

The *magister tavarnicorum* and the towns in the Hungarian Kingdom in the Angevin era

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In the Angevin era, the *magister tavarnicorum* was first of all the highest office-bearer of financial administration, but he also had other functions. Firstly the *magister tavarnicorum*'s function as 'ordinary judge' actually meant that he was at this time regarded as the main court of appeal for cases heard in towns, or the judge of towns. This function began to accrue to the *magister tavarnicorum* in the second half of the thirteenth century but only became fully formed in the Angevin era. The *magister tavarnicorum*'s judicial powers were manifested in diverse matters and can be traced through charters of privilege granted to towns and documents recording his actions in specific cases.

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In the Angevin era, the *magister tavarnicorum* was first of all the highest office-bearer of financial administration, but he also had other functions. In 1342, Charles I appointed his *magister tavarnicorum* as the ordinary judge of the city of Kassa (now Košice, Slovakia) (*iudex ipsorum ordinarius*).¹ The charter also conferred on Kassa 'in the manner of other principal royal towns' (*ad instar aliarum capitalium civitatum nostrarum*) the right for its citizens to be judged in major and minor matters by its own judge and jury; if the judge and jury did not serve justice, then they – and not the Kassa citizens – were to be summonsed before the king or the *magister tavarnicorum*.² This tells us the *magister tavarnicorum*'s function as 'ordinary judge' actually meant that he was at this time regarded as the main court of appeal for cases heard in towns, or the judge of towns. This function began to accrue to the *magister tavarnicorum* in the second half of the thirteenth century but only became fully formed in the Angevin era.³ The *magister tavarnicorum*'s judicial powers were manifested in diverse matters and can be traced through charters of privilege granted to towns and documents recording his actions in specific cases.

The elected town judge was competent in legal disputes large and small occurring within the boundaries of the town.⁴ In addition the citizens of the town came under

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1 JUCK, Ľubomír (Ed.). *Výsady miest a mestečiek na Slovensku I. 1238 – 1350* (hereinafter VMMS). Bratislava: Veda, 1984, p. 134.

2 VMMS, p. 134. The latter must certainly be interpreted to mean if they prove negligent in matters between a person of Kassa and a person not of Kassa.

3 See: BORECZKY, Elemér. *A királyi tárnokmester hivatala 1405-ig* [The Office of *Magister Tavarnicorum*]. Budapest: Országos, 1904, pp. 70-77. HÓMAN, Bálint. *A magyar királyság pénzügyei és gazdaságpolitikája Károly Róbert korában* [Fiscal and Economic Policy of the Kingdom of Hungary in the Reign of Charles Robert]. Budapest: Budavári tudományos Társaság, 1921, p. 250.

4 1318: VMMS, p. 91; 1331: NAGY, Imre – NAGY, Gyula (Eds.). *Codex diplomaticus Hungaricus Andegavensis. I – VII* (hereinafter AO). Budapest: MTA, 1878 – 1920, II, p. 527; 1338: VMMS, p. 128; 1340: VMMS, p. 132; 1347: FEJÉR, Georgii. *Codex diplomaticus Hungariae ecclesiasticus ac civilis I – XI* (hereinafter CD). Budae: Typis typogr. Regiae Universitatis Ungaricae, 1829 – 1844, IX/1, p. 499; 1376: CD IX/5, p. 97; 1380: CD IX/5, pp. 390-391.

his jurisdiction, meaning that town citizens could only be sued before their own town's court.⁵ When a town court proved negligent in judging a case involving a town citizen and a litigant from outside the town, the judge and jurymen had to appear before the king or the *magister tavarnicorum*.⁶ Many town charters mentioned the king as the sole judge of appeal. This was true for Kőrmöcbánya (now Kremnica, Slovakia), Nagybánya (now Baia Mare, Romania) and Zágráb (now Zagreb, Croatia),⁷ and seems to have been for a specific reason. Kőrmöcbánya and Nagybánya belonged to the special category of mining towns,⁸ over which the king made great efforts to maintain direct influence and control, setting up dedicated offices concerned with their affairs.⁹ Although King Sigismund eventually (in a charter of 1393) named the *magister tavarnicorum* as the sole judge of appeal,¹⁰ inclusion in the *magister tavarnicorum*'s jurisdiction had by that time become a special privilege. Other mentions of the *magister tavarnicorum* in connection with mining affairs in the fourteenth century concerned his powers of financial administration rather than his capacity as appeal judge for towns.

The *magister tavarnicorum* also held jurisdiction over the chamber count and decided in matters affecting other chambers.¹¹ In turn, the chamber count held jurisdiction over the mines (*sub quorum iurisdictione montana habebantur et existunt*),¹² as manifested in the fact that the royal chamber provided the remuneration of the Bergmeister (mine

5 1328: VMMS, p. 115; 1347: CD IX/1, pp. 499-500; Both were characteristic of town privileges even in the Árpád era. See: FÜGEDI, Erik. Középkori magyar városprivilegiumok [Medieval Hungarian town privileges]. In: *Tanulmányok Budapest Múltjából*, 1961, XIV, pp. 62-63.

6 See e.g. 1339: AO III, p. 553; 1342: VMMS, p. 134; 17 October 1343: KNAUZ, Ferdinandus – DEDEK, Ludovicus Crescens. *Monumenta ecclesiae Strigoniensis I – III* (hereinafter MES). Strigonii : A. Horák, 1874 – 1924, III, pp. 525-529; 1345: VMMS, pp. 141-142; 18 October 1347: VMMS, pp. 155-156; 30 November 1356: Magyar Nemzeti Levéltár Országos Levéltára (hereinafter MNL OL), fund Diplomatikai Fényképgyűjtemény (hereinafter DF) 226 968; 17 January 1364: MNL OL, fund Diplomatikai Levéltár (hereinafter DL) 5276; 8 May 1365: MNL OL DL 83 301; 25 October 1365: MNL OL DF 286 321; 9 December 1366: CD IX/3, p. 575; 30 June 1367: ZIMMERMANN, Franz – WERNER, Carl – GÜNDISCH, Gustav (Hrsg.). *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen I – VII* (hereinafter UGDS). Hermannstadt; Köln; Wien; Bucureşti : Academie Republic Socialiste România, 1892 – 1991, II, pp. 298-299; 11 November 1371: HÁZI, Jenő. *Sopron szabad királyi város története I/1* [History of the Free Royal Town of Sopron I/1] (hereinafter Sopr. Tört. I/1.). Sopron : Székely, Szabó és Társa Könyvnyomdája, 1921, p. 158; 1376: CD IX/5, p. 99; 11 October 1380: MNL OL DF 269 112.

7 1325: SMIČKLAŠ, Tade (Bearb.). *Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae I – XVII* (hereinafter CDCr). Zagrabiae: Academia scientiarum et artium Slavorum meridionalium, 1904 – 1981, IX, p. 226 (Zágráb); 1328: VMMS, p. 115 (Kőrmöcbánya); 1347: CD IX/1, pp. 499-500 (Nagybánya).

8 See: WEISZ, Boglárka. Mining Town Privileges in Angevin Hungary. In: *The Hungarian Historical Review*, 2013, vol. 2, no. 2, pp. 288-312.

9 The situation was similar in Szomolnokbánya (now Smolník, Slovakia). In 1339, Charles permitted the town's citizens to make judgements in matters great and small that occurred within its territorial boundaries, and prohibited the palatine, the magister tavarnicorum, the judge royal, the county ispáns and other judges of the realm from making judgements over the citizens of Szomolnokbánya. These exclusions of jurisdiction, however, concerned only judgement in the first instance, and the charter made no provision for appeal. VMMS, p. 129.

10 CD X/2, p. 103.

11 Cf. 1335: DÖRY, Franciscus – BÓNIS, Georgius – BÁCSKAI, Vera (Eds.). *Decreta Regni Hungariae. Gesetze und Verordnungen Ungarns 1301 – 1457* (hereinafter DRH 1301 – 1457). Budapest : Akadémiai Kiadó, 1976, p. 89; 1336: DRH 1301 – 1457, pp. 92-93; 1338: DRH 1301 – 1457, p. 100; 1342: DRH 1301 – 1457, p. 114; 1345: DRH 1301 – 1457, pp. 122-123.; See: WEISZ, Boglárka. A tárnokmester jogköre az Anjou-korban [The Jurisdiction of Magister Tavarnicorum in the Angevin Era]. In: WEISZ, Boglárka (Ed.). *Pénz, posztó, piac. Gazdaságtörténeti tanulmányok a magyar középkorról*. Budapest : MTA Bölcsészettudományi Kutatóközpont Történettudományi Intézete, 2016, pp. 181-200.

12 DRH 1301 – 1457, p. 109.

overseer).¹³ The mines were thus ultimately accountable to the *magister tavarnicorum*. The situation was different for Zágráb, for which Charles I confirmed the right of its citizens to have suits against them heard before their own court, in a charter also addressed to the *magister tavarnicorum*, the judge royal, the palatine, the county ispáns¹⁴ and the judges of other towns. He ordered that if the Zágráb judge was negligent, he should be summonsed before the king.¹⁵ The charter thus prohibited these addressees from making judgements in the first instance and even denied appeal to the *magister tavarnicorum*, a right that was by then the custom for other towns. The most probable explanation for this was that since Zágráb was located in Slavonia, it was under the jurisdiction of the Ban of Slavonia, and the *magister tavarnicorum* thus had to give way to the king. We find confirmation of this in the comparable status of Désvár (now Dej, Romania) in Transylvania. The citizens of Désvár took a complaint to the Voivode of Transylvania,¹⁶ Tamás Szécsényi, and subsequently to the king, Charles I, concerning the frequent seizure of their properties. On 27 August 1331, Szécsényi ordered that the injured parties in such a dispute should seek redress before the judge of Désvár, and if he was negligent, then they could arrest the Désvár citizens.¹⁷ The next day, the king ordered that the injured parties should first seek redress from the voivode or his deputy and could only seize the assets of the Désvár citizens if the voivode or his deputy acted too late.¹⁸ The decision of the voivode and the king may be interpreted in the light of Désvár's charter. In 1261, Junior King Stephen had granted the citizens of Désvár the privilege of exemption from the jurisdiction of the ispán of Szolnok. Their legal affairs were to be judged by their own judge, whose judgements could be appealed before him, Stephen.¹⁹

As Prince of Transylvania, Junior King Stephen could hear an appeal against a judgement of the Désvár judge, and that is why the voivode of Transylvania, the governor of Transylvania, appeared in Charles I's charter as the judge competent in the affairs of citizens of Désvár. The reason that this was not written in Szécsényi's charter was that the voivode of Transylvania was also ispán of Szolnok, whom the charter of

13 Nu setz Wir tzum Ersten wy Vnd von wem man Pergwerk entpohen zal vnd welicher tzeit So Ist tzu wissen, das, der Richtr [und der Rate] einer pergstatt hatt tzu setzen Ein Geschworn Perkmaster, vnd der zal sein zolt haben von der Camr des Khönigs. PIIRAINEN, Ilpo Tapani (Ed.). *Das Stadt- und Bergrecht von Banská Štiavnica/Schemnitz. Untersuchungen zum Frühneuhochdeutschen in der Slowakei*. Oulu : Univ. Oulu, 1986, p. 46. The earliest manuscript does not contain the reference to the council, but all later manuscripts do. See: PIIRAINEN, I. T. (Ed.). *Das Stadt...*, pp. 46, 72, 101, 125, 157, 191. Cf. STEFÁNIK, Martin. Entstehung und Entwicklung der Berg- und Münzkammern und ihrer leitenden Beamten in den mittelslowakischen Bergstädten im Mittelalter. In: PAHL, Josef – WESTERMANN, Angelika – WESTERMANN, Ekkehard (Eds.). *Wirtschaftslenkende Montanverwaltung – Fürstlicher Unternehmer – Merkantilismus*. Husum : Matthiesen, 2009, pp. 65-70.

14 The ispán was between the eleventh and thirteenth centuries, the royal officer in charge of one of the counties, collector of revenues in his district, and judge of the free and unfree men in the county.

15 1325: CDCr IX, pp. 225-226. The king could, of course, delegate such cases, even to the *magister tavarnicorum*. In 1346, Louis I confirmed a judgement by the *magister tavarnicorum* on an action between the Zágráb Chapter and the citizens of the city. CDCr XI, pp. 311-312.

16 Voivoda was royally-appointed governor of Transylvania with jurisdiction over the seven Hungarian counties. His court was the first instance for the region with right to appeal to the royal courts.

17 UGDS I, p. 446.

18 UGDS I, p. 447.

19 UGDS I, p. 86.

privilege prohibited from hearing appeals.²⁰ This was the situation that Charles got round in his letter of instruction. We can therefore see that the *magister tavarnicorum* could no more come into consideration here than he could in Slavonia. The only exception was Nagyszeben (now Sibiu, Romania). Louis I did not allow citizens of Nagyszeben to be brought to court and required everybody to seek justice before the citizens of Nagyszeben. If they or the Nagyszeben official failed to serve justice, then it should not be the citizens but their official who should be summonsed before the king or the *magister tavarnicorum*.²¹ This was the formula customary in the lands to the west of Királyhágó (now Pasul Craiului, Romania),²² and is understandable, because Saxon areas were exempt from the jurisdiction of the Transylvanian voivode. We find one Transylvanian case, however, where the judicial competence of the judge royal is stated alongside that of the king. In 1325, Charles I granted the citizens of the mining town of Aranyosbánya (now Baia de Arieș, Romania) the privilege of exemption from the jurisdiction of the palatine, the Transylvanian voivode, the county ispáns and other judges of the realm; only the king or the judge royal could pass judgement on their affairs.²³ It is clearly judgement in the first instance that the king was banning in the charter, assigning it to himself or the judge royal. No mention is made of free choice of judge or the matters in which an elected judge could decide, and there must have been a reason for this. The charter was not the founding charter of a mining town, but only the first station on the way to this status. Instead of granting the citizens of Aranyosbánya the privileges of other mining towns, as was the custom at the time,²⁴ the king granted the Bergmeister and the miners the right enjoyed by the Bergmeister and miners of other gold mines in respect of *urbura* (mine tax),²⁵ and expressly granted them the privilege of having law suits judged at first instance by the king or the judge royal, no mention being made of second-instance proceedings.

How appeals worked in reality has in many respects remained obscure,²⁶ but there are one or two cases of which we know the full story. In 1339, the Abbot of Garamszentbenedek (now Hronský Beňadik, Slovakia) raised an action before the judge and jury of Bars (now Starý Tekov, Slovakia) against some citizens of the town. The capacity of the *magister tavarnicorum* was held as *procurator* by the Voivode of Transylvania, Tamás Szécsényi, who sent one of his men as witness to the proceedings and made arrangements for the judge and two jurymen – on the basis of their privileges (*iuxta libertatem vestram privilegiam*) – to be summonsed before him if the judge did not serve justice.²⁷ This did not in fact take place, because the litigants came to

20 The right of Désvár citizens to elect their own judge was later curtailed. Louis I granted the office of judge of Désvár to András, son of János for life. András soon resigned, however, and came to an agreement with the citizens. GÉRESI, Kálmán. *A Nagy-Károlyi gróf Károlyi család oklevéltára I – XVII* [The Family Archives of the Károlyi family, Counts of Nagy-Károlyi]. Budapest : Károlyi Tibor, 1882, p. 178.

21 30 June 1367: UGDS II, p. 298-299.

22 From the east of Királyhágó was Transylvania, governed by the voivode.

23 UGDS I, p. 396.

24 WEISZ, B. *Mining Town Privileges...*, p. 289.

25 [...] quibus aliarum aurifodinarum suarum magistris seu operariituntur. UGDS I, p. 396.

26 For example, we may presume that the outcome of the legal dispute between Garamszentbenedek Abbey and the judge and jury of Bars, heard before the *magister tavarnicorum*, was the registration of Szöllős (now Rybník, Slovakia) in Bars County as the abbey's property, but we do not know the details of the case. Cf. 12 May 1333: MES III, p. 226, 1333: MNL OL DL 5990.

27 1339: AO III, p. 552-553.

a settlement.²⁸ Although Bars had received a charter from Charles I in 1331 permitting the elected judge to make judgement in every case arising among them,²⁹ it did not state that citizens of Bars could be sued solely before their own judge, and made no provision whatever for appeal. The king stipulated merely that the town would have to acquire more citizens before it would be granted the rights enjoyed by other royal free towns. Tamás Szécsényi's charter of 1339 is perhaps evidence that Charles did indeed extend the rights of the citizens of Bars so as to fill these gaps. One of the privileges which town citizens held to be most important was the right to be heard in front of their own judge in a legal action against them. In 1339, András Cenki raised an action against a citizen of Sopron, Lőrinc, son of Fülöp, before the judge and jury of Sopron.³⁰ Judgement was first adjourned to the seventh week, and subsequently to the third week, when the judge and jury were unwilling to make a decision because it was St Giles' Day. For their negligence, or rather delay, they were eventually summonsed before the king.³¹

In a more complex case, in Buda, Pál Gallicus, *magister* of the Hospitallers of Budafelhévíz, raised an action against Kunchlin, former judge of Buda, challenging the registration of an estate. Pál was summonsed to the presence of the king, and Tamás Szécsényi, *procurator* of the *magister tavarnicorum's* office, assigned the action for judgement by the judge and jury of Buda, in accordance with Buda's privileges. No judgement was made, however. Pál died in the meantime and was replaced as *magister* of the Hospitallers by another Pál. Under Buda custom, Pál should have made an appearance, or rather presented his certificate of adjournment, between two masses on the day of the summons, but he did not do so. Instead, he presented the king's charter adjourning the case only after high mass, when the judge had already gone home. Judgement in the case was thus made at the customary time, between the two masses, and it went against Pál, who thus lost the estate. Unwilling to leave it at that, Pál took the matter to the king, before whom the Buda party pleaded their customs. The king transferred the case to the *magister tavarnicorum*, who had to decide whether or not the king's charter had the force of adjourning the case. If so, the city had to hear the case again, but if not, the city's judgement had to be regarded as final. In the end, the parties retracted the suit and came to a settlement, put into a charter by the *magister tavarnicorum*.³²

Another such case was the suit between András Szecsődi and Jakab, a settler (*hospes*) of Körmend. The settlers of Körmend had been granted a charter by Béla IV enabling them to have any legal action against them heard before their own judge, and if he proved negligent, the judge and jurymen had to be summonsed before the king.³³ Jakab had attacked András Szecsődi's house and assaulted Szecsődi's son. Szecsődi sought

28 MES III, p. 348.

29 VMMS, p. 118.

30 IPOLYI, Arnold – NAGY, Imre – PAUR, Iván – RÁTH, Károly – VÉGHÉLY, Dezső. *Codex diplomaticus patrius I – VIII* (hereinafter HO). Győr; Budapest: Typis Victoris Sauerwein, 1865 – 1891, II., p. 70-71.

31 HO III, p. 74-75.

32 MES III, p. 500-501; MES III, p. 514-515; MES III, p. 515-517; MES III, p. 525-529.

33 KUBINYI, András – JÁNOSI, Monika – KOVÁCS, Péter E. – KÖBLÖS, József – TRINGLI, István (Eds.). *Elenchus fontium historiae urbanae III/2*. Budapest: Balassi Kiadó, 1997, p. 38; Charles I confirmed the charter of privilege in 1328. WAGNER, Hans – LINDECK-POZZA, Irmtraut (Bearb.). *Urkundenbuch des Burgenlandes und der angrenzenden Gebiete der Komitate Wieselburg, Ödenburg und Eisenburg IV*. Wien; Graz; Köln: Böhlau, 1985, IV, pp. 33-34.

redress before the judge and jury of Körmend, but Jakab did not accept their judgement. András then took the case before the king. Up to this point, the case proceeded as per the charter of privilege, but it is clear that the king, and subsequently the *magister tavarnicorum*, summonsed to their presence not the judge and council of Körmend, but Jakab of Körmend, whom the *magister tavarnicorum*, after protracted proceedings, sentenced to forfeiture of life and property.³⁴ At first sight, the proceedings seem to conflict with the Körmend charter, but in fact the judge of Körmend made a judgement with which the plaintiff, Szecsődi, was satisfied, and it was the Körmend citizen Jakab who objected to it; in his anger, would even have been capable of killing Szecsődi. András thus had no cause to have the judge and jurymen summonsed to the presence of the king for negligence in their proceedings. We may infer that Jakab did not regard the judge's judgement as binding on himself, and when Szecsődi took the case to the king it was Jakab rather than the judge who was summonsed, eventually before the *magister tavarnicorum*. This exceptional case resulted in an exceptional procedure, but it is nonetheless clear that Szecsődi initially followed the procedural requirements in seeking redress before the judge of Körmend.

In the 1340s, the power of the *magister tavarnicorum* to take the place of the king in case of negligence by a town judge in hearing a legal action between the citizen of a town and a party not belonging to the same community was included among the privileges of royal towns other than Kassa, as was discussed above. In a charter issued in 1345, Louis I conferred this right on Podolin (now Podolíneč, Slovakia) 'in the manner of other principal royal towns' (*ad instar aliarum liberarum civitatum nostrarum capitalium*).³⁵ Dowager Queen Elizabeth, in the charter of privilege she granted to Óvár in 1354, prescribed that its citizens could appeal either to her or their ordinary judge (*ad nostram vel ordinarii iudicis ipsorum praesentiam*) in such cases.³⁶ In addition, the king and *magister tavarnicorum* could make judgement in town' legal disputes if the importance of the case so required.³⁷ We can also find similar examples in the Árpád era, although these mention the king alone.³⁸ The *magister tavarnicorum's* judicial role in towns went beyond the provisions of the charters of privilege, because he acted as judge in disputes between royal towns and others.³⁹ Another class of cases which were often taken before the *magister tavarnicorum* were those involving a town or authority itself, because these could naturally not be judged by the town's own judge.

There are pointers to the *magister tavarnicorum's* judicial powers concerning the towns besides the continuous records of charters, as may be seen from an analysis of developments following the death of Demeter Néksej, who held the office for more than twenty years during the reign of Charles I. Charles did not appoint a new

34 1361 – 1362: CD IX/7, pp. 511-519.

35 VMMS, pp. 141–142.

36 CD IX/2, p. 326; see: BORECZKY, E. *A királyi tárnokmester hivatala...*, p. 73.

37 1331: Si vero villicus eorum propter cause arduitatem ad hoc non sufficeret, tunc ad nostram praesentiam, vel prout expedit magistris tavarnicorum nostrorum, dicte cause evocentur iudicandi. VMMS, p. 119.

38 1244: nisi forte adeo ardua et notoria sit causa, quod nostram audientiam requirat, in quibus casibus ad nostri iudicii examen causa debeat deferri. CD IV/1, p. 330.

39 E.g. 20 January 1324: NAGY, Imre (Ed.). *Sopron vármegye története. Oklevéltár. I* [History of Sopron County. Charters. I]. Sopron: nyomatolt Litfass Károly könyvnyomdájában, 1889, pp. 97-98; 1333: UB IV, pp. 158-159; 1345: MNL OL DL 84 688; 1 July 1347: MES III, pp. 643-644; 1356: MNL OL DF 226 968; 12 December 1359: MNL OL DF 232 808; 10 October 1361: CD IX/7, pp. 504-509; 20 October 1361: MNL OL DF 274 497; 25 May 1362: MNL OL DL 5125.

magister tavarnicorum thereafter, but assigned the functions to Tamás Szécsényi, Voivode of Transylvania, by early 1339 at the latest. Szécsényi became *procurator officii magistratus tavarnicorum / procurator magistrii tavarnicatus*,⁴⁰ *procurator et iudex magistrii tavarnicatus*⁴¹ and *officium gerens magistrii tavarnicatis*,⁴² but not *magister tavarnicorum*.⁴³ An examination of charters containing these various titles shows that when he confirmed a charter or appeared in lists of dignitaries or royal charters where estates were conferred on him, or on a person under his protection, he appeared beside the expressions *procurator magistrii tavarnicatus / procurator officii magistratus tavarnicorum* and *officium gerens magistrii tavarnicatis*. When the word *iudex* appeared beside *procurator*, Szécsényi was proceeding as judge in legal actions between various towns and persons or institutions from outside these towns, which means that *iudex* identified him as the judge of the towns, in place of the *magister tavarnicorum*.

The *magister tavarnicorum's* judgement had to be honoured by everybody, and only the king could set it aside.⁴⁴ The king could also decide in town affairs without soliciting the opinion of the *magister tavarnicorum*. The *magister tavarnicorum* made his judgements together with other barons,⁴⁵ and when there were insufficient co-judges to hand, he tended to adjourn the case.⁴⁶ The co-judges included both secular and ecclesiastical nobles. Louis I's last *magister tavarnicorum*, Miklós Zámbó, also co-opted town judges in reaching judgements on legal affairs involving towns.⁴⁷

40 1339: CDCr X, p. 459; 1339: AO III, p. 552; 1339: MES III, p. 348; 1340: CDCr X, p. 557; 19 December 1340: NAGY, Imre – NAGY, Iván – VÉGHELY, Dezső – KAMMERER, Ernő – DÖRY, Ferenc. *A zichi és vásonkeői gróf Zichy-család idősb ágának okmánytára I – XI* [Archives of the Senior Branch of the Zichy family, Counts of Zich and Vásonkeő I–XI] (hereinafter Zichy). Pest; Budapest: Kiadja a Magyar Tört. Társulat, 1871 – 1915, I., p. 595; 19 December 1340: MNL OL DL 90 912; 29 January 1341: HO I, p. 184.

41 1339: AO III, p. 602; 23 November 1339: AO III, p. 602; 10 May 1340: MES III, p. 366; 13 January 1341: AO IV, p. 69; 1341: MNL OL DL 3365; 23 June 1341: MNL OL DL 49 246; 20 October 1341: MES III, p. 403; 18 November 1341: MES III, p. 404; 16 March 1342: MES III, p. 459; 1342: MNL OL DL 3470.

42 13 August 1340: UGDS I, p. 508; 11 November 1340: UGDS I, p. 509; 14 April 1341: UGDS I, p. 515; 15 April 1341: UGDS I, p. 516.

43 It was only on 21 October 1342, after Charles I had died, that Louis I appointed Tamás Szécsényi as *magister tavarnicorum*. By 28 October, however, the office was filled by István Lackfi. This may have been for a brief period, and we can have no doubt that Szécsényi did indeed bear this title. It is possible that Szécsényi continued to hold the post as procurator (in charters from that year he is mentioned only as voivode) and the appointment changed to *magister tavarnicorum* in October only because Louis I appointed a new voivode, Miklós Sirokai, who first appears in the sources on 21 October. See: ENGEL, Pál. *Magyarország világi archontológiája 1301–1457. I–II* [The Secular Archontology of Hungary 1301–1457. I–II]. Budapest: MTA TTI, 1996, I, pp. 11–12, 37; Sirokai's time as *magister tavarnicorum* also proved short, because Szécsényi was appointed to the post again on 17 November. AO IV, pp. 277–278; Szécsényi bore the title until spring 1343, when it was given back to István Lackfi, who remained *magister tavarnicorum* at least until spring 1344. The last mention was on 21 May 1344: MNL OL DF 269 103.

44 1375: CD IX/5, p. 35.

45 See: e.g. 2 June 1320: UGDS I, p. 348; 11 April 1346: CDCr XI, pp. 289–296; see: SZENTPÉTERY, Imre Jr. A tárnoki ítélőszék kialakulása [The emergence of the court of the *magister tavarnicorum*]. In: *Századok* 68, 1934, p. 540; The converse was also true: the *magister tavarnicorum* appeared as co-judge of the king or a baron. E.g. 27 August 1320: AO I, pp. 574–576; 6 December 1326: CD VIII/3, pp. 154–160; 23 February 1330: AO II, pp. 468–471; 12 February 1346: MNL OL DL 3202; 21 October 1348: MNL OL DL 64 662; 6 December 1351: MNL OL DL 70 631; 21 December 1356: AO VI, pp. 523–524; 18 March 1358: MNL OL DL 106 922; 27 June 1374: MNL OL DF 241 356.

46 E.g. 1320: CD VIII/2, pp. 278–279; 1343: MES III, pp. 500–501; 1344: MES III, pp. 550–551; 1361: CD IX/7, p. 509.

47 9 April 1383: MNL OL DL 6998.

Town judges must have been needed because of their knowledge of town law,⁴⁸ but the new phenomenon may also have arisen from changes in the judicial practices of the *magister tavarnicorum* concerning the towns. In the 1370s, Louis I appointed Judge Royal Jakab Szepesi as judge of the royal towns (*iudex universarum civitatum regalium*).⁴⁹ Historians usually interpret this as meaning that Jakab Szepesi became judge of the towns at a time – between 1376 and 1378 – when the office of *magister tavarnicorum* was vacant,⁵⁰ and thus merely took over the latter's judicial role. Evidence for this is the disappearance of Szepesi as judge of the towns when Louis I appointed a *magister tavarnicorum* in the second half of 1378.⁵¹ The vacancy of the post is not a satisfactory explanation, however, because he had already appeared as judge of the towns (*iudex universarum civitatum regalium*) in 1375,⁵² when János Zsámboki was *magister tavarnicorum*.⁵³

The difference may be identified first of all in the marked difference between the judicial practices of Jakab Szepesi and the *magister tavarnicorum* up to that time. *Magister tavarnicorum* could make judgement in only two matters: 1. when the judge showed himself to be negligent, and 2. when the town had a dispute with another town, a person not of that town, or a church body. In both of these cases, the judge and jurymen of the towns took part in the proceedings before the *magister tavarnicorum*. Appearing to contradict this statement is a charter by *magister tavarnicorum* Tamás Szécsényi of 12 March 1343, concerning a dispute between two *hospites* of Visegrád in which he proceeded as judge.⁵⁴ A closer look at the charter, however, provides a clear explanation of why the *magister tavarnicorum* or his court judge was present in the judicial process. We do not have Visegrád's charter of privilege, and so it is difficult to tell whether it had *hospes* or town privileges. The standard view in the literature is that Visegrád, like Nagymaros on the opposite side of the Danube, may have received a charter in the first third of the fourteenth century with rights similar to those conferred on Nagymaros.⁵⁵ Nagymaros had town rights, because its judge could make judgements in every matter and the town also escaped the jurisdiction of the barons.⁵⁶

48 In reviewing the case, Miklós Zámbo took cognizance of the fact that the judge and jury in the case heard in Szentgyörgy had made a just judgement in accordance with the customs and liberties of the town. MNL OL DL 6998.

49 For more on the activity of Jakab Szepesi as judge royal: BERTÉNYI, Iván. *Szepesi Jakab országbíró. A magyar királyi kúriai bíraskodás történetéhez a XIV. században* [Judge Royal Jakab Szepesi. Towards the History of the Judicial Practice of the Hungarian Royal Court in the 14th Century]. Budapest : [k. n.], 1963, 161 p.

50 ENGEL, P. *Magyarország világi archontológiája I...*, p. 38.

51 The post of *magister tavarnicorum* was mentioned as still being vacant on 2 November 1378 (MNL OL DL 67 286), but Tamás Szentgyörgyi appears with the title in charters issued on 26 December 1378 (MNL OL DF 238 954).

52 6 October 1375: Zichy III, pp. 615-616; 13 October 1375: MNL OL DL 89 456.

53 János Zsámboki is documented as being *magister tavarnicorum* between 18 January 1373 and 8 March 1376. MNL OL DL 5992; CD IX/5, p. 100.

54 Zichy XII, pp. 15-16.

55 TRINGLI, István. Pest megye a késő középkorban [Pest County in the Late Middle Ages]. In: ZSOLDOS, Attila (Ed.). *Pest megye monográfiája. I/2* [Monograph of Pest County I/2]. Budapest : Pest Megye Monográfia Közalapítvány, 2001, p. 111. 217. fn; MÉSZÁROS, Orsolya. *A késő középkori Visegrád város története és helyrajza* [The History and Topography of Late Medieval Visegrád]. Visegrád : Mátyás Kir. Múz, 2009, pp. 55-58. MÉSZÁROS, Orsolya. Városi élet a visegrádi királyi városban [Municipal Affairs in the Royal Town of Visegrád]. In: BENKŐ, Elek – OROSZ, Krisztina (Eds.). *In Medio regni Hungariae. Régészeti és művészettörténeti kutatások "az ország közepén"* [Medio regni Hungariae. Archaeological and Art Historical Research in 'The Centre of the Realm']. Budapest : Magyar tudományos akadémia, 2015, pp. 631-632.

56 22 May 1324: CD VIII/2, pp. 514-517.

Visegrád, judging from the Széchényi's 1343 charter, must have had different privileges in respect of judicial proceedings and had a charter of privileges conferring the rights of *hospites* rather than those of town citizens. For a town with *hospes* privileges, major legal matters in the Angevin era were usually the province of the king or *magister tavarnicorum* rather than the town's own judge.⁵⁷ This explains why in the case of these Visegrád dwellers, which was certainly in the serious category, involving theft, the seriousness of which condemned the perpetrator to death, it was the *magister tavarnicorum*, deputized by his court judge, who passed judgement. There is thus no contradiction of the statement that the *magister tavarnicorum* during most of the Angevin era only acted as a court of appeal in a case where the town was in dispute with a person or body not belonging to its community. In all of Jakab Szepesi's cases as 'judge of all royal towns', citizens of the town appeared in person before his court,⁵⁸ and he even acted in cases between citizens of the same town.⁵⁹ This is a significant difference, because the town court could have been left out of the proceedings, which conflicted with the privileges of towns. It was against just this that the citizens of Sopron protested to the King, who on 6 February 1378 prohibited Jakab Szepesi from summoning Sopron citizens to his court in defiance of their privileges.⁶⁰ This could only have meant that Szepesi did not take over the functions of the *magister tavarnicorum* in town jurisdiction, but that as the judge of every town, he could make a judgement in any case involving citizens of any town, even in the first instance.⁶¹ Furthermore, he did not follow town customs in making his judgements.⁶²

This did not of course mean that the town courts did not operate in this period, but that there emerged a kind of court to which town citizens could be summonsed without heed to the town court. His functions filled a gap, and did not curtail the rights of the *magister tavarnicorum*. There is nothing to indicate that a citizen of a town could appeal to him against a judgement of that town's court. Charters of privilege stressed that no dignitary could make judgements on members of the community, with the occasional exceptions of the *magister tavarnicorum* and the judge royal,⁶³ and even a person from outside the town could only sue the judge and the jurymen before the *magister tavarnicorum* or the king. A citizen dissatisfied with a judgement of his own town's court could of course appeal to the king,⁶⁴ but this would only exacerbate his position. A law of 1405 stated that a citizen who did not accept the judgement of his town's own court could appeal to the *magister tavarnicorum* or the court of a town that had the same laws as the town he lived in.⁶⁵

57 6 October 1331: VMMS, pp. 119-120.

58 E.g. CD IX/5, pp. 80-81; 212, 213, 291-292.

59 E.g. CD IX/7, pp. 409-411.

60 Sopr. Tört. I/1, p. 176.

61 Iván Bertényi has drawn attention to the fact that Jakab Szepesi's jurisdiction in town affairs primarily concerned judgement of cases in the first instance. BERTÉNYI, I. *Szepesi Jakab...*, p. 67.

62 See: BERTÉNYI, I. *Szepesi Jakab...*, p. 136. 369 fn.

63 E.g. 16 February 1339: VMMS, pp. 128-129.

64 See e.g. 17 January 1346: CD IX/1, pp. 424-425. The king could of course delegate anybody as judge, and that is probably why several cases involving citizens of Pressburg (now Bratislava) were heard before the judge royal. See: 1327: MNL OL DF 238 681; 1339: MES III, p. 350.

65 *Insuper omnes et singuli cives civitatum, quas de novo creavimus, quibuscunque aliarum civitatum constituimus libertatem, si de iudicatu et sententia iudicum et iuratorum suorum noluerint contentari. ad illam*

There are examples of the latter from the Angevin era: citizens of Kőszeg could appeal to the town of Sopron against the judge and jury of Kőszeg,⁶⁶ and those of Modor (now Modra, Slovakia) could appeal to the court of Nagyszombat (now Trnava, Slovakia) in tax matters and to that of Pozsony (now Bratislava, Slovakia) in inheritance and property matters; if others had disputes with them, they could sue them before the court of Modor.⁶⁷ The 1405 law was thus not making an innovation, at least as it affected appeal to another town, but codifying an existing practice. The question remains as to whether another provision of that law, appeal to the *magister tavarnicorum*, was new or had already been practised by *magister tavarnicorum* after Jakab Szepesi's term as town judge. After Louis I appointed Tamás Szentgyörgyi as *magister tavarnicorum* in 1378, the title of town judge no longer appeared beside Szepesi's name. Szentgyörgyi proceeded in town matters that had not previously been customary for a *magister tavarnicorum*. For example, he seized the estate of deceased citizens to settle their debts.⁶⁸ One case heard before his court – a dispute between the citizens of Sopron and János Fraknói in the matter of the Kövesd customs duty – was recorded in a request by Louis I, dated 10 January 1380, for the proceedings to be adjourned during a visit to the Sopron area by the barons of the realm.⁶⁹ Szentgyörgyi's powers after he became *magister tavarnicorum* are also apparent from the title 'judge of the towns' (*iudex universarum civitatum liberarum in regno Hungarie*), which occasionally appeared beside his name when he proceeded in town matters.⁷⁰ In 1382, he sat in Zsolna (now Žilina, Slovakia) with the judge and jury to judge local cases – disputes between citizens of Zsolna – under the common law of the town.⁷¹ All this indicates that at the turn of the 1370s and 1380s, the *magister tavarnicorum*'s jurisdiction over the towns broadened, opening the way for citizens of the towns to appeal decisions of their own courts before him or even to bypass the local court and have their disputes heard before the *magister tavarnicorum* in the first instance.⁷²

The *magister tavarnicorum*'s relationship with the royal towns was bound up with his management of the economy. There are records of his active involvement in taxation

civitatem, cuius libertate funguntur, aut ad magistrum tauarnicorum nostrorum valeant appellare. DRH 1301 – 1457, p. 200.

66 1328: Insuper volumus et admittimus, ut quaecumque inter nostros cives lis in sententia aliqua in ordine iudicii oriatur, si duodecim iurati inter se pro eadem sententia non valeant concordare, extunc ipsa sententia deferri debet in Sopronium et cives ibidem eam decernere poterunt secundum quod iuris fuerit expediens ac honestum. UB IV, pp. 35-36.

67 25 December 1361: CD IX/3, p. 251.

68 1382: SCHEIBER, Sándor (Ed.). *Magyar-zsidó oklevéltár. Monumenta Hungariae Judaica VIII* [Hungarian Jewish Archives. Monumenta Hungariae Judaica VIII]. Budapest: A Magyar Izraeliták Országos Képvisellete, 1965, pp. 33-34.

69 Sopr. Tört. I/1, p. 191.

70 1380: MNL OL DF 230 605.

71 [...] ut una vobiscum omnes causas inter vos et in dicta civitate habitas, more ipsius civitatis libertatum diiudicet, finiat, et decidat. MNL OL DF 274 730.

72 Cf. MERTANOVÁ, Štefánia. *Ius Tavernicale. Študie o procese formovania práva tavernických miest v etapách vývoja tavernického súdu v Uhorsku (15. – 17. stor.)*. Bratislava: Veda, 1985, pp. 19-20.

as it affected towns⁷³ – in terms of both imposition⁷⁴ and collection. Larger and more prosperous towns meant increasing strength for the kingdom, because they provided a major fraction of crown income in the form of town taxes, income from foreign trade, and the *harmincad* (*tricesima* – ‘thirtieth’ tax, an internal/external customs duty). It was in the king’s interest to protect the towns, and he entrusted the task to the *magister tavarnicorum*.

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73 When, on 28 March 1359, Louis I waived part of the St George’s Day tax (*collecta*) payable to the royal treasury (*ad cameram nostram*) by the citizens of Sopron, the *relator* of the charter was the magister tavarnicorum, Cíkó. *Sopr. Tört. I/1*, p. 114.

74 In 1380, magister tavarnicorum Tamás Szentgyörgyi set the taxa of the citizens of Zalaegerszeg. NAGY, Imre – VÉGHÉLY, Dezső – NAGY, Gyula (Eds.). *Zala vármegye története. Oklevéltár II* [The History of Zala County. Archives]. Budapest : Históriaantik Könyvesház Kiadó, 1890, pp. 174-175.

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