation of the right allowed earlier, which was a common phenomenon in the towns (or in the communities of guests) of the Hungarian Kingdom. This privilege was put in writing because of the complaint of Košice burghers with regard to some (other) unjustified claims of the Archdeacon. There is no mention of the tithe, election of the priest or his presentation before the Bishop in the privilege charter. Hence, it may be assumed that those issues, including the exemptional position of the parish priest, had been a custom of the settlers in Košice since their arrival and granting of the privileges sometime before 1249.

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66 ŠOTNÍK, S. *Zakladacia listina...*, p. 46. As it was pointed out by Stanislav Šotník, Ondrej R. Halaga had worked with an erroneous transcription of the charter containing words „amore hospitum“, instead of the correct ones „a more hospitum“. This was caused by the usage of the medieval scribe who joined the prepositions „a-ab“ to the subsequent words. Such mistake led historians to the misinterpretation according to which the exemption from 1290 had been granted „because of love to the guests“. See: HALAGA, R. O. *Počiatky Košíc...*, p. 205. ŠOTNÍK, S. *Zakladacia listina...*, p. 40, bottom note no. 22. The same erroneous transcription and translation into the Hungarian language can be found in: KONDORNÉ LÁTKÓCZKI, E. *Árpád-kori oklevelek...*, pp. 66-67, no. 41.

67 VMMSI, p. 73, no. 73: „(...) *petitionem et vota iudicis ac hospitum predictorum (...)*“

68 Such meaning indirectly results also from the contribution of Stanislav Šotník, which we have often cited. This historian, nevertheless, has not presented such verdict on the charter for Košice burghers. As an example of confirmation of older rights he referred to the charter for Spišské Vlachy from 1273 only. See: ŠOTNÍK, S. *Zakladacia listina...*, p. 49. Therefore, we have paid a special attention to the charter from 1290.

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