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BETWEEN MEMORY AND ANTICIPATION.  
TEMPORAL CONSCIOUSNESS OF MAZOVIAN SOCIETY,  
THE 12TH — THE MID-16TH CENTURY

The present study deals with the attitude of the inhabitants of one of medieval Poland's peripheral regions to the present and the past, as well as their direct reflections on time and its passage. These general issues will be analysed through the prism of detailed problems, among which we include: the methods of establishing the time of prescription; the social reception of the new versions of this law; other methods of defining the time past; individual and collective memory and its temporal scope as well as the sources of the knowledge of the past; the changing significance of the future in Mazovian society as well as the scope of the future perspective. We will devote a separate place to the reflection on time and the symptoms of the growing awareness of time and its passage among the inhabitants of the region under analysis.

### The Past

The powerful influence of tradition on the mentality of medieval society and various fields of its activity has already been shown in many works. People looked into the past to find timeless patterns and ideas which they would follow in the present, as well as for the beginnings of states, nations, dynasties, families or cities<sup>1</sup>. No wonder that medieval culture is sometimes defined as

<sup>1</sup> J. Le Goff, *La civilisation de l'Occident médiéval*, Paris 1964, pp. 397–399; idem, *Histoire et mémoire*, Paris 1986, pp. 130–148; A. Guryevich, *Srednevekovi mir. Kultura bezmolstvuyeshchevo bolshinstva*, Moskva 1990, pp. 43, 46–47, 100, 281, 292, 300, 353; P. Geary, *Phantoms of Remembrance. Memory and Oblivion at the End of the First Millennium*, Princeton 1994; J. Banaszkiewicz, *Podanie o Płaście i Popielu. Studium porównawcze nad wczesnośredniowiecznymi tradycjami dynastycznymi (The Legend of Plast and Popiel. A Comparative Study*

a “memorial culture”<sup>2</sup>. This attitude of medieval people to the past also found its expression in the domain I am here especially interested in, i.e. law. Scholars have unanimously proved that up till the 12th c. a conviction prevailed that the value of any regulation lies in its antiquity<sup>3</sup>. Therefore new legal solutions could be successful only due to their link with the past, or by being shown as instruments of God’s plan which had also been revealed in the time gone by<sup>4</sup>. Despite many attempts made in the 12th c. by canonists and adherents of Roman law, to legalise innovations in the field of law, up till the end of the Middle Ages the basis of legal thought and thinking about the law was legal custom<sup>5</sup>. This phenomenon was also visible in medieval Poland, especially as Roman law did not play here an important role<sup>6</sup>. The significance of custom was even more clearly marked in the politically independent Mazovia (1138–1526/9), where the first attempt to introduce written statute law was not made until 1377 (Sochaczew Statute). At any rate, as many sources show, the Mazovian statute law only preserved the earlier legal customs<sup>7</sup>.

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*of Early-medieval Dynastic Traditions*), Warszawa 1986, passim; Cz. Deptuła, *Galla Anonima mit genezy Polski. Studium z historii i hermeneutyki dziejopisarstwa średniowiecznego* (*Gallus Anonymus' Myth of the Origin of Poland. A Study in the Historiography and Hermeneutic of Medieval Historiography*), Lublin 1990, passim; B. Gremek, *Temporal Imagination in Polish Medieval Historiography*, “*Quaestiones Mediaevali Aevi*”, vol. 2, 1981, pp. 43–61; P. Górecki, *Communities of Legal Memory in Medieval Poland, c. 1200–1240*, “*Journal of Medieval History*”, vol. 24, 1998, № 2, pp. 127–154.

<sup>2</sup> M. Carruthers, *The Book of Memory. A Study of Memory in Medieval Culture*, Cambridge 1990, p. 8.

<sup>3</sup> See: H. Krause, *Dauer und Vergänglichkeit im mittelalterlichen Recht*, “*Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanische Abteilung*”, vol. 57, 1958, pp. 207–210, 228; R. Sprandel, *Über das Problem neuen Rechts im früheren Mittelalter*, “*Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanontische Abteilung*”, vol. 89, 1962, pp. 117–121; J. Baszkiewicz, *Myśl polityczna wieków średnich* (*The Political Thought of the Middle Ages*), Warszawa 1970, pp. 150–153.

<sup>4</sup> See: H. Krause, *op. cit.*, pp. 211, 212, 214; See: R. Sprandel, *op. cit.*, pp. 120–121, 123, 130.

<sup>5</sup> For these attempts see H. Krause, *op. cit.*, pp. 231, 234–235, 237, 241–242; J. Baszkiewicz, *op. cit.*, pp. 153–155; R. Bartlett, *Trial by Fire and Water. The Medieval Judicial Ordeal*, Oxford 1986, pp. 85–86; on the power of tradition see: S. Reynolds, *Kingdoms and Communities in Western Europe 900–1300*, Oxford 1990, p. 42.

<sup>6</sup> M. Szczyński, *Powszechna historia państwa i prawa* (*A General History of State and Law*), Warszawa 1985, p. 326.

<sup>7</sup> S. Russocki, *Problemy kultury prawnej księżęcego Mazowsza* (*The Problems of Legal Culture of Ducal Mazovia*), in: *Kultura średniowiecza i staropolska. Studia ofiarowane Aleksandrowi Gleysztorowi w 50-lecie pracy naukowej*, Warszawa 1991, pp. 649–650.

Beginning with the 13th c. there are more and more phrases in Mazovian sources that confirm the conformity of the legal standing described in a given act with traditional legal norms. As early as (the document from) 1211–1215, four regional dukes (including Conrad I of Mazovia), reserved for themselves one passage a year through the archiepiscopal Łowicz *prout ab antiquo consuetum est*<sup>8</sup>. Soon after, about 1228–1232, a document of this ruler mentions *consuetudinem provinciae Mazoviae*, although the matter in question was a completely new regulation introducing a tithe in sheaves of corn instead of its version in fur of martens<sup>9</sup>. The later documents from the 13th–16th cc. contain ever more frequent references to one or a number of legal customs. Most often they do not specify them, just stress their antiquity (*more; ex antiqua consuetudine; prout moris est; more consueto; ritu et consuetudine; iuxta antiquum modum sive consuetudinem*; “by this custom”; “by virtue of the ancient custom”)<sup>10</sup>. However, sometimes the legal custom referred to was additionally specified, mostly by stressing its link with the given territory or place (*iuxta [...] consuetudinem et morem civitatis nostre Plocensis antiquitus; iuxta consuetudinem terre polthoviensis; iuxta consuetudinem districtus polthoviensis; secundum, quod consuetudinem terre exigit; iuxta consuetudinem terre*; “according to the custom of the district”; *more patriae*)<sup>11</sup>. Less frequently, the pertinence of a

<sup>8</sup> *Zbiór spominków i przywilejów mazowieckich (A Collection of Mazovian Documents)* (hereafter: Koch.), ed. J. K. Kochanowski, Warszawa 1919, № 175–1211/15, p. 166.

<sup>9</sup> *Iura Mazoviae Terrestria*, vol. I (hereafter: IMT I), ed. J. Sawicki, Warszawa 1972, № 1–1228/32, p. 1; about this document see: K. Potkański, *Puszczą Kurpiowska (The Kurpie Backwoods)* in: *idem, Pisma pośmiertne*, vol. I, Kraków 1922, pp. 246–247; T. Lalik, *Radło i żreb. Z dziejów społecznych wsi zachodniopolskiej w XI–XII wieku (Aratrum et Sors. From the Social History of Western-Slav Countryside in the 11th–12th cc.)* in: *Z polskich studiów slawistycznych. Historia*, series 3, Warszawa 1968, p. 29.

<sup>10</sup> Respectively: *Nowy kodeks dyplomatyczny Mazowsza (The New Diplomatic Code of Mazovia)* (hereafter: NKDM), ed. I. Sułkowska–Kuraś, S. Kuraś, Wrocław 1989, № 4–1249, p. 6; № 29–1257, p. 29; *Kodeks dyplomatyczny księstwa mazowieckiego (The Duchy of Mazovia's Diplomatic Code)* (hereafter: Lub.), ed. J. T. Lubomirski, Warszawa 1863, № 100–1379, p. 93; № 131–1398, p. 126; № 139–1400, p. 137; № 157–1418, p. 164; *Zapiski i roty polskie XV–XVI wieku z ksiąg sądowych ziemi warszawskiej (Polish 15th–16th c. Records and Oaths from Warsaw District Court Books)* (hereafter: ZiR), ed. W. Kuraszkiewicz, A. Wolff, Kraków 1950, № 135–1453, p. 76. *Ekscepta y zwyczaję województwa mazowieckiego (Exceptions and Customs of the Mazovian Voivodeship)* (hereafter: EMaz.), in: *Volumina legum*, vol. II, ed. J. Ohryzko, Petersburg 1859, par. 20, *O wydaniu drog*, p. 170.

given legal solution to a separate, larger group of traditional norms was indicated (*secundum quod consuetudo terrestris extat; iuxta cursum terrestrem; secundum consuetudinem et statutum iudicii Culmenensis; more aquatico*)<sup>12</sup>. Occasionally a concrete custom was defined as appropriate for a given social group; *iuxta consuetudinem militum terre nostre*<sup>13</sup>.

Legal conservatism is even better proved by many examples of the Mazovians' resentment and resistance to the attempts "from above" to abolish the archaic forms of legal procedure or to introduce new legal regulations. Despite attempts to eradicate it, throughout the period under analysis the tradition persisted among the knights to take bloody revenge<sup>14</sup>. To no avail was also the prohibition of papal ordeals issued between 1215 and 1234 at the Lateran Council — in Mazovia this form of judicial procedure was practiced at least until the 14th c. if not longer<sup>15</sup>. The division of the noble estate into upper and lower nobility (*nobiles, milites*), legalized in 1390 was not accepted in practice, either<sup>16</sup>. Janusz III's strict statute of 1525 against homicides was rejected

<sup>11</sup> Respectively: *Zbiór dokumentów i listów miasta Płocka (The Płock Town Collection of Documents and Letters)*, ed. S. M. Sza ch e r s k a, vol. II (hereafter: ZDMPl. II) Warszawa 1987, № 531–1550, p. 331; *Lub.*, № 146–1404, p. 152; № 227–1472, p. 258; NKDM, № 95–1293, p. 89; Central Archives of Historical Records — I. Kapica–Milewski's collection (hereafter: Kap.), the court book of Łomża, box 57, p. 58 (1526); the court book of Czersk from 1449 (extinct); I cite after an extract from: J. T. L u b o m i r s k i, *Wstęp do: Księga ziemi czerskiej (1404–1425)* (hereafter: KZCz.), ed. i d e m, Warszawa 1879, p. XC, note 2; *Acta iudicii ecclesiastici Plocensis* (hereafter: AIEP), in: *Acta captulorum necnon iudiciorum ecclesiasticorum selecta*, ed. B. U l a n o w s k i, vol. III, part 1, Krakow 1908, № 20–1451, p. 8.

<sup>12</sup> Respectively: *Księga ziemska płońska (1400–1417) (The Court Book of Płock [1400–1417])* (hereafter: KZP), ed. M. H a n d e l s m a n, Warszawa 1920, № 586–1405, p. 42; № 2006–1413, p. 14; *Księga ławnicza miasta Płocka (1489–1517) (The Płock Assessors' Book [1489–1517])* (hereafter: KIMP), ed. D. P o p p e, Warszawa 1995, № 90–1498, p. 47; ZDMPl, II, № 293–1509, p. 41.

<sup>13</sup> NKDM, № 101–1297, p. 96; № 102–1297, p. 98.

<sup>14</sup> S. R u s s o c k i, *Problemy...*, p. 652.

<sup>15</sup> J. B a r d a c h, *Historia państwa i prawa Polski do połowy XV w. (A History of Polish State and Law until the Middle of the 15th c.)*, Warszawa 1965, p. 355, note 57. See NKDM, № 106–1299, p. 102; № 117–1304, p. 113. However the latest discovery by M. S z y m c z a k, who found Sigismund I's permission of 1511 to carry out an ordeal in the form of a duel, changes the assertions of previous scholars on the subject of the vitality of ordeals in Polish society (*Ceduta na sąd boży z 1511 r. — Permission to Hold Ordeals of 1511*), "Acta Universitatis Lodzensis. Folia historica", vol. 44, 1992, pp. 111–125.)

<sup>16</sup> See S. R u s s o c k i, J. S e n k o w s k i, *Uwagi o społeczno-prawnym zróżnicowaniu rycerstwa i szlachty mazowieckiej (Remarks on the Socio-legal Differentiation of Mazovian Knighthood and Nobility)*, "Kwartalnik Historyczny", vol. 67, 1960, pp. 11–24; see also J. B a r d a c h, *op. cit.*, p. 420.

as well, and soon older, more lenient regulations of this question were adopted<sup>17</sup>. Also the introduction of new church holidays met with resistance even among the local clergy<sup>18</sup>. 36% of articles (92/256) in *Goryński's Code* (1540), a comprehensive codification of Mazovian law, were still based on custom<sup>19</sup>. Despite the legal unification of Mazovia with the Kingdom of Poland in 1577, forty six Mazovian regulations retained their binding force (the so-called *Mazovian Exceptions*)<sup>20</sup>.

Without going into the circumstances of the rejection of new legal regulations in each of the mentioned cases, one should indicate the general reasons for the legal conservatism of Mazovians. One of them was the economic backwardness of the region where colonization under German law and urbanization occurred almost a hundred years later than in other Polish territories (where they dated back to the beginning of the 14th c.). Thus the social and cultural transformations arrived here later. The impact of Bartolus di Sassosferato's theory that new law should be proclaimed in accordance with traditional legal customs, was also pertinent here<sup>21</sup>. Late–medieval colonization was too powerful a movement not to entail the transplantation of the new law — *ius Culmense*. However, the local common law affected certain aspects of *ius Culmense* (e.g. the legal and financial position of women)<sup>22</sup>

Concrete examples of traditionalism in Mazovian society do not exhaust the matter of the reception of novelty or attitude to the past in this region. Of much import in this context, however, seems to be the problem of the time of prescription. According to

<sup>17</sup> B. Sobol, *Ostatnie statuty mazowieckie 1525 i 1526 (The Last Mazovian Statutes 1525 and 1526)*, "Przegląd Historyczny", vol. 49, 1958, pp. 278–295.

<sup>18</sup> See G. Myśliwski, *Człowiek średniowiecza wobec czasu i przestrzeni. Mazowsze od XII do poł. XVI wieku (Medieval Man Versus Time and Space. Mazovia from the 12th till the Middle of the 16th c.)*, Warszawa 1999, pp. 368–369.

<sup>19</sup> *Ibid.*, p. 398.

<sup>20</sup> Z. Kaczmarczyk, B. Leśnodorski, *Historia państwa i prawa Polski (The History of Polish State and Law)*, vol. II (from the middle of the 15th c. till 1795), Warszawa 1971, pp. 23–24.

<sup>21</sup> S. Russocki, *Ustrój polityczny i prawo (The Political System and Law)*, in: *Dzieje Mazowsza do 1526 roku*, ed. A. Gieysztor, H. Samsonowicz, Warszawa 1994, p. 319.

<sup>22</sup> See M. Sędek, *O wzajemnym stosunku prawa ziemskiego i miejskiego na Mazowszu w XV i XVI w. (On the Mutual Relation of Common and Municipal Law in Mazovia in the 15th and 16th cc.)*, "Rocznik Mazowiecki", vol. 5, 1974, pp. 128–130.

S. Roman, it signifies "a certain period whose termination entails the loss of property right, or right of complaint, on the part of the person who failed to make his due claims in due time, or enables the holder of property on whom no claims were made in this period, to acquire the property right"<sup>23</sup>. However, we will not make a legal analysis of prescription time here, but will focus on its chronological aspect. We will concentrate on the prescription time of pledge of land (i.e. the method of defining the period after whose termination the pledgor acquired the property right to the land he held), the prescription time of private delimitation of land, most of all, however, on the prescription time of alienated ancestral estates when the intentions of the landowner were in conflict with the rights of other members of his family (the right of retraction and pre-emption). The turning point in the history of the prescription time in Polish territories was the issue of Casimir the Great's statutes, where the period was established as three years and three months<sup>24</sup>. In Mazovia the corresponding period of transition could be dated as 1377–1390. Several statutes were issued then which regulated prescription time. Although the first attempts of that type were made as early as the 13th c., the social reception of respective regulations came only following 1390. The acceptance of this 3-year period as a breakthrough is also justified because the earlier sources do not contain any mention of the prescription time of private delimitation or of pledge of land, although both phenomena appeared at that time<sup>25</sup>. Therefore, as regards the period before 1377 we will mainly focus on the prescription time of ancestral estates.

Previous researchers thought that in earlier times in Polish lands the law of proximity was not limited in time and the concept of the prescription of family rights to the alienated inherited estates developed only in the 13th c.<sup>26</sup> This view does not seem appropriate to the earlier medieval times. Let us cite a passage from *Liber fundationis claustris sancte Marie Virginitis in Heinrichow*

<sup>23</sup> S. Roman, *Z badań nad dawnością w prawie polskim XIV w. (Studies of Prescription Time in Polish 14th c. Law)*, "Czasopismo Prawno-Historyczne", vol. XVII, 1965, fasc. 2, p. 71.

<sup>24</sup> *Ibid.*, p. 74.

<sup>25</sup> See G. Myśliwski, *op. cit.*, pp. 54–57.

<sup>26</sup> Z. Rymaszewski, *Z problematyki dawności w polskim prawie ziemskim (The Problems of Prescription Time in the Polish Common Law)*, "Zeszyty Naukowe Uniwersytetu Łódzkiego", fasc. 59 (Prawo), 1968, pp. 127–128.

(the so-called *Księga Henrykowska* — *The Book of Henryków*), which although written in Silesia in the second half of the 13th c., records many legal customs dating back to the 12th c. The concept of ancestral estate, as well as the law of proximity were defined in it as follows: [...] *aput attavos nostros et patres ex antlquo statutum est, ut si qulsquam de genere Polonorum vendiderit quodlibet patrimonium suum, etus heredes postmodum poterunt redimere. [...] Si qulsquam possideo, quod avus meus et pater mihi in possessionem relinquerunt, hoc est meum verum patrimonium*<sup>27</sup>. I think the most important is the reference to ancestors who must precede the legitimate heir to the same land. If we should treat this record literally, it would mean that the property acquired the status of ancestral estate only after the lapse of two generations (i.e. after the life and death of grandfather and father). There are several circumstances that support our interpretation. Ancestors' lifetime was used to define the lapse of the past time as early as archaic societies, and can be confirmed by inter-cultural data<sup>28</sup>. The definition of prescription time in *The Book of Henryków* also results from the dominance of a three-generation family model in early medieval Polish society<sup>29</sup>. The structure of the basic unit of social life could not but affect the temporal consciousness of the then Mazovians — common life together with grandparents and parents was an elementary and universal experience, which simply imposed the method of dividing the time past. Since it overlapped with the sequence of inheritance, the lifetime of two generations was customarily acknowledged as prescription time of land possession. Moreover one should invoke the fact that in Mazovian Old Polish, ancestral land (*hereditas*) was defined even later as *dziedzina*<sup>30</sup>, i.e. from *dziad* (grandfather). This seems to result from the hypothetical conviction of medieval people that the ancestral estate was one held by members of a given family at least for two generations.

<sup>27</sup> *Księga Henrykowska* (*The Book of Henryków*), ed. R. Grodecki, Poznań 1949, book I, chap. 8, p. 280.

<sup>28</sup> J. Kurczewski, *Prawo prymitywne. Zjawiska prawne w społeczeństwach przedpaństwowych* (*Primitive Law. Legal Phenomena in Pre-state Societies*), Warszawa 1973, p. 31; D. Henige, *The Chronology of Oral Tradition. Quest for a Chimera*, Oxford 1974, pp. 4, 18, 55 foll.; A. Guryevich, *op. cit.*, pp. 331–332.

<sup>29</sup> T. Lalik, *Spoleczne gwarancje bytu* (*Social Guarantees of Existence*), in: *Kultura Polski sredniowiecznej X–XIII w.*, ed. J. Dowiat, Warszawa 1985, p. 119.

<sup>30</sup> See G. Myśliwski, *op. cit.*, p. 171.

Another term, less frequently used in this region, *ojczyzna*<sup>31</sup> (from *ojciec* — father), may be treated as a later product, perhaps reflecting the shrinking of prescription time, which actually occurred in Polish lands<sup>32</sup>. One should note here that in 12th–13th c. Mazovia prescription time was defined generally, by using the phrase *ab antiquo*, both in the case of granted estate (Żyro's document)<sup>33</sup> and inherited estate<sup>34</sup>. The persistence of this type of definitions of the past was confirmed in later centuries both in Mazovia and other Polish lands<sup>35</sup>.

Even before 1285 Mazovia saw an attempt to impose on it "from above" the shortening of prescription time to three years<sup>36</sup>. The only mention of this subject and at the same time an application of this regulation were recorded on the occasion of a conflict over property right to a part of Piaski village in Western Mazovia. This was a dowry of a knight's daughter, Sara, who in 1282 presented the said village to the bishop of Płock<sup>37</sup>. Soon the sons (Stanisław and Janusz) of a certain Boguta called on Duke Conrad II, maintaining that half of this village was their legal property and the village was called Sobolowo. The controversy was solved by the ruler himself who did not confirm the rightfulness of their claim and said that *edicto nostre constitucio- nis nostrorum baronum et terrigenarum accedente consensu prescriptio trium annorum inter presente et ius suum hereditarium negligentes perpetuum generet impedimentum hereditate accio- nis, propter quod prefati Stanislaus et Johannes non tantum lapsu trium annorum, sed etiam plurimorum ius, si quod habuissent ibi, penitus amiserunt*<sup>38</sup>. The quoted fragment proves that the resol-

<sup>31</sup> *Ibidem*.

<sup>32</sup> See Z. Rymaszeński, *op. cit.*, pp. 121–132.

<sup>33</sup> *Zbiór dokumentów i listów miasta Płocka (A Collection of Documents and Letters of the Town of Plock)*, vol. I (hereafter: *ZDmPł I*), ed. S. M. Szacherska, vol. I (1065–1495), Warszawa 1975, N° 3 — before 1185, p. 7.

<sup>34</sup> *NKDM*, N° 23–1256, p. 24.

<sup>35</sup> See *Nieznanne roty sądowe wawerskie z lat 1419–1480 (The Unknown Formulae of the Warka Town Judicial Oaths from the Years 1419–1480)* (hereafter: *NRPW*), ed. F. Plekosiński, in: *Archiwum Komisji Prawniczej* (hereafter: *AKP*), vol. VIII, part 1, Kraków 1907, *NRPW* N° 40–1426, p. 48; *Lub.* N° 282–1474, p. 282; N° 241–1477 p. 283; N° 255–1488, p. 300; N° 259–1494, p. 303; *Herbarz Ignacego Kapicy-Milewskiego (Ignacy Kapica-Milewski's Armorial)* (hereafter: *Her.*), Kraków 1870, p. 494 (1440).

<sup>36</sup> K. Dunin, *Dawne mazowieckie prawo (Old Mazovian Law)*, Warszawa 1880, p. 163.

<sup>37</sup> See *NKDM*, N° 68–1282, p. 64.

<sup>38</sup> *Ibid.*, N° 74–1285, p. 69; see Z. Rymaszeński, *op. cit.*, p. 123.



ution to shorten prescription time to three years was made with the consent (one can suppose that: in the presence of) the Mazovian knighthood and the duke at an assembly. The norm passed was not recorded in writing. It seems that the three-year prescription time was not accepted by Mazovian society, since general definitions of prescription time such as *ab antiquo* dominated in 12th–13th c. Mazovia<sup>39</sup>. Less frequently the real time of land possession (from 1.5 to 46 years) was cited<sup>40</sup>. An analogous behaviour prevailed in other Polish lands before Casimir's Statutes were written, although in the 13th c. a three-year prescription time was sometimes applied<sup>41</sup>. Even more symptomatic seem to be the formulations from two Mazovian statutes from the end of the 14th c. where prescription time was defined anew. Siemowit IV's statute for Płock Mazovia established the maximal term of the exercise of the right of retraction as one year and six weeks (1387), while Janusz I's statute for the Czersk–Warsaw Duchy established this period as three years (1390)<sup>42</sup>. Symptomatically the document makes no reference to the old custom, i.e. to resolutions made by Conrad II and Mazovian knighthood at assemblies before 1285. On the contrary, the formulations of both 14th c. statutes show that their creators had a sense of making up completely new regulations (*dominus dux [...] talem articulum statuit* or *iste articulus taliter est diffinitus et constitutus*). This confirms our earlier conjecture that the regulation about a three-year prescription time in the 13th c. was short-lived. From the end of the 14th c. resolutions on prescription time of inherited land did not change in normative acts until the end of Mazovia's independence<sup>43</sup>. On the other hand *Goryński's Code* (1540) confirms a three-year prescription time, which

<sup>39</sup> *ZDmPl.* I, № 3 — before 1185, p. 7; *NKDM*, № 23–1256, p. 24.

<sup>40</sup> See *Koch.*, № 328–1233, p. 376; № 378–1238, p. 434. Cf. S. Roman, *op. cit.*, pp. 72–73.

<sup>41</sup> See S. Roman, *op. cit.*, p. 73; Z. Rymaszeński, *op. cit.*, p. 130.

<sup>42</sup> *IMT* I, № 34–1387, par. 2, p. 50; № 39–1390, par. 8 *Hereditatis venditio redimatur per propinquos*, p. 59.

<sup>43</sup> I cite after S. Russocki, *Formy władania ziemią w prawie ziemskim Mazowsza. Koniec XIV — połowa XVI wieku (The Forms of Holding Land in Mazovian Common Law. The End of the 14th — the Middle of the 16th c.)*, Warszawa 1961, p. 102. In 1463 Conrad III the Red confirmed the further binding force of the maximum term of retraction as one year and six weeks *iuxta consuetudinem terrestrem* for the gentry of Płock, Płońsk, Zawkrze and Wizna districts (*IMT* I, № 114–1463, p. 118).

referred only to the Central–Eastern part of the region under analysis<sup>44</sup>. Only in the case of persons absent from Mazovia for definite reasons, the termination of prescription time was suspended till their return<sup>45</sup>.

Equally persistent, in fact unchangeable, were normative resolutions that regulated prescription time concerning the land of various legal status. The first regulations on this subject were drawn up in the last quarter of the 14th c. In this connection of greatest importance were regulations contained in the Sochaczew Statute (1377). It dealt with the problem of prescription time/termination of claims to the land pledged, the completed division of common ancestral estate, as well as any contentions of land property rights and boundary conflicts. In the case of pledge it was established that the failure to repurchase the land in pledge for 30 years means that it automatically becomes *in perpetuum* the property of the pledgor<sup>46</sup>. On the other hand the division of the common ancestral estate and inheritance of someone's ancestral land by an unrelated person gained legal force merely in three years<sup>47</sup>. Only the so-called H manuscript of the 1377 statute says that in the latter case there is a six-year prescription time<sup>48</sup>. It is hard to explain this difference, since respective regulations in other Polish lands did not contain such prescription time<sup>49</sup>. Only the Statute of Wiślica establishes a six-year prescription time, but this exclusively concerns widows who would like to lay claim to the land they have a right to inherit<sup>50</sup>. The same H manuscript is the only one which contains a resolution concerning the maximal period of three years during which one could lay claim to the already delimited artificial linear

<sup>44</sup> ZG, par. 126 *De Praescriptione propinquitatis acquisititae*, p. 181; see also par. 88, p. 169.

<sup>45</sup> S. Russocki, *Formy*, p. 102; on the suspension of prescription time see P. Dąbkowski, *Prawo polskie prywatne (Polish Private Law)*, vol. 1, Lwów 1910, p. 321.

<sup>46</sup> *IMT* I, N<sup>o</sup> 22–1377, par. 5 *Obligacio in XXXta annis non redempta perpetuatur*, p. 16.

<sup>47</sup> *Ibid.*, par. 6 *Divitio, licet non ratificata, post triennium perpetuatur*, p. 15.

<sup>48</sup> On the subject of the H Manuscript, see S. Russocki, *Z badań prac przygotowawczych do ostatecznej redakcji zводу prawa mazowieckiego z 1540 r. (The Study of Preparation Work for the Final Edition of the Code of Mazovian Law in 1540)*, "Czasopismo Prawno-Historyczne", vol. 9, 1957, p. 233.

<sup>49</sup> S. Roman, *op. cit.*, p. 74.

<sup>50</sup> *Ibidem*.

boundaries. As regards prescription time concerning the usucaption of somebody's inherited land, the regulation about a three-year period was still repeated twice for Western Mazovia (in statutes from 1387 and 1397)<sup>51</sup> and once for its Central–Eastern area (statute from 1390)<sup>52</sup>. The repetition of the same regulations in a short period may testify to the fact that prescription time with precisely fixed deadlines met with certain resistance. Our later analysis of judicial practice verifies this conjecture. As regards normative acts alone, none of prescription terms introduced “from above” in the last quarter of the 14th c. had changed up till the end of the period under discussion. In fact, *Goryński's Code* sustains the thirty-year period of prescription of a pledge<sup>53</sup> as well as a three-year prescription time in the case of a common ancestral estate<sup>54</sup>, land under usucaption<sup>55</sup> and delimitation of artificial linear boundaries<sup>56</sup>.

An analysis of records from common law court books shows that the above-mentioned regulations met with universal acclaim without much delay in relation to the statute decisions from the fourth quarter of the 14th c. Indeed, common law court record books are packed with oaths in which the defendants accused of lawless possession of a given land defended themselves by invoking the statutory prescription time. Despite this universal acclaim, however, we must emphasize that the three-year and thirty-year prescription periods did not completely oust the customary methods of defining prescription time. Just as it sometimes happened earlier, also in the 15th–16th cc. property rights to a land were proved by the real number of years during which it was held. Thus 8<sup>57</sup>, 10<sup>58</sup>, 12<sup>59</sup>, 20<sup>60</sup> years were mentio-

<sup>51</sup> *IMT* I, № 34–1387, par. 1, p. 50; № 47–1397, p. 70.

<sup>52</sup> *Ibid.*, № 39–1390, par. 7 *Agens pro hereditate infra triennium agat*, p. 59.

<sup>53</sup> *Zwód Goryńskiego (Goryński's Code)* (hereafter: *ZG*) in: *Iura Mazoviae Terrestria*, vol. III, ed. J. Sawicki, Warszawa 1974, par. 115 *De praescriptiōne obligatiōnis triginta annorum*, p. 177.

<sup>54</sup> *Ibid.* par. 214 *De divisione perpetua*, p. 209; see also par. 212, *De coaequatione bonorum*, p. 208.

<sup>55</sup> See *IMT* I, № 114–1463, p. 118, and also par. 164 *Iura absque possessione*, p. 193.

<sup>56</sup> *Ibid.* par. 212 *De coaequatione bonorum*, p. 208.

<sup>57</sup> *Księga ziemiska zakroczymska pierwsza (1423–1427) (The Zakroczym Court Book I, 1423–1427)* (hereafter: *KZZ I*), ed. A. Rybarski, Warszawa 1920, № 1665–1425, p. 141.

<sup>58</sup> *Ibid.*, № 718–1424, p. 61.

ned. In the case where an adequate document could be presented references were made to the fact that the land was granted 82<sup>61</sup> or even about 100 years before<sup>62</sup>. However, there were rare cases of informing about the real period during which the land was held. More frequently an old time genealogical argument was invoked, i.e. the fact that a father, grandfather or other ancestors held this land (*circa nostros avos et patres*; “in our fathers’ time”; “since my father and grandfather”; “since my father, grandfather and great grandfather”; *per avum et patrem*)<sup>63</sup>. Genealogical definitions of prescription time were applied in the case of inherited<sup>64</sup>, purchased<sup>65</sup>, and pledged land<sup>66</sup>, as well as boundaries<sup>67</sup> and roads<sup>68</sup>. Moreover other, archaic temporal expressions were used — e.g. *ab antiquo*<sup>69</sup> or a synonymous “for many years”<sup>70</sup>. Finally one must draw attention to the rather surprising prescription time of 60 years. The oldest record known to us containing this information comes from 1423<sup>71</sup>. In our opinion it can be interpreted in two ways: a) either as a conventional equivalent of two generations whose lifetime it could denote in the 13th c., or still in the 12th c. as a period sanctioning the property right to a given land; b) or 60 years meant simply *kopa* (old Polish term for 60, an old computational unit); the period in question would signify the colloquial *kopa lat*, i.e. a very long period, hard to calculate, perhaps a new equivalent of the traditional *ab antiquo* and other similar expressions. (*Kopę lat!* — means in Polish “It’s ages since I saw you!”)

<sup>59</sup> KZP, N° 638–1405, p. 46.

<sup>60</sup> KZZ I, N° 2693–1427, p. 235.

<sup>61</sup> ZDmPl. II N° 581–1553, p. 390.

<sup>62</sup> ZiR, N° 2421–1527, pp. 247–248; on this subject see below.

<sup>63</sup> Respectively: KZP, N° 1807–1412, p. 125; ZiR, N° 144–1425, p. 12; *ibid.*, N° 95–1424, p. 8; NRPW, N° 101–1474, p. 56; The Czersk Court Book of 1474 (extinct); I cite after an extract from: J. T. Lubomirski, *op. cit.*, p. LXXI, note 1; *Kap. Łomża court book*, box 57, p. 280 (1535).

<sup>64</sup> ZiR, N° 1584–1487, p. 138.

<sup>65</sup> *Ibid.*, N° 1969–1505, p. 180.

<sup>66</sup> *Ibid.*, N° 2517–1533, p. 263.

<sup>67</sup> KZP, N° 2021–1413, p. 144.

<sup>68</sup> *Ibid.*, N° 1807–1412, p. 125.

<sup>69</sup> *Lub.* N° 282–1474, p. 282; N° 241–1477, p. 283; N° 255–1488, p. 300; N° 259–1494, p. 303; *Her.* p. 494 (1440).

<sup>70</sup> NRPW, N° 40–1426, p. 48.

<sup>71</sup> KZCz, N° 1600–1423, p. 282.

In 15th and 16th c. judicial practice all the above-mentioned methods of defining prescription time were applied separately, but sometimes also jointly. These combinations were diversified. Thus the real period during which the land was held was combined with generation measure (*pater meus in parte ista se comisserat [...] et ego post patrem meum [...] et sunt anni XX transacti*<sup>72</sup>); on other occasions it was combined with a three-year statutory prescription time<sup>73</sup>; generation measure was combined with the enigmatic sixty-year period<sup>74</sup>, combinations were also made of both statutory versions of prescription time — a three-year and a thirty-year one<sup>75</sup>; in some cases more than two separate terms of prescription were combined, so that the genealogical measure, the enigmatic *kopa* of years and both statutory versions of prescription time were put in a row<sup>76</sup>. The tendency to combine the customary and statutory versions of prescription time grew stronger in the first half of the 16th c. I think there were several reasons for this phenomenon. The accumulation of chronological arguments for property rights must doubtless be regarded as the result of greater jeopardy than in earlier times. Regardless of the immediate and universal acclaim of statutory versions of prescription time, it was not enough to invoke them. Par. 10 of a privately prepared compilation of statutes acclaimed at assemblies and legal precedents (about the year 1462–71), shows that property right to purchased land had to be corroborated by a written proof: *Item quando quis emit hereditatem, et non habet ius seu privilegium, non supportabunt eum tres anni etc.*<sup>77</sup> Sources that we have analysed show that such a proof was seldom available<sup>78</sup>. Therefore, in cases when it could not be presented, some landowners whose property rights were endangered tried to confirm them by accumulating all the versions of prescription time they could remember. Generation measure at the same time carried information that the defendant is a rightful heir to the contested land. One should also remember that hand

<sup>72</sup> KZP, № 29a–1400, p. 5.

<sup>73</sup> ZiR, № 2192–1519, p. 213.

<sup>74</sup> *Ibid.*, № 2317–1525, p. 230.

<sup>75</sup> *Ibid.*, № 2438–1532, p. 250; also see Kap. The Łomża Court Book, box 56, p. 327 (1504).

<sup>76</sup> ZiR, № 237–1526, p. 233.

<sup>77</sup> IMT I, № 127–1462–71, par. 10, p. 249.

<sup>78</sup> See e.g. ZiR, № 2040–1508, p. 191; 2061–1509, p. 194.

in hand with the economic development of Mazovia in later medieval times and simultaneously with the development of private ownership of land (and its more and more numerous divisions) there was a greater number of litigations over particular territories or their boundaries<sup>79</sup>. Here should be sought the original reason for the growing sense of jeopardy that made the annoyed landowners in the first half of the 16th c. reach for archaic, earlier-tested methods of defining prescription time and combine them with more modern methods. Let us add to it the confusion in ownership relations and boundary problems that ensued following 1526.

Genealogical measures were sometimes also employed when it was impossible to quote even an approximate number of years that elapsed since a given event: *testis non meminit annos, dixit tamen: et avum suum hec predia possidere et colere preter mansos kmethonales*<sup>80</sup>. Genealogical time was also used because of the persistence of strong family ties in Mazovian society at the end of the Middle Ages. This could be seen in the development of the so-called nest-families (i.e. noble families gathered within a certain area) at that time<sup>81</sup>, the above-mentioned vital custom of blood-feud, or taking control of the administrative-judicial apparatus by whole families<sup>82</sup>. Nevertheless one should stress once more that the employment of earlier used methods of defining prescription time did not oust its statutory versions, but only complemented them, by strengthening the argument. I found few examples in my research where especially a three-year prescription time was not quoted. Its very probable rejection in the 13th c. and reintroduction in the late Middle Ages was due to completely different socio-economic conditions in Mazovia in both these periods. The above-mentioned results of the economic efflorescence of this region from the middle 14th to the 16th c., including the growth of land turn-over, forejudged the general

<sup>79</sup> See G. Myśliwski, *op. cit.*, pp. 149, 169–170.

<sup>80</sup> *AIEP*, № 208–1502, p. 87.

<sup>81</sup> On nest families see K. Tymieniecki, *Gentyzm (ustrój rodowy) czy feudalizm? (The Family System or Feudalism?)*, "Przegląd Historyczny", vol. 52, 1961, pp. 555–557 and S. Rusocki's polemic *Mazowieckie rody gniazdowe. Kilka uwag w sprawie ich genezy i charakteru (Mazovian Nest-Families. A Few Remarks on Their Origin and Character)*, *ibid.*, pp. 1–11.

<sup>82</sup> This has already been indicated by K. Tymieniecki, *Procesy twórcze formowania się społeczeństwa polskiego w wiekach średnich (The Creative Processes of the Rise of Polish Society in the Middle Ages)*, Warszawa 1923, p. 200.

acceptance of a shorter prescription time. This limited the family property rights that made the turn-over of land so difficult.

The above-presented methods of defining prescription time enable one to give a fragmentary answer to the question about the temporal horizon of the memory of individuals and communities in Mazovia from the 12th till the middle of the 16th c. We do not take into consideration the above-mentioned period of 60 years, since this was only a chronological convention and not a real passage of time since taking possession of the land. If we take into account only the mentions of prescription time defined in years really elapsed and not in conventional periods of prescription, we should acknowledge that the memory of Mazovians did not go beyond 20 years. However, in fact, their memory reached a much more distant past. Let us leave out of account the general mentions (always in plural) of “ancestors”, “forefathers”, “grandfathers” and “fathers” and let us focus on concrete evidence. The plural number does not let us state the actual number of generations that preceded taking possession of the land by the defendant. If we refer exclusively to more concrete evidence, we may say that this memory reached back generally as far as the “grandfather”<sup>83</sup>, exceptionally the “great grandfather”<sup>84</sup>. Despite their formal similarity, genealogical measures each time embraced a different period. Indeed it depended on the actual vitality of both ancestors, as well as on the date of taking possession of the land by, let us say, the grandfather, and the date this land was handed down to his heir. Thus we can only say that genealogical measures embraced the period from a dozen-odd to several dozen years.

However the past time was defined in Mazovia also by means of the years really elapsed. It is noteworthy that such data were given mainly in ecclesiastical courts, since clergymen attached more importance than lay judges did to the chronological aspect of the given case (both the date of event and the age of witnesses). Chronological data appeared in testimonies concerning the time of various facts: the foundation of a village<sup>85</sup>, residence in a given locality<sup>86</sup>, cultivation of land by definite settlers and the tradition

<sup>83</sup> *AIEP*, N° 208–1502, p. 87.

<sup>84</sup> *ZiR*, N° 2317–1525, p. 230.

<sup>85</sup> *AIEP*, N° 237–1503, p. 99.

<sup>86</sup> *Ibid.*, N° 180–1499, p. 71.

of gathering tithes from it<sup>87</sup>, the local religious cult<sup>88</sup> and performance of his function by a reeve<sup>89</sup>, the belonging of a given plot to the landed estate of the village administrator (*scultetus*)<sup>90</sup>, the functioning of a stall in a given place<sup>91</sup>, the adjacency of a tower to a given house<sup>92</sup>, and a right of free use of a given path<sup>93</sup>. Evidence with chronological information was given by representatives of all the main social strata. These reports enable us to establish the approximate scope of individual and collective memory of the inhabitants of Mazovia in the 15th–16th cc. They provided various divisions of the past time: 20(1x)<sup>94</sup>, 30(1x)<sup>95</sup>, 40(7x)<sup>96</sup>, 50(1x)<sup>97</sup>, 60(1x)<sup>98</sup>, and 80 years(1x)<sup>99</sup>. The parish priest from Wroniska near Płock reached the farthest back to the past when he accused some nobleman of occupying a village path leading to the local church. The priest resorted to a chronological argument saying that this path *ex antiquo data et tradita per predecessores haeredes a C vel citra annis*<sup>100</sup>. Essential to the analysis of the scope of memory are also data concerning the age, mainly of witnesses. It ranged from 40<sup>101</sup>, through 50<sup>102</sup>, 60<sup>103</sup>, up to 70 years<sup>104</sup>; in one case the age of a witness was estimated at 90 years<sup>105</sup>. Sometimes this type of information was sup-

<sup>87</sup> *Ibid.*, № 420–1519, p. 200.

<sup>88</sup> *Acta iudicii ecclesiastici Warsoviensis* (hereafter: *AIEW*), in: *Acta capitulorum necnon iudiciorum ecclesiasticorum selecta*, ed. B. Ulanowski, vol. II, Kraków 1902, № 1849–1448, p. 873.

<sup>89</sup> *AIEP*, № 148–1486, p. 55.

<sup>90</sup> *Zdmpł II*, № 489–1545, p. 290.

<sup>91</sup> *Ibid.*, № 608–1555, p. 414.

<sup>92</sup> *Acta ecclesiae collegiatae Warsoviensis* (hereafter: *AECVars.*), in: *AKP*, vol. VI, ed. B. Ulanowski, Kraków 1926, № 81–1487, p. 26.

<sup>93</sup> *AIEP*, № 177–1499, p. 68.

<sup>94</sup> *Ibidem*.

<sup>95</sup> *Zdmpł II*, № 635–1538, p. 442.

<sup>96</sup> *AIEW*, № 1849–1448, p. 873; *AIEP*, № 180–1499, p. 71; № 187–1500, p. 75; № 416–1519, p. 198; № 420–1519, p. 200; *Zdmpł II*, № 489–1545, p. 290, № 608–1555, p. 414.

<sup>97</sup> *AIEP*, № 180–1499, p. 71.

<sup>98</sup> *Ibid.*, № 425–1520, p. 202.

<sup>99</sup> *AECVars.*, № 81–1487, p. 26.

<sup>100</sup> *AIEP*, № 177–1499, p. 68.

<sup>101</sup> *AIEW*, № 1849–1448, p. 873.

<sup>102</sup> *Ibid.*, № 1878–1490, p. 891.

<sup>103</sup> *AIEP*, № 187–1500, p. 75.

<sup>104</sup> *Ibid.*, № 416–1519, p. 198.

<sup>105</sup> *Ibid.*, № 209–1502, p. 87.



plemented, by defining these men as *senex* and *canus*<sup>106</sup>. These people obviously remembered many events from a considerable part of their long lives. This is confirmed by characteristic expressions, like *a prima sul memoria, a tempore sue memoriae, or ut ipse testis recordatur ex iuventute sua*<sup>107</sup>.

The scope of memory is also revealed by historical events quoted in testimonies. Thus in 1501 the death was mentioned of the Mazovian Duke Ladislaus who died in 1462<sup>108</sup>; the distance of time between the date of testimony and the mentioned fact amounts to 39 years. In 1502 Prussian wars<sup>109</sup> were mentioned, probably the so-called *popta* (i.e. clerical) of 1478–1479, and the thirteen years' war of 1454–1466; in this case memory encompassed events from a 23–48 years earlier period. A testimony from 1449 brings back the time of *magni conflictus Prutenorum*<sup>110</sup>, i.e. certainly the great war of 1410–1411; the distance of time in this case would be 38–39 years. By referring to historical events and figures Stanisław of Okurowo, a nobleman, reached the farthest back when he mentioned the fact of the grant of land by Boleslaus IV (1429–1454)<sup>111</sup>. The dates he mentioned show that his memory reached 46–71 years back. These results do not surpass the temporal limits designated by directly quoted periods.

All the above-mentioned genealogical measures, the measure of years really elapsed, and historical events brought back show that the scope of the local memory of individuals, groups and communities in Mazovia amounted to from 20 to 70 years, sporadically reaching 90–100 years. The years here mentioned should be treated as approximate; this is shown both by the schematic employment of full decades, and their qualifications such as *circliter*<sup>112</sup>, *cirtra*<sup>113</sup>, *ultra*<sup>114</sup>, *cirtra vel ultra*<sup>115</sup>. I think we should accept for them a margin of error  $\pm 10$  years, considering

<sup>106</sup> *ZDmPl* II, N° 489–1545, p. 290.

<sup>107</sup> Respectively *AIEP*, N° 180–1499, p. 70 (the first two citations); *AIEW*, N° 1849–1448, p. 373.

<sup>108</sup> See *AIEP*, N° 200–1501, p. 80.

<sup>109</sup> See *ibid.*, Nos. 208–209–1502, p. 87.

<sup>110</sup> *AIEW*, N° 1851–1449, p. 875.

<sup>111</sup> *AIEP*, N° 187–1500, p. 75.

<sup>112</sup> *ZDmPl* II, N° 489–1545, p. 290.

<sup>113</sup> *AIEP*, N° 187–1500, p. 74.

<sup>114</sup> *ibid.*, N° 209–1502, p. 87.

<sup>115</sup> *AECVars.*, N° 81–1487, p. 26.

the tendency to use round numbers of years. The data brought back seem all the more credible that in situations where defendants and witnesses did not remember the time that elapsed since a given event, they admitted it directly (*dile certo et tempore, de quibus non bene se meminisse deposuit, dixit testis, quod a tempore antiquo et non meminit testis, a quo tempore*)<sup>116</sup>. On other occasions they simply contended that a given event took place at a time beyond the scope of their memory (*ultra memoria; a tam longo tempore culus fere inicit memoria non existit; a tanto tempore, de culus intio seu contrario hominum memoria non existit; ab immemorabili tempore*)<sup>117</sup>. According to A. Guryevich this immemorable time was filled by myths, legends and fairy tales<sup>118</sup>. In fact the extant Mazovian traditions do not contain any stories which would emphasize the remoteness of the past time<sup>119</sup>. However, we can assume that Mazovians placed elements of sacred history they listened to at churches in this mythical immemorial past. We know that at least from 1285 onwards the archbishop of Gniezno ordered the breviary with the description of St. Adalbert's life to be read in selected churches. Probably on the occasion of the main holidays a handful of information on the life of Christ, the Virgin Mary, and probably other saints was also conveyed to the congregation. However, the sources do not contain any traces of sacred stories preserved in the memory of illiterate Mazovians. Thus we can only hypothetically ascertain that these stories made up a disorderly medley of facts set in the time before individual, family and local events and historical facts whose range was confined in the consciousness of the lay people to 15th c. conflicts between Poland and Teutonic Order.

The above-mentioned assertions and hypotheses concern mainly the memory of illiterate people, although some data can also relate to Mazovians who could read and write. Although both these groups frequently drew their information on the past from

<sup>116</sup> Respectively: *AIEP*, № 378–1514, p. 181; № 436–1524, p. 208.

<sup>117</sup> Respectively: *ibid.*, № 180–1499, p. 70; *Lub.*, № 240–1476, p. 282; *Wisttaciones bonorum archiepscopatus necnon capituli gnesnensis saeculi XVI* (hereafter: *Vis.*), ed. B. Ulanowski, Kraków 1920, p. 5 (1511/1512); *Kap.*, The Łomża court books, box 57, p. 559 (1544).

<sup>118</sup> A. Guryevich, *op. cit.*, pp. 332–333.

<sup>119</sup> There is an interesting record of a local tale about an aurochs killed in a forest glade which acquired since the name of Turze Pole (Auroch's Field) (Jastionno, Łowicz Castle, *Vis.*, p. 72, 1511/1512). However, it is hard to tell how long back this tale went.

the same sources, the effect of literacy on the scope of memory of those Mazovians who could read and write should be discussed separately. Naturally, we do not take here into account the élitist clerical milieu whose temporal consciousness had both a historical and supra-regional dimension.

Therefore I will merely quote several examples of learning about the past from reading. The preservation of earlier written documents enabled one to communicate with the remote past which for illiterate people was set in the mythical period. The lay Mazovians generally did not start to make use of written texts till the late Middle Ages. In the 15th and 16th cc. the texts of documents even from the beginning of the 14th c.<sup>120</sup>, to say nothing of later ones<sup>121</sup>, were inserted in common law court books. The judicial procedure did not reach so far back; however, it frequently referred to more recent records in court books; for this function court officials received a special payment called *memoriale* or *pamiętne*<sup>122</sup>. The distance of time overcome in this way was rarely mentioned. E.g. in 1512 the plenipotentiary of a certain defendant referred to the note recorded in the book of common law court in Maków in 1478<sup>123</sup>. This note enabled him to reach 34 years back. The ducal documents preserved in private houses enabled one to reach even farther back. In 1528 one of the participants in a litigation referred to the privilege given to him and his family by Duke Janusz I the Elder<sup>124</sup>. The lack of information about the date of issue of this document does not let us establish the precise distance of time. Thus, taking into consideration only the period of the Duke's reign (1379–1429) we can say that due to the ducal privilege the defendant brought back a 99–149 years earlier event.

Beyond this scope of memory, supported by acts and deeds and diplomas, there was a mythical sphere. Just as it was with

<sup>120</sup> E.g. Stępowit II's document from 1313 was included in the Błonie court book in 1469, see NKDM, p. 133.

<sup>121</sup> E.g. Janusz I's document from 1381 was recorded in 1520 in The Łomża court book (Kap., box 57, pp. 5–6), while the act of 1402 — in the same book in 1536 (*ibid.*, p. 326).

<sup>122</sup> See e.g. *Księga zleńska zakroczymska druga (1434–1437) (The Zakroczym Court Book II [1434–1437])* (hereafter: KZZ II), ed. K. Tymieniecki, Warszawa 1920, № 785–1434, p. 72; № 1380–1435, p. 123; № 2379–1436, p. 215. O *pamiętnem* see J. Bardach, *op. cit.*, p. 357.

<sup>123</sup> AIEP, № 351–1512, p. 161.

<sup>124</sup> ZIR, № 2421–1528, p. 847; cf. *Her.*, p. 336 (1436), p. 18 (1550).

illiterate Mazovians, this sphere certainly contained biblical stories. However, the memory of the reading Mazovians differed from that of the *illiteratorum*. Primarily, it had a much larger scope. As it is indicated by the example from 1528, it could surpass 100 years. Secondly, they learned of the past by reading the Scriptures themselves. This difference can be shown by the example, already commented on in the literature of the subject, of a burgher from Łomża, Jan Żołądek (1450)<sup>125</sup>. He knew the text of the Bible so well that he pointed out their ignorance to the local priests who delivered sermons at Easter time. His corrections concerned small details: a) the appearance of Christ to Mary Magdalene — Żołądek accused the priest of overlooking the fact that Jesus assumed the guise of a gardener *cum fossorio alias rydlem*, which was mentioned in the Gospel according to St. Mark<sup>126</sup>. In fact this text does not contain such information, which is included in the Gospel according to St. John (XX, 15); there is, however, no mention there of any tool held by the resurrected Christ, either; b) his appearance to two disciples on the way to Emmaus, which was most precisely described in the Gospel according to St. Luke (XXIV, 13–24) — according to another priest from Łomża these were apostles, which was rightly questioned by Jan Żołądek<sup>127</sup>; c) the precise formulation of Christ when he gave peace to his disciples, which is presented in the Gospel according to St. John (XIV, 27) — according to the burgher from Łomża, still another local priest did not read the following fragment: *pacem meam do vobis, non quomodo mundus dat, ego do vobis*<sup>128</sup>. Regardless of the fact that Żołądek was wrong in his first remark (perhaps he referred to some visual representation) the above-mentioned examples prove a lay person's solid knowledge of the New Testament. His detailed remarks show that he knew the biblical tradition not merely from sermons. I think he must have read some fragments of the *Scriptures* himself. This conclusion is substantiated by H. Samsonowicz's research, which frequently corroborates the literacy of people in late me-

<sup>125</sup> AIEP, Nos. 16–18–1450, pp. 7–8; see E. Potkowska, *Książka rękopiśmienna w kulturze Polski (Manuscript Book in Polish Culture)*, Warszawa 1984, p. 227, note 5; H. Samsonowicz, *Dziedzictwo średniowiecza. Mity i rzeczywistość (Medieval Heritage. Myths and Reality)*, Wrocław 1991, p. 130.

<sup>126</sup> *Ibid.*, № 16–1450, p. 7.

<sup>127</sup> *Ibid.*, № 17–1450, p. 7.

<sup>128</sup> *Ibid.*, № 18–1450, p. 7.

dieval Polish towns<sup>129</sup>. This allows me to draw a more general conclusion about a wide-spread knowledge of biblical stories among Mazovian burghers. In other words, biblical events filled the mythical scope of memory of the inhabitants of Mazovian towns. The events of sacred history seemed to create not only a more numerous but also more inter-connected and orderly sequence, than among the illiterate Mazovians, who depended in this respect only on homilies.

The sources of Mazovians' knowledge of the past and factors that created its image are a separate issue. Apart from the above-mentioned written sources, of essential importance in this respect was individual experience, i.e. the memory of events of one's own life. Family tradition was the third source. Its influence was revealed not only in the transmission of information on ancestors, but also in other ways — in the application of the above-mentioned generation chronometry, in the proving of one's nobility and heraldic rights before the courts of justice<sup>130</sup>, as well as engraving one's coats-of-arms on boundary stones that surrounded a family estate<sup>131</sup>. As the fourth source of information on the past should be treated the local "old men"<sup>132</sup>, *antiqui homines*<sup>133</sup>, *senes*<sup>134</sup>, *senecta*<sup>135</sup> and *pamiętnicy*<sup>136</sup>, i.e. "people who remember". They appeared as social carriers of memory already in archaic societies<sup>137</sup>. In Mazovian sources the first mention of this subject comes from 1256, when precisely due to the testimony of old people a controversy was solved over the ownership of particular parts of Sobieszycze village (Płońsk dis-

<sup>129</sup> H. Samsonowicz, *op. cit.*, pp. 130–131.

<sup>130</sup> See e.g. *KZP*, № 453–1404, p. 31; *KZZ I*, № 567–1424, p. 49; *KZZ II*, № 426–1434, p. 43.

<sup>131</sup> *AIEP*, № 290–1509, p. 135; *Vts.*, p. 60 (1511/1512).

<sup>132</sup> *IMT I*, № 22–1377, par. 16, p. 33.

<sup>133</sup> *KZCz.*, № 137–1409, p. 22.

<sup>134</sup> *Kap.*, *The Kolno court book*, box 73, p. 77 (1530).

<sup>135</sup> *The Czersk court book of 1446* (extinct), I cite after an extract from: K. Tymieniecki, *Sądownictwo w sprawach kmięcych a ustalenie się stanów na Mazowszu pod koniec wieków średnich* (*The Jurisdiction Over Peasants and Consolidation of Estates in Mazovia at the End of the Middle Ages*), Poznań 1922, p. 62, note 3.

<sup>136</sup> *Lustracja województwa mazowieckiego 1565* (*Inspection of Mazovian District 1565*), part I (hereafter: *LMaz. 1565 — I*), ed. I. Gieysztorowa, A. Żaboklicka, Warszawa 1967, p. 59.

<sup>137</sup> B. Malinowski, *Mit, magia, religia* (*Myth, Magic, Religion*), in: *idem, Dzieła*, vol. 7, Warszawa 1990, p. 307.

trict): *promittens duas partes dicte ville, que per antiquos et fidedignos ecclesiae fuisse ab inicio comprobantur, domino episcopo restituere*<sup>138</sup>. In later centuries we more often come across mentions of referring to the memory of old people, who in this function started to replace the disintegrating neighbourhood communities<sup>139</sup>. Their memory testified to the delimitation of local boundaries<sup>140</sup> as well as those between states<sup>141</sup>, traditional rates of tolls and duties<sup>142</sup>, taxes on inns<sup>143</sup>, extra rents<sup>144</sup>, customary duties of the *vitrici*<sup>145</sup>, the state of beehives made in trees<sup>146</sup>, the ownership of forests<sup>147</sup>, as well as the original distribution of settlers in a founded village<sup>148</sup>. No records have been preserved of legends and traditions undoubtedly transmitted by them. The role of the officially acknowledged carriers of collective local memory was retained by old men at least till the end of the period under discussion<sup>149</sup>.

We also have to emphasize that some of the above-mentioned sources of knowledge of the past were more closely linked with their social environments. Thus *antiqui homines* played an important role above all in the countryside, especially among the peasant population from which they were derived. In concrete situations, e.g. contentions as to property rights and boundaries, they acted as carriers of collective memory for landowners: the gentry (nobility), clergy and even the ruler. In contrast, this

<sup>138</sup> NKDM, № 22–1256, p. 23.

<sup>139</sup> S. Russocki, *Formy...*, p. 129; see IMT I, № 22–1377, par. 16, p. 33; critical remarks on the subject of neighbourhood communities in this document were expressed by J. S. Matusewski, *Vicinia id est... Poszukiwanie alternatywnej koncepcji staropolskiego opola (Vicinia id est... In Search of an Alternative Concept of the Old Polish Neighbourhood Community)*, Łódź 1991, pp. 97–99.

<sup>140</sup> See e.g. KZP, № 669–1405, p. 48.

<sup>141</sup> IMT I, № 16–1358, p. 20.

<sup>142</sup> *Iura Mazoviae Terrestria*, vol. II, ed. J. Sawicki, Warszawa 1973, № 130–1472, p. 11; *Lustracje województwa rawskiego 1564, 1570 (Inspections of the Rawa District 1564, 1570)*, ed. Z. Kędzierska, Warszawa 1959, p. 6.

<sup>143</sup> *Vis.*, p. 33 (1511/1512).

<sup>144</sup> *Ibid.*, p. 14 (1511/1512).

<sup>145</sup> *AECVars.*, № 111–1530, p. 31.

<sup>146</sup> *Ibid.*, № 49–1527, p. 59.

<sup>147</sup> *LMaz.* 1565–I, p. 59.

<sup>148</sup> *Vis.*, p. 36 (1511/1512).

<sup>149</sup> See e.g. ZG, par 91, *De renovatione granicierum*, p. 170; ZDmPł. II, № 489–1545, p. 290; *EMaz.*, par. 41, *O czytieniu granic (On the Delimitation of Boundaries)*, p. 175.

source did not function at all in an urban environment, where written sources had supreme significance. On the other hand, family tradition had the strongest significance among the gentry, although one can hardly doubt the importance of the memory of ancestors among the peasants or burghers. This should rather be attributed to the gaps in the source basis. The importance of written documents for the lay population grew only in the 15th c. hand in hand with the development of parish schools and literacy, especially among the gentry and burghers, and in a smaller degree among peasants.

Regardless of the origin of information about the past and the factors that shaped the Mazovians' ideas and knowledge of it, there can be no doubt about its great significance for the consciousness of all groups of Mazovian society. No doubt the qualification of the Middle Ages as a period of the prevalence of "memorial culture" is quite justified. However, the problem of the Mazovians' temporal consciousness cannot be confined to their connections with the past and attempts to overcome tradition. Thus it is necessary to analyse their attitude to the future.

### The Future

The interest in a more distant future in medieval Europe had its source in *St. John's Revelation*. The suggestive vision of the advent of an Antichrist, the end of the world and the Last Judgement as well as eternal happiness for the chosen influenced not only intellectual élites. The apocalyptic perspective of the future shaped the attitudes of members of many millenarian movements and social milieus under their influence. It is estimated that the threat of the Apocalypse played a paramount role in the shaping of the consciousness of medieval society. It directed attention towards the future and thereby extended the temporal consciousness of the community, earlier focussed exclusively on the past<sup>150</sup>.

One should stress at the very outset that in late-medieval and early-modern Mazovia there were no cases of collective hysteria connected with the fear of the end of the world. This was certainly due to the fact that Polish lands were not affected significantly by the disasters that ruined Western Europe in the 14th c., i.e. by the plague and destructive wars. We know only of

<sup>150</sup> See N. Luhmann, *Rechtssoziologie*, vol. 2, Hamburg 1972, p. 345.

a few reflections of some apocalyptic fears in Mazovia, at any rate only in the 15th–the first half of the 16th c. The Last Judgement was mentioned in *Dialog mistrza Polikarpa ze śmiercią* (*Master Polycarp's Conversation with Death*) from the 1460s, which was a creative development of the 14th c. *Dialogus magistri Polycarpi cum morte*<sup>151</sup>. However, it reflected exclusively upon the anxieties of the clerical intellectual élites. The analysis of the sources shows that other written mentions of the Last Judgement can be found only in five ducal documents from the years 1426–1482<sup>152</sup>. It is extremely difficult to say anything of the representations of the end of the world in Mazovian painting, since it has been almost completely destroyed. However, we know that the subject of the Last Judgement appeared in the fresco of the Church of the Holy Spirit at Sierpc. One must note, however, that according to art historians this fresco was made only between 1519–1529 as a result of non-Mazovian inspiration<sup>153</sup>. These ascertainments inspire the question whether even before the incorporation of this region into the Kingdom of Poland the motif and idea of the Last Judgement and the end of the world played any role in Mazovian painting? The examples collected here justify a conclusion that apocalyptic fears found limited reception among the lay Mazovians. Five documents, one testament as well as mentions in *Master Polycarp's Conversation with Death* constitute merely a fraction of the Mazovian written output in the period under analysis. The general impression is not changed by the painting from Sierpc. Thus the possible influence of the apocalyptic fear on the temporal consciousness in Mazovia was confined to a few cases.

Of much greater importance in this respect was the fear of one's own death, which frequently appears in Mazovian 15th–16th c. writings. The matter concerns not only literary works, such as the above-mentioned *Master Polycarp's Conversation*

<sup>151</sup> *Dialog mistrza Polikarpa ze śmiercią* (*Master Polycarp's Conversation with Death*), in: *Chrestomatia staropolska. Teksty do roku 1543*, ed. W. Wydra, W. R. Rzepka, Wrocław 1984, p. 274; see also p. 276, where *dzień sądny* (the judgement day) is mentioned.

<sup>152</sup> *ZDmPłI* N<sup>o</sup> 107–1426, p. 167; N<sup>o</sup> 182–1465, p. 256; *Lub.*, N<sup>o</sup> 168–1431, p. 177; N<sup>o</sup> 215–1464, p. 235; N<sup>o</sup> 247–1482, p. 290.

<sup>153</sup> J. Bursze, S. Szymański, *Malowidła w kościele św. Ducha w Sierpcu* (*The Paintings in the Church of the Holy Spirit in Sierpc*), "Biuletyn Historii Sztuki", vol. 22, 1960, p. 106.



with Death, or the Płock version of *Skarga umierającego* (*A Dying Man's Complaint*), but testaments, prepared on a mass scale in Mazovia from the 15th c. onwards. They included not only dispositions as to property, but also reflections upon the inevitability of the end of life: *timens tamen inevitabilem mortis eventum, quem nullus prescre potest, et considerans, quod nil certus morte et nil incertius hora mortis [...] suum testamentum [...] ordnavit*<sup>154</sup>. Sometimes they found a more artistic and less blunt formulation, where the passing of human life was compared to fading flowers<sup>155</sup>. Testaments doubtless prove that people made a *volte-face* towards the inevitable future perceived through the prism of their own fate. Obviously, anticipation of the future because of the perspective of one's own death appeared in Mazovia in the 13th c. at the latest, judging by extant documents<sup>156</sup>. However, mentions of the subject of our interest became more numerous only in the second half of the 14th c., and reached their peak precisely in the 15th–16th c. This was not only due to the development of Mazovian writing, reflected in a greater number of documents and the appearance of new types of sources precisely in the 15th c. It was mainly due to socio-economic transformations and the resultant psychological changes. I have in mind the progressing disintegration of the common ancestral estate (since the middle of the 14th c.) and a gradual privatization of land possession and management. As a result there came about a partial individualization of the perception of the world. This must have made people sensitive to their own fate and conscious of the inevitability of their own death to a much greater extent than in previous centuries, where perhaps because of the dependence on his family a man perceived himself only as a link in a chain of generations. Thinking of death in the future stimulated people to go on pilgrimages to Rome, as can be testified by the story of Maciej Thusto, a burgher from Old Warsaw (1451)<sup>157</sup>.

The sensitiveness of Mazovians to the future resulted directly from many other socio-economic factors: colonization under German law, the development of supra-local trade as well as the popularization of the pledge of land (mid-14th — 16th cc.). The

<sup>154</sup> *AIEP*, № 267–1508, p. 123.

<sup>155</sup> *vita hominis more florum marcescit...* (KŁMP, № 67–1495, p. 36).

<sup>156</sup> See e.g. *NKDM*, № 23–1256, p. 24.

<sup>157</sup> On Maciej Thusto see G. Myśliwski, *op. cit.*, pp. 182–183.

greater significance of the future for the inhabitants of villages and towns founded under German law was mainly due to two innovations: changes in the rhythm of economic–fiscal actions and the widespread introduction of a period of tax concession. As regards the former issue one should mention a smaller number of charges, the standardization of their form and the precise definition of the term of their realisation<sup>158</sup>. The new rhythm of economic–fiscal actions, repeated year by year also in the neighbouring villages under Polish law, forced the rural population to plan their future economic and fiscal actions not only in the perspective of one year. Also the introduction of a period of tax concession in villages and towns founded under German law extended the perspective of the future<sup>159</sup>. In Mazovia the length of this period was differentiated — it oscillated from 2<sup>160</sup> up to 28 years<sup>161</sup>. However, these extreme periods were seldom set; generally 4<sup>162</sup>, 6<sup>163</sup>, and 12 years<sup>164</sup> were set, or still more rarely 3<sup>165</sup>, 5<sup>166</sup>, 8<sup>167</sup>, 10<sup>168</sup>, 17<sup>169</sup>, and 24<sup>170</sup>. Since the period of tax concession was different in the economic respect both from the previous and the later stage, it forced the people from the centres it embraced to plan their actions and face up to the future in a longer perspective than one year, in some cases amounting even to a dozen–odd or even 28 years. Thus the settlers had to compute the future in a more precise way, with uniform measures (years),

<sup>158</sup> On the influence of colonization in Mazovia on the regulation of the rhythm of economic–fiscal activity, see *ibid.*, pp. 253–256.

<sup>159</sup> On the period of tax concession see K. Kaczmarczyk, *Ciężary ludności wiejskiej i miejskiej na prawie niemieckim w Polsce XIII i XIV w. (The Charges on Rural and Town Population Under German Law in 13th and 14th c. Poland)*, “Przegląd Historyczny”, vol. 11, 1910, pp. 15–19.

<sup>160</sup> *Lub.*, № 89–1373, p. 88 (Czerwiński).

<sup>161</sup> *AECVars.*, № 1527, p. 55 (on the basis of the foundation document of 1504; Wilczogęby village).

<sup>162</sup> E.g. *NKDM*, № 215–1336, p. 215.

<sup>163</sup> E.g. *ibid.*, № 290–1348, p. 294.

<sup>164</sup> E.g. *ibid.*, № 298–1350, p. 308.

<sup>165</sup> *Ibid.*, № 218–1337, p. 222.

<sup>166</sup> *Ibid.*, № 280–1347, p. 285.

<sup>167</sup> *Lub.*, № 85–1368, p. 79.

<sup>168</sup> *Dokumenty kujawskie i mazowieckie przeważnie z XIII wieku (Kujawy and Mazovia Documents for the Most Part of the 13th c.)*, ed. B. Ulanowski, Kraków 1888, № 40–1363, p. 223.

<sup>169</sup> *Lub.*, № 146–1404, p. 151.

<sup>170</sup> *Ibid.*, № 227–1472, p. 258.

and not with potential events. Their existence depended on the precise planning of the future.

The influence of colonization under German law and consequent changes in temporal consciousness extended also to neighbouring villages under Polish law<sup>171</sup>. However, the *volte-face* towards the future was connected in the whole of Mazovia with the spread of the pledge of land<sup>172</sup>. Essential to our research is the question of the length of time for which this pledge was made. Both in statute law and customary law the maximum length of time after the lapse of which the land in pledge had to be repurchased did not change from the first regulation in this matter (1377) till the end of the period under analysis, and amounted to 30 years<sup>173</sup>. However in practice this time differed. According to S. Russocki the terms of pledge oscillated from 1 year to 10 years, and could be prolonged<sup>174</sup>. According to the sources under my analysis the term of repurchasing the land in pledge sometimes surpassed a decade and amounted to 12<sup>175</sup>, 20<sup>176</sup>, and even, surprisingly, 30 years<sup>177</sup>. Regardless of this length, it seems beyond any doubt that the practice of pledging land influenced the temporal consciousness of both parties to the contract which forced them to pay attention to the future. They had to designate the term by means of universal time units — years, and also to plan their actions for this period: the pledgee — to decide how to exploit the land he received, and the pledgor — to collect the sum necessary for paying off the loan. Among the burghers, the institution of pledge, although frequently applied, played a less important role. In towns the time passed quicker. The Mazovian burghers did not pledge their property for a couple or a dozen-odd years ahead. The loan was either repayed in

<sup>171</sup> G. Myśliwski, *op. cit.*, p. 241.

<sup>172</sup> On the pledge of land in Mazovia see: K. Dunin, *op. cit.*, pp. 169, 179–180; S. Russocki, *Formy*, pp. 261–276; J. Bardach, *op. cit.*, pp. 303–304, 503–505; J. Senkowski, *Skarbowość Mazowska od końca XIV w. do 1526 roku (Finances in Mazovia from the End of the 14th c. until 1526)*, Warszawa 1965, pp. 50–57; G. Myśliwski, *op. cit.*, p. 55.

<sup>173</sup> J. Bardach, *op. cit.*, p. 499; S. Russocki, *Formy*, p. 268. *IMT I*, № 22–1377, par. 5 *Obligatio in XXXta annis non redempta perpetuatur*, p. 80. *ZG*, par. 115 *De praescriptione obligationis triginta annorum*, p. 177.

<sup>174</sup> S. Russocki, *Formy*, p. 266.

<sup>175</sup> *KZP*, № 1418–1409, p. 97; № 2687–1416, p. 195.

<sup>176</sup> *Ibid.*, № 1923–1412, p. 135; № 2209–1414, p. 157.

<sup>177</sup> *Ibid.*, № 523–1405, p. 37.

instalments on major holidays during the forthcoming year or two<sup>178</sup> or less frequently the real estate was pledged for the time defined by means of events, i.e. up to the moment of full repayment<sup>179</sup>. Of course the future was as important for the burghers as for the inhabitants of the Mazovian countryside. This, however, was not a consequence of the terms of pledge, but of the fact that burghers took part in supra-local exchange. Its rhythm, designated by fairs outside the borders of Mazovia, forced them to plan production and trade and to think continuously of a closer or more distant future<sup>180</sup>.

Thus, beginning with the middle of the 14th c., and to a greater extent with the 15th c., the future started to gain more and more significance in the temporal consciousness of Mazovians. It started to be viewed in a longer perspective, and perceived more concretely than in previous centuries. The standardized measures of time helped to extend this perspective even up to 30 years. People realized better the inevitability of death, and in sporadic cases of the end of the world, the Second Coming and the Last Judgement. It should be emphasized again that the growing significance of the future and the extension of its perspective depended mainly on socio-economic factors, not on strictly culturally-psychological ones. However, in the 14th–16th cc. Mazovia escaped both the crisis of feudalism, the plagues and great wars that left their lasting imprint on the mentality of late medieval people in Western Europe.

### Reflections Upon Time and Its Terminology

Thus a question arises whether the above-discussed transformations of temporal consciousness produced a sharper awareness of time and direct reflections upon this category of culture. The issue of time and its passage was not foreign to Polish writings. This is shown by particular fragments of Master Vincent's (12th/13th cc.) and Jan Długosz's (15th c.) chronicles, philosophical works by Benedykt Hesse (1389–1456), to say nothing

<sup>178</sup> *Księga ławnicza miasta Nowej Warszawy, 1416–1485* (*The Assessorial Book of the New Town of Warsaw, 1416–1485*), ed. A. Wolff, Wrocław 1960, № 203–1445, pp. 40–41.

<sup>179</sup> *Księga radziecka miasta Starej Warszawy, 1447–1527* (*The Councillors' Book of the Old Town of Warsaw, 1447–1527*), ed. A. Wolff, Wrocław 1963, № 575–1502, p. 167.

<sup>180</sup> On the rhythm of trade in Mazovia dependent on fairs, see G. Myśliwski, *op. cit.*, pp. 256–271.

ing of numerous *arengae* of documents which included standard remarks on time, forgetfulness and necessity to commemorate human deeds in writing<sup>181</sup>. Although the Mazovian region did not produce its indigenous historiography, let alone philosophical writings, these issues were not foreign to its inhabitants. What I have in mind is not only the *arengae* of documents, which, to be sure, frequently contained quite artistic reflections upon time and its passage<sup>182</sup>.

Of much interest is an, alas isolated, statement by Warsaw Canon Maciej z Różana (the middle of the 15th c.), who in his introduction to the Polish translation of Casimir the Great's statutes, said: "One ought not to consider it reprehensible that human customs and history change simultaneously with the passage of time"<sup>183</sup>. According to A. Gieysztor this statement attracts attention by its originality and modern character on account of its relativism and not having recourse to moralizing on the subject of transformations entailed by the passage of time<sup>184</sup>. However, one should note that the opinion of the Warsaw Canon was not his completely original concept, but a creative translation of the introduction to Casimir the Great's Little Poland statutes from the previous century: *Non debet sane reprehensibile iudicari, si secundum varietatem temporum consuetudines et statuta humana, quandeque variantur praesertim cum ingens necessitas, vel evidens utilitas, id exposcit*<sup>185</sup>. It can be seen that the first part of the introduction to Casimir's statute was translated almost without any changes. Only the replacement of the phrase *statuta humana* by "human history" can be regarded as the canon's creative contribution — a purely legal term was very

<sup>181</sup> B. Geremek, *Człowiek i czas: Jedność kultury średniowiecznej (Man and Time. The Unity of Medieval Culture)*, in: *Kultura Polski średniowiecznej X–XIII w.*, ed. J. Dowiat, Warszawa 1985, pp. 467–470; *Ioannis Dlugossi Annales seu Cronicae incliti Regni Poloniae (Litterae dedicatoariae)*, Warszawa 1964, book I, pp. 52–53; H. Wojtczak, *Czas a ilość w "Benedicti Hesse de Cracovia questiones in librum Praedicamentorum Aristotelis" (Time and Quantitty in "Benedicti Hesse de Cracovia questiones in librum Praedicamentorum Aristotelis")*, in: *Czas i przestrzeń w kulturze średniowiecza. Materiały XIV seminarium mediewistycznego*, Poznań 1994, pp. 12–13.

<sup>182</sup> NKDM, № 143–1314, p. 140.

<sup>183</sup> *Tłumaczenia polskie statutów ziemskich (Polish Translations of Land Statutes)*, ed. F. Piekosiński, AKP, vol. III, Kraków 1895, p. 232.

<sup>184</sup> A. Gieysztor, *Some Remarks on the Past and History in Medieval Poland*, "Quaestiones Mediaevali", vol. 1, 1977, pp. 7–8.

<sup>185</sup> *Volumina legum*, vol. I, ed. J. Ohryzko, Petersburg 1859, p. 1.

originally raised to the rank of human history. On the other hand the very fact of the translation of this reflective sentence on the subject of time and transformations entailed by its passage may be regarded as a possible impulse to analogous reflections for all Mazovians able to consult the Polish text of Casimir's statutes. Probably, they were for the most part clergymen. Some of them could form their ideas about time not only on the basis of the Bible and the above-discussed sentence, but also due to reading learned works. The fact that some Mazovian clergymen owned them is testified by a fragment of the testament written in 1513 by order of Maciej Dadźbog of Falibogi, Canon of Płock and parish priest at Łętowo. The list of books left by this clergyman includes a work, rather strangely defined as *discipulum de tempore*<sup>186</sup>, which in my opinion should be understood as a distorted title of a pseudo-Thomistic treatise *Opusculum de tempore*<sup>187</sup>. And although we do not know what use was made of this work on time by the learned vicar's relatives, the above-mentioned testament may be regarded as a valuable item on the basis of which we can study the ways and media of reflections upon time in Mazovian society at the end of the Middle Ages, and the beginning of Modern Times.

Apart from the above-mentioned statements by the lay members of Mazovian society on the subject of life and death, and Maciej's statement on the changeability of human history, the lay inhabitants of the region under analysis have left us no direct reflections upon the subject of time. Thus what we can do is only analyse the Polish temporal terminology applied by the gentry before common law courts. What I have in mind is the problem of the semantic scope of the term *tempus*, and its Polish equivalent — *czas*<sup>188</sup>. In Mazovian writings both these terms appeared regularly in the context of concrete and very different events: the period of reign of the whole dynasty of Mazovian Piasts, or only a particular ruler, the human life, periods of wars, armistices and peace, the four seasons and particular fragments of a day and

<sup>186</sup> *AIEP*, № 360–1513, p. 166.

<sup>187</sup> See M. E. Kawecka, *Szkic na temat średniowiecznych dyskusji związanych z zagadnieniem realności czasu* (An Essay on Medieval Discussions Concerning the Question of Reality of Time), in: *Czas i przestrzeń w kulturze średniowiecza. Materiały XIV seminarium mediewistycznego*, Poznań 1994, p. 12.

<sup>188</sup> E.g. *KZZI*, № 1942–1426, p. 165. *NRPW*, № 113–1477, p. 58. *ZiR*, № 610–1437, p. 49, № 1215–1478, p. 100.

night, moments at which various economic, legal, criminal and cultural actions were performed, as well as periods in which natural disasters, plagues and weather anomalies took place<sup>189</sup>. The term *tempus* — *czas* applied in these cases did not signify time as a category, time in itself. The Mazovian gentry's temporal terminology was concrete and not abstract as in some documents written by educated clergymen.

What's relevant to the research into the temporal consciousness of the lay strata of Mazovian society is the fact that in the 15th c. the former "non-temporal" terms for particular spaces of time started to be replaced by temporal terms. This change is especially clearly exemplified by designations of the night. On the basis of common law court books alone, where the texts of judicial oaths were written in Polish, we can distinguish two fundamental types of terms for the night: a) without the use of the word "time": "under cover of the night"<sup>190</sup>, "during the night"<sup>191</sup>, *nocturnali re*<sup>192</sup> and b) with the use of this concept: "in the night-time"<sup>193</sup>, *tempore nocturno*<sup>194</sup>, *tempore noctis*<sup>195</sup>. In the light of 15th and 16th c. sources under our analysis we can see a clear regularity in the use of the one or the other type of term in particular divisions of the above-mentioned period. Throughout the first half of the 15th c. and its third quarter the first type of term prevailed, especially "under cover of the night" (less frequently "during the night" or "nocturnali re"). The first examples known to us of replacing the traditional term by its new equivalent "in the night-time" come only from the years 1474 and 1477<sup>196</sup>. Although in the following decades the old term was still used occasionally<sup>197</sup>, the fourth quarter of the 15th c. and the first half of the 16th c. can be regarded as periods of domination of the term "night-time". This change testifies to the growing awareness

<sup>189</sup> On events as time measures in Mazovia see G. Myśliwski, *op. cit.*, pp. 339–349.

<sup>190</sup> E.g. *KZCz.*, N° 1227–1420, p. 224.

<sup>191</sup> E.g. *ZiR*, N° 1112–1457, p. 90.

<sup>192</sup> E.g. *KZZ II*, N° 1539–1435, p. 136.

<sup>193</sup> E.g. *ZiR*, N° 2396–1528, pp. 242–243.

<sup>194</sup> E.g. *AIEP*, N° 283–1509, p. 130.

<sup>195</sup> E.g. *Acta iudicij ecclesiastici Lovicensis*, in: *Acta capitulorum necnon iudiciorum ecclesiasticorum selecta*, ed. B. Ulanowski, vol. II, Kraków 1902, N° 891–1469, p. 431.

<sup>196</sup> See *ZiR*, N° 1406–1474, p. 119; *NRPW*, N° 113–1477, p. 58.

<sup>197</sup> See e.g. *ZiR*, N° 1902–1512, p. 172; N° 2296–1523, p. 227.

of the phenomenon of time, comprising both the facts of nature and social and individual events.

This change should be analysed jointly with others that occurred in the temporal consciousness of Mazovians at the end of the Middle Ages and beginning of Modern Times: above all the evolution of their attitude to the future and employment of quantitative measures of time to a much greater extent than before. These changes had identical sources and conditions: the long-standing colonization under German law which broke away from the economic and legal tradition in Mazovia and popularized the use of quantitative measures of time; a partial decline of the common ownership of ancestral land as well as the individualization of ownership and husbandry; the popularization of the pledge of land, the development of supra-local trade; the acceptance of Casimir the Great's statutes and last but not least the development of parish schools and literacy in the region under analysis. The concept of time became more clearly realised by Mazovians in the period of late Middle Ages and the beginning of Modern Times. Moreover, its image became more linear than cyclical. However, we must note that in many domains of life the new co-existed with the old, and the scope of some changes was socially differentiated. This reflected the mentality of Mazovian society, which while undergoing transformations and accepting or even initiating changes, essentially continued to be a traditional community.

*(Translated by Agnieszka Kreczmar)*