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Moving Borders in Medieval Central Europe

András Vadas and János M. Bak
Special Editors of the Thematic Issue

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Debates Concerning the Regulation of Border Rivers in the Late Middle Ages: The Case of the Mura River^{*}

Bence Péterfi

Research Centre for the Humanities, Hungarian Academy of Sciences

peterfi.bence@btke.mta.hu

It has been well known for ages that atypical elements of a border line, such as ditches, large trees etc., may have served as points for orientation. Literate societies, however, have had the privilege of conserving the knowledge not only by oral tradition but also by various kinds of written word. In the following, I present an especially well-documented conflict between Styrian and Hungarian families regarding the riverbed of the River Mura, which was the border of the two polities for some 20 kilometers. The debate emerged in the beginning of the sixteenth century and lasted until 1546. The Mura-question was one of the most permanent ones in the political discourse of the first third of the sixteenth century. Although we can grasp hardly any of it, the conflict involved a fear on the part of the estates of both countries that they might lose lands. First, my goal is to show the dynamics of such phenomena as an archetype of border conflicts in a nutshell. Second, I seek to identify the main reason why the conflict was so protracted and explain how eventually the issue was addressed in order to put an end to the conflict in 1546.

Keywords: Austria, Styria, Hungary, River Mur(a), river regulation, border disputes

In March 1573, the Styrian estates informed Archduke Charles II of Austria (1564–1590) that the Hungarians again had diverted the Mura River and, in doing so, had wronged the German lands. This happened despite the fact that, until then, regulation was prohibited by a strict agreement (*“bis letztlich ein starker vertrag aufgericht, dardurch die Hungarn von sollichen ihrem fürnemen abstehen müesten”*).¹ Within a short period of time, the Styrian estates informed the Lower Austrian Chamber of the archival research they had carried out at the request of the estates, and, though they had found some of the documents concerning the problem, they

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1 March 9, 1573, Graz, the Styrian Estates to Archduke Charles II. StLA Laa. A, Antiquum I, Karton 7, Heft 30, [no pagination].

had not found the 1546 treaty.² Some months later, Emperor Maximilian II of the Holy Roman Empire (1564–1576) himself (in part at the request of his brother, Archduke Charles II) ordered the Lower Austrian Chamber, then half a month later – this time as king of Hungary – the Hungarian Chamber, to retrieve the agreement concluded between the Kingdom of Hungary and the Duchy of Styria from their registry books.³ The archduke also contacted the Lower Austrian Chamber, from which he eventually got a copy of the treaty.⁴ The copy that today is held in the archive of the Styrian estates may have been produced from this version.⁵

What importance does this treaty have, and what was the investigation for? According to the sources, it put an end to a border conflict of different intensity which lasted a good forty years, and it had an impact which proved unusually strong, even if not put in print,⁶ as its strength and memory only started to fade about a generation after its conclusion. This, in the circumstances of the period, was an extraordinarily long period of time. In this article, I will sketch out in short the stages that led to the conclusion of the treaty. During the negotiations, which lasted almost two decades, the Styrian and Hungarian estates followed different and, with respect to the issue to be discussed here, in many ways contradictory legal traditions, but one may ask whether this was of any real relevance, as the success may have depended on something else. How could the parties approximate their stands to a point which generated peace for such a long time?

Permeability and Malleability of Borders

While unlike in the case of the Early Middle Ages⁷ there can be no doubt that each geographical/political entity had well defined borders, it would still not be appropriate to project our present ideas and preconceptions onto the Late

2 March 12, 1573, Graz, the Styrian Estates to the Lower Austrian Chamber. StLA Laa. A., Antiquum I, Karton 7, Heft 30, [no pagination].

3 October 19, 1573, Vienna, Emperor Maximilian II to the Lower Austrian Chamber, November 5, 1573, Vienna, King Maximilian I to the Hungarian Chamber, ÖStA AVA FHKA AHK HFU, rote Nummer 25, Konv. Oktober 1573, fol. 66r–67v. Cf. ÖStA AVA FHKA AHK HFÖ Geschäftsbücher 306 (Protokoll Registratur, 1573), fol. 414v, 439v.

4 ÖStA AVA FHKA AHK HFÖ Geschäftsbücher 304 (Protokoll Expedit, 1573), fol. 499r.

5 February 4, 1546, Vienna, StLA Laa. A., Antiquum XIII, Schachtel 236, [no pagination].

6 For (international) agreements and the impact of their printed versions, see e.g. Péterfi, “... nach Vermungen,” 193–99, especially 199, note 33.

7 Rutz, *Die Beschreibung*, 75–104.

Middle Ages. In the context of the late medieval period, one can hardly speak of state power in the modern sense, so Peter Moraw's statement that border and border could significantly differ and the abilities of the landlords to enforce their interests could carry weight can be confirmed.⁸ This in many cases could hold for state borders, as these borders were also estate borders, and their keeping count – that being land or riverine border – could not differ.⁹ “The border of the Kingdom of Hungary is well known both for Germans and Hungarians,” wrote nobleman Ferenc Batthányi (or Batthyány) around 1529.¹⁰ On the other hand, for a given polity, conflicts that crossed borders, were obvious matters of prestige. However, because of the immature form of concluding a case, enforcing one's interest went uneasily, therefore again, recalling Moraw's statement cited above, much could depend on the aptitude and influence of the claimant and the other side when it came to putting an end to a dispute or conflict. The number of similar conflicts in the sources is countless, as well as the attempts to resolve them, the diversity of which starts to become clear beginning in the 1530s in the Hungarian source material.¹¹

“Previously, people had walked straight across the boundary; aristocrats, men of letters and merchants crossed it quite naturally. The *frontière* only existed for soldiers and princes, and only then in time of war,” as Lucien Febvre writes in one of his essays.¹² The apropos of the petition of Ferenc Battyányi, quoted above, comes from the nature of crossing the (state) borders on a daily basis: a conflict and then a lawsuit arose with the Polheim family, landowners with holdings on the other side of the River Lafnitz,¹³ which was the border between

8 “Das Problem der Grenze wird noch dadurch kompliziert, daß man gerade im späten Mittelalter häufig nicht von einer einheitlichen »staatlichen« Gewalt sprechen kann, daß vielmehr einzelne Anteile von verschiedenen Herren wahrgenommen wurden. So konnte es Grenzlinien unterschiedlichen Verlaufs und unterschiedlichen Gewichts geben.” Moraw, *Von offener Verfassung*, 43.

9 Cf. Auer, “Die Jagdgebiete,” 188–89. On the relationship of estate complexes and politics in the Middle Ages: Rutz, *Die Beschreibung*, 58–75. Rutz, *Die Beschreibung*, 105–82 gives a general overview of the ways to define borders and their concrete forms of demarcation.

10 “Mýnd nemethnek s mýnd magyarnak nýlwan wagýon az Magiarorzagh hattara...” MNL OL P 1313, Senioratus, Lad. 4/1, no. 8/b/1.

11 For the conditions before the fourteenth century, see Krones, *Landesfürst*, 62–74; Wertner, “A stájer Treun;” Kos, “K postanku;” Kring, “A magyar államhatár;” Posch, “Siedlungsgeschichte;” Gruszczyk, “Die Stubenberger,” 116–17; Pirchegger, *Landesfürst*, 215–16. For the fourteenth century, see Groß, “Zur Geschichte,” and the study of Renáta Skorka in the present issue of the journal. For the fifteenth and sixteenth centuries, see Házi, “Határszéli;” Legler, “Grenzlandstreitigkeiten.”

12 Febvre, “*Frontière*,” 214. For a general overview on the topic of borders, see also Constable, “Frontiers.”

13 Ca. 1529: “Flavius (!) enim nomine Lapunch utriusque partis terminos tam regni Hungarię quam etiam Germanis (!) dirimit...” MNL OL P 1313, Senioratus, Lad. 4/1, no. 6/b. See also the study of Renáta Skorka in the present issue of the journal.

the Kingdom of Hungary and Styria. The Polheims therefore counted as inhabitants of the Empire. The stake was how and how much seigniorial duty the subjects of the Polheims should pay after their possessions in the estate of Battyányi which was settled by an agreement between the two families in 1546. The conflict unfolded despite the fact that in the previous century the same problem has been regulated a number of times (1429, 1440, 1452). Apart from extorting better conditions, two things can be seen behind the questioning of lordship: first, the tithe of Hungarian plots of the Styrian peasants was collected by their Styrian lords who paid it to the bishop of Győr. Second, one cannot contest that the Styrian tenants had cultivated the lands on the other side of the Lafnitz collectively since before anyone could remember, and because of the routine, these lands on the Hungarian side had been counted as part of the lands on the Styrian side of the border.¹⁴ The case in itself is extraordinary, but the problem is not, as the Austrian–Styrian burghers had vineyards in Western Hungary for centuries.¹⁵ Moreover, the mostly German speaking people who lived in the border area were in had close ties to one another, so one cannot be surprised by the appearance of some legal customs of the Empire, such as the legally binding private charters in Western Hungary.¹⁶

Some of the estate complexes in Western Hungary that got into the hands (a smaller part as pledge, the majority by arms) of Emperor Frederick III (1440–1493) or his younger brother, Archduke Albert VI of Austria (1458–1463) during the years of the civil war and weak royal power in the 1440s and 1450s in Hungary further increased the degree of interlocking and “disturbed” the perception of the border. Most of these areas remained under the authority of the Habsburgs until 1647. In some cases, they were considered part of the Archduchy of Austria, and not without any reason, since beginning in the 1530s, they were under the financial control of the Lower Austrian Chamber. Despite this, in most cases they still were considered parts of the Kingdom of Hungary. The way they were acquired, however, has been rewritten in collective memory, according to which the peace treaty of Bratislava in 1491, which put an end to the war between the Habsburgs and the Jagiellonians (who finally took the

14 Prickler, “Typen und Problemen,” 2–6; Prickler, “Zwei mittelalterliche Grenzverträge.”

15 Prickler, “Zur Geschichte;” Prickler, “Adalékok;” Prickler, “Typen und Problemen,” 17–19; Prickler, “Weingartenbesitz.”

16 Cf. Lakatos, “Kismarton város,” 287, and legally binding private charter is preserved from 1434, also with the seal of the town of Eisenstadt. (I acknowledge the information provided by Bálint Lakatos.)

Hungarian throne in the autumn of 1490), had an important role. This treaty handled the estates that ended up under Habsburg control in all manner of ways the same way. In fact, only two of them were achieved by pledging, most of them were taken by arms unlike how the well-known narrative in the Austrian, and Hungarian scholarship goes about the 1463 contract between Emperor Frederick III and Matthias Corvinus (pledging Western Hungary for Holy Crown of Hungary held by the Emperor that time).¹⁷

Based on what has been said so far, the case of Sinnersdorf on the Styrian–Hungarian border becomes clearer. The village originally belonged to the estate complex of Bernstein in Western Hungary, which the Habsburgs acquired in the 1440s. Sinnersdorf was donated in 1499 by King Maximilian I (1493–1519) to his influential Styrian councilor, Georg von Rottal. It was then attached it to his Styrian estate complex, Thalberg. While by the mid-seventeenth century in lay matters, the settlement, otherwise in almost every direction bordered by the Hungarian Pinkafeld, became an organic part of Styria (for instance, it paid taxes to Styria), in ecclesiastic matters it still belonged under the jurisdiction of the parish of Pinkafeld, which means it was part of the bishopric of Győr. Similar problems occurred in the case of Zillingdorf and Lichtenwörth along the River Lajta, as well as in the case of four villages of the estate of Scharfeneck (Mannersdorf, Sommerein, Au, and Hof). While in the middle of the fifteenth century, the six settlements practically were torn from the Hungarian crown, in an ecclesiastic sense they still belonged to the authority of the bishop of Győr. This is how the peculiar situation arose in which the villages of the bishop of Wiener Neustadt, Zillingdorf, and Lichtenwörth, which the bishopric owned as a landlord, continued to pay the tithe to the bishop of Győr.¹⁸ This also indicates that the borders of dioceses could be more permanent than state borders.

Finally, two examples of permeability are worth mention: Hornstein, which until the mid-seventeenth century as one of the aforementioned estates in Western Hungary was under Habsburg authority, was joined to Seiberdorf on the Austrian side of the River Lajta during the fifteenth century by Ulrich von Grafeneck, and the latter became the center of the dual estate complex. The reason for this may have been the little income of the small estate complex of Hornstein and the ruined state of the castle of Hornstein.¹⁹ The Counts

17 Csermelyi, “A határon innen.” For the pledged estate complexes, see Bariska, *A Szent Koronáért*.

18 Prickler, “Typen und Problemen,” 10–12.

19 Mohl, “Szarvkő,” 629–30; *Der Verwaltungsbezirk Eisenstadt*, vol. 2/1, 72; Haller-Reiffenstein, “Ulrich von Grafeneck,” 149.

of Montfort administered the estate complex of Rohrau together with their Rohrau estate in the Archduchy of Austria and other lands in Hungary,²⁰ even if their acquisition in Hungary (1419, 1435) took place only many years after their acquisition in Austria (1404). The Hungarian parts were also acknowledged by the representatives of the vendor, Count George III of Monfort, and the buyer, Leonhard von Harrach, in front of the chapter of Bratislava when, in December 1524 (i.e. significantly later), for the sake of safety, had transcribed with the chancellery of King Louis II of Hungary.²¹ In both cases, practical reasons and more effective farming were in the background of joining the parts of different origin, yet the border remained unchanged.

“Variations on a Theme”

Being a neighbor went with the presence of conflicts, which the parties first tried to negotiate between themselves. However, when they were unsuccessful, the parties may have had trust in the royal-imperial court(s) so that the ruler(s) would appoint some kind of committee to evaluate the causes of the disagreement. Of most border disputes one can only have a fragmented view, as in the majority of cases neither the first nor the last step in the course of the events can be known, and moreover, what is generally missing is the different opinions of the two parties. From the 1510s on the sources become more abundant. Nevertheless, the complaints of the Austrian party are much better known than those of the Hungarians because of the ways in which the sources were preserved and stored. Most of the similar documents can be found in the *Österreichisches Staatsarchiv* and the Austrian provincial archives (Graz, Sankt Pölten).²²

The Styrian–Hungarian border was fixed along rivers in a number of its sections: for forty kilometers it ran along the abovementioned Lafnitz, for a few kilometers the Feistritz Stream, one of the tributaries of the Lafnitz, formed

20 “Slos unnd herschafft Roraw im lannd Osterreich unnder Prugkh an der Leytta gelegen sambt allen unnd yeden sein zuegehörungen und gerechtighkhaiten in bemelten lannd Osterreich unnd in Hungern dartzue gehorig...” ÖStA AVA FA Harrach U 1524 IX 30. “Totale castrum suum Roraw appellatum intra terminos ducatus Austrie prope civitatem Prwkh vocatum adiacens simulcum cunctis oppidis, villis, possessionibus portionibusque et quibuslibet iuribus possessionariis ad ipsum castrum Roraw spectantibus, illis etiam bonis et iuribus possessionariis incerta sui parte intra limites predicti regni nostri Hungariae adiacentibus...” ÖStA AVA FA Harrach U 1525 IX 7.

21 ÖStA AVA FA Harrach U 1524 XII 15 (copy from the eighteenth century: MNL OL DL 24 024, pp. 6–9), 1525 IX 7. Cf. Burmeister, “Graf Georg,” 14.

22 Cf. Házi, “Határszéli;” Legler, “Grenzlandstreitigkeiten.”

the border, and then, further to the south, the Mura River was the border for ca. 22–23 kilometers, followed by the River Dráva for approximately the same length, and then almost at its full length, for 90 kilometers, a tributary of the River Sava, the Sutla. Moreover, the Dráva and the Mura in the border sections are old rivers; they have numerous branches, and they are scattered with islands. This means that major floods that could change the flood plain even more than once a year always remained a source of conflicts for the people who lived by the river and worked to harness it.²³

Moreover, at least in theory, in such cases, the legal stance of the two parties, here the Austrian or Styrian and the Hungarian, may have been different. According to the Roman legal tradition, which by the Late Middle Ages was used throughout the Holy Roman Empire, as a supplement in a case of riverbed changes, borders did not change. Hungarian practice, however, was the opposite (the borders moved with the river beds), although in the customary law collection of István Verbőci (or Werbőczy) compiled in 1514 a different opinion based on the Roman tradition also appeared. In the sixteenth century, however, this view was still not accepted generally.²⁴

The abovementioned short section of the Mura was split between Vas and Zala Counties, and the county border reached the river somewhere opposite the Styrian Veržej (Wernsee). The Mura River was referred to as a border river between the “German” territories (i.e. Styria) and Hungary in 1331 for the first time,²⁵ however it probably is not an overstatement to suggest that the border, if it did not along the Mura, was not far from it from the thirteenth century onwards,²⁶ as a source from 1249 tells of the Germans earlier (sometime in the 1230s) having dammed up the Mura River, which flooded the lands of many villages.²⁷ In the Late Middle Ages, the estate complex of Grad (Vas County) and that of Lendava (Zala County) ran along the bank of the Mura River. Both gave names to important aristocratic families, the Szécsi (or Széchy) family of Grad (Felsőlendva) and the Bánfi (or Bánffy) family of Lendava (Alsólendva),

23 On another section of the River Dráva with the same patterns, see Viczián, and Zatykó, “Geomorphology.”

24 Degré, *Magyar halászati jog*, 137–40. Recently with the same opinion: Tringli, “A magyar szokásjog,” 262. Cf. Wesener, *Einflüsse*. See also the article by András Vadas in the present issue.

25 *Anjou-kori oklevéltár*, 15. 118 no. 208. (I am indebted to Renáta Skorka for the data.)

26 The southern border of Petanjci *terra* in 1234 was the River Mura, which the author of the document, unlike in the case of its western section, did not mention as a border: “A meridie eciam participat metam cum Mura et ab occidente tenet metas cum Theutonicis.” *Urkundenbuch des Burgenlandes*, 161, no. 215.

27 *Urkundenbuch des Burgenlandes*, 224, no. 322. (I am indebted to Renáta Skorka for the data.)

respectively. In the border conflicts along the Mura in the Late Middle Ages, these two families played the most important role, especially the count of Vas County, Tamás Szécsi (1501–1526),²⁸ his son, István, and to some extent Antal, Jakab, and Zsigmond Bánfi, as well as their tenants and noble retinue, who sometimes were ready to act without the knowledge of their lords. On the Styrian side of River Mura we could find the Pernegg family with a seat in Negova (Negau) as well as the Schweinpecks with a residence in Ljutomer (Luttenberg).²⁹

An agreement survived from 1504 concluded with the mediation of imperial councilor Georg von Weißenegg and Kaspar von Khuenburg, Styrian provincial lieutenant (*Vermeser*), between Bartolomäus von Pernegg of Styria, and Tamás Szécsi of Hungary. The complaints connected to the agreement had already been appealed to the provincial administration.³⁰ Both parties were aggrieved and felt they had been caused damage, as becomes clear from the text of the agreement. According to the Styrian nobleman, the subjects of Szécsi, who owned vineyards in the slopes next to his village called Turjanci (Siebeneichen), kept him out of grape juice, in answer to which he took the harvest of the past eight years and brought it to the castle of Negova. As Szécsi did not bring up any arguments in defense of his tenants, they agreed that the confiscated goods would remain with Pernegg, but in the near future, the vineyard owners would present their documents, and all the affairs connected to the sale and purchase could only happen with the consent of the Styrian nobleman. Finally, the tenants of Szécsi in the coming three years (probably as a reduction of the confiscation) did not have to pay seigniorial dues. The other case is probably difficult to dissociate from what happened at the vineyards, but one cannot be certain which one was first (or whether it was just part of the daily back-and-forth squabbles). The Hungarian aristocrat did not deny anything: he had the course of the Mura River diverted by a dam, as a consequence of which part of Turjanci owned by Pernegg was destroyed. While the Styrian nobleman argued that the diverted river should be returned to its original bed, this either would have been very costly or not possible at all. For this, and because Szécsi had a good relationship with the brother of Bartolomäus, Stefan, he offered

28 *Megyéék*, 331–32. In 1516, for certain reasons Tamás Szécsi was decorated with a barony by Emperor Maximilian I. December 9, 1516, Haguenau (Hagenau), MNL OL DL 101 816.

29 For the historical topography of Lower Styria/Untersteiermark (i.e. the lands situated south of the River Dráva, nowadays belonging mainly to Slovenia), see Pirchegger, *Die Untersteiermark*.

30 Cf. *sine dato* [between 1502–1504, according to Roland Schäffer's dating], *sine loco*, ÖStA HHStA Maximiliana, Karton 38, Konv. "s. d. I/1–4," I/2, fol. 33v.

personal assistance for the son of Stefan, and as a redemption, keeping in mind the suggestions of the uncle and his friends, he offered to cover the costs of the education of his nephew and legal guardian until his adulthood as if he were his own son. This, as Szécsi cynically argued, would have been more useful for the youngster than a village with 50 tenants (*ihm sein bilff und freundschaft lieber und nützer sein soll, dann ain dorff, darinnen fuefzig bauren haußlich sitzen*).³¹

Be that as it may, we learn from the distance of two decades that in 1511, at the call of the steward of the Styrian provincial estates (*Vizeodom*), a building master set out with laborers to modify the course of the Mura River to the benefit of the Styrian side. However, the building master was arrested by Szécsi and was kept in custody until his death. Szécsi had the existing dam strengthened and three ditches cut, allegedly in order to detach a major piece of land from the territory of Styria. As a result of the work, three villages were flooded by the river.³²

But not only can the blackmailing potential be seen in the attempts to divert the river: the earlier riverbed modifications probably had to be repeated from time to time, since the Mura River could not be kept in the its bed and in its current course without securing the banks.³³ As the most important viewpoint was the protection of their own lands, the Hungarians obviously erected the dams and deepened the ditches so that the water would spare the left bank, i.e. their bank. This, of course, went with the right (Styrian) bank being increasingly endangered by the destruction of the water, to which the locals and landowners gave voice. In addition to protecting the settlements themselves, the flood plains may also have been used for fishing or animal herding, and they may have provided favorable places for watermills. All of these factors may have been important to local communities. Thus, modification of water systems could even be done for such purposes (maintenance, improvement etc.).³⁴

The changes in the course of the Mura River may have been closely tied with the different endeavors of the neighbors, too. Most of them are complaint letters which one has to read with some precaution, as they usually only represent

31 December 10, 1504, *sine loco*, MNL OL DL 104 143. Further copies: StLA Laa. A., Antiquum I, Karton 7, Heft 30, [no pagination], MNL OL P 396, Lad. Scs, Fasc. B, no. 3.

32 Steinwenter, "Materialien," 108–9, no. XXVI.

33 Cf. *sine loco*, *sine dato* [1539]: "Mura fluvius sine munitione riparum in alveo et cursu suo conservari non potest." MNL OL N 80, Lad. RR, Fasc. U, no. 6, fol. 92r.

34 For the River Danube, see Andrásfalvy, *A Duna mente*; Andrásfalvy, "Die traditionelle Bewirtschaftung." More recently Ferenczi, "Water Management."

the viewpoint of one of the parties, in this case usually that of the Styrians.³⁵ Beginning in the 1520s, the names of Tamás Szécsi and his neighbor Jakab Bánfi occur again and again in the documents, probably for different reasons, but they both took aim at the same settlement along the Mura; in 1520 they raided Veržej.³⁶ The Styrian party appears as a perpetrator only exceptionally because of the nature of the source material. For instance, in 1519 one of the men of Jakab Bánfi was murdered at the fair of Radkersburg,³⁷ or when, in December 1522, the retinue of the Hungarian nobleman raided Styria, because allegedly one of their tenants was being kept in custody.³⁸ A letter written by a Styrian nobleman named Hans von Schweinpeck from December 1522 tells of his continuous conflicts with the Szécsis (*Zetschy krieg*): eighty of his cattle were said to have been drawn away by the servants of the Hungarian aristocrat. Schweinpeck answered violence with violence, and he also had captives taken.³⁹ In another undated letter which certainly was written at the time, Schweinpeck notes similarly unfortunate circumstances, telling of his relation with the Bánfis in a number of cases and reiterating the claims he had made in his previous letter.⁴⁰ The conflict with the Szécsis was still an issue in 1523.⁴¹

Negotiation Attempts in the 1520s and 1530s

There is no clear answer as to why it was possible not only to bring the two parties to a table to negotiate, but also to spur them to come to an agreement in 1504. It is similarly unclear why there was no similar thing after the above conflicts. Moreover, in the course of 1523–1524, the Austrian–Hungarian commission members met at least once in Sopron, although the issues there strictly concerned the regional conflicts that crossed the border of the Austrian

35 Most of these in forms of excerpts were published in: Steinwentner, “Materialien,” in which he also provides a short summary of the problem (ibid., 92–99). On the same problem, based on the documents of Styrian provincial diets (in this term, similarly to Steinwentner): Burkert, “Ferdinand I,” 112–18.

36 Damage list: MNL OL DF 276 047 (originally as ÖStA HHStA UA AA, Fasc. 1, Konv. D, fol. 30r–42v).

37 May 6, 1519, Innsbruck, MNL OL DF 290 345, p. 181.

38 MNL OL DF 276 016–018. (originally as ÖStA HHStA UA AA, Fasc. 1, Konv. C, fol. 12r–15v). Cf. StLA Meiller-Akten, X-a (Landeshauptmannschaft, 1523–1526), no. 1–4, no. 6.

39 MNL OL DF 276 016. Cf. MNL OL DF 276017.

40 MNL OL DF 276 089 (originally as ÖStA HHStA UA AA, Fasc. 1, Konv. D, fol. 158r–159v).

41 MNL OL DF 276 037 (originally as ÖStA HHStA UA AA, Fasc. 1, Konv. D, fol. 18r–19v).

Archduchy and the Kingdom of Hungary.⁴² This regional division of border conflicts was not be new, as a similar system existed already in the fourteenth century.⁴³

The Styrian party apparently turned to King Louis II of Hungary through Archduke Ferdinand of Austria in vain. The royal orders sent to Tamás Szécsi and/or Zsigmond Bánfi in roughly the same period in (1524–1525) to destroy the newly built dams were proven to be pointless,⁴⁴ just as when the provincial procurator (*Verweser*) sent them in response to pressure from the Styrian estates to, for instance, Szécsi.⁴⁵ (Allegedly, in 1524, the Szécsis made the members of the committee who were sent to the bank of the Mura leave at the point of the sword.⁴⁶) One of the complaints of the Styrian estates from 1533 directly addressed the fact that when Tamás Szécsi had diverted the Mura River, he had gone against the treaty concluded between Emperor Frederick III and King Vladislav II of Hungary (the treaty of Bratislava of 1491), as his acts were in sharp contradiction with the peace reached in the treaty.⁴⁷ Probably in the middle of March 1528 or in May 1529⁴⁸ at a commission meeting on the border conflicts held in Sopron, Wilhelm von Pernegg sent an envoy who claimed that the promises Szécsi made in the agreement of 1504, namely on his education, had not been kept.⁴⁹

Even though, Tamás Szécsi died probably in late spring or early summer in 1526,⁵⁰ this did not change anything with regard to the conflicts concerning the Mura River. Instead of his name, the name of his son, István Szécsi, appears in the legal documents, and in the late 1520s and 1530, documents again testify to the dam building activities of the Szécsis and the Bánfis. (Although it is not always

42 Házi, “Határszéliviszályaink,” 63–70; Gruszecki, “Cuspinian,” 75–78; Legler, “Grenzlandstreitigkeiten,” 74–85.

43 See the article of Renáta Skorka in the recent volume.

44 August 9, 1524, Buda, MNL OL DL 39 346 (originally as SI AS 1063, 1227), December 6, 1525, Buda, StLA Meiller-Akten XIII-*nn*, no. 3 (fol. 55r–56v, German version), no. 13 (fol. 87r–v, Latin version). For a full edition and Slovenian translation of the royal mandate of 1524: Zelko, *Zgodovina*, 65–66.

45 July 9, 1524, Graz, StLA Meiller-Akten XIII-*nn*, no. 3 (fol. 54r–v, German version), no. 13 (fol. 86r–v, Latin version).

46 Steinwenter, “Materialien,” 109, no. XXVI.

47 Ibid., 108, no. XXVI.

48 The date of the Sopron meeting of 1528 and 1529 (Oculi Sunday and Jubilate Sunday respectively) is preserved by MNL OL P 1313, Senioratus, Lad. 4/1, no. 3/b. Cf. Házi, “Határszéli viszályaink,” 71; Gruszecki, “Cuspinian,” 79. See also two undated invitations to the Sopron summit of 1528: StLA Laa. A., Antiquum I, Karton 5, Heft 20, [no pagination].

49 StLA Meiller-Akten XIII-*nn*, no. 12.

50 Reiszig, “A Felsőlendvai,” 71.

clear from the complaints whether these were renewals of older dams or entirely new dams.) After 1526, the Hungarian estates did not invest major energy into solving this. In the shadow of the threat of the Ottoman Empire and the conflict between King Ferdinand I and his rival, John Szapolyai (who was also elected as king of Hungary) that quickly escalated into a civil war this problem did not seem so significant. This was further complicated in the Hungarian Chamber by a lack of financial and personal assets for the above reasons. It was not unique that the councilors ordered to the different negotiations did not receive any money or only received money with difficulties.⁵¹ In the summer of 1531, news spread that the supporters of the John Szapolyai again diverted the Mura, as they wanted to extend the Hungarian authority towards Styria and in the meantime guard the bank of the river with firearms. It was to be feared that the conflict would end in violence.⁵² Meanwhile (at the end of July 1531), the Styrian estates brought in a person who had great respect among the Hungarian elite. This is how their choice fell on one of the key figures in the war against the Ottomans, Hans Katzianer, whose presence they hoped would lead to changes to their advantage in the Styrian issues.⁵³ For King Ferdinand I, the utilization⁵⁴ of joint commissions was in focus, which had been written down in the 1491 treaty of Bratislava.⁵⁵ However, this must have been rather a theoretical consideration. Finally, Katzianer is unlikely to have attended the commission's meeting called for on August 24, 1531 at Radkersburg. He was not the only person who missed the meeting. To the surprise of the Styrian estates, so did the Hungarians, and Hans Ungnad complained to King Ferdinand I that the Hungarians gave no explanation for not having attended, even after four days.⁵⁶ One of the most influential Hungarian noblemen in the court of King Ferdinand I, Elek Thurzó, reasoned for the overburdening of the Hungarian councilors in a letter dated to the beginning of September 1531, in which he also asked for the postponement of the commission meeting.⁵⁷ But similar queries had also been shared with

51 E.g. Steinwenter, "Materialien," 99, no. I.

52 Steinwenter, "Materialien," 100, no. III; *I. Ferdinánd*, 240, no. LIV. Cf. Steinwenter, "Materialien," 99–100, no. II.

53 Steinwenter, "Materialien," 101, no. V.

54 Cf. *Ausgewählte Urkunden*, 427–28 (§6), 435–36 (§29, §31), 438 (§38).

55 Steinwenter, "Materialien," 100, no. III; *I. Ferdinánd*, 247, no. 21.

56 Steinwenter, "Materialien," 102–3, no. VIII. On Hungarians being absent from the meeting, see: *ibid.*, 103–4, no. X.

57 Steinwenter, "Materialien," 102, no. VII; *I. Ferdinánd*, 265–68, no. 73.

the king by the Hungarian councilors six weeks earlier, as by then he must have known that the diet was set for September 8 to Bratislava.⁵⁸

What was discussed there may not have had a major impact on the conflicts, as two years later, on July 25, 1533, a joint commission meeting was held, again at Radkersburg. Three long complaints were written against the late Tamás Szécsi and his son István, and one concerned the abuses of the retinue of Antal Bánfi,⁵⁹ but they did not have any visible impact. Only the Styrian appointees traveled to the Styrian town, and similarly to what had happened two years before, no one from the Hungarians appeared.⁶⁰ After the death of István Szécsi in spring 1535,⁶¹ the abovementioned Elek Thurzó,⁶² the new landlord⁶³ of estate complex of Grad, the foster father of István Szécsi and second husband of Magdolna Székely of Kövend/Ormož (Friedau) (i.e. widow of Tamás Szécsi), was named liable for the abuses in the past and the present. In July 1537, he made a complaint fairly similar to those the Styrian estates had written before, as they did not attend the joint commission meeting called for March 11, 1537. The Styrians, protected by armed men, were said to have diverted the water of the Mura River into a ditch by which his plow lands and forests were detached from the estate complex. After that, the men of Thurzó entrenched the ditch, and the Styrians destroyed it.⁶⁴ The results of the joint commission meeting held good half a year later (called first for September 1537, then for mid-October, and finally for the end of November, for the last time probably to Radkersburg⁶⁵) are unknown, and neither do the sources give any details concerning the allegedly futile meeting held at the end of March 1538 at Murska Sobota (Muraszombat).⁶⁶ As for the negotiations held at Petanjci by the Mura River in October 1539, it is the one and only occasion when we are aware of the dynamics of the discussion between the parties. The arguments were not based on classical legal principles but solely on highly technical aspects of water management as well as damages caused by the Mura River. In the end, the parties managed to settle all the points,

58 Ibid., 101, no. IV; *I. Ferdinánd*, 262, no. 72.

59 Ibid., 108–12, no. XXV–XXVIII.

60 Ibid., 112, no. XXX.

61 He must have died some time before May 14, 1535: Reiszig, “A Felsőlendvai,” 72.

62 Steinwenter, “Materialien,” 115–16, no. XXXV.

63 Cf. 28 April, 1535, Vienna, ÖStA HHStA UA AA, Fasc. 26, Konv. D, fol. 26r–v.

64 Steinwenter, “Materialien,” 116–17, no. XXXVI. Cf. *ibid.*, 117–18, no. XXXVII–XXXIX.

65 Steinwenter, “Materialien,” 118–20, no. XL–XLVII.

66 *Hrvatski saborski spisi*, 192, no. 116. (I am indebted to Szabolcs Varga for drawing my attention to this document.) Steinwenter, “Materialien,” 122, no. LI–LIII, 127, no. LXIV.

but for some reason their decisions were never implemented.⁶⁷ A letter sent by King Ferdinand I from January 1540 makes it clear that Thurzó was somewhat resentful of the newly initiated “armistice” (though actually we do not know how many times it was initiated), as he definitely wanted to have his dam on the Mura River, which was under construction at the time, completed.⁶⁸ For this, a new meeting was set to February 25, 1540,⁶⁹ and even if, of course, there were complaints in the first half of the 1540s (in the majority of the cases about Hungarians, most importantly the Bánfis⁷⁰), the number of complaints dropped significantly. It is also telling that there is no further information on joint commission meetings. The death of Elek Thurzó on January 25, 1543, who as noted above stood in for the male line of the Szécsi family, probably had a major role in this.⁷¹

The Agreement of 1546

A private diary of the Hungarian diet of 1546 gives a good summary of the basic problem in this case, as well as the general functioning of the border commissions: all the involved parties tried to favor themselves.⁷² Therefore, the king decided to take the questions to a special committee consisting of Czechs and Moravians,⁷³ which the Hungarians also acknowledged. (The tasks of the delegated judges included not only the Mura case, but also possibly other litigations, e.g. on the Dráva River.)⁷⁴ The decision concerning the course of the

67 MNL OL N 80, Lad. RR, Fasc. U, no. 6–7. Copies from the 18th century: *ibid.*, no. 5. StLA Laa. A., Antiquum I, Karton 7, Heft 30, [no pagination]. Cf. Steinwenter, “Materialien,” 127–31, no. LXIV–LXIX.

68 Steinwenter, “Materialien,” 130, no. LXXI.

69 *Ibid.*, 131–32, no. LXII–LXXIV.

70 *Ibid.*, 132–35, no. LXXV–LXXX. Cf. October 6, 1545, Český Brod, ÖStA HHStA UA AA, Fasc. 54, Konv. B, fol. 74r–v.

71 Ludiková, Mikó, and Pálffy, “A lőcsei Szent Jakab-templom,” 345.

72 “Quod quamdiu rex Hungariae esset, semper variae dissensiones inter eos fuissent et saepius commissarios constituisset, sed semper Hungari commissarii favebant Hungaris, Germani vero Germanis.” Paulinyi, “Az első magyar,” 228.

73 Their earliest mention in the documents of the Styrian provincial estates: Steinwenter, “Materialien,” no. LXXXI. They have yet to be identified. The diary of the 1546 diet mentioned only one person by name (Paulinyi, “Az első magyar,” 228): “castellanum videlicet supremum Pragensem marschalkum Wolfgangem Schlyk,” but this may be (partially) wrong information, as Wolfgang Kraiger von Kraigk the Elder (Krajíř z Krajku in its Czech form) stood at the head of the castellany of Prague. At this point, neither Schlick, nor Kraiger can be associated with the 1546 royal commission that was meant to settle the Styrian–Hungarian border dispute.

74 *Sine dato, sine loco*, ÖStA HHStA UA AA, Fasc. 54, Konv. A, fol. 99r–104v.

Mura River was made two days before the arrival of the king to the Hungarian diet in Bratislava,⁷⁵ on February 4 in Vienna.

What conclusion did the Czech and Moravian appointees arrive at? The narrative elements, which with some exaggeration were repeated for decades, were presented: the Styrians complained that the Hungarian nobles had modified the course of the Mura River by building ditches and/or dams, which had caused damages to the landlords on the right bank, and moreover relocated animals and people of the Styrians. The Hungarian Bánfis either denied these accusations or reasoned that their actions had been a counterstrike to compensate for damages they had suffered. The appointees decided that, as the three dams built by the Bánfis were rather new and they indeed had caused damages to the Styrian neighbors, they had to be eliminated, including the piles put down four weeks before the agreement. Regarding the future, they also advised the “opposite neighbors” along the river to negotiate and determine where the banks should be strengthened. And if that had been done, dams should be built on both sides out of earth and not sand in a width of four Viennese fathoms (7.584 meters⁷⁶). However, the regulation of the smaller branches of the river (in the form of dams or ditches) would have been everyone’s individual task. The appointees declared that the riverbed should be kept in its present form, and the parties should cease causing losses to each other.⁷⁷

The claims against the Szécsis were more complicated than those against the Bánfis, as Tamás Szécsi has been dead for twenty years and his son István had been dead for eleven years. After the death of the second husband, Elek Thurzó, Magdolna Székely (who was marrying for a third time) and her daughter, Margit Szécsi, would have been the people to have to face consequences because of the acts of the late male members of the family. It was enlightening to read, after the long lists of complaints, that the biggest abuse of the Styrian party was caused by Tamás Szécsi back then when he had caused damages to the village of Turjanci with a newly built dam. The husband of Margit Szécsi, Niklas Graf zu Salm (the Younger), however, successfully persuaded the commissioners that the living members of the family could not be punished for the crimes of their forefathers, so all related claims were disregarded. The regulations on the main and the smaller branches of the river were the same as in the case of the agreement of the Bánfis and the Styrian estates. The violator of the agreement

75 *Magyar országgyűlési emlékek*, 4.

76 Bogdán, *Magyarországi hossz- és földmértékek*, 87.

77 StLA Laa. A., Antiquum XIII, Schachtel 236, [no pagination].

had to pay 50 marks within three months.⁷⁸ It seems that the agreement paid off even in the short term, and in 1549, the Styrians actually wrote that by then they did not have any border disputes with the Hungarians, except for the complaint concerning the Zrinski/Zrinyi family and the Styrian town of Ljutomer.⁷⁹

Conclusions

King Ferdinand I probably wanted to accelerate the decision so that he could show progress for the Hungarian estates in at least some questions at the 1546 diet of Bratislava, which the estates took with satisfaction. From the point of view of the estates, who took all the measures to guard over the border of the country, especially in the period of the Ottoman conquests, the ruler made an apt decision. He could say, that with a simple technique, choosing members for a committee who were entirely independent and came from another country ruled by him, he managed to do away with conflicts which had lasted for at least two and a half decades. The seemingly moderate committee decisions managed to address the complaints raised in the letters, and even if the Styrian and Hungarian territories followed different legal principles, the decisions of the committee in the present situation can be considered a generous resolution. This may have had major significance for the parties, who were probably fed up with the lasting conflicts.

It is also clear, if one can believe the complaints made in the letters of the Styrian estates and other rather sporadic evidence, that strong men like Tamás Szécsi could even deny royal orders. Elek Thurzó, who was even more important and influential, may have also used his political connections to settle his own issues, though there are fewer concrete signs of this in the sources.

Obviously, even before the sixteenth century, a frequently changing geographical boundary such as the Mura River was inevitably a source of sharp conflicts. However, these conflicts usually broke out because of changes in private landownership rather than changes in state borders. This is well reflected in the 1504 and 1546 treaties as well as in the files of the failed negotiations of 1539 held at Petanjci. It may have been totally clear to people at the time that the course of the Mura River could not be preserved without human intervention, neither on the short term nor on the long term. Even if from time to time one could find a solution either because of the death of someone involved or, in a

78 StLA Laa. A., Antiquum XIII, Schachtel 236, [no pagination].

79 Steinwentner, “Materialien,” 99, 136, no. LXXXIII as well as Ziegerhofer-Pretenthaler, “Ferdinand I.,” 136. Cf. May 25, 1549, Prague, ÖStA HHStA UA AA, Fasc. 55, Konv. B, fol. 69r–v.

more lucky case, with some kind of compromise concerning the problem of the changing flow of either the Mura or other rivers, the damages going back to the different, not necessarily ill-intentioned water management systems were hard to address simply. The Mura River along the Hungarian–Styrian border splits into numerous branches, and the riverbed changed constantly. Year by year, the dam and ditch system had to be modified. It was precisely this border situation that increasingly triggered the people to take action. This is why in the eighteenth century on a number of occasions (1717–1718, 1753–1755, and 1793) bilateral commissions were set up to negotiate not only the riverine but also the land borders. The sources on the abovementioned conflicts were partly preserved thanks to these negotiations, as the historical documents had an important role in defining the new borders. The parallel running of the border and the crooked course of the Mura were separated during the long negotiations in the 1750s, which is how the almost straight running *Linea Theresiana*⁸⁰ came into existence in 1755 as the new Styrian–Hungarian borderline. From then on, the changing of the bed of the Mura River was merely a hydrological issue.

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80 Bidermann, “Die Grenze,” 95–96. Cf. Sallai, “A magyar–oszátrák határ,” 290–92.

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