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## ROBBERY IN THE POLISH LANDS DURING THE SECOND HALF OF THE SIXTEENTH AND THE FIRST HALF OF THE SEVENTEENTH CENTURY

Robbery, or the seizure of another person's property, with resort to violence or the threat of its application, constitutes a domain of crime in Polish past history which remains almost unexamined<sup>1</sup>. Somewhat more attention was paid to this topic by historians of penal law and the principles of the administration of justice<sup>2</sup>. Historical interpretations usually mention it as one of the felonies which endangered public peace. The only relatively extensive study deals with robbery committed by highlanders into which, however, we shall not delve since it constitutes a specific form, territorially limited and socially distinct<sup>3</sup>.

Practically nothing is known about the degree of the professionalization of brigandage on public highways, the existence or absence of organized gangs or the methods and regions of their activity, while attempts at estimating the dimensions of this phenomenon are based rather on individual opinions of

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<sup>1</sup> Z. Zdrójkowski distinguishes between the concept of brigandage (whose perpetrator considered taking the life of the owner of property) and robbery (without murder), which are treated by contemporary legal language as identical, see: *Historia państwa i prawa Polski (The History of Polish State and Law)*, ed. J. Bardach, vol. 2, Warszawa 1971, p. 335, and *Mała Encyklopedia Prawa (The Little Encyclopedia of Law)*, Warszawa 1980, p. 607. From the point of view of public peril, robbery plunder (*spoliatio*) as well as professional burglary (*furtum*) belonged to crimes pursued *ex officio*, in contrast to other acts of violence whose pursuit called for private complaint, see: *Historia państwa i prawa, op. cit.*, vol. 1, p. 523. In seventeenth-century England, robbery was defined as a crime committed by means of a violent assault against a given person, his intimidation and dispossession of money or goods of value, see: A. Macfarlane, *The Justice and the Mare's Ale. Law and Disorder in Seventeenth-century England*, Oxford 1981, p. 136.

<sup>2</sup> *Historia państwa i prawa, op. cit.*, vol. 1, p. 320, 321, 327; vol. 2, p. 335. In Poland robbery was punished by the death penalty — ordinary (hanging or beheading) or classified (quartering, breaking on a wheel, the use of red-hot tongs) depending upon the manner in which the crime was committed, whether the victim was murdered or kept alive, and the number of previously committed felonies of this kind, see: W. Maiseł, *Poznańskie prawo karne do końca XVI wieku (The Poznań Penal Law up to the Sixteenth Century)*, Poznań 1963, p. 280–284, and: A. Meye, *Das Strafrecht der Stadt Danzing von der Carolina bis zur Vereinigung Danzigs mit der preussischen Monarchie (1532–1793)*, Danzing 1935, p. 95. In England from the sixteenth to the eighteenth century robbery, regarded as one of the most serious crimes, were essentially punished by death, even in instances when the sum was no larger than a single penny, see: A. Macfarlane, *op. cit.*, p. 136. In practice, a considerable number of death sentences was changed in more lenient penalties, as is shown by data from Surrey (1663–1694) where of total of 24 death sentences issued for robbery only 10 (40 per cent) were carried out, see: J. M. Beattie, *Crime and Courts in England 1660–1800*, Princeton, New Jersey 1986, p. 31, table 9.1.

<sup>3</sup> On the highland robbers see i.a.: W. Ochmański, *Zbójnictwo góralskie. Z dziejów walki klasowej wsi góralskiej (Highland Robbery. From the History of the Class Struggle of the Highland Village)*, Warszawa 1950; idem, *Zwalczanie zbójnictwa góralskiego przez szlachtę w XVII i XVIII w. (The Struggle against Highland Robbery Conducted by the Gentry in Seventeenth and Eighteenth Centuries)*, "Czasopismo Prawno-Historyczne" 1951.

travellers of the period, and the assumptions of scholars, than on a true acquaintanceship with the problem.

This article is the outcome of more extensive research into the criminal environments of Cracow, Lublin and Poznań during the second half of the sixteenth and first half of seventeenth century and does not harbour the ambition of an all-sided presentation of the phenomenon in question. Such a task would call for a detailed examination of court registers in other large towns of the Commonwealth (and Wrocław, outside its frontiers) as well as a considerably increased questionnaire which would have to include i.a. attempts at the overcoming of robbery, public opinion on this subject or the part played by the undisciplined gentry and army which often took on the form of brigandry (the so-called adventurous groups shall be mentioned here only marginally). A study of that kind, undoubtedly greatly required, would certainly call for several years of additional work and a separate volume of its own. The research presented below demonstrates the problems of robbery only through the prism of the testimony of persons accused of having committed it. The foundation is comprised, therefore, of testimony given by 166 men charged with robbery in Cracow (62 persons), Lublin (57 persons) and Poznań (47 persons) during the second half of the sixteenth and the first half of the seventeenth century<sup>4</sup>. These declarations include information about a further 133 persons who either accompanied the accused, or were known for their criminal activity. As a whole, we have at our disposal data concerning 299 robbers (174 in Cracow, 75 in Lublin and 50 in Poznań)<sup>5</sup>. It was possible to determine the social origin of 119 persons: all told, 50 per cent came from villages, 42,4 per cent — from towns, 7 per cent were representatives of the gentry, and as little as 0,6 per cent were Jews<sup>6</sup>. In comparison to the social structure established for all the persons tried and summoned in towns, and who could be regarded as members of the criminal world in the period under examination, one sees a greater participation of people of rural origin (50 per cent as compared to 39,6 per cent in the entire data under examination), and the gentry (7 per cent as compared to 2,1 per cent) with

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<sup>4</sup> Texts of the testimonies: Wojewódzkie Archiwum Państwowe (Voivodship State Archive — WAP) w Krakowie, Akta M.Krakowa (Voivodship State Archive — WAP — in Cracow. Acts of the Town of Cracow — AMKr) 864 and 865, Acts of the Town of Kazimierz (AMKaz.) K 266, K 267, K 280, Acta Castrensia Cracoviensia (ACC)1101.WAP Lublin, Acts of the Town of Lublin (AML) 139, 140, 141, 142. WAP Poznań, Acts of the Town of Poznań (AMP) I 638, I 639, I 640, I 641, I 657, I 659, I 663, I 665, I 666, I 400, I 408, I 409, I 413. The greatly incomplete nature of the *libri maleficorum* is the reason why we have relatively a full documentation for only certain periods. In Cracow these are the years 1554–1612, and only particular testimonies come from the years 1622, 1627, 1628 and 1638. In Lublin rather cohesive series of testimonies pertain to the years 1622–1631, and in particular 1642–1647, sporadically — 1551, 1561, 1634 and 1639. In Poznań completely documented are the years 1553–1616, while separate testimonies come from the years 1623, 1625, 1631, 1644.

<sup>5</sup> In reality, in Lublin material one could come across almost 170 persons involved in robbery, of whom over 50 were members of the so-called adventurous groups which have for all practical purposes been omitted in these reflections, see below.

<sup>6</sup> In Cracow we know the origin of 77 persons, in Lublin — 16 persons and in Poznań — 26.

a much smaller percentage of the Jewish population (0,6 per cent as compared to 16,2 per cent). The differences of the role played by the gentry and Jews in both communities appear to be obvious, and stem from the natural, at that time, preference on the part of the gentry for activities (also criminal) which involved the employment of arms, while the Jews gave priority to dealing in stolen goods and various auxiliary functions (e.g. spying upon merchants and providing information for robbers). Undoubtedly, the great part played by village people could be probably justified by the, as a rule, rural terrain in which the brigands acted, better known and closer to the mentality of local residents<sup>7</sup>. Only in a few instances do we discover information concerning the professions of robbers, who included craftsmen (apprentices): tailors (4), furriers (4), blacksmiths (2), butchers (2), as well as i.a. a tanner, a shoemaker, a weaver, a locksmith and even a goldsmith. A considerable group was composed of disbanded soldiers (7) and Hungarian hajduks (6) as well as millers (3), inn keepers (2), barbers (2) and various servants (in Cracow — a town servant and the son of a town hall servant) as well as hired hands. This was therefore a haphazard community, without a clearly defined professional image. The absence of women accused of robbery seems to be understandable; we know of only a few cases of manslaughter connected with robbery committed by women (e.g. servants) in the townships, but never in the streets. It seems worthwhile to draw attention to the fact that in Surrey, a county to the south of London, women constituted 8,5 per cent of all persons accused of crimes in the 1660–1800 period, and in the most urbanized part of that county, in a closer vicinity of London — as much as 13,4 per cent<sup>8</sup>.

Investigations into robbery incline us to conduct a division according to two criteria: the area of activity and the degree of professionalization. The overwhelming majority of crimes took place on highways, usually those linking larger urban centres or popular trade routes. Robberies in towns were incomparably rarer (they were only about 16 per cent of all the cases and partly accompanied robberies committed on the highways), and, it appears, were much smaller public threats. Professional robberies, which were the prime or sole source of sustenance (often together with theft and burglary) dominated. Robbery was also the domain of certain professional thieves, whose criminal activity was essentially concentrated in towns, but who profited from all favourable opportunities and engaged in robbery either on highways or in towns. Considering the large degree of the criminal professionalization of those persons, their felonies can be included into the category of professional robbery although as a rule the methods employed by them were closer to occasional robbery. The perpetrators of this category of crime were on the whole accidental criminals, usually not connected with the

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<sup>7</sup> The considerable participation of peasants in highway robbery in Spain during the sixteenth–seventeenth century was stressed by M. Weisser, *Crime and Pounishment in Early Modern Spain*, in: *Crime and Law. The Social History of Crime in Western Europe since 1500*, ed. V. A. C. Gatrell, B. Lenman, G. Parker, London 1980, p. 82–83.

<sup>8</sup> J. M. Beattie, *op. cit.*, p. 239, table 5.3. Unfortunately, it is not known whether those instances included also highway robbery.

criminal environment and previously not accused of any other misdemeanours. Their activity was rather sporadic and as a rule involved one or two cases, but they were encountered rather frequently and constituted a large percentage of the tried cases (about 43 per cent). Of course, it is quite possible that some of the accidental robbers — as one can conclude from the course of inquests — were actually professionals. This is rather feasible assumption and we deal with such a situation quite often in criminal materials pertaining e.g. to thieves when the person accused of a petty crime and leniently sentenced was soon caught again and only subsequent investigations revealed that he was a dangerous professional criminal. One can presume, therefore, that in reality the group of professional robbers was much larger. The greatest social danger was connected with organized gangs which met with the greatest interest of the judges. It is not surprising, therefore, that the most exhaustive extant information pertains to this form of activity.

A large part of the professional robbers were organised into so-called companies which at times totalled scores of people<sup>9</sup> and were the outcome of occasional or periodical activity, mutual acquaintanceship or only the same group of companions who frequented dens. Highway robberies, however, were committed in groups of several persons, usually composed of 4–6 felons, at other times of 2–3 persons or, in rare instances, of more<sup>10</sup>. Great bands of robbers were an exception<sup>11</sup>. Even in those cases one can assume that particular crimes were the work of groups of several robbers, possibly with the exception of attacks directed against manorhouses or town houses, which, it was anticipated, would defend themselves. The question of leadership remains unclear. Inasmuch as “leaders”, “chiefs” or “hetmans” appear in testimonies concerning large groups, the members of smaller gangs seemed to enjoy equal rights. This does not hold true, of course, for the hired servants who also took part in assaults and in the division of the loot, as well as for persons who were just learning this trade. In such infrequent groups, it is possible to disclose the leaders only sporadically; their dominating role can be noticed especially during the division of winnings, when they allotted the main part themselves<sup>12</sup>.

The victims of highway robbery were usually those persons who did not have at their disposal a sufficient retinue or who had not taken sufficient

<sup>9</sup> On the criminal “companies” see: M. Kamler, *Struktura i liczebność środowisk przestępczych Poznania i Krakowa w drugiej połowie XVI w. (The Structure and Numerosity of the Criminal World of Poznań and Cracow in the Second Half of the Sixteenth Century)*, “Przeszłość Demograficzna Polski”, 1985, p. 85–88; I wrote about this topic most extensively in a monographic study entitled: *Świat przestępczy w Polsce XVI i XVII stulecia (The Criminal World in Sixteenth and Seventeenth Century Poland)*, Warszawa 1992.

<sup>10</sup> AMKr., 864, f. 127–130, 135, 177–179; *ibid.*, 865, f. 34–36, 81–85; AMKaz., K266, f. 116, 118, 126–132, 142–148; AML, 140, f. 130v–147v, 268–289v; *ibid.*, 142, f. 37, 42–46, 109–120, 237–256; AMP, I 639, f. 44v–45, 85–88; *ibid.*, I 641, f. 19. J. M. Beattie estimates the numerosity of robber gangs in eighteenth-century England in the same manner (*op. cit.*, p. 257), and in citing examples of groups composed of up to twenty persons he is of the opinion that their members in practice acted in smaller groups of 4–5 men.

<sup>11</sup> AMKaz., K.267, f. 283–294; AML., 140, f. 295–312, 352–258v; *ibid.*, 139, f. 139v–150v.

<sup>12</sup> AML., 142, f. 282, 295.

precaution. They were usually merchants who carried goods by cart, or who returned with money, itinerant stallkeepers, peddlers and artisans, various solitary travellers on foot, servants on horseback and, rather often, noblemen who travelled alone on horseback or in coaches. Professional bands or robbers lay in wait for the richly laden merchants' carts, wealthy Jews and the gentry, but also attacked solitary poor travellers<sup>13</sup>. The felons who acted individually or in twos, as a rule restricted themselves to robbing solitary travellers. For the latter, particularly dangerous were places with poor visibility, where it was easy to organize an ambush and to hide oneself with the boot — i.e. predominantly stretches of roads leading through forests. There were also instances of robbery in open places e.g. next to river crossings or fords, near buildings standing alone in the vicinity of towns (such as brick-kilns) and sometimes on open highways. Regions which were especially threatened included those which were at a small distance from boroughs — the destinations or places of departure for merchants or travellers — where the probability of encountering people worthy of being robbed was the greatest<sup>14</sup>.

The majority of robberies took place along the most popular routes i.e. from Cracow to Silesia, Great Poland and Warsaw, or in the easterly direction, to Lvov. In 1580 a band was sentenced for having robbed and murdered at least 15 persons in the Głogowiec Forest (near Pstroszyce, next to Miechów); a note in a chronicle of a Cracow burgher from 1584 and 1589 which mentioned robbers killing people in the same forest against which Jan Straszkowski, the Cracow deputy *starosta*, organized an expedition of fifty armed men, proves that this was a site of particular danger for travellers<sup>15</sup>. A similar peril lurked in the environs of Lublin on the highways leading to Lvov and Lewartów (to the north), and towards Kazimierz on the Vistula and Cracow. Those brigands who had their haunts and taverns in Poznań concentrated their attention especially on routes towards Silesia (a great number of assaults took place around Śrem) and Gniezno (next to Pobiedziska). Equally dangerous were the woodlands near to Mosina, in the direct vicinity of Poznań, and to the north, next to Owińska. A considerable number of robberies were committed by professional criminals often very far from their headquarters; for example, gangs connected with the criminal world of Lublin were found near Warsaw, in Silesia or near Lvov. It was rare for the professional robbers to wait in particular places for an opportunity to assault. Presumably, groups which acted for a longer time in one place, usually

<sup>13</sup> Among the numerous examples see: AMKaz., K 266, f. 127, 128, 131; AMKr., f. 82, 84; AML., 140, f. 141v; *ibid.*, 142, f. 37; AMP., I 639, f. 87v, 88, 89v; *ibid.*, 0 641, f. 34.

<sup>14</sup> J. M. Beattie estimates this situation in England from the seventeenth to the eighteenth century in a similar fashion, *op. cit.*, p. 154–159, 256. Over 68 per cent of robberies in Surrey took place in the northern, smaller part of the county, closer to London, and not quite one-third in typical rural areas (table 4.2).

<sup>15</sup> AMKaz., K266, f. 128, 131, 132, 144 and *Kronika mieszczanina krakowskiego z lat 1557–1595 (A Chronicle of a Cracow Burgher from the Years 1575–1595)*, ed. H. Barycz, Kraków 1930, p. 27, 74–75. For the localization of Głogowiec see: B. Wyrozumska, *Drogi w ziemi krakowskiej do końca XVI wieku (Roads in the Cracow Region up to the End of the Sixteenth Century)*, Wrocław 1977, p. 67.

in a forest, were rather infrequent<sup>16</sup>. As a rule, robbers roamed on horseback along highways, seeking out their future victims. “Then, having taken good horses, we rode from Kazimierz to the Cracow highway, for loot and attacking various people (...) We approached some cart drivers (...) near Szydłów who conveyed Jews, and , having cried out, I attacked (...)”<sup>17</sup>. Persons who robbed alone or with a single accomplice, and on foot, were satisfied with an accidental, usually small booty, and often committed their crimes along the forest and field tracks, choosing, as one of accused phrased it nicely, “groves and woods where no cattle passes, nor children watch the livestock — between fields of grain”<sup>18</sup>.

The companies which departed from towns for the purposes of robbery usually attacked merchants or travellers encountered by chance, and only later discovered whether the assault produced the anticipated winnings. Sometimes, they were able to detect, usually in a tavern or an alehouse, money or valuables carried by a traveller or merchants, and to discover the direction of the further journey. Then, once the victim was on his way, the robbery was committed in a suitable spot<sup>19</sup>. Some of the bands had their permanent informers primarily among the den keepers and Jews who coworked with the criminal world, and who offered information about merchants or other voyagers<sup>20</sup>. Unfortunately, it was impossible to discover more detailed data on this subject. We do,

<sup>16</sup> Such was the case e.g. in the woods near Poznań (AMP., I 639, f. 86–88) and in the environs of Cracow (AMKr., 864, f. 146–147; AMKaz., K 266, f. 128, 131, 144), as well as close to Lublin (AML., 140, f. 73v–74). These observations do not hold true for highland robbery.

<sup>17</sup> AML., 142, f. 302.

<sup>18</sup> AMKr., 864, f. 156.

<sup>19</sup> *Ibid.*, f. 20, 85, 127, 128; *ibid.*, 865, f. 35; AMKaz., K. 266, f. 120: “*Item* he confessed that one cannot establish the number of things stolen by Jadamek and passed on to him, since the aforesaid Jadamek noticed who has money, either wearing poor attire or ordering a quart of beer for himself and Mendik, and passing on information to the witness; afterwards, they stole if they could, or killed anyone who put up resistance”. AML., 142, f. 205, 250, 152, 177, 179, 189, 199, 319–320; “(...) We went to Przemyśl to a fair, three of us and Linczewski the fourth, and we lived there until the end of the fair; having espied Silesian Jews, we followed them and struck outside Radzymin, taking two thousand zlotys in money and some silver (...)”. AMP., I 638, f. 177; *ibid.*, I 639, f. 107v; *ibid* I 663, f. 43v–44.

<sup>20</sup> AML., 142, f. 278: “(...) They went to Ludwik who (...) said: I have a certain merchant with whom I plan to go to Cracow (...) and shall spy upon him (...) if I travel with that merchant, then take care not to kill me, since after all, you will recognize me; I shall flee and you will plunder the cart”; *ibid.*, f. 283–284: “Asked, whether those Jews spy for Krasicki for a long time, *respondit*, that they had already done so for Oboduński, deceased, and hence the acquaintanceship between that Stasiczek and those Jews”; *ibid.*, f. 288, 294–295: “(...) They rode to pass on information about those persons who went to the Ukraine with money, espied by Prokopowicz, who, having shown us the men, bypassed the village near Janowiec (...) in order to mislead them; Prokopowicz rode by their side, and we lay in wait for them in the second village; once we attacked, they instantly took to arms and we were unable to achieve anything” (...); *ibid.* f. 296: “From there he sent Borkowski with Szwidziński to Łuków, telling them that if they were to see Wódka or Ludwik, they should ask them to deliver anyone who comes from Łuków fair with money”; *ibid.*, f. 326: “In Cracow those robbers have their spies, Marek and Moszek, both Jews (...) who spy upon various merchants; those Jews attend the fairs in Lublin because they are provided with horses by those robbers so that they could point to various merchants”. On the cooperation between tavern keepers, den keepers and persons dealing with stolen goods, and robbers in eighteenth-century England, cf. J. M. Beattie, *op. cit.*, p. 253–256.

however, have some information about robbers who spent longer periods of time in the woods near Poznań and about their organization. In 1571 three bands, each some 3–4 persons strong, lay in wait in the Głuszyn and Mosina forests to the south of the town and in the Trojanów forest to the north. “*Item* in the Głuszyn forest (...) they took the money of peasants going to Śrem or elsewhere, and robbed them of twenty pieces (...) There they spent days in the forest and at night burned fires (...) In the Trojanów forest towards Owieńska there are three men who kill or rob (...) They have dug out in the ground, near the river (...) they also have two muskets and spears and swords (...) Three of them in the Mosina forest live among osiers in the direction of Rogalinek, between the rivers (...) towards Mosina(...) But in those three forests the companies are as one and they known about each other (...) They have five muskets, three swords and enough meat which they find either in the woodland or elsewhere (...) The number of leather purses taken from peasants and kept there in a hiding pit is so great that one could not load them onto a single cart. This spot is half a mile from Daszewice, past the path through the thicket”<sup>21</sup>. Apparently, gangs in the suburban woods remained in constant contact especially with the den keepers and dealers in stolen goods in town, whom they provided with the loot, in return for food. This assumption is testified by a text from 1616 which declares, i.a. “They frequented the tavern of Szabla who knew about their robberies. He was also asked by Matiaszek to join the company in the wood. This Matiaszek came on horseback for food which he purchased for them. He (...) took (...) food (...) in pots. They spent days and nights in the forest in a hut of their own (...) built in such a way that they slept together with the horses”<sup>22</sup>.

Attacks of professional robbers as a rule followed a similar course. The bandits acted suddenly, profiting from the element of surprise. If they carried firearms, which at that time was almost the rule, then they aimed at the driver or those persons who appeared to be the most dangerous. Sometimes, the brigands murdered all the victims, but just as frequently, especially when they met no resistance, they spared their lives and left them bound or tied to a tree<sup>23</sup>. In order to avoid the danger of quick alarm and chase, the robbers wounded the fetlocks of those horses which they did not take with them (since probably these were animals easy to recognise). There is not a single instance of a “noble” highwayman of the sort which were mentioned in England or Italy during that

<sup>21</sup> AMP., I 639, f. 86–88.

<sup>22</sup> *Ibid.*, I 641, f. 19, 34.

<sup>23</sup> AMKr., 864, f. 137: “He confessed that (...) he chose a Jew (...) along the highway, some half a mile from Bochnia, and took his 2 zlotys, planning to kill him if he decided to defend himself”. AMKaz., K 266, f. 132: “(...) They selected a priest from Głogowiec, took his horse and 200 florins and tied him to a tree”, the same in f. 144; AML., 141, f. 135: “(...) He robbed and bound the delatores, and gagged them”; *ibid.*, 142 f. 252: “Having robbed, they bound people in coaches, so as not to be pursued (...)”. AMP., I 638, f. 179: “(...) On his way to Gniezno he robbed Michał, a Jew, in the forest (...) tied him to a pine tree and left him in the forest”. Instances of victims being tied to trees were also mentioned by W. N. Трепка in *Liber generationis plebeanorum* (“*Liber chamorum*”), ed. W. Dworzaczek, Wrocław 1963, no 1914 and 2297.

period, who sometimes even mercifully left their victims money for continuing the journey<sup>24</sup>. Upon certain occasions, the assailants covered their faces with masks or wore e.g. sheepskin coats so as to avoid recognition<sup>25</sup>. We also know of a contrary case, albeit from a rather ambiguous text, of professional robbers, brothers Franciszek and Stanisław Krasicki, who played a leading role in the criminal world of Lublin during the 1640s, and who left behind characteristic signs of their presence at the site of the crime<sup>26</sup>. Women victims were sometimes raped<sup>27</sup>. Information about a particularly drastic case is provided by a confession made in Cracow in 1589<sup>28</sup>. A gang of several robbers attacked in a canyon a coach on its way from Częstochowa to Cracow. The driver and older woman were killed straight away, and the girl passenger was taken by the leader of the gang, Piotr Baliński, to his home (presumably a hideway in the nearby woods) where for a fortnight “he did with her whatever was his fancy” and then ordered his people to kill her too. The corpses were usually concealed in the thickets or bushes, buried or thrown into rivers in order to delay the discovery of the murder and the pursuit of the perpetrators as long as possible, although sometimes the body was left at the site of the crime<sup>29</sup>. Jędrzej Mazur, a tavern keeper in Bierków who testified in Cracow in 1568, alone or with his helper killed and robbed almost 30 persons next to or even inside his tavern and usually concealed the bodies in specially prepared dugouts in the closeby forest and on the grounds of the inn. The “hiding place in the second chamber of the house, lined with boards on all sides, and covered with boards and cheap clothes” was probably intended for keeping the booty<sup>30</sup>.

Not all the assaults were successful. As a rule, the robbers did not like taking risks and resigned from attacks once they saw that their victim was ready to defend himself or put up armed resistance. In 1589, Walek Jekot, a leader of a gang of several bandits, recalled that “they were ready to kill a German in the woods of Lelów, but he defended himself so well as fired from two muskets so that they fell on their faces in the road and he escaped on horseback up the hill”<sup>31</sup>. Upon another occasion the assaulted person managed to flee without putting up a struggle<sup>32</sup>. The conduct of the robbers after a successful attack was

<sup>24</sup> A. Mączak, *Życie codzienne w podróżach po Europie w XVI i XVII wieku (Everyday Life in Travels across Europe during the Sixteenth and Seventeenth Century)*, Warszawa 1978, p. 179–181. J. M. Beattie (*op. cit.*, p. 151–152) believes that the absence of the danger of being captured on the part of the robbers acting along highways outside towns, in contrast to urban robbery, constituted a factor which favoured a more lenient treatment of the victims.

<sup>25</sup> AML., 142, f. 252; AMKaz., K 267, f. 20.

<sup>26</sup> *Ibid.*, f. 303: “*Item fassus*. The Krasickis’ ride along with bows and have cards for purposes of recognition; when they rob someone, they leave the cards behind”.

<sup>27</sup> ACC, 1101, f. 161–162; AML., 140, f. 141v, 229.

<sup>28</sup> AMKr., 865, f. 35–36.

<sup>29</sup> AMKr., 864, f. 54, 127, 135, 138, 147, 346; *ibid.*, 865, f. 34, 35; AMKaz., K 266, f. 118, 119, 144; AML., 140, f. 43v; *ibid.*, 142, f. 45, 462, 464; AMP, I 639, f. 44v, 86, 87v, 89v, 90v, 107v; *ibid.*, I 641, f. 19; *ibid.*, I 641, f. 296v.

<sup>30</sup> AMKr., 864, f. 155–159.

<sup>31</sup> AMKaz., K 266, f. 145; see also: AML., 142, f. 279; AMP, I 663, f.57; *ibid.*, I 641, f.346v.

<sup>32</sup> AMKr., 864, f.85; AML., 142, f.279.



appropriate to the given circumstances. After a speedy departure from the site of the crime, some bands continued their journey along the highway, on the lookout for new victims. Others immediately left, each member in a different direction, to hinder pursuit, and usually converged again with other members of the, as a rule, numerous company; still others stayed for some time in town, spending money, in order to soon embark upon a new excursion with their old or new companions<sup>33</sup>.

The gains of professional robbery varied. The search for and observation of future victims by members of the gang and persons who cooperated with it, as well as a proper choice of the object of robbery (usually merchants) meant that the loot was considerable. The sums of money usually varied from several score to a few thousand zlotys<sup>34</sup>. The assailants also took valuables as well as horses while corpses were rather universally stripped of clothes<sup>35</sup>. Some of the more careful robbers “did not take clothes but only money and firearms”<sup>36</sup>. Certain robberies failed and then the booty amounted to only a few zlotys or even less<sup>37</sup>. The loot was essentially divided into even shares, but sometimes they depended on the status of the given member of the group and the role played during the assault. In certain cases, participants concealed part of the money or jewels from their associates, but upon other occasions everyone took as much as he could from the plundered merchant carts and sometimes sharing of the booty caused bloody riots between robbers<sup>38</sup>.

<sup>33</sup> “Then, having arrived in Lublin in the early hours of the morning (after a successful robbery — M. K.), we departed for different taverns” (AML., 140, f. 144v), but on another occasion: “Having taken those things, we parted company” (*ibid.*, f. 145v); “After that robbery, each one went his own way (...) I made for Piotrków” (*ibid.*, 142, f. 287); “We met this Pomorski for the third time in Włodzimierz. When he left me, Pomorski joined another company (...) he boasted that he robbed together with Malinowski, Karaś and Skąpski” (*ibid.* f. 188). M. J. Beattie draws attention to the loosely-knit nature of the English robbers’ bands from the seventeenth to the eighteenth century, to the frequent changes in their numerosity and the admittance of various felons to ever new groups (*op. cit.*, p. 256–262).

<sup>34</sup> Information about this topic appear on a mass scale in various testimonies, see e.g.: AMKaz., K 266, f. 119; AML, 142, f. 47, 196, 251, 292 (in this case the loot included over 2 000 zlotys, silver spoons and sable furs, but the victim — a Jew — was supposed to have carried about 30–35000 zlotys from a sale of oxen, a sum which he did not take fearing robbers), 286, 299 (4 500 zlotys), 304 (4 000 zlotys and about 15 000 in silver, clothes and sable furs). A comparison of the value of booty robbed during robberies and thefts in Surrey during the 1660–1800 period proves that as a rule thefts guaranteed more valuable winnings. The value of loot which did not exceed 10 shillings amounted to 24,7 per cent robberies and only 13,3 thefts (burglaries), while only 9,5 per cent robberies and 25,2 per cent of burglaries involved a sum over £10; see: J. M. Beattie, *op. cit.*, p. 164–165, table 4.4.

<sup>35</sup> Amongst the hundreds of detailed information concerning this topic we come across a more general one: “(...) He does not recall who purchased the clothes which they took the killed persons, since not all wore good quality apparel” — AMKaz., K 166, f. 129.

<sup>36</sup> AML. 142, f. 252.

<sup>37</sup> AMKaz., K 266, f. 119, 131, 210; AML. 140, f. 145; *ibid.*, 142, f. 302–303 et al.

<sup>38</sup> AMKr., 865, f. 121; AMKaz., K 267, f. 44, 287; AML., 140, f. 281–282; *ibid.*, 141, f.137v; *ibid.*, 142, f. 39, 249–253, 286: “(...) We took so much money from them, that everyone received 40 thalers, and only I got 15, but secretly I took 30, and additionally 100 zlotys (...)”; *ibid.*, f. 320: “Babiński argued with Linczewski about the silver and he saw (...) when Linczewski hid the broken spoons in secret (...) and having argued, Babiński shot Jan Linczewski in the head (...) and we received everything which was intended to be his share”.

Occasional robbery committed on highways by felons who did not engage in it on a professional basis differed slightly. As a rule, these were persons who previously had nothing in common with crime<sup>39</sup>. These perpetrators included two, more rarely three men, and often acted alone. No plans or earlier observations of the victims were conducted and the latter were almost always solitary travellers, chance bypassers and only exceptionally merchant carts which usually conveyed several persons and could be expected to put up a resistance. Quite frequently, the victims were peasants or village girls<sup>40</sup>. Occasional robbers were unprepared for their activity and only exceptionally used firearms; the victims were stabbed or even beaten to death. The haphazard selection of the victim was the reason why very often the loot was small, sometimes no more than a few pennies.

A special form of highway robbery was the so-called response i.e. a previously announced revenge. In instances mentioned in the examined material, it was applied upon two occasions against Jews and in a single case against undefined manorial servants<sup>41</sup>. The activity of all the “response givers” actually came down to common robbery, also directed against people whom the response did not concern<sup>42</sup>. A certain added piquancy to the case of Andrzej Koch from Wschowa, a “response giver” of 1559, is given by the fact that the person who inspired and financed his activity against the Jews of Poznań and who profited from the division of the winnings was Barbara Leszczyńska, the wife of Rafał, the castellan of Przemęt, who in this manner tried to ensure a return of a sum of 3 500 zlotys which Koch owed her.

In the majority of cases the robbers murdered their victims during the assault, usually at the very outset of the attack, with premeditation and much cruelty. The victims were, as a rule, persons who decided to resist. In the material in question, the accused men admitted to having murdered 310 persons in 365 assaults (in over ten instances the victims totalled 2–3 in a single attack) but it seems that the number of fatalities was much larger. The universally used expressions for describing robbery: “They stripped a person”, “they crossed his voluntary path”, “they broke the Jews or merchants up” or “they took from the peasant” do not exclude murder. Of course, it lay in the interest of the accused not to admit to having committed murder since the latter automatically eliminated a chance for saving his life, while a large number of victims signified

<sup>39</sup> E.g. AMKr., 864, f. 150–153, 279, 282–283; *ibid.*, 865, f. 130; AMKaz., K 267, f. 269; AML, 140, f. 43v–46, 154–154v, 220–224; *ibid.*, 142, f. 460–465; AMP, I 639, f. 4–4v, 33–33v, 107–107v, 243v; *ibid.*, I 640, f. 223v; *ibid.*, I 641, f. 346v; *ibid.*, I 663, f. 43v–44; *ibid.*, I 400, f. 621.

<sup>40</sup> E.g. AMKr., 864, f. 258; AML, 141, f. 14v; AMP, I 639, f. 44v–45, 87v–88, 89v; *ibid.*, I 641, f. 34.

<sup>41</sup> AMKr., 864, f. 52–54; AMP, I 638, f. 176–179; *ibid.*, I 639, f. 24–26. On the subject of the response see: A. Pawiński, *Odpowiedź wedle obyczajów rycerskiego na prawie polskim (The Response According to the Knightly Customs in Polish Law)*, “Ateneum”, vol. 84, 1896; P. Dąbkowski, *Zemsta, okup i pokora na Rusi Halickiej w w. XV i pierwszej połowie XVI w. (Revenge, Ransom and Penance in Halicz Rus in the Fifteenth and the First Half of the Sixteenth Century)*, “Przegląd prawa i administracji”, vol. 23, 1898; *idem*, *Jeszcze o “odpowiedzi” w prawie polskim (Once Again on the “Response” in Polish Law)*, *ibid.*, vol. 24, 1899.

<sup>42</sup> AMP, I 638, f. 176–177.

a death sentence preceded by torture<sup>43</sup>. There are no bases for estimating the number of the victims who lost their lives, but one could accept with certainty that the fatalities of highway robberies considerably exceeded the number of the survivors. Professional robbers killed much more often than the occasional criminals; in the material in question about 60 per cent of robbery with assault was the work of professionals, in the course of which as many as 79 per cent of all the victims mentioned in the confessions were murdered.

Robberies in towns resembled occasional crimes. The most copious material comes from Cracow, while data from Lublin and Poznań mentions only sporadic cases<sup>44</sup>. Here, the perpetrators usually included solitary felons or those acting with a single accomplice, more rarely groups of three or four, while the victims were accidental and, as a rule, solitary bypassers. Only a few of the testimonies ascertain that robberies were committed at night, but taking into account the large proximity of the town buildings and considerable traffic during daytime, one can assume that the majority of assaults took place at night or during late evenings<sup>45</sup>. In Cracow the mound (Great Mound) located on the Eastern side of the town walls in the vicinity of Mikołajska and Nowa gates was a particularly dangerous place for late and solitary bypassers<sup>46</sup>. Testimonies mention the Kazimierz bridge, the gate in the wall next to St. Anne church and the area around the stone mill in Garbary. Assaults also occurred in the centre of the town — for example, on Kanoniczna or Szpitalna Street. The victims were deprived of their money, valuables and arms, and stripped of their clothes; often the “stripping” of women was accompanied by rape<sup>47</sup>. It seems that the victims of robbery in towns much more frequently saved their lives than those attacked outside the city walls, although the universally applied term “stripping” sometimes also indicated the killing of the victim<sup>48</sup>.

<sup>43</sup> So-called classified death, see note 2.

<sup>44</sup> AMKr. 864, f. 50, 52, 255, 346–347; *ibid.*, 865, f. 9, 81–85, 179–181; AMKaz, K 266, f. 172; *ibid.*, K 280; text with unnumbered pages, the testimony of Jan Pawłowicz from Vilno; ACC, 1001, f. 160–162; AML. 141, f. 14v; AMP, I. 663, f. 57–59; *ibid.*, I 655, f. 248.

<sup>45</sup> AMKr. 865, f. 82: “(...) At night he roamed the company (...) once they singled someone out, walking alone, they stripped him (...)”; AMKaz., K 266, f. 282: “(...) He went to the mound at night with Grześ. Turski and Balcer Litwinek, for sheepskins, fur coats and hats (...)”; the same in: AMKaz., K 280, loose pages, unnumbered, a testimony of Jan Pawłowicz from Vilno.

<sup>46</sup> The term mound, or great mound, encountered in the testimonies, is ambiguous; it could mean the mound itself, which protected against floods, the site of residential houses, cf. S. Tomkiewicz, *Ulice i place Krakowa w ciągu wieków. Ich nazwy i zmiany postaci (The Streets and Squares of Cracow in the Course of Centuries. Their Names and Changed Appearance)*, Kraków 1926, p. 64 and 120. The expression: “(AMKr., 865, f. 9) indicates that what was at stake was the mound itself, and not the general name of the district, used at that time (Mound, Great Mound), located along the eastern part of the town walls, see: J. Bieniarzówna, J. Małeckki, *Dzieje Krakowa (The History of Cracow)*, vol. 2: *Kraków w wiekach XVI–XVIII (Cracow in the Sixteenth–Eighteenth Centuries)*, Kraków 1984, p. 188–192; H. Świechowska, *Przedmieście Wesola (The Suburb of Wesola)*, Kraków in: *Studia nad przedmieściami Krakowa (Studies on the Suburbs of Cracow)*, Kraków 1938, p. 131.

<sup>47</sup> ACC, 1101, f. 161–162. On robberies in the streets of Cracow see also: W. N. Treпка, *op. cit.*, nos 1035, 1063, 1765, 2177 and 2192.

Robberies on highways and in towns, carried out by professional felons and thieves, as well as by persons more or less accidental, were the most widely disseminated form, and of all varieties of criminal activity constituted the greatest threat for public peace in the Commonwealth. It seems worthwhile to mention two other forms of robbery — attacks against homes and the activity of the so-called frivolous groups. Assaults involving homes in towns, usually in the suburbs, should be considered rather a symptom of high spirits, usually of the gentry, and were more often connected with rape than with crimes against property<sup>49</sup>. Attacks involving purely robbery were very rare, such as the taking of jewels and valuables from a house on the outskirts of Olkusz in 1601 or the plunder of the home of a gunsmith in the suburbs of Poznań in 1616, committed in a general atmosphere of unrest produced by the pulling down of a Protestant church<sup>50</sup>. Much more frequent were robberies of buildings situated outside the towns, mainly manors and mills where valuable booty was anticipated<sup>51</sup>. At times, personal accounts were settled by the plunder of manorhouses, with robbery as such playing a marginal role<sup>52</sup>. Apart from the relatively permanent companies or groups which were formed by chance, great bands robbed travellers on highways, robbed and burned the manors of the gentry and farmsteads of wealthy peasants and even houses in small towns. Such a band, active in the 1620s in the Podhale region, and totalling up to 20 persons of local origin, committed numerous acts of robbery on the highways and pillaged and set fire to the manor of Tobiasz Jakliński, attacked a farmstead in Wysoka, the house of the *scultetus* in Spytkowice, a shoemaker in Pcim, a blacksmith in Sucha, a weaver in Wysoka, and four houses in Tymbark<sup>53</sup>. The victims were tortured in order to gain information about hidden money or jewels, and then murdered. The winnings often amounted to several thousand zlotys. The band led by Paweł Węzyk which robbed in Silesia during almost the same period, acted in a similar fashion<sup>54</sup>. The number of such gangs, however, was small,

<sup>48</sup> AMkr., 864, f. 346. In England street robberies during the eighteenth century were commonly regarded as much more ruthless and cruel than robbery committed outside towns; see: J. M. Beattie, *op. cit.*, p. 151–152.

<sup>49</sup> AMP, I 347, f. 35v–36; *ibid.*, I 640, f. 22–22v (the same case: f. 27v–28 and I 660, f. 38–38v); *ibid.*, I 665, f. 356v–357; *ibid.*, I 666, f. 25v–28; *ibid.*, 657, f. 10–10v; *ibid.*, I 408, f. 53–59; *ibid.*, I 409, f. 1278–1282. This is the conclusion also made by A. Karpiński who examined the social margin and criminal world of Warsaw: *Pauperes. O mieszkańcach Warszawy XVI i XVII wieku (Pauperes. On the Residents of Warsaw in the Sixteenth and Seventeenth Century)* Warszawa 1983, p. 211 sqq.

<sup>50</sup> ACC, 1101, f. 116–136, 200–208, 211–213, 215–217; AMP, I 641, f. 55–58, 59v, 61, 63–66v.

<sup>51</sup> AMkr., 864, f. 120–122; AMkaz., K 267, f. 16–27; AML., 142, f. 425–435.

<sup>52</sup> AML., 140, f. 140; *ibid.*, 142, f. 119.

<sup>53</sup> AMkaz., K 267, f. 283–294. Members of this band came from Czarny Dunajec, Gronków, Lipnica, Odrowąż, Osielec, Pcim, Piekielek, Rogoźnik, Skawina, Spytkowice and Zubrzyca. Some of their surnames are encountered among the present-day population of those localities.

<sup>54</sup> AML, 140, f. 295–312. We find information about this category of bands who acted in the 1620s in the region of Żywiec also in: Andrzej Komornicki, *Chronografia albo Dziejopis Żywiecki (Chronography, or the Żywiec Chronicle)*, ed. S. Grodziski, L. Dwornicka, Żywiec 1987, p. 137, 159.

especially outside the mountaineous regions, and their role in the overall phenomenon remained slight.

The so-called adventurous groups, composed of discharged solidiers and their servants were only of a semi-criminal nature. They comprised from several up to several score persons, sometimes known as squadrons, and were probably led by former military commanders. We encounter somewhat more extensive information about robberies committed by these groups only in source material from Lublin<sup>55</sup>. The bands drifted from one small town and village to another, imposing ransom in money and sometimes took only food and drink. On their way, they committed numerous acts of violence and robbery on highways, and even in townlets. The over running and pillage of the town of Dukla, probably in 1628, was particularly infamous and often mentioned by the judges who questioned many of the members of such groups charged that year as well as unaffiliated robbers.

The regions most threatened with the bands in question were the areas of south-eastern Commonwealth, the scene of considerable socio-political destability in the first half of the seventeenth century. The groups must have constituted a serious danger for public order, since regular army detachments were employed against them<sup>56</sup>. The problem of the adventurous groups, unfortunately, exceeds the framework of this study, and calls for separate, much more extensive research.

The essence of robbery is the seizure of another persons' property and therefore, this goal must be recognized as the fundamental or even the sole motivation of the activity pursued by robbers. It would be interesting, however, to find out whether, and if so then in what manner, did the accused attempt to explain themselves and to justify their crimes. Regrettably, the testimony presented by them, sometimes copious and exhaustive, includes very little pertinent information. Apart from the discussed above answers which contained clear symptoms of revenge, the explanations, as a rule, concern assault and murder involving concrete persons, and not a general motivation which inclined towards robbery. In several cases, the cause of the criminal act was a wish to claim wages for past service (this explanation often occurs in the confessions of thieves) or an element of revenge for harm previously inflicted, for example, for bodily assault<sup>57</sup>. One of the assailants explained his deed by a wish to obtain money for paying off a debt<sup>58</sup>. Urban of Głuszyn, a professional thief, robber and murder, declared that "he killed that peasant from Podole since he owed him 6 groschen and had none; therefore, he murdered him and took his clothes, left him in the forest and removed his breeches"<sup>59</sup>. Such a confession, with its

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<sup>55</sup> AML, 140, f. 121–124v, 125v–127v, 129–147v, 161–173v, 215v–216v, 256–258v, 262–265v. One of the frequently mentioned leaders of the adventurous groups active in the 1620s was Marcin Udrzycki, supposedly a former squadron commander.

<sup>56</sup> AML, 140, f. 123.

<sup>57</sup> AMKr., 864, f. 87, 137; AML, 140, f. 221.

<sup>58</sup> AMP, I 639, f. 234v.

<sup>59</sup> *Ibid.*, f. 86.

cruel overtone, seems to reflect well the mentality of a considerable number of the felons who engaged in robbery, and often murdered their victims for the sake of a few pennies and old, worn clothes.

It also seems worthwhile to reflect whether there is any basis for evaluating the dimension of robbery in the Crown Lands, and the resultant state of safety on the roads. The answer to this query is by no means simple for a variety of reasons. Above all, there immediately comes to mind the doubt — always present in the examination of all symptoms of crime — whether court material from that period, even completely preserved, provides the opportunity for an estimation of the actual size of the phenomenon, examined upon its basis. The possibility of becoming acquainted with the true dimension of crime is recently more and more negated by Western European scholars who, after all, have at their disposal an incomparably fuller archive documentation<sup>60</sup>. It seems that such opinions are fully justified, and all attempts at quantitative estimations of particular varieties of criminal activities are extremely hypothetical or totally arbitrary.

Quantitative lists of robberies, mentioned in the court testimonies of the charged criminals, delineate only the minimal level of the phenomenon. Even then, this level remains rather undefined since alongside the information concerning concrete robberies one often comes across general information about particular felons or whole companies of robbers, which cannot be subjected to any quantitative evaluations<sup>61</sup>. While reflecting on the degree of the threat to the travellers or the effectiveness of the order-keeping services, it must be also borne in mind that the capture and sentencing of one or two felons, as a rule, did not put a halt to the activity of the group of which they were members. As is known, those ensembles were loosely connected and the captured accomplices were rapidly replaced by others. Finally, there remains the constantly recurring question concerning the percentage of robberies which are mentioned in court records, and the number of those about which we have no information at all (the problem of the so-called dark figure)<sup>62</sup>.

The very concept of safety on highways also appears to be relative. Does the number of up to twenty robberies annually on a given stretch of highway enable us to regard it as dangerous? Or could that figure be several score? Certainly in many regions, especially in Southern Europe, dangerous highways

<sup>60</sup> This subject is discussed extensively by J. A. Sharpe, *Crime in Early Modern England 1550–1750*, London 1984, chapter 3. See also: M. Kamler, *O niektórych problemach badawczych historyka przestępczości w okresie nowożytnym (On Certain Research Problems of a Historian of Crime in Early Modern Times)*, "Przegląd Historyczny" 1987, fol. 2, p. 289–297. A slightly more optimistic opinion than Sharpe is expressed by J. M. Beattie, *op. cit.*, p. 200–201, where he included a general presentation of different views.

<sup>61</sup> E.g. AMKaz., K 266, f. 178: "Socha is the one who strips and kills whenever he sees something on anyone. Wojtek is his companion (...)"; AML., 142, f. 203: "I know Swieżiński and Bogdański, both of whom amuse themselves with robbery". Information about robbery in the forests near Poznań: AMP, I 639, f. 86–88.

<sup>62</sup> The term "dark figure" signifies the ratio of disclosed crimes (for some scholars — also those tried) to the general, unknown number of committed crimes.

included those along which it was possible to travel only in the company of a suitably well-armed escort, and those bypassed by merchants and travellers who opted for longer but safer routes<sup>63</sup>. In Poland, such tracts did not exist (with the possible exception of certain mountainous regions) but did this mean that our highways were secure? Such was the opinion voiced by certain foreigners visiting the Crown Lands<sup>64</sup>. Were they correct or rather were they simply fortunate not to have experienced any unpleasant adventures during their travels?

It might seem that the total number of 356 robberies about which we have concrete information is very small, even if one takes into account the fact that it pertains to periods which are well-documented<sup>65</sup>. Studies into all other types of common crime, however, prove that in the period and towns in question the average dimension of crime revealed a considerable stability. Oscillations visible in source material from particular years or decades are the outcome rather of an accidental concentration of the confessions of criminals who acted alone or with only a few accomplices. These testimonies as a rule provide little information concerning the activity of other members of the criminal environment. In other periods we also deal with a concentration of testimonies by persons who belonged to the great criminal companies; as rule, these extensive statements offer numerous information about the particular milieu and illustrate the apparent rise of the crime rate<sup>66</sup>. One can assume that the intensification of robbery — especially in central Poland — did not undergo larger oscillations. On the other hand, a more considerable dimension can be justified in the south-eastern regions, which were especially restless in the second quarter of the seventeenth century. With the assumption of a relatively stable number of robberies, one can regard the decades which offer most data as a source of a picture more realistic than those for which the number of extant information is slight. The infrequent data about robbery in certain decades prove only that a smaller number of felons were captured and tried in a given town, but not a rapid (often many times over) reduction of the dimension of the phenomenon itself. The court registers of Cracow from the years 1551–1560 include 8 testimonies which mention 21 robberies, from the years 1561–1570, in also 8 testimonies, mention is made of as many as 58 robberies, while in 1571–1580 these figures are 2 and 30, in 1581–1590 — 5 and 11, in 1601–1610 — 4 and 22, in 1611–1620 — 3 and 5, and in 1621 — 3 and 18<sup>67</sup>. The registers from

<sup>63</sup> R. Mandrou, *Introduction à la France moderne (1500–1640). Essai de psychologie historique*, Paris 1961, Map 7 (p. 216–217) shows two roads from Paris to Metz — a closer one, recommended by a guide to the highways of France from the middle of the sixteenth century, and a much further one, which bypasses areas particularly threatened by robbers and which was much frequented by merchants. A general, colourful picture of the omnipresent nature of robbery in the Mediterranean regions in the period under discussion is given by F. Braudel, *La Méditerranée et le monde méditerranéen à l'époque de Philippe II*, Paris 1966, vol. 2, p. 99–121.

<sup>64</sup> A. Mączak, *op. cit.*, p. 191.

<sup>65</sup> See above, note 4.

<sup>66</sup> On this topic see: M. Kamler, *Struktura i liczebność*, *op. cit.*, p. 90 sqq.

Lublin contain in the years 1621–1630 — 9 and 29, and in the 1641–1650 periods — 14 and 83<sup>68</sup>. In Poznań the figures are: in the years 1561–1570 — 3 and 12, in 1571–1580 — 5 and 20, and 1581–1590 — 1 and 3. Apparently, the data from Cracow about 58 robberies committed in the years 1561–1570 are closer to reality than those from the 1581–1590 period — about 11 robberies; in Poznań data from the 1571–1580 period are more reliable than those from the following decade. Those numbers should be increased by the unknown quantity of robberies which are confirmed only in a general fashion.

Attention should be drawn to the considerable number of robberies committed and confessed by professional felons. In Cracow Wojtek Narwan from Poznań, tried in 1562, admitted to 11 robberies (including at least 7 murders), in 1568 the earlier mentioned Jędrzej Mazur, an inn keeper from Bierków, confessed to over 30 robberies (with at least 27 murders) while in 1578 Maciej Markowicz mentioned 15 crimes (10 murders) although subsequently he testified that “generally they killed both men and women, altogether 20 persons, with the company mentioned earlier”, probably in the course of single year. In 1580 Wojciech of Michałkowice, Adam Dziełek, Walek Jekot and Adam Koga, members of a large company, confessed to having committed 16 robberies and 18 murders, but one could assume from the text that the number of robberies was larger; in 1628 Kasper Szarek from Spytkowice, who described the activity of the already mentioned gang in Podhale, listed 15 robberies<sup>69</sup>. In 1628, Wojciech Berezo admitted to participating in 18 robberies; in 1644 Grzegorz Olszewski mentioned 11 robberies (including at least 10 murders), in 1645 Stanisław Szymański spoke of 12 robberies (8 murders) and in the same year Aleksander Pałuski described 19 robberies (9 murders)<sup>70</sup>. In 1571 Urban from Gałuszyn admitted in Poznań to committing 14 robberies (16 murders) but these figures were probably larger<sup>71</sup>. Those examples prove that degree of professionalization and the intensification of robbery was in many cases quite considerable, and, at the same time, indicate the accidental nature of the quantitative data gained from source material under examination. It would suffice for up to twenty more professional robbers to have been captured, not a great number from the perspective of 60 years, relatively well documented by confessions made in Cracow and Poznań, to double the number of known robberies.

In considering the dimensions of highway robbery one must keep in mind the fact that the numbers of robberies come from the court records of only three towns. People engaged in robbery as a rule revealed great mobility, and often their activity took them all over the country. Although almost every one of these

<sup>67</sup> In each of those towns all general testimonies mentioning robbery without citing concrete instances were omitted.

<sup>68</sup> Robbery committed by adventurous groups were also bypassed.

<sup>69</sup> AMKr. 864, f. 132–139, 155–160; AMKaz., K 266, f. 114–121, 126–132, 142–148; *ibid.*, K 267, f. 283–294.

<sup>70</sup> AML. 140, f. 130v–147; *ibid.*, 142, f. 31–51, 237–256, 292–312.

<sup>71</sup> AMP, I 639, f. 85–88, 89v–91.



men was more closely connected with a single or more rarely, several towns and committed his crimes in their vicinity, distant excursions were also undertaken. As a result, the felons were captured, tried and sentenced in towns very often distant from their home region. This is the reason why court material from a given town provides only a fragmentary picture of robbery in that area. The absence of registers of other municipal criminal courts makes it impossible to properly develop pertinent research and even to estimate the number of cases tried in other urban centres of the Crown. One can only presume that a small part of these cases found themselves in the three towns examined in this study. The robbers were tried and sentenced, after all, not only in other large townships of the Commonwealth i.e. Gdańsk, Lvov, Toruń, Warsaw and Vilno, and outside the country — in Wrocław, but also in scores of medium-sized boroughs.

All our earlier remarks incline to a conclusion that quantitative data concerning robbery and obtained from the criminal courts of Cracow, Lublin and Poznań, furnish a very limited picture of the intensification of that phenomenon which in reality was certainly several times larger than the one which it is feasible to determine. Although all concrete quantitative evaluations are baseless, it seems that the Polish highways were not quite as safe as certain foreign travellers of the period seemed to believe. I also do not think that the growth of safety depended on any sort of self-defensive measures undertaken by the gentry, either on an individual or a group basis, which are totally omitted in confessions<sup>72</sup>. Quite possibly, the appearance of the opinion about the safety of Polish roads was the outcome of the absence (with the sole exception of mountainous regions and to a certain extent, of the frontier terrains between Great Poland and Brandenburg, and between Pomerania and Prussia) of areas which were particularly endangered or of ill repute, where travel was universally regarded as perilous (as was the case with Aragon, Catalonia, Languedoc, Campagna, Calabria or Albania in the Mediterranean or certain parts of Hungary and Central Germany)<sup>73</sup>. Points of reference are also important — for a traveller familiar with the perils of the highways of the Mediterranean, the degree of danger in the Commonwealth could appear slight. But were those the impressions of visitors from other, safer regions of Europe, such as England?

A possibility for comparing the dimensions of robberies on Polish and English highways is provided by a collation of the percentages of persons charged with having committed that crime within the general structure of felonies (of course, with the assumption that the general crime rate in Poland was not much smaller). Throughout the entire century under examination, robbers who were tried and mentioned in testimonies in Cracow comprised 11,8 per cent of all the criminal offenders, in Lublin as much as 18,8 per cent and in Poznań — 8 per cent. The total list of material from all three towns mentions

<sup>72</sup> This is the assumption proposed by A. Mączak, *op. cit.*, p. 191.

<sup>73</sup> A. Mączak, *op. cit.*, p. 177; F. Braudel, *op. cit.*, p. 98–116; J. A. A. Thompson, *A Map of Crime in Sixteenth-century Spain*, "The Economic History Review", Second Series, vol. 21, no 2, August 1968, p. 257; M. Weisser, *op. cit.*, p. 83.

11,9 per cent of criminals who were robbers<sup>74</sup>. Only within the structure of crimes against property (widely understood, i.e. including the fencing and the sale of stolen goods) this percentage rises to 12,4. The participation of robbers in the general structure of crime (together with charges excluded from studies into criminal environments, such as bigamy, sodomy and adultery) is smaller by about 1–1,5 per cent. Comparative data from the period of interest comes from six English counties. In Essex, Herts and Sussex in the years 1556–1625 accusations of highway robberies amounted to only 3,4 per cent of the total, and in the category of crimes against property — to as little as 4,7 per cent. At that time, in Hertfordshire, which was crossed by main routes leading from London to the north, universally frequented by merchants and travellers, charges of robbery amounted to 6,6 per cent of all crimes against property<sup>75</sup>. Investigations concerning Wiltshire (south–west England) showed that in the 1615–1624 period charges of robbery (although not exclusively) reached as much as 13,5 per cent of the total<sup>76</sup>. Detailed research into the crime rate in the 1610–1800 period in Surrey and partially in Sussex, whose outcome was published by J. M. Beattie, demonstrated that robbery amounted to 7,6 per cent of charges dealing with crimes against property in Surrey, and in agricultural Sussex — to only 4,2 per cent<sup>77</sup>. These figures show that the participation of robbery in the general structure of crime (or crime against property) in Poland was by no means lower than in the counties of southern England but considerably higher<sup>78</sup>.

In Poland, professional companies of robbers usually acted according to slightly different principles than those observed in Southern Europe which remained particularly dangerous. The rather small groups of felons — in comparison with the large gangs in the already mentioned Mediterranean regions — gave greater possibilities for defending even individual merchant carts, protected by a few armed men and had smaller chance of a successful attack. There were few cases of stationary robbery, in which attacks were carried out from an ambush (always in the same places or localities); criminals roamed rather along various roads in quest for chance victims who offered hope for good loot. They searched towns or inns for wealthy merchants or travellers in

<sup>74</sup> M. Kamler, *Świat przestępczy w Polsce w XVI i XVII stulecia*, (*The Criminal World in Sixteenth and Seventeenth-century Poland*), table 3, Warszawa 1992.

<sup>75</sup> J. S. Cockburn, *The Nature and Incidence of Crime in England 1559–1625: a Preliminary Survey*, in: *Crime in England 1550–1800*, ed. J. S. Cockburn. London 1977, p. 55 (tabl. 1), 65.

<sup>76</sup> M. J. Ingram, *Communities and Courts: Law and Disorder in Early Seventeenth-century Wiltshire*, *ibid.*, p. 112.

<sup>77</sup> J. M. Beattie, *op. cit.*, p. 147, table 4.1.

<sup>78</sup> It seems that calculations concerning the crime structure in the Polish Lands and English counties can be treated as comparable (despite essential differences as regards the nature of sources and court systems), especially in the domain of crimes against property, of particular interest to us. On the other hand, the inclusion of robbery into such comparisons of the structure of crime, which contains all of its varieties, is purposeless, since English scholars frequently take into consideration various misdemeanours from the realm of manners and morals (drunkenness, bodily assault) which are omitted in our calculations, and which totally alter the proportions between various categories of crime. Cf. M. Kamler, *O niektórych problemach*, *op. cit.*, p. 290.

order to assault them during their further journey. The assaults in the oft-mentioned woods near Poznań or Głogowiec next to Cracow appear to have been rather less typical than the activities of robbers who travelled on horseback along the main trade routes and robbed carts, coaches and solitary voyagers. This is why the number of robberies was uniform throughout the country and the information, usually of a local nature, was not echoed on a larger scale. It appears that the level of safety on Polish roads in the period under discussion could be estimated as close to the European average. Travellers in the Commonwealth could certainly feel more secure than in many other regions, especially the Mediterranean, but opinions about the safety of Polish roads should be regarded as greatly exaggerated.

(Translated by *Aleksandra Rodzińska-Chojnowska*)