



## Getting Married in Late Medieval England and Poland<sup>1</sup>

### ABSTRACT

**RESEARCH OBJECTIVE:** The aim of article is to examine the principles of and conditions for contracting a valid and successful marriage among members of the landed classes in fifteenth-century England and Poland.

**THE RESEARCH PROBLEM AND METHODS:** An analysis of marriages contracted in medieval England and Poland was carried out using a comparative approach. Authentic fifteenth-century sources were consulted, such as the Paston letters in the case of England, and – for lack of a similar collection in the Polish archives – documents such as court records, episcopal statutes, annals or chronicles, and others, in the case of Poland.

**THE PROCESS OF ARGUMENTATION:** The article first presents factors determining the choice of spouses, including socio-economic, political and emotional. Secondly, the ways of conducting prenuptial negotiations are presented. The final section is focused on the exchange of the marriage vows.

**RESEARCH RESULTS:** The comparison of practices related to marriage contracts in medieval England and Poland shows that even though love matches are less well documented than marriages of convenience, love did take precedence over custom in a number of cases in both countries, with the only absolutely necessary condition for contracting a valid marriage being *verba de praesenti* (the words of present consent) exchanged by the partners.

**CONCLUSIONS, INNOVATIONS, AND RECOMMENDATIONS:** The added value of the analysis was to reveal certain differences between English and Polish literary cultures. While in fifteenth-century England personal letters were written in the vernacular, in Poland the letters, as well as other historical sources, were still largely composed in Latin by professional writers. These still need to be translated into modern Polish and English if they are to be accessible to a wider audience.

→ **KEYWORDS:** LOVE AND MARRIAGE, THE MIDDLE AGES, FAMILY, DOWRY, MARRIAGE VOWS

<sup>1</sup> I would like to dedicate this article to my husband, Maciej Gądor, on the occasion of our first wedding anniversary.

## STRESZCZENIE

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### *Zawieranie związków małżeńskich w Anglii i Polsce późnego średniowiecza*

**CEL NAUKOWY:** Celem artykułu jest zbadanie zasad i warunków zawarcia ważnego i szczęśliwego małżeństwa pomiędzy właścicielami ziemskimi w XV-wiecznej Anglii i Polsce.

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**PROBLEM I METODY BADAWCZE:** Analiza małżeństw zawieranych w Anglii i Polsce została przeprowadzona przy zastosowaniu podejścia porównawczego. W przypadku Anglii wykorzystano autentyczne XV-wieczne źródła, takie jak listy rodziny Paston, a w przypadku Polski – z powodu braku podobnego zbioru w polskich archiwach – inne dokumenty, takie jak akta sądowe, statuty biskupie, kroniki lub annały itp.

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**PROCES WYWODU:** W pierwszej kolejności zaprezentowane zostały czynniki decydujące o wyborze małżonka, tj. przyczyny społeczno-ekonomiczne, polityczne oraz emocjonalne. Następnie przedstawiono sposoby prowadzenia przedślubnych negocjacji. Ostatnia część poświęcona jest składaniu przysięgi małżeńskiej.

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**WYNIKI ANALIZY NAUKOWEJ:** Porównanie praktyk zawierania małżeństw w średniowiecznej Anglii i Polsce pokazuje, że chociaż małżeństwa z miłości były rzadziej dokumentowane niż małżeństwa z rozsądku, to w wielu przypadkach w obu krajach miłość przeważała nad obyczajem, a jedynym bezwzględnie koniecznym warunkiem zawarcia ważnego małżeństwa były *verba de praesenti* (słowa w czasie teraźniejszym), wymieniane przez partnerów.

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**WNIOSKI, INNOWACJE, REKOMENDACJE:** Wartością dodaną analizy było ujawnienie pewnych różnic między kulturą piśmienniczą w Anglii i Polsce. Podczas gdy w XV-wiecznej Anglii listy prywatne pisane były w języku narodowym, w Polsce listy podobnie jak inne źródła historyczne komponowano nadal w dużej mierze po łacinie – robili to na zlecenie profesjonalni pisarze. Muszą one dopiero zostać przetłumaczone na współczesny język polski i angielski, jeśli mają być dostępne szerszej publiczności.

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→ **SŁOWA KLUCZOWE:** MIŁOŚĆ I MAŁŻEŃSTWO, ŚREDNIOWIECZE, RODZINA, POSAG, PRZYSIĘGA MAŁŻEŃSKA

## Introduction

Frances and Joseph Gies have defined the family as “the universal environment where human beings learn to eat, walk, and speak, and acquire their sense of identity and modes of behaviour” (Gies & Gies 1987, p. 3). This definition seems to apply equally well to medieval England as to Poland, for in both countries, as indeed in the rest of Europe, the central role of the family within the social life was fully recognized. And yet it is often said that medieval marriages were motivated by financial reasons alone and were nothing more than matches of convenience with little love and affection involved. There are two reasons which account for this misconception. First of all, the romanticizing

of love, which is found in medieval lyrics and romances, as well as theoretical treatises, which depicted love as the most sublime feeling, a feeling existing outside the bonds of wedlock. A medieval theoretician of love, Andreas Capellanus, explains why true love between spouses is impossible:

For lovers give each other everything freely, under no compulsion of necessity, but married people are in duty bound to give in to each other's desires and deny themselves to each other in nothing (Capellanus, 1969, pp. 106-107).

Such accounts of love leave us with a false impression that true affection was only possible between knights and courtly ladies, whereas typical medieval marriages were loveless alliances. This leads us to the second reason why love is seldom associated with marriage in the context of medieval life, which is the paucity of historical sources testifying to the contrary. This argument is more valid in the case of Poland than it is with regard to England, for in the Polish archives there are no collections of authentic fifteenth-century letters, written in the vernacular, to match the Paston letters. Unlike the English letters, Polish medieval correspondence was composed in Latin, and was less intimate and more conventional, being to a greater extent based on model letters contained in the *libri formularum* or books of formulas. Thus, authentic sources available to the researchers of medieval Polish families are fewer in number and less easily accessible, and yet they reveal important parallels with the English sources in their description of social practices surrounding medieval marriages.

## Reasons for Getting Married

In the Middle Ages, as today, there were various reasons for getting married. Wojciech Jastrzębiec, bishop of Krakow, in his 1423 statute lists primary and secondary reasons for contracting a marriage, the former referring to the need to produce offspring and avoid fornication, the latter including the desire to restore peace, secure friendship, as well as the beauty of the beloved and her wealth (Heyzmann, 1875, pp. 73-74). The evidence from Poland and England shows that all these factors were taken into account before contracting a nuptial agreement.

First of all, a medieval marriage was primarily conceived of as a means for propagating the human species and a correctional measure against carnal sin. Often contracted between close neighbours or more distant relatives, matrimony was also a means of uniting families in friendship alliances, which might have been motivated by an attempt to restore peace after conflict, increase the economic and social status of a family thus enlarged and form a common front against an enemy. For instance, the marriage between Anne Paston and William Yelverton III, the grandson of the Pastons' adversary, resolved a long dispute concerning John Fastolf's inheritance, and even though William Yelverton agreed to marry Anne for purely financial reasons, declaring that "he would have her if

she had her money, and else not" (Davis, 2004, part 1, Letter 282, p. 472), her family did not object, for the marriage was also supposed to put a definite end to Anne's feelings for John Pampling, the Pastons' servant who was forced to leave their employment so as to be out of Anne's sight and hopefully out of her mind, too. To provide one more example, the Paston-Heydon feud was resolved following a marriage between Bridget Heydon and John III's son, William. This marriage was advantageous to the Pastons in two other respects: Bridget's large dowry and the support of the Heydon family in the disagreement over the Paston lands (Castor, 2005, p. 298).

Among other motivations when considering marriage, the bride's dowry was a very important factor, and this was also true in the context of love-matches, as shown by the example of Margery Brews. The daughter of Sir Thomas Brews, a Norfolk knight, Margery fell deeply in love with John Paston III, and – even though her affection was reciprocated – she was anxious that her modest dowry might ruin her chances of becoming John's wife. In a letter written around St Valentine's day, in February 1477, she says apologetically: "And my lady my mother has pursued the matter with my father very industriously, but she cannot get any more [money] than you know of, because of which, God knows, I am very sorry" (Watt, 2004, p. 127). Fortunately for Margery, her father's lack of generosity was counterbalanced by her future mother-in-law's big-heartedness, for John's mother, Margaret Paston, decided to support the young couple with the gift of her own manor of Sparham, as a supplement to her husband's bequest of the manor of Swainsthorpe (Castor, 2005, pp. 272-273).

Margaret Paston's approach towards the choice of a good spouse was very pragmatic, as recorded in the advice she gives to her elder son, John Paston II: "if it should be that your land comes back due to your marriage, and is settled in peace, out of respect for God do not abandon it" (Watt, 2004, pp. 113-114). In a characteristically pragmatic manner, Margaret Paston (née Mautby) starts with what, in her view, were the primary considerations for a good match, that is an adequate and peaceful land settlement, before she mentions any warm feelings between the spouses. After all, Margaret herself was one of the women who made a large contribution to the Paston family's fortunes, bringing the Mautby estates, worth around £150 a year, which today might be worth between £2250 and £4500 (Hunt, 1962, p. 63). She not only brought extensive properties to her spouse's family, but also, interestingly, profitable connections, through her mother's relatives, to Sir John Fastolf, "one of the richest men in England outside the ranks of the nobility" (Castor, 2005, p. 101; Watt, 2004, p. 5), whose death began a decade long struggle for "the greatest prize of the inheritance," the manor of Caister (Castor, 2005, p. 213).

Another woman who helped to extend the family's landholdings was Margaret's mother-in-law and the first family matriarch, Agnes Paston. Born into the family of Sir Edmund Barry, a Hertfordshire knight, Agnes married William Paston I, bringing into the Paston family as many as three manors (Castor, 2005, p. 23; Watt, 2004, p. 4). Agnes's dowry land must have been very welcome to her ambitious husband, who – being a newcomer to the gentry class – had to justify his claim to his social status by securing as

much land as possible for the next generations. Born into village life, William dedicated himself wholeheartedly to a legal career before he decided to start a family. It took him two decades to rise from a peasant's son to a gentry landowner. And yet his social position, just like the position of other late medieval *nouveau riche*, was very tenuous and any transactions that enhanced his financial *status quo* were treated with suspicion, even those that concerned lawful ways of acquiring wealth, such as purchase or inheritance. "The trick," as Helen Castor writes, "was to cover the traces of such transactions as quickly and deftly as possible, in order that social appearances could be preserved by allowing new blood to be accepted as old" (Castor, 2005, p. 17). Therefore, even though William Paston I owed his social promotion mainly to his hard work, his profitable marriage seems to have been the crowning achievement of his upward social mobility.

The final reason for a marriage, as listed by the Polish bishop, i.e. the beauty of the bride, is less often documented in the sources than the more pragmatic aspects, but is not insignificant and its lack may have impeded the girl's chances of getting married. William Paston, for instance, who – as has already been mentioned – in his forties contracted a lucrative marriage, in his earlier days fell in love with a young girl. He shared the news with his brother, expressing concern about the girl's tendency to gain weight: "As for her beauty, judge you that when you see her (...), especially behold her hands, for if it be as it is told me, she is disposed to be thick" (Bennett, 1951, p. 49). To quote another example, in one of the previously mentioned letters, Margaret Paston recommends marriage to John Paston II on the condition that "[he] can find it in [his] heart to love her [his future wife]" (Watt, 2004, p. 114). Even though Margaret does not specify the means by which her son might come to love the lady, she implies that the spouses should be matched not only in terms of social status, but also intellectual qualities, values, personality traits and – last but not least – physical attractiveness.

On the Polish side, examples of reconciliatory alliances can be seen in the marriages contracted between the members of two mighty families, namely Grzymała and Nałęcz, who disagreed over the issue of succession after the death of Lewis, King of Hungary (1342-1382) and of Poland (1370-1382). Political in nature, the conflict was resolved when Jadwiga, the daughter of Lewis, was crowned "King" of Poland in 1384 (Bruce-Boswell, 1936, p. 567). The first marriage that sealed the agreement between the two rival factions was the union of Małgorzata (Machna), the daughter of Dzierżko of Iwno, and a member of the Nałęcz family, whose name remains unknown. More marriages were to follow, which underlined the conscious effort among families in Greater Poland to resume a peaceful co-existence by marrying their daughters and sisters to their former enemies (Szweda, 2001, p. 384).

Another marriage of political importance, this time from the region of Lesser Poland, joined Jadwiga, the only daughter and orphan of Jan of Melsztyn, with Andrzej Tęczyński, the son of one of the wealthiest magnates in Poland. Together with his brother Jan, Andrzej inherited the family property, which comprised two castles, three towns, forty-seven villages, and two mansions in Krakow (Kurtyka, 1997, p. 613), but even such

extensive landholdings did not fully satisfy the ambitions of the Tęczyński family and their lucrative marriages contracts aimed at adding to their possessions. Through the marriage to Jadwiga, which – as Kurtyka notes – was the main socio-political event at the end of 1441 in Krakow, Andrzej's estates doubled, for Jadwiga brought into the marriage Rabsztyn Castle, as well as two towns and around thirty villages (Kurtyka, 1997, p. 470). Together with his own inheritance, Andrzej's estates now amounted to two castles, three towns and almost fifty villages, placing him among the wealthiest noblemen in the whole country (Kurtyka, 1997, p. 472). The story of Jadwiga and Andrzej shows that the acquisition of property through marriage "was one of the factors which aided the evolution of medieval magnates into a modern high nobility" (Kurtyka, 1997, p. 614).

Similarly to England, in medieval Poland too the financial aspect did not seem to be the only criterion in determining the choice of a wife. In a popular Polish song, a man is encouraged to choose his wife not with his eyes, but "with quiet ears" (Mikoś, 1999, p. 121). The potential suitor is advised against being deceived by the lady's beauty: "Every maiden has rosy cheeks, / But how good is the home she keeps?" (Mikoś, 1999, p. 121). Good housekeeping skills as well as resourcefulness and diligence were the most sought-after qualities in a good wife, both in literature and life. According to Mikołaj Rej, a sixteenth-century Polish writer, the ideal wife should have a good upbringing, exquisite manners and a helpful disposition (Rej, 1956, p. 116). The lady's beauty, referred to as one of the delights of a good marriage, does not escape Rej's notice, but the writer assigns much more weight to her attributes, such as: piety, modesty, prudence, and honesty. Even though his *Life of an Honest Man* is a manual of sorts, propagating rather than reflecting certain patterns of behaviour, it is certainly based on the writer's observations of family life in sixteenth-century Poland.

Among the preconditions for a successful and happy marriage Rej also mentions the spouses' equal social standing (Rej, 1956, p. 116). Both men and women were advised against marrying below their station, and yet medieval records show numerous examples of couples ignoring the voice of reason, especially on occasions when either the man or his beloved were formerly trapped in loveless marriages. That was the case of Jadwiga Orchowska, a wealthy widow, and her third husband. Since her previous two marriages had been arranged by her father, Hektor Orchowski, Jadwiga decided that her third marriage would be one of love rather than convenience and in the presence of witnesses, who later testified that the marriage was not contracted under any pressure, was married in church to Stanisław Widawski, an impoverished nobleman (Szymczakowa, 2009, p. 719).

## Preuptial Negotiations

Preuptial negotiations concerned young people of higher social standing, who were getting married for the first time. Those of low birth and widows could freely choose their spouses. In the majority of cases the choice of a spouse was decided by the immediate

family, but sometimes the couple's friends as well as legal guardians were also involved. As Bennett states, in the mercenary times of the Middle Ages, "[t]he question of marriage was considered on much the same lines as any other business proposition" and the cases of children, both sons and daughters, being sold to the highest bidder were not infrequent (Bennett, 1951, p. 28). A certain William Molyne, for instance, decided to sell his son in order to purchase a manor; another fifteenth-century father, John Wyndham of Felbrigg, negotiated the very good price of 600 marks for his son's marriage, half of which he used to pay off the debts of his own future wife, inherited by the widow from her husband, Sir John Heveningham (Bennett, 1951, pp. 28-29).

Sometimes the marriage contract negotiations were long and arduous, as was the case with Elizabeth Paston, who was offered by her family to at least four suitors over a period of a decade, before she was finally married. The most serious candidate, chosen by her mother, was Sir John Fastolf's stepson, Sir S. Scrope, a deformed widower nearly twice her age. Although Elizabeth's cousin and namesake, Elizabeth Uvedale Clere of Ormesby, tried to intercede on her behalf with Elizabeth's brother, John Paston I, her efforts were in vain. Elizabeth was kept under lock and key by her mother, Agnes Paston, and any signs of disobedience were literally beaten out of her head, with the result that it was broken in two or three places (Watt, 2004, p. 116). It seemed that the desperate young lady had no choice but to surrender to her mother's will, but fortunately, as Bennett notes, "this monstrous wooing was unsuccessful for some unknown reason" (Bennett, 1951, p. 31). Elizabeth eventually married and not once, but twice, for her first husband, Robert Poynings, died in battle less than three years after the wedding (Watt, 2004, p. 5).

It appears that the prenuptial negotiations were swift when the couple were in love and the parents did not have to apply any pressure. In a letter probably dated 20 April 1440, Agnes Paston relates to her husband, William Paston I, the first meeting between their son, John I, and his future wife, Margaret Mautby, expressing a hope that "no great negotiations shall be needed between them" (Watt, 2004, p. 23). In fact, Agnes's predictions were correct and the couple were married within six months of meeting. It seems that in the case of John and Margaret's marriage personal choice was closely aligned with family interests, for "they were sensible, pragmatic people who understood and appreciated their parents' reasons for bringing them together. Perhaps as a result, their compatibility was obvious and immediate" (Castor, 2005, p. 28).

Finally, there were also cases of marriages contracted without any interference from the family, and even without their knowledge. The best English illustration is the relationship between Margery Paston and Richard Calle, the family's bailiff. Margery's secret engagement to her social inferior initiated a "family campaign," whose aim was to separate the lovers. Their case was even brought before the bishop's court, where Margaret and Richard were questioned. Asked about the pledge she gave to Richard, Margery "repeated what she had said, and said that if those words did not make it sure, she said boldly she would make it surer still before she went from there. Because she said she believed in her conscience she was committed, whatever the words were" (Watt, 2004,

p. 97). The bishop initially postponed his verdict, but – since the church considered the words of consent as legally binding – found no grounds for annulling their betrothal (Bennett, 1951, p. 45).

In Poland, medieval marriages were also decided by the members of the girl's family, who employed “the strategy of preceding competition” (Szymczakowa, 2004, p. 71). However, contracts signed by medieval parents on behalf of their children were not always implemented. This was the case with an agreement signed in 1404 between Gniewosz of Dalewice and Brzeziny and Piotr Szafranec of Pieskowa Skala on behalf of their children: Gniewosz and Małgorzata. Seven years later, the agreement was broken by Gniewosz, who decided to make a more financially advantageous marriage with Elżbieta of Michów, even though as the party breaking the contract he was obliged to pay vast compensation to Szafranec (Szymczakowa, 2004, p. 71). Marriages were also arranged by the mothers, who often acted as match-makers, as well as other members of the family. The marriage of Andrzej Tęczyński and Jadwiga, mentioned above, was probably orchestrated by Andrzej's brother, Jan (Kurtyka, 1997, p. 470).

Similarly to medieval England, in Poland there were also cases of the young marrying without their parents' consent or any preceding negotiations. Perhaps the best known example of such a marriage is that between Jadwiga, the only daughter of Tomisław of Miłosław, and Dobiesław of Szczekociny, as recorded in *Bullarium Poloniae*. Promised by her father that she would be free to choose her husband when she reached the appropriate age for marriage – her father's only condition being that she married her social equal – Jadwiga contracted a marriage with her beloved Dobiesław. Even though it was contracted by words of present consent and was legally binding, Jadwiga's marriage did not meet with her father's approval, who had a different candidate in mind for her hand, Jan Świdwa of Szamotyły, to whom he had her engaged, against her will. Appealing to her father, she recalls his promise, saying:

Recordar(e) pater amantissime, quod licentiam concesseras mihi recipiendi in maritum nobilem tamen, quem duxissem eligend(um), ecce nover(is), quod Dobeslaum de Szczekoczini recepi in consortem et cum ipso contraxi per verba legitime de praesenti (Sułkowska-Karaś, Kuraś, S., & Wajs, H., eds., 1992, p. 439).

[Remember, dear father, the permission I was granted to marry a man of my own choice, as long as he is of noble birth. Be now informed that I have taken as my husband Dobiesław of Szczekociny, with whom I am legally contracted by words of present consent.]<sup>2</sup>

Jadwiga's father was implacable and she was forced into marrying the man of his choice against her will and regardless of her legally binding marriage to Dobiesław, who had no alternative but to appeal to the pope to allow him to re-marry, which is why the case has been recorded in a collection of apostolic letters.

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<sup>2</sup> Unless indicated otherwise, I provide my own philological translations from the Latin texts into English.

## The Marriage Vows

The nuptial ceremony did not occupy as much space in medieval records as the prenuptial negotiations, in neither the English nor the Polish context. The Paston correspondence is not concerned with celebrating the marriage, for – as Bennet writes – “[o]nce the exciting financial chase was over, the actual solemnities were too commonplace to be worth the labour of description in a letter” (Bennett, 1951, p. 195). A similar attitude towards nuptial feasts is presented by Mikołaj Rej, who argues that neither a long courtship nor lavish celebrations will guarantee success in marriage (Rej, 1956, pp. 116-117). In his *Life of an Honest Man*, Rej writes that the money saved on the wedding feast should contribute towards the common family budget and one or two witnesses are sufficient to prove a marriage is valid (Rej, 1956, pp. 116-117).

More information about the sacrament of marriage is provided in medieval books of instruction for priests. One such fifteenth-century book describes the publishing of banns in the following way: “The seventh sacrament is wedlock, before the which sacrament the banes in holy church shal be thryes asked on thre solempne dayes – a werk day or two between, at the lest” (Bennett, 1951, p. 195). The announcement of marriage banns had been required under the legislation of the Polish church since 1248 (Wojciechowska, 2015, p. 22). The aim of this regulation was to prevent clandestine marriages and to help ensure that the parties did not enter into a marriage ignoring existing impediments, such as blood kinship or an already existing marriage, facts which should have been disclosed after the banns were read. The fact that the banns were supposed to be announced three times prior to the marriage was opposed by members of the gentry who regarded this practice as an excessive delay (Szymczakowa, 2004, p. 85).

In both English and Polish church legislation, the essence of the sacrament of marriage consisted in the words spoken by the bride and groom. The previously mentioned 1423 statute, written by Wojciech Jastrzębiec, includes “verba sive signa, quibus consensus matrimonialis exprimitur” [“words or signs which express matrimonial consent”] (Heyzmann, 1875, p. 73). For those capable of speech, mere signs were not sufficient and the following words of present consent were to be spoken: “Accipio te in meam uxorem / virum” [“I take you as my wife / husband”] or “Volo te de cetero habere in uxorem / virum” [“From now on I wish to take you as my wife / husband”] (Heyzmann, 1875, p. 73). In both England and Poland the same words ensured the validity of the marriage agreement and in both countries there were cases brought before the church courts by those, usually the parents, who wanted to undermine the legality of certain unwelcome unions, such as those between Margery Paston and Richard Calle, as well as between Jadwiga Orchowska and Stanisław Widawski. The ecclesiastical judges, however, had no power to annul the marriage once the two parties voluntarily expressed their consent, for the permission of the family was not required under any applicable law once the partners reached a suitable age. By contrast, no legally binding marriage could be contracted without the consent of the future spouses.

## Conclusions

The comparison of practices related to contracting marriages in medieval England and Poland shows that even though matches of love are less well documented than marriages of convenience, love did take precedence over custom in a number of cases in both countries, with the only absolutely necessary condition for contracting a valid marriage being *verba de praesenti* (the words of present consent) exchanged by the partners. The examples presented in the article have demonstrated that what was often hidden behind these legally binding words were emotionally binding and lasting ties.

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