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CRIMINALITY IN LWÓW AT THE END OF THE 16TH AND IN THE 17TH CENTURY

The purpose of the present text is to try and identify some aspects of the issue of criminality in old Poland that has not been given an adequate analysis so far. It is true that mainly due to the works of Marcin K a m l e r¹ and Witold M a i s e l² our knowledge of this subject especially concerning

¹ Cf. i.a. M. K a m l e r, *Infanticide in the Towns of the Kingdom of Poland in the Second Half of the 16th and the First Half of the 17th Century*, "Acta Poloniae Historica", henceforward referred to as "APH", 1988, vol. 58, pp. 33–50; i d e m, *Penalties for Common Crimes in Polish Towns 1550–1650*, "APH", 1995, vol. 71, pp. 161–174; i d e m, *Struktura i liczebność środowisk przestępczych Poznania i Krakowa w drugiej połowie XVI w. (The Structure and Strength of the Criminal Milieus of Poznań and Cracow in the Second Half of the 16th c.)*, "Przegląd Demograficzny Polski" vol. XV, 1984, pp. 71–93; i d e m, *Świat przestępczy i jego działania w Poznaniu drugiej połowy XVI i pierwszej połowy XVII wieku (The Criminal World and Its Activity in Poznań of the Second Half of the 16th and the First Half of the 17th Century)*, "Kronika Miasta Poznania" N° 1–2, 1993, pp. 65–93; i d e m, *Świat przestępczy w Polsce XVI i XVII stulecia (The Criminal World in Poland of the 16th and 17th Centuries)*, Warszawa 1991.

² See W. M a i s e l, *Poznańskie prawo karne do końca XVI wieku (The Poznań Penal Law up till the End of the 16th c.)*, Poznań 1963; i d e m, *Sądownictwo miasta Poznania do końca XVI wieku (The Poznań Judiciary up till the End of the 16th c.)*, Poznań 1961. Cf. also the more recent works of other authors i.a. M. B o g u c k a, *Law and Crime in Poland in Early Modern Times*, "APH", 71, 1995, pp. 161–175; B. G e r e m e k, *The Margins of Society in Late Medieval Paris*, Cambridge 1987; i d e m, *Crimine, criminalità, criminali nell' Europa dell' ancien regime*, in: *La scienza e la colpa*, Milano 1985, pp. 19–32; A. K a r p i Ń s k i, *Kobieta w mieście polskim w drugiej połowie XVI i w XVII wieku (Woman in the Polish Town in the Second Half of the 16th and in the 17th Century)*, Warszawa 1995 (chapter V: *In Conflict with Law and Custom*, pp. 314–377); i d e m, *Pauperes. O mieszkańcach Warszawy XVI i XVII wieku, (Pauperes. On the Inhabitants of Warsaw in the 16th and 17th Centuries)*, Warszawa 1983; i d e m, *La prostitution dans les grandes villes polonaises aux XVI^e et XVII^e siècles*, "APH" 1989, vol. 59, pp. 5–40; J. K r a c i k, M. R o ż e k, *Hultaj, złoczyńcy, wszeteczni i dawny Kraków. O marginesie społecznym XVI–XVIII wieku (Rogues, Malefactors and Harlots in Old Cracow. On the Margins of Society in the 16th–18th c.)*, Kraków 1986; H. Ł a s z k i e w i c z, *Kary wymierzane przez sąd miejski w Lublinie w drugiej połowie XVII wieku (Penalties Administered by the Municipal Court in Lublin in the Second Half of the 17th c.)*, "Czasopismo Prawno-Historyczne" vol. XLI, 1989, fasc. 2; H. Z a r e m s k a, *Niegodne rzemiosło. Kat w społeczeństwie Polski XIV–XVI wieku (An Infamous Profession. The Hangman in the Society of Poland in the 14th–16th c.)*, Warszawa 1986.

the urban criminal milieu, is fairly good; there are, however, some blank areas and questions that have been merely signalled, and the achievements of Polish historiography in this respect are much less substantial than those of the West-European historians.

The 16th–17th c. Lwów, one of the biggest and most important urban centres of the Polish Commonwealth, has not been given an adequate analysis so far, either. This is due, among other things, to the lack of interest in this subject of a wider circle of pre-war researchers³ and the difficult access to the Lwów archival materials after 1945. And yet a few so-called criminal books of Lwów of the years 1598–1678⁴ have been preserved, two of them containing the sentences of court verdicts, another being a register of numerous acts of violence committed in town by the gentry, and the remaining containing i.a. the depositions of the prisoners and suspects examined. In comparison with the extant criminal records of Cracow or Poznań⁵, the material collected is naturally much more scanty and less detailed; also the conclusions and hypotheses formulated on this basis, to say nothing of the character of the extant sources, should be accepted with great caution.

In my depiction of 17th c. criminality in Lwów I also used some information from the contemporary city chronicles by Tomasz Józefowicz, Bartłomiej Zimorowicz and Dionizy Zubrzycki⁶ as well as records from the criminal books of Cracow, Poznań and Lublin concerning the offenders tried there who pleaded guilty of crimes committed in

³ Cf. W. Goździowski, *Sprawy bezpieczeństwa publicznego województwa ruskiego w XVII i XVIII wieku (The Problems of Public Safety in the Ruthenian Province in the 17th and 18th c.)*, "Przegląd Policyjny" Y. III, 1938, N° 5, pp. 355–363, N° 6, pp. 460–470. Before the war a unique study was written on the basis of records of criminal cases of. W. Łoziński, *Prawem i lewem. Obyczaje na Rusi Czerwonej w pierwszej połowie XVII wieku (By Hook or by Crook. Morals in Red Ruthenia in the First Half of the 17th c.)*, vol. I–II, 6th ed., Kraków 1960.

⁴ The Lwów criminal books of 1598–1678, preserved in the Historical Archives of the Lwów Town (further on cited as HA Lwów) are numbered: 302, 303, 305, 310, 311, 312 and 313.

⁵ About a dozen-odd volumes of similar type have been preserved for each of the mentioned cities.

⁶ Cf. J. T. Józefowicz, *Kronika miasta Lwowa od roku 1634 do 1690 (The Chronicle of the Town of Lwów from 1634 to 1690)*, ed. M. Piwocki, Lwów 1854; B. Zimorowicz, *Historia miasta Lwowa od najdawniejszych czasów aż do r. 1672 (The History of the Town of Lwów from the Earliest Times until 1672)*, trans. and ed. M. Piwocki, Lwów 1835; D. Zubrzycki, *Kronika miasta Lwowa (The Chronicle of the Town of Lwów)*, ed. Lwów 1844.

Lwów⁷. However, my article does not take into account the materials from the Lwów town books or magistrate's — aldermen's — books their thorough perusal would require several months of work conducted by a large team of researchers. Little use can also be made in the present analysis of the materials collected by Władysław Łoziński in his two-volume study: *Prawem i lewem (By Hook or by Crook)*; they are almost wholly devoted to the gentry criminality in Ruthenia, Volhynia and Podolia⁸.

The analysis of criminality in Lwów should be preceded by a short characterization of this town whose character could play some role in the typology and intensity of various crimes. At the end of the 16th c. the town numbered about 10–20,000, and before 1648 — almost 30,000 inhabitants⁹, being one of the most important economic and political centres of the Polish Commonwealth. Here the important domestic and international arteries of commerce converged, i.a. leading from the Black Sea to Gdańsk and from the Muscovite state and Turkey through Cracow and Wrocław to the towns of the German Reich. This was the centre of fairs, visited by numerous merchants and great wholesale dealers¹⁰. The city and its inhabitants were guarded by a powerful fortress. Since the middle of the 17th c. Lwów became a centre of important political events, to cite only: its siege by the Cossack–Tartar army under Bohdan Chmielnicki in 1648, the siege by the Muscovite and Cossack troops in 1655, its siege by the Turks in 1672 and the victorious battle of John Sobieski against the Turks in 1675 or the last serious menace by Tartars in 1695. In view of the fact that it played on the one hand the role of an important commercial centre and on the other — a fortress, it is no wonder that Lwów to a greater extent than other cities of the Polish Commonwealth experienced the influx of professional criminals, especially the demobilized soldiers or deserters. Through its situation at the Eastern Carpathian foothills, the city could become the area of penetration

⁷ Among them there were professional thieves from Lublin: Stanisław Urbański *alias* Wierpek, Walenty Kapusta and Koniarek (1639), bandits from Poznań Gabriel and Stanisław Trzoskas (1571), burglars and thieves from Cracow: Kolański, Zantkowski and Jankowski (1581) and a hide-out owner and souteur from Lublin Zofia Wojszyna (1645) — State Archives in Lublin (cited further on as SA Lublin), the Records of the Town of Lublin (cited further on as RTL) 141, pp. 29–31, v. 34; RTL 142, pp. 394, 398; State Archives in Poznań (further on cited as SA Poznań), Records of the Town of Poznań (cited as RTP) 1639, pp. 70v–73; State Archives in Cracow (further on cited as SA Cracow), the Records of the Town of Kazimierz (further on cited as RTKaz) 266, p. 150; M. K a m e r, *Świat*, pp. 135–144. Cf also *Regestr złoczyńców grodu sanockiego 1554–1638 (The Register of Malefactors of the Town of Sanok, 1554–1638)*, ed. O. Balzer, Lwów 1891, pp. 51–52, 70.

⁸ W. Łoziński, *op. cit.*, *passim*.

⁹ M. Mroczo, *Lwów, zarys dziejów i zabytki (Lwów, an Outline of History and Monuments)*, Gdańsk 1992, p. 17 and foll., F. P a p e c, *Historia miasta Lwowa (A History of the Town of Lwów)*, Lwów 1894, p. 110.

¹⁰ *Ibidem*.

of bands of highland robbers and rowdies. The large ethnic /Poles, Ruthenians, Jews, Armenians, Scotsmen, Englishmen, Italians/ and denominational mosaic /Catholics, Uniates and Disuniates, believers in the Judaic faith, Armenian Monophysites/ just like the steady influx of the gentry made it difficult for the town and court services to keep peace and order.

In the 17th c. Lwów, just as in other towns of *primi ordinis*, the authorities entitled to capture and try the criminals were relatively poorly organized. Thus the Lwów burgrave holding his office in the High Castle, whose competences embraced i.a. prosecution of all the crimes committed by the gentry in the voivodship fighting against the bands of robbers and ensuring the safety of public roads, had not at his disposal any executive body that would make possible the execution of the sentences passed. The town court of benchers under the presidency of the town mayor (whose competences embraced also the prosecution of common crimes) was often helpless in the face of the insolence of the gentry. Especially eloquent is the case of a nobleman Piotr Kaliszkowski, who for wounding one of the Lwów burghers was sentenced in 1647 by the town court to a fine and six weeks imprisonment. The accused appealed for the withdrawal of this decision to the tribunal of the gentry and obtained there a death sentence on the Lwów mayor and benchers¹¹ (fortunately, never executed).

The Lwów order servants whose duty was to maintain order in town and its suburbs, were headed by a special official (the so-called night mayor) subordinate to the mayor (*scultetus*). It was his duty to capture criminals, to guard the town gates and to supervise prisons. In the basement of the town-hall there were at least seven different cells, called: upper, white, behind the bars, merry, Gelazyńka, Awedyczka and Dorotka¹². They can't have been, however, over-keenly watched, since in the years 1599–1664 at least a dozen criminals fled¹³. The night mayor had under control the town guards. These in the 17th c. numbered from several to twenty odd; apart from them he was assisted by two body-guards. In the case of greater

¹¹ W. Łoziński, *op. cit.*, vol. I, pp. 82–83.

¹² W. Łoziński, *op. cit.*, vol. I, p. 225; R. Zubyk, *Gospodarka finansowa miasta Lwowa 1624–1635 (The Financial Economy of the Town of Lwów 1624–1635)*, Lwów 1930, p. 228. The prison in the High Castle of Lwów was in those times situated in the Żulińska Tower (W. Łoziński, *ibid.* p. 15). For Poznań — cf. W. Maisel, *Sądownictwo*, pp. 270–278.

¹³ Thus e.g. in 1604 Krzysztof Stogniew and two members of his gang: Adam Rogiński and Zachariasz Korzeniowski fled from the Lwów prison, in 1629 Jan Kozłowski, Wojciech and Marcin Tkacz and their servant Jakub broke out of the so-called Awedyczka, while in 1663 the thieves and bandits: Wojciech Łasicki *alias* Łasica, Krzysztof Zajęc, Matiasz Sikorzec, Marcin Litwinek and Aleksander Białkowski escaped from the prison under the Town Hall. (IIA Lwów, Records of the Town of Lwów [further on cited as RTLw] 302, p. 97; RTLw 303, p. 143; RTLw 313, p. 305). Cf. also: HA Lwów, RTLw 302, pp. 10, 100, 138, 179–180, 301, 308; RTLw 313, p. 316; R. Zubyk, *op. cit.*, p. 240. For Cracow see: J. Kracik, M. Rożek, *op. cit.*, p. 56.

menace to public order the town authorities employed a detachment of regular soldiers (60–80 in all); volunteers were also recruited from the burghers.

The further analyses are based on data concerning 560 people who in the last quarter of the 16th c. and in the 17th c. committed or were accused of committing criminal offences in Lwów. This number includes both those who gave testimonies before the Lwów court of justice and those whose actions could be known only from the testimonies given by their tried accomplices. Needless to say, such a statistical sample is too small to try to estimate on this basis the number of Lwów criminals or the scale of criminality in this city. Nor do we know the relation between the number of the committed offences to those discovered, the effectiveness of the justice, reliability of the testimonies given during the inquisitional trial etc. Moreover, in one of his recently formulated theses, Marcin Kamler expressed considerable scepticism as to the possibility of any estimates of the number of professional criminals in the given town centre. In his opinion during the 16th–17th c. in the whole Polish Crown there principally existed one, several thousand strong criminal milieu, whose members marauded all over the Polish Commonwealth. For those people the place of their arrest or trial (which for us is one of the main distinctive features) was completely accidental¹⁴. While sharing to a certain extent the doubts of M. Kamler, we shall, however, subject the collected data to further analyses, since in our opinion these data can show certain regularities and proportions.

The group under analysis consisted of 450 men and 110 women¹⁵, a proportion seemingly typical. Only in the case of about 1/3 of them can one say something pertinent to their social background and occupation. 45% of the better known criminals in Lwów declared their urban, or small-town origin, a further 1/3 came from peasant families and as many as 20% — belonged to the gentry¹⁶. These proportions come as a surprise, especially as they clearly diverge from M. Kamler's findings for the Cracow, Poznań and Lublin criminal milieu (60% — from town, 40% — from the country)¹⁷. This divergence, and especially the high percentage of criminals of gentry origin in Lwów, may result, i.a. from the above mentioned specificity of Lwów (the presence of many criminal packs in the town's vicinity), from the fact that M. Kamler excluded from his study the people who committed single offences (e.g. murder under provocation or wounding, to which the

¹⁴ M. Kamler, *Świat*, pp. 61, 195.

¹⁵ The author's own calculations on the basis of the criminal books of Lwów.

¹⁶ The author's own calculations as above.

¹⁷ Cf. M. Kamler, *Świat*, p. 31 and foll.

gentry staying in the city were especially prone), finally — from the deliberately declared gentry background, which in the opinion of many a criminal could (but did not have to) influence a more lenient treatment.

What seems interesting is the occupational structure of Lwów criminals. It was established in relation to about 150 men and 50 women. Among the latter more than a half of the better-known criminals were domestic servants, innkeepers and wives and daughters of urban servants. The further 35% were members of craftsmen's families and huckstresses, while the rest came from the milieu of the so-called loose people (vagrants and beggars). The dominating group among the male offenders consisted of: ex-soldiers and servants of the gentry (25%), apprentices and journeymen (23%), servants of the burghers, and finally clergymen (16%). In this group there were also many guild handicraftsmen (20%); the rest were drivers, labourers, peddlers, beggars and vagrants¹⁸. The above-quoted data give rise to three interesting observations. Firstly — men belonging to the patriciate and moderately wealthy burghers were an absolute exception in this group, secondly — what strikes us is the criminogenic character of menial jobs, and thirdly — the presence at the courts of justice of ex-soldiers corroborates again the fact that the town was menaced by deserters and members of soldiers' bands.

The criminal books under analysis contain little data concerning the ethnic and territorial background as well as the age and civil status of the representatives of the group under discussion. In their light one can, however, conjecture that as everywhere else about 80% of the Lwów criminals came from the rural or little town hinterland of the city¹⁹. The criminals who prowled in Lwów came also from other regions: from Great Poland, Mazovia, Podlachia and even Silesia and the Ukraine lying beyond the Dnieper. The fact that there were no criminals in Lwów who came from Royal and Ducal Prussia confirms i.a. the attraction of Prussian cities to the local criminal milieu.

In the group under analysis one can meet representatives of all the ethnic groups that inhabited the town. However, there are no arrivals from abroad (Bohemia, the German Reich, Hungary). Among the Lwów criminals one can find both single people (unmarried women, bachelors, widows and widowers) as well as married men and women. It is difficult to indicate here some definite proportion, although, e.g. the considerable number of married

¹⁸ The whole analysis of the professional structure of the Lwów criminal milieu is based on the author's own calculations (the source as in note 15).

¹⁹ The respective proportions for the criminal milieu of the then Cracow, Lublin and Poznań are similar (M. K a m l e r, *Świat*, pp. 47-49).

persons contradicts to a certain extent the findings of M. Kamler, who in his studies emphasizes the generally loose character of the union between male and female in the professional criminal milieu²⁰. It is impossible to say something more precise about the age of Lwów criminals; several score cases involving the commutation of the sentence on the ground of the defendants' minority only confirm the fact that they began early their criminal career.

The representatives of the group under analysis were accused of committing 640 various criminal offences; this number concerns the types of crimes, not the number of concrete, similar acts perpetrated by the same accused. Hence both an habitual thief and the person who stole a single object have been taken into account in the same way — into the category of perpetrators of theft. Generally, men were accused of taking part in 510 — and women in 130 offences; the proportion is 4:1.

Among the committed transgressions the most, for as many as 370 (i.e. about 60% of the total), concern the offences against property. Their perpetrators were above all men who committed as many as 86% of all the transgressions of that type²¹. Banditry (i.e. crime that combined assault with robbery, beating, wounding, and sometimes even murder) was perpetrated by about 23% of this category of criminals. These assaults were most often committed by the bands, prowling about the Lwów suburbs or the nearby highways. The defendants' testimonies show that these were usually groups of several criminals, although there happened to be also larger companies, numbering up to over a dozen members. It is interesting to note that at least temporary participation in the organized gangs (i.a. of burglars, horse thieves, etc.) was declared by about 35% of Lwów criminals²².

Among the groups of bandits who were active in the years 1590–1665, one of the most threatening that prowled around Lwów at the end of the 16th c., was directed by the sons of the Lwów burgrave — the Białskórski brothers. They committed daring assaults not only in the suburbs but also in the centre of the town, and their victims were i.a. the two patricians Jelonek and Gąsiorowski. The tumult of 1591, during which the leaders of the band perished put an end to the activity of those gentry bandits²³. The subsequent years were no better, since e.g. in the years 1604–1606 the Lwów inhabitants were robbed by at least three over-a-dozen-strong gentry-plebeian bands of robbers, directed by Krzysztof Stoigniew, Stanisław Szczygielski and a

²⁰ Cf. M. Kamler, *ibid.*, pp. 173–176.

²¹ The author's own calculations as in note 15.

²² The author's own calculations as in note 15.

²³ Cf. i.a. J. Chodynicki, *HistoriamiastaLwowa (The History of the Town of Lwów)*, Lwów 1865, p. 101; W. Łoziński, *op. cit.*, vol. I, p. 222.

certain Kopeć²⁴. Then, at the beginning of the 1620s the city was plagued by a group of bandits, over 20 in number (among them there were about 15 ex-soldiers), directed by two noblemen, the Policki brothers²⁵, while in 1631 the authorities succeeded in completely liquidating the dangerous Gesman band²⁶, consisting of eight men. In the 1640s Lwów and its environs were the scene of action of the bands of Daniel Piotrowicz, Stanisław Jasiński and Stanisław Tycik²⁷, whose criminal activity in the period between 1660–1664 was continued by bands of robbers under the command of Jan Kozaczek, Franciszek Podwysocki, Aleksander Białkowski and Wojciech Dziadek²⁸.

In the category of offences against property theft prevailed; thieves constitute about 2/5 of all the persons ranked in this group. The majority of them were men (87% of the total of that kind of criminals)²⁹; their prevalence over women is even greater in the separately presented theft of cattle and horses (several score cases)³⁰. The latter crime may be considered specific to the city that was a large centre of live-stock trade. In the case of horse- and cattle-thieves, the theft concerned single animals³¹; the scale of other crimes under discussion varied largely, although most often the value of the stolen property did not surpass a dozen-odd up to several score florins. Thus the case of Jan Paweł Sasin, a servant to chamberlain Piotr Ozga of Lwów, who in 1653 pleaded guilty of robbing his employer of a dozen-odd thousand florins and almost 800 pearls, may be considered an exception³².

²⁴ Cf. HA Lwów, RTLw 303, pp. 1–16, 26–28, 41–48, 137–144, 155–169, 175.

²⁵ This dangerous criminal group was smashed by the gentry of Lwów about the year 1625. Its leaders (with the exception of a certain Ostrowski, who was captured and beheaded) escaped penal responsibility, W. Łoziński, *op. cit.*, vol. I, pp. 223–225.

²⁶ Eight members of the gang who were captured were sentenced to death and quartered. B. Zimorowicz, *op. cit.*, p. 346.

²⁷ HA Lwów, RTLw 302, pp. 181–185, 195–201, 205–206; RTLw 348, pp. 1901–1904.

²⁸ HA Lwów, RTLw 302, pp. 248–249, 372–378, 282–283, 307–308; RTLw 312, pp. 407, 448; RTLw 313, pp. 42–54, 313, 321. Cf. information about other bandit groups active in Lwów: HA Lwów, RTLw 302, pp. 31–39, 106–108, 127–129, 166–169; RTLw 303, pp. 270–273, 294, 302; RTLw 305, p. 400; J.T. Józefowicz, *op. cit.*, p. 19; B. Zimorowicz, *op. cit.*, p. 267, 271–272.

²⁹ The author's own calculations as in note 15.

³⁰ All the offences of this type were committed by men (the authors' own calculations as in note 15).

³¹ Thus e.g. Jakub Korak from Trzciana stole two oxen in 1598, the inhabitant of Lwów suburbs Tomasz Wieleba stole 4 horses a year later, driver Stanisław Piekarcz stole three mares in 1622, while Piotr Laskowicz stole two horses in 1642. Accused of the theft of single horses and oxen in 1599–1645 were i.a. Jan Stelmach from Bruchowice (1599), Stanisław Bolech from Podlasie (1622), Michajło Zydek from Drohobycz (1622), Mikołaj Grabasin (1623), Iwanko from Lubień (1628), Piotr Zawisza from Poznań (1633) and Jakub Kobrzyński (1645) — HA Lwów, RTLw 302, pp. 3–8, 31–39, 46–47, 71, 131, 216–217; RTLw 305, pp. 186, 203–204, 213, 259; RTLw 348, pp. 1912–1913. Cf. similar HA Lwów, RTLw 303, pp. 375–376; RTLw 312, pp. 248–249; RTLw 339, p. 53.

³² The loot was recovered and the criminal was sentenced to death by hanging, HA Lwów, RTLw 302, pp. 226–228.

The category of offences against property also took into account burglaries (about 13% of the total, committed exclusively by men)³³ as well as trading in and storing stolen goods. In the latter two occupations engaged about 14% of the criminals under analysis. Interestingly, the proportion of men and women engaged in this trade is similar (about 50%)³⁴. The Lwów hide-outs, just as in other contemporary urban centres of the Polish Commonwealth, were not concentrated, but dispersed beyond the town-walls, frequently in the distant suburbs. The most renowned of them, frequently combined with illegal brothels, were placed in Podzamcze, in Halickie Suburb, beyond St. John's Church and in the Franciscan farm³⁵.

Only a few odd items of information have reached us about other offences against property that happened in 17th c. Lwów. Let us note, however that before the court of justice were also brought forgers of money³⁶, alleged arsonists³⁷ as well as those accused of robbing Jewish graves³⁸ or of committing theft during an epidemic³⁹.

Another major group of crimes under analysis are offences against life and health. Accusations of their perpetration were formulated 145 times; this constitutes about 23% of all the crimes analyzed in this article. Here also men prevail (80% of the total) among the accused. Approximately every

³³ The author's own calculations as in note 15.

³⁴ Well-known hide-outs in Lwów were run in 1627–1671 i.a. by: Hryckowa widow, dress-maker Zofia Jędrzejowa, the wife of Jan Jasiński (with her spouse), a joiner's wife Agnieszka Szmarcowska, a miller's wife Zofia Harasimowa, Anna Gulowa, Anastazja Białkowska (with her spouse), an unknown furrier-woman and Regina Ładogórska (with her spouse) — HA Lwów, RTLw 302, pp. 181–185, 210–211; RTLw 305, pp. 563, 568; RTLw 311, pp. 381–405; RTLw 313, pp. 42–54, 316. Cf. also A. Karpiniński, *Kobieta*, pp. 369–370.

³⁵ Cf. e.g. HA Lwów, RTLw 302, p. 10; RTLw 305, p. 568; RTLw 313, pp. 45–47, 53–54; RTLw 348, p. 2182. See also: HA Lwów, RTLw 302, pp. 107, 141–142; RTLw 313, p. 314; SA Lublin, RTL 142, p. 410.

³⁶ In 1603 an unknown goldsmith was burnt in Lwów, whose guilt of forging silver coins was proven, while in 1660–1665 an accusation of producing false coins was made against Jacek Samik from Sośnice village, a certain Jędrzejewski, Wojciech Gołębiowski and Stefan Grantarz. The latter two were sentenced to beheading with a sword in 1661, HA Lwów, RTLw 302, pp. 267–268, 280–281; RTLw 312, pp. 593–595; B. Zimorowicz, *op. cit.*, p. 263.

³⁷ Cf. i.a. HA Lwów, RTLw 302, p. 140.

³⁸ In 1636: “of digging out the corpses of the buried people from Jewish graves and stripping them from their linen wraps and shifts” were accused the tailor Kasper and his wife Zofia, Katarzyna and Wojciech Piowars and counterpanemaker Jan. The Piowars, who pleaded guilty, were sentenced to flogging and permanent banishment from the town, the rest, despite Jewish protestations, were acquitted, HA Lwów, RTLw 302, pp. 163–165.

³⁹ Of robbing the evacuated house of Paweł Wołyniec during an epidemic were accused in 1623 his servant Katarzyna Wolska and her accomplice blind Anna, HA Lwów, RTLw 305, p. 371–372. Similar offences must have been quite wide-spread, which is confirmed by the recent research of Italian historians, cf. i.a. Giulia Calvi, *The Florentine Plague of 1630–1633*, in: *Maladies et société (XII^e — XVIII^e siècles). Actes du colloque de Bielefeld — novembre 1986*, ed. by N. Bult et R. Delort, Paris 1989, pp. 327–33; A. Pastore, *Crimine e giustizia in tempo di peste nell'Europa moderna*, Rome 1991, *passim*. See also: A. Karpiniński, *Kobieta*, p. 315.

third crime included in this category concerned homicide, while more than every fifth — murder⁴⁰. In both these sub-groups women clearly give the upper hand to men; they practically do not appear among the killers, and they make up merely 10% of the totality of murderers in Lwów. Homicide under provocation, which was generally committed during the frequent brawls and fights in the streets and at inns, was perpetrated above all by the representatives of the gentry and their servants resident in Lwów as well as the burghers' servants and members of guilds. Such deeds also happened to be committed by wealthier craftsmen or even members of a patrician family⁴¹.

Murders from low motives aroused among the contemporary people a special revulsion. No wonder then that those guilty of them were punished with the severest sentences and memory of these events lasted long. The list of the most famous Lwów murderers opens with the name of maltster Agnieszka Klimuntowiczowa, who together with her lover and accomplice Andrzej Lange poisoned her husband Walenty in 1624⁴². In the years 1636–1637 the further two cruel crimes were committed in Lwów. The four-person band of Seweryn Błędowski, hired by the nobleman Wielogórski, by his order murdered the furrier Wojciech Surzyk, while the mentally defective Jakub Wąsowicz committed matricide⁴³. In 1671 Jakub Ber, a recidivist murderer, was executed, and 11 years later Lwów witnessed the beginning of the famous trial of the local Bridgettines, who murdered their prioress⁴⁴.

Among the offences against life and health a special place was given to infanticide. This crime, generally committed by single seduced girls, mainly servants, was a typical female offence. This regularity is confirmed by the above statistics, since here also more than 80% of the persons accused of this crime are women. All in all the accusation of killing a newborn child was brought in Lwów against 15 persons; this makes up about 10% of all

⁴⁰ The author's own calculations on the basis specified in note 15.

⁴¹ A renowned homicide was that of the Lwów patrician Paweł Jelonek, committed during a brawl over Anna Wilczkówna by her later husband, a wealthy Italian merchant Urban della Ripa Ubaldini in 1580, F. Pa p e e, *op. cit.*, p. 61; W. Ł o z i ń s k i, *Patrycja i mieszczaństwo lwowskie w XVI i XVII wieku (Lwów Patricians and Burghers in the 16th and 17th c.)*, Lwów 1902, p. 174. For other cases of homicide see i.a. HA Lwów, RTLw 302, pp. 143–144; RTLw 303, pp. 27–28, 95–97; RTLw 310, pp. 123–126; RTLw 311, pp. 477–479, 542–543; RTLw 312, pp. 607–608.

⁴² The poisoner was sentenced to pinching with red-hot tongs and beheading, HA Lwów, RTLw 305, pp. 453–459, 468–479; B. Z i m o r o w i c z, *op. cit.*, p. 321.

⁴³ HA Lwów, RTLw 302, pp. 166–170; J. T. J ó z e f o w i c z, *op. cit.*, p. 19.

⁴⁴ J. T. J ó z e f o w i c z, *op. cit.*, pp. 390, 406. Cf. also HA Lwów, RTLw 305, p. 553; RTLw 312, pp. 639–640.

the offences against life and health.⁴⁵ However, only four infanticides were sentenced to capital punishment. The severest treatment was administered in 1629 to a certain Jadwiga of Rzeszów, who under torture confessed: “it was alive (the new-born child) when it came to the world and when she heard it crying, she wrapped its neck twice with a kerchief and making a knot, stifled it”. For this deed the court administered a qualified punishment: “for these crimes she was led into the field, buried in the earth alive and pierced with a pale”⁴⁶. The punishment of the remaining three infanticides was alleviated — instead of being buried alive, they were sent to the block⁴⁷.

In the material under analysis we discovered merely 7 cases of accusation of rape⁴⁸ and four of abduction⁴⁹. These crimes constitute merely 2% of the offences against life and health under analysis; they were all committed by men.

The next category of offences, naturally occurring much less frequently, were those committed in 17th c. Lwów against religion. 46 were discovered, which constitutes about 7% of the totality of offences under analysis⁵⁰. Most of them were cases of sacrilege (34 cases — 77% of the total) — these offences, in comparison with other Polish cities occurred in Lwów unusually often⁵¹. It is difficult to indicate clearly the causes of this phenomenon. They might have resulted from religious indifference of the groups of bandits prowling about the city and its suburbs, or from the large fluctuation of the local people and better possibilities of hiding the plunder thus gained. Whatever the reasons, the perpetrators of sacrilege in Lwów (80% were men), generally confined themselves to robbing the Catholic or Orthodox church of the more valuable liturgical objects, antependia or chasubles etc.⁵² Most of them can thus be treated as church thieves. Only in

⁴⁵ The author's own calculations on the same basis as in note 15. For the problem of infanticide in pre-partition Poland see: M. Kamler, *Infanticide, passim*; A. Karpiński, *Kobieta*, pp. 327–333.

⁴⁶ HA Lwów, RTLw 302, pp. 93–94.

⁴⁷ These were domestic servants: Regina, a trumpeter's daughter (1656), Regina Baranowiczanka from Jaworów (1658) and Agnieszka Baranowiczówna (1665–1666) — HALwów, RTLw 302, pp. 235–237, 255–259; RTLw 312, pp. 634–635.

⁴⁸ The most drastic were committed by: a certain Jew Kielmańczyk from Lwów and his two accomplices (1633) and Jakub Ziembka from Różanka village (1645) — HA Lwów, RTLw 302, pp. 219–223; R. Zubyk, *op. cit.*, pp. 239–240. Cf. also HIA Lwów, RTLw 303, pp. 41–45; RTLw 348, pp. 2181–2182.

⁴⁹ Cf. HA Lwów, RTLw 303, p. 409; W. Łoziński, *op. cit.*, vol. I, pp. 74–75, 288; B. Zimorowicz, *op. cit.*, p. 297.

⁵⁰ The author's own calculations on the same basis as in note 15.

⁵¹ These crimes constitute over 5% of all the offences committed in Lwów (the author's own calculation on the same basis as above). Cf. A. Karpiński, *Kobieta*, p. 325.

⁵² Cf. i.a. HA Lwów, RTLw 302, pp. 189–190, 260–262, 286–287, 293–294; RTLw 305, pp. 98–99, 144–147; RTLw 311, pp. 517–520; RTLw 312, p. 317.

a few cases do we have to deal with imputations of stealing the Hosts and their sale to the Jews⁵³; a peculiar case was that of 1636, where the accused Wojciech Wyrozemski pleaded guilty of illegally saying the mass and selling his soul to the devil⁵⁴.

The courts of justice in Lwów were not particularly eager to hunt the alleged witches. In all, the accusation of witchcraft was in the period under discussion made merely against 10 persons (22% of all the offences against religion), and only one trial ended in the burning of three women at the stake⁵⁵.

The offences against morals and decorum included prostitution, the trade of souteneurs and procurers, adultery, bigamy, sodomy and incest. The material under discussion records 41 such offences; this constitutes about 6% of all the offences under analysis⁵⁶. Women accused of prostitution were brought to the courts in Lwów extremely seldom (only 5 cases)⁵⁷. This resulted from the fact that “paid love” itself was not prosecuted very severely, unless it was accompanied by other offences, forbidden by the law. The latter included the professions of souteneurs and procurers, performed, just as in other cities⁵⁸, mainly by women (the female inhabitants of Lwów made up about 2/3 of all the local “seducers” and souteneurs)⁵⁹. It must be said that the Lwów demi-monde was quite well organized; besides the official hangman’s brothel, which since 1571 was placed in the so-called tower of criminals, in the years 1622–1662 at least 7 illegal houses of ill fame operated there, situated mainly at the foot of the High Castle and in Halickie Suburb⁶⁰.

⁵³ Of this serious crime were accused i.a. Wojciech son of Jakub the messenger (1604–1605), Katarzyna wife to Szymon the tanner, (1637), convert Mateusz (1641) and Andrzej Stadnik from Drozdowice village (1676) — HA Lwów, RTLw 302, pp. 173–175; RTLw 303, pp. 81–88, 116–123; RTLw 311, pp. 535–536; J.T. Józefowicz, *op. cit.*, pp. 43–44.

⁵⁴ He was sentenced to death for it and burned, J.T. Józefowicz, *op. cit.*, pp. 45–46.

⁵⁵ Execution was then performed on: Ewa Szymonowa, Dorota Smoliczka and Ewa Pytlachowa, HA Lwów, RTLw 302, pp. 147–150; A. Karpiński, *Kobieta*, pp. 324–325. For other witchcraft trials in Lwów see i.a.: HA Lwów, RTLw 302, pp. 251–252; RTLw 311, pp. 409–433, 496–497.

⁵⁶ The author’s own calculations on the same basis as in note 15.

⁵⁷ Cf. i.a. HA Lwów, RTLw 302, pp. 186–189, 248–249; RTLw 305, p. 149; SA Poznań, RTP I 638, p. 130.

⁵⁸ See A. Karpiński, *Kobieta*, pp. 347–349.

⁵⁹ The author’s own calculations as in note 15.

⁶⁰ They were run by: Przymojska (1622), shoemaker Klemens (1641), Zofia and Kasper Godlewskis (before 1645), Bojarska (1645), Jan Pruszkowski (1645), the widow of the executed thief Stefan Ryczkowski (1645) and Anastazja Białkowska (1662) — SA Lublin, RTL 142, pp. 193, 225–226, 229, 232, 398, 410; SA Lwów, RTLw 302, pp. 186–187; RTLw 305, p. 149; RTLw 313, p. 45. Cf. M. Bałaban, *Żydzi lwowscy na przełomie XVI i XVII wieku (The Jews of Lwów at the Turn of the 16th Century)*, Lwów 1906, p. 31.

Among the 22 persons accused in the said period of adultery (about 53% of all the offences against decorum), women constituted 3/5⁶¹. Although this offence was as a rule treated quite leniently, there were also cases of death sentences for it⁶². Such a punishment also threatened bigamists, only a few of whom were found in the material under analysis; 60% of them were men⁶³.

In comparison to other categories of transgressions, political offences were rare in 17th c. Lwów. However, the town chronicles recorded i.a. the fact of the activity of a few women emissaries of Bohdan Chmielnicki's⁶⁴ during the Cossack Insurrection of 1648. In the period under discussion there were also a dozen–odd tumults, the majority of which were of anti–Jewish character. Such upheavals (i.a. of 1617, 1631, 1638, 1643 and 1670) led as a rule to the burning of synagogues, robbery, street fights and even homicide⁶⁵. Lwów happened to be also the scene of excesses committed by the gentry; during one of them, in 1629, there ensued a veritable battle in the streets of the town between the servants and retainers of Felicjana Studnicka and the clientele of her husband Cieciszowski⁶⁶. In 1612 the armed populace of Lwów wounded mortally four army officers, while in 1643 the enraged gentry retainers even dared to shoot at one of the churches⁶⁷.

Other types of criminal offences either were rare in Lwów, or were not recorded in criminal books. One can just mention the so–called supporters (a dozen–odd cases in all), i.e. people who helped or inspired the given crime (abettors, helpers, people who concealed a crime etc.). It is interesting to note that in this category there were more women than men (6:4)⁶⁸.

While winding up the typology of criminality in Lwów let us indicate again the general proportions between men and women. Thus men con-

⁶¹ The author's own calculations as in note 15.

⁶² Death sentence was passed on the Armenian Iwaszko and an unknown Zofia (1518), the adulteress and murderess Anna Ptaszniczka (1638) and a baker who bullied his wife Łukasz Ciegielka (1644) — HA Lwów, RTLw 302, pp. 175–176, 212–215; RTLw 348, pp. 1121–1123; W. Łoziński, *op. cit.*, *Patrycjat*, p. 24; B. Zimorowicz, *op. cit.*, pp. 185–186.

⁶³ Of this crime were accused i.a.: Krystyna widow of Łukasz from Rozdole and Wawrzyniec Lis *alias* Lisowicz (1599), Matiasz Ożogowicz (1639), Konstancja Rubrocka (1653) and Barbara Kucharska (1655) — HA Lwów, RTLw 302, pp. 22–30, 177–178, 222–226; RTLw 310, p. 102, Cf. HA Lwów, RTLw 305, p. 153.

⁶⁴ “Today here (that is in Lwów) a woman was found who having been with Krzywonos — Samuel Kuszewicz noted that year — and taken a Cossack from him, right up to Cracow itself was sent *ad expiscandias res nostras*, whose husband to Chmielnicki departed, tomorrow she will be brought to investigation”, *cit. after*: W. Łoziński, *Patrycjat*, pp. 334–335, Cf. also J.T. Józefowicz, *op. cit.*, p. 113.

⁶⁵ Cf. J. T. Józefowicz, *op. cit.*, pp. 56–57; B. Zimorowicz, *op. cit.*, p. 279, 295, 351.

⁶⁶ W. Łoziński, *Prawem i lewem*, vol. II, p. 427.

⁶⁷ Cf. J. T. Józefowicz, *op. cit.*, p. 50; B. Zimorowicz, *op. cit.*, p. 283. See also: HA Lwów, RTLw 303, pp. 125–127.

⁶⁸ The author's own calculations as in note 15.

stituted 100% of all the discovered bandits, killers, burglars, horse- and cattle-thieves, forgers of money, violators, abductors and perpetrators of heavy injuries; their prevalence in such crimes as murder, theft or sacrilege was also large (about 80–90% of those offences). Women, on the other hand, constituted 100% of those accused of witchcraft, 80% of those accused of infanticide, 70% of souteneurs and procurers, 60% of adulterers and supporters and almost a half of the fences and hide-out owners⁶⁹. The above list seems to suggest two regularities. Firstly — in Lwów at that time there were certain categories of offences committed definitely more frequently by the representatives of one of the sexes, secondly — women played an especially important role in organizing the support for the local criminal milieu, without which bandits, burglars and professional thieves could not have practically functioned.

Another question, typical, at any rate, not only of 17th c. criminality, is the phenomenon of the so-called convergence of crimes. In the then Lwów one can above all see a correlation between various offences against property. Hence, many defendants were accused at the same time of: participation in theft, receiving stolen goods and hiding them out⁷⁰, or banditry combined with theft, burglary and sacrilege⁷¹. Just as in other cities, the souteneurs of Lwów often combined their profession with receiving stolen goods and running a hide-out⁷². There were also many joint accusations of riotous behaviour, fighting and mortal wounding as well as various offences of moral nature (prostitution, adultery, bigamy, immoral conduct).

Naturally, the convergence of crimes entailed a severer sentence; it was also usually passed down on recidivists, merely several score of whom were discovered in the materials under analysis⁷³. This low percentage may be explained both by the judges' difficulty in reconstructing the whole criminal activity of the given accused (he admitted as a rule to committing only one crime), and the relatively sparse application of torture, which was generally reserved for those accused of extremely dangerous crimes (infanticide, witchcraft, murder, daring theft, banditry, sacrilege). Altogether in the period under discussion merely 70 defendants were submitted to torture; women constituted only 20% of them⁷⁴. While mentioning recidivists, it is

⁶⁹ The author's own calculations as above.

⁷⁰ Cf. HA Lwów, RTLw 302, pp. 210–211; RTLw 305, pp. 203–204; RTLw 313, pp. 450, 455; RTLw 348, pp. 1922–1925.

⁷¹ See i.a. HA Lwów, RTLw 302, p. 298; RTLw 303, pp. 8–11; RTLw 305, pp. 222–223.

⁷² HA Lwów, RTLw 302, pp. 186–188; RTLw 313, pp. 45–47, 313; SA Lublin, RTL 142, pp. 193, 410.

⁷³ 90% of them were men (the author's own calculations as in note 15).

⁷⁴ The author's own calculations as above.

worth noting that the majority of them were thieves, bandits and burglars who were brought to trial for similar offences for the second or the third time⁷⁵.

Apart from recidivism and convergence of crimes the factors that influenced the exacerbation of the sentence were also: activity in an organized criminal group and bad opinion of one's surroundings. Sentences were alleviated on the basis of: the defendant's young age, his hitherto unpunishability, favourable opinions of court experts, mental disease, confession of guilt and repentance etc.⁷⁶ If one or several extenuating circumstances were taken into account, this could sometimes lead even to the exculpation of the accused, although more frequently it only influenced the commutation of a sentence. Qualified death sentences (e.g. burying alive and piercing with a stake, quartering and burning) were then changed into decapitating with a sword, while hanging or beheading — into branding, flogging or banishment from the town⁷⁷.

The Lwów criminal books of the end of the 16th and of the 17th century allowed us to collect information about 340 verdicts of the local courts brought in against 310 criminals: 250 men and 60 women. This means that we know the final result of trials of about 55% of all the persons under analysis⁷⁸. The disproportion between the number of court verdicts and the number of convicts results from the fact that many of them were given several sentences at the same time.

⁷⁵ One can enumerate here professional thieves: Jan Wieprzek (1598), Stanisław Malchrowski (1599–1600 — over a dozen times punished for minor theft), Elżbieta Węgiełka (1622), Jan Laskowski (1629–1630), Hrycko Sawczuk (1640), Wojciech Rokosznik (1642), Wojciech Łasica *alias* Łasicki (1660–1664), Kazimierz Kaczanowski (1664 — several sentences), Marcin Ciołek (1664), Jan Kozaczek (1662–1664) and Stanisław Zarzycki (1663–1678), the money forger Wojciech Gołębiowski (1661), sacrilege perpetrator Anna Stanisławowa (1621), bandit Grzegorz Mierzejewski (1634) and horse-thieves: Iwan from Lubień (1628), Paweł Laskowicz (1642) and Andrzej Skalski (1661 — previously punished in Lublin and Cracow) — HA Lwów, RTLw 302, pp. 8–11, 52–54, 71–72, 109–110, 142–143, 180–181, 202, 275–276, 280–281, 301, 305, 307–309; RTLw 305, pp. 98–99, 154, 227; RTLw 311, pp. 558–559; RTLw 313, p. 251, 316; RTLw 348, pp. 1531–1540, 1912–1913.

⁷⁶ Cf. HA Lwów, RTLw 302, pp. 26, 120, 125, 130, 166, 171–172, 185, 235–236, 263, 303, 312–313; RTLw 305, pp. 75, 240–241; RTLw 311, pp. 499, 516, 554; F. P a p e e, *op. cit.*, p. 61.

⁷⁷ In this way the qualified death penalty was changed to beheading with a sword towards i.a. the perpetrators of sacrilege: Krystyna Jaroszówna (1622), Stanisław Buski (1659) and Jakub Wyszynski (1663), the infanticides: Regina, a trumpeter's daughter (1656) and Agnieszka Baranowiczówna (1665), the murderers: Marcin Grygrowicz and Paweł Podwysocki *alias* Lorenczyk (1636), the thieves: Forski (1622) and Jan Paweł Sasin (1653) as well as money forgers Wojciech Gołębiowski and Stefan Grantarz (1661) — HA Lwów, RTLw 302, pp. 169, 228, 237, 266–267, 280–281, 294; RTLw 305, pp. 138–139, 151–152; RTLw 312, pp. 620, 634–635. In the case of several other criminals the sentences of death were changed into milder penalties (cf. i.a. HALwów, RTLw 302, pp. 169–170, 188, 263, 287; RTLw 305, p. 102; RTLw 311, p. 501). Cf. W. M a i s e l, *Poznańskie prawo*, p. 141.

⁷⁸ The author's own calculations on the same basis as in note 15.

The death sentences were passed in the period under analysis on 120 criminals, which constitutes 35% of the verdicts announced. Among the convicts there were 105 men and 15 women. In the case of the former this constitutes as many as 42% of all the known verdicts, in the case of the latter — 25%⁷⁹. The wordings of the death sentences often surprise us with their minuteness of detail and pictoriality: one could think that this was another form of prevention of its own kind, especially if similar justifications were published or publicly announced just before the execution. “He is to be brought to the pillory and pinched once with red-hot tongs”, we read in the sentence concerning the violator and murderer Jakub Ziembka in 1645, “then another time plucked with the same tongs behind the gate, and finally brought to the field to the very place where he committed this homicide, divided into four parts with a knife and there hanged on the pales”; “so that he should be punished with a sword across the neck”, state the judges of the bandit Jan Mielniczek *alias* Niemierzycki in 1642, “and his head impaled and behind the town gate in the very square where this murder took place put erect and throughout eight days on this pale kept for the punishment and loathing of such a cruel crime”⁸⁰. With regard to the thief Łukasz Ciechan of Piotrków it was stated (1630): “therefore according to the Saxon law art. 13 lib. 2 — he should be hanged in the field beyond town, where birds would fly to him according to the hereby decree”, while with regard to the sacrilege perpetrator Jan Ziomek it was ordered in 1664: “he should be brought out of town into the field and on the pile of wood burnt alive to dust”⁸¹. An especially cruel death should be the lot of Regina Baranowszczyńska who committed infanticide in 1658 “First in public she should be flogged till she bled at the stake”, the court stated, “and then in a sack or in a cattle hide bound together with four beasts, that is a dog, a cock, a monkey and a lizard, she should be thrown into the sea or into the nearby river, or allowed to be torn and devoured by lions, bears, wolves or dogs and such like cruel beasts, or tied to a horse tail or on a board she should be brought infamously to the place of punishment (where her neck would be given up to the sword) and her trunk or the dead body without the head left, and high exposed on the wheel”. Finally, however, despite such a cruel announcement, pity was taken on the criminal, and she was sentenced simply to being beheaded with a sword⁸².

⁷⁹ The author's own calculations, as above.

⁸⁰ HA Lwów, RTLw 302, pp. 206, 221.

⁸¹ HA Lwów, RTLw 302, p. 121–122, 306–307.

⁸² HA Lwów, RTLw 302, pp. 258–259. Cf. also notes 80–82; HA Lwów, RTLw 302, pp. 107–108, 114, 124, 175–176, 181, 229–230; RTLw 305, pp. 138–139, 475.

From among the 105 executed men: 45 were sent to the block, 30 hanged, 13 quartered and 9 burnt; as for others, nothing precise can be said about the means of their execution⁸³. The perpetrators of sacrilege and forgers were burnt, thieves and burglars — hanged, homicides, adulterers, murderers and bigamists — beheaded, bandits — quartered⁸⁴. From among the 15 women criminals condemned to death: 7 were beheaded, 4 burnt, 3 hanged and one buried alive and pierced with a stake. Women thieves were hanged or beheaded⁸⁵, witches and perpetrators of sacrilege — burnt, adulteresses and child-murderesses — sent to the block; a qualified punishment (burying alive and piercing with a stake) was applied to one of the infanticides⁸⁶.

The next 1/3 of the Lwów sentences known to us (concerning 115 defendants) were those to flogging, often combined with a temporary or permanent banishment from the city, less frequently — with branding. These sentences were passed mostly on the less dangerous thieves, souteneurs and procuresses, adulterers, perpetrators of beating and wounding. To such punishment were condemned 90 men (i.e. 36% of all convicts) and 25 women (41% of all condemned women)⁸⁷. However, whereas the sentences of flogging and banishment from the city combined with branding or disfigurement were imposed on 22 criminals, only two women were affected⁸⁸. Women were most often punished with both flogging and banishment (more than a half of the total of this category of sentences); banishment

⁸³ The author's own calculations as in note 15.

⁸⁴ Apart from the previously mentioned Grzegorz Mierzejewski, Jakub Ziembka and several bandits from Gesman's gang the sentence of death by quartering was also passed on the bandit Jan Olszowski (1603) and murderers: Stanisław Pickarczyk (1626) and Adam Dziuk (1654). Death penalty through burning was passed i.a. on the perpetrators of sacrilege: Mikołaj Orłowski from Mohylow (1622), Wojciech Wyrozemski (1642), convert Mateusz Ruben (1641), Wojciech Szymański (1661) and Jan Ziomek *alias* Mianowski (1664) — HA Lwów, RTLw 302, pp. 191, 202–204, 230, 277–279, 306–307; RTLw 305, pp. 224, 553; J.T. Józefowicz, *op. cit.*, pp. 43–44; B. Zimorowicz, *op. cit.*, p. 264.

⁸⁵ On the other hand the penalty of death by drowning was not applied in Lwów, as it was in the then Poznań, W. Maiseł, *Poznańskie prawo*, pp. 124–126.

⁸⁶ Apart from the women-criminals, executed for various offences and mentioned in the above text, the death sentence was also passed on the perpetrators of sacrilege: Katarzyna Garbarzowa (1637) and Katarzyna Szmaciarka from Jędrzejów (1658), bigamist Konstancja Rubrocka (163) as well as souteneurs and owners of hide-outs: Zofia Ilarasimowa, a miller's wife (1662) and Anastazja Białkowska (1663) — HA Lwów, RTLw 302, pp. 173–175, 224, 261; RTLw 313, pp. 42–47, 54, 300, 313.

⁸⁷ The author's own calculations on the same basis as in note 15.

⁸⁸ A recidivist thief Anna Malinowska from Przeworsk was in 1633 sentenced: "to receive 50 strokes with a whip at the pillory, to have the right ear cut off, to have the sign of cross branded on her back, thus punished and stigmatized, finally to be banished from the town", while the procuress dress-maker Anna Matiaszowa was sentenced in 1641 to be branded on the left cheek, flogged and for ever banished from the town, HA Lwów, RTLw 302, pp. 130, 188.

alone concerned 20 men and 9 women, while flogging alone — seven men and one woman⁸⁹.

Among the sentences under discussion about 7% were fines and damages (25 cases)⁹⁰, the next 6% (20 cases) were the orders of swearing an oath of exoneration⁹¹. One should finally note the fact of relatively frequent decisions to exculpate, discontinue or desist from the execution of a sentence. Such verdicts were announced in about 1/10 of all the cases here under analysis (34). Generally, however, one should state the fact of considerable severity of the Lwów courts of justice, since the exculpations and discontinuances indicated here were about three and a half times rarer than the death sentences administered at the same time. On the other hand, judges in the 17th c. seemed to be a little more lenient with tried women; this is, i.a., confirmed by the fact that there were twice as many exculpations and exoneration oaths administered to women than to men⁹².

The sentence of imprisonment, sometimes combined with a fine, was very seldom applied. We know only 15 such sentences, which constitutes about 4% of all the verdicts under analysis (80% cases of imprisonment concerned men)⁹³. Other verdicts are completely individual. Thus two defendants were condemned to cleaning work in the city⁹⁴, several others were outlawed⁹⁵; there were also incidents of handing over the case to the court of appeal.

⁸⁹ The author's own calculations as in note 15.

⁹⁰ Cf. i.a. HA Lwów, RTLw 302, pp. 157–158, 185, 246; RTLw 303, p. 409; RTLw 305, pp. 75, 352; RTLw 310, p. 134; RTLw 311, p. 402.

⁹¹ It was to be sworn by i.a.: Andrzej Biliński, accused of banditry (1606), Agnieszka Kapinościna, suspected of complicity in homicide (1609), the horse-thief Mikołaj Grabasin (1623), the thief Regina Brzeska (1623), the receiver of stolen goods Stanisław, a stall-keeper (1624), the alleged robbers of two Jewish graves: the tailor Kasper with his wife Zofia and Jan, a counterpane-maker (1636), an unintentional infanticide, vendor Regina Laudzborowa (1657) and Jan Chojnacki, accused of homicide (1662) — HA Lwów, RTLw 302, pp. 165, 241; RTLw 303, pp. 26, 332; RTLw 305, pp. 180, 259, 400; RTLw 313, p. 78.

⁹² The author's own calculations as in note 15.

⁹³ Thus, e.g. for giving false testimony before the court in 1599 Stanisław, an old-clothes-man was sentenced to six weeks in prison (and permanent banishment), while a hangman from Zamość, Jan Stankiewicz, for complicity in the killing of the Lwów hangman, was in 1672 put in prison for a year (additional penalties: damages for the victim's family and a high fine). While the matricide, Jakub Wąsowicz got in 1637 the following sentence: "for this crime committed on his mother he should endure the prison where he is suffering now till the end of his days", HA Lwów, RTLw 302, pp. 29–30, 170; RTLw 311, p. 483. Cf. HA Lwów, RTLw 302, pp. 144, 208–209.

⁹⁴ Cf. HA Lwów, RTLw 302, pp. 81, 308; RTLw 313, p. 249 as well as W. Ma is e l, *Poznańskie prawo*, p. 159.

⁹⁵ See i.a. HA Lwów, RTLw 302, pp. 138, 179–180; RTLw 312, pp. 269–270. Jadwiga Jaworska, accused of adultery was sentenced in 1656 to co-habit with her husband, while Elżbieta Ordyńska, for succumbing to magic treatments and belief in witchcraft was said to be punished by her husband in 1658 "in the town-hall in the presence of official on-lookers", HA Lwów, RTLw 302, pp. 239, 253.

The cruel, public executions (especially of those condemned to death) that were to deter and repel from crime, despite the intention of the legislators and judges often took the form of a spectacle. An especially large public was attracted by collective executions, during which several criminals were put to death at the same time. Letting alone the examples of beheading, hanging or burning, it is worth nothing that Lwów in the 17th c., as were other major cities, happened to be the scene of the execution of famous prisoners and traitors to the state. Thus, e.g. in 1564 the prince of Wallachia Demetrius Kantemir Tomsa was beheaded, in 1578 the well known Cossack hetman Ivan Podkova was put to death, while in 1582 another Wallachian hospodar, Jankula was sent to the block⁹⁶. Then in 1615 a collective execution of the members of an armed confederacy headed by Jan Karwacki took place in Lwów. In the course of one week two leaders of the conspiracy were impaled, two others — quartered, and 24 soldiers and officers — beheaded⁹⁷.

Despite its fragmentary character the material presented here allows us to formulate a few general conclusions and hypotheses. There can be no doubt that the criminal community in Lwów did not differ considerably in its structure from similar criminal milieus in other towns of the Polish Commonwealth, although in Lwów there was probably a larger percentage of criminals coming from the petty gentry. The categories of the offences committed as well as the sentences passed are also quite similar, while the differences may result from the local specificity and legal practice. Only the offences connected with banditry and sacrilege, more frequent here than anywhere else, stand out as an exception.

Worthy of attention is the evidence of some connections, perceptible, although not clarified completely, of the local professional criminals with the towns and boroughs of Little Poland. This is testified among other things by the animated contacts of the souteneurs and owners of hide-outs in Lwów with Lublin and Cracow, as well as by some ties connecting the local bandits, horse-thieves and thieves with their hinterland in Little Poland and Ruthenia.

(Translated by Agnieszka Kreczmar)

⁹⁶ J. Chodynicki, *op. cit.*, pp. 89–91, 96–98; B. Zimorowicz, *op. cit.*, pp. 217–218, 234.

⁹⁷ B. Zimorowicz, *op. cit.*, pp. 288–289.

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