Introduction

Run quickly to confession,
Bring priests into your house,
Cry for your sins, receive the sacrament,
The body of Christ, consecrated oil!
Give to the children your land and house;
For the soul, give what you gained;
Win friends with your possessions;
They will put your soul in Heaven.
Gather the creditor and the angry,
Win them by pleas, pay all your debts;
Lose not your soul for another's money
And for this wrongly burn in hell.¹

Lament of a Dying Man [Skarga umierającego], author unknown, trans.
Thomas Anessi

The verses of the fifteenth-century poem *Lament of a Dying Man*, quoted in part above, include the late-medieval Catholic Church's prescriptions for a 'good death.' The dying man was to summon a priest, before whom he would make his final confession, repent his sins and receive the final anointing. In accordance with the custom of the day, he would also dispose of his possessions on his deathbed. His property – his house and fields – was to be given to his children, while his remaining worldly goods – his money and other movables of value – were to be shared between the clergy and the poor, two groups of 'expert' in the medieval formula for salvation. Mention is also made of the dying man's obligation to settle his earthly debts to his creditors.

Lament of a Dying Man was probably written in the latter half of the fifteenth century and contains ideas that appear in many fifteenth-century

¹ This translation of *Lament of a Dying Man* (*Skarga umierającego*) is based on that of Michael Mikos, but has been slightly modified due to variations in the source text. The original is found in *Medieval Literature of Poland: An Anthology*, ed. & trans. Michael Mikos (New York: Garland Pub., 1992), 79–82. It can be found online at: http://staropolska.pl/ang/middleages/sec_poetry/Lament.php3 (accessed: 4 May 2019)

didactic works in the *ars moriendi* (the Art of Dying Well) genre.² Such works were addressed to people from a broad range of social strata in the Polish Kingdom, and used rhyming verses written in the Polish vernacular to provide religious and social instruction on how to properly prepare for death. It is worth noting that the poem's protagonist is a man, a peasant, who as head of the family was the sole administrator of important hereditary immovable property – the family estate.

This act of last will was supposed to take place before an invited clergyman and the immediate family. If possible, debtors and creditors were also summoned and, often, friends and neighbours as well. The validity of this settling of accounts with one's worldly life was guaranteed by witnesses and the institutional authority of the Catholic Church, embodied by a member of the clergy. This act was performed orally and recorded in the memory of those present; when the donation to the Church was a large one, an entry was sometimes made in the parish records.

Based on the results of previous research, it can be assumed that despite the poem's didactic function, its description of the dying man's preparations accurately reflects what was then a preferred and widely disseminated model for preparing for death. Yet, it is worth noting that the word 'testament' is not mentioned anywhere in the above stanzas. There is no evidence that the dying man's resolutions were recorded in written form, or that among those present was a vogt,³ alderman,⁴ notary or some other secular administrative guarantor of the legitimacy of the resolutions.

This 'art of dying' relates to a world that was largely traditional, agrarian and illiterate. Alongside this world, however, a new model of urban life was emerging, one that was growing in significance economically and culturally, and in which the written word and the institutions of municipal self-government were considered the best means of safeguarding people's rights and security, and of ensuring the fulfilment of contracts and dispositions. This emerging model was reflected in the way in which the last will was understood and in the forms it took in the urban milieu. This was the setting in which the concept of the written will spread most quickly, first becoming a common practice among city-dwellers and later a part of municipal law. While at first wills mainly served the needs of an increasingly influential merchant class, they were later adapted to address those of craftsmen and domestic servants as well.

2 Maciej Włodarski, *Ars moriendi w literaturze polskiej XV i XVI w.* (Kraków: Znak, 1987), 14–63, 157–160.

3 See the Glossary: Vogt

4 See the Glossary: Bench court

In my use of rural and urban milieus as categories, I treat them in some sense as ideal types. In doing so, my aim is not to deny the existence of a great wealth of diverse phenomena that testify to the ways in which these worlds were intertwined and the many intermediate forms of community life that lay between those found in a small village and a large city. I similarly juxtapose the 'good death' of a peasant and that of a merchant, and make comparisons between various legal institutions and social relations and practices. This allows us to discern – from among the diverse social practices discussed – the general direction and nature of the cultural changes that can be seen in historical sources.

In both the countryside and the city, death was largely defined by its religious aspects. Yet in Krakow, due to the presence of numerous clergy and religious orders, the range of pastoral offerings was much broader than was typical in a village, as was the level of knowledge among the city's inhabitants of the tenets of the Christian faith. Due to the evidence of general popularity of *ars moriendi* manuals in Poland and that time, it can be assumed that at least members of Krakow's elite were familiar with Christian teaching on the subject, either through rhymed poems that served a mnemonic function, or through sermons heard during Mass in one of the city's many churches.⁵ Those townsmen who had studied at a university may also have had the chance to read one of the – sometimes richly illustrated – scholarly treatises on the subject, such as that attributed to Matthew of Krakow entitled *The Art of Dying, Collected from Various Scriptures, with Drawings, to Repel the Devil's Temptation to Every Christian's Death, Which Are Very Useful and Often Necessary*.⁶

These teachings, disseminated in urban communities through numerous channels, depicted the final moments on the death bed as decisive in terms of a sinner's potential salvation or eternal damnation. The fate of the dying person's soul rested in his own hands. In cities, the means most commonly promoted for ensuring salvation was the drawing up of a written will in which one's earthly obligations were settled and generous donations made as an act of charity. Such an act of expressing one's last will came to be seen as a Christian's

5 Krzysztof Bracha, *Nauczanie kaznodziejskie w Polsce późnego średniowiecza. Sermones dominicales et festuales z tzw. kolekcji Piotra z Miłostawia* (Kielce: Wydawnictwo Akademii Świętokrzyskiej w Kielcach, 2007), 162–165.

6 Authorship of the treatise, written around 1408–1410 and entitled *Ars moriendi ex variis scripturatum sententiis collecta cum figuris ad resistendum in mortis agone diabolice suggestioni valens cuilibet christifideli utilis ac multum necessaria*, is attributed to Matthew of Krakow, rector of Heidelberg University and a reformer of Jagiellonian University; cf. Włodarski, *Ars moriendi*, 23–24.

natural duty, which alongside the sacraments of confession, repentance and absolution, was to be fulfilled before death. Yet, if we look closely at the extant sources, we see that in the fourteenth and fifteenth centuries, when the 'art of dying' was being widely disseminated in late-medieval literature, wills were not yet a common phenomenon,⁷ and the form of the written bequests they contained varied greatly; moreover, it is sometimes difficult to find in their content any traces of religious motivation. So, what were late-medieval last wills? For what purpose and by whom were they written? And, what is the most important, what impact did they have on the social reality and religious practices of their time?

This book is intended to answer these questions and many others. Despite the growing literature on wills, there are still frequent misunderstandings about the evolution of these acts, and a tendency to underestimate the role they played in the history of Europe. While wills have long been used in historical research, and have been viewed from a variety of perspectives, they have usually been used as evidence for some other phenomenon, such as the nature of religiosity, everyday life, material culture or family relations during a given period. Only very rarely have wills themselves been the subject of a deeper analysis, which considered their hidden functions and impact on social reality. For this reason, changes in the nature of wills and their social role have remained largely unexamined, seemingly self-evident. It is the first such comprehensive analysis of medieval Krakow wills, which covers the subject of socio-cultural role of wills and discusses in-depth the legal, social and economic background on which they were formed in the city. It is also a book that offers an original interpretation of these acts, shifting the readers popular perspective of what people did with them to, metaphorically, what these acts did with people. This book seeks to change the perception of these testamentary acts by treating the testamentary act itself as an important agent of historical social change – a 'tool of power.' The book's main thesis is that medieval testament was a legal instrument which on a macro level strongly influenced the process of expanding the scope of individual control over economic resources and on the micro level was used in order to expand the individual control on interpersonal relations with family members, friends, co-workers and fellow citizens.⁸

7 Hanna Zaremska, "Człowiek wobec śmierci. Wyobrażenia i rytuały," in *Kultura Polski średniowiecznej XIV–XV w.*, ed. Bronisław Geremek (Warszawa: Semper, 1997), 485–510.

8 As Mia Korpiola and Anu Lahtinen recently stressed: "Quickly, the individualistic potential of wills as a tool of crafting different property strategies became obvious. Within the boundaries of the law, the family became perceived more as "a descend group, a pool of potential heirs" to be moulded in accordance with the person's personal wishes. The will was thus a manifestation of power: the authoritative expression of the testator's last will (*ultima voluntas*).

The will as a phenomenon defies universal definition. While its history has been influenced by the Church and eschatological conceptions propagated by the clergy, it also reflects wider social and cultural transformations, such as the expansion of cities, trade and the wider money and goods economy, the establishment of municipal law, the spread of literacy and the changes taking place in the structure of the burgher family. Taking into account these complex, dynamically changing social and cultural contexts, in the following chapters I analyse the nature and role of wills and the manner in which they functioned in the particular urban milieu of late-medieval Krakow. I relate the multidimensional history of the will, highlighting the diverse character of these legal acts, over a period of nearly two hundred years, from their appearance in medieval Krakow in the early fourteenth century, to the turn of the sixteenth century, by which time the form and legal foundations of the will were well established. In the book I also attempt to trace the evolution of the will from a purely religious act to one in which secular motives relating to family and property dominated, and from an act that required the presence of a clergyman and was part of the Canon law of the Catholic Church, to an act that took place in the presence of a city official and was regulated both by the laws and customs of a given urban centre and more generally by common law. In the first case, I propose using the term ‘canonical will,’ and in the second case, ‘communal will.’

Subsequently, I ask a range of questions regarding the social characteristics of the group of testators, burghers from Krakow and visitors to the city. I analyse their positions within the social structure through an estimation of their wealth and their relations to power elites (the municipal authorities) as well as their occupations and places of origin. This information not only provides us with a better understanding of the reasons behind the creation of wills, but also casts light on the structure of urban society from a new angle. I also demonstrate the importance of wills as a tool for managing family and property relations in two distinctly different life situations – that of a rich merchant and a middle-class trader or artisan. Moreover, I put forward a thesis about the major role played by wills in the spread of a whole range of religious practices that contributed to the richness of late-medieval urban piety.

Although focused on a single urban centre – the city of Krakow – this book presents a generalizable model of the development of testamentary practices in Central and Eastern Europe, in a part of the continent that was beyond the direct influence of ancient Roman legal traditions, but which drew upon

That a person's last wil was to be fulfilled in accordance with the true intent of the testator became a leading principle in learned law – rendering it even more potent”; “Introduction,” in *Planning for Death. Wills and Death-Related Property Arrangements in Europe, 1200–1600*, ed. Mia Korpiola, Anu Lahtinen (Brill, 2018), 18.

strong cultural and legal models that originated within the sphere of influence of the Holy Roman Empire. The relatively late urbanization of the eastern regions of Europe makes it possible to observe certain social phenomena through sources written *in statu nascendi* – i.e. at the moment these events occurred. Krakow seems to be extremely privileged in this respect because of the well-preserved state of its municipal books, including, in particular, the oldest known will, that of a burgess from Krakow, dating from 1303, for which, to the best of my knowledge, there is no equivalent in any other urban centre in Central and Eastern Europe.

The heart of the Kingdom of Poland was undoubtedly Krakow, with its royal court, bishopric, holy chapter, numerous monasteries and churches, and many visiting foreigners who influenced the dynamics of life in the city and contributed to its social and cultural diversity. Krakow was one of the largest and wealthiest cities in late-medieval Poland and an important trade centre for the entire Central European region.⁹ The city's political, economic and religious importance spurred the intensive growth of its population and led to an associated increase in the level of wealth and occupational diversity among its inhabitants.¹⁰ Krakow's role as a regional centre also meant that new currents in culture arrived here first, and only then spread to smaller affiliated population centres. One such example of the city's role and importance can be seen in wills, of which the earliest and best-preserved examples come from Krakow.

1 Definition of a 'Will'

The complexity of wills as sources is masked by their seemingly-straightforward purpose. Wills contain a wealth of details, and can be confusing, as it is

9 Jan Dąbrowski, "Krakow a Węgry w wiekach średnich," *Rocznik Krakowski* 13 (1911): 187–250; Feliks Kiryk, "Etos pracy (podstawy gospodarcze formowania się Krakowa lokacyjnego 1257–1333)," in *Krakow – dziedzictwo lokacji. Materiały sesji naukowej odbytej 21 kwietnia 2007 roku*, ed. Jan M. Małecki (Krakow: Towarzystwo Miłośników Historii i Zabytków Krakowa, 2008), 51–73; *idem*, "Związki Krakowa z Lwowem w późnym średniowieczu," in *Lwów. Miasto, społeczeństwo, kultura*, vol. 2, ed. Kazimierz Karolczak (Krakow: Wydawnictwo Naukowe Wyższej Szkoły Pedagogicznej, 1998), 9–39; Stanisław Kutrzeba, *Finanse i handel średniowiecznego Krakowa*, ed. Marcin Starzyński (Krakow: Wydawnictwo Avalon, 2009).

10 Maria Bogucka, Henryk Samsonowicz, *Dzieje miast i mieszczaństwa w Polsce przedrozbiorowej* (Wrocław–Warszawa–Krakow: Ossolineum, 1986) 114–118; Jerzy Wyrozumski, *Dzieje Krakowa. Krakow do schyłku wieków średnich* (Krakow: Wydawnictwo Lit, 1992), 314–396.

often not clear what objects they are referring to. Personal and genealogical data are often incomplete, and we thus often have no clues about the identity of those mentioned or information about their relationship to the testator or to one other. Moreover, the motives of the testator are often obscured by the conventional structure and form of the bequests. We even face problems in attempting to define the 'testament' in relation to distinct concepts found in canon, municipal and common law, and to the wide spectrum of local testamentary practices. Attempting to define these detailed bequests, which varied greatly in both form and purpose, Steven Epstein stated that "[t]he will was an act made by an individual at a specific time and place, for personal motives."¹¹ This definition, despite its undoubted technical accuracy, is nevertheless applicable to almost every form of human activity, and therefore does not bring us any closer to understanding the specificity and uniqueness of the will as a legal and social phenomenon. Rather, it reveals the helplessness of the researcher in the face of this document, which eludes simple definition.

Despite the difficulties associated with defining wills, in order to reveal its intrinsic character, I have adopted a broad definition of the will as a gift made by an individual to another person, group of persons or institution, resulting in the transfer of rights to the bequeathed property after the death of that individual (and therefore various types of *donationes mortis causa* – both individual posthumous donations and wills in their full, 'mature' form – are taken into account here). In adopting such a definition, we are forced to consider a wide range of gifts, ranging from short pious bequests and mutual donations made between spouses (*mutuae donaciones*) to various types of donations to relatives and non-relatives. An analysis of late-medieval wills from Krakow confirms that all of these types of *mortis causa* bequests were made, and that the Krakow burghers referred to them in a quite free and inconsistent manner using the word 'testament.'

On the basis of the data contained in Table 1, it can be seen that the majority constitute different types of bequests which performed a function similar to that of wills in the full sense of the word (even when we take into account both all the surviving wills and references found in sources to ones that have not been preserved).¹² Due to the volume of source materials collected and the complex processes that led to the development of the communal will (which in its mature form became widespread only towards the end of the period

11 Stephen Epstein, *Wills and Wealth in Medieval Genoa, 1150–1250* (Cambridge (Mass.)–London: Harvard University Press, 1984), 38.

12 For more information on the variety of *mortis causa* and the ratio between them, see chapter 1, section 11, p. 104.

TABLE 1 Records of *mortis causa* in Krakow sources from the years 1300–1500

Types of records	Number of records
Wills	537
Information about unpreserved wills	252
Single pious bequests	95
Individual donations to family members and other people	356
Mutual bequests of spouses	385
Records of dowers	79
<i>Total</i>	<i>1704</i>

being analysed here), our main focus will be on those bequests, considered as wills, with more complex provisions, which thereby reveal the most about the concept. The bequests considered as wills in the present book mainly include those, that indicate self-reflection on the part of the author and a desire to dispose of a significant portion of property for family or religious purposes.¹³ However, it was impossible to avoid a certain arbitrariness in classifying the bequests into one group or the other, as not all of them are referred to as ‘testaments’ in the source materials.¹⁴ This is especially true of bequests from the fourteenth century, when the concept of the will related primarily to religious donations, while ‘secular’ bequests were labelled with the Latin word *donatio* or the German term *Gemechte* or *Geschefft* (or similar terms that indicated their contractual nature).¹⁵

13 The present classification of collected wills was also guided by the opinion on the nature of wills expressed by Hanna Zaremska: “The thought of death prompts people to reflect on themselves in an orderly manner. This reflection induces them to go over the property they have acquired to date, to determine and hierarchically order the relationships with their relatives and loved ones, to establish heirs and to separate those they want to support from those they want to punish by disinheriting or disregarding them”; *eadem*, *Człowiek wobec śmierci*, 489.

14 See chapter 1, section 5, p. 60.

15 Cf. Jakub Wysmulek, “Wills as Testimony of Marriage Contracts in Late Medieval Krakow,” in *Law and Marriage in Medieval and Early Modern Times, Proceedings of the Eight Carlsberg Academy Conference on Medieval Legal History 2011*, ed. Per Andersen, Kirsi Salonen, Helle Møller Sigh, Helle Vogt (Copenhagen: Djøf Forlag, 2012, 181–190; Otto Loening, *Das Testament im Gebiet des Magdeburger Stadtrechtes* (Breslau: M&G Marcus, 1906), 34–35.

2 The Will – A Theoretical Perspective

The socio-historical research perspective I have chosen to adopt is intended to allow for a broad analysis of the phenomenon of the late medieval will, revealing its specificity and the role it played in the profound social and cultural transformations that were taking place during the period in question. The most important of them is the process of individualisation of society also associated with the birth of early forms of capitalism in late medieval cities. I formulated a working thesis about the importance of the will in the cultural transformation of city life, that is was an important factor in helping to bring about an increasingly individualised society. The use of wills and testaments related to, among other things, the expansion of the concept of private property, the formation of the nuclear family, and the increasingly widespread search for individual strategies of commemoration. The connection between these socio-cultural phenomena and the spread of the will as a concept in Poland suggests that it was an important factor in the historical process of individualisation, understood as a directed (though not linear) socio-historical progression towards “values, beliefs, attitudes and behaviour[s] [that] are increasingly based on personal choice and are less dependent on tradition and social institutions.”¹⁶ At the same time, we are dealing here with an apparent paradox. The increasingly clear distinction between the individual and his or her ‘community of blood’ (traditional family line and kinship groups) did not occur as a result of individuals distancing themselves from their group affiliations as such. This was rather a gradual process, based on conscious and voluntary choices made on a daily basis, which, as a consequence, established a new hierarchy of relations on the individual, group and institutional level. These choices were not conditioned by formal obligations related to the traditional law of kinship (*ius propinquitatis*), but on the basis of real-life practices. Shared experiences created the grounds on which mutual bonds of an emotional nature took root. The wealthy showed most interest in shaping their social group by means of their own wills. Initially, the urban elite were quite willing to make individual decisions regarding the division of property, and thus transform family relationships. This relationship between one’s social position and a willingness to individually reshape the bonds and mutual obligations in one’s existing network of social relations is clearly visible in the collection of wills from Krakow, as well as in sources from other cities in Central and Eastern Europe.

¹⁶ Peter Ester, Loek Halman, Rood de Moor, “Introduction,” in *The Individualizing Society. Value Change in Europe and North America*, ed. Peter Ester, Loek Halman, Rood de Moor (Tilburg: Tilburg University Press, 1994), 7.

By extending an individual's control over their material world (in terms of the legal alienation of goods both during the owner's lifetime and after death), the will also became an instrument of power over one's relatives, friends and co-workers, the clergy, and others. A voluntary testamentary bequest was a gift that by its very nature demanded reciprocity,¹⁷ even if only in some form of honouring or remembrance. It was also a disposition that could be revoked by the testator at any point during their lifetime. This meant that the potential future inheritance of property was often contingent on good relations being maintained between the testator and their friends and relatives. In this way, the assets accumulated by the testator became, through this unilateral disposition, a tool for the planning and shaping of both efforts to guarantee the welfare of one's soul, and the material and discursive commemoration of the testator among the living. It also became a powerful instrument for managing the testator's social relations with potential heirs later in life, and for ensuring one's influence on the lives of loved ones, even after death.¹⁸

Using categories taken from the social sciences, it can be said that a will, as a means of extending the scope of one's control over material goods, was therefore a tool for the transformation of economic capital accumulated during one's lifetime into social, symbolic¹⁹ and 'eschatological' capital, involving, among other things, the guarantee of lifelong care by one's loved ones, the posthumous preservation of one's memory among the living, and the assurance of eternal life in heaven.

A will was likewise an instrument of power for institutions that sought to incorporate it into their rituals and cultural practices, and to place it under their exclusive legal jurisdiction. This was true, above all, of the Catholic Church, but later also of municipal authorities who competed with the Church hierarchy for control over the wills of members of the burgher estates.²⁰ The authorities

17 Marcel Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies*, trans. W.D. Halls (New York: W. W. Norton & Company, 1990 (1950)).

18 Worried about their family relations and the legitimacy of their actions, testators often tried to negotiate the content of their bequests with their heirs. In order to avoid future conflicts, the consent of their closest relatives to the testamentary dispositions was often required by the municipal authorities. However, a will could at least "potentially" be used as a tool against the "legal" heirs to property.

19 Pierre Bourdieu, "The Forms of Social Capital," in *Education, Culture, Economy and Society*, ed. A.H. Halsey, Hugh Lauder, Phillip Brown, Amy Stuart Wells (Oxford: Oxford University Press, 1997), 46–58.

20 Jakub Wyszulek, "Last Wills as Tool of Power. Development of Testamentary Practice in Krakow during Late Middle Ages," in *Planning for Death. Wills and Death-Related Property Arrangements in Europe 1200–1600*, ed. Mia Korpiola, Anu Lahtinen (Brill, 2018), 211–238.

felt entitled to custody of burgher wills, in light of their sovereignty over the city's property and the legal acts of its citizens. The question of whether testamentary dispositions were to be implemented as part of canon or municipal law determined which institution would exercise control over the huge (on the scale of the whole city) sums of money that were invested in various forms of charity, pious gifts and commemoration. Institutional control over wills can also be viewed as a means of building prestige, a symbolic presentation of the city council's²¹ sovereign power over the life and death of other burghers. For the same reasons, up until the end of the Middle Ages, the church hierarchy pointed to the leading role of its bishops and even the Holy See itself as granting it greater authority, in the event any disputes or problems arose in the implementation of testamentary dispositions.

3 Source Base

The bequests contained in wills are extremely rich sources of information that is private in nature – something rarely found in documents preserved from medieval times.²² At the same time, in the case of Krakow (and other large medieval cities), these are what you might call 'mass sources,'²³ in the sense that they are abundant and relatively similar in form. This allows us both to

21 See Glossary: City council

22 Regardless of the reasons for making last wills, whether alleged or stated by the testators themselves, wills express the wishes of townsmen from Krakow and as sources possess features that have led Winfried Schulze to label them "self-testimonies" (*Selbstzeugnisse*) or – following a well-known paper by the Dutch historian Jacques Presser – "ego-documents," cf. "Ego-Dokumente. Annäherung an den Menschen in der Geschichte," *Selbstzeugnisse der Neuzeit*, vol., Winfried Schulze (Berlin: De Gruyter, 1996); Rudolf Dekker, "Jacques Presser's Heritage. Egodocuments in the Study of History," *Memoria y Civilización* 5 (2002), 13–37; Kaspar von Greyerz, "Ego-Documents. The Last Word?," *German History* 28, 2010, no. 3, 273–282; Mary Fulbrook, Ulinka Rublack, *In Relation. The "Social Self" and Ego-Documents*, "German History" 28, no. 3 (2010) 263–272; Agnieszka Rosa, "Testamenty fordońskie jako egodokumenty mieszczańskie," *Kronika Bydgoska* 29 (2006), 41–72.

23 Martin Nodl did claim that testaments are not mass sources. While his arguments against the use of quantitative research methods on medieval wills to draw society-wide conclusions seem to me correct, the significant number of preserved wills from Krakow makes it possible to conduct quantitative research on the changing nature of the will itself, as well as its authors (i.e. testators). This was the aim of statistical studies in this paper; cf. Martin Nodl, "Středověký testament jako abnormalita," in *Pozdně středověké testamenty v českých městech. Prameny, metodologie a formy využití. Sborník příspěvků z konference uspořádané 30. listopadu 2005 Archivem hlavního města Prahy a Historickým ústavem Akademie věd České republiky*, ed. Kateřina Jíšová, Eva Doležalová (Praha: Scriptorium, 2006), 73–85.

conduct qualitative research and to analyse the collected data by means of statistical methods.

The primary group of sources, i.e. those that made it possible to conduct this research on Krakow's wills, include bench court,²⁴ council and municipal books from 1301 to 1500. The initial period of the development of the will in the first half of the fourteenth century can be studied thanks to the preservation of the oldest known municipal book from Krakow, covering the years 1301–1375, in which cases heard by the bench court and the notes of the city council office were recorded.²⁵ Research on books from the fourteenth century was carried out on the basis of Franciszek Piekosiński's 1878 edition of *The Oldest Municipal Book* [*Najstarszaj księga miejskiej*]²⁶ and books of the Krakow bench court from 1365–1376 and 1390–1397, published in 1904 by Stanisław Krzyżanowski.²⁷

Studies of sources from the late fourteenth century and fifteenth century were carried out mainly on manuscript sources. These included five books of the bench court from the years 1408–1476²⁸ (and bequests from another preserved book of the bench court from 1500),²⁹ as well as four council books from the years 1392–1500³⁰ (and the first part of the next council book containing entries from 1500).³¹ Particular attention was paid to the oldest surviving book of wills, maintained by the Krakow city council. For the purposes of this study, the wills from the years 1427–1500, recorded in this book, formed the bulk of those analysed.³² One will (from 1476) was also found in the oldest known book of the vogt's court.³³ A valuable document from 1485, a testamentary form written down by the Krakow viceroy Kacper Grosz, was found among a collection of loose parchment documents stored in the Acts of the City of Krakow in the State Archive in Krakow.³⁴

24 See Glossary: Bench court

25 AMK, ms. 1; Bożena Wyrozumska, *Kancelaria miasta Krakowa w średniowieczu* (Krakow: Wydawn. Uniwersytetu Jagiellońskiego, 1995), 54–58; Agnieszka Bartoszewicz, *Piśmienność mieszczańska w późnośredniowiecznej Polsce* (Warszawa: Wydawnictwo Uniwersytetu Warszawskiego, 2012), 82–83.

26 NKiRMK.

27 SCAB..

28 AMK, ms. 4 (1408–1416), ms 5 (1419–1430), ms 6 (1431–1446), ms 7 (1447–1459), ms 8 (1459–1476).

29 AMK, ms 9 (1500).

30 AMK, ms 427 (1392–1411), ms 428 (1412–1449), ms 429 (1450–1483), ms 430 (1483–1500).

31 AMK, ms 431 (1500–1513).

32 AMK, ms 772; cf. Wyrozumska, *Kancelaria*, 92–93; Bartoszewicz, *Piśmienność*, 109–110.

33 AMK, ms 83, fol. 8–9.

34 AMK, ms 779.

This search was supplemented by documents published by Franciszek Piekosiński in *The Diplomatic Code of Lesser Poland*³⁵ and in *The Diplomatic Code of the City of Krakow 1257–1506*,³⁶ which is the source of the oldest known Krakow will, drawn up in 1303 by a burgher woman named Sulisława.³⁷ Documents published by Stanisław Kuraś and Irena Sułkowska-Kuraś in *The Małopolska Collection of Documents*³⁸ were also used. Valuable information about testators can be found in books of admissions to municipal law in Krakow published in 1913 by Kazimierz Kaczmarczyk.³⁹

In total, 268 different testamentary dispositions were found in council books and in books of wills kept by the councillors⁴⁰ (84 in council books and 184 in the *Liber Testamentorum*), all but three of which date back to the fifteenth century. In addition, 264 testamentary bequests were contained in the books of bench courts (including the oldest preserved municipal book), 168 of which date back to the fifteenth century.⁴¹ A search of sources created outside the main Krakow offices resulted in the discovery of just five burgher wills: one was entered in a book of the vogt's court,⁴² and four survived in the form of documents.⁴³

35 KDM.

36 KDMK.

37 KDMK, vol. 3, no. 368 (1303).

38 *Zbiór dokumentów małopolskich*, parts 1–18, ed. Stanisław Kuraś, Irena Sułkowska-Kuraś (Wrocław–Warszawa–Krakow: Zakład Nar. Im. Ossolińskich, Polska Akademia Nauk, 1962–1975).

39 *Księgi przyjęć do prawa miejskiego w Krakowie 1392–1506. Libri iuris civilis Cracoviensis 1392–1506*, ed. Kazimierz Kaczmarczyk (Krakow, Archiwum Aktów Dawnych Miasta Krakowa, 1913).

40 See Glossary: City council

41 Therefore, the claim made by Urszula Sowina, who stated that “in the Middle Ages and early modern period in Krakow, testamentary dispositions were usually recorded in the books of the bench court,” is not true in regard of wills from fifteenth century. The state of preservation of sources from this period does not allow us to draw further conclusions about wills from the fourteenth century; cf. Urszula Sowina, “Testamenty mieszczan krakowskich o przekazywaniu majątku w późnym średniowieczu i we wczesnej nowożytności,” in *Sociální svět středověkého města*, ed. Martin Nodl (Colloquia mediaevalia Pragensia, 5), (Praha:Filosofia, 2006), 175.

42 Will of the wife of Nicholas Zeidenhafter; *Advocatalia Cracoviensia*, ms no. 83, 8–9.

43 Two of them were individual documents stored in church archives (Sulisława's will of 1303 is stored in the archive of the Franciscans in Krakow, whereas the copy of Gotfrid Fattinante's will of 1393 was allegedly stored in the archives of the cathedral chapter in Krakow) and two were notarial deeds. The will of Claire Rolle of 1419 was published in KDMK, whereas the testamentary legacy of Nicholas Zarogowski was published in Cod. Dipl. UJ.; KDMK, vol. 3, no. 368; KDWac., vol. 2, no. 396; KDMK, vol. 3, no. 406; Cod. Dipl. UJ, vol. 3, no. 236, 17–18.

The 537 bequests of last will discovered during the search of source materials were made by 447 testators, among which in 68 cases (13%) two versions of the act were found, in 16 cases (3%) – three, 5 cases (1%) – four, and 2 cases (0.4%) – as many as five different versions of the last will. Out of all the wills, 144 (37%) were made by 130 women.

In Krakow municipal sources, the wills of nine clergymen⁴⁴ were also found, of which only subsequent versions of the will of John Stolle from Głogów, a municipal notary and later altarist in St. Mary's Church,⁴⁵ were analysed in detail. Moreover, due to the strong ties between the testators and the Krakow burghers elites, the acts of last will of four persons formally belonging to the noble estate were also analysed. These included two Krakow councillors, Michael Lang, also known as *de Czirla*,⁴⁶ and Nicholas Zarogowski,⁴⁷ as well as Helena Leszczyńska⁴⁸ and Anna Obulczowa (the daughter of councillor George Orient).⁴⁹

4 Subject Literature

In Europe research into medieval wills has a long tradition, thus I have chosen to mention here only those works which, either through their territorial proximity or thematic scope, are closely linked to the subject matter of this book.

Early studies on acts of last will, dating back to the latter half of the nineteenth century, are devoted primarily to the evolution of property rights. Worth noting here is the classic work *Ancient Law* (1861), written by the English historian and anthropologist Henry Maine.⁵⁰ Similar research was also conducted in Germany in the early twentieth century.⁵¹ Particularly important from the

44 Sister Pauline, NKiRMK, no. 1524 (1344); Sister Elizabeth of Dornburg, NKiRMK, no. 1643 (1352); Nicholas Polner, a curate and altarist in St. Mary's Church in Krakow, CONS. 428, fol. 200 (1423); Theodoric Weinrich, a Krakow presbyter, KDMK, vol. 3, no. 432, 563–569 (1449); Nicholas Rybka, a cleric, CONS. 429, fol. 197 (1456); Magister Stephen Leipniger, LT, fol. 60 (1459); Hieronymus Gambicz, a cleric of Opatów, CONS. 429, fol. 373 (1466); Jacob Hoze, priest, LT, fol. 115 (1476).

45 SCAB. 6, fol. 186 (1439); SCAB. 6, fol. 187 (1439); SCAB. 6, fol. 267 (1442); CONS. 429, fol. 27–28 (1451); KDMK, vol. 3, no. 439, 574–576 (1454).

46 CONS. 428, fol. 341, 344 (1435).

47 CONS. 429, fol. 15–16 (1450); Cod. Dipl. UJ, vol. 3, no. 236 (1472); LT, fol. 129–131 (1482).

48 LT, fol. 53 (1458).

49 LT, fol. 147 (1489).

50 Henry Sumner Maine, *Ancient Law* (London: Oxford University Press, (1861) 1931).

51 Günter Aders, *Das Testamentsrecht der Stadt Köln im Mittelalter* (Köln: Verlag des Kölnischen Geschichtsvereins e.V. in Kommission bei Creutzer & Company, 1932).

point of view of the subject under discussion is Otto Loening's 1906 study on the role of the will in Magdeburg Law.⁵²

Since the 1960s, interest in wills as historical sources has grown alongside the spread of social and cultural history in European historiography.⁵³ Michael M. Sheehan's works on early medieval English and Anglo-Saxon wills are particularly valuable.⁵⁴ In the 1980s, there was a rise in interest among historians in the social positions of testators and in the everyday life and material culture of the Middle Ages emerging from bequests of last will.⁵⁵ Numerous works were published, from which it is worth mentioning a few studies, such as those of the Austrian historian Gerhard Jaritz, Hartmut Boockmann, from Göttingen.⁵⁶ Paul Baur, who analysed wills from Konstanz;⁵⁷ Susanne Mosler-Christoph, from Lüneburg;⁵⁸ Lucia Maestro, from Vienna;⁵⁹ and Johannes Schildhauer, from Stralsund.⁶⁰

The tradition in German historiography of researching the historical and legal dimensions of wills was continued throughout the twentieth century.⁶¹

⁵² Otto Loening, *Das Testament*.

⁵³ Ulrich Bach, *Das Testament als Literarische Form. Versuch einer Gattungsbestimmung auf der Grundlage englischer Texte* (Düsseldorf: Düsseldorf Hochschulreihe, 1977).

⁵⁴ Michael M. Sheehan, *The Will in Medieval England. From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century* (Toronto: Pontifical Institute of Mediaeval Studies, 1963); *idem*, *Marriage, Family and Law in Medieval Europe. Collected Studies*, ed. James K. Farge (Cardiff: University of Toronto Press, 1996).

⁵⁵ *Materielle Kultur und Religiöse Stiftung im Spätmittelalter. Internationales Round-Table-Gespräch Krems an der Donau, 26 September 1988*, ed. Gerhard Jaritz (Wien: Verlag der österreichischen Akademie der Wissenschaften, 1990); cf. Urs Martin Zahnd, "Spätmittelalterliche Bürgertestamente als Quellen zu Realienkunde und Sozialgeschichte," *Mitteilungen des Instituts für österreichische Geschichtsforschung* 96, 1988.

⁵⁶ Hartmut Boockmann, *Leben und Sterben in einer spätmittelalterlichen Stadt. Über ein Göttinger Testament des 15. Jahrhunderts* (Göttingen: Hartmut Boockmann. Vandenhoeck & Ruprecht, 1983); Gerhard Jaritz, "Österreichische Bürgertestamente als Quelle zur Erforschung städtischer Lebensformen des Spätmittelalters," *Jahrbuch für Geschichte des Feudalismus* 8, 1984.

⁵⁷ Paul Baur, *Testament und Bürgerschaft, Alltagsleben und Sachkultur im spätmittelalterlichen Konstanz* (Sigmaringen: Jan Thorbecke Verlag, 1989).

⁵⁸ Susanne Mosler-Christoph, *Die materielle Kultur in den Lüneburger Testamenten 1323 bis 1500* (PhD diss., Georg-August-Universität Göttingen, 1998).

⁵⁹ Lucia Maestro, *Spätmittelalterliche Bürgertestamente in den Wiener Neustädter Ratsbüchern als Quelle zur Alltagsgeschichte* (PhD diss. University of Vienna, 1995).

⁶⁰ Johannes Schildhauer, *Hansestädtischer Alltag. Untersuchungen auf der Grundlage der Stralsunder Bürgertestamente vom Anfang des 14. bis zum Ausgang des 16. Jahrhunderts* (Weimar: Hermann Böhlaus Nachfolger, 1992).

⁶¹ Hans Lentze, "Das Wiener Testamentsrecht des Mittelalters," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanische Abteilung* 69/70 (1952/1953), 98–154, 159–229;

In addition, studies were carried out on the religious significance of acts of last will,⁶² as were linguistic analyses.⁶³ In the late twentieth century, interest in the medieval family⁶⁴ and the position of women in urban settings increased among historians, represented in works by such authors as Linda Guzzetti,⁶⁵ Barbara A. Hanawalt⁶⁶ and Kathrin Pajcic.⁶⁷ Particularly noteworthy here is a very valuable analysis of wills from Cologne by Brigitte Klosterberg.⁶⁸ In recent years, numerous collections of wills have been made available to researchers in the form of catalogues or editions of collected sources, such as the publication

Johannes Kaps, *Das Testamentsrecht der Weltgeistlichen und Ordenspersonen in Rechtsgeschichte, Kirchenrecht und Bürgerlichem Recht Deutschlands, Österreichs und der Schweiz* (München: Verlag Christ Unterwegs, 1958); Harm Buss, *Letztwillige Verfügungen nach ostfriesischen Recht* (Göttingen: Verlag Ostfriesische Landschaft, 1963); Gerhard Hückstädt, *Der Testamentvollstrecker im deutschen Recht des Mittelalters* (PhD diss. Kiel, 1971); Gabriele Schulz, *Testamente des späten Mittelalters aus dem Mittelrheingebiet. Eine Untersuchung in rechts- und kulturgeschichtlicher Hinsicht* (Mainz: Selbstverlag der Gesellschaft für Mittelrheinische Kirchengeschichte, 1976); Henning Piper, *Testament und Vergabung von Todes wegen im braunschweigischen Stadtrecht des 13 bis 17 Jh.* (Braunschweig: Waisenhaus-Buchdruckerei und Verlag, 1960); Christian Neschwara, *Rechtsformen Letztwilliger Verfügungen in den Wiener Stadtbüchern (1395–1430). Eine Bilanz aufgrund der vorliegenden Edition bis 1417, Testamente aus der Habsburgermonarchie Alltagskultur, Recht, Überlieferung* (Wien: Böhlau, 2009); Lothar Kolmer, "Spätmittelalterliche Regensburger Testamente. Forschungsergebnisse und Forschungsziele. Regensburger Testamente im Vergleich", *Zeitschrift für Bayerische Landesgeschichte* 52 (1989): 475–500.

- 62 Marianne Riethmüller, *To troste miner sele, Aspekte spätmittelalterlicher Frömmigkeit im Spiegel Hamburger Testamente (1310–1400)* (Hamburg: Verlag Verein für Hamburgische Geschichte, 1994); Anneliese Mark, *Religiöses und karitatives Verhalten der Wiener Bürger im Spiegel ihrer Testamente (1400 bis 1420)* *(PhD diss. Innsbruck, 1976).
- 63 Andreas Bieberstedt, *Textstruktur, Textstrukturvariation, Textstrukturmuster. Lübecker mittelniederdeutsche Testamente des 14. und 15. Jahrhunderts* (Wien: Praesens Verlag, 2007).
- 64 Jack Goody, *The Development of the Family and Marriage in Europe* (Cambridge: Cambridge University Press, 1983); Ralph Houlbrooke, *Death, Religion, and the Family in England 1480–1750* (Oxford: Oxford University Press, 1998); *Marriage, Property and Succession*, ed. Lloyd Bonfield (Berlin: Duncker&Humblot, 1992); Rafael Ehrhardt, *Familie und Memoria in der Stadt. Eine Fallstudie zu Lübeck im Spätmittelalter* (Göttingen: Göttingen Niedersächsische Staats- und Universitätsbibliothek, 2001).
- 65 Linda Guzzetti, *Venezianische Vermächtnisse, Die soziale und wirtschaftliche Situation von Frauen im Spiegel spätmittelalterlichen Testamente* (Weimar: Verlag J. B. Metzler, 1998).
- 66 Barbara A. Hanawalt, *The Wealth of Wives. Women, Law, and Economy in Late Medieval London* (Oxford: Oxford University Press, 2007).
- 67 Kathrin Pajcic, *Frauensimmen in der spätmittelalterlichen Stadt? Testamente von Frauen aus Lüneburg, Hamburg und Wien als soziale Kommunikation* (Würzburg: Königshausen u. Neumann, 2013).
- 68 Brigitte Klosterberg, *Zur Ehre Gottes und zum Wohl der Familie – Kölner Testamente von Laien und Kleriken im Spätmittelalter* (Köln: SH-Verlag, 1995).

of wills from Brunswick (1314–1432) by Dietrich Mack,⁶⁹ from Hamburg (1351–1432) by Hans Dieter Loose,⁷⁰ and from Lüneburg (1323–1500) by Uta Reinhardt.⁷¹

In recent years, researchers of the medieval history of Bohemia (now the Czech Republic) and Hungary have also produced a number of works on wills. However, historians from these countries have focused primarily on the religious aspect of wills, as exemplified by the works of Judit Majorossa⁷² and Kateřina Jiřová.⁷³ Important statements by Czech historians on the preservation of sources, research methodology, and the use of late medieval wills in historical research are found in a post-conference volume published in 2006.⁷⁴

For many years, research on medieval wills was a marginal concern in Polish historiography. Wills were researched more extensively for the first time by Henryk Samsonowicz in his 1960 study of the burgher class in Gdańsk in the latter half of the fifteenth century.⁷⁵ However, his study focused primarily on economic issues. Then in 1976 a journal article by him made a major

69 Dietrich Mack, *Testamente der Stadt Braunschweig*, vol. 1–5 (Göttingen: Goltze, 1988–1990).

70 Hans Dieter Loose, *Hamburger Testamente, 1351 bis 1400. Veröffentlichungen aus dem Staatsarchiv der Freien und Hansestadt Hamburg* (Hamburg: Christians, 1970).

71 Uta Reinhardt, *Lüneburger Testamente des Mittelalters 1323 bis 1500* (Hannover: Hahn, 1996).

72 Judit Majorossy, *Church in Town. Urban Religious Life in Late Medieval Pressburg in the Mirror of Last Wills* (PhD diss., Budapest: Central European University, 1997); *eadem*, “Archives of the Dead. Administration of Last Wills in Medieval Hungarian Towns,” *Medium Aevum Quotidianum* 48 (2003), 13–28; *Das Pressburger Protocollum Testamentorum 1410 (1427) – 1529*, vol. 1–2: 1410–1529, ed. Judit Majorossy, Katalin Szende (Wien: Bohlau Verlag, 2010, 2014).

73 Kateřina Jiřová, *Testamenty novoměstských měšťanů v pozdním středověku* (PhD diss., Praha: Univerzita Karlova, 2008); *eadem*, “Charita, milosrdenství a spása duše v pozdně středověké Praze,” in *Kací, šváci, templariusze*, ed. Blažej Šliwiński (Malbork: Muzeum Zamkowe, 2008), 139–190; *eadem*, “Testamenty pražských měšťanů v pozdním středověku. Religiozita, sociální rozvrstvení, majetkové a rodinné poměry novoměstských měšťanů (1421–1533),” in *Pierwsze polsko-czeskie forum młodych mediewistów. Materiały z konferencji naukowej, Gniezno 27–29 września 2005 r.*, ed. Józef Dobosz (Poznań: Instytut Historii UAM, 2007), 295–308; *eadem*, “Die Testamente der Elite von Krakau und Prag im Spätmittelalter,” in *Elita władzy miasta Krakowa i jej związki z miastami Europy w średniowieczu i epoce nowożytnej (do połowy XVII wieku)*. Zbiór studiów, ed. Zdzisław Noga (Kraków: Antykwa, 2011), 447–459.

74 *Pozdně středověké testamenty v českých městech*, ed. Kateřina Jiřová, Eva Doležalová.

75 Henryk Samsonowicz, *Badania nad kapitałem mieszczańskim Gdańska w II połowie XV wieku* (Warszawa: Uniwersytet Warszawski, 1960).

contribution to modern research on burgher acts of charity in the late Middle Ages.⁷⁶ However, Urszula Sowina can be considered the precursor of modern research on medieval wills in Poland. She devoted several valuable works to the topic,⁷⁷ the first of which, published in 1991, focusing on the townspeople of Sieradz⁷⁸ Very valuable is her article from 2006 discussing the source base of Krakow wills and examining formal and legal issues concerning the rules of inheritance in medieval Krakow.⁷⁹ In recent years studies of the role of the will in the medieval city have proliferated. It appears that in the case of most of these, attention has been focused primarily on the question of burgher religiosity in the light of the testamentary records of the *opera pietatis* (works of piety). This is true of much of Piotr Oliński's work, including an extensive monograph published in 2008 devoted to pious bequests from Prussian cities,⁸⁰ as well as numerous other articles of his.⁸¹ Elżbieta Piwowarczyk, who shares similar interests, analysed Krakow wills in terms of their devotional records. Alongside some articles written on the basis of this research, and a few shorter

76 *Idem*, "Mieszczańska dobroczynność prywatna w Polsce późnego średniowiecza," in *Cultus et cognitio. Studia z dziejów średniowiecznej kultury*, ed. Stefan K. Kuczyński, Aleksander Gieysztor (Warszawa: Państwowe Wydawnictwo Naukowe, 1976), 505–511.

77 Urszula Sowina, "Testament pewnego kmiecia. Przyczynek do badań nad relacjami międzystanowymi w późnym średniowieczu i wczesnej nowożytności," in *Civitas & villa. Miasto i wieś w średniowiecznej Europie środkowej*, ed. Cezary Buśko (Wrocław–Prah: Instytut Archeologii i Etnologii PAN, 2002), 209–214; Urszula Sowina, Kazimierz Pacuski, "Testamenty mieszczan Krakowskich jako źródła do badań nad stronami rodzinnymi imigrantów w krakowskiej elicie władzy (Przykład Jana z Reguła na Mazowszu)," in *Elita władzy miasta Krakowa i jej związku z miastami Europy w średniowieczu i w epoce nowożytnej (do połowy XVII wieku). Zbiór studiów*, ed. Zdzisław Noga (Kraków: Antykwa, 2011), 433–446.

78 Urszula Sowina, "Najstarsze sieradzkie testamenty mieszczańskie z początku XVI w. Analiza źródłoznawcza," *KHKM*, 39, no. 1 (1991), 3–25.

79 Urszula Sowina, *Testamenty mieszczan krakowskich o przekazywaniu majątku*, 173–183.

80 Piotr Oliński, *Fundacje mieszczańskie w miastach pruskich w okresie średniowiecza i na progu czasów nowożytnych (Chełmno, Toruń, Elbląg, Gdańsk, Królewiec, Braniewo)* (Toruń: Wydawnictwo Naukowe Uniwersytetu Mikołaja Kopernika, 2008).

81 Piotr Oliński, "Mieszczanin w trosce o zbawienie. Uwagi o memoratynych funkcjach fundacji mieszczańskich w wielkich miastach pruskich," in *Ecclesia et civitas. Kościół i życie religijne w mieście średniowiecznym*, ed. Halina Manikowska, Hanna Zaremska (Warszawa: Instytut Historii PAN, 2002), 347–361; *idem*, "Społeczne uwarunkowania zapisów testamentowych w średniowiecznym Elblągu," in *In memoriam honoremque Casimiri Jasińskiego*, ed. Jarosław Wenta, Piotr Oliński (Toruń: Wydawnictwo Naukowe Uniwersytetu Mikołaja Kopernika, 2010), 181–192; *idem*, "Fundacje i legaty religijne kobiet świeckich w wielkich miastach pruskich," in *Kobieta i rodzina w średniowieczu i na progu czasów nowożytnych*, ed. Zenon Hubert Nowak, Andrzej Radziwiński (Toruń: Wydawnictwo Uniwersytetu Mikołaja Kopernika, 1998), 143–160.

texts,⁸² in 2010 she published an extensive monograph devoted primarily to statistical analysis of Krakow's testamentary legacy on opera pietatis.⁸³

Beata Możejko carried out an analysis of late medieval Gdansk wills, taking into account instructions for donations to relatives, alongside devotional records.⁸⁴ Rafał Kubicki,⁸⁵ in turn, analysed the characteristics of wills of the citizens of Elbląg. Bohdana Petryshak prepared an interesting discussion of the oldest medieval wills from Lviv.⁸⁶ It is also worth noting the writings of Bogdan Bobowski, who presented the wills of the burghers and nobility from *Weichbild Świdnicki*. His work covers the period from the first half of the fourteenth century up to the end of the first quarter of the seventeenth century. In his book on material culture, he presents the functioning of the will in the light of urban law and the significance of the will as an act of preparation for death and as a source for research on the burgher family.⁸⁷ A good example of the ever-more numerous, and often very detailed regional research on wills is an

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- 82 Elżbieta Piwowarczyk, Piotr Tysza, "Przyczynek do pobożności mieszczan krakowskich na podstawie XV-wiecznych legatów w Liber testamentorum (rkps 772)," *Nasza Przyszłość* 105 (2006), 7–42; Elżbieta Piwowarczyk, "Legaty na kościół i klasztor oo. Dominikanów w Krakowie (XIV–XV w.). Z badań nad pobożnością miejską," in *Mendykanci w średniowiecznym Krakowie*, ed. Krzysztof Ożóg, Tomasz Gałuszka, Anna Zajchowska (Kraków: Esprit, 2008), 485–503; Elżbieta Piwowarczyk, "Legaty na kościół Panny Marii (Mariacki) w Krakowie (XIV–XV w.). Przyczynek do badań nad religijnością miejską," *Rocznik Krakowski* 72 (2006), 5–23; Elżbieta Piwowarczyk, "Legaty testamentowe na kościół św. Anny (1400–1530). Z Krakowskich ksiąg miejskich," in *Studia z dziejów kościoła św. Anny w Krakowie*, ed. Zdzisław Kliś, Tomasz Węclawowicz (Kraków: Wydawnictwo UNUM, 2009), 73–89.
- 83 Elżbieta Piwowarczyk, *Legaty testamentowe ad pias causas w XV-wiecznym Krakowie* (Kraków: Drukarnia Akcydensowa) 2010.
- 84 Beata Możejko, *Rozrachunek z życiem doczesnym. Gdańskie testamenty mieszczańskie z XV i początku XVI wieku* (Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego, 2010); Beata Możejko, "Gdański mieszczanin w obliczu śmierci. Zapisy testamentowe z II połowy XV w. (na podstawie księgi ławniczej)," in *Mieszczanie, wasale, zakonnicy*, ed. Błażej Śliwiński (Malbork: Muzeum Zamkowe w Malborku, 2004), 127–162.
- 85 Rafał Kubicki, "Kultura materialna w testamentach elbląskich z XV–początku XVI w.," *KHKM*, 58 no. 2 (2010), 197–210; *idem*, "Testamenty elbląskie z XIV–początków XVI w. Charakterystyka wraz z listą testatorów w układzie chronologicznym," *Rocznik Elbląski* 20 (2006), 199–208.
- 86 Bohdana Petryshak, "Sporządzanie testamentów we Lwowie w późnym średniowieczu — pisarze, ceny, okoliczności," *Kwartalnik Historii Kultury Materialnej*, 62, no. 3 (2014), 329–336.
- 87 Bogdan Bobowski, *Kultura materialna mieszczan Świdnicy i rycerstwa Weichbildu świdnickiego w świetle testamentów (od I połowy XIV do końca I ćwierci XVII wieku)* (Zielona Góra: Uniwersytet Zielonogórski, 2011); *idem*, "Testament w średniowiecznym prawie polskim," *Zeszyty Historyczne* 10, no. 10 (2009), 83–90.

article by Ewa Wólkiewicz devoted to the last will of a burgher from the fourteenth century.⁸⁸ It is also worth noting the many linguistic studies on wills, useful in their detailed analysis, especially the collection of sketches by Józef Wiktorowicz.⁸⁹

Since 2008, a research team from the Institute of History at the University of Warsaw, examining the history of old Polish culture, has carried out an extensive research project entitled "The Will as a Historical Source". The group has organised many international conferences, from which a number of papers have been published.⁹⁰ The most significant result of their years of work in this area was the publication of a series of catalogues of wills of city dwellers from areas of the Kingdom of Poland and the Grand Duchy of Lithuania from Middle Ages up the end of eighteenth century.⁹¹

88 Ewa Wólkiewicz, "Testament Anny Isenecher jako źródło do badań mikrohistorycznych. Próba ustalenia kręgu towarzyskiego śląskiej mieszcanki z XIV wieku," *Zeszyty Historyczne WSP w Częstochowie*, 6 (2000), 385–399. As examples of microhistorical research, we could include the following articles: Jan Tęgowski, "Testament ostatniego Piasta mazowieckiego," *Przegląd Historyczny*, 96 no. 1 (2005), 77–90; Wacława Szelińska, "Dwa testamenty Jana Dąbrówki. Z dziejów życia umysłowego Uniwersytetu Krakowskiego w połowie XV wieku," *Studia i Materiały z Dziejów Nauki Polskiej, seria A*, no 5 (1962), 1–40; Maria Koczerska, "Testamenty kanonika tarnowskiego i plebana Wszystkich Świętych w Krakowie," in *Ludzie, kościół, wierzenia. Studia z dziejów kultury i społeczeństwa Europy Środkowej (średniowiecze – wczesna epoka nowożytna)*, ed. Wojciech Iwańczak (Warszawa: Wydawnictwo DiG, 2001), 237–254; Franciszek Sikora, "Testament Przedbora z Koniecpola z roku 1460," *Studia Historyczne* 26, no. 2 (1983), 297–314; Maria Kowalczyk, "Testament biskupa Krakowskiego Floriana z Mokrska," *Studia Źródłoznawcze* 41 (2003) 65–70; Alicja Szymczak, Jan Szymczak, "Legaty testamentowe kanonika krakowskiego Adama z Będkowa z 1451 roku dla rodziny," in *Księga Jubileuszowa Profesora Feliksa Kłyka* (Kraków: Wydawnictwo Naukowe Akademii Pedagogicznej w Krakowie, 2004); Rościśław Żerelik, "Testament Franciszka Koeckritza zwanego Faberem, pisarza miasta Wrocławia w latach 1542–1565," *Archaeologia Historica Polona* 7 (1998), 93–102; Wojciech Olszewski, "Testament jako źródło do badań życia miasta w średniowieczu," *Archaeologia Historica Polona* 7 (1998), 79–92.

89 Józef Wiktorowicz, *Krakauer Kenzleisprache. Forschungsperspektiven und Analysemethoden* (Warszawa: Zakład Graficzny Uniwersytetu Warszawskiego, 2011).

90 KHKM, vol. 58, 2010, no. 2; vol. 59, 2011, no. 3–4.

91 *Testamenty w księgach miejskich wileńskich z XVI i XVII wieku. Katalog*, ed. Kamil Frejlich, "Katalogi testamentów mieszkańców miast z terenów Korony i Wielkiego Księstwa Litewskiego do 1795 roku" (KTMM) 1 (Warszawa: Semper, 2017); *Testamenty mieszkańców miast Wołynia od końca XVI – do początku XVIII wieku. Katalog*, ed. Natalia Biłous, "KTMM" 2 (Warszawa: Semper, 2017); *Katalog testamentów mieszkańców Brzeźcia i Grodna od XVI do początku XVIII wieku*, ed. Natallia Sliż, "KTMM" 3 (Warszawa: Semper, 2017); *Testamenty mieszkańców lwowskich z drugiej połowy XVI i z XVII wieku. Katalog*, ed. Oksana Winnyczenko "KTMM" 4 (Warszawa: Semper, 2017); *Testamenty z ksiąg sądowych małych miast polskich do 1525 roku*, ed. Agnieszka Bartoszewicz, Krzysztof

Research on medieval wills has also been supplemented by works on bequests of last will from the sixteenth to the eighteenth century, including numerous smaller studies (many published since the 1980s), which, following the *Annales* School of history, deal with the mentalities of various social groups in the modern Republic of Poland. Works such as those by Katarzyna Zielińska⁹² and Andrzej Karpiński⁹³ need to be mentioned here. These were innovative studies of the Polish context for the production of wills, exploring social ties and religiosity. In addition, editions of wills from the time of the Polish-Lithuanian Commonwealth (1569–1795), along with commentary, have been produced by other Polish researchers, often as part of regional or micro-historical studies.⁹⁴

Mrozowski, Maciej Radomski, Katarzyna Warda, ed. Agnieszka Bartoszewicz, "KTMM" 5 (Warszawa: Semper, 2017); Katalog testamentów z krakowskich ksiąg miejskich do 1550 roku, ed. Jakub Wysmulek, "KTMM" 6 (Warszawa: Semper, 2017); *Katalog testamentów poznańskich z drugiej połowy XVI i z XVII wieku*, ed. Andrzej Karpiński, "KTMM" 7 (Warszawa: Semper, 2017); *Testamenty mieszczan warszawskich od XV do końca XVII wieku. Katalog*, ed. Agnieszka Bartoszewicz, Andrzej Karpiński, Katarzyna Warda (Warszawa: Semper, 2010).

- 92 Katarzyna Zielińska, *Więzi społeczne w połowie XVII wieku w świetle testamentów konsystorza pułtuskiego*, *Przegląd Historyczny* 77, no. 1 (1986), 45–59.
- 93 Andrzej Karpiński, "Zapisy pobożne i postawy religijne mieszczanek polskich w świetle testamentów z drugiej połowy XVI i XVII wieku," in *Tryumfy i porażki. Studia z dziejów kultury polskiej XVI–XVIII wieku*, ed. Maria Bogucka (Warszawa: Państwowe Wydawnictwo Naukowe, 1989), 204–233.
- 94 Małgorzata Borkowska, *Dekret w niebieskim ferowany parlamencie: wybór testamentów z XVII–XVIII wieku* (Kraków: Znak, 1984); Stefan Krakowski, "Mieszczanie Częstochowy w XVII wieku w świetle testamentów," *Ziemia Częstochowska* 5 (1965), 115–125; Grzegorz Huszał, "Przygotowanie do śmierci w XVII w.," *Roczniki Humanistyczne* 31, no. 2 (1983), 105–150; Waldemar Kowalski, "Testament daleszyckiego rajcy z 1637 roku," *Studia Kieleckie* 45, no. 1 (1985), 129–135; Sybill Hóldys, "Więzi rodzinne w świetle mieszczanńskich testamentów z pierwszej połowy XVII wieku," *Studia Historyczne* 29, no. 3 (1986), 347–357; *Testamenty szlachty krakowskiej XVII–XVIII w. Wybór tekstów źródłowych z lat 1650–1799*, ed. Alicja Falniowska-Gradowska (Kraków: Polska Akademia Umiejętności, 1997); Urszula Augustyniak, "Wizerunek Krzysztofa II Radziwiłła jako magnata-ewangelika w świetle jego testamentów," *Przegląd Historyczny* 81, no. 3–4 (1990), 461–477; Hanna Żerek-Kleszcz, "Testamenty mieszczan pabianickich w XVII–XVIII wieku," *Pabianiciana* 1 (1992), 37–50; Maria Bogucka, "Testament burmistrza gdańskiego Hansa Speymana z 1625 r.," in *Kultura średniowieczna i staropolska. Studia ofiarowane Aleksandrowi Gieysztorowi w pięćdziesięciolecie pracy naukowej*, ed. Danuta Gawinowa (Warszawa: Państwowe Wydawnictwo Naukowe, 1991), 587–597; Andrzej Pośpiech, *Pułapka oczywistości. Pośmiertne spisy ruchomości szlachty wielkopolskiej z XVII wieku* (Warszawa: Instytut Archeologii i Etnologii PAN, 1992); Małgorzata Aleksandrowicz-Szmulikowska, *Radziwiłłówny w świetle swoich testamentów. Przyczynek do badań mentalności magnackiej XVI–XVII wieku* (Warszawa: Semper, 1995); Jarosław Dumanowski, "Torunianin z

My research on the wills of Krakow burghers would not have been possible without the vast literature devoted to medieval Krakow. Among recent publications that proved particularly valuable and useful for the present book was a new monograph on the Krakow city council by Marcin Starzyński.⁹⁵ Starzyński's summary of research, along with his own findings, and his analysis of the role of the city council and its members in shaping Krakow's testamentary practices, were important reference points for this current study. My

wyboru. Z testamentu biskupa Stanisława Dąbskiego," *Rocznik Toruński* 26 (1999), 91–105; Jarosław Dumanowski, "Pompa funebris? Z testamentów szlachty wielkopolskiej XVIII w.," in *Wesela, chrzciny i pogrzeby w XVI–XVIII wieku. Kultura życia i śmierci*, ed. Henryk Suchojad (Warszawa: Semper, 2001), 315–322; Henryk Suchojad, "Wyposażenie siedzib duchownych i szlacheckich w świetle testamentów z XVII–XVIII wieku na terenie województwa sandomierskiego," in *Dwór polski. Zjawisko historyczne i kulturowe. Materiały V seminarium zorganizowanego przez Oddział Kielecki Stowarzyszenia Historyków Sztuki, Instytut Historii Wyższej Szkoły Pedagogicznej im. Jana Kochanowskiego w Kielcach oraz Kielecki Dom Środowisk Twórczych, Kielce 7–9 października 1999* (Warszawa: Stowarzyszenie Historyków Sztuki, 2000), 449–457; Henryk Suchojad, "Rozstanie ze światem doczesnym księdza Jakuba Grometiusa (1572–1651), plebana w Gnojnie (w świetle testamentu i towarzyszących mu dokumentów)," in *Wesela, chrzciny i pogrzeby*, 303–313; Jan Główna, "Testamenty mieszczan kieleckich z końca XVIII w. zwierciadłem epoki (w świetle księgi rady miejskiej Kielc 1789–1792)," in *Wesela, chrzciny i pogrzeby*, 323–332; *idem*, Podstawy prawne testamentów i inwentarzy pośmiertnych duchowieństwa katolickiego w Polsce w epoce potrydenckiej, *Archaeologia Historica Polona* 5 (1997), 203–210; *idem*, *Majątek osobisty duchowieństwa katolickiego w Koronie w XVII i XVIII wieku* (Warszawa: Wydawnictwo Instytutu Archeologii i Etnologii PAN, 2004); Tadeusz M. Trajdos, "Testament Stanisława Moniaka," *Rocznik Babiogórski* 4 (2002), 215–223; Jan Seredyka, *Testament Krzysztofa Moniwida Dorohostajskiego*, in *Aere perennius. Profesorowi Gerardowi Labudzie dnia 28 XII 2001 w hołdzie*, ed. Marcei Kosman (Poznań–Wrocław: Forum Naukowe, 2001), 115–129; Róża Dembska, "O testamencie w polskim prawie średniowiecznym," in *Studia z historii ustroju i prawa. Księga dedykowana profesorowi Jerzemu Walachowiczowi*, ed. Henryk Olszewski (Poznań: Printer, 2002), 57–71; Marek Górny, "W sprawie badania rodziny staropolskiej na podstawie testamentów," *Studia Historyczne* 30, no. 3 (1987), 487–494; Paweł Klint, "Testament Zofii ze Smoszowskich Pogorzelskiej z 1658 roku," *Genealogia. Studia i Materiały Historyczne* 13 (2001), 117–128; Otto Hedemann, *Testamenty brastawskodziśnieńskie XVII–XVIII wieku jako źródło historyczne* (Wilno: Księgarnia św. Wojciecha, 1935); Grzegorz Huszał, *Przygotowanie do śmierci*, 105–150; Jacek Krochmal, "Przemyskie testamenty staropolskie," *Rocznik Historyczno-Archivalny* 6 (1989), 133–160; Jadwiga Muszyńska, "Testamenty mieszczan szydlowieckich z lat 1638–1645," in *Szydlowiec – z dziejów miasta*, ed. Jacek Wijaczka (Szydlowiec: Muzeum Ludowych Instrumentów Muzycznych, 1999), 133–160; Tomasz Wiślicz, *Zarobić na duszne zbawienie. Religijność chłopów małopolskich od połowy XVI do końca XVIII wieku* (Warszawa: Neriton, 2001); *Cui contingit nasci, restat mori. Wybór testamentów staropolskich z województwa sandomierskiego*, ed. Mariusz Lubczyński, Jacek Pielas, Henryk Suchojad (Warszawa: Semper, 2005).

95 Marcin Starzyński, *Krakowska rada miejska w średniowieczu* (Kraków: Tow. Naukowe "Societas Vistulana," 2010).

research into the testators appearing in the oldest known Krakow municipal book was greatly assisted by the works of Jerzy Rajman,⁹⁶ Zbigniew Noga⁹⁷ and Feliks Kiryk,⁹⁸ among others.

Agnieszka Bartoszewicz's work on writing culture in late medieval Polish cities also proved invaluable for my own research. The rich source material she collects and analyses, in light of the latest research on the subject worldwide, allowed me to look at the will as an important factor in the process of popularization of writing, something which had a significant impact on late medieval people's lives.⁹⁹

5 Structure of the Work

This study is divided into four chapters. In the first chapter, The Institution of the Will in Krakow in the Fourteenth and Fifteenth Centuries, the history of the will and its emergence in Polish lands and in Krakow itself is discussed. I look at the transformation of both the form of the last will and the role it played in urban society in the period under consideration.¹⁰⁰ This chapter also contains information about the place of wills in municipal law and the reasons for their being transcribed by the citizens of Krakow.

In the second chapter, The Economic and Social Structure of Testators, I present the family, property and social structures of testators, focusing primarily on distinguishing the group of testators from the rest of the urban community. I pay close attention to their social status, occupation and financial position. I also study testators who came to Krakow from different segments of the immigrant population. Following this I present the main determinants of social position for testators, through an analysis of bequests of last will.

In the third chapter, The Burgher Family as Depicted in Late-Medieval Wills, the family, legal and financial situation of testators is presented. It explains both the expectations they had of family life and the differences in the character of burgher families of different social and economic status.

96 Jerzy Rajman, *Krakow: zespół osadniczy, proces lokacji, mieszczanie do roku 1333* (Krakow: Wydawnictwo Naukowe Akademii Pedagogicznej, 2004).

97 Zdzisław Noga, *Elita władzy miasta Krakowa...*

98 Among others: Feliks Kiryk, "Migracje z miast małopolskich do elity władzy Krakowa w XIV-XVI wieku," in *Elita władzy miasta Krakowa*, ed. Zdzisław Noga, 181–190.

99 Agnieszka Bartoszewicz, *Urban Literacy in Late Medieval Poland* (Turnhout: Brepols, 2017).

100 The issue of the forms the will took in medieval Krakow was covered in exhaustive detail by Józef Wiktorowicz; *idem*, *Krakauer Kenzleisprache*

In the fourth chapter, Burgher Religiosity as Presented in Late-Medieval Wills, an attempt is made to characterise urban piety. Following up on numerous studies devoted to this issue, especially those of Elżbieta Piwowarczyk,¹⁰¹ who focused on a statistical analysis of the data, this work attempts to present religiosity as a permanent and necessary social phenomenon. It explores the variety of forms of religiosity, from personal piety, through its functioning in the family, corporate and parish circles, to the phenomenon of *religion civique* and the participation of testators in the Christian pilgrimage movement.

The monograph ends with a conclusion which summarises the research findings and an annex containing a list of acts of last will from the fourteenth and fifteenth centuries found in Krakow sources.

¹⁰¹ Elżbieta. Piwowarczyk, *Legaty testamentowe*.