

1. WOJCIECH DAJCZAK

Justinian's *Digesta* as an inspiration for legal argumentation.

From the Kórnik manuscript of the *Digest* to the contemporary disputes on the borders of interpretation

The manuscript of Justinian's *Digest* from the late decades of the 12th century belongs to the most precious items kept by the Kórnik Library. This paper presents an analysis of the relationship between the European legal tradition and the still important issue of the boundaries of legal interpretation, based on the manuscript. The author's starting point was the contradiction between the prohibition of the interpretation of the *Digest* as imposed by Justinian and the opinions of classical Roman jurists confirming the significant role of interpretation in law which are collected in the *Digest*. The first part of the paper contains an analysis of glosses to Justinian's prohibition in his constitution *Omnem* and glosses to the concept of interpretation at the beginning of the second title of Justinian's *Digest* in the manuscript and in the later collection of the glossators' output (*Glossa magna*). Opinions of leading European jurists from between the 14th and the 19th centuries associated with Justinian's *Digest* and related to the boundaries and methods of legal interpretation are discussed in the second part of the paper. Both fields of legal experience show a similar trend of strengthening the role and flexibility of legal interpretation. The relationship between the 12th-century manuscript and the specific position of jurists in modern European societies is perceptible.

2. WOJCIECH BARAN-KOZŁOWSKI

A general description and history of the manuscript of *Digestum vetus cum glossis* from the collections of the Kórnik Library

The collections of the PAN Kórnik Library include one of the most interesting illuminated manuscripts of *Digestum vetus* made at the request of Emperor Justinian. The manuscript is marked by a very rich iconographic programme including 25 figurative initials and more than 230 marginal illustrations. Both types of image excellently correlate with the text of the legal manuscript and the marginal illustrations constitute a visual commentary to it. The manuscript contains a commentary by Accursius (*Glossa ordinaria*) as well as many earlier pre-accursian glosses.

The manuscript was brought to Poland by Derslaw of Karnice, a scholaster from Plock, in the 15th century. He purchased it during his stay in Italy, where he studied law from 1469 until

1471. The manuscript spent the next 300 years in Plock, in the library of the cathedral chapter. It was subsequently purchased by Tadeusz Czacki, who added it to the collections of the Poryck Library. After a few years, the manuscript was bought by Adam Jerzy Czartoryski, who made it a part of the collections of the Puławy Library. Finally, the manuscript was brought to the Kórnik Library founded by the Działyński family.

3. JOANNA FRONSKA

Marginal illustrations and reading practice in Justinian's *Digest*

The present essay is a recapitulation and revision of the author's research conducted on the *Digestum vetus* kept by the Kórnik Library of the Polish Academy of Sciences (Ms. 824) over the last fifteen years. It focuses mainly on the 230 illustrations in the manuscript's margins and explores the ways they interpret the text and facilitate its understanding.

The Kórnik *Digest* was copied in Northern Italy in the late twelfth century or around 1200, but it was illustrated possibly in Paris, in the 2nd quarter of the thirteenth century, with historiated initials and marginal images. At the same time, an early version of Accursius's *Glossa ordinaria* was also copied. Sometime in the 1470s, the book was brought to Poland by Dzierśław of Karnice, a papal collector and a canon of Płock and Cracow.

The marginal images in BK 824 were made by professional illuminators, but they are consistent with the concept and function of the earlier relatively widespread practice of the marking of Roman law manuscripts with text-related drawings. The locations of the images, often shared with other manuscripts of the *Digest*, and their iconography, give us some insight into the common interests of medieval jurists. On the other hand, the marginal illustrations, which play the role of visual annotations, introduce a subject-based indexation of the text and sometimes also cross-references, allowing us to better understand medieval reading techniques.

4. JACEK KOWALSKI

Polish dietines according to Jean Pierre Norblin. An attempt at an analysis

Jean Pierre Norblin de la Gourdain (1745–1830), a French artist working in Poland for the princely family of Czartoryski between 1774 and 1804, made a number of drawings picturing Polish dietines. We currently know his seventeen works devoted to this topic (some of them are his own replicas) as well as three copies of his drawings (one of them is a copy of an original which

remains unknown). As many as six of the above works are kept in the collections of the PAN Kórnik Library.

Dietines were regional assemblies of noblemen, which, consisting of elected members of the Sejm and some other officials, decided about taxation, approved decisions of the Parliament, and existed from the 15th until the 18th centuries. They were most often held in churches. As much as their source documentation is rich, their iconography is very scant. This mainly consists of Norblin's drawings, which for this reason are often reproduced as illustrations of historical or popular science works. They have very rarely been subject to a scientific analysis.

The author shows that Norblin's *Dietines*, commonly considered to be drawn on the spot, are not documentaries depicting the reality, but works which manipulate its elements. On the one hand, Norblin was an excellent observer, who could minutely reproduce the realities of the material culture of the 18th century Poland (e.g. the cut of the uniforms of the Polish army, and the *kontusz* robes, *żupan* garments, hats, and sabres used by the Polish nobility, which changed between 1774 and 1794) even in quick sketches. At the same time, however, he did not shy away from inaccuracies, which sometimes possibly originated from his fantasy, and sometimes from his biased attitude to the scenes he was drawing. For example, some of the churches shown in his drawings are combinations of various Polish structures. Later, Norblin pictured Polish dietines in Gothic churches of French origins or even utterly fantastic shapes. Additionally, the author's analysis proves that not a single composition refers to a concrete dietine (such identifications were offered earlier), or shows a concrete moment of the proceedings. Some elements were presented in an exaggerating caricature, or even in contrast to the reality – such as the participants sitting on altars and pulpits, or debating during a Holy Mass – which has never been the case.

Norblin's attitude to the presented topic changed over time. Initially, he strove to highlight the crisis suffered by the dietine as an institution in the 18th century. It was common for the poorer nobility who had voting rights to "sell" their votes and sabres to the rich candidates for the position of a member of the Sejm, and for sessions to change into disputes and brawls. Norblin's first drawings show mainly the latter, whereas images depicting proper sessions and the most important personalities, i.e. magnates sitting in the centre of the temples and buying votes from the noblemen, are missing. But no wonder, since the artist's patron, Prince Czartoryski, was such a magnate.

The situation changed during the reforms adopted by the Sejm between 1788 and 1792, which aimed at the strengthening of the state and the improvement of the political system, including the dietines. Both Prince Czartoryski and Norblin himself were supporters of changes. From then on, the artist focused on a more positive, republican dimension of the dietine as an institution, although he did not entirely resign from grotesque motifs.

However, Russia, Prussia, and Austria soon ended the existence of the Polish-Lithuanian

Commonwealth, dividing its land between themselves (1795). Dietines became a part of past history. Eleven years later (1806), on a part of the area of the Commonwealth, Napoleon Bonaparte recreated the Polish state in a rump form and provided it with a constitution, which brought dietines back, although in a very limited dimension. Norblin's last drawings date back to this period. They were made after the artist returned to France. These last compositions contain allusions concerning Napoleon's impact on the Polish dietine as an institution. On the other hand, they were also reminiscent of an exotic past. It was for this reason that children and grandchildren of the artist's former patrons purchased them. In this way, the majority of Norblin's works found their way to the Kórnik collection created by Tytus Działyński and his son Jan.

Worthy of note, during the Polish uprising against Prussia between 1848 and 1849, one of the artists covered by Tytus Działyński's patronage created a lithograph showing the meeting of the so-called Polish League, which took place at the church in Kórnik in January 1849. His composition was clearly influenced by one of Norblin's *Dietines* kept at the Kórnik Library.

5. RAFAŁ T. PRINKE

Eerie virtue: Lords of Kórnik within the circle of Poznań freemasons

The collection of the Kórnik Library of the Polish Academy of Sciences holds a number of rare and interesting books on freemasonry, including the first edition of Anderson's *Constitutions*. Most of them were, however, purchased during the second half of the twentieth century. The only two items which are known to have belonged to Count Tytus Działyński (1796-1861) are a French manual of the Rite of Adoption of 1787 and a Polish anti-masonic pamphlet entitled *Eerie virtue*, undated but probably published in 1786 or the following year. It is the only known copy of it, which is one of the reasons for preparing a new edition of its text. The Castle Museum holdings also have rare objects of freemasonic interest, namely four loge badges of early nineteenth century. The present paper is the first attempt at identifying those lodges and ascribe the badges to members of the Działyński family, the heirs of Kórnik. The masonic activities of Ignacy Działyński (1754-1797), the uncle of Tytus, are well known, but his brother Ksawery's (1756-1819) membership in the fraternity has only now been confirmed. It is argued that three of the badges belonged to him, because their respective lodges did not exist during Ignacy's lifetime. The fourth badge most probably belonged to Tytus Działyński, who may have been introduced to freemasonry in his youth by his father. The research on these items evolved into a broader re-examination of the early history of freemasonry in Poland, which disproved a number of statements made in the monumental work

of Ludwik Hass. Most importantly, it is showed that the Red Fraternity (*Confrérie Rouge*) of 1721 was not a freemasonic body (as claimed by Hass and now widespread in historical literature), and that the earliest documented Polish lodge was established in Poznań around 1735 (there may have been one operated by foreigners in Warsaw in 1729, but the information comes from much later and questionable tradition). Two appendices contain an edition of *Eerie virtue* and genealogical tables showing close family relationships of the Działyńskis of Kórnik with eminent Polish freemasons, including all except one Grand Masters of the Grand Orient of the Kingdom of Poland and the Grand Duchy of Lithuania.

6. RÓŻA KAŚINOWSKA

Town hall – weigh house – Lady’s inn at Kórnik

This article presents the history and the former function of the house located at the corner of Zamkowa Street and the southern frontage of the market (currently 50 Wolności Square). The assumption that the facility functioned as a weigh house has not been confirmed by archival research.

Built before 1773 by Teofila Potulicka, née Działyńska – the then-owner of Kórnik, the building, referred to in literature as the Lady’s inn, was one of the town public houses, in which alcoholic beverages manufactured in the owner’s brewery and distillery were served. When the new town hall, with its central part designated for an inn, was erected in 1775, the Lady’s inn situated at some distance to the trading place gave way to the much larger town hall inn. After all, it was the town hall which was the centre of the social and trade life of the town – its left wing housed the public weighing facilities, and there were traders’ stalls nearby. The town owner’s alcohol beverages were also served in the *Na Piaskach* inn the owner erected in the 1770s and in the *Tumidaj* inn built at the turn of the 19th century. At that time, two flats were made in the Lady’s inn and the building managed to survive to our own times in this form. Despite many refurbishments, its interior still features its 18th-century wooden ceiling, fireplaces and the chimney base of the former kitchen.

An unknown 1415 document drawn up for the Pauline monks from Jasna Góra in the collections of the Kórnik Library

During an inventory carried out in the Kórnik Library in October 2016, the author of this article found an unknown parchment document drawn up in 1415, which was purchased to be included in the library collections in 1954, but was not described or provided with a call number at the time and nobody knew about its existence for almost 60 years. In the document, brothers Stanisław and Jakusza, heads and owners of the Lgota village, confirm their sale of a part of their estate, i.e. a certain part of their land at Lgota, which could be flooded by the local pond-stream, to Mikołaj – the Provincial Superior, and the convent of the Pauline Fathers in Jasna Góra. At the same time, both brothers release the Pauline monks from any claims from their mother Katarzyna, and their sisters Jachna, Helena, and Dobrochna. The sale of the land meant for a flooded area should be related to the fact that in 1414 King Ladislaus Jagiello granted the village of Kalej neighbouring with the village of Lgota to the Pauline monks and possibly with their intention to erect a water mill. The document provides us with some new information for genealogical research on Polish nobility in the Middle Ages, and mentions the previously unknown name of the Provincial Superior of the Polish Province of Pauline Fathers – Mikołaj, who served this function in 1415.