

# PIOTRKÓW TRYBUNALSKI

The scribes charged fees specified by the court, which were quite high for those times. For each decree, legal document or a letter of authority, they collected 15 groszes for themselves and other 15 groszes into a box. The box was used to cover the expenses of the Tribunal on the purchase of the parchment, paper or legal books. Staff costs, including the salaries for the clerks, scribes, regents, notaries, apparitors, were paid from the legal fees.

To seal documents in the office, they used an embossing stamp, and from the late 18th century – an ink stamp. The seal proved that the documents were authentic. Until 1788, the last page was sealed by the embossing stamp in the shape of an eagle with the formula Legit et induxit. Since 1778, they used an ink stamp instead. It depicted the eagle of Piotrków and the text which is now illegible. According to the constitution from 1792 the text was as follows : The Seal of the Tribunal of the Wielkopolska province.

The day before the resumption of the Tribunal, ecclesiastical deputies would come to the bishops' residence in Wolbórz. They would elect from among themselves a president; usually it was the canon of

Gniezno. The new elected president would receive the assembled in the palace of Wolbórz. Interestingly, all the costs were covered by the host, the primate or the bishop of Kujawy. The beginning of the meeting was an important event in the town. Particularly impressive was the ceremonial arrival of the President, who would come from Wolbórz located 14 km away. Sometimes the cavalcade which assisted the president spread over the whole distance between Piotrków and Wolbórz. On the 4th November, the day the Tribunal started acting, the deputies met at 7 A.M. in the parish church, where they took their oath. Then one of the ecclesiastical deputies used to sing the votive song about The Holy Spirit (Veni Creator Spiritus). After so-called evidence of election and taking the oath, they spent the evening and night congratulating one another while having supper. The next day they chose the Marshal, who was usually one of the noblemen. The new elected Marshal received a staff – the symbol of his position, and gave a speech, welcoming all the deputies in the town hall as well as thanking for his election. After this, it was the custom for the President to give an extravagant dinner for all the deputies and regents and the Marshal invited them

for supper. Therefore the real session used to begin no sooner than on the fourth day after the resumption. It wasn't easy for both ecclesiastical and secular deputies to gather together and start examining the cases, because wealthier deputies also organised numerous feasts or dinners. People practising law who were considered to be wise and knowledgeable, were also invited. The Marshal usually invited to balls or dinners every Thursday and Sunday, while the President offered meals with no meat on Fridays and Saturdays. There were only three days left for the sittings of the Tribunal-Mondays, Tuesdays and Wednesdays.

During the procession, which took place on the third day, the picture of Holy Mother was carried to the chapel at the town hall. In front of this picture, there was a holy mass said every day by a specially appointed chaplain. Combining the judicial system with religious ceremonies was intended to prevent unfair judgements. In fact, it did not have any impact on the deputies' decisions. The first thing to do after the ceremony was to set an agenda. Before any legal actions started, the representative of lawyers gave a speech. Regardless of where the Tribunal meetings took place, in Piotrków or Lublin, the deputies had to attend all the services. Every Sunday they went to mass with a sermon, which was usually celebrated in the parish church by a Jesuit, called Bishop Ordinary of the Tribunal. He had completely unlimited freedom of words, no matter how poignant, which he could refer even to a particular deputy. He condemned with biting words injustice, immorality and other vices of the deputies. At that time, nobody would dare to confront a clergyman or to feel offended by his words. During one of the sermons, the bishop ordinary of the Tribunal criticised the assembled with some harsh words and then heard a deputy who expressed remorse and promised to improve himself. The man left the church, so impressed by both the sermon and his own declaration that he got drunk three times the same day. Passing by the ordinary's place at night intoxicated, he exclaimed loudly: "Father, I improved myself! Until now I got drunk only once a day and today it is my third time."

The members of the Tribunal were under special legal protection. During the sessions of the Tribunal, the punishments for common crimes, disturbing the peace and public order, were more severe. This experienced for example Zygmunt Rzecki, who at the turn of 1613/1614, while being under the influence of alcohol, knocked in the street and insulted the deputy Wawrzyniec Załuski. For this deed, he was sentenced to two weeks of imprisonment in the tower in Piotrków and a year and a half in Lublin. Additionally, he faced a financial penalty. In 1636, a Jew who castrated a monk during a Tribunal meeting received the death penalty - his body was dismembered and his head impaled. In the 18th century two noblemen had to spend 20 weeks in a tower for showing disrespect to the Tribunal by not taking off their hats. The

adventurer Wołodkowicz, well-known at that time, who disturbed public order by drawing his sabre in the Tribunal and provoking riots in the town, was executed. Another nobleman, probably intoxicated, Sulerzycki, insulted the deputy Młodzianowski and was sentenced by Marshal Karwicky to death by beheading. Common vices and indecent behaviour, often caused by alcohol abuse, were quite normal for deputies. Józef Wybicki, the creator of the Polish national anthem "Mazurek Dąbrowskiego", was in his youth pushed by his parents to become a lawyer. After 1764 he attended the Tribunal in Poznań and Bydgoszcz. In his diaries he wrote that he did not have good memories of his studies because of the debauchery of the deputies, but he also met many reasonable and humorous lawyers, who were excellent both in speech and legal knowledge.

The Crown Tribunal and the parliament meetings left their mark on the history of Piotrków. Both the meetings and the Tribunal attracted many people, helped to develop some branches of production, trade, and services. In that period, the town gained four new monasteries, which apart from spiritual matters, offered accommodation for the nobility who came to town. The main problem for the townspeople until 1760 was the duty to accommodate the deputies for free. This had both good and bad sides. This law interfered in the competence of the town council. Frequent contact with noblemen ended in disagreements and conflicts. On the other hand, the townspeople could adopt some good patterns from the noble culture.

Not many relics of the parliamentary and Tribunal period have survived to the present day. Among them, there are a painting of Our Lady Trybunalska, the crucifix in Wawel, a barrister's pencil box in the National Museum in Warsaw, and two executioner swords in the Museum in Piotrków. As for the archives, the books of the Tribunal were originally kept in the town hall, and later (around 1611) in the tower of the parish church (Fara). Scribes were responsible for keeping the books. After the term ended, the court books were kept by a scribe of Sieradz or by a scribe of Lublin. In Piotrków, during the breaks between the sessions, the documents were kept

in one of the chambers in Fara church. They included registers, financial deeds, records of meetings, and day to day correspondence. Because the archives were not properly protected from fire, the parliament decided in 1633 to move them to the Dominican Order. The day before the Tribunal began; the archives were moved into the administrative office and locked in an iron box with three keys owned by the scribe, his assistant and the Marshal. During the Swedish Deluge the archives were moved to Częstochowa, and they returned to Piotrków after the war. As a form of compensation for looking after them, the town was exempted from the fiscal burden and military duties. The situation repeated during the Great Northern War in 1703. The books of the Tribunal

were usually handwritten and illegible, contained a lot of abbreviations and often had over 3000 pages. There was a total of 3956 books, including 290 indexes.

The municipal and rural archives were situated in Piotrków until 1793, when the town was incorporated into Prussia. September 1792 marked the beginning of the last Crown Tribunal in the Commonwealth. After the fall of the Targowica Confederation and the loss in the Polish-Russian war of 1792, the fate of the country was sealed. On 23rd September 1793, Russia and Prussia signed the Second Partition in Petersburg. Since that moment, Piotrków had been an important administrative centre. After the town had been taken by the Prussian Army, the situation changed drastically. When the Crown Tribunal was dissolved and many offices of the new administration were moved to Kalisz, the town lost its importance. This was followed by the economic stagnation. The



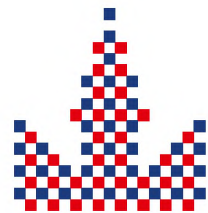
The Patroness of the Crown Tribunal

areas under Prussian rule were used to create so-called South Prussia, where the new administrative division was established.

After the occupation of Greater Poland all the administrative offices and archives were closed by the Prussian government. All the documents were put together and brought to Piotrków. The archivist Erazm Ratysław Goldman was appointed to take care of them with a salary of 200 thalers. Despite closing the offices and archives, a part of the former staff was left there to issue extracts. The documents were stored mostly in churches and monasteries or in the former

municipal and rural archives. In 1836, they were sorted out from the Archives of Historical Records in Piotrków and transferred to the Central Archives of the Polish Kingdom (now Central Archives of Historical Records in Warsaw) in 1836 and 1882, to protect them from destruction.

Until 1944, the remnants of the Tribunal's activities in Piotrków constituted 1438 books from 1578 to 1792. They included 467 books with decrees from 1578-1792, 18 books with decrees of Poznań and Bydgoszcz from 1765-1768, 128 sentence books from 1737 to 1782, 590 registry books from 1612 – 1792, 92 books with decrees from 1583-1711, 14 with decrees from 1638-1789, 77 entry books from 1605-1792, and 52 index books. All the above mentioned documents were stored along with the municipal and rural books. Unfortunately they burnt down in September 1944. It is a huge irretrievable loss for the Polish archive studies, the Polish judiciary and the regional history.

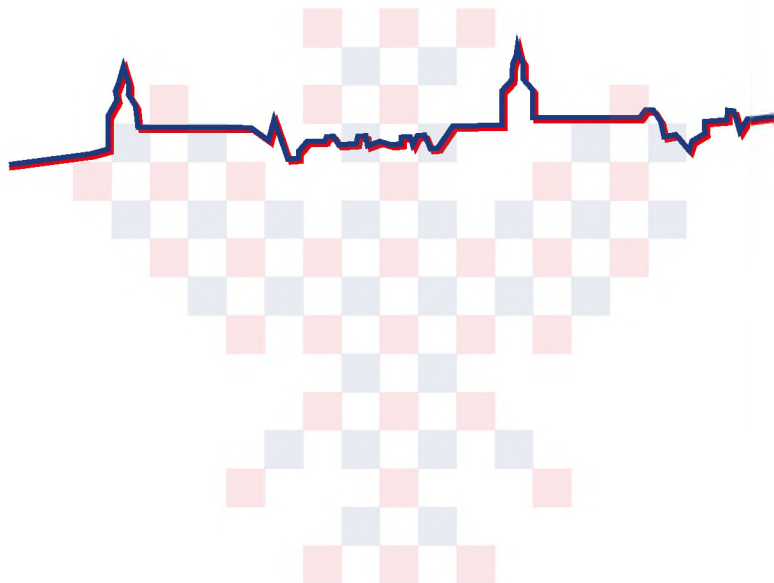


## Piotrków Trybunalski

### The Crown Tribunal

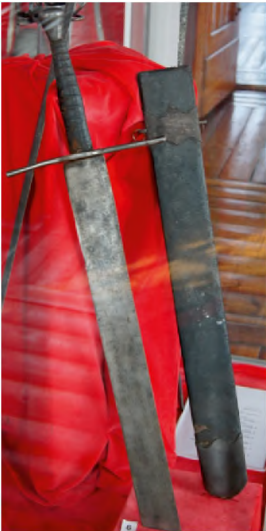


The Crown Tribunal building in Piotrków before its dismantling in 1868





Piotrków has had a very convenient location since its origins, which was undoubtedly a major factor in becoming an important administrative, economic and religious centre as early as in the 13th century. The first mention of the town comes from a document issued by prince Leszek the White in 1217. Other documents dating back to years 1222, 1262 and 1291 also prove that Piotrków played an essential role in the judicial system of the country. The archives which have survived to this day tell us that successive princes, along with both secular and ecclesiastical dignitaries, often visited Piotrków in 1233, 1241, and 1249. The town rights, based on the so-called Polish law, were first granted to Piotrków by Władysław the Short probably between 1273 and 1292. They were re-granted, based on Magdeburg Law, by Władysław Jagiełło on 4th June of 1404 in Inowódz. The acquisition of these laws enabled the town to be rebuild after the great fire and develop quickly in every possible aspect. It is worth adding that Piotrków was also the venue of many synods of the Catholic Church in Gniezno Province, which were the highest legislative authority in respective provinces. In the period between 1510 and 1628 nineteen synods were held here. Both the parliamentary period and the synods period helped the town to become more prestigious. The noblemen, coming to Piotrków in great numbers, had a positive impact on its economic development and beyond.



An executioner's sword can be found in the Museum in Piotrków Trybunalski

The further progress came after 1578, when Piotrków became one of the two seats (along Lublin) of the Crown Tribunal (Iudicium Generale Ordinarium Tribunalis Regni). Until that year, the Polish King was the chief judge for the nobility. He had the right to judge in the so-called Royal Court (in curia) in every case within the competence of the Court of First and Second Instance. The king could also appoint a commissary court in particular cases. After the appellation in 1523, the Royal Court was flooded with appeals against the sentences of the lower-instances courts. Because of that, an attempt to reform the judiciary was made: in 1563 the last-instance courts were created in provinces (voivodeships). The top political writer of the Polish Renaissance Andrzej Frycz Modrzewski was one of the propagators of this reform. Probably he was the author of the project to create the Crown Tribunal in Piotrków, which was presented during the session of the Sejm (the lower house of

Parliament) in Warsaw in 1556/1557. Despite losing its prestige as the parliamentary town, it still had a very high position as a town in central Poland. Its convenient location, numerous quarters, and the abundance of food made Piotrków the best possible location for the capital of the Crown Tribunal.

In order to solve the problem of the enormous pressure on the Royal Court, the king placed his juridical power in the hands of the nobility class. It happened in Warsaw during the meeting of the Sejm from 16th January to 10th March 1578. In exchange for introducing military taxes and the green light to foreign policy, he created the Crown Tribunal. The constitution which laid the ground for the Tribunal was passed by the Sejm on 3rd March of that year. The Crown Tribunal, common for the entire Crown of the Polish Kingdom, assembled in Lublin for lands of Lesser Poland in winter and summer, and in Piotrków for lands of Greater Poland in autumn and winter. Since then, Piotrków has been called Trybunalski. In 1581 the same Tribunal was established for Lithuania, with its seats in Wilno, Nowogródek and Minsk, and, for a while, in Grodno.

The Crown Tribunal consisted of judges elected from the nobility each year during the sessions of the local parliaments (sejmiks). There was a total of 33 members, including 27 noble deputies and 6 ecclesiastical deputies. Secular deputies were headed by the Marshal of the Tribunal, chosen by secret ballot. He held the office for one year and was mainly responsible for representing the office and hosting judges and patrons. He had a guard of honour and was allowed to use the insignia: the mace and the president's cross. Ecclesiastical deputies would choose the President who was to represent their interests. This position usually went to the oldest canon of Gniezno, and lasted also for 1 year.

The tasks of the Tribunal included responding to appeals against the decisions of the municipal and rural courts, as well as examining the cases against the civil servants who neglected their duties. The Crown Tribunal also had to decide legal matters (iuris) regarding all kinds of goods, transactions, and scriptures as well as personal matters (facti) which could end up in financial penalties, imprisonment in tower or even exile. Trials in the legal matters were held in the Crown Tribunal after a lawsuit had been filed



and included into the court register. It contained the names of the defendant and the complainant, time and place of the trial, reasons of the lawsuit and the law fees. After the appeal had been considered, the sentence was given. Decisions were supposed to be taken by consensus, but a majority vote was also used. The reform of the Tribunal from the 18th century reduced the number of deputies to 20 secular and 5 ecclesiastical. Since that day, trials for Greater Poland were to be held alternately in Piotrków, Poznań and Bydgoszcz, and for Lesser Poland – in Lublin and Lwów. Therefore in 1792 two separate Tribunals were created, in Piotrków and in Lublin. Each consisted of two chambers with 12 and 13 deputies. Since then, the territorial division of entries was established. The seat of the Tribunal was, like in Lublin, the town hall. The building erected for town authorities was quickly adjusted to its new purpose. In 1611 the parliament passed the resolution of the nobility of Sieradz region to build a prison tower in Piotrków, which was added to the southern wall of the hall. There was a courtroom, a chapel and a military room in the town hall.

The administrative office of the Crown Tribunal assured the continuity of its work. It was possible because both secular and ecclesiastical deputies changed each year going back to their former duties after their term ended. Their term started in November and, for the “greater guarantee of justice” lasted only a calendar year. They could become deputies again after four years. Secular judges were chosen by the nobility of a given region or province during sejmiks. They took place in September, on a fixed date in accordance with the electoral law. It was the first Monday after the Nativity of the Blessed Virgin Mary, falling on 8th September. Ecclesiastical deputies were elected by cathedral chapters. The judges were required to be virtuous, righteous, pious and “settled”. However, there was no formal legal training needed. The deputies were obliged to take an oath. They were supposed to judge fairly and impartially.

Only the administrative officers were the permanent part of the then justice system. The head of the office was a scribe, who was required to have at least several years of experience in courts, good opinion, appropriate age and fluency in Latin, both written and spoken. He also had to prove his practical knowledge of law and legal procedures. The scribes were in charge of running the office and keeping the books, as well as attending collegiate meetings. Their duties also included editing the text of decrees, which were then sealed by them. After the Crown Tribunal was constituted, the positions of

scribes were held by the scribes of Sieradz and Lublin. In the 18th century it was postulated to offer this position to the consecutive province scribes, in order to prevent the registry abuses, but this idea never entered into force. The administrative office was run by a scribe from Sieradz in case of Tribunal meetings in Piotrków. He had to meet the requirements stated above. His direct subordinates were a notary and his assistants (registrars and court ushers). Because the scribes had greater knowledge of law than deputies, they could influence legal proceeding or even sentences through their own interpretation of regulations. The scribes were chosen by the Tribunal from six representatives of both provinces, in order of provinces. Their term was the same as the Tribunal's. They were responsible for creating decrees and sitting in the Chamber without the right to vote. In case of the scribe's death or illness, he would be replaced by another scribe. Scribes were mainly responsible for writing decrees based on deputies' sentence. They enjoyed good reputation as legal experts and were the professional factor in the Tribunal's work. The administrative officers along with lawyers were considered to belong to the legal profession. The employees of the administrative office kept books, took part in collegiate sittings and edited the decrees.

An important part of the scribes' work was to make sure that the lawsuits were filed correctly. According to the law, suits had to be filed at least two weeks in advance before the session. The apparitor had to publish the lawsuit no later than within a month. Because the cases were registered in chronological order, separately for every region, the parties could calculate the approximate time of their process.



The first meetings of the Crown Tribunal took place in the Royal Castle



The Crown Tribunal building in Piotrków before its dismantling in 1868

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