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## *Jyske Lov* (Code of Jutland)

In Danish, manuscript on parchment

Denmark, c. 1400

xii (sixteenth-century paper) + 104 + xxv (sixteenth-century paper) folios on parchment, modern foliation in pencil, 1-104, lacking one quire at the end, otherwise complete (collation i-iv<sup>12</sup> v-vi<sup>10</sup> vii-ix<sup>12</sup>), no signatures or catchwords, ruled in light brown ink (hardly visible) (justification 85 x 60 mm.), written in brown ink in Gothic bookhand (textualis) on c. 17-21 long lines, contemporary marginal notes written in brown ink in a smaller textualis script, sixteenth-century marginal notes written in black ink in cursive script, rubrics mainly in red, some in blue, paragraph marks (pieds-de-mouche) in red, some capitals touched in red, 2-line initials throughout the book mainly in red, some in blue (small guide letters in brown ink for the decorator), one 3-line initial in red with blue penwork flourishes (f. 1), leaves stained and showing signs of frequent use, especially darkened in the beginning and end of the book, a few original holes in the parchment, in overall very good condition. Bound in the sixteenth century in brown calf over wooden boards, covers blind-tooled with a very fine frame design using rolls with foliage motifs and fillets, spine with three raised bands, book label with "8595" pasted on the spine, two pairs of fine brass clasps and catches, paper pastedowns, minor wear on the leather, in overall excellent condition. Dimensions 126 x 92 mm.

This fascinating manuscript contains the rules by which a medieval and premodern society in Denmark was bound together. Recent translations of these vernacular texts into English make studies of early Scandinavia easily accessible to international audiences, and our manuscript offers an exciting original source to support such studies. The manuscript is in very good condition, with excellent provenance, and conserves its fine sixteenth-century binding with brass clasps and catches. We have been unable to locate manuscript copies of the Code of Jutland in United States collections, and no copies are recorded at auction in the Schoenberg Database of Manuscripts (there is no published Census of extant copies).

## PROVENANCE

1. The style of script suggests dating this manuscript around 1400. Nothing in the text appears to give clues as to where, when, and by whom the manuscript was made. Early ownership inscriptions in the margins of the first and last leaves are no longer visible.
2. A dated ownership inscription in the upper margin of f. 1: "Ex Libris Johannis Leonis 1593." He also wrote on the first front flyleaf: "Mihi Joannes (L. or Sk. ?) / possidet Hunc Librum / ...rim (?) : 93 / Me Joannes Skruinus (?) Hunc / Librum possidet." He might be the same Jørgen L., steward of the castle, who owned around 1560 a copy of King Valdemar's Law of Zealand, Les Enluminures, TM 1316. The two manuscripts were together in the collections of the Valdemar's Castle in Tåsinge, when sold in 2023 (see below).
3. Ownership inscription in brown ink in capitals on the verso of the first flyleaf: "PAULUS IOHANNES IULIUS." He is presumably a descendant of Erik Juel of Hundsbæk Manor (1591–1657), the father of Admiral Jens Juel (1629–1697). In 1678,

Jens Juel acquired Valdemar's Castle on the island of Tåsinge; the castle had been built by King Christian IV of Denmark for his son Valdemar Christian in 1639-1644. Ever since 1678 the castle has been in the possession of the Juel family. There is every reason to believe that the manuscript remained there for the last three hundred and fifty years until 2023, when it was sold with TM 1316, a copy of Valdemar's Law of Zealand.

## TEXT

ff. 1-104v, [ff. 1-3v, prologue], *Incipit prolog*, incipit, "Mæth logh skal land byggjæs æn Wilde huar man oruæs at sit eghæt ok lata mæn nytæ iafnæth (tr. With law the land shall be built, but if each man would be content with his own and let others do the same) ... ok thæræ til mæth allæ bæstæ mænz rath thær .i. hans riki waræ (tr. and also after deliberation with all the best men who were in his realm)"; [ff. 3v-5v, table of contents to book one]; [f. 6, text], incipit, "Barn af thæt wrthær cristnæth standæ arf (tr. Child can inherit if has been christened) ... the eghær thær a thæn by mark bo th(e) eld fyrst i gialdæ sum skatæ æftær æth læggæ wt thæn thær sattæ eld fyrst i (tr. then the owners who live on the field where the fire was originally started must pay for the damage or indicate who first started the fire) ...";

*Jyske Lov* (Code of Jutland); the text is divided into three books: ff. 6-32, book one; ff. 32-35, table of contents to book two; ff. 35v-75v, book two; ff. 76-77v, table of contents to book three; ff. 77v-104v, book three. First printed in 1504, edited and translated by Peter Skautrup in 1933 and 1951, and translated more recently into English in Tamm and Vogt 2016, pp. 242-293 (this translation is based on Copenhagen, Royal Library, MS NkS 295 8vo, dated 1325).

f. 104v, incipit, "Thænnæ logh gaf kunyng erik i nyburgh. Fyrst at ...//

King Erik Klipping's Nyborg Decree for Zealand of 26 May 1284; edited by Erik Kroman in 1971, pp. 132-144, here ending imperfectly.

The Danish kingdom was divided into three provinces in the Middle Ages: Skåne (Scania), Sjælland (Zealand), and Jylland (Jutland). The majority of medieval Danish vernacular manuscripts are law books, containing laws for these three provinces. The Law of Jutland, found in our manuscript, is one of the four principal medieval provincial laws (*landskabslove*). They were published in *Danmarks gamle Landskabslove med Kirkelovene* in 1933–1961. Most manuscripts of these provincial laws date from after 1300, and none of them survive in the original copy. The oldest known manuscript of the Law of Jutland dates from c. 1276 (Copenhagen, Royal Library, MS C 37; cf. Riis 1977, pp. 60-65). The other three principal provincial laws were the Law of Scania, King Valdemar's law of Zealand (a copy of which is Les Enluminures, TM 1316), and King Erik's law of Zealand (partly a supplement to Valdemar's law). Each district had a royal official, *unbuthsman* (or *bryte*, bailiff), to ensure the king received payment for labor, fines and other dues.

The Law of Jutland concerned the peninsula of Jutland, the island of Funen, and a large number of smaller islands. The prologue to the text states that the Law was given at a royal assembly held by King Valdemar II of Denmark in the market town of Vordingborg in Zealand in March 1241 (cf. Tamm and Vogt 2016, p. 238). In our manuscript this is found on lines 2-7 on f. 3v. Out of the four principal medieval Danish laws, the Law of Jutland survives in the greatest number of manuscripts (because the province of Jutland had the largest number of districts); Tamm and Vogt report 240 manuscripts, of which 160 are in Old Danish (cf. Tamm and Vogt

2016, p. 239; no list is provided, and there is to the best of our knowledge no Census of the extant medieval manuscripts with locations). The Old Danish text was first printed by Mattæus Brandis in 1504, reprinted by Gotfred of Ghemen in 1508, and reprinted by the chancellor Niels Kaas in a revised version in 1590 (cf. Tamm and Vogt 2016, p. 239).

The text of the Law of Jutland is divided into three books. The divisions into books and the number of chapters in each chapter evolved in time, and vary in the surviving manuscripts, presumably until the text was printed. In our manuscript, the first book contains 54 chapters, in comparison to 57 chapters in the Copenhagen manuscript dated 1325 (Royal Library, ms. NkS 295 8vo). The second book has 118 chapters, while the Copenhagen manuscript has 114. The third book has 63 chapters, and the Copenhagen manuscript 68. Despite the different divisions, the contents are essentially the same, and our manuscript contains the complete text.

The prologue is generally attributed to Gunner, bishop of Viborg, who was present at the royal assembly in March 1241, at which the law was codified by the king. The prologue begins "With law the land shall be built, but if each man would be content with his own and let others do the same, then you would not need any law. And no law is as good to follow as the truth, but if you doubt about the truth, then the law shall lead to the truth." (translation of Tamm and Vogt 2016, p. 242).

The first book of the main text is mainly about inheritance, marriage, the buying, selling and exchanging land, and the building of roads and mills. The second book is about the duties of "the eight men of truth" chosen by the king for each district, whose job was to swear during criminal assemblies, followed by details of numerous legal circumstances and criminal cases, including rape, gang crime, if someone's animal kills a man, accidents, ploughing, theft, how men should look for their stolen goods, if a man finds another on his horse, lost property, if a man finds silver or gold (the king shall have it), and so forth. The third and final book is about military law, weapons, wounding, keeping bees, fences surrounding properties, apple and cabbage gardens, counterfeiting, murderous arson, fire in the heathland, and so on.

After the *Jyske Lov*, at the very end of the final leaf, on f. 104v, the text follows with the first two lines of King Erik Klipping's (Eric V of Denmark) Nyborg decree concerning Zealand (1284). This text, as well as his decree concerning Northern Jutland (Nyborg, 1284), typically follow the text of *Jyske Lov* in manuscripts; compare, for instance, with a contemporary copy of these texts in the Lund University Library, MS 18. In the Lund manuscript, which is comparable in size and layout, these texts fill approximately 6 and 4 leaves respectively, suggesting that our manuscript is lacking one final quire.

The Law of Jutland was in force from 1241 to 1683, when it was replaced by the *Danske Lov*, the Danish national law. However, in the Duchy of Schleswig, covering the entire Southern Jutland, the Law of Jutland was in force until 1900.

## LITERATURE

Andersen, P. *Legal Procedure and Practice in Medieval Denmark*, Leiden, 2011 (especially chapter four: The Danish Provincial Laws, pp. 69-83).

Brøndum-Nielsen, J., S. Aakjær and E. Kroman, eds. *Danmarks gamle Landskabslove med Kirkelovene*, 8 vols in 11, Copenhagen, 1933-1954.

Gelting, M. H. "*Leges Iutorum*: The Medieval Latin Translation of the Law of Jutland," *Law and Language in the Middle Ages*, edited by J. Benham, M. McHaffie and H. Vogt, Leiden, 2018, pp. 52-82.

Kroman, E. *Den Danske Rigslovgivning indtil 1400*, Copenhagen, 1971.

Riis, T. *Les institutions politiques centrales du Danemark 1100-1332*, Odense, 1977.

Skautrup, P. *Jyske Lov*, in: *Danmarks gamle Landskabslove med Kirkelovene*, vols 2-4, gen. eds. J. Brøndum-Nielsen and P. J. Jørgensen (Copenhagen, 1933–1961, 8 vols), Copenhagen, 1933 and 1951.

Tamm, D. and H. Vogt. *The Danish Medieval laws: the Laws of Scania, Zealand and Jutland*, London and New York, 2016.

Uldaler, N. and G. Wellejus. *Gammeldansk læsebog*, Copenhagen, 1968.

#### ONLINE RESOURCES

Jyske Lov (Wikipedia):

[https://da.wikipedia.org/wiki/Jyske\\_Lov](https://da.wikipedia.org/wiki/Jyske_Lov)

TM 1317