

## ARTYKUŁY I ROZPRAWY

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### *CIVITAS NOSTRA CRACOVIENSIS.* A SKETCH OF THE TOWN POLITICS OF KAZIMIERZ WIELKI (PART I)<sup>1</sup>

#### Abstract

The article sums up our knowledge about the attitude of king Kazimierz Wielki towards the city of Kraków, as the biggest and most important municipal center in the Kingdom of Poland.

**Słowa kluczowe:** Kazimierz Wielki, Kraków, mieszczaństwo

**Key Words:** Kazimierz Wielki (Casimir the Great), Kraków, burghers

Among those who gathered at the bedside of the dying Władysław Łokietek on 6 March 1333 were the castellan of Kraków, Leliwit Spycymir of Tarnów, and archdeacon Jarosław Bogoria Skotnicki. As is popularly recounted in *Rocznik Traski*, citing the lost *Annales Polonorum*,<sup>2</sup> the seventy-three-year-old king made confession and accepted Last Rites from the Dominican priest Elias, and then, with great difficulty, told the assembled men: “I would like to believe that you will love him [Kazimierz] as you did love me.”<sup>3</sup> A moment later, the king died.

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<sup>1</sup> This article is an off spring from the larger study *The Kraków Town Council in the Middle Ages*, “Maiestas – Potestas – Communitas,” vol. III, Kraków 2010. Its first, poorer version appeared in Polish in the short-run periodical “Rocznik Niepołomicki” 2010 (*Kazimierz Wielki — historia i tradycja*), pp. 37–100. The following article has been revised and supplemented by the author. The second part of the article will be published in “Studia Historyczne”, issue 4/2012.

<sup>2</sup> K. Ożóg, *Studium o Roczniku Traski*, “Studia Historyczne” 1980, vol. 4, pp. 530–533.

<sup>3</sup> *Rocznik Traski*, ed. A. Bielowski, [in:] *Monumenta Poloniae Historica* (henceforth: MPH), vol. 2, Kraków 1872, p. 858 (*ego crederem, utique quod eum [i.e. Kazimierz – M.S.] sicut et michi fecistis, diligetis*); S. Kętrzyński, *Ze studiów genealogicznych II. Śmierć Władysława Łokietka*, “Miesięcznik Heraldyczny” 1934, no 5 (May), pp. 65–69, esp. pp. 68–69, no 6 (June), pp. 81–86. All known sources on the death of Władysław Łokietek have been compiled with commentary

Less than two months later, on Sunday, 25 April, Archbishop Janisław crowned Kazimierz king of Poland.<sup>4</sup>

The new ruler has certainly aroused great hope among the inhabitants of Kraków. A change in leadership signaled the possibility for improving the town-monarch relations, which had worsened considerably following Władysław Łokietek's suppression of vogt Albert's revolt.

The tasks faced by the city council, which represented the community's interests, were undoubtedly ambitious. Their realization depended not only on strengthening the council's position as the leading institution among the communal authorities of 14<sup>th</sup> century Kraków, but also strengthening the position of the city itself, which aspired to be the most important trade center in the reborn Kingdom of Poland. However, understanding Kraków's legal and economic situation at the beginning of 1333 is not possible without discussing the policies of Władysław Łokietek toward the city.

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It would be difficult to argue that Władysław Łokietek had a particularly good relationship with the burghers of Kraków over the course of his long reign. His policy toward Kraków was, in fact, rather conservative. This was due not only to the rebellion mentioned above, but also because of events that took place in the Kraków area at the beginning of his reign.

Władysław Łokietek's first attempt to control Kraków following the death of Wenceslaus II of Bohemia took place in the spring of 1306. For many years, scholarly literature promoted the incorrect belief based on descriptions from the *Kronika katedralna krakowska* (*Chronicle of the Kraków Cathedral*) and in the trial proceedings against Bishop Jan Muskata, that Łokietek first conquered the town in May 1306 and then lost it when vogt Albert launched his first rebellion.<sup>5</sup>

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in: K. Jasiński, *Rodowód Piastów małopolskich i kujawskich*, pub. M. Górny, Poznań–Wrocław 2001, pp. 119–122.

<sup>4</sup> K. Jasiński, *Dzień koronacji Kazimierza Wielkiego w świetle współczesnych źródeł*, [in:] *Opuscula minora in memoriam Iosepho Spors*, Stolpensi 1993, pp. 171–182.

<sup>5</sup> The thesis of vogt Albert's two rebellions come from the following sources: A. Kłodziński, *Jeden czy dwa bunty wójta Alberta*, [in:] *Studia historyczne ku czci Stanisława Kutrzeby*, vol. 2, Kraków 1938, pp. 337–356; *idem*, *Z dziejów pierwszego krakowskiego buntu wójta Alberta*, "Zapiski Towarzystwa Naukowego w Toruniu" (henceforth: Zap. Hist.) 1948, p. 45. For notes on this topic advanced by J. Kurtyka (*Tęczyńscy. Studium z dziejów polskiej elity możnowładczej w średniowieczu*, Kraków 1997, p. 136, note 13) who supported the older concept of two rebellions, the years-long debate has most recently been summarized by A. Marzec, *Urzednicy małopolscy w otoczeniu Władysława Łokietka i Kazimierza Wielkiego (1305–1370)*, Kraków 2006, pp. 23–24, note 22. This author leans toward the arguments put forth by scholars such as J. Wyrozumski (*Kraków do schyłku wieków średnich*, "Dzieje Krakowa", vol. 1, ed. J. Bieniarzówna, J.M. Małecki, Kraków 1992, pp. 205–206) who next notes that the adverb *iterum* found in the account in *Kronika katedralna krakowska* speaking about the repeated opposition

The burghers of Kraków, who evidently took a pro-Czech stance, refused to give the city to Łokietek. In my opinion, their refusal to open the city's gates to him was probably because they were waiting on an official declaration from Wenceslaus III.<sup>6</sup> It was only after his tragic death in August of that year that Albert, the hereditary vogt of Kraków, presumably in accord with Bishop Jan Muskata, decided to give Kraków to Łokietek and recognize his authority.

There is no doubt that the price proposed by the prince for supporting his political program was exceedingly high. However, Łokietek was aware both of Kraków's military and political significance as the key to ruling Lesser Poland. In the late summer of 1306, therefore, he was forced to "buy" the support of Kraków's burghers. Evidence of that "transaction" can be seen in two privileges that, as must be emphasized, the prince clearly had to issue even if they had not been explicitly demanded by the residents of Kraków.

The first privilege was issued in 1306, most likely at about the same time as the second – on or around 12 September. Its beneficiaries were vogt Albert and his brother Henryk. The privilege did not only immediately increased the vogt's wages, which had been previously defined by a location act (*akt lokalny*) of 1257, but also expanded his powers of law enforcement that henceforth encroached upon the principle of the estate judiciary.<sup>7</sup> The second privilege, which was

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of Cracovians to Łokietek lasted six years counting from 1306 does not indicate that the townspeople launched a rebellion then. "We of course do not know if this was active resistance or only verbal," (*ibid.*, p. 206).

<sup>6</sup> Such reasoning warrants a careful reading of the fragment from *Kronika katedralna krakowska*, containing the word *iterum*: *Revolutis autem sex annis Albertus advocatus et cives Cracovienses iterum se dicto duci Wladislao opposcentes, clausa civitate* [my emphasis — M.S.], *Boleslaum ducem Opolie sibi in dominum et defensorem vocaverunt*, see *Rocznik kujawski*, ed. A. Bielowski, [in:] *MPH*, vol. 3, Lwów 1878, p. 208. As quoted above, the records clearly indicate that the burghers resisted Łokietek by shutting the city's gates to him.

<sup>7</sup> Edition: *Kodeks dyplomatyczny miasta Krakowa* (henceforth: *KmK*), cz. 1, ed. F. Piekosiński, "Monumenta medii aevi res gestas Poloniae illustrantia" (henceforth: *Mon. Medii Aevi*), vol. 5, Kraków 1879, no 3. However, questions about the authenticity of Łokietek's privileges, which have been preserved in three official copies from 1434, 1452 and 1493, have been raised several times by experts (see J. Sikorski, *Przywileje celne miasta Krakowa i kwestia autentyczności dyplomu Łokietka z 1306 r.*, "Rocznik Krakowski" (henceforth: *Rocz. Krak.*) 1961, pp. 64–75; Z. Kozłowska-Budkowa, *Przyczynki do życiorysu Jana Muskaty*, [in:] *Ars historica. Prace z dziejów powszechnych i Polski* [dedicated to Gerard Labuda], Warszawa 1976, pp. 451–453; J. Wyrozumski, *Kraków do schyłku wieków średnich...*, pp. 188–194; J. Bieniak, *Pieczęcie dostojników małopolskich z 1306 r.*, [in:] *Opuscula minora in memoriam Iosepho Spors...*, pp. 147–170; [printed again in: *idem, Polskie rycerstwo średniowieczne. Suplement*, Kraków 2005, pp. 49–62]), it should be noted that this is not an exhaustive list and requires individual recapitulation. Regarding the encroachment of privileges, the principle *actor forum rei sequi debeat* is enough to indicate the first passage about the vogt's legal competencies: *si aliquis potens, nobilis, mediocris vel simplex, expensam in ipsa civitate fecerit, vel pannos aut res alias quascumque ad credenciam acceperit, et si ea ad terminum sibi prefixum non solverit, iure civili coram avvocato iam dicta civitatis et non alias tenebitur respondere*.

issued in a document dated 12 September, Łokietek gave the burghers of Kraków several important privileges that mainly concerned trade. Among them was the most important trading privilege “known in the Middle Ages and in a form most favorable to [the town],” namely storage rights.<sup>8</sup> Merchants traveling from Hungary and Sącz to Toruń carrying Hungarian copper were required to sell the goods they were transporting in Kraków. This privilege gave Cracovian merchants a monopoly on the trade of Hungarian copper which, due to breakthroughs in mining and smelting that took place at the end of the 13<sup>th</sup> century,<sup>9</sup> had become after salt the most important commodity exported from Central Europe to the west.<sup>10</sup> In this respect, the Cracovians’ actions had obviously been carefully thought out.

Storage rights were not the only condition set upon Łokietek by the townspeople in return for recognizing his authority. On the basis of this same privilege, he assured the local merchants virtual freedom in the trade of fish and salt. Most importantly, however, was his pledge to never build walls between the town and the castle, which would have actually reduced or eliminated Kraków’s previous autonomy. Thus, it can be said that the communal authorities, as personified by vogt Albert, in aspiring to play an independent political role in Lesser Poland and acquire a stronger position within the city governance, strove to secure the city’s independence within the state. Having the ruler’s castle inside the city walls was not only a guarantee of the allegiance of its inhabitants but also a symbol of his authority.<sup>11</sup>

Gaining the support of the nearly all-powerful Albert was for Łokietek one of the most important tasks he faced at the beginning of his reign in Lesser Poland.

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<sup>8</sup> *KmK I*, no 4. Additionally, this privilege was not preserved in the original. Its content however is known based on a 1401 copy. See also: S. Kutrzeba, *Handel i jego organizacja*, [in:] *i d e m*, J. Ptaśnik, *Dzieje handlu i kupiectwa krakowskiego*, Roczn. Krak. 1910, p. 10.

<sup>9</sup> O.R. Halaga, *Košice–Balt. Výroba a obchod v styku východoslovenských miest s Pruskom (1275–1526)*, Košice 1975, p. 65; M. Składaný, *Der Anteil des slowakischen Kupferwesens an der Vervollkommung der Technologie der Verhüttung von Kupfer im 15. Jahrhundert*, “*Studia historica slovacca*” 1986, pp. 9–45.

<sup>10</sup> B. Nagy, *Transcontinental Trade from East-Central Europe to Western Europe (Fourteenth and Fifteenth Centuries)*, [in:] *The Man of Many Devices, who Wandered Full Many Ways. Festschrift in Honour of János M. Bak*, ed. by B. Nagy, M. Sebök, Budapest 1999, p. 350; G. Myśliwski, *Strefa sudecko-karpacka i Lwów. Miejsce Śląska, Małopolski i Rusi Czerwonej w gospodarce Europy Zachodniej (połowa XIII–początek XVI wieku)*, [in:] *Ziemie polskie wobec Zachodu. Studia nad rozwojem średniowiecznej Europy*, ed. S. Gawlas, Warszawa 2006, p. 276.

<sup>11</sup> T. Poklowski, *Miejsce zamku w systemie obronnym miasta w wiekach XIV i XV w Polsce*, [in:] *Czas, przestrzeń, praca w dawnych miastach. Studia ofiarowane Henrykowi Samsonowiczowi w sześćdziesiątą rocznicę urodzin*, Warszawa 1991, pp. 61–72. The Czech and German points of view were discussed by S. Gawlas, *O kształt zjednoczonego królestwa. Niemieckie władztwo terytorialne a geneza społeczno-ustrojowej odrębności Polski*, Warszawa 2000, p. 30; *i d e m*, *Uwagi o polityce miejskiej Kazimierza Wielkiego*, [in:] *Aetas media, aetas moderna. Studia ofiarowane Henrykowi Samsonowiczowi w siedemdziesiątą rocznicę urodzin*, Warszawa 2000, p. 31 (further references are to be found there).

It was most likely a driving force behind the prince's decision to name him the castellan of the region of Sącz in 1306.<sup>12</sup> However, the events of 1311–1312 showed that neither the generous privileges the prince gave to the city and the vogt nor introducing Albert into the circle of the elite rulers of Lesser Poland guaranteed Kraków's loyalty. Albert, who undoubtedly aspired to be the ruler's right-hand man in Kraków, moved openly against Łokietek and took steps to give control of Lesser Poland first to John of Luxemburg and then to a supporter of the Přemyslids, Prince Bolko V of Opole, who appeared in Kraków in the spring of 1312.<sup>13</sup> With the repressions launched against the city after Łokietek's suppression of the revolt came the most important and significant transformations of Kraków's political system that occurred in the medieval history of the city.<sup>14</sup> Łokietek eliminated the institution of the hereditary vogt and incorporated the vast estates of the Kraków vogt's into his own.<sup>15</sup> From the seat of the town authorities, which was probably located in the vogt's tower at the junction of Bracka and Gołębia streets,<sup>16</sup> Łokietek took away privileges of the office of the Kraków vogt: the location act of 1257 as well as the charter he himself had issued in 1306.<sup>17</sup> The vogt's tower, which was located in the city centre and named in sources as the residence of vogt Henryk, was confiscated;<sup>18</sup> and the walled manor in Gródek that belonged to Albert was demolished. In its place, Łokietek commanded that a city fort be built and then staffed it with his own men whose task it was to ensure the city's faithfulness.<sup>19</sup>

It is also important to add that two months before the occupation of Kraków, in April 1312, Łokietek skillfully struck at the rebellious city's economic

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<sup>12</sup> Attention to this fact was already rightly given by A. Kłodziński, *Jeden czy dwa bunty...*, p. 351. Sources do not name Albert the castellan of Sącz for the first time until July 1309, see *Urzędnicy małopolscy XII–XV w. Spisy*, ed. J. Kurtyka, T. Nowakowski, F. Sikora, A. Sochacka, P.K. Wojciechowski, B. Wyrozumska, "Urzędnicy dawnej Rzeczypospolitej XII–XVIII wieku. Spisy", vol. 4, fasc. 1, ed. A. Gąsiorowski, Wrocław–Warszawa–Kraków 1990 (henceforth: *UrzMp.*), no 1021.

<sup>13</sup> S. Gawlas, *O kształt zjednoczonego królestwa...*, p. 94.

<sup>14</sup> W. Bukowski, Z. Noga, *Ustrój miasta Krakowa w XIII–XVIII wieku*, [in:] *Kraków. Europejskie miasto prawa magdeburskiego 1257–1791. Katalog wystawy*, Kraków 2007, p. 54.

<sup>15</sup> W. Kierst, *Wielkorządy krakowskie w XIV–XVI st.*, "Przegląd Historyczny" 1910, fasc. 1, pp. 22–25; M. Niwiński, *Wójtostwo krakowskie w wiekach średnich*, "Biblioteka Krakowska" (henceforth: *Bibl. Krak.*), no 95, Kraków 1938, pp. 46–50.

<sup>16</sup> M. Starzyński, *Dom wójta Henryka* (forthcoming).

<sup>17</sup> The hypothesis of J. Bieniak (*Pieczenie urzędników małopolskich...*, p. 149) has been decidedly rejected, as the hereditary vogt, who was thrown out of Kraków in June 1312 along with the duke of Opole, could deposit the vogt privileges from 1306 at St Mary's Church.

<sup>18</sup> *Akta grodzkie i ziemskie z czasów Rzeczypospolitej Polskiej z archiwum tzw. bernardyńskiego we Lwowie*, vol. 3, Lwów 1872, no 1.

<sup>19</sup> S. Świszczowski, *Gródek i mury miejskie między Gródkiem a Wawelem*, *Rocz. Krak.* 1950, fasc. 1, pp. 20–23.

position by invalidating its commercial privileges.<sup>20</sup> Liquidating the position of the hereditary vogt was also tied to the acceleration of the evolution of the city's self-governing structures. The chief place in the local government had then been taken by the city council, representing the interests of the city's merchants and made up mainly of members from that class. Due to this, there were never conflicts between the council and the vogt in Kraków, unlike in other Polish cities where such occurrences could last for years. These were intended to weaken or break the vogt's economic position, resulting in the council buying up the property granted to the vogt.<sup>21</sup> After 1312, the function of the Kraków vogt, who was from then on a royal functionary, was limited to presiding over sessions of the city court. In order to protect his own financial interests, Łokietek also appointed a provincial vogt (*landvogt*) who adjudicated two-thirds of the judicial punishments in the duke's name. The appointment of a *landvogt* was a direct violation of part of a charter issued by Bolesław V Wstydlivy that guaranteed Cracovians that he would never set up a senior position (*landvogt*) over the vogt of Kraków.<sup>22</sup> Thus, after the revolt, the Kraków council, which at least since the 1280s–1290s had gained an increasingly strong position in the town government, lost the independence that it had enjoyed up to that time. The new town council was appointed by the orders of the prince (*von hercogen Vladizlas gebote*) rather than chosen by the retiring councilors probably in conjunction with the vogt, as it had in the past.<sup>23</sup> Thus, it consisted of people who could unquestionably be counted as supporters of Łokietek.

The silent witness to these transformations is the stempel of the city's great seal, which after the suppression of the revolt was altered. The old motto, *SIGILLUM ADVOCATI CIVITATIS ET CIVIUM CRACOVIENSIVM*, was replaced with a new one: *SIGILLUM CONSULUM ET COMMUNITATIS CIVITATIS CRACOVIE*.<sup>24</sup>

<sup>20</sup> *Kodeks dyplomatyczny Małopolski*, vol. 2, ed. F. Piekosiński, Mon. Medii Aevi, vol. 9, Kraków 1886, no 557.

<sup>21</sup> M. Załęska, *Wójtostwa dziedziczne w miastach Małopolski w późnym średniowieczu (studium historyczno-prawne)*, Warszawa 2005, pp. 70–81 (further references to be found there).

<sup>22</sup> New edition: *Przywileje ustanawiające gminy miejskie wielkiego Krakowa (XIII–XV wiek)*, ed. B. Wyrozumska, Kraków 2007 (henceforth: *WyrPrzywKraK.*), p. 24 (*Promittimus eciam eisdem advocati et civibus universis, quod nullum eis preficiemus advocatum, nec speciale, nec generale [...]*); W. Bukowski, Z. Noga, *Ustrój miasta Krakowa...*, p. 54.

<sup>23</sup> *Liber actorum, resignationum nec non ordinationum civitatis Cracoviae 1300–1375*, ed. F. Piekosiński, [in:] *Najstarsze księgi rachunki miasta Krakowa od r. 1300 do 1400*, vol. 1, ed. F. Piekosiński, J. Szujski, Kraków 1878 (henceforth: *NajstKs.*), pp. 25–26; M. Starzyński, *Krakowska rada miejska...*, pp. 45–54.

<sup>24</sup> This seal has been the subject of many studies. Most researchers have concentrated on the representation of the coat of arms: the twice repeated Kuiavia coat of arms (half eagle – half lion) placed on a crowned shield and an Eagle without a crown presented between the figures of SS. Venceslaus and Stanislaus. The correct assumption of Z. Piech (*Skąd się wziął i co oznacza Orzeł w herbie Krakowa? Ze studiów nad genezą, etapami rozwoju i treściami ideowymi herbu miasta Krakowa*, [in:] *Venerabiles, nobiles et honesti. Studia z dziejów społeczeństwa Polski*

These two inscriptions also provide the best definition of Kraków's political system before and after 1312: a city ruled by a hereditary vogt and one whose "heart" is the city council.<sup>25</sup>

The seven councilors appointed to the council in June 1312 by Władysław Łokietek were to serve for the next seven years, until 1319. It was only on Sunday, 22 July 1319 that the castellan of Wiślica Spytek of Tarnów and the *consules antiqui* were able to hold, on the orders of Łokietek (*de mandato ducis*), elections for the new councilors.<sup>26</sup> In his research, Roman Grodecki observed that Łokietek extended the term of the council elected in 1312 to seven years because "he was apparently pleased with it."<sup>27</sup> Engaging in the process of consolidating power, including attempts to gain the royal crown, required the prince to pacify all opposition movements and gain the support of a broad segment of society, particularly the elites of the largest urban centers. Deviating from the annual nomination in Kraków as well as allowing the election in 1319 of new officials for the *consules antiqui*, i.e. presumably councilors appointed in 1312, most likely can be connected to Łokietek's concerns about the citizen's of Kraków maintaining their allegiance to him. No wonder that he wished to entrust the leadership of the city council to people recruited from among his supporters.

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*średniowiecznej. Prace ofiarowane Profesorowi Januszowi Bieniakowi w siedemdziesiąt rocznicę urodzin i czterdziestolecie pracy naukowej*, Toruń 1997, pp. 370–372), identifying (after Adam Chmiel and Henryk Andruliewicz) these coats of arms with Bolesław Wstydlivy the founder of the city and Leszek Czarny was recently questioned by H. Seroka (*Herby miast małopolskich do końca XVIII wieku*, Warszawa 2002, pp. 22–30) and B. Śliwiński (*Nowa hipoteza o początkach godła Krakowa*, [in:] *Księga jubileuszowa Profesora Feliksa Kiryka*, ed. A. Jureczko, F. Leśniak, Z. Noga, „Annales Academiae Pedagogicae Cracoviensis”, 21, *Studia Historica*, vol. 3, Kraków 2004, pp. 155–164). I have summed up the above mentioned discussion in an article in which I point out the groundlessness of Seroka and Śliwiński's opinions: *W sprawie genezy najstarszej pieczęci miejskiej Krakowa z XIII wieku* (forthcoming). It is also worth mentioning, that the only known vogt's seal, which comes from a will of the Kraków burgher Sulisława from 20 December 1303 is considered lost today. (The most recent edition of this document and the first analysis carried on the base of the original is void of scientific apparatus, see: D. Karczewski, *Miejsce krakowskiego klasztoru franciszkanów w strukturze czesko-polskiej prowincji zakonnej*, [in:] *Mendykanci w średniowiecznym Krakowie*, ed. K. Ożóg, T. Gałuszka OP, A. Zajchowska, „Studia i Źródła Dominikańskiego Instytutu Historycznego w Krakowie”, vol. 4, Kraków 2008, pp. 95–96, annex). The seal was described in detail in 1907 by A. Chmiel (*Pieczęć wójtowska krakowska z drugiej połowy XIII wieku*, *Rocz. Krak.* 1907, pp. 213–223; *Pieczęcie m[iast] Krakowa, Kazimierza, Kleparza i jurydyk krakowskich do końca XVIII wieku*, *Rocz. Krak.* 1909, pp. 79–94).

<sup>25</sup> E. Isenmann, *Ratsliteratur und städtische Ratsordnungen des späten Mittelalters und der frühen Neuzeit. Soziologie des Rats, Amt und Willensbildung, politische Kultur*, [in:] *Stadt und Recht im Mittelalter*, hrsg. von P. Monnet, O.G. Oexle, "Veröffentlichungen des Max-Planck-Instituts für Geschichte", Bd. 174, Göttingen 2003, p. 255.

<sup>26</sup> *NajstKs.*, p. 55.

<sup>27</sup> R. Grodecki, *Początki rady miejskiej w Krakowie*, „Roczniki Dziejów Społecznych i Gospodarczych” 1963 [printed in 1964], p. 51.

The granting of revenues from royal transportation on the Wisła to Kraków given by Łokietek in 1315 is a strong sign of the moderation of the duke's policies toward the rebellious town.<sup>28</sup> Additionally, it is also necessary to mention a note entered into the oldest city records from 1317 from which information about the election of the new *scabini* – the first made councilors – can be found. In the literature it is noted that Władysław Łokietek introduced new qualifications for admission to the Kraków town council in hopes to obtaining the broadest influence on the town.<sup>29</sup> In this way, he made the council dependant on German law. Keeping in mind that the council of magistrates in Kraków was appointed on a tenurial basis at least since the beginning of the 13<sup>th</sup> century, it seems pertinent that Michał Patkaniowski notes that “the relationship between the Kraków town council and the judicial bench (*officium scabinatus*) was – in the context of the Magdeburg Laws – lawless.”<sup>30</sup>

Władysław Łokietek certainly had the economic development of Kraków on his mind, as evidenced by the reading of the 1315 document regarding the royal transport on the Wisła. All of his policies toward the rebellious town as prince – and from 1320 as king – were undoubtedly characterized by a high state of caution. It was not until 1320 that Łokietek officially confirmed the old privilege assuring Cracovian merchants freedom from customs duties in the Kraków, Sandomierz and Sieradz regions that had been issued by Leszek Czarny in 1288.<sup>31</sup> It is important to note that like Kraków's other privileges, this award had been invalidated by Łokietek in April 1312. However, it can only be speculated if Prince Leszek's privilege was restored to the city after the revolt and also if Łokietek's decision on this matter was made only in 1320. Similar conjectures also surround the issue of the city's privilege in the storage of Hungarian copper after 1312.

The first new commercial privilege given to the town after the suppression of vogt Albert's revolt was issued in a document by Jadwiga Łokietkowa on 11 June 1320 on the basis of which the queen assured Cracovians of their exemption from paying duties at the customs houses in Sandomierz and Nowy Korczyn from which she herself drew income.<sup>32</sup> This document had particular significance for the development of trade between Kraków and the east. However, its provisions were not completely observed, as the Kraków council intervened with the king on this issue in 1323. At that time, Łokietek again confirmed that Kraków merchants were exempted from customs duties in the Sandomierz region.<sup>33</sup>

<sup>28</sup> *KmK* I, no 9.

<sup>29</sup> R. Grodecki, *Początki rady miejskiej...*, p. 53.

<sup>30</sup> M. Patkaniowski, *Krakowska rada miejska w średnich wiekach*, Bibl. Krak., no 82, Kraków 1934, p. 73.

<sup>31</sup> *KmK* I, no 10.

<sup>32</sup> *Ibidem*, no 11.

<sup>33</sup> *Ibidem*, no 14; J. Wyrozumski, *Kraków do schyłku wieków średnich...*, pp. 218–220.

In turn, the king sided with the Sącz burghers who had supported him during vogt Albert's revolt against the Kraków burghers. In 1323, they were completely exempted from Kraków's cloth customs duty of one silver *kwartnik* levied regardless of the actual value of the material being transported. From then on, merchants from Sącz only had to pay half of the mentioned price. Moreover, they also gained an exemption from paying tolls on the weight of their goods in Kraków if they were not going to display their goods for sale in the city.<sup>34</sup>

The merchants of Sącz also had a dispute with Kraków over the road towards Prussia. It is possible this was tied to Kraków's right to store imported copper that Sącz merchants avoided by using the waterways. Through the mediation of Spycimir, the woiwoda of Kraków, both sides agreed that the only product that could be transported by water would be salt. As is clear from the wording of the act, this was an older obligation that had been violated by the Cracovians.

Cracovians finally received an exemption from paying customs fees throughout the Kingdom of Poland only two years before the king's death.<sup>35</sup> It cannot be ruled out that this privilege was given in return for financial aid from the city that would help the king finance his war against the Teutonic Knights. Mieczysław Niwiński even proposed that in return for this aid, Łokietek decided to rent the vogt's estate to the Kraków city council.<sup>36</sup> In 1333, the oldest town book noted that the vogt *qui tunc advocaciam rexit ex parte civitatis Cracovie*.<sup>37</sup>

Apart from the document issued by Jadwiga Łokietkowa mentioned above, the city of Kraków did not receive any new trade privileges from Władysław Łokietek up until his death (the document from 1331 was treated as an expansion of the 1288 privilege given by Leszek Czarny to Greater Poland). At the same time, this did not in any way undermine the town's position as a center of trade. However, since the suppression of Albert's revolt, the city faced two other fundamental questions that directly impacted the proper functioning of the municipality of Kraków: the town's endowment and the range of its legal jurisdiction. These were the major challenges faced by the town council members who took office at the beginning of 1333.

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Undoubtedly the greatest undertaking in the town's political life in the first years of Kazimierz Wielki reign was the foundation of Kazimierz just outside of Kraków, which occupied a special place among the king's ventures.<sup>38</sup> The king

<sup>34</sup> *KmK* I, no 13; J. Wyrozumski, *Kraków do schyłku wieków średnich...*, p. 221.

<sup>35</sup> *KmK* I, no 17.

<sup>36</sup> M. Niwiński, *Wójtostwo krakowskie...*, pp. 62–63.

<sup>37</sup> *NajstKs.*, no 1135.

<sup>38</sup> The state of the research on this topic has been summed up in B. Krasnowolski, *Lokacje i rozwój Krakowa, Kazimierza i Okołu. Problematyka rozwiązań urbanistycznych*, [in:] *Kraków. Nowe studia nad rozwojem miasta*, ed. J. Wyrozumski, Bibl. Krak., no 150, Kraków 2007,

gave the new town his name. On the town seals the king's monogram *K* and the profile of a crowned king were placed.<sup>39</sup> It is very unlikely that the king, when he began to establish a new urban center on the right bank of the Wisła in an area occupied by several settlements and where several churches – St Michael's, St Jakub's and St Laurent's – consulted with representatives of the elites of medieval Kraków about this matter. However, it would also be difficult to prove that this was an action aimed against Kraków itself. In any case, the opinion that Kazimierz was supposedly created as a rival town to Kraków has been rejected for many years by most serious studies on the subject.<sup>40</sup> The creation of "new towns" in areas where the Magdeburg Laws were in force was mainly associated

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pp. 383–417 (older literature), esp. pp. 388–398. The author has pointed out that the idea for the site "was come upon by the king at least a few months earlier," [i.e. before the issuance of the founding document on 27 February 1335 – M.S.] (p. 388). To back this thesis, one cannot quote the document of 5 May 1334 in which the monarch allows Wolfgang Czaler, a Kazimierz burgher to construct a mill on the royal lake as B. Krasnowolski has done (*Zbiór dokumentów małopolskich*, vol. 1, ed. S. Kuraś, Wrocław–Warszawa–Kraków 1962, no 34). In fact, B. Krasnowolski quotes the words *civitas nostra Kazimiria a nobis erecta*, taking then out of the wider context and claiming that they demonstrate the idea to found the city already existed in 1334. It would have been extremely intriguing to name Czaler a Kazimierz burgher (*civis Kazimirien-sis*), prior to the founding of the city, as well as stating, that Czaler's mill will be used by a town that did not exist. The publisher of the document, which he had only in the later, 16th century copy, suggested that the date „could refer to the legal action, not the writing of the document, which happened in 1366–67" (p. 41). It is worth recalling that castellans of Wojnicz and Biecz, Fałek and Przeclaw, as well as the preposit of Skalbmierz Janusz Suchywilk, who served as witnesses never held these offices. The daily date is wrong as well, as Tuesday did not follow immediately after the holiday of St. Florian in 1334, 1366 or 1367. All this proves, that we are dealing with a falsified document, as was already proved by the publishers of Lesser Poland officials (*UrzMp.*, no 4, 1134, 1208). Recently S. Gawlas (*Kazimierz Wielki – jaki był?*, [in:] *Świat średniowiecza. Studia ofiarowane Profesorowi Henrykowi Samsonowiczowi*, ed. A. Bartoszewicz, G. Myśliwski, J. Pysiak, P. Żmudzi, Warszawa 2010, p. 776, note 87) proved that in May 1334 the king was in Sandomierz. A. Gąsiorowski (*Itinerarium króla Kazimierza Wielkiego. Materiały 1333–1370*, "Roczniki Historyczne" 1998, p. 179, note 9) quotes the publisher of the document to have said that the yearly date is not acceptable. At the same time he enters information about the forgery of the document basing on the list of officials (UDRP IV/1, s. 271: fals.). In the light of these opinions I am certain that the aforementioned document should not be taken into consideration when studying the beginnings of the Kazimierz municipal community.

<sup>39</sup> The heraldics and the sphragistics of Kazimierz have been researched extensively in Z. Piech, *Herb miasta Kazimierza pod Krakowem*, [in:] *Miasta, ludzie, instytucje, znaki. Księga jubileuszowa ofiarowana Profesor Bożenie Wyrozumskiej w 75. rocznicę urodzin*, ed. *idem*, Kraków 2008 [printed in 2009], pp. 813–861.

<sup>40</sup> It was Roman Grodecki, who pointed to this issue first in a series of lectures devoted to the history of medieval Kraków delivered in the third term of 1928/29 at Jagiellonian University. Cf. J. Wyrozumski, *Roman Grodecki o średniowiecznym Krakowie*, [in:] *idem*, *Cracovia mediaevalis*, Kraków 2010, p. 499 [printed first in: *Rocz. Krak.* 1978 (print: 1979), pp. 5–26]; Cf. also J. Dąbrowski, *Czy Kazimierz i Kleparz założono jako miasta konkurencyjne dla Krakowa*, [in:] *Prace z dziejów Polski feudalnej ofiarowane Romanowi Grodeckiemu w 70. rocznicę urodzin*, Warszawa 1960, pp. 181–189.

with the construction of small-scale handicrafts and services for the “old cities”. Thus, the “new cities” complemented the “old” ones rather than worked actively against them.<sup>41</sup>

Specific matters regarding the earlier prerogatives of the Kazimierz community were discussed in detail not in Kraków, but in Sandomierz. This is unquestionably indicated by the *actum* formula in Kazimierz’s founding charter.<sup>42</sup> It is possible that this was connected to the concerns of Kazimierz residents regarding the objections of Cracovians, who must have been at the very least skeptical about the creation of a new town practically at their city’s gates. It seems more likely, however, to assume that the issuance of the location document of Kazimierz in Sandomierz could be associated with the actions of people hostile to Kraków, including the voivodes most closely tied to Władysław Łokietek, to whom they owed their advance in the administrative hierarchy: Mściwój of Krzelów, from Sandomierz, and Mikołaj Bogoria, from Kraków.<sup>43</sup>

In the context of the location of Kazimierz, it is also worth referencing the concept of Sławomir Gawlas. According to him, in 1335, the king completed the transfers of the New City, which had earlier existed in Okół, a borough of Wawel, “to a favorable place, reorganized and given the name of the new ruler – Kazimierz.”<sup>44</sup> The official activities conducted in Okół before 1335 are described in written texts as well as confirmed by archaeological findings. These allow us to understand its original urban character and view the surviving traces of the creation of its market structure.<sup>45</sup> Thus, it is possible to trace the old urban structure of Okół that was connected with Władysław Łokietek’s attempts after

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<sup>41</sup> Por. K.-H. Blaschke, *Altstadt–Neustadt–Vorstadt. Zur Typologie genetischer und topographischer Stadtgeschichtsforschung*, [in:] *Stadtgrundriß und Stadtentwicklung. Forschungen zur Entstehung mitteleuropäischer Städte. Ausgewählte Aufsätze*, hrsg. von P. Johanek, „Städteforschung”, Reihe A: Darstellungen, Bd. 44, Köln–Weimar–Wien 1997, pp. 73–82 [first printed in: “Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte” 1970, H. 5, pp. 350–362]; A. Czacharowski, *Początki „Nowych Miast” w państwie krzyżackim*, [in:] *Czas, przestrzeń, praca w dawnych miastach...*, pp. 47–55; S. Rosik, *W sprawie genezy i funkcji tzw. nowych miast na Śląsku w XIII–XIV wieku*, [in:] *Procesy lokacyjne miast w Europie Środkowo-Wschodniej. Materiały z konferencji międzynarodowej w Łądku Zdroju 28–29 października 2002 roku*, ed. C. Buško, M. Goliński, B. Kurkiewicz, “Acta Universitatis Wratislaviensis”, no 2985, Wrocław 2006, pp. 247–256.

<sup>42</sup> New edition: *WyrPrzywKraK.*, pp. 27–28.

<sup>43</sup> Both were named as witnesses. Cf. J. Wyrozumski, *Kraków do schyłku wieków średnich...*, p. 244; A. Marzec, *Urzednicy malopolscy...*, pp. 84–86, 88–89.

<sup>44</sup> S. Gawlas, *Nova civitas in Okol. Fragment z dziejów Krakowa*, [in:] *Spoleczeństwo Polski średniowiecznej*, vol. 6, ed. S.K. Kuczyński, Warszawa 1994, pp. 101–110, especially p. 108. The author stands by his earlier opinions in his newest publication: *idem, Kazimierz Wielki...*, p. 775, note 86.

<sup>45</sup> B. Krasnowolski, *Lokacje i rozwój Krakowa, Kazimierza i Okołu...*, pp. 418–422.

the suppression of vogt Albert's revolt, or, in other words, the foundation of this city upon this terrain that was connected to Kraków through its fortifications.<sup>46</sup>

Gawlas constructed his hypothesis of the transfer of the New City from Okól on the right bank of the Wisła through the analysis of three royal charters issued in 1335, two of which were dated 27 February and the third 10 June. The first of these documents mentions Kazimierz's foundation charter cited above. Particular attention should be paid to the second one, which was incorrectly dated by Gawlas as 27 February 1335 following the notes of Franciszek Piekosiński, that states: "the authorities pledge in this document [27 February] to set up a warehouse for lead and copper in Kazimierz."<sup>47</sup> Although the content of this charter was formulated *gratantissime faciemus*, it is not an obligation. Rather, it is a promise examined and renewed at the request of Kazimierz residents serving in the group of royal advisors (*nostros barones nobiscum habere*) after their successful return from Greater Poland (*postquam domino concedente de Polonia*). It is also a well-known fact that Piekosiński published this document on the basis of a copy made at the beginning of the 16<sup>th</sup> century from the so-called *Codex of Baltazar Behem*.<sup>48</sup> It is worth noting that this charter was drawn up in Sandomierz on the same day as the founding charter of Kazimierz. Seeing "the close relationship – even mutual dependence – between the two documents," Piekosiński amended the date of its publication from 1336, as stated in the copy, to 1335. He assumed that he was dealing with a "simple copyist's error," and maintained this belief even after the discovery of the original "disproved the theory of a copyist's error."<sup>49</sup> In the third document, which is dated 10 June 1335, the king demarcated the rights of "old" and "new Kraków", including forbidding artisans living in the new city from selling their goods in old Kraków. Referring next to the principle *qui priori tempore, potior est iure* (he who is first or before in time is stronger in right), the king did not allow for the storage of lead and copper in the New City "so as not to encroach upon the rights of the old city."<sup>50</sup> Sławomir Gawlas regarded this act as a privilege given to Kazimierz, uniquely named here as the New City, despite the fact that the document only uses the name *Civitas Casimiriensis*.<sup>51</sup>

<sup>46</sup> S. Gawlas, *Nova civitas in Okol...*, pp. 107–108. It is impossible to use the remnants of the fortifications to determine whether Kraków was united with Wawel under the Czech rule, or only after 1312. Cf. B. Krasnowolski, *Lokacje i rozwój Krakowa, Kazimierza i Okolu...*, p. 419.

<sup>47</sup> S. Gawlas, *Nova civitas in Okol...*, p. 109.

<sup>48</sup> The state of research was summed up in my article: *Controversy over the Authorship of the Behem Codex*, "Queastiones Medii Aevi Novae" 2009, pp. 319–338.

<sup>49</sup> *KmK I*, Dodatki i sprostowania, after p. 370.

<sup>50</sup> New edition: *WyrPrzywKraK.*, pp. 29–30.

<sup>51</sup> Identical interpretations of the three documents was suggested by S. Kutrzeba, *Finanse i handel średniowiecznego Krakowa*, ed. M. Starzyński, Kraków 2009, pp. 339–340, note 146 [first published as: *Handel Krakowa w wiekach średnich na tle stosunków handlowych Polski*, "Rozprawy Akademii Umiejętności. Wydział Historyczno-Filozoficzny" (henceforth: RAUHf), Serya II,

The intent of the author is lost, however, if we believe that the document of 27 February was issued in 1335. The inhabitants of Kazimierz probably appealed to the king for permission to establish storage for lead and copper and went to Sandomierz for this purpose, most likely in February 1336. However, the king, guided by his innate caution, issued the abovementioned document, which he gave to the Kazimierz merchants in Sandomierz as indicated by the *datum*. However, his promise was never fulfilled.<sup>52</sup> Royal actions against the city of Kraków would thus make no sense, especially because rich merchants were no longer a threat to the ruler in the reborn Kingdom of Poland, but instead were primarily seen as a good source of financial aid for a number of policy plans. Jerzy Wyrozumski also correctly points out two contradictions that exist between the 10 June document and the foundation charter of Kazimierz. In order to exclude this particular document from the discussion of the beginnings of the city of Kazimierz, it is sufficient to describe only one of them, namely that in the foundation charter the king designates Thursday as the market day in Kazimierz while the 10 June document allows for the residents of the new city to choose any day except Monday or Tuesday as their market day.<sup>53</sup> There is not the slightest doubt that the 10 June document was given at that time to the inhabitants of Kleparz. It is mentioned in the inspection of Kleparz carried out in 1569, and the only known copy can be found in the volumes of the Kraków Land Court (*sąd ziemski*) where it was filed in 1604 at the request of the nobleman Piotr Krasecki on behalf of the residents of Kleparz.<sup>54</sup> The discussions on this topic have been aptly summed up by Bożena Wyrozumska, who states that “one can assume that when the king granted the settlement near St. Florian’s town rights in 1366, he sent the new town’s laws along with that document.”<sup>55</sup> This was, after all, a common practice at that time. It should also be remembered that when the foundation of Kleparz was being carried out on land that primarily belonged to Kraków.<sup>56</sup> The authorities agreed to giving up this area probably in exchange for the inclusion of Okół into the “old town”. The first mention of the king’s confirmation of Kraków’s right to store lead can also be found in

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19 (44), Kraków 1903, pp. 1–196 (and as a separate brochure, Kraków 1902)], before S. Gawlas. Unfortunately, the latter does not quote Kutrzeba.

<sup>52</sup> Collected by A. Gąsiorowski (*Itinerarium króla Kazimierza Wielkiego...*, pp. 179–180), the sources for the royal itinerary unfortunately do not provide confirmation of Kazimierz’s trip to Greater Poland in spring 1335 or spring 1336. This is despite that the original from February 27<sup>th</sup> survives until today, A. Gąsiorowski entered it under the year 1335.

<sup>53</sup> J. Wyrozumski, *Kraków do schyłku wieków średnich...*, pp. 263–264.

<sup>54</sup> Kraków, Biblioteka Naukowa Polskiej Akademii Umiejętności i Polskiej Akademii Nauk, ms no 480, f. 6v; *KmK* I, p. 22, note 1.

<sup>55</sup> *WyrPrzywKra*., p. 9.

<sup>56</sup> J. Laberschek, *Rozwój przestrzenny krakowskiego zespołu osadniczego extra muros XIII–XVIII w.*, [in:] *Kraków. Nowe studia nad rozwojem miasta...*, p. 310.

the privilege of 10 June 1335. Even if this evolved out of an earlier custom,<sup>57</sup> it was given in writing for the first time at the beginning of Kazimierz Wielki rule. It cannot be ruled out that this was the first effect of the measures taken by the Kraków council toward the new monarch. Because of this, Kraków's future trading power was based on the storage of goods that, by the mid-1330s, included a considerable amount of exports such as lead and copper.

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1335 marked the end of the first stage of building the Kraków tri-cities – the founding of Kazimierz and the division of rights between the Kraków's Old and New towns. In September of the next year, Kazimierz Wielki, responding to a request from the town council and elders (*consules et seniores cives*<sup>58</sup>) confirmed in an independent document several dozen laws made by the sitting council.<sup>59</sup>

The issuing of those decrees (also called *wilkierze*) ranked among the primary competencies vested in the council by the Magdeburg Law. Initially, this institution used them mainly to standardize matters of trade. However, as the council's agenda expanded and it began to play a larger role in the town's governance, the regulations of the *wilkierze* were interpreted for life and work *intra muros*.<sup>60</sup> The *wilkierze* confirmed by King Kazimierz in 1336 are the oldest known laws issued by the Kraków town council and were certainly the first issued after the death of Władysław Łokietek. However, they were certainly not the first, as it would be difficult to believe that the council did not contribute to the legislative process. Additionally, it cannot be ruled out that it issued such rulings before 1312 in cooperation with the vogt. The fact that these older legal acts, probably initially written on loose paper or wax tablets, were not preserved can probably be explained to the fact that they expired before the last quarter of the 14<sup>th</sup> century, before the first copybook in which all the municipal statutes still

<sup>57</sup> J. Wyrozumski, *Kraków do schyłku wieków średnich...*, p. 229.

<sup>58</sup> The *seniores cives*, named in Kazimierz Wielki's document most probably denote the older councillors, that is those, who were not on the city council that year, but retained their previous influence and took part in the strategic decisions of the city council. I discuss this issue further in: *Krakowska rada miejska...*, pp. 80–86.

<sup>59</sup> *KmK* I, no 21 [= *KmK*, cz. 2, ed. F. Piekosiński, Mon. Medii Aevi, vol. 7, Kraków 1882, no 259].

<sup>60</sup> W. Maisel, *Poznańskie prawo karne do końca XVI wieku*, Poznań 1963, pp. 27–29; *idem*, *Kodyfikacje prawa miejskiego w dawnej Polsce*, [in:] *Dzieje kodyfikacji prawa. Materiały na konferencję historyków prawa w Karpaczu*, [no place of issue] 1974, pp. 95–96; *idem*, *Kodyfikacje statutów miejskich w dawnej Polsce*, „*Studia Źródłoznawcze*” (henceforth: *Stud. Źródł.*) 1977, p. 153. W. Ebel, *Die Willkür. Eine Studie zu den Denkformen des älteren deutschen Rechts*, Göttingen 1953, remains the fundamental work on the topic.

in effect were recorded.<sup>61</sup> Of course, it must also be stressed that, in accordance with the Magdeburg Law, the town's ruler did not have the right to interfere with the essence of the laws if they did not contradict what was written.<sup>62</sup> However, the council could issue *wilkierze mit des konigis adir mit der obirsten herren wissen unde willen*.<sup>63</sup>

The decrees of the Kraków council confirmed by Kazimierz Wielki in September 1336 can be placed into two categories. The first contains provisions relating to morality while the second deals with the proper use of proscription by the council.

These moral laws, the details of which were then determined by the council, were mainly against what were termed *leges sumpuariae* – excesses that resulted from the celebration of engagements, weddings and christenings.<sup>64</sup> In the *wilkierze* of 1336,<sup>65</sup> it was thus prohibited to organize feasts known as *urnruthe* or *genessche* given after engagements (§ 8); displaying more than thirty platters of food at wedding receptions (each platter could not be shared by more than three guests in accordance with town law) and having more than five courses (§ 1);<sup>66</sup> inviting more than eight jugglers (*ioculatores*), actors (*qui rymarii dicuntur*) and *unrath* vendors (§ 3);<sup>67</sup> organizing after the end of the evening

<sup>61</sup> M. Starzyński [rev.], *Anna Sobańska, Kodeks Baltazara Behema. Komentarz kodykologiczny, Biblioteka Jagiellońska, Kraków 2007, ss. 40, Stud. Źródł. 2009 [publication: 2010], pp. 255–258.*

<sup>62</sup> *Najstarsze staropolskie tłumaczenie orytyli magdeburskich według rękopisu nr 50 Biblioteki Zakładu Narodowego im. Ossolińskich*, part 2, ed. J. Reczek, W. Twardzik, Wrocław–Warszawa–Kraków–Gdańsk 1972, pp. 243–244. M. Patkaniowski comes to a different conclusion in *Krakowska rada miejska...*, p. 113. The previously quoted work was published after his death.

<sup>63</sup> *Die magdeburger Fragen*, hrsg. von J.F. Behrend, Berlin 1865, I, 3, 3; M. Patkaniowski, *Krakowska rada miejska...*, p. 43.

<sup>64</sup> S. Grodziski, *Uwagi o prawach przeciwko zbytkowi w dawnej Polsce. Artykuł dyskusyjny, "Zeszyty Naukowe Uniwersytetu Jagiellońskiego"*, 1958, Prawo, fasc. 5, pp. 68–86; J. S on d e l, *Les „leges sumptuariae” considerées comme l’expression des conditions sociales et économiques de la Rome antique*, “Archivum Iuridicum Cracoviense” (henceforth: Arch. Crac.) 1973, pp. 101–124; S. Salmonowicz, *O reglamentacji obyczajowości mieszczańskiej w Toruniu w XVI–XVIII wieku (zarys problematyki)*, Zap. Hist. 1976, fasc. 3, pp. 87–103; J. S on d e l, *Leges sumptuarie w rewizji toruńskiej prawa chełmińskiego — twór samodzielny czy recypowany?*, “Acta Universitatis Nicolai Copernici”, Prawo 30, Nauki Humanistyczno-Społeczne, fasc. 218, 1990, pp. 56–68.

<sup>65</sup> Also deeply discussed in: S. Estreicher, *Ustawy przeciw zbytkowi w dawnym Krakowie*, Roczn. Krak. 1898, pp. 111–116; see also: E. Hudyka, *Jak bawiono się w średniowiecznym Krakowie*, *ibidem* 1998, pp. 35–38.

<sup>66</sup> In this paragraph we also find information about taxes which were given by invited guests to the newly wed. They were worth 2 groschen per man with municipal privileges and his wife, while 1 grosch was to be paid by a single woman. S. Estreicher (*Ustawy przeciw zbytkowi...*, p. 112) pointed, that these were connected with the cost of the marriage and did not have to be strict and detailed.

<sup>67</sup> The meaning of this noun is not certain. Estreicher (*ibidem*, s. 114) claims on the basis of one statute from German cities in which it is listed the people distributing mustard and *unrath* during receptions, that it was “some delicacy sold or offered to guests”, basing his reasoning on his

feast a procession escorting the bride to the home of the groom (before the bedding) (§ 2); going with the newlyweds to the bathhouse in a retinue greater than twenty people (§ 4);<sup>68</sup> and organizing festivities after the birth of a child known as *kindelbier* (§ 5). Breaking these laws resulted in a minimum fine of five *grzywnas* to be paid to the council. It is worth adding that these punishments did not only apply to the guilty individual but also anyone trying to intercede on his or her behalf (§ 6). These laws which, according to Stanisław Estreicher, represent only a “tiny fraction”<sup>69</sup> of the policies of the Kraków council, clearly show their desire for a monopoly on power in the city. This was not limited to controls over popular customs and the most important life cycle events. The aspirations of the council were far greater.

The remaining provisions established in the *wilkierze* confirmed by Kazimierz the Great in 1336 help determine the scope of the punishments: exile from the city or exclusion from communal life.<sup>70</sup> The use of these types of penalties by the city council was based on the *wilkierze* but also was derived from the tenets of the Magdeburg Law.<sup>71</sup> According to the 1336 laws,<sup>72</sup> kidnappers and rapists of maidens or widows were subject to permanent banishment and their property was confiscated by the council (the women victims also lost their property, but the penalty also included any of their offspring) (§ 9); women who entered secret marriages were subject to a ten-year banishment (in this particular example, it is clearly emphasized that the council was to confiscate their property) (§ 10); finally, two years of banishment for murderers even if they had come to an agreement with the family of the victim (§ 13); those who claimed to be falsely accused of murder were to be judged by the council (§ 14).

The last law sent to the king for approval is worthy of special attention. Here, if a banished person entered the area of the town and was caught, he was subject to a fine of up to ten *grzywnas* to be paid to the council. If the person did not pay the fine within eight days, he would lose a finger. However, this drastic punishment did not reduce the length of the person’s banishment (§ 15). This regulation evidently contradicted the Magdeburg Law, which forbade councils

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knowledge of German legal statutes. T. Michałowska (*Średniowiecze*, Warszawa 1995, p. 312) states, that *unrath* probably denoted “obscenely shaped puppets made of dough.”

<sup>68</sup> A parade of no more than 10 persons could accompany a child brought to baptism.

<sup>69</sup> S. Estreicher, *Ustawy przeciw zbytkowi...*, p. 107.

<sup>70</sup> For more on the topic, see H. Zaremska, *Banici w średniowiecznej Europie*, Warszawa 1993, pp. 50–82.

<sup>71</sup> *Die magdeburger Fragen...*, I, 1, 11; M. Patkaniowski, *Krakowska rada miejska...*, pp. 117–118; H. Zaremska, *Proskrypcja i kara wygnania w Krakowie w XIV i XV w.*, [in:] *Czas, przestrzeń, praca w dawnych miastach...*, pp. 352–353.

<sup>72</sup> M. Patkaniowski, *Krakowska rada miejska...*, pp. 125–127, 139–140; H. Zaremska, *Proskrypcja i kara wygnania...*, p. 355, *e a d e m*, *Banici...*, pp. 101–102.

from issuing such heavy bodily punishments.<sup>73</sup> With these laws, the Kraków town council gave itself the right to adjudicate criminal matters, a right which previously was held by the vogt's jurisdiction and the judicial bench.<sup>74</sup> In light of this, it is not hard to imagine that the independent announcement of the above-mentioned laws must have met with firm opposition from the judicial authorities. That these *wilkierzy* were sent to the king by the council for approval was a measure that not only required deep thought but also was deliberately planned. Because of this, the Kraków town council gained new powers that went beyond those given to such a body by the Magdeburg Law. The expansion of its range of competences, however, took place with the knowledge and – most importantly – approval of the king. In this way, the approved *wilkierze* can be characterized as the giving of special powers to the council by the king whose document guaranteed their inviolability.<sup>75</sup>

At the end of 1337, the Kraków council brought a complaint before Kazimierz Wielki that the town of Rytro, located on the road between Nowy Sącz and Koszyce, was levying unlawful tolls on Kraków merchants. This matter was discussed at court in the beginning of 1338, as shown in a royal document dated 6 January 1338 (*actum*), on the basis of which Kazimierz Wielki forbade these procedures. The Cracovians, with the help of the knights and burghers of the Sącz region, with whom they had been in open conflict only a short while before, demonstrated that they were under no obligation to pay duties in that area.<sup>76</sup> It is also not out of the question that they presented to the king the privilege of Władysław Łokietek from 1331 that freed them from paying any duties throughout the Kingdom of Poland.<sup>77</sup>

The process of expanding the group of perogitives affiliated with the town council was of course not closed in 1336. In 1342, the town council and elders again went to Kazimierz with a request that he approve several dozen *wilkierze*, which the king did in a charter issued on 13 October of that year.<sup>78</sup> In comparison to the laws approved in 1336, the new regulations approved by the king were significantly broader and encompassed not only ordinances against excess luxury and the scope of punishments, but also regulations on private law and trading norms.

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<sup>73</sup> *Die magdeburger Fragen...*, I, 1, 10; M. Patkaniowski, *Krakowska rada miejska...*, p. 116.

<sup>74</sup> M. Patkaniowski, *Krakowska rada miejska...*, pp. 48–74; Also: W. Maisel, *Prawo karne w statutach miast polskich do końca XVIII wieku*, "Czasopismo Prawno-Historyczne" 1974, fasc. 2, pp. 109–117 [the same in German: *Das Strafrecht in den Willküren der polnischen Städte bis zum Ende des 18. Jahrhunderts*, Arch. Crac. 1975, pp. 55–76].

<sup>75</sup> T. Jurek, *Stanowisko dokumentu w średniowiecznej Polsce*, Stud. Źródł. 2002, pp. 8–9.

<sup>76</sup> *KmK* I, no 22; J. Wyrozumski, *Kraków do schyłku wieków średnich...*, p. 224.

<sup>77</sup> *KmK* I, no 17.

<sup>78</sup> *Ibidem*, no 25 [= *KmK* II, no 260].

On the grounds of the sumptuary laws (*leges sumpturiae*), the council began the first known attempts to fight gambling that was undoubtedly plaguing inns in Kraków. Games of dice or chance with bets over one *wiardunek*, i.e. twelve groschen, were forbidden (*cum taxillis sive globis*). Those caught violating the law were forced to pay a fine of one *grzywna* to the council (§ 5).<sup>79</sup> In accordance with the statutes issued by Jan Grot, the Bishop of Kraków, games with betting were allowed as a form of entertainment but not as a way of dishonest enrichment.<sup>80</sup>

The earlier rulings on the scope of punishments handed out by the council were also expanded. Here, if a person sentenced to exile was caught in the town's area, he was to be judged *secundum formam iuris* but without the possibility of calling witnesses (§ 4).<sup>81</sup> An interesting law connected with standards of conduct in cases of assault and injury in the city limits was also announced to be used in cases of private crimes. If the crime occurred in the night, the injured person had to go to the vogt and show evidence of *molestiam suam*. Jurors could then investigate the matter until the following day because *scabini, qui noctis tempore surgere de lectis ipsorum deberent, in nullo molestantur* (§ 6).<sup>82</sup> A fine of one *grzywna* was also levied on those caught carrying weapons in the city, and the weapons were to be confiscated (§ 11).<sup>83</sup>

Several crucial laws dealing with private law were also accepted. They are the only known examples of this type of decree in Kraków's entire body of legislation. The first defined the rules set by the townspeople regarding the legal guardians of children. A person suffering from illness, on the brink of death (but still of sound mind), planning to go on pilgrimage or undertake a long journey could, before three councilors, designate a legal guardian for their children or relatives. These guardians were also tasked with overseeing any estates or personal property until the foster children reached their fifteenth year. If a foster daughter reached marriagable age, guardianship would then be shifted to her husband (§ 1). The selling and buying of rents was also forbidden in fear of overburdening the city's property with hereditary pensions for people for whom the town rights did not apply (§ 2). A person who acquired property in the city and then held it *sine iusta allocucione* for the period of a year and a day could administer it as he pleased from then on (§ 3). However, those who owned

<sup>79</sup> S. Estreicher, *Ustawy przeciw zbytkowi...*, p. 109; E. Hudyka, *Jak bawiono się w średniowiecznym Krakowie...*, p. 42.

<sup>80</sup> J.N. Fijałek, *Średniowieczne ustawodawstwo synodalne biskupów polskich. I. Życie i obyczaje kleru w Polsce średniowiecznej na tle ustawodawstwa synodalnego*, RAUhF, Serya II, 5 (30), Kraków 1894, p. 205 [reprinted: *idem*, *Życie i obyczaje kleru w Polsce średniowiecznej*, Kraków 2002, p. 39].

<sup>81</sup> H. Zaremska, *Kara proskrypcji...*, p. 353; *eadem*, *Banici...*, p. 101.

<sup>82</sup> M. Patkaniowski, *Krakowska rada miejska...*, p. 127; H. Zaremska, *Kara proskrypcji...*, p. 354.

<sup>83</sup> M. Patkaniowski, *Krakowska rada miejska...*, p. 127.

property in trust could not sell it earlier than after a year and a day (§ 10).<sup>84</sup> In the area of organizing trade in the town, the council forbade visiting merchants from retail sales of cloth (i.e.: in ells) (§ 8). Outside merchants could only sell their own cloth (and thus were not allowed to resell any goods) (§ 9); they could only do this on market days and only in the stalls in the Cloth Hall; they could also not sell less than six positions together to another outside merchant (§ 7).<sup>85</sup>

Undoubtedly the most important law approved by Kazimierz Wielki in 1342 was the last one. Because of the severity of the problem, it is necessary to quote the law in full: *Etsi consules sederent in loco solito et consueto, et aliqua secreta coram eis agerentur, quod hec tantam vim et talem vigorem haberent, ac si coram iudicio bannito fierent vel fuissent facta* (§ 12). Michał Patkaniowski notes that this decision is “a loose translation” of a privilege known to Cracovians as the 1324 privilege of Bolko III of Legnica for the cities of Brzeg and Grotków that repeated the essence of an older privilege given to Brzeg by Henryk V Gruby in 1292.<sup>86</sup> In that document, the prince acknowledged the Brzeg councils right to adjudicate all matters (*alle kraft*) *glych eyne gehegeten dinge*. Similarly, under the provisions to the *wilkierz* approved in 1342, decisions given in certain matters by the Kraków city council received the same legal weight as if they had been issued by the *iudicium bannitum*.<sup>87</sup> There is no doubt that the council sought to obtain this right from the king in order to solidify its superior position among the city’s governing institutions. In this way, the year 1342 concluded the first phase of these efforts.

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<sup>84</sup> *Ibidem*, pp. 124–125; B. Lesiński, *Kupno renty w średniowiecznej Polsce na tle ówczesnej doktryny i praktyki zachodnioeuropejskiej*, Poznań 1966, pp. 126–127.

<sup>85</sup> M. Patkaniowski, *Krakowska rada miejska...*, pp. 131–132; J. Wyrozumski, *Tkactwo małopolskie w późnym średniowieczu*, Warszawa–Kraków 1972, p. 125.

<sup>86</sup> *Urkundensammlung zur Geschichte des Ursprungs der Städte und der Einführung und Verbreitung deutscher Kolonisten und Rechte in Schlesien und der Ober-Lausitz*, hrsg. von G.A. Tzschoppe, G.A. Stenzel, Hamburg 1832, no 125 § 33; M. Patkaniowski, *Krakowska rada miejska...*, pp. 60–61.

<sup>87</sup> The court “Sąd gajony wyłożony (zwyczajny), wójtowsko-ławniczy” (*iudicium bannitum, gehegeten ding*) was the basic court functioning in the city. It met fortnightly on Fridays. It was usually used for matters that were not disputed, as well as property and criminal cases M. Niwiński, *Wójtostwo krakowskie...*, p. 120; W. Maisel, *Sądownictwo miasta Poznania do końca XVI wieku*, Poznań 1961, pp. 74–79.

Marcin Starzyński

*CIVITAS NOSTRA CRACOVIENSIS.*  
SZKIC DO POLITYKI MIEJSKIEJ KAZIMIERZA WIELKIEGO  
(CZEŚĆ I)<sup>88</sup>

Streszczenie

Polityka miejska Kazimierza Wielkiego (1333–1370) nie była dotąd przedmiotem większego zainteresowania wśród historyków. W niniejszym artykule autor podjął się podsumowania wiedzy na temat stosunku króla Kazimierza do Krakowa, największego i zarazem najważniejszego ośrodka miejskiego w historycznym Królestwie Polskim.

W pierwszej części omówiona została „krakowska” polityka miejska Władysława Łokietka, ojca Kazimierza Wielkiego. Autor przedstawił kwestię udziału miasta w objęciu władzy przez Łokietka w Małopolsce 1306 r., wpływ buntu wójta Alberta na przemiany ustrojowe w mieście oraz przywileje Łokietka dla Krakowa. W dalszej kolejności analizie źródłoznawczej poddał pierwszy etap budowy krakowskiego trójmiasta (lokacja Kazimierza, rozgraniczenie praw Starego i Nowego Miasta Krakowa na Okole). Szczegółowo zreferował także treść najstarszych zachowanych wilkierzy krakowskich z lat 1336 i 1342, potwierdzonych osobnymi dokumentami przez Kazimierza Wielkiego, oraz ich znaczenie dla ewolucji ustroju miasta.

W części drugiej niniejszego studium pomieszczone zostały: charakterystyka Mikołaja Wierzyńskiego, bliskiego współpracownika króla i promotora spraw miejskich na dworze monarszym; kwestia wystąpienia mieszczan krakowskich jako gwaranta postanowień pokojowych z Zakonem Krzyżackim w 1343 r.; omówienie przywilejów handlowych króla Kazimierza dla Krakowa z lat 1344 i 1354, mocą których monarcha zagwarantował kupcom krakowskim naczelną pozycję nie tylko w krajowym obrocie towarowym, ale także międzynarodowym, oraz tzw. wielkiego przywileju dla Krakowa z 1358 r.; zagadnienia związane z udziałem władz Krakowa w fundacji Uniwersytetu w 1364 r., wreszcie omówienie sporu miasta z wielkorządcą krakowskim Bodzętą. Kończąc swoje rozważania, autor podkreślił, że po śmierci Kazimierza krakowska elita władzy zyskała mocnego sprzymierzeńca w osobie nowego monarchy, który dążąc do zmiany zasad sukcesji w Królestwie Polskim, czynił poważne starania, aby uzyskać w tym względzie poparcie mieszczaństwa.

<sup>88</sup> Artykuł ten powstał na marginesie prac nad rozprawą *Krakowska rada miejska w średniowieczu*, „Maiestas – Potestas – Communitas”, III, Kraków 2010. Jego pierwodruk ukazał się na łamach niskonakładowego „Rocznika Niepołomickiego” 2010 (*Kazimierz Wielki – historia i tradycja*), s. 37–100. Niniejsza wersja została poprawiona i uzupełniona przez autora.