

Municipal Magdeburg Law (*Ius municipale Magdeburgense*)
in Late Medieval Poland

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Municipal Magdeburg Law (*Ius municipale Magdeburgense*) in Late Medieval Poland

A Study on the Evolution and Adaptation of Law

By

Maciej Mikuła

Translated by

Andrzej Branny



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Note on the English Edition

The English edition of this book is a partially abridged version of the Polish original, with the exception of the Introduction, which has been expanded to include a section on the sources and the history of urban law in the medieval Kingdom of Poland. The revised Introduction stresses the connection between the evolution of the text of the Magdeburg *Weichbild* and the objective demand for an adaptation of an originally foreign law code (the Magdeburg Law) to the needs of Poland's urban population. That this interaction determined the reception of the Magdeburg Law in the Kingdom of Poland is, incidentally, the principal claim advanced in my study. The final sections of the Introduction are devoted to a comprehensive synopsis of the content of the Magdeburg *Weichbild*. As far as the main body of the work is concerned, brief summaries have been added at the end of some sections in Chapters 1–5. Also, the Conclusion has been slightly expanded. In this new version, Chapter 2 is much shorter: the original, detailed analysis of the *versio Sandomiriensis* manuscripts is left out. Also Appendixes 2 and 3 have been trimmed down. While working on the English version of my study, I took another careful look at my sources. There are therefore certain corrections and revisions, the aim of which is to present my points with greater clarity.

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- 3 *Liber legum* – the book of law of Przemyśl, State Archive in Przemyśl, Acts of the Town Przemyśl, Shelfmark 428, f. 16v–17r. <http://www.skany.przemysl.ap.gov.pl/show.php?zesp=129&ccd=0&ser=2.4&syg=428> (Access: 24 August 2020) 98
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Abbreviations

| | |
|---------------------------------------|---|
| 1261Wr. | <i>Magdeburg's Legal Instructions for Wroclaw</i> (<i>Rechtsmitteilungen Magdeburgs für Breslau</i>) of 1261 |
| 1295Wr. | <i>Magdeburg's Legal Instructions for Wroclaw</i> (<i>Rechtsmitteilungen Magdeburgs für Breslau</i>) of 1295 |
| 951b (Leipzig MS) | MS in the University Library in Leipzig, Shelfmark 951b |
| AJG (Częstochowa MS) | MS in the Archives of the Pauline Monastery in Częstochowa, Shelfmark AJG 11-3 |
| Baworowscy MS | see BN 12607 |
| BJ 168 (Wawel MS) | MS of High Court of German Law at the Royal Castle of Wawel, in the Jagiellonian Library, Shelfmark 168 |
| BJ 169 (Cracow MS) | MS of the Cracow City Council, in the Jagiellonian Library, Shelfmark 169 |
| BJ 170a | MS in the Jagiellonian Library, Shelfmark 170a |
| BJ 170b | MS in the Jagiellonian Library, Shelfmark 170b |
| BJ 399 | MS in the Jagiellonian Library, Shelfmark 399 (unsystematic German collection of judgements of the Magdeburg Bench) |
| BJ 4405 (Żegota Pauli's MS) | Żegota Pauli's MS in the Jagiellonian Library, Shelfmark 4405 |
| BN 12600 (Mikołaj of Smogorzewo's MS) | MS in the National Library in Warsaw, Shelfmark 12600 III |
| BN 12607 (Baworowscy MS) | MS in the National Library in Warsaw, Shelfmark 12607 III |
| BN 3068 (Tomasz of Bydgoszcz's MS) | MS in the National Library in Warsaw, Shelfmark 3068 III |
| BOZ (Marcin Zabowski's MS) | MS in the National Library in Warsaw, Shelfmark BOZ 90 |
| <i>Commune incliti</i> | see <i>Statutes</i> |
| Cracow MS | see BJ 169 |
| Częstochowa MS | see AJG |
| D. | <i>Digesta</i> |
| <i>Decreta I, II</i> | Ludwik Łysiak, Karin Nehlsen-von Stryk, eds., <i>Decreta iuris supremi Magdeburgensis castri Cracoviensis. Die Rechtssprüche des Oberhofs des deutschen Rechts auf der Burg zu Krakau, 1456–1481; 1481–1511</i> (Frankfurt am Main, 1995, 1997) |

| | |
|---|---|
| Dział. I (Działyńscy Codex I) | MS in the Library of the Polish Academy of Sciences at Kórnik, Shelfmark 801 |
| Dział. IV (Działyńscy Codex IV) | MS in the Library of the Polish Academy of Sciences at Kórnik, Shelfmark 800 |
| Działyńscy Codex I and IV F 143 (St Petersburg MS) | see Dział. I, Dział. IV MS in the Library of the Russian Academy of Sciences in St Petersburg, Shelfmark F 143 |
| Flor. (St Florian MS) | MS in Sankt-Florian Abbey in Austria, Shelfmark 551/II |
| Gn. (Gniezno MS) | MS in the Archdiocesan Archives at Gniezno, Shelfmark 104 |
| Henryków MS II F 8 (Henryków MS) | see II F 8 Henryków MS called also Wrocław MS, in the Library of the University of Wrocław, Shelfmark II F 8 |
| II Q 3 | MS in the Library of the University of Wrocław, Shelfmark II Q 3, including <i>Magdeburg Bench Law</i> (<i>Das Magdeburg Schöffengericht</i>) edited by Paul Laband |
| II Q 4 (Żagań MS) | MS in the Library of the University of Wrocław, Shelfmark II Q 4 |
| IM | <i>Ius municipale Magdeburgense, Weichbild</i> |
| JIM | Mikołaj Jaskier, <i>Iuris Municipalis Maideburgensis Liber vulgo Weichbild nuncupatur ...</i> (Samosci, 1602) |
| JSSp. | Mikołaj Jaskier, <i>Iuris Provincialis quo Speculum Saxonum vulgo nuncupatur Libri tres ...</i> (Samosci, 1602) |
| Kiel. (Kielce MS) | MS in the Library of the Diocesan Seminary in Kielce, Shelfmark RK 45/28 |
| Kielce MS | see Kiel. |
| Leipzig MS | see 951b |
| <i>Liber Legum</i> | see Przem. |
| Marcin Zabowski's MS | see BOZ |
| MFr. | <i>Die Magdeburger Fragen</i> |
| MGH | <i>Monumenta Germaniae Historica</i> |
| Mikołaj of Smogorzewo's MS | see BN 12600 |
| MSR | <i>Magdeburg Bench Law (Das Magdeburger Schöffengericht)</i> |
| NS | Zygfryd Rymaszewski, <i>Nieznany spis prawa chełmińskiego z przełomu XIV i XV wieku</i> [A Newly Discovered Manuscript of Chełmno Law from the Late 14th–Early 15th Century] (Łódź, 1993) |

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| NTO | Józef Reczek and Waclaw Twardzik, <i>Najstarsze staropolskie tłumaczenie ortyli magdeburskich</i> [The Earliest Polish Translation of the Magdeburg ortyle], 1–3 (Warszawa, 1970) |
| Opatów MS | see Oss. |
| Oss. (Opatów MS) | MS in the Ossoliński National Institute, Shelfmark Oss. 832/II |
| Petersburg MS | see F 143 |
| PL | <i>Patrologia Latina</i> |
| Plesz. | Witold Maisel, ed., “Prawo magdeburskie miasta Pleszewa” [The Magdeburg Lawbook of Pleszew], <i>Studia i Materiały do Dziejów Wielkopolski i Pomorza</i> 9/1 (1963) |
| Przem. (Przemysł MS) | <i>Liber legum</i> , in the State Archive in Przemysł, Archives of Przemysł City, Shelfmark 428 |
| Przemysł MS | see Przem. |
| PS | <i>Old Chełmno Law (Der Alte Kulm)</i> |
| Q II 157 (1) | the first text of <i>Weichbild</i> in MS St.P. Lat. Q II 157 in the Russian National Library in St Petersburg |
| Q II 157 (2) | the second text of <i>Weichbild</i> in MS St.P. Lat. Q II 157 in the Russian National Library in St Petersburg |
| RGV | <i>Constitution of Courts (Rechtsbuch von der Gerichtsverfassung)</i> |
| SSp | <i>Speculum Saxonum (Sachsenspiegel)</i> |
| St Florian MS | see Flor. |
| Statutes, or Łaski’s Statutes | <i>Commune incliti Poloniae Regni privilegium constitutionum et indultuum publicitus decretorum approbatorumque ...</i> , ed. Jan Łaski (Cracoviae, 1506) |
| SzIM | Paweł Szczerbic, <i>Ius Municipale, to jest prawo miejskie magdeburskie nowo z łacińskiego i z niemieckiego na polski język z pilnością i wiernie przelożone</i> [<i>Ius Municipale</i> [The Magdeburg Municipal Law]: A New and Meticulously Accurate Translation from the Latin and the German], ed. Grzegorz M. Kowalski, <i>Bibliotheca Iagellonica. Fontes et Studia</i> 20 (Kraków, 2011). |
| Tomasz of Bydgoszcz’s MS | see BN 3068 |
| Vulg. | the <i>Weichbild</i> vulgate |
| Warsaw MS | see Warsz. |

| | |
|--------------------|---|
| Warsz. (Warsaw MS) | MS in the Library of the University of Warsaw, Shelfmark 5 |
| Wawel MS | see BJ 168 |
| Żagań MS | see II Q 4 |
| Żegota Pauli's MS | see BJ 4405 |