

УДК 94 :352(474.5 – 25) “16”

VILNIUS UNDER MAGDEBUR LAW

Jacek WAŁDOCH

University of Gdansk

The article is about the process of installation of Magdeburg Charter in the city of Vilnius. The main feature of the article is the analysis of the parts of the King, magistrate, commune, and city elder in the governing of the city.

Key words: Vilnius, The Charter, the King, commune, city elder.

The beginnings of Vilnius municipality is connected with the year 1387¹ when subsequent events had direct influence on the later development of this city in administration, economy and culture. Pursuant of the act signed in Krevo on 14 August 1385 Grand Duke of Lithuania Jagiello pledged to be baptised together with his subjects in exchange for the Polish throne and marriage to Jadwiga Anjou. He fulfilled his promise on 12 February 1386 after arriving at Cracow², and a year later together with his wife came back to Vilnius where they started Christianisation of its inhabitants³. Thus, The Teutonic Order was deprived of the pretext for invading Lithuania, the inhabitants of which were effectively discouraged from conversion because of „bringing the gospel truth on the blade of the sword”⁴. Pope Urban VI on 11 March 1388⁵ gave his permission to create a diocese in Vilnius⁶. Together with granting The Catholic Church in Lithuania more privileges, in 1387 Jagiello gave the city a privilege for Magdeburg law, expanded in 1432 by Zygmunt Kiejstutowicz. Thus, Vilnius political system was shaped similarly to that of Cracow. A long process of the city development began, which lasted continuously by the end of 17th century⁷.

¹ J. Ochmański, *Historia Litwy*, Wrocław 1982, pp. 74-77; also look : M. Łowmiańska, *Wilno przed najazdem moskiewskim 1655 roku*, [in:] *Dwa doktoraty z Uniwersytetu Stefana Batorego w Wilnie*, ed. by L. Wrońska-Idziak, Poznań 2005, p. 279; J. I. Kraszewski, *Wilno od początków jego do roku 1750*, Wilno 1840, v. I, pp. 73–80.

² J. Ochmański, *Historia...*, p. 76.

³ J. Bardach, A. Gieysztor, H. Łowmiański, E. Maleczyńska, *Historia Polski do r. 1466*, Warszawa 1960, p. 282; also look: J. Ochmański, *op. cit.*, p. 77; J. I. Kraszewski, *op. cit.*, p. 77.

⁴ J. Kurczewski, *Biskupstwo wileńskie od jego założenia aż do dni obecnych, zawierające dzieje i prace biskupów i duchowieństwa diecezji wileńskiej oraz wykaz kościołów, klasztorów, szkół i zakładów dobroczynnych i społecznych*, Wilno 1912, p. 20.

⁵ J. Ochmański, *Historia...*, p. 78; look further: J. Kurczewski, *op. cit.*, p. 23.

⁶ J. Kurczewski, *op. cit.*, pp. 24–26.

⁷ J. Ochmański, *Historia...*, pp. 156–157, 161; S. Alexandrowicz, *Studia z dziejów miasteczek Wielkiego Księstwa Litewskiego*, Toruń 2011, which gives information about shaping of urban network of Grand Duchy of Lithuania.

Authority in the city deposited on Magdeburg law was executed by the head of a commune (wójt), Bench and City Council⁸ together with the mayors. Due to numerous complaints of the mob directed at the municipal authorities in 1536 the king personally settled the disputes connected with recruitment on official posts and leading financial economy of the city⁹. The date is believed to be the starting point of forming the municipal government in Vilnius, which functioned in an almost unchanged state until the reforms of the Great Sejm from 1788-1792¹⁰. The greatest position in the city was taken by the head of a commune although, owing to the division of the city into three main jurydykas¹¹, the competences, especially the judiciary ones, were given to their administrators. The power over a castle jurydyka belonged to the Vilnius foreman¹², to whom the burghers¹³ and the Jews¹⁴ were subject. The bishop¹⁵ yielded power over the bishop jurydyka, and probably a commune head and mayors¹⁶ exercised authority over the urban one.

Head of a commune (wójt) was appointed by the king for life. Since 1610 the latter had been nominating candidates by choosing one of the four of them suggested by the Magistrate (The Municipal Council)¹⁷. The basic role of the commune head was yielding judiciary power as a chairman of the bench in cases of civil and penal trials or passing sentences when the worth of dispute did not exceed 10 kopas.¹⁸ The

⁸ M. Łowmiańska, *op. cit.*, p. 280.

⁹ J. I. Kraszewski, *Wilno...*, v. III, p. 208.

¹⁰ M. Łowmiańska, *op. cit.*, p. 279.

¹¹ According to O. Hedemann jurydyka means territory subject to judicial power. Wider definition is provided by Zofia Kulejewska – Topolska who explains that jurydyka was „a settlement of an urban nature organized either within the defensive walls of the proper city or beyond them, in the area belonging to that city or other suburbia removed from the municipal jurisdiction, possessing their own authorities and courts, subject to the owner of the land or to the king, but not having the rights of the city”. As Przemysław Borowik says these were the grounds removed from the hands of municipal authorities; look in: O. Hedemann, *Dzisia i Druja magdeburskie miasta*, Wilno 1934, p. 189.

¹² J. Ochmański, *Historia...*, p. 95.

¹³ J. I. Kraszewski, *op. cit.*, p. 208.

¹⁴ Z. Honik, *op. cit.*, p. 33; J. I. Kraszewski, *op. cit.*, v. III, . 165; The Jews were removed from the power of magistrate and Magdeburg Law and were subject to castle and bishop jurisdiction.

¹⁵ J. Ochmański, *Historia...*, p. 95.

¹⁶ Z. Honik, *op.cit.*, p. 18.

¹⁷ M. Łowmiańska, *op. cit.*, p. 280; compare J. I. Kraszewski, *Wilno...*, v. III, p. 215, 216; compare also with: Z. Gloger, *Encyklopedia staropolska*, v. III, Warszawa 1972, pp. 95–96; Maria Łowmiańska to the Magistrate she also classified a commune administrator with The Bench and The City Council excluding mayors. Józef Ignacy Kraszewski, however, inconsistently classified The City Council, mayors or The City Council, mayors, benchers, a commune administrator or even writers to the Magistrate. Zygmunt Gloger indicates that the Magistrat eis the old name for authoroties managing the city. In the Piast Poland a commune administrator belonged to these authorities, but in the later period in big cities his powers were reduced for the sake of mayors and The City Council. The author says that the city officials served as a help for The Magistrate but he did not specify if they should be included in its body. The same refers to the jurors.

¹⁸ Kopa – Lithuanian monetary unit consisting of 60 groszy; look in: Z. Gloger, *op. cit.*, pp. 95–96; M. Łowmiańska, *op. cit.*, p. 280.

appeal from a sentence given by a commune administrator was settled by the king. Wilkierz (system of well-developed administrative laws) from 1522 regulated a commune head's salary for settling the matters and the level of fines levied on the sides of the dispute, with the proviso that he was to seek reconciliation¹⁹. Furthermore, a head of a commune had a representative function, standing at the head of the Magistrate during ceremonies and giving speeches on its behalf²⁰. For breaking the law he responded before the royal court²¹.

About the Vilnius Bench there are only rudimentary pieces of information. It constituted the main body of the judiciary in the city. The entire bench had probably twelve jurors (*scabinales*)²² elected for life²³ by the City Council from their group²⁴. The Court of jurors usually deliberated in a shortened squad. In Vilnius there were usually two jurors²⁵. They resolved criminal and civil cases, concerning especially property matters²⁶, but „in cases bigger and more important before issuing the sentence [...] they were to gather and [at the City Council] take the advice”²⁷. In the Magdeburg law there existed also jury extraordinary court but we do not know if it had been convened in Vilnius. It could have deliberated every day of the week, also on Sundays and holidays and the sentence was given during 24 hours. The court consisted of „a judge (ahead of a commune) and two jurors” who were considering the cases concerning a criminal caught red handed (criminal court), cases in which one of the sides was a foreigner (guest court) and in situations when a city citizen was summoned to serve a duke or when „they set out for a trade journey or a pilgrimage (a needed court)”²⁸.

The Magistrate consisted of two bodies: The City Council and the mayors. The former had twenty four councillors²⁹, theoretically chosen for life mostly among the

¹⁹ J. I. Kraszewski, *op. cit.*, v. III, s. 211–213.

²⁰ *Ibidem*, p. 220.

²¹ M. Łowmiańska, *op. cit.*, p.282; M. Burbianka, *Geneza...*, [in:] *Alma Mater...*, Wilno 1932; The development of a commune head office is more thoroughly described there.

²² J. I. Kraszewski, *op. cit.*, v. III, p. 225; J. Ptaśnik, *Miasta i mieszczaństwo w dawnej Polsce*, Warszawa 1949, p. 43, who states that the number of jurors usually oscillated between seven people and only in bigger cities its number increased. In Cracow there were to be eleven, similarly in Magdeburg, which meant „eleven followers of Lord Christ, except for Judas”. A commune head was considered the twelfth member of *gajony* court. Also Z. Góralski indicates the difference in the number of jurors, Z. Góralski, *Urzędy i godności w dawnej Polsce*, Warszawa 1998, p. 240.

²³ J. I. Kraszewski, *op. cit.*, v. III, p. 225; M. Łowmiańska, *op. cit.*, p. 281; compare.: J. Ptaśnik, *op. cit.*, p. 54.

²⁴ J. Ptaśnik, *op. cit.*, p. 54.

²⁵ M. Łowmiańska, *op. cit.*, p. 280; In Magdeburg sessions of the court took place in the presence of six jurors and in the smaller cities their number decreased respectively; look in: J. Ptaśnik, *op. cit.*, p. 43.

²⁶ J. I. Kraszewski, *op. cit.*, v. III, p. 216.

²⁷ M. Łowmiańska, *op. cit.*, pp. 281–182.

²⁸ J. Bardach, *Historia państwa i prawa Polski*, v. I –to the mid -15th century, Warszawa 1965, p. 277.

²⁹ J. Ptaśnik, *op. cit.*, p. 55, 66; It is not known who appointed for the councillor office but, following the example of Cracow, it could have been a voivode or like in other Polish cities a governor.

jurors³⁰. That census did not refer to the people with higher education, who were mainly lawyers and doctors as well as a city trustee and a commune head. They did not have to sit in The Bench in order to become councillors³¹. It was similar with The City Council, in which there were actually four people³². Sessions probably took place every Thursday unless the events happening demanded additional meetings and the absence of a councillor could result in bearing responsibility in case of causing damage thereof³³. Councillors as well as mayors were chosen in such a way that the members were half the followers of The Roman Catholic Church and half Greek Catholic Church because of a clear dominance of those two confessions of Christendom³⁴. Furthermore, according to Magdeburg law, they were supposed to be „wise, good, old enough”, at least twenty-four years old people settled in a city, not very rich but also not very poor, just of average state. Moreover, they were to be born within the right marriage, always living in houses and of a good fame [...]”³⁵. A free choice for a position of a councillor was limited by the privilege from 1536 which said that „son after father, brother after brother must not be chosen for a mayor or co-opted onto a councillor³⁶. As it was rightly observed, nepotism was a common phenomenon and despite that privilege the seats in the Council belonged mostly to the members of the richest families with a few exceptions³⁷.

The City Council and the mayors held wide competences due to steering whole city life: legislation, partially judiciary, widely understood administration, management over treasure and police and the regulation of economic policy of Vilnius³⁸. In principle, legislation was limited to issuing *wilkierze*, which were statutes completing the Magdeburg law given before, of course, not influencing its contents and causing any

³⁰ *Ibidem*, pp. 60–72; In Magdeburg and in the cities of The Crown the elections to The City Council were not the same. In Magdeburg and Wrocław an old Council chose a new one, and the latter took an oath to the councillors who were finishing the tenure. In Poznań in 1425 the burghers received a privilege of electing 12 councillors whose office lasted 10 years (later annual elections were introduced). The period of holding office was not uniform in all cities because the procedure of granting the councillor office was evolving and depended on internal regulations.

³¹ J. Ptaśnik, *op. cit.*, p. 54

³² J. I. Kraszewski, *op. cit.*, v. I, p. 224; also compare : M. Łowmiańska, *op. cit.*, p. 281.

³³ J. I. Kraszewski, *op. cit.*, t. I, p. 226.

³⁴ *Ibidem*, p. 224; D. Szpoper, P. Dąbrowski, *Union of Brest and its foundation in 1596*, [in:] *Journal of Law*, Tbilisi 2012, pp. 35–40; A. Paszko, *Dążenia do połączenia Kościoła Prawosławnego z Kościołem Katolickim i rokowania poprzedzające zawarcie unii kościelnej w Rzeczypospolitej Obojga Narodów (1595–1596). Zarys problematyki*, [in:] *Polska – Ukraina 1000 lat sąsiedztwa*, v. 4 – *Katolickie unie kościelne w Europie środkowej i wschodniej – idea a rzeczywistość*, Przemyśl 1998, pp. 143 – 152; Pursuant to Union of Brest formed in Rome on 23 December 1595 and proclaimed in Brest on 9 October 1596 the union of Eastern Orthodox Church and Roman Catholic Church was created. Orthodox priests took over catholic dogmas but the liturgical forms were not changed.

³⁵ J. Ptaśnik, *op. cit.*, p. 60.

³⁶ I. Jaworski, *Zarys dziejów Wilna*, Wilno 1929, p. 10.

³⁷ *Ibidem*, s. 10, compare: J. Ptaśnik, *op. cit.*, p. 65.

³⁸ M. Łowmiańska, *op. cit.*, p. 281.

conflicts. Judicial competences³⁹ consisted mainly in hearing the cases concerning guild organizations (e.g. internal disputes)⁴⁰, police or the ones connected with care of widows and orphans. Moreover, it was the mayor-Russian court⁴¹ adjudicated in the matters about the borders of city parcels and the buildings, and cases concerning measures and weights and city hospitals. It also investigated into riots in the city and in more complicated cases it was obliged to seeking opinion of The Bench. In the later period that court was to overtake the competences of the commune head court. There was the right of appeal against the sentences given by all the city courts and in case when the subject of dispute exceeded 300 zlotys it was directed at the king because in Lithuania, contrary to The Crown, an intermediate body did not develop⁴².

In municipal judicial system prosecutors (*procurators*), a writer (*notarius*), podwojski (bailiff), court servants⁴³ and a klikun (a town crier) fulfilled their functions⁴⁴. Prosecutor (lawyer) was elected for life and carried out his function after being sworn. Friends and relatives of the side fulfilling the role of their lawyer were exempt from swearing. There were usually several bailiffs at the court. They could get payment from only one of the sides⁴⁵. The function of the writer was to log the trials. They were elected on the basis of voting of a commune head, members of The Bench and mayors. Their salary depended on the case in which they participated and the number of entries and extracts of the files⁴⁶. Court sworn servants performed the function of the guards – they made arrests and took care of the accused⁴⁷. A town crier called for the defendants to stand trial and announced sentences publically. In the era of commonly inflicted corporal punishments their execution was carried out by a hangman, also called a master. He received maintenance from the city, which also provided him with clothes, proper tools and a flat. Furthermore, he received a yearly salary and a payment for every execution, the amount of which was dependant on the kind of punishment imposed⁴⁸.

As far as managing the city was concerned, The City Council influenced the trading policy of the capital of The Great Duchy by taking control over the crafts and

³⁹ I. Jaworki believes that The City Council was did not have judicial competences; look in: I. Jaworski, *op. cit.*, p. 11.

⁴⁰ Masters of the guild took an annual oath to mayors that they would above all care about the welfare of the city, but for the damage caused by their action the latter (mayors) were held responsible; look in: J. I. Kraszewski, *op. cit.*, v. I, p. 226.

⁴¹ It was the name used by Maria Łowmiańska, but Zdzisław Kaczmarczyk and Bogusław Leśnodorski differentiated between the Russian court and „the mayor court”; look in: M. Łowmiańska, *op. cit.*, p. 281; compare: Z. Kaczmarczyk, B. Leśnodorski, *Historia państwa i prawa Polski*, v. II – from the mid- 15th century to 1795, Warszawa 1966, p. 157.

⁴² M. Łowmiańska, *op. cit.*, pp. 281–282; J. I. Kraszewski, *op. cit.*, v. I, p. 216, 226.

⁴³ J. I. Kraszewski, *op. cit.*, v. III, pp. 224–225.

⁴⁴ M. Łowmiańska, *op. cit.*, p. 282.

⁴⁵ J. I. Kraszewski, *op. cit.*, v. III, p. 213.

⁴⁶ *Ibidem*, p. 213, 225.

⁴⁷ *Ibidem*, p. 227.

⁴⁸ *Ibidem*, pp. 225–226.

trade guilds (*communitas*)⁴⁹ which approved the budget, internal rules, elections to their management and controlled the bills⁵⁰. The Magistrate also monopolized measures and weights which were to be found only in the town hall⁵¹. Moreover, it was The City Council that took care of renovating the ramparts and entry gates⁵², roads, bridges, stalls and the town hall, took care of cleanliness⁵³ and order⁵⁴ in the city, built water supply systems and managed the anti-fire actions⁵⁵. When in 1522 the privilege of Zygmunt I exempted the Vilnius burghers from the service in castle guard, The Magistrate was obliged to maintain twenty-four guards ensuring safety in the city and executing regulations of authorities and court sentences⁵⁶.

To keep the books and lead financial economy of the city the dispensers were employed by The Magistrate. There were four of them, elected by the City Council – two were elected out of their own company and the other two came from the group of ten previously introduced candidates from the commoners (*communitatis*).

In The Crown the period between 14th and 16th century is the time of incessant fights between the commoners and burghers for access to power in the cities. In twin Cracow the lower managed to gain influence over handling city economy and legislating *wilkierze* and later they even created their own representation in The Council⁵⁷. Those disputes spread in Vilnius as well and in the privilege from 1536 „it was stressed in the act to *wilkierze* that The Council should call for the common people”⁵⁸. The Council, however, did not change its aristocratic character but the common people had to have their representation with influence of making *wilkierze* and leading tax and economic policy⁵⁹. The compromise could also be the choice of dispensers from the common, which was the element of control over city finances by the Vilnius community, but it only took place in 1646⁶⁰. The securities of the treasure were extremely complicated. All of the city revenues were placed into the „chamber closet” and to „scales pole” at the city scales, service of which was operated by two dispensers changing between themselves every two months. The chamber closet was secured by four locks, to which each dispenser had one key. In the chamber closet the keys to the scales pole

⁴⁹ *Ibidem*, p. 293.

⁵⁰ M. Łowmiańska, *op. cit.*, p. 283.

⁵¹ J. I. Kraszewski, *op. cit.*, v. III, p. 297; also look: M. Łowmiańska, *op. cit.*, p. 283.

⁵² In the time of plague only one gate which was not from the lee side was opened, not letting into the city people coming from „infected” side. In case of riots all gates were closed and the keys were in possession of the mayors; look in: J. I. Kraszewski, *op. cit.*, p. 330.

⁵³ Due to the common practise of throwing rubbish and rubble into the street The Magistrate decided that the mayors would be able to order a house owner to remove the waste under threat of a fine probably; look in: J. I. Kraszewski, *op. cit.*, v. III, p. 323.

⁵⁴ J. I. Kraszewski, *op. cit.*, v. III, p. 245.

⁵⁵ M. Łowmiańska, *op. cit.*, pp. 282–283.

⁵⁶ *Eadem*, p. 284.

⁵⁷ J. Ptaśnik, *op. cit.*, pp. 88 – 100.

⁵⁸ J. I. Kraszewski, *op. cit.*, v. III, s. 209.

⁵⁹ M. Łowmiańska, *op. cit.*, p. 284; see also: I. Jaworski, *op. cit.*, p. 12.

⁶⁰ M. Łowmiańska, *op. cit.*, p. 285.

were locked. In 1647 a box (*aerarium publicum*) appeared in the city archive. The box was safeguarded by two locks. Next two locks to the archive could only be opened by mayors. Probably together with the city treasure all of the privileges given to Vilnius as the most precious things were kept there. It can be proved by the fact that during the raid of the Russian troops in 1655 they were transferred to Gdańsk⁶¹.

City revenues were divided into the ones coming from the manor estates, city enterprises, monopolies, fares, duties and taxes. The estate consisted mainly of agricultural grounds in the granges surrounding the city. They were mainly fields and pastures utilized by families where each member had 16,8 ha. Apart from paying the taxes imposed by seyms they were obliged to work for the city by giving it a specified amount of crops or other provisions⁶². Additionally, men had to work three days a week and women two days together with weeding the farm gardens. The rest of the manor lands were not arable lands and were used for other purposes⁶³.

The income was also gained from real estates and stalls, which despite its number gave only symbolic revenue for their lease, namely 1407 kopas and 36 grosz annually. The most profitable were five city stalls – two cloth stalls and three tiny ones, which earned 430 zloty for the city. The Magistrate also hired „place” for conducting small trade⁶⁴.

In 1536 Vilnius received a license to operate a flour mill with two stones, provided that it would not collide with the interests of the ducal mill which had to be used by the burghers. Since 1649 that privilege was to give the right to build new mills in Vilia and Vilnius with any number of stones with the concession that it should not be done to the detriment to other mills⁶⁵. The city probably did not have time to build other enterprises of that type. The income to the city treasure came also from „pipe workshop” in which wooden sewage pipes were produced. They were bought by the rich burghers who wanted to supply water to their estates. Owing to the fact that only about 50 houses used that service, the revenue for the city was small⁶⁶.

Monopolies turned out to be the most profitable. To them belonged: a textile cutting place giving 40 kopas a year, city scales, isobaric appliances and szrotarstwo (the right to store and trade alcoholic beverages). A great income came from the city scales which had been used by the city since 1432. Because of a great profit made

⁶¹ M. Łowmiańska, *op. cit.*, p. 279; also look: M. Baliński, *Historia miasta Wilna*, v. II, Wilno 1836, pp. 72–73.

⁶² Dziakło – a tribute in grain and hay; look in: M. Łowmiańska, *op. cit.*, p. 295; M. Łowmiańska did not write if these provisions referred to one person or one family.

⁶³ *Ibidem*, p. 296.

⁶⁴ *Ibidem*, pp. 300–302; Maria Łowmiańska, giving the sum of the revenue referred to the inventory from 1647.

⁶⁵ *Confirmatio Jurium Privilegiorum Civitatis Vilmensis per Serenifsimum Joannem Cafimirum Regem Poloniae* [in:] P. Dubiński, *Zbiór praw i przywilejów miastu stołecznemu W.X.L. Wilnowi nadanych...*, p. cit., p. 221; „[...] *hoc fiat sine praeiudicio et praepeditioe aliorum molendinorum*” (lat.) – it can be done without detriment and obstacles to other mills).

⁶⁶ M. Łowmiańska, *op. cit.*, pp. 303–304.

from the scales, which was between 2000 and 3000 kopas, it was safeguarded by two grand dispensers. Vilnius possessed two scales - one bigger called „scales” and a smaller - „little scales”. On scales heavy goods were weighed such as wax, tallow, linen and hemp⁶⁷, whereas on little scales lighter materials were weighed. Another monopoly connected with the scales was “woskobojnia”, where wax and tallow were melted. A separate income for the city came from measuring corn. It was called „barrel”.

Vilnius gained “szrotarstwo” on the basis of privilege from 1432. There were three elements that brought income: measuring beverages, their storage⁶⁸ and profits from booze vessels brought mainly by inns which were given the right to “szynkować”.⁶⁹ The privilege of king Zygmunt August from 1552 restricted, however, the possibility of producing strong alcohol and the City Hall was to ensure that „in the city there should be only one to produce vodka”. The Magistrate was not able to control that state of affairs, which, in 17th century led to practises incompatible with the privilege contents⁷⁰.

Some revenues to the city budget came from various taxes imposed on the Vilnius inhabitants. Those were mentioned in king’s Zygmunt III privilege from 18 June 1630. On that day the town hall was entitled to collect a gate (return) tax in its jurydyka, making its height dependant on the meanings of the streets at which the taxpayers lived⁷¹. Practically, the height of tax was determined on the basis of possession value⁷². That same privilege regulated collecting another tax – bank tax, which gave two zloty a year from each wicina⁷³ floated on Vilia. The funds collected that way were used by The Magistrate to clean Vilia.

A tax which is not mentioned in the privilege was rurne (pipe tax). It was taken for using water supplied by the municipal pipes. It was also levied on the private houses owners who paid 4 kopas a year, which, in the case of fifty estates connected to municipal pipeline brought 200 kopas of annual profit. Fare for drawing water from waterworks was 24 grosz a year⁷⁴.

⁶⁷ *The privilege of king Zygmunt III from 30 March 1618 [in:] P. Dubiński, op. cit., p. 174; Materials weighed on a city scales were named in the privilege of king Zygmunt III from 30 March 1618 so that the scales in Vilnius was equal to the Kaunas and royal scales.*

⁶⁸ M. Łowmiańska, *op. cit.*, p. 305; Only barrels with wine were chargeable 18 grosz because that beverage was not measured with a so called „basin”.

⁶⁹ Szynkować – pour.

⁷⁰ J. I. Kraszewski, *op. cit.*, v. III, p. 298.

⁷¹ P. Dubiński, *op. cit.*, p. 174; *Privilege of king Zygmunta III from 18 June 1630 given to pavements, bridge, returning and bank streets of the city of Vilnius* clearly shows which streets belonged to the most important ones. Those were: Rynek, Zamkowa, Świętojańska, Trocka, Wileńska, Żydowska, Niemiecka, Szklana, Rudnicka, Ostra, Końska, Subacza i Spaska. From the owners of the houses at those streets the return tax of 1 zloty was to be collected.

⁷² M. Łowmiańska, *op. cit.*, pp. 305–306.

⁷³ Wicina – (wić) a river ship serving to float the goods.

⁷⁴ *Ibidem*, p. 309.

Merchants were additionally obliged to pay a marketplace tax levied in the sum of 6 grosz from a wagon with fish, „jagły”⁷⁵, fat, nuts and glass. It was payment for polluting the marketplace. A special tax was imposed on the so called „solennicy”⁷⁶, people who traded salt. Certain charge was levied on the Jews, who, since 1633, in the time of peace paid 300 zloty to the Town Hall and 600 zloty in the time of war. They probably paid even a greater sum, regardless of the situation. It even happened that the fare was 672 zloty. It was used to maintain the city walls⁷⁷.

There existed also a particular revenue which not always was a city income and was used to cover current, urgent expenses. It was a „general collection”, namely a one-off ad-hoc tax helping to pay city debts, war contributions, renovating the City Hall, hosting state and church dignitaries and presents for them. Thus, for example, the city spent 90 zloty on a wedding of a legal secretary of the Great Lithuanian Duchy Cyprian Paweł Brzostowski, and in 1648 for the present in the sum of three hundred red zloty⁷⁸ for king Władysław IV and Marie Louise Gonzaga de Nevers⁷⁹.

Important element of city expenses were fees paid annually to secular and church dignitaries. Additionally, when taking up their posts, a voivode together with a bishop and a metropolitan received one-time gratification in the form of money⁸⁰ or food products, for example imported spices such as cloves, saffron or ginger. Salary was also given to the officials of a lower rank, servants as well as musicians playing in the town hall during secular and church ceremonies. A similar present was to be given to the wives of the councillors in-office, who „received several kopas <<for rings>>”. Having one’s own representation in the seyms was also connected with expenses which grew with each subsequent expedition⁸¹.

In turn, salaries for two mayors, four councillors, two stewards and four writers totalled 800 kopas a year before 1655. They also shared the income from three manor farms, and another additional income of mayors and councillors was a result of their playing judicial roles. After the war in 1655 officials’ salaries were reduced. The Magistrate also paid the sworn servants, a trumpeter, messengers, carriers and postmen and smaller sums were allocated to run an office for example buying paper. There were also costs brought by controlling municipal grounds (twice a year). That overall management over the city burdened the city budget with the sum of 1229 kopas a year, not considering such tasks of the local government as securing safety and cleanliness in the city, maintenance of water supply systems, town hall clock and city estates. There were also the costs of organizing secular and church celebrations.

⁷⁵ It is probably millet groats (jagło).

⁷⁶ J. I. Kraszewski, *op. cit.*, v. III, p. 293.

⁷⁷ M. Łowmiańska, *op. cit.*, pp. 309–310.

⁷⁸ *Ibidem*, p. 314; Maria Łowmiańska explains that a red zloty was a ducat, which under king’s Władysław reign was worth 5,5 zlotys.

⁷⁹ J. I. Kraszewski, *op. cit.*, v. III, p. 238.

⁸⁰ J. I. Kraszewski, *op. cit.*, v. III, p. 238, Józef Ignacy Kraszewski also argues that honoraria for state and church dignitaries could have come from „the collections”.

⁸¹ M. Łowmiańska, *op. cit.*, pp. 314–316.

In terms of securing safety in Vilnius, the city provided money for permanent guard consisting of twelve haiduks⁸² and a decurion. In case of epidemics additional guards were called depending on the city needs. However, because of limited revenues to the city budget in 1657 it was necessary to organize a special collection for covering salaries of the soldiers. In period of danger from the outside the city did not bear any additional costs connected with arming the troops, due to common duty of its defending by the adult citizens. Taking care of cleanliness in Vilnius did not seem to be a priority for the city although there was an awareness of connection between hygiene and diseases breaking out. In that matter The Magistrate only limited its actions to employing temporary workers, who disposed of waste only before bigger celebrations. Vilnius was supplied with water derived from two sources flowing into the city by wooden pipes. Due to the material used it was necessary to control the water supply system and its repair, which was taken care of by a pipe engineer and his four helpers. Other workers employed by the Magistrate were a smith, carriage-builder, clockmaker and coachmen⁸³.

The Magistrate in 17th century did not seem to have problems with managing finances because expenses (6030 kopas) usually did not exceed the income (about 10 000 kopas), excluding the years when there were natural disasters⁸⁴.

In XVI Vilnius and its clerks were given other privileges and under the reign of Zygmunt August there were deliberations about letting Lithuanian members of parliament participate in the seyms with the same rights as those of The Crown⁸⁵. In the instruction for the members of parliament for seym in 1562–1563 Great Lithuanian Duchy suggested that „for common seyms two deputies from the Council of Vilnius burghers were sent, who, were to have the first place after the deputies from the Cracow city council and about the matters connected with their city were given the right to free speeches [...]”. For a proper decision Vilnius had to wait until 1568 when Zygmunt August gave the city a privilege thanks to which two capital cities became equal in their rights. In practise, Vilnius received a little greater powers because not only The City Council but also a head of a commune, mayors, councillors, aldermen and even writers received ennoblement and got the rights equal with those of the knights and noblemen, accepting coats of arms and other dignities⁸⁶. That privilege enabled also the Vilnius City Council sending two or three deputies for general seyms.

⁸² *Ibidem*, p. 284; The privilege of Zygmunt I from 1522 exempted the burghers from the duty of guarding the castle but made The Magistrate maintain 24 armed guards, the number of which fell by half only during the war in 1655. They were probably entourage for The City Council in office.

⁸³ *Ibidem*, pp. 322–325.

⁸⁴ *Ibidem*, pp. 326–327.

⁸⁵ W. Kowalenko, *Geneza udziału stołecznego miasta Wilna w sejmach Rzeczypospolitej*, [in:] *Ateneum Wileńskie. Czasopismo naukowe poświęcone badaniom przeszłości ziem W. X. Litewskiego*, Wilno 1927, year IV, no 12, p. 79; where the author describes the participation of Lithuanian MPs in the seyms.

⁸⁶ J. Ptaśnik, op. cit., pp. 231–232; compare: J. I. Kraszewski, op. cit., v. I, pp. 280–281; M. Baliński, op. cit., p. 97.

That led to a conflict with the common people. In order to resolve a conflict 1646 they received a sentence of the Commissioner Court⁸⁷ which gave them the right to designate their own deputy, the task of whom was to „control the money given for seym expenditure so that the work of the MPs was not futile”⁸⁸. The practise turned out to be different because Vilnius councillors did not want to have a „controller” among the deputies. Thus, in reality, a commune administrator with two councillors usually took part in seyms. However, it happened that the common people elected their own delegates who, by their „improper and illegal (*abusive ac illegitime*)” behaviour often became the accused by assessor courts⁸⁹ because they „violated good order and public peace”⁹⁰.

At the beginning of 17th century Vilnius was a thriving city, where numerous privileges, common tolerance, and multiculturalism attracted new inhabitants. After many fires, wooden buildings were replaced by the stone ones and the city took pride in rich architecture of thirty seven churches, numerous manor houses and palaces⁹¹. Vilnius Academy⁹² became a cultural and scientific centre. It was set up by king Stefan Batory by decree-law from 7 July 1578 and Gregory’s XIII papal bull from 1579⁹³. Layout of new houses and streets with rich city life was ordered. Trade and crafts were those branches of industry that shaped urban character of Vilnius and enabled its continuous development. That shows how many craftsmen there were; maybe even 40% of the total population of Vinius community⁹⁴.

The golden age of Vilnius between 16 and the beginning of 17th century was the result of free economic development, unthreatened by war activities. The end of that peaceful area came with the invasion of Russian troops which joined Ukrainian insurgents of Bohdan Chmielnicki to capture Russian lands. In summer 1655 the

⁸⁷ . Bardach, *Historia...*, v. I, p. 481; Commissioner Court consisted of councillors of one or several cities, appointed by the king to settle one particular case, after which it dissolved.

⁸⁸ J. Ptaśnik, *op. cit.*, p. 232.

⁸⁹ Assessor court – called by a grand duke, consisting of three or more people to settle the matters at the duke court. When in doubt the assessors directed questions at the king. The court gave sentence from which one could appeal to the personal court of a hospodar unless the sentence was given „from hospodar’s lecture”, which was a settlement of Grand Duke, binding for assessor’s court and final; look in: S. Kutrzeba, *Historia ustroju Polski w zarysie*, Lwów 1914, v. II – Litwa, pps. 157–158.

⁹⁰ J. Ptaśnik, *op. cit.*, p. 233.

⁹¹ J. Ochmański, *Historia...*, p. 156.

⁹² Initially, within its structure departments of theology, philosophy and law were created. It was the only university in Grand Duchy of Lithuania which also had international scientific staff. About the culture in Lithuania and Vilnius Academy you can read further in: w: *Kultura Litwy i Polski w dziejach. Tożsamość i współistnienie. Materiały międzynarodowej konferencji zorganizowanej w dniach 15 – 17 października 1998*, edited by. J. Wyrozumski, Kraków 2000; L. Janowski, *Historiografia Uniwersytetu Wileńskiego*, Part 1, Wilno 1921; Idem, *Wszechnica Wileńska 1578–1842*, Wilno 1921; M. Baliński, *Dawna Akademia Wileńska. Próba jej historii od założenia w roku 1579 do ostatecznego jej przekształcenia w roku 1803*, Petersburg 1862; *Pamiętniki dra Józefa Franka, profesora Uniwersytetu Wileńskiego*, v. I, Wilno 1913, p. 58.

⁹³ L. Janowski, *op. cit.*, pp. 1–2.

⁹⁴ J. Ochmański, *Historia...*, p. 156.

Russians took Minsk and headed for the capital of Grand Lithuanian Duchy, the gates of which opened after the battle won at Oszmiana. Vilnius was not able to defence due to the deteriorating town walls, old cannons, very limited crew of the guard and insufficient armouring of soldiers, which so far had been used only for town celebrations⁹⁵. The City emptied; the town treasure was taken away as well as privileges and all precious objects. Only the ones who had nowhere to go and nothing to take stayed. Vilnius surrendered on 8 August 1655⁹⁶, after what it was completely destroyed.

ВІЛЬНО ПІД МАГДЕБУРЗЬКИМ ПРАВОМ

Яцек ВАЛДОХ

Гданський університет

У статті описано процес утвердження Магдебургського права у Вільнюсі. Автор аналізує ролі короля, магістрату, комуни та війта в управлінні містом. Стаття також характеризує зміни, які відбувалися в управлінні містом протягом періоду існування Магдебургського права.

Ключові слова: Вільнюс, Магдебургське право, король, комуна, війт

Стаття надійшла до редколегії 10.11.2016

Прийнята до друку 21.11.2016

⁹⁵ *Ibidem*, p. 40.

⁹⁶ Ignacy Kraszewski mistakenly indicates the date 10 August 1655: look in: J. I. Kraszewski, *op. cit.*, v. II, p. 41; compare with: J. Ochmański, *Historia...*, p. 162; also look in: W. Serebyński, *Scriptores rerum polonicum. Stefana Franciszka z Prószcza Medekszy księga pamiętnicza wydarzeń zaszych na Litwie 1654–1668*, Kraków 1875, p. 13; Memoirs of Stefan Franciszek Medeksza are a good source of getting to know not only historical events but also the details of parliamentary life, contemporary customs and army relationships in Lithuania. They constitute a collection of documents and letters, mainly referring to army and military situation.