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## THE NEGOTIATIONS LEADING TO THE SECOND PEACE OF TORUŃ

**Key words:** Poland, Prussia, the Teutonic Order, the Thirteen Years' War, negotiations, treaty documents

The long conflict between the Prussian Confederation, the Crown of the Kingdom of Poland and the State of the Teutonic Order in Prussia was interwoven with numerous negotiations and truces. This article does not aim to present them systematically, which had already been thoroughly examined (taking into account the extensiveness of the sources and the necessity to keep the appropriate proportions in the text) by Marian Biskup<sup>1</sup> in his fundamental work. Therefore, the issue will be discussed selectively, and I will focus on the characteristic elements of the positions of the parties of the conflict: the Teutonic Order, Poland and the Prussian Confederation. It should be reminded that during the conflict the first attempts at negotiations took place at the turn of 1454 and 1455, in the summer and autumn of 1455 Frederic II of Brandenburg tried in vain to mediate, the next negotiations (preceded by Hungarian nobleman John Jiskra's mediation) were held in August and September of 1458 and led to the signing of the truce in Prabuty, which was to last from 13 October 1458 for nine months – in the meantime more negotiations were attempted but they proved inconclusive. Another important event, although without the Teutonic Order's delegation, was the Polish-Czech meeting in Głogów in May of 1462, in 1463 papal legate Hieronim Lando failed his mediation, and the next year brought attempts by mediators from Lübeck and other Hanseatic cities. In the summer of 1465 very important talks were held on the Vistula Spit, and in 1466 legate Rudolf von Rüdeshheim led to the conclusion of the negotiations and the peace treaty was signed<sup>2</sup>. It should be emphasized

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<sup>1</sup> Marian BISKUP, *Trzynastoletnia wojna z Zakonem Krzyżackim 1454–1466*, Warszawa 1967.

<sup>2</sup> *Ibid.*, pp. 314–318, 397–404, 530–531, 539–543, 635–636, 638–641, 658–666, 676–679, 695–711.

that for the sake of all these talks the Polish negotiators used a number of legal arguments which had been prepared in the first half of the 15<sup>th</sup> century during the conflict at the Council of Constance, the Roman litigation, and other. The representatives of the Prussian Confederation adopted a similar view, which was reflected in Jan Bażyński's speech in Cracow in 1454, as well as in the Act of Incorporation of Prussia<sup>3</sup>.

Already in the first stage of the conflict negotiations were held near Szczepanki (1454/1455) and as they continued the Teutonic Order held to the legalistic perspective (supported by its victory in the Battle of Chojnice and the following unsuccessful Polish offensive). The Order's main arguments can be established by an analysis of the list of documents brought by the delegation of the Grand Master (its chief experts were doctor Laurentius Blumenau and Stephan von Neidenburg, parish priest of Elbląg and clerk of the Grand Master)<sup>4</sup>, which clearly shows the Order's main arguments. Apart from the acts used in diplomatic contacts, that is the letters of authentication and letters of attorney, there were copies of papal bulls – condemning the Prussian Confederation (probably Pope Nicholas V's bull *Mirari coquimur* from 24 May 1454<sup>5</sup>) and another one, directed to prelates in Prussia, a copy of the Imperial verdict against the Prussian Confederation<sup>6</sup>, the transumption of the Peace of Brześć Kujawski of 1435<sup>7</sup>, the declaration of war by the Prussian Confederation against the Order<sup>8</sup>, a copy of the declaration of war by Casimir IV Jagiellon<sup>9</sup>, copies of

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<sup>3</sup> It was necessary to bring forward this argument as on the strength of the „unceasing” peace of 1435 there were no grounds for the Polish Crown to start the war with the Teutonic Order; what's more, the major part of the Polish elites were against interfering into the internal issues of Prussia – see Andrzej WOJTKOWSKI, *Tezy i argumenty polskie w sporach terytorialnych z Krzyżakami*, Olsztyn 1968, pp. 97–104; Waldemar BUKOWSKI, *Eryk Rozpierski z Góry Bąkowej i Straszęcina, autor Tractatuli contra Cruciferos, Regni Poloniae invasores*, [in:] *Homines et societas. Czasy Piastów i Jagiellonów*, red. Tomasz JASIŃSKI, Tomasz JUREK, Jan M. PISKORSKI, Poznań 1997, pp. 171–173, 178–180; Marian BISKUP, *Zjednoczenie Pomorza Wschodniego z Polską w połowie XV wieku*, Warszawa 1959, pp. 278–331; idem, *Polityka zewnętrzna zakonu krzyżackiego*, [in:] *Państwo zakonu krzyżackiego w Prusach. Władza i społeczeństwo*, red. Marian BISKUP, Roman CZAJA, Warszawa 2008, pp. 258–261.

<sup>4</sup> Their list – Geheimes Staatsarchiv Preussischer Kulturbesitz, Berlin-Dahlem, XX. Hauptabteilung, Ordensbriefarchiv (further: OBA), no. 13470.

<sup>5</sup> *Regesta historico-diplomatica Ordinis S. Mariae Theutonicorum*, hrsg. v. Erich JOACHIM, Walter HUBATSCH, Bd. 2, Göttingen 1965, no. 4596.

<sup>6</sup> *Acten der Ständetage Preussens*, hrsg. v. Max TOEPPEN (further: ASP), Bd. 4, Leipzig 1884, no. 86.

<sup>7</sup> The transumpt was made on 10 December 1454 in the Marienburg castle (now: Malbork) see: Adam SZWEDA, *Dokumenty pokoju brzeskiego z 1435 r. – wprowadzenie do tematu*, [in:] *Pabaisko mūšis ir jo epocha. Straipsnių rinkinys*, sud. Ilona VAŠKEVIČIŪTĖ, Vilnius 2016, p. 76.

<sup>8</sup> Comp. ASP, Bd. 4, no. 185; M. BISKUP, *Trzynastoletnia wojna*, p. 112.

<sup>9</sup> *Die Staatsverträge des Deutschen Ordens in Preussen im 15. Jahrhundert*, hrsg. v. Erich WEISE (further: Weise), Bd. 2, Marburg 1955, no. 289; Adam SZWEDA, *Organizacja i technika*

letters by the Prussian Confederation blaming the Order, and, in relation to it, a remark that doctor (Laurentius Blumenau) knows best „what response was given to these letters by the Bishop of Warmia” (Franz Kuhschmalz)<sup>10</sup>, a copy of the letter by Archbishop of Gniezno Wincenty Kot and of the bull from the Council of Basel defending the Order against the accusations of breaking the Peace of Brześć Kujawski<sup>11</sup>, a copy of the five letters demonstrating how Poland prolonged organizing the „richttag” for border disputes which was provided for in the Peace of Brześć Kujawski<sup>12</sup>, the royal letter of safe conduct (however, it is not clear, for what occasion it was issued) and five closed papal bulls directed to the following bishops: Cardinal of Cracow (Zbigniew Oleśnicki), Archbishop of Gniezno (Jan Sprowski), Bishop of Płock (Paweł Giżycki), Bishop of Włocławek (Jan Gruszczyński) and Bishop of Poznań (Andrzej Bniński)<sup>13</sup>.

The list above shows that the delegation of the Grand Master wished to expose the illicit actions of the Polish king, accusing him of breaking the conditions of the „perpetual” peace treaty of 1435 without a good reason and of not having done enough to ensure its proper observation. The support for the actions of the Order on the international stage in face of unlawful actions of the Prussian Confederation was also emphasized. Therefore, it is not surprising that the recommendation for the Teutonic Order’s emissaries urged them not to sign any treaty until the king leaves „the land and people of the Order, to which he is obliged under all laws”<sup>14</sup>. In their address, the plenipotentiaries of Ludwig von Erlichshausen argued on the basis of the documents they presented (Laurentius Blumenau openly questioned Casimir IV Jagiellon’s right to deal with Prussian affairs), and made an appeal, suggesting that it would be much better if the swords of royal subjects spilled blood of heathens and Turks and not of Christians; they also demonstrated their willingness to have the dispute settled in an arbitration tribunal<sup>15</sup>. In response, the representatives of the Prussian estates (with Gabriel Bażyński as leader) reiterated their position and reminded the declarations explaining the separation of the Prussian estates from the Order. However, it was probably the final statement that was crucial: in his letter the Grand Master himself called the king „eyn pflanzer und patron” of the Order, acknowledging that the king, like his predecessors,

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*dyploMACji polskiej w stosunkach z Zakonem Krzyżackim w Prusach w latach 1386–1454*, Toruń 2009, pp. 287–288.

<sup>10</sup> He belonged to the opponents of the Federation and took part in the legal battle against it – Edith LÜDICKE, *Der Rechtskampf des Deutschen Ordens gegen den Bund der preußischen Stände 1440–1453*, *Altpreußische Forschungen*, Jg. 12: 1935, pp. 8–22.

<sup>11</sup> A. SZWEDA, *Organizacja i technika*, p. 47.

<sup>12</sup> It concerns the fact of ceasing to hold such trials after 1450 – comp. *ibid.*, pp. 278–279.

<sup>13</sup> The documents were not identified.

<sup>14</sup> Weise, Bd. 2, no. 313; M. BISKUP, *Trzynastoletnia wojna*, pp. 315–316.

<sup>15</sup> ASP, Bd. 4, no. 301; M. BISKUP, *Trzynastoletnia wojna*, p. 316.

had been and continues to be their patron and the one who brought the Teutonic Knights into Prussia and that „the waters have come to where they had been before”. In relation to that, the confederates stated that „we were again incorporated into the body of the Crown with the king as its head, from which we had come from and with which we want to remain until death”<sup>16</sup>. The Polish delegation (castellan of Cracow Jan of Czyżów spoke on behalf of the king) claimed that the Order did not fulfil its obligation to fight the heathens; the Prussian lands were returned to their lawful ruler. The idea of settling the dispute in an arbitration tribunal was rejected as ineffective, although in the last resort the Poles were ready to agree to a peacemaker chosen from among the princes of the Reich<sup>17</sup>. The uncompromising position of all parties – resulting from the situation at the time – led to the breaking off of the negotiations without conclusion.

Next, in the spring of 1455, king’s envoy Jan Lutkowic of Brzezie participated in the Reich’s parliament’s session in Wiener Neustadt, where he put forward a proposal to relocate the Order from Prussia to another place, „closer to heathens” (probably Podolia)<sup>18</sup>, which was rejected by all involved parties, including the Emperor. This idea, which had been presented in earlier disputes between Poland and the Teutonic Order, was often raised during the negotiations until the end of Thirteen Years’ War.

The September of 1455 saw the mediation of Frederick, Margrave of Brandenburg. Even before then, the Grand Master and his advisors, preparing their negotiating positions, warned that if the Polish king demanded that the Grand Master and the Order be towards him „dienstbar ader czinsbar”, such a demand would be rejected, and, similarly, if the king demanded Prussia for himself and offered some other lands to the Order<sup>19</sup>.

The war continued and although from the military perspective its result was not decided, the position of the Prussian estates was becoming more clear. In this context an instruction for the emissaries from Gdańsk for the negotiations planned for March of 1459 seems particularly enlightening. It was entitled: „Befehlinge den sendebotten [...] mit den finden zu halden”<sup>20</sup>. No „neutral” term for the negotiating partners was used and they were openly called „enemies”.

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<sup>16</sup> *Die Danziger Chroniken*, hrsg. v. Theodor HIRSCH, [in:] *Scriptores rerum Prussicarum*, Bd. 4, Leipzig 1870, pp. 434–437; ASP, Bd. 4, no. 302.

<sup>17</sup> OBA, no. 13411, 13437; M. BISKUP, *Trzynastoletnia wojna*, pp. 315–316.

<sup>18</sup> Ludwik KOLANKOWSKI, *Dzieje Wielkiego Księstwa Litewskiego za Jagiellonów*, vol. 1, Warszawa 1930, p. 289, footnote 7 (print: OBA, no. 13363); M. BISKUP, *Trzynastoletnia wojna*, p. 383.

<sup>19</sup> OBA, no. 14128; M. BISKUP, *Trzynastoletnia wojna*, p. 399.

<sup>20</sup> ASP, Bd. 5, Leipzig 1886, no. 4.

The basic instruction for king's envoys was to demand the total elimination of the rule of the Order on their territory and if any Teutonic Knight deemed „good” was to remain in the country, he could do so only as a royal subject, who could be „accepted to live in a [neighbouring] state or cities”. If, however, the Order was to be granted reprieve and remain in Prussia, it would be given Sambia – but the three cities of Königsberg with the castle, the right to collect amber, Lochstädt, the places situated on the route to Lithuania (Labiawa, Tapiawa, Tylża, Ragneta), half of the Curonian Spit as well as the city and the castle of Klaipeda should remain with the king. The instruction also stated that if during the talks the „enemies” demanded that castles or cities be given to them in return for money, such demands should be absolutely rejected<sup>21</sup>.

The negotiations themselves never took place and what was brought to the fore was the formal misunderstandings connected to the safe conduct offered to Poles and the confederates. Nevertheless, emissaries with ideas on how to end the conflict circled between Toruń and Chełmno, where the delegates of the Order were stationed. Toruń also saw the visit of the emissaries staying in Chełmno, of the Palatine of the Rhine, of the Saxon prince and of the Margrave of Brandenburg, who offered mediation in solving the conflict<sup>22</sup>. However, these attempts proved futile.

The official records of the Confederation show that on 30 March 1459 the Polish lords came to the town hall in Toruń and summoned [local] merchants to whom Bishop of Cracow Tomasz Strzępiński referred the latest developments but also explained the right („gerechtigkeit”) of the king to these lands, which had been confirmed by Pope John XXII (1316–1334) and Pope Gregory XII (Pope 1406–1415 – mistaken for Pope Benedict XII) as well as by numerous charters and letters<sup>23</sup>. This address of Bishop Strzępiński is often linked with an extensive and very well documented text *Memoriale de iusticia mote litis magistro et ordini Cruciferorum [...] per regem Polonie pro terris Pomeranie, Culmensi et Michaloviensi*<sup>24</sup>, however, it seems unlikely that the prelate referred such a long text to the merchants and probably it was a shorter and more emotional text entitled: *Die Gerechtigkeit unsers herrn königs uber das landt tzue Preuszen*, which has been preserved with the instruction for the emissaries from Gdańsk mentioned above. It refers the mission of the emissaries of the estates to Casimir IV Jagiellon in February of 1454 and explains its reasons („gewaldt und unrecht von den creutzigen”), quotes the request to

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<sup>21</sup> Ibid.

<sup>22</sup> ASP, Bd. 5, no. 5, pp. 19–20.

<sup>23</sup> Ibid., p. 23.

<sup>24</sup> A. WOJTKOWSKI, op.cit., pp. 111–118; Lidia KORCZAK, *Strzępiński Tomasz*, [in:] *Polski słownik biograficzny*, t. 45, Warszawa–Kraków 2007–2008, pp. 82–83.

the monarch to take them under his care as no other ruler nearby had a better right to Prussia since it had been separated from his kingdom in the past. Then – according to the text in question – the king asked for advice and opinion of all his lords, prelates of the University of Cracow, John of Capistrano and they all acknowledged that the king has the right to the Prussian lands and can „mit got und rechte” take it and become its sovereign. After this piece of advice the lords of the Crown enumerated all the Teutonic Knights’ hostile acts against Poland and all the „perpetual” peace treaties broken by them, starting with the time „vor grossen streite” (that is, from before the Battle of Grunwald) until the Peace of Brześć Kujawski. An incident from 1393 was also mentioned, when the Teutonic Knights captured Prince Janusz of Masovia (Janusz I of Warsaw) during a hunt, placed him on a horse and tied his legs under the belly of the animal – it is quite a surprising reminiscence of the event when the Teutonic Knights destroyed a town which was under construction in Złotoria in Podlachia, where Prince Janusz was staying at the time. The incident was very well known as it was brought up in all disputes between Poland and the Teutonic Knights in the first half of the 15<sup>th</sup> century<sup>25</sup>. The text concludes with the king’s demand to be given the rest of the Prussian castles as no one else had a better right to them than he did<sup>26</sup>. The text in question certainly does not refer to all of the address by the Polish prelate – he also mentioned the verdicts of papal courts in the 14<sup>th</sup> century; what is symptomatic, however, is that in the text preserved in Gdańsk there is no reference to them – they concerned only the royal rights to Pomerania and what interested the confederates was the all-Prussian context and a sufficiently high level of emotions.

In the same year, 1456, during the sejm in Piotrków the delegation from the Prussian estates again presented an anti-Teutonic Order position, which, however, did not fully correspond to the royal court’s position in the matter. What is illuminating in an article, presented by the Prussians, they claimed that as far as they knew the king was to be approached by the Archbishop of Riga and the Bishop of Sambia, who were to travel through Lithuania. In response, it was demanded that the Lithuanian lords should not allow this to happen without the king’s consent and Casimir IV Jagiellon himself should – if the emissaries managed to get there – reject it since both these prelates were supporters of the Order. The monarch’s response could not satisfy the confederates – in his view the emissaries should come by all means, if any good would come out of it<sup>27</sup>.

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<sup>25</sup> See Marek RADOCH, *Zarys działalności polityczno-dyplomatycznej książąt mazowieckich wobec państwa krzyżackiego w Prusach w latach 1385–1407*, Olsztyn 1999, pp. 74–75.

<sup>26</sup> ASP, Bd. 5, no. 4, pp. 14–16.

<sup>27</sup> Ibid., no. 8, p. 29.

The mediation by the Hanseatic League was a very important element of the negotiations (the diplomatic mission was led by Bishop of Lübeck Arnold Westphal). It took place when the military situation of the Order was steadily growing worse after the Battle of Świecino. In June of 1464 the mediators were on their way from Malbork to Grudziądz and, as was noted in their account from the mission, in the 10-mile stretch between the two cities they encountered not a single living human being, neither a dog or a cat. It was also impossible (which is understandable) to buy even a slice of bread or beer<sup>28</sup>. This illustrates the scale of destruction, which constituted an important factor in the attempts to reach an agreement. The negotiations were held in Toruń and the delegations consisted of very high ranking officials. It should be emphasized that the branch of the Order from Livonia was very widely represented by officials, clergy and burghers and also supported by scholars and lawyers: Dr Jan Winkeler and Stephan von Neidenburg<sup>29</sup>. It should be noted that the Bishop of Lübeck did not promote the interests of the Order. It became evident when the delegation of the Teutonic Knights questioned the letter of safe conduct and did not want to travel from Chełmno to Toruń for the negotiations. Andreas Westphal then threatened to abandon the mission by the delegation from Lübeck, being aware that such a move would harm mostly the Teutonic Knights. Indeed, the blackmail of the mediators brought the desired effects<sup>30</sup>. The negotiations were held in a rather tense atmosphere, full of distrust. This was particularly visible in the relations between the confederates and the Teutonic Knights. The delegates of the Grand Master reacted very strongly to the open threats, voiced at an altercation in the street, which the mayor of Toruń directed to Commander of Elbląg Heinrich Reuss von Plauen – the incident was concluded by a special meeting with an arbitrator. The tense atmosphere was also evidenced by another incident from 2 July 1465 when a certain youngster („ein buffe”) put on a white coat with a black cross and walked around the town hall several times, which was witnessed by some Teutonic Knights. Later, he was surrounded by a few other people, who made a show of manhandling the alleged „Teutonic Knight”<sup>31</sup>. This incident as well led to an intervention with the Bishop of Lübeck, governor Bażyński and the mayor, and started a protest against the insult of the Order’s delegation. Polish intellectuals (Jan of Dąbrówka, Jakub of Szadek, Maciej of Raciążek and Jan Długosz) again collected the body of documents and chronicles documenting

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<sup>28</sup> *Hanserecesse*, 2. Abt., bearb. v. Goswin VON DER ROPP, Bd. 5, Leipzig 1888, no. 443, p. 317.

<sup>29</sup> *Paul Pole’s Preussische Chronik*, bearb. v. Max TOEPPEN, Beilage 2: *Verhandlungen der Tagfahrt zu Thorn 1464*, [in:] *Scriptores rerum Prussicarum*, Bd. 5, Leipzig 1874, p. 228.

<sup>30</sup> *Ibid.*, p. 231.

<sup>31</sup> *Ibid.*, pp. 233–234.

the Crown's rights to Pomerania. Thus the negotiations became a legal battle, during which the arguments known from the past were raised again.

What constituted a novelty were the Polish pieces of evidence related to ancient past: the lands of Pomerania, Chełmno and Michałów had been taken into possession by the Polish people and language, specifically, these lands were to be settled by the Lechites who arrived from Pannonia; the Poles gave names to towns, mountains and rivers<sup>32</sup>. It was Bishop Westphal<sup>33</sup> himself who referred these claims to the Teutonic Knights at the joint session. The representatives of the Order replied that it was not clear who was the first after Adam and Eve to take these lands into possession, and even if it were known, that would have no consequences for the conflict between Poland and the Teutonic Knights. Moreover, the Order traditionally pointed to its legal title to the Prussian lands and Pomerania – the documents of donation and their numerous confirmations in subsequent years<sup>34</sup>. The mediators, whose primary goal was to restore peace in order to eliminate trade barriers, suggested a 20-year long truce supporting the status quo and in that time a grievance committee would have to consider the matter of the disputed lands (in fact, all of Prussia) and pass a verdict. The proposal was rejected by the Polish authorities, however, during a private visit to the Bishop of Lübeck the Poles, led by Jan Lutkowic of Brzezie, assured him that the king did not wish to destroy the Order completely, nevertheless the Order should transfer Prussia with the lands of Michałów and Pomerania with appurtenances, to submit to the king, to pay homage and then it would gain Sambia, „eyn gud nutte unde fruchtbar land”. The mediators found these conditions too harsh, they also claimed that the Order would not allow to be resettled „in einen winkel”. Moreover, they did not want to accept the idea that future migrants from Livonia and Germany could not join the Order<sup>35</sup>.

The next phase of the negotiations were the talks held on the Vistula Spit (in Kobbelgrube, now Stegna) in 1465. They were particularly interesting because in the first two rounds of negotiations almost solely representatives of the estates took part. The „Polish” side was represented by Prussians, knights as well as town councillors of Gdańsk and Elbląg, led by Governor Ścibór Bażyński. Although among those on the opposite side were the clerk of the Grand Master, Stephan von Neidenburg, and a few servants of the Grand Master, the leading role was assumed by the knights of Sambia and representatives of the three cities of Königsberg – mayor of the Old Town Georg Steinhaupt was the main interlocutor of Ścibór Bażyński. There were no leading dignitar-

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<sup>32</sup> A. Wojtkowski, op.cit., pp. 119–137.

<sup>33</sup> *Paul Pole's Preussische Chronik*, pp. 235, 237–241.

<sup>34</sup> *Ibid.*, pp. 241–242.

<sup>35</sup> *Hanserecense*, 2. Abt., Bd. 5, no. 443, p. 344.



ies and officials among the negotiators. When the two delegations finally met, the Polish and Confederation's plenipotentiaries were also accompanied by burghers banished from Königsberg (four of them are mentioned by name)<sup>36</sup>. Thus in a sense it was a talk „among friends” – representatives of the estates from the opposite sides of the barricade. Perhaps this is why there was a certain awkwardness at the beginning of the session. According to the Teutonic Order's official records both delegations, having first exchanged greetings, sat in silence, „nobody wanted to speak”. Finally, Governor Ścibór Bażyński said that „when people meet and want to establish something, someone to start the conversation must be found”<sup>37</sup>. What he said afterwards, however, blaming the Teutonic Order for the failure of all the previous negotiations and underlining the indissolubility of the bond between the Prussian confederates and the king, did not make further talks easier.

The first day proved futile but in the evening the confederates proposed that in order to save time the representatives of the Order should eat their meals with them in Kobelgrube and would not have to go back to their quarters in Sztutowo<sup>38</sup>. After the outburst of mutual accusations, Mayor of Gdańsk attempted to break the atmosphere of mistrust and establish a bond, saying „Wir sein auch lange nicht bey einander gewesen, nu mogen wir uns doch mit einander bereden und ansehen”<sup>39</sup>. All plausible false interpretations and excessive expectations of the Order were clarified by Ścibór Bażyński stating that the confederates stood faithfully by the king and thus no one should believe that they would like to subordinate to the Order again, and that the confederates wished that everybody (that is also the estates which had recognized the rule of the Grand Master) should be under one reign. The king had taken permanent control over Prussia and intended to leave it to his children in inheritance. The Order might be promised „ein stucke lands” so that it could be preserved there and the king would be its highest defender („oberster beschirmer”), the Grand Master might be appointed to king's council; here Bażyński quoted a Spanish analogy, where the master was in king's council<sup>40</sup>. Georg Steinhaupt asked what it was supposed to mean that everyone would be under one reign and the Order would get a piece of land. Bażyński explained that all the castles and cities would be king's while the Order would have the countryside to live in, and no foreigners would be allowed in the Order but only „our relatives and locals (natives – inczogelinge) so that all the money and

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<sup>36</sup> Paul Pole's *Preussische Chronik*, Beilage 3: *Die Friedensverhandlungen auf der Nehrung 1465*, pp. 243–244.

<sup>37</sup> *Ibid.*, p. 244.

<sup>38</sup> *Ibid.*, pp. 244–246.

<sup>39</sup> *Ibid.*, p. 247.

<sup>40</sup> *Ibid.*, pp. 247–248.

goods remain in the country". The next question of the mayor of Königsberg concerned the supplies for the Order. According to Bażyński, the Order was to get some villages and estates and – maybe („villeichte") – the king would give it some land on the border with the heathen („an der heidenschafft") so that it could settle and strengthen it<sup>41</sup>. Otto Machwic asked the burghers of Königsberg an important question. He wanted to know whether, assuming that the Order was given some land in the countryside, his interlocutors would be willing to live together with the estates of the western part of Prussia. If they answered yes, he declared help and undertaking attempts to ensure that the castles and cities purchased with the estates' money would remain under their control and would not be transferred to „keinen undeutschen"<sup>42</sup>. The Mayor of the Old Town of Königsberg noticed that the situation was bad in places run by non-Germans (as examples he gave Cracow, Lithuania and Samogitia), he also claimed that this was why they themselves returned under the Order's rule and they liked its „regiment" very much. Moreover, Steinhaupt also said that he and his companions had been convinced that the previous meetings failed because of the „auslender" (that is, Poles) but now he realised that it was „us ourselves that are in the way", although, in accordance with a saying, „if someone is to make peace, it should be done by the locals"<sup>43</sup>. He said that the proposal to give the Order a fragment of Sambia cannot be accepted by him and his companions, because they were „geholt und geschworene manne" of the Order and the Grand Master and it would be despicable<sup>44</sup>. The words of Steinhaupt are also worth quoting. He warned the partners from the other part of Prussia against strengthening the king too much and allowed himself some irony in his wishes: „Got gebe, das es euch alle gehalten werde, was euch zugesagt ist und vorschriben"<sup>45</sup>.

Similar teams of the Order's and Confederation's negotiators presented themselves at the second part of the talks, again in Kobbelgrube, in the beginning of August of 1465. The matter of territorial cessions was brought up again. Mayor Steinhaupt summarised the situation: What should we give away? The Prussian country; To who? To the King of Poland; Who does it belong to? Not to us but to the German Order and our lawful masters. No wonder that the matter has to be considered carefully, since it is not done by princes and lords, and thus the representatives of Teutonic Prussia need a thorough explanation, because it had been written: you have hidden these things from the wise and

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<sup>41</sup> Ibid., p. 248.

<sup>42</sup> Ibid., pp. 248–249.

<sup>43</sup> Ibid., p. 249.

<sup>44</sup> Ibid., pp. 249–250.

<sup>45</sup> Ibid., p. 251.

learned, and revealed them to little children (Luke 10, 21)<sup>46</sup>. Ścibór Bażyński did not find such explanations necessary, claiming that the king's rights to Prussia had been clearly proved to the mediators from Lübeck and earlier, during the meeting with the Czech king in Głogów.

The third part of the negotiations on the Vistula Spit held at the turn of August and September of 1465 was conducted by other delegations – the novelty was the presence of a group of the Order's dignitaries led by Marshal of Livonia Gerhard von Mallinckrodt. The talks were mediated by Bishop of Warmia Paulus Legendorf. What is interesting is that at some stage the Polish negotiators wanted to talk only with the representatives of the Prussian estates, excluding the Order's lords, which, however, the burghers and knights under the Teutonic Order's rule did not want to agree to<sup>47</sup>. This round of the negotiations was dominated by hard territorial dispute (the matter of leaving some part of Pomerania to the Order, or at least Malbork and the district of Elbląg). Stephan von Neidenburg was the Teutonic Order's delegation main speaker but the Landmarshal of Livonia also spoke – Prussians lacked unity which had already been evident during controversies at earlier meetings on the Spit. On the other side, one of the „Polish doctors” who arrived for talks addressed the meeting – his statement had to be translated into German by Otto Machwic.

The matter of the recruitment of new members for the Order was raised again – here Stephan von Neidenburg voiced his concern in relation to the danger of mixing the Germans „mit der Windeschen nation und Undeutschen”, since it was commonly known that state matters were not well when a non-German had „das regiment” in it, which was evident in Poland, Lithuania, and other. This is why he proposed a compromise on behalf of the Grand Master: only the local Prussians could become members of the Order and after the Grand Master's death his successor would have to be a monk from Prussia, and after him again an „auslender”; half of the monks would be the locals and the other half immigrants from the Reich<sup>48</sup>.

When further disputes did not result in any constructive solution and in face of the hard position of the Polish-Confederate side, Stephan von Neidenburg voiced a hardly diplomatic statement, which was an accurate assessment of the situation, however, not only at that time but also when the peace was actually being made and later: „Wir spilen ungleich, yr des gewinnes und wir der verlost. Wen wir och mochten gewinnen, villeichte wurden wir anders singen”<sup>49</sup>.

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<sup>46</sup> Ibid., pp. 255–256.

<sup>47</sup> Ibid., p. 262.

<sup>48</sup> Ibid., pp. 266–267.

<sup>49</sup> Ibid., p. 265.

In conclusion, the Polish-Confederate side was ready to transfer to the Order a part of the district of Elbląg, Dzierzgoń and Ostróda<sup>50</sup>.

The significance of the negotiations on the Vistula Spit did not lie in their substantial contribution to the attempts at reaching the final agreement. The talks provided a platform for the search for agreement between the two factions of the Prussian estates. The sense of unity between them was palpable, however, the increasing conflicts and disparate visions for the future proved difficult to overcome. By this time, therefore, the process of formation of the „two parts of Prussia” had already begun, and the two parts were separate, although even later they were eager to cooperate in specific matters<sup>51</sup>.

A new opportunity came with the mission of papal legate Rudolf von Rüdesheim in September of 1466. The demands of the Polish-Prussian side presented to him by the Bishop of Gniezno named Pomerania, Chełmno Land and Michałów Land as the „*terras naturals*” of the king and Kingdom. Apart from them, the king was supposed to gain a part of Prussia proper as sign of his sovereignty over the Order. This part of Prussia turned out to be its majority because at the beginning of the proper talks held in three tents near Dybów, the Order was again offered Sambia without the three cities of Königsberg. The legate, underlining the involvement of Pope Paul II and the destruction of the country, asked the king for more generosity. Archbishop Gruszczyński, responding on behalf of Casimir IV Jagiellon, enumerated the many possessions that the king had managed to win lately at considerable cost, nevertheless offered to include Königsberg, several places in Low Prussia and all of the Brandenburg (Pocarmin) district into the territory of the State of the Teutonic Order. In return, the Grand Master was to become subject of the king and the Crown, and become towards them the „*gehuldigeter man*”<sup>52</sup>. The territorial disputes were the bone of contention until the very end, however, after the surrender of Chojnice (28 September) the Teutonic Knights had to be more flexible. The legate travelled in person to the Grand Master in Chełmno, who was willing to make significant concessions and wanted a personal conversation with the king, requesting only that a stamped membrane be sent, on which the letter of safe conduct in his name would be placed. On 9 October legate Rudolf returned to Toruń, where he met the king in the town hall and presented the latest version of the Order’s proposals, which also offered to transfer some places in Powiśle (Pomezania), then under the Master’s control. The legate voiced a conviction that the king would not jeopardize peace because of one castle or district. Casimir IV Jagiellon made the proposal the

<sup>50</sup> Ibid., p. 270.

<sup>51</sup> Comp. Janusz MAŁĘK, *Dwie części Prus. Studia z dziejów Prus Książęcych i Prus Królewskich w XVI i XVII wieku*, Olsztyn 1987, pp. 9–30.

<sup>52</sup> ASP, Bd. 5, no. 69, p. 191.

basis for the final talks with Ludwig von Erlichshausen, who was to appear in Toruń in person<sup>53</sup>. As we know, on 19 October 1466 the peace was solemnly signed and sworn<sup>54</sup>.

The documents of the Peace of Thorn were analysed some time ago by Przemysław Nowak, who had made a complete list of sources and discussed the complete literature on the subject<sup>55</sup>. Some characteristic elements are worth analysing here. The treaty documents consist in six acts. Apart from the preliminary and main documents of each side, two documents have been preserved – planned as next preliminary documents of the Grand Master and Order – questioned by the Polish side because one of them was authenticated by only three seals and in the other one the titles of Casimir IV Jagiellon did not include his rights to Prussia<sup>56</sup>. Only the third document was accepted by the representatives of Casimir IV Jagiellon. The form of the documents is another significant question as they are characteristic of notarial instruments, including the subscriptions of the notaries. They were also signed by papal legate Rudolf von Rudesheim. According to Nowak, such a solution did not make the analysed acts notarial instruments, and the subscriptions on them „serve rather to confirm the immediate execution of the conditions of the peace treaty. It is proved by the fact that a Polish-Teutonic delegation was immediately sent to Rome to have the peace treaty confirmed by the Pope, even though a fundamental procedure, namely ratification, that is a ceremonial exchange of the main documents, was not performed”. Later in his text, the scholar argues that it was the reason for the lack of the difference in forms between the preliminary and main documents of the Second Peace of Thorn, which did not follow the patterns used in earlier treaties signed by Poland and the Teutonic Order<sup>57</sup>. There are no grounds, however, to link the undisputable fact that the peace was effective immediately with the elements of the form characteristic of notarial instruments. The power of these documents, or church documents, is not known. The immediate execution of the regulations of the treaty was undoubtedly related to the fact that both rulers stayed in Toruń for over a week before the final agreement was signed, and, most importantly, the peace treaty was solemnly sworn by them in the presence of their advisors and dignitaries. In this sense, the ratification by exchanging

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<sup>53</sup> Ibid., no. 69, pp. 194–195.

<sup>54</sup> About the circumstances of this event see recently: Adam SZWEDA, *II pokój toruński*, [in:] *Toruń miastem pokoju. II pokój toruński*, red. Piotr OLIŃSKI, Waldemar ROZYNKOWSKI, Toruń 2016, pp. 53–54.

<sup>55</sup> Przemysław NOWAK, *Dokumenty II pokoju toruńskiego z 1466 roku*, *Studia Źródłoznawcze*, vol. 43: 2005, pp. 85–110.

<sup>56</sup> Ibid., p. 95.

<sup>57</sup> Ibid., pp. 95–96.

the main documents (which were immediately written down on the spot) was a mere formality, and, out of necessity, it was performed later, after the seals from all the guarantors agreed upon by the sides were collected. Therefore, it seems reasonable to agree with Antoni Gaşiorowski, who claims that the form of the treaty documents is a consequence of the presence of the papal legate and notaries accompanying him in the process of their creation<sup>58</sup>. However, it did not implicate legal consequences.

In the finally agreed conditions of the peace treaty it was the territorial decisions that have drawn the most attention and they do need to be discussed here<sup>59</sup>. The matters of state and legal nature should be mentioned as well: the Grand Master became a prince and member of the Kingdom's and king's council, the king incorporated the Grand Master, his subjects and all Prussian lands into the Kingdom („nobis et regno nostro Polonie perpetuo connectimus, iungimus et inuisceramus” – note „viscera” (*Eingeweide*)), the Grand Master was obliged to provide military aid, up to a half of the new members of the Order should come from „among the subjects of the king” (therefore, it did not mean ethnic Poles but the knights from Royal Prussia, which would correspond with the contents of the talks held in Kobbelgrube), the king accepted a free election of the Grand Master in accordance with the internal regulations of the Order, the Grand Master would swear an oath (in person, within 6 months after every election), the treaty also included the oath formula.

In his recent publication (2014), Klaus Neitmann shows numerous parallels between the Second Peace of Thorn and earlier treaties between Poland and the Teutonic Order, however, he rightly notes that the imbalance (*Ungleichgewicht*) between both partners in 1466 is particularly clear in the fact that the text of the treaty does not directly refer to the taking of the oath by the king, which at the next opportunity (that is, after Casimir IV Jagiellon's death) was used to deny it to the Order<sup>60</sup>.

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<sup>58</sup> Antoni GAŞIOROWSKI, *Nad dokumentami pokoju toruńskiego 1466 roku*, Kwartalnik Historyczny, vol. 79: 1972, no. 1, p. 138.

<sup>59</sup> Weise, Bd. 2, no. 403; the analysis of the content of the documents is provided by M. BISKUP, *Trzynastoletnia wojna*, pp. 703–709; Maksymilian GRZEGORZ, *Analiza dyplomatyczno-sfragistyczna dokumentów traktatu toruńskiego 1466 r.*, Toruń 1970, pp. 51–54; Klaus NEITMANN, *Von der Herstellung und Sicherung des „ewigen Friedens”. Der II. Thorner Friede von 1466 im Rahmen der Landfriedensvereinbarungen und Friedensschlüsse des Deutschen Ordens in Preußen mit seinen Nachbarmächten im 15. Jahrhundert*, [in:] *Erbeinungen und Erbverbrüderungen in Spätmittelalter und Früher Neuzeit. Generationsübergreifende Verträge und Strategien im europäischen Vergleich*, hrsg. v. Mario MÜLLER, Karl-Heinz SPIESS, Uwe TRESB, Berlin 2014, pp. 185–210.

<sup>60</sup> K. NEITMANN, *op.cit.*, p. 210.

The peace treaty was signed when both sides of the conflict were tired and their supplies exhausted, the scale of war destruction was also great (this is why the king released the Grand Master from the obligation to provide military aid for 20 years). The Order ended the war beaten both militarily and ideologically. The Prussian confederates who presented a consistently anti-Teutonic Order stand had to accept that the maximum goal had not been achieved. The Crown gained rich provinces but after a long war and in the situation, when in 1454 they seemed to be just waiting for the king to „take them”. It should be emphasized that although the Prussian estates consistently demanded that the Order’s rule should be completely eradicated, the Polish side from the very beginning focused on the lands which it had already demanded from the Order before, after 1411. The rift between the Prussian Confederation and the king with the Polish elites (although not very deep) was not the only one – during the conflict there were cracks (ideological as well) among the Prussians themselves, which was clearly demonstrated by the negotiations in Kobbelgrube.

Like many „perpetual” treaties, the Second Peace of Toruń did not last very long. The political and cultural transformations in Europe and within the State of the Teutonic Order itself, as well as new policies of the grand masters coming from ruling dynasties (Frederick of Saxony and Albrecht Hohenzollern) led to a new conflict and a new political solution.

*(transl. by Agnieszka Chabros)*

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## ROKOWANIA PROWADZĄCE DO ZAWARCIA DRUGIEGO POKOJU TORUŃSKIEGO

### Streszczenie

**Słowa kluczowe:** Polska, Prusy, zakon krzyżacki, wojna trzynastoletnia, negocjacje, dokumenty traktatowe

Od pierwszych miesięcy trwania wojny trzynastoletniej odbywały się rozmowy, których celem było znalezienie pokojowego rozwiązania. Ich przebieg był warunkowany z jednej strony rozwojem działań wojennych, z drugiej – różnymi oczekiwaniami walczących stron. Zakon krzyżacki od początku prezentował stanowisko legalistyczne, odmawiając ustępstw, co zmieniło się dopiero po kolejnych klęskach i stratach terytorialnych. Stany pruskie uznające władzę króla domagały się całkowitego usunięcia Zakonu z Prus, natomiast elity polskie przejawiały chęć kompromisu. Z szeregu negocjacji wyróżnić można rozmowy w Kobelgrubbe w 1465 r., prowadzone w dużej mierze między przedstawicielami stanów – podległych królowi i wielkiemu mistrzowi. Pokazały one niemożność wewnątrzpruskiego porozumienia na późnym etapie konfliktu. Ostateczne porozumienie zostało zaprzysiężone przez obu panujących, obecnych podczas finalnej fazy negocjacji, co nadało porozumieniu obowiązującą moc prawną, jeszcze przed wymianą głównych dokumentów traktatowych.

## DIE VERHANDLUNGEN VOR DEM ZWEITEN THORNER FRIEDEN

### Zusammenfassung

**Schlüsselwörter:** Polen, Preußen, Deutscher Orden, Dreizehnjähriger Krieg, Verhandlungen, Vertragsdokumente

Seit den ersten Monaten des Dreizehnjährigen Kriegs fanden Gespräche statt mit dem Ziel, eine friedliche Lösung zu finden. Ihr Verlauf war einerseits bedingt durch die Entwicklung des Kriegsgeschehens und andererseits durch die verschiedenen Erwartungen der kämpfenden Parteien. Der Deutsche Orden nahm von Anfang an einen legalistischen Standpunkt ein und lehnte Zugeständnisse ab, was sich erst nach weiteren Niederlagen und territorialen Verlusten änderte. Die preußischen Stände, die die Herrschaft des Königs anerkannten, forderten die vollständige Entfernung des Ordens aus Preußen, während die polnischen Eliten einen Willen zum Kompromiss an den Tag legten. Aus der Reihe der Verhandlungen kann man die Gespräche in Kobelgrubbe 1465 hervorheben, die vor allem zwischen den Vertretern der Stände, die dem König unterstanden, und dem Hochmeister geführt wurden. Sie zeigten die Unmöglichkeit einer innerpreußischen Verständigung in der späten Phase des Konflikts. Die schließliche Übereinkunft wurde von beiden Herrschern beschworen, die während der letzten Phase der Verhandlungen anwesend waren, was der Übereinkunft verpflichtende Rechtskraft gab, noch bevor die Hauptvertragsdokumente ausgetauscht wurden.