

## OVERVIEW OF THE CHURCH'S PROPERTY LAW IN THE CZECH LANDS DURING THE MIDDLE AGES / Pavel Krafl

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**Abstract:** *Aim of the study is to provide an overview of the issue of Church property law in Bohemia and Moravia during the Middle Ages. Specifically, we consider the territory of the Prague and Olomouc dioceses. The main founder of churches and ecclesiastical institutions in the early Middle Ages was the duke, while from the 12th century magnates also became involved in founding these institutions. In the early period of founders, the property donated to the Church was treated in the spirit of respecting the rights of the proprietary churches. The law of patronage, which was progressively implemented during the 13th century and first half of the 14th century, brought change. In order to exclude the assets of ecclesiastical institutions, including the serfs who lived there, from the general legal system, immunities were important. Bishoprics and individual monasteries received immunity documents from the mid-12th century, and to a greater extent from the early 13th century.*

**Key words:** *Medieval Canon Law; Church's Property Law; Immunity of Ecclesiastical Estates; Bohemia and Moravia.*

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## 1. INTRODUCTION

In the Middle Ages, church property, that is to say the assets of the Church, comprised property which belonged to public church entities. One mark of church property was the purpose for which it was designed, i.e., the holding of church services, the support of clergy and other persons active within the Church, and for pastoral and charity activities. According to institutional theory, the property belonged to individual church entities (Hrdina, 2002, pp. 311–313). Church institutions acquired property through pious legacies to the church such as immovable property, and also through revenue arising from these. Church institutions were also able to acquire a small amount of income through easements. Some Church officials and authorities may also have received income through fees and fines. We also come across fief law in regard to Church property. Property was alienated through the sale, pledge, and confiscation of property by secular authorities. Our aim is to provide an overview of the issue of Church property law in the Czech lands during the Middle Ages. Specifically, we consider the territory of the Prague and Olomouc dioceses, which were part of the Mainz ecclesiastical province. In 1344, the bishopric of Prague was elevated to an archbishopric, with the Archdiocese of Prague, the Diocese of Olomouc, and the newly-established Diocese of Litomyšl comprising the Prague ecclesiastical province.

The basic edition of documents from Bohemia and Moravia is the *Codex diplomaticus et epistolaris regni Bohemiae* (CDB), which now goes back to 1283. The Moravian *Codex diplomaticus* (CDM), which ends in 1411, can also be used. Also important is the regesta of documents on Bohemian and Moravian history, *Regesta diplomatica nec non epistolaria Bohemiae et Moraviae* (RBM), which currently covers the period to 1369. This edition is followed by the regesta catalogue for the period of Wenceslas IV, i.e., for the years 1378–1419 (RBMV). The Vatican's *Monumenta* (MVB; Eršil, 1980), which includes documents from 1305–1431, holds an important place in the history of ecclesiastical law in the Czech Lands. The edition of the Moravian Land Tables, set up by the noble provincial court for registering the ownership of allodial properties, was edited by Josef Chytil (Chytil, 1856a, 1856b). Josef Emler undertook a reconstruction of the Bohemian Land Tables, which are not extant (Emler, 1870–1872). Statutes published by bishops are significant in regard to property law – in particular, in terms of the law of patronage and affairs related to the alienation of property. Legatine statutes, provincial statutes, diocesan statutes, and synodal protocols of the Prague (arch)bishops up to the Hussite Revolution were compiled in editions by Rostislav Zelený, Jaroslav Kadlec, Jaroslav V. Polc, and Zdeňka Hledíková (Polc and Hledíková, 2002). Pavel Krafl edited the diocesan statutes of the Bishops of Olomouc (Krafl, 2014). Of the official editions of the books of the Archbishopric of Prague, one should note the confirmation books of 1354–1419, published by František Antonín Tingl and Josef Emler (Tingl and Emler, 1867–1886), and the erection books of 1358–1407, published by Kliment Borový and Antonín Podlaha (Borový, Podlaha, Pelikán and Pátková, 1875–2002). The papers of the Vicars General of the Prague Archbishopric from the period after 1379 contain numerous records on disputes over benefices and patronage law. These books were edited by Ferdinand Tadra (Tadra, 1893–1901). The Bishopric of Olomouc books of fiefs are available in Karel Lechner's publication (Lechner, 1902). The urbaria of Church institutions were the subject of a work put together by Josef Emler (Emler, 1881). The urbarium of the monastery of Canons Regular of St Augustine in Třeboň was edited by Adolf Ludvík Krejčík (Krejčík, 1949). The urbaria of the Cistercian monastery in Žďár nad Sázavou from the 15<sup>th</sup> century were published by Metoděj Zemek and Josef Pohanka (Zemek and Pohanka, 1961). Miroslav Černý prepared the edition of a tract which was produced by the ecclesiastical lawyer Kuneš of Třebovle on the orders of the Archbishop of Prague, Jan of Jenštejn. The tract looks at the escheat of rural farms in the estates of the Archbishopric of Prague (Černý, 1988; 1999, pp. 136–153).

## 2. ACQUISITION OF PROPERTY

Bořivoj I, Duke of Bohemia, had the first church in Bohemia built in Levý Hradec, and the Church of the Virgin Mary built at Prague Castle. Some of the first churches built by his successors included, for example, St Peter's rotunda in Budeč, St George's Basilica and St Vitus's rotunda at Prague Castle, and St Peter's rotunda in Starý Plzenec. The Benedictine monasteries of St George at Prague Castle, Břevnov, and Ostrov were founded (Merhautová, 2006, pp. 154–157). The churches which were set up at the dukes' castle seats around the country had parish rights. A group of priests worked there, headed by an archpriest, who were appointed by the duke or castle governor (Bláhová, Frolík and Profantová, 1999, p. 363). In the second half of the 11<sup>th</sup> century, magnates began setting up churches on their estates, with larger numbers of village churches established in the 12<sup>th</sup> century. These remained chapels without parish rights for the meantime. During the second half of the 12<sup>th</sup> century, these rural churches gradually gained independence (Kadlec, 1991, pp. 90–91; Bláhová, Frolík and Profantová, 1999, pp.

425, 540; Pauk, 2000, pp. 37–44, 184–185) with the borders of parishes becoming stable in the 13<sup>th</sup> century. The borders of parishes became fixed as the network of villages and towns was formed, i.e. settlements became concentrated. One of the conditions for the establishment of a parish, and thus for a chapel to become a parish church, was the availability of sufficient benefices, including an income for the parish priest, allowing him to maintain the church and hold services. Formally, the diocesan bishop made the decision on establishing a parish church (Hledíková, 2007, pp. 24–26).

In the early period, the relationship between the church founder and the church was set up along the lines of a proprietary system. Churches which were set up were owned by their founder, i.e. the duke. This arose from the idea that anything that stands on the territory of the owner is the property of the owner, including churches and monasteries. A church and its income represented a specific type of asset for the founder, whether sovereign or nobleman, and it was private property. The owner actually appointed a priest to the church, and demanded a part of the church's income, including the inheritance of the priest. If a church was unoccupied, all its income went to the owner. The founder even had ownership rights to the revenues of monasteries. Monasteries were required to provide the duke with accommodation and hospitality (Kadlec, 1991, pp. 85–87, 92; Bláhová, Frolík and Profantová, 1999, pp. 361–362, 364, 425).

Until the early 12<sup>th</sup> century, monasteries in Bohemia and Moravia were set up by the Czech duke and members of the ruling dynasty (e.g. the Olomouc, Brno and Znojmo princes). The hermit, St Prokopius, founded the Sázava monastery in the first third of the 12<sup>th</sup> century. Beginning in the 12<sup>th</sup> century, magnates also established new monasteries, their donations adding to the previous dukes' and princes' foundations. Beginning in the 13<sup>th</sup> century, it was mainly the King of Bohemia and members of the royal family, including the Margraves of Moravia and members of the high nobility, who were behind most foundations. In the 14<sup>th</sup> century, bishops also founded new monasteries.<sup>1</sup> Under Charles IV (1346–1378), the King of Bohemia and also the Roman Emperor, the newly founded institutions were also integrated into the emperor and king's broader political conceptions, and in some cases we can see that foundations were not accompanied by large property subsidies or the consistent interest of the monarch. King Wenceslas IV (1378–1419) ended the Bohemian king's involvement in the foundation of such properties, and did not establish even a single Church institution (Hledíková, 1982, pp. 6–7, 32–34; 2010, pp. 108, 136–137).

One of the oldest methods by which pious foundations were set up was by donation to God and the saints. Thus, the owner surrendered their property to a mystical subject. Another older way of making a donation with pious intention was dedication. The monastic community received the property for use, but were not the owner. A benefaction for pious purposes, i.e. gifted people and property, was given the ancient Czech term, *záduší* (*fabrica ecclesiae* in Latin) (Vaněček, 1933, pp. 25–28, 34, 39). The disposition of the founders and their foundations suggested a similarity with ownership. The founder applied the right of care. Founders' rights had their roots in a special tax which monasteries paid to the monarch. It was applied from the era of Wenceslas II (1283–1305) (Vaněček, 1933, pp. 51, 56–57, 71–73; Borovský, 2005, pp. 105–132). Newly

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<sup>1</sup> The foundation of monasteries according to individual time periods and orders is given in the map in *Akademický atlas českých dějin* (Krafl and Šimůnek, 2014). – On foundation activities to the end of the 12<sup>th</sup> century, see Pauk, 2000, p. 45–57; on the foundation activities of major noble families at the end of the 12<sup>th</sup> century and in the 13<sup>th</sup> century, see *ibidem*, p. 59–178. Royal foundations of the 14<sup>th</sup> century are discussed in the study Hledíková, 1982; reprint in: Hledíková, 2010, p. 106–162; recently Bláhová, 2007. For monasteries in Moravia in the 13<sup>th</sup> and 14<sup>th</sup> century other than those founded by the king, see Borovský, 2004.

electing abbots paid the monarch a fee, which was called *ostrožné* (Ryba, 1997). In regard to rights of care, their keepers applied lordship rights over monastic subjects in the post-Hussite period (Vaněček, 1937, pp. 50–56).

Church institutions gradually acquired immunity, i.e. exemption for estates and people, e.g. the serfs settled within these estates, from the powers of the duke and his officials. The immunity documents issued by the Duke or King of Bohemia for specific Church institutions progressively changed. They differed from each other in terms of the content, which gradually expanded until it affected a greater range of rights such as royal privileged rights (*regály*), obligations, and jurisdictions. We differentiate between economic immunity and judicial immunity (Janiš, 2013, p. 157). Economic immunity affected work (*corvée*) and wages and taxes. In terms of work, this included armed service, *corvée* at royal fortresses, the felling of trees in the forest (*přesečky*), and work on paths and bridges, for which ducal duties were collected. Wages included cuts (*nářez*) and fees (*poplatek*). This also included the ancient obligation to host and sustain the duke and his people as he travelled across the country. The monastery might obtain escheat immunity, in which the founder waived his rights to rural escheat. Rarely, monasteries were able to receive tax immunity, more frequently receiving customs immunity. The great privilege of 1222 and the privilege of 1253 were efforts to generally regulate the issue of economic immunity (Vaněček 1937, pp. 89–97, 104–106, 113, 117–125). Judicial immunity was contained within the royal privileges of 1221 and 1222. This led to the Prague diocese becoming exempt from the jurisdiction of the old ducal (afterwards royal) castle courts. Also important was the restoration and expansion of privileges for the Prague Bishopric in 1289. In the second half of the 13<sup>th</sup> century, monasteries received full jurisdiction over their serfs in criminal matters (Vaněček, 1928, pp. 45–50, 57; 1939, p. 51). Until the second half of the 13<sup>th</sup> century, there was no broad prosecution of serfs in Moravia, however, as the privileges of 1221 and 1222 did not apply here. Monasteries received exclusive immunity documents in Moravia from the mid-13<sup>th</sup> century. Around the mid-14<sup>th</sup> century, procedural immunity disappeared, losing its importance as a result of the strengthening of the courts of manorial lords (Vaněček, 1931, pp. 30, 38, 42).

The Olomouc Bishopric received the first immunity document in 1144. The generally worded document applied to the castle of Podivín, with all the people of the bishopric exempted from the powers of all persons with rank or status. This was followed by a document from 1146–1148 issued by Vladislav II (1140–1172), who exempted the people of the bishopric from the power of the Moravian princes and their heirs, and exempted them from taxes, fees, and land *corvée*. By the end of the 12<sup>th</sup> century, the Premonstratensian monastery in Hradisko, Olomouc (1160), the Benedictine monastery in Kladruby (1177), and the collegiate chapter in Vyšehrad (1187) had received immunity privileges with a limited number of specific prerogatives (Janiš, 2013, pp. 157–159; Vaněček, 1937, pp. 77–78).

The number of immunity documents increased from the early 13<sup>th</sup> century. The monastery in Hradisko, Olomouc, received immunity privileges as early as 1201, the Olomouc Bishopric did so in 1207, and this was followed by other Church institutions. In 1221, Přemysl Ottokar I, King of Bohemia (1197–1230), restored privilege for the Prague Bishopric, where the king granted all freedoms, and also waived all enforcement and harassment placed on it, as well as general tax. A year later, Přemysl Ottokar I issued privileges for all monasteries and chapters of the Diocese of Prague. These received the same privileges as the Prague Bishopric before them. A number of religious orders also received privileges for their property: the Order of Saint John from Vladislav Henry, Margrave of Moravia (1197–1222) in 1213, and the Teutonic Order in 1222 from King Přemysl Ottokar I. (Janiš, 2013, pp. 159–164).

Immunity documents written in line with a single form were issued to the Cistercian nuns monastery in Oslavany, the Cistercian monastery in Velehrad (1228), and the Premonstratensian monastery in Hradisko near Olomouc (1233, 1234), and the latter monastery also received privilege combining passages from the Oslavany-Velehrad form and passages from the privilege for the Bishopric of Olomouc of 1207. The Velehrad immunity document has its roots in the immunity privilege for the Bishopric of Olomouc of 1207, and, through that, in the immunity document of 1146–1147. The Oslavany-Velehrad form also influenced the privilege for the Premonstrate monastery in Louka near Znojmo and the monastery in Rajhrad near Brno (both 1234). The influence of the Olomouc form was also seen in the privilege for the Cistercian nuns in Předklášteří near Tišnov (1234) and for the monastery in Doubravnik (1235) (Vaněček, 1931, pp. 44–47; Janiš, 2013, pp. 164–168). Church institutions, especially monasteries, sometimes acquired counterfeit immunity documents in order to secure property and rights against secular powers.<sup>2</sup>

Regular and secular Church institutions were the largest receivers of monarchs' confirmation documents. In Moravia between 1310 and 1411, for example, of a total of 1735 confirmations for Moravian receivers, 35% were issued for monasteries and 10.5% for secular Church institutions, in particular the Olomouc Bishopric. Those most active in their endeavours at securing confirmation of their privileges were the Cistercian and Poor Clare monasteries, followed by the Benedictines and Premonstrates (Martínková, 2003, pp. 15–17, 138, table pp. 217–224). The Pope was able to issue a protection document for a monastery, in which the monks and their property were under the protection of St Peter and the Holy See. These could include a list of specific assets (Hruboň, 2017, pp. 141–143).

The Cistercian monasteries were amongst the largest owners of land. The largest landowner within this order in Bohemia was the monastery of Zlatá Koruna, which acquired a hundred and fifty villages through extensive colonisation. The monasteries in Hradiště nad Jizerou, Pomuk, Plasy and Vyšší Brod had between seventy and ninety villages. The monasteries in Sedlec, Zbraslav and Osek had around fifty villages. The smallest domains, with around ten villages, were those of the monasteries in Svaté Pole and Skalice (Charvátová, 2013, p. 338).

The economics of a monastery and its administration traditionally comprised two units: a large rental estate, the village of its serfs, and a managed estate, meaning the manorial farm yard with its associated farmland. In the Cistercian order, farming on this managed estate did not just involve traditional farms, but also included monastic granges, which were like large farming centres, which farmed on consolidated land. The granges were mainly farmed by lay-brothers, alongside paid labourers. Granges were typical for the Order of Cistercians, and while they are assumed to have existed in Bohemia, there is no direct evidence of their existence there, with one exception. That exception is the grange of the Plasy Monastery in Kaznějov. The grange was headed by an administrator known as a *grangiarus*. Eventually, the system of granges was abandoned, and they were transformed into traditional villages (Charvátová, 2013, pp. 333, 339–341).

The 13<sup>th</sup> century and first third of the 14<sup>th</sup> century were marked by an increase in donations to existing Church institutions, meaning an expansion of monastic property and a broader spectrum of protection holders in addition to the main founder (or his heirs). Some property, in particular that of noblemen's foundations, found itself under the

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<sup>2</sup> On dubious and counterfeit charters, see Hrubý, 1936, p. 73–165. List of counterfeits professing to be from the 11<sup>th</sup> and 12<sup>th</sup> centuries is given in the table Pauk, 2000, pp. 250–258.

protection of a number of noblemen, who collected a salary for their protection. The overarching protection from the King of Bohemia, often the main protection holder, was able to secure the monastery with the surest legal guarantees of property tenure. By the 13<sup>th</sup> century, the king had concentrated the founders' rights for most monasteries in Moravia in himself (Borovský, 2005, pp. 70–72).

The Bohemian King Charles IV endeavoured to ensure that large monasteries which held a large amount of land became a part of the royal, or margraval, domain. He aimed to suppress the founders' rights (protection, repair) of the noblemen who founded the institutions, or who had donated parts of estates. In his proposed code for Bohemia, *Maiestas Carolina*, Charles IV attempted to make all monasteries and all estates subordinate to the Bohemian King. He managed to get all large monasteries in Moravia in the 1350s to come under the Margraval chamber. The monarch's tool here was to transfer the monastery to his own protection, as was the case, for example, with the Oslavany monastery (Borovský, 2005, pp. 74, 76, 80–81).<sup>3</sup> In 1362, the Margrave of Moravia, John Henry (1349–1375) issued a series of documents with the same wording, which set up eleven chamber monasteries. These did not represent a general law, but rather customary privileges addressed to the individual monasteries. The margrave made the monasteries subordinate to his chamber, whom they were to exclusively turn to in the event of disputes (Borovský, 2005, p. 81). In the post-Hussite period, the repair of some monasteries was transferred to the nobility, sometimes to a royal city. This first occurred in the 1440s in regard to the Žďár nad Sázavou monastery, with repairs taken over by the Lords of Kunštát. The repair rights of half of the royal monasteries in Moravia were transferred to the nobility under the reigns of George of Poděbrady (1458–1471), Matthias Corvinus (1469–1490), and Vladislav II (1471–1516) (Borovský, 2005, pp. 207–224).

If a Church institution acquired allodial property, i.e. free or "table" estates, through purchase or gift, the previous owner was required to ensure that the acquirer of the property was entered in the Land Tables (*tabulae terrae*), this registration undertaken at a meeting of the provincial court (Janiš, 2013, p. 144). This ensured that the property rights of the Church institution to the newly acquired allodial property in terms of land law would be respected. For the provincial court, it was the entry in the Land Tables which was relevant in any dispute over ownership, not the deed for a particular estate.

A standard component of the document by which the allodial property was sold by a member of the nobility was an obligation to ensure that the new owner of the property would be entered in the Land Tables at the next meeting of the provincial court. Compliance with this obligation could be enforced by the legal institute of *obstagium*, according to which the purchaser was able to call upon the seller to stay with his people and horses at an honourable inn in a selected city at his own expense until the situation was remedied (Čáda, 1922, pp. 28–29; Vaněček, 1975, pp. 193–194; Lojek, 2016, pp. 449–450). The transfer of the property was undertaken through a circuit (*circuitio*), which referred to the ritual circumnavigation of the borders of the acquired property for its legal determination (bordering).<sup>4</sup>

The provincial court in Bohemia held the Land Tables for records of the allodial property of the nobility from the era of Přemysl Ottokar II (1253–1278), specifically from

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<sup>3</sup> Before this on the special protection of the sovereign, see Vaněček, 1938, p. 18–31, on Oslavany p. 28–29.

<sup>4</sup> An example from within the Church is given in Razim, 2022, pp. 52–59 (determining circuits in the event of the sale of the village by Ojř of Lomnice to the monastery in Waldsassen in 1287). On the participants in boundary setting, *ibid.* pp. 103–126.

1260–1278, although these were burnt in a fire at Prague Castle in 1541.<sup>5</sup> In Moravia, Land Tables were kept from 1348, separately at the Olomouc regional court and at the Brno regional court (Chytil, 1856a; 1856b). The extant continuous market volumes contain records of the property bought by monasteries, with more frequent records of property donated to the monasteries. An example of the former is the purchase of a meadow by the Cistercian monastery in Staré Brno, which was entered in the land tables at a meeting of the Brno provincial court on 3 July 1349. An example of the latter would be a record of the assets donated by the Margrave of Moravia John Henry to the Augustinian monastery located behind the walls of the city of Brno, and the newly founded Carthusian monastery in Královo Pole, listed at a meeting of the Brno provincial court on 19 January 1376 (Chytil, 1856a, p. 9, no. 157; p. 121, no. 389 and 390).

The Prague Archbishopric office kept erection books (*Libri erectionum*) between 1358 and 1419, into which it recorded documents on donations. The agenda was in the hands of the vicars general. Seven of the eleven extant erection books have been published. At the turn of 1398, the original single chronological row within the erection books was divided up into two parallel rows. Most entries are for 1405–1412 (Hledíková, 1994, pp. 252–253). From 1384, the erection books and judicial books of the vicars general were kept in one department or office, with the erection books and judicial books being written by the same scribe, and this resulted in both books influencing each other. We can find court records in the erection books, which should be in the judicial books. They moved away from the original form, in which documents were copied word-for-word into them. Instead, there were increasingly objectively formulated records, maintaining only the directives of documents (*dispositio*). From a substantive perspective, they were no longer about the actual erection of benefices, but rather donations to one of the existing benefices (Hledíková, 1966, pp. 169–170).

A wave of the founding of altar benefices usually followed once a broad network of parish churches had been formed. Within the Diocese of Prague, this began to be seen from the turn of 14<sup>th</sup> century – to begin with, mainly at the Prague cathedral church and other churches founded by the bishop, members of the ruling dynasty, and persons close to them. Gradually, donations of altar benefices were also seen in parish churches, especially in towns and cities or where there was a wealthy patron. From the mid-14<sup>th</sup> century, the number of gifts given by less wealthy and poorer noblemen and burghers increased. This was a manifestation of intense piety and endeavours at securing a good afterlife for the benefactor and family members, and, last but not least, evidence of the donor's prestige. Such donations mostly involved the gifting of a permanent salary ranging from a few groschen to many tens of threescore of groschen, and to a lesser extent, the donation of fields, meadows, forests, a house, or part of a watercourse. In some cases, they involved semi-donations, in which the Church institutions purchased a salary for a sum significantly below the standard price, representing ten times the annual interest. Donators requested services from the priest in the form of anniversaries – Church services on the anniversary of their date of death, or else a few days afterwards. Gifts dedicated to the altar benefices in Bohemia in the pre-Hussite era reached a peak in the period from 1406 to 1410, with between sixty and seventy donations annually (Hledíková, 1994, pp. 251, 253–255, 258).<sup>6</sup>

With the city conditions of Prague's Old Town, the largest number of altar benefices demonstrably set up by burghers was concentrated within the main parish

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<sup>5</sup> Josef Emler provided a reconstruction of market tables on the basis of extant documents, official extracts, court findings, and records of diet resolutions, see Emler, 1870, pp. 397–606; 1872.

<sup>6</sup> For the study of the foundation of altar benefices, erection books were used, e.g. in Adámek, 2002.

churches located directly on the square or nearby. The parish Church of Our Lady before Týn could boast the largest number, with twenty-four altar foundations. The burgher founders were also the church's parishioners. We can find altar benefices set up solely by burghers in parish churches with a burgher or Church patron. Where churches had a royal patron, the nobility or court noblemen directly played a role alongside burghers. In Prague's New Town and Prague's Lesser Town, the foundation of altar benefices was less frequent compared to the Old Town (Hledíková, 1984a, pp. 122, 124, 126).

During the period of George of Poděbrady's rule, most donations were recorded in the administrators' official book marked VI 6, with a smaller number in the book marked VI 5. Almost a hundred donations are recorded (Mařík, 1984, p. 134). Donations to Church institutions are also evidenced from the Jagiellonian period, specifically to altars and churches. These are recorded in the official books of the Archbishopric of Prague administrators – in particular, the book marked VI 8, and to a lesser extent, book VI 11. The donors went to the administrators with extracts from the Land Tables so that they could amend them to include the donation. The files contain a record that the donor arrived at the office, with the wording of the extracts from the Land Tables (Macháčková, 1985, p. 241).

Sometimes a parish church was incorporated into a monastery (or another Church institution). This involved incorporating the parish prebend into the monastery. A precondition for incorporation was the possession of the right of patronage over the church in question, this patronage right having been previously acquired by the monastery or other institution by donation. The office of the priest was transferred to the monastery, which became the direct owner of the property associated with the benefice. Following this, there was a vicar working at the church, not a parson. There were two types of relevant incorporations – specifically, *incorporatio in usus proprios*, which involved the requirement to present the vicar of the church to the bishop, and *incorporatio in usus proprios et pleno iure*, which involved the right to directly appoint and dismiss the vicar without the requirement to present him to the bishop. Upon the request of the monastery or other Church institution, the incorporation could be undertaken by the diocesan bishop or the Pope, although mostly it was an incorporation based on the decision of the Pope. It usually occurred in connection with the full enforcement of the law of patronage (Hinschius, 1873; Scharnagl, 1936; Lindner, 1951; Plöchl, 1961, pp. 419–422).<sup>7</sup>

The institution of the incorporation of churches was reflected in the Würzburg legatine statutes of 1287, which reminded monastery superiors that suitable vicars should secure spiritual care for incorporated churches. Before the law of patronage and the canon law form of incorporation was enforced, monasteries occasionally received a parish church as a gift from the aristocratic owner. An example of this is the gift of the parish church in Rožmberk to the monastery in Vyšší Brod, made by Hedvika, widow of the Vok of Rožmberk, with the consent of their sons Jindřich and Vítek or Rožmberk, and then again in 1278 by Jindřich of Rožmberk. In 1271, Hedvika's gift was affirmed by Bishop Jan III of Prague (1258–1278). It is also evidence of the application of the ownership rights of churches (CDB V/2, no. 645, p. 272; CDB VI/1, no. 21, pp. 63–64; no. 82, pp. 137–138). The correction and negation of this act in the spirit of canon law is the confirmation of the transfer of the law of patronage (!) to the monastery in 1290 made by

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<sup>7</sup> On the incorporation within Bohemia using the example of monasteries of Canons Regular of St Augustine, see Krafl, 2010a; Krafl, Mutlová and Stehlíková, 2010, pp. 43–47; Krafl, 2018a, pp. 43–47; on the example of Cistercian nuns, see Krafl, 2010b, p. 463; Krafl, 2001, pp. 209–210; for administrators of the Cistercian incorporated churches, see Foltýn, 2000, pp. 87–91.

Bishop Tobiáš of Benešov (1279–1296), who had a more developed legal awareness (Pangerl, 1865, no. 35, pp. 39–40; RBM II., no. 1495, p. 644. Krafl 2021b, pp. 14–15; Krafl, 2021a, pp. 28–29; Šebánek, 1956, pp. 83–84).

Within the Church context, proof of the application of profit à rendre was the so-called “iron cows”. This legal institute meant that the holder of the property was required to give the owner wages for cattle, often a pound of wax per cow. The holder was personally and permanently responsible for the cattle. This was used to resolve the pious legacy of the Church in villages in a number of cases (Adamová, 1972, pp. 139–141; 2021, pp. 527–528). We know of two lists of iron cow feepayers from the early 15<sup>th</sup> century for the church in Milotice, Kyjov. They are extant in inscriptions in an older missal, compiled before this in 1341 by a local priest, Heřman, which is today found in the library of the Chapter of Olomouc. One of the lists gives information on twenty-three cows leased by seventeen parishioners; another notes thirty cows leased by twenty-seven parishioners (Bistřícký, 1961, pp. 34–35). The Cerekvice urbarium of 1400 also includes a list of so-called “iron cow” feepayers (Nový, 1962, p. 139).

### 3. ON PROPERTY MANAGEMENT

All parishes, chapters and archdeaconries were organised as a *beneficium* or *prebend*. This involved life-long financial security based on the holding of the lent estate and property with the purpose of fulfilling official and administrative duties (Hledíková, 1977, p. 62; 2010, p. 331).

The church's material provisions comprised the assets of the parish, i.e., the benefice, which included the assets meant to cover the prebend – held by the parson in the case of a parish. The second component of the church's assets was its fabric (*fabrica ecclesiae*), which was a foundation used for religious purposes. Its revenue was used to look after the church building and church equipment, and whatever was needed for services and sacramental acts, spiritual care, and for performing duties determined by the patron or partial donor, such as requiems, prayers, and maintaining an eternal light. If it was in regard to a hospital, it was designated for looking after the poor or for another pious objective. The *fabrica ecclesiae* and prebends developed from the originally undifferentiated dowry of the church (*dos*). For the 14<sup>th</sup> century, we can now reliably determine the demarcation between these two parts of the church's material provisions. The lay administrator of the fabric assets was the sacristan (*vitricus ecclesiae, magister cechae*) (Zilynská, 1998; Nový, 1962, pp. 154–155).

While in monasteries the monks collectively used the revenues of the monastery's estates and salaries, in cathedral or collegiate chapters the assets were divided up across individual canonical benefices. Benefices were part of the chapter, and the canon was the user of the assets, but was so with the consent of the chapter. Thus, the chapter operated a limited joint economic policy, in contrast to monasteries, where monks were able to make joint decisions. This division of assets in chapters occurred during the 12<sup>th</sup> and 13<sup>th</sup> centuries; in earlier chapter periods, the chapter's assets were shared. To begin with, the income for the provost was taken out of the chapter's assets. In setting up a new canonry in an earlier period, its link to an incorporated church was used as security, while, exceptionally, a benefice was set up as a new foundation (Pátrová, 2008, pp. 506–507, 532).

In the first phase of its existence, Prague's cathedral chapter also followed the rules of shared living and had collective assets. The administrator of the chapter's assets was the provost. Following reorganisation of the chapter in 1068, its salaries, representing an entire quarter of all the chapter's incomes, were separated from the

salaries of other canons. The remaining three quarters of the chapter's income was divided up amongst the other canons. A lack of sources means we cannot determine the time when the property of the bishop was separated from the property of the chapter, but the 12<sup>th</sup> century and first half of the 13<sup>th</sup> century are considered likely. It is similarly unclear when separate assets of individual canon benefices emerged, though they evidently emerged during the 13<sup>th</sup> century and early 14<sup>th</sup> century (Maříková, 2011, pp. 103–104).

The Prague chapter statutes of 1350 attribute competence regarding assets not just to the provost as the main representative, but also to the dean. The dean was responsible for reviewing assets, keeping a list of incomes and movable assets for altars, and administrating vacant chapter benefices. He was able to make independent decisions on expenditure up to a sum of one threescore. The canons administered the estates and incomes related to their benefices entirely independently. They discussed changes to assets, but their right of disposal was restricted in certain cases, requiring chapter consent. Besides immovable assets, individual canon benefices also included permanent salaries, chimney tax (*fumales*), and sometimes the right of patronage over the local church. In addition to this, there were the chapter's shared assets (*mensa communis*). These were mainly villages known as "obedience", whose management was undertaken by individual canons on the decision of the chapter (*oboedientarius*). Various payments going to the shared treasury comprised the other part of the shared assets (Maříková, 2011, pp. 105–107, 111–113, 116).

The cathedral church's church treasury with its valuables was subject to attack during unstable periods. For example, during the period of Otto of Brandenburg's rule in Bohemia after the death of King Přemysl Ottokar II, the Prague cathedral church treasury was robbed in 1279 by Otto's servants (Podlaha and Šittler, 1903, p. 9). When they left for exile at the beginning of the Hussite Revolution, the Prague Cathedral Chapter had the Prague church's valuable assets moved out of Prague, in particular its church treasury. The valuables were spread out and kept at fortified sites, such as Karlštejn Castle, and the fortified Celestine monastery at Oybin, near Žitava (Zittau today). A number of relics, statues, crosses, monstrances, chalices, bishop's and canon's crosiers, and other small valuables were transferred to Karlštejn at the end of July 1420. Some of the objects, including the monstrances and other silver and gold artefacts, were used by castle garrisons to pay for their costs in 1425. In April 1420, the cathedral sacristan Ráček of Bříkov transferred three sealed chests to Oybin on the orders of King Sigismund of Luxembourg (1420–1437) and the superiors of the Prague Cathedral Chapter. The treasure was carried under the armed escort of Hynek Lupáč of Dubá. Sacristan Ondřej attempted to look after the remaining artefacts which stayed in the Prague cathedral church (Podlaha and Šittler, 1903, pp. 84–86; Vodička, 2017, pp. 162–164).<sup>8</sup>

In addition to other documents, the tax register of Archbishopric goods of 1379 and the Archbishopric urbarium of the final decade of the 14<sup>th</sup> century allow for reconstruction of the land tenure of the Prague Archbishopric, albeit an incomplete one. In terms of the territorial spread of the archbishopric estates, they were located along the main routes out of Prague to the fringes of the country. They were used by the archbishop when travelling across the archdiocese. During the time of Bishop Tobiáš of Benešov, there were attempts at strengthening the territory so that they would be able to defend it in the event of the weakening of royal power. The largest bishopric estates were found in the south-east of the country. During the struggle between King Wenceslas II and Závís of Falkenštejn and his allies, the bishopric estates in the Pelhřimov, Chýnov and Štěpánov

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<sup>8</sup> The content of the St Vitus treasury for the medieval period is also recorded in a large number of inventories from 1354–1512 (Podlaha and Šittler, 1903, p. I–C).

districts in particular were attacked. Archbishopric assets were used to secure the foundation of a number of monasteries of the Canons Regular of St Augustine (Boháč, 1979, pp. 165–167, 169–171, 176–178).

Different administrative districts of the archbishopric estates were governed by burgraves. In regions with a greater concentration of estates, such as the Pelhřimov region, there were a number of burgraves, based in major economic centres. The burgraves looked after the running of the economy in their assigned district and ensured the due payment of financial interests, benefits-in-kind, and corvée labour. Alongside village iudex and constable, they exercised lower judicial power. It was the archbishopric subchamber which had supreme judicial power over serfs. The bailiff (*vilicus, procurator*) was responsible for administering manorial courts. Castle scribes assisted the burgrave. There were guards protecting the castles, and other people serving at the castle were birdcatchers, fishermen, bee-keepers, cooks, and barbers. Forests were managed by foresters and gamekeepers. Officers from the category of unaristocratic holders of fief (“nápravník”) to protect the manor were introduced, and they were equipped with a spear or crossbow and wore a helmet or were on horseback. Near the castle was a farmyard, where serfs took the grain harvested from the lord's fields, the hay from meadows, and the wood from forests. Money and benefits in kind from serfs were supplied to the castle by serfs. Even in remote parts of administrative districts there were noble courts where there were a few areas of the lord's fields and fishponds (Boháč, 1979, pp. 180–181).

A register of the property of the Olomouc bishopric is provided by the deed of Jindřich Zdík from 1131. It includes an inventory of two hundred and five villages. One hundred and twelve documents document the extent and character of the holdings of the Olomouc bishopric for the period up to 1281. Documents from the time of Bruno of Schamburg mention one hundred and sixty-six localities in which there were larger or smaller estates owned by the Olomouc bishopric. Some of them are known from the previous period (Hrabová, 1964, pp. 15, 38, 39).

The significance of landed property in the Middle Ages was not seen in ownership itself, but rather in the benefits which arose from it (interest). An example of the application of ownership rights over villages or their parts by Church authorities is the collection of taxes from serfs. Details on these taxes arising from assets are recorded in *urbaria*. We differentiate between two types of *urbaria* – *urbaria* in the form of a list of taxes paid and *urbaria* in the form of an account. The former provides the total number of fields, taxes collected, and sometimes also other sources of income, while the latter gives the number of holders of farms, their names, the size of their fields, the taxes determined, and summaries for individual villages. These types were not clearly differentiated, however, and they were sometimes added to, always depending on the scribe's individual approach. Simply the creation of a written list of taxes is evidence of a change in the organisation and running of the manor. A detailed list allowed for better control over the collection of taxes (Nový, 1962, pp. 186–187).<sup>9</sup>

The oldest extant *urbarium* is evidently the *urbarium* of the Cistercian monastery in Vyšší Brod from the end of the 1270s (Čechura, 1986b, pp. 5–26). There is a fragment

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<sup>9</sup> For a commentary on *urbaria* with a list of them in an appendix, see Graus, 1957, p. 317–356. – A number of ecclesiastical institutions' *urbaria* are summarised in the edition by Emler, 1881. These are the *urbarium* of the Prague Bishopric, p. 1–3; *urbarial records* of the monastery in Roudnice nad Labem, p. 4–19; a fragment of the *urbarium* of the monastery in Pohled, p. 20–22; the *urbarium* of the monastery in Chotěšov, p. 23–52; the *urbarium* of the monastery in Ostrov, p. 53–91; the *urbarium* of the Prague Archbishopric, p. 92–150; the *urbarium* for the monastery in Břevnov, p. 151–218; the *urbarium* of the monastery in Strahov, p. 219–301; the *urbarium* for the provost of the Prague church, p. 302–308; the *urbarium* of the monastery in Zbraslav, p. 309–312.

of the Prague Bishopric urbarium from 1283–1284, which already shows that monetary taxes predominated over benefits-in-kind, with the smallest part comprising corvée labour (Nový, 1960, pp. 210–227; Graus, 1957, pp. 327–328). The urbarium of the Cistercian monastery in Pohled near Havlíčkův Brod dates back to 1327–1329. It contains information on the size of land plots and the duties of each fee-payer in the village (Nový, 1965, pp. 49–50, 53–55).

During the 1340s, urbaria were produced in other Cistercian monasteries. A number of records of an urbarial nature from this period are contained in the Codex Damascus of the Cistercian monastery in Osek (Nový, 1965, pp. 19–22, 29–31, 56–59). An extract from the urbarium of the Cistercian monastery in Zbraslav appears to have been produced in 1343. It takes the form of a list of villages with a determination of their affinity to specific monasterial farmyards (Nový, 1965, pp. 42–46; Graus, 1957, p. 329). A fraction of the urbarium of the Cistercian monastery in Sedlec from the period around 1340 is also extant. The urbarium contains the sizes of the individual farms of serfs. It shows mainly monetary payments, and to a limited extent also benefits-in-kind. It is comparable to Osek monastery's second urbarium from 1390, although the Osek urbarium is more detailed (Nový, 1965, pp. 46–48, 55).

Urbairal records for the years 1341–1407 are extant for the monastery of Canons Regular of St Augustine in Roudnice nad Labem (Nový, 1965, pp. 33–38; Graus, 1957, pp. 328–329), with another urbarium of the order dating back to 1378 for the canonry in Třeboň (Krejčík, 1949, pp. I–III, IX–XXI, 3–10). The urbarium for the Premonstrate monastery in Chotěšov of 1367 comprises two parts, with the first part written in Latin, and the second in Czech. There are extant only copies of this urbarium (Graus, 1957, pp. 329–330; Haubertová, Hofmann and Lešický, 1993, pp. 76–78). An urbarium for the Prague Archbishopric was set up in 1390 (Graus, 1957, pp. 331–332). A fraction of the urbarium for the period of the 1370s and 1380s, and a fraction for the year 1407 are extant, showing records of urbarial duties at the farmsteads of the Brno Collegiate Chapter (Nekuda, 1962, pp. 62–65).

The Benedictine monastery in Břevnov's 1406 urbarium is divided up by individual areas, and does not state the division of serfs' land (Graus, 1957, p. 334). There is an extant 1410 urbarium for the Premonstrate monastery in Strahov, which gives an overview of taxes from fifty-six villages in various parts of Bohemia (Nový, 1963, pp. 39–69; Graus, 1957, pp. 506–507). A list of income sources from 1415 for the St Catherine Augustinian nuns monastery in Prague contains records of an urbarial nature (Graus, 1957, p. 337). There is also an urbarium for the Cistercian monastery in Hradiště nad Jizerou from the pre-Hussite period (Graus, 1957, pp. 333–334; Emler 1884). Three urbaria record the obligations of serfs to the Cistercian monastery in Žďár nad Sázavou (from 1407, 1462 and 1483) (Zemek and Pohanka, 1961, pp. 10–11, 61–151). Another extant list of urbarial obligations from the early 15<sup>th</sup> century is the urbarium of the Cistercian monastery in Zlatá Koruna (Šusta, 1907, pp. 312–322). A 17<sup>th</sup> century copy contains the extant text of the 1438 urbarium of the Brno Herburga Dominican Monastery (Zaoral, 1965, pp. 233–241).

Parish urbaria were also set up, one example being an extant urbarium for the church in Jistebnice dating back to 1414–1419 (Graus, 1957, p. 337). We have an annual register of payments and benefits-in-kind provided to the St Vítus Church in Český Krumlov for 1446 (Kalný, 1976, p. 45, no. 38). A register of interest from individual farmers from twenty-five villages to the parson in Bavorov dates back to the end of the 15<sup>th</sup> century (Kalný, 1976, p. 21, no. 1).

Only the son of the farmer would inherit rights to the farm, and no longer daughters, widows or other family members. In 1386, the Archbishop of Prague, Jan of

Jenštejn (1378–1395/1396), announced his intention of abandoning his right on rural escheat at the Prague Archbishopric's estates. Canonist Kuneš z Třebovle prepared the text of archbishop's privilege. A dispute broke out over this issue. Scholasticus Vojtěch Raňkův of Ježov spoke at a meeting of the cathedral chapter against the privilege. He wrote the tract *Apologia*, in which he refuted the archbishop's right to abolish rural escheat (Černý, 1999, pp. 45–61; Boháček, 1961, pp. 108–115; Černý, 1988; Kadlec, 1969, pp. 51–57). The archbishop then commissioned Kuneš of Třebovel to respond with a tract, and he then wrote *De devolucionibus non recipiendis*. This tract includes a description of the dispute between M Vojtěch Raňkův of Ježov and Archbishop Jan of Jenštejn, followed by Jenštejn's privilege and Kuneš's extensive arguments, based on a large number of canon law authorities. Kuneš demonstrates the right of rural farmers to bequeath moveable and immovable assets to their children of both sexes (Černý, 1999, pp. 62–80, 136–151; see too Černý, 1988; Boháček, 1961, pp. 108–129; 1951; 1975, pp. 72–73; Černý, 2020, pp. 230–231).

A brick Gothic church in a village or unfortified town offered grateful refuge in a period of danger, and so in some cases churches featured fortified elements. A beam latch was used to barricade the entrance door from within. Secure rooms were set up on the storeys above the sacristy, while sacristies were secured using heavy entrance doors and tiny windows. The church tower provided strategic advantages to defenders. In late Gothic churches, we can also sometimes find features for attack, such as embrasures. External defensive elements, if present, usually comprised a ditch and rampart. In the legatine statutes declared in Würzburg in 1287, papal legate Giovanni Boccamazza prohibited churches from being occupied in the event of minor wars or feuds, from being given armed defenders, and also from being renovated in order to fortify them: his directive sanctioned excommunication. Fortification, i.e. rebuilding or the addition of fortifying elements, could not be undertaken without the consent of the relevant prelates. Bishop of Prague Tobiáš of Benešov based his synodal ban of 1288 on Giovanni Boccamazza's statute. His provisions were particularly aimed at church patrons (Krafl, 2022, pp. 251–252, 254; 2021c, pp. 83–85).<sup>10</sup>

The defence of a church or monastery could also be undertaken by an ecclesiastical advocate (*advocatus ecclesiae*), a lay person who was personally free. He protected the church or monastery militarily, represented it at secular courts, and was able to exercise secular jurisdiction over serfs. He was not the same as a village iudex, who was otherwise common in villages in the Czech lands and was a serf. Nevertheless, if an advocate was assigned to Church estates, he de facto replaced the rural iudex and his jurisdictional and administrative powers in regard to serfs. Two articles refer to ecclesiastical advocates in Giovanni Boccamazza's legatine statutes of 1287. He decided that advocates who did not take due care in defending churches' rights should be removed from their office. We can find provisions regarding ecclesiastical advocates in the Mainz provincial statutes of 1292. In Moravia, they are mentioned in the 1318 diocesan statutes of Bishop Konrád I (1316–1326) in regard to the collection of Church tithes (Krafl, 2021b, pp. 17–18; 2021a, pp. 34–35).

Ecclesiastical advocates were not generally common in the Czech lands; they were more typical for particular locations or microregions in Moravia, and were introduced in North Moravia at the estates of the Olomouc Bishopric. In the 16<sup>th</sup> century, they were free, or hereditary, advocates, lease advocates, and elected advocates. The early period of hereditary advocates corresponded to high medieval colonisation, and

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<sup>10</sup> On dating Tobiáš's synod, see Krafl, 2021d, p. 17.

they were seen in the Hukvaldy, Budišov, Mírov-Svitavy and Osoblažsko-Ketř (Kietrz) estates. The third category, elected advocates, was rare. During periods when war was a threat, advocates from the Bishopric of Olomouc estates were required to ensure they had a military horse and military groom (Jirásek, 1956, pp. 354, 356–357, 362).

Margrave of Moravia, John Henry, with the consent of his younger brothers John Soběslav and Prokop, decided in the foundation charter of the Carthusian monastery in Královo Pole from 1375 that an advocate's position would be established in order to defend the monastery, and he directly permitted the prior and convent to appoint and dismiss ecclesiastical advocates with his consent or the consent of his successors (CDM X., no. 258, p. 270).

In contrast to the rest of Bohemia, where there were iudices in villages, there were ecclesiastical advocates throughout the entire east Bohemian region of Kladsko (Kłodzko in Polonia today), who were termed bailiffs (*scultetus*). They were subordinate to the royal chamber. The monastery of Canons Regular of St Augustine in Kladsko acquired bailiffs in Štívnice and Starkov, and this related to donated villages. The Bohemian king Charles IV donated both bailiffs to Archbishop of Prague Arnošt of Pardubice, founder of the monastery, who then transferred them to the monastery (Krafl, 2018b; 2018a, pp. 32–39).

Bishop of Olomouc Bruno of Schaumburg set up a fief system on the assets of the Bishopric of Olomouc. Extant fief documents have enabled the nature of the fief rights to be ascertained. The fief was inherited along the male line and was not to be disposed of. Each vassal who accepted the fief was also required to purchase an estate from his own resources which corresponded to a half of the fief, later a third of the fief. From the fief awarded, the vassal was required to deliver to the canons of the cathedral chapter one measure of wheat from the field. The estates purchased from the wages were exempt, and were also inherited along the female line. Fields which the vassal farmed at his own expense, fields harvested by his servants, and iudex fields were also exempt from tax. The vassal was required to do military service for the Bohemian King and the Bishop of Olomouc. The fief-holder observed fief law, which was applied at the church in Magdeburg (Sovadina, 1974, pp. 438, 457–458; Hrabová, 1964, pp. 107–108; Knoll 2005, pp. 18, 20–21; see too Lapčík, 2005, pp. 39–40).

A fundamental change to the system which Bishop Bruno introduced was made by his heir, Dětřich of Hradec (1281–1302). Bishop Dětřich allowed fiefs to be sold if absolutely necessary, breaching the principle of the inalienability of fiefs, and this led to the loosening of the relationship between the liege lord and vassals (Kvasová, 1960, p. 152; Sovadina, 1974, p. 460). While Bruno of Schaumburg's fief document was based absolutely on a uniform form, Dětřich's documents show more individual traits. His documents emphasise more the vassal's obligation to perform military service. The vassal was no longer required to purchase additional estates (Janiš, 1997, pp. 341–342). The oldest list of fiefs in the Bishopric of Olomouc was evidently produced some time in 1317 (Lechner, 1902, I., pp. 3–8).<sup>11</sup>

There was a precization of fief administration, with the first extant fief court protocol dating back to 1364. In 1420, the Bishop of Olomouc, Jan Železný (1416–1430), decided that the sitting fief court should consist exclusively of vassals who were members of the lower nobility, i.e., knights. During the Hussite Wars period, the fief court did not meet, and the bishopric's fiefs were ravaged (Lapčík, 2005, pp. 41–42). The Bishopric of Olomouc also had fiefs in Bohemia (Vorel, 1991).

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<sup>11</sup> On dating of the list, see Dostál, 1981, pp. 90–91.

#### 4. THE ALIENATION OF PROPERTY

Canon law incorporated a tool in regard to lost property, *remedia spoli*, and this operated through the legal protection of members of the clergy expelled from their property (*exceptio spoli*) and through proceedings to recover the property (*actio spoli*) (Vladár, 2014, pp. 54–63, 165–172). The Pope was able to put a monastery or other ecclesiastical institution suffering material loss under his protection, and in this matter call upon the diocesan bishop to act in its favour.<sup>12</sup> In the 14<sup>th</sup> century, a delegated papal judge was often appointed to defend the rights of the ecclesiastical institution, in this case, property rights. In addition, ecclesiastical institutions were also able to claim their property rights through a proceeding at the regular diocesan ecclesiastical court. Disputes over property with a member of the nobility were often arbitrated. Ill treatment of the ecclesiastical institution's property could also arise from the behaviour of a superior there or from the prebend holder's poor management.<sup>13</sup>

Provisions against thieves of Church property are consistently found in diocesan statutes. Bishop of Prague Jan IV of Dražice issued a provision in his diocesan statutes of 1308 against those who stole and plundered Church property. They were excommunicated, and the church in which they were present was placed under interdict. In towns and villages, churches were to be closed upon their arrival. The Prague synodal statutes of 1329–1332 stress that those who took Church property were together with their counsellors ipso facto excommunicated, referencing the Mainz provincial statutes of 1310. The consideration of serfs is evident on the part of Archbishop of Prague Jan of Jenštejn, who issued an order on 18 October 1385 which emphasised that Church property also included the farms of farmers who were serfs of the Church authority, including horses, animals, clothing, and other items (Krafl, 2017, pp. 244, 246, 248; 2014, pp. 5–8).

The diocesan statutes of Bishop Jan Volek (1334–1351) of 1349 begin with a series of provisions focused on thieves of Church property in the Diocese of Olomouc, which ruled that wherever such thieves were present, religious services should not be held until the goods were returned. These refer back to the provisions of the Mainz provincial statute of 1261. Bishop of Olomouc Johannes Noviforensis (1364–1380) restored and reiterated the validity of this provision of Jan Volek in his diocesan statutes of 1380, after servants to Margrave of Moravia Jošt (1375–1411) burnt down the Olomouc Cathedral Church. Jan Volek's provisions were so important that the Olomouc Chapter had them transposed into notarial instruments in 1387 and 1388. Patriarch of Antioch and commendator of the Olomouc Bishopic Václav Králík of Buřnice (1413–1416) transferred Jan Volek's provisions word-for-word into his diocesan statutes of 1413 (Krafl, 2017, pp. 240–243; 2014, pp. 4–5).

Secularisation had a major impact on the Church's asset base in Bohemia in the Hussite and pre-Hussite periods. The secularisation of Church property took place in three ways. The first method of secularisation typical for Bohemia was the direct confiscation of property by Hussite representatives, whether noblemen or towns, which involved the implementation of the ideas of a poor Church. The second method involved the pledge and sale of property by ecclesiastical institutions in the period prior to the outbreak of the Hussite Revolution in 1419. This resolved their debts, which had arisen from relying heavily on collecting taxes from serfs with a fall in the value of coins (Čechura, 1986–1987, p. 96; 1986a, pp. 32–35; Borovský, 2005, pp. 134, 202–207).

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<sup>12</sup> For the final quarter of the 13<sup>th</sup> century, see e.g. Krafl, 2021b, p. 16; 2021a, p. 31.

<sup>13</sup> For examples from the final third of the 13<sup>th</sup> century, see Krafl, 2021b, pp. 16–17; 2021a, pp. 31–33.

The third method of secularisation related to the activities of Sigismund of Luxembourg, who needed funds to pay his mercenary troops. He resolved the issue through a pledge of Church institution assets, using his founder's rights. When King Wenceslas IV, his predecessor, made use of pledges, he pledged only revenues of the monasteries and not monastery property itself. It was subsequently Sigismund of Luxembourg who began pledging property directly from 1420. In 1422, he issued a number of appeal documents which imply that the pledges made were in breach of legal practices at the time. A large number of Church property pledges occurred in 1436–1437, because of a lack of funds (Bárta, 2016a, pp. 58–64, 70–92, 130–131; 2014, pp. 383–389; Borovský, 2003; 2005, pp. 194–202).

Regarding the Hussites, processes in various parts of the land can be characterised as a combination of armed actions against monasteries; the individual spontaneous secularisation of Hussite noblemen, including the secularisation of small estates by the lower nobility; the secularisation of Hussitism's power centres, in particular Tábor; and the continuing feudalisation of Hussite governors, with one aspect of these processes being the confiscation of pledged Church estates. Events were particularly dynamic in the initial years of 1419 and 1420 (Čechura, 1988, pp. 47–62; 1996; 2008, pp. 5–19).

Estimates suggest changes in land ownership in Bohemia during the Hussite Revolution comprising around 30–40% of the total area. The Church's land tenure fell by roughly 90%. In total, Sigismund of Luxembourg's total pledges are estimated at 490,000 threescores of Bohemian groschen, with the price of pledged estates higher. Most of the changes in ownership in Bohemia benefited the Catholic nobility, especially the Rožmberks, Švamberks, Švihovskýs of Rýzmbek, and the Lords of Michalovice. Of the utraquists in Bohemia, a large number of properties were acquired by members of the lower nobility. A number of previously less important families saw great increases in their properties, such as the Smiřickýs, the Trčkas of Lipa, and the Vřesovickýs (Čornej, 2000, pp. 657–658). Moravia did not see such changes in ownership structure. In total, a third of properties remained in Church hands there, even in the post-Hussite period (Papajik, 2003, pp. 132–134).

Efforts at restitution encountered resistance not just from the utraquist towns and nobility, but also from Catholic noblemen. The diet in Benešov in 1474 looked at the issue of Church assets occupied by the Catholic noble families of the Házmburks, Plavenskýs and Švamberks. The Church institutions were entitled to redeem the pledges as a whole, but were generally unable to do so, because of a lack of funds. The Kolovraty family also defended their villages originally belonging to the Church. The Rožmberks reluctantly released assets after 1500 which they had previously taken under protection (Macek, 2001, p. 191). Under Bohemian influence, the Moravian estates rejected the acquisition of property by ecclesiastical institutions. In 1486, the nobility and royal towns agreed that no burgher should give the Church landed property. In 1511, the provincial diet in Olomouc ruled that members of the Church, with the exception of the Bishop of Olomouc, should not be allowed to purchase landed property (Macek, 2001, p. 192).

## 5. CONCLUSION

The main founder of churches and ecclesiastical institutions in the early Middle Ages was the duke, while from the 12<sup>th</sup> century magnates also became involved in founding these institutions. Gifts went to a mystical object, specifically God and the saints. In the early period of founders, the property donated to the Church was treated in the spirit of respecting the rights of the proprietary churches. The law of patronage, which

was progressively implemented during the 13<sup>th</sup> century and first half of the 14<sup>th</sup> century brought change. The most common holders of the right of patronage in the Bohemian Kingdom and the Moravian Margraviate were the king, the margrave, individual noble families, bishops, monasteries, chapters, Royal towns, and occasionally patrician families. A priest who applied for a parish benefice had to submit proof of his ordination and a presentation document from the church patron. Following confirmation from the vicar general, he received a confirmation document showing that he was the authorised holder of the particular parish benefice. Parish benefice confirmations were recorded in the confirmation books held by the vicars general.

In order to exclude the assets of ecclesiastical institutions, including the serfs who lived there, from the general legal system, immunities were important. Bishoprics and individual monasteries received immunity documents from the mid-12<sup>th</sup> century, and to a greater extent from the early 13<sup>th</sup> century. The foundation of larger properties of major ecclesiastical institutions continued to be accompanied by partial donations. The spectrum of donors expanded to include burghers as well as persons of noble origin. These always involved pious gifts in order to secure salvation for the donor and his family members through requiem masses regularly celebrated on particular days in the donated church or monastery. Within the Archbishopric of Prague, donations were recorded in erection books. Once noble allodial ownership property books were introduced at the provincial court, property transfers to Church institutions were secured through entries in these books (*tabulae terrae*, or Land Tables). Monasteries' assets were often expanded to include parish benefices. A monastery which had the right of patronage over a parish church was able to ask for the incorporation of that church from the Holy See. The monastery then became, according to canon law, a parson of the parish church and also owner of the assets of the parish benefice.

Ecclesiastical institutions' property tenures can be reconstructed on the basis of extant documents (foundation and donation documents, immunity privileges, etc.), and, for the late Middle Ages, also on the basis of records in the Land Tables. For the Archbishopric of Prague, we can also make use of the tax register for Archbishopric goods from 1379. The application of property rights in villages can be shown through the collection of taxes from serfs. These are recorded in *urbaria*, which are extant for some monasteries, and exceptionally also for some parish churches. In chapters, assets were assigned to individual canon benefices. In contrast, in monasteries, assets were shared by all. Some assets of the Olomouc Bishopric were held in the manner of a fief. Judicial matters regarding bishopric fiefs were dealt with by the fief court, where there were also fief books.

The assets of ecclesiastical institutions were often subject to attempts at alienation and theft. These included direct theft and the seizure of property, the application of alleged property entitlements (such as in cases of unclear ownership of the right of patronage), and endeavours at secularisation made by reformist religious attitudes. They also included the unauthorised awarding of benefices. Assets could be the subject of a pledge, which could be made by the church institution or the former founder in respect of founder's rights. Even these cases mostly ended in the secularisation of monasteries due to an inability to redeem the pledge. This was typical for the pledges of the King of Bohemia, Sigismund of Luxembourg during the period of the Hussite Revolution. An ecclesiastical advocate could act as a protector of the monastery's property. In disputes over property, judicial proceedings could take place at ordinary courts (the episcopal court, the metropolitan court, the *Rota Romana* papal court), or a special papal judge could be appointed as a conservator of rights.

## BIBLIOGRAPHY:

- Adámek, J. (2002). Wpływ duchowieństwa parafialnego na fundacje w miastach królewskich od połowy XIV wieku do wojen husyckich (sondaż na przykładzie miast południowoczeskich: Budziejowic, Pisku i Vodňan) [The influence of parish clergy on foundations in the Royal towns from the mid-14<sup>th</sup> century to the Hussite Wars (a study on the examples of the South Bohemian towns of Budějovice, Pisek and Vodňany)]. In: Manikowska, H. and Zaremska, H. (eds.), *Ecclesia et civitas. Kościół i życie religijne w mieście średniowiecznym*. Warszawa: Instytut Historii PAN, pp. 315–325.
- Adamová, K. (1972). Tak zvaná věčná (železná) zvířata a jejich funkce v hospodářském zajištění církevních institucí se zaměřením na české země (14.–19. století) [The so-called permanent (iron) animals and their function in the economic security of ecclesiastical institutions, focused on the Bohemian lands (14<sup>th</sup>-19<sup>th</sup> centuries)]. *Acta Universitatis Carolinae, Iuridica*, 18 (1–2), 127–156.
- Adamová, K. (2021). Železná kráva [Iron cow]. In: Schelle, K. and Tauchen, J. (eds.), *Encyklopedie českých právních dějin*. Vol. XXII. Plzeň–Ostrava: Aleš Čeněk, Key Publishing, pp. 527–528.
- Bárta, S. (2014). Odvolání zástav statků církevních institucí Zikmundem Lucemburským na obecném sněmu v Norimberku 23. srpna 1422 [Revocation of the pledges of estates of ecclesiastical institutions by Sigismund of Luxembourg at the general diet in Nuremberg, 23 August 1422]. *Časopis Matic moravské* 133, pp. 383–407.
- Bárta, S. (2016a). Zástavní listiny Zikmunda Lucemburského na církevní statky (1420–1437) [Pledge documents of Sigismund of Luxembourg concerning ecclesiastical estates (1420–1437)]. Brno: Masarykova univerzita.
- Bárta, S. (2016b). Zástavní listiny Zikmunda Lucemburského pro Něpra Duce z Vařin. Příklad z ediční praxe Regesta Imperii XI Neubearbeitung [The pledge charters of Sigismund of Luxembourg for Něpr Duc of Vařiny. An example of the editorial practice of Regesta Imperii XI Neubearbeitung The pledge charters of Sigismund of Luxembourg for Něpr Duc of Vařiny. An example of the editorial practice of Regesta Imperii XI Neubearbeitung]. In: Krafl, P. O. (ed.), *Editorství a edice středověkých pramenů diplomatické povahy na úsvitu 21. století. Směry – tendence – proměny / The editorship and editions of medieval sources of a diplomatic nature at the dawn of the 21st century. Directions – tendencies – transformations*. Opera Instituti historici Pragae, series C Miscellanea, vol. 24. Praha: Historický ústav / Institute of History, pp. 75–97.
- Bistřícký, J. (1961). Milotické seznamy železných krav [Milotice lists of iron cows]. *Slovácko sine vol.*, 34–38.
- Bláhová, M. (2007). Klášterní fundace Karla IV. [The monasterial foundations of Charles IV.]. In: Benešová, K. and Kubínová, K. (eds.), *Emauzy. Benediktinský klášter Na Slovanech v srdci Prahy. Soubor statí věnovaných znovuo tvoření chrámu Panny Marie a sv. Jeronýma benediktinského kláštera Na Slovanech, Opatství Emauzy 21. 4. 2003*. Praha: Academia, pp. 18–31.
- Bláhová, M., Frolík, J. and Profantová, N. (1999). *Velké dějiny země Koruny české [The Great History of the Lands of the Bohemian Crown]*. Vol. I. Praha–Litomyšl: Paseka.
- Boháč, Z. (1979). Pozemková držba pražského arcibiskupství v době předhusitské [Land tenure of the Prague Archbishopric in the pre-Hussite period]. *Historická geografie* 18, 165–203.
- Boháček, M. (1951). Il diritto romano propagatore della libertà nel trattato del vicario generale di Praga mag. Cunsso dell'anno 1388. In: Moschetti, G. (ed.), *Atti del*

- Congresso internazionale di diritto romano e di storia del diritto, Verona 27–28–29–IX–1948*. Vol. I. Milano, pp. 407–426.
- Boháček, M. (1961). Právní ideologie předhusitského zastávce selské svobody [Legal ideology of the pre-Hussite defender of rural freedom]. *Sborník historický* 8, 103–132.
- Boháček, M. (1975). *Einflüsse des römischen Rechts in Böhmen und Mähren*. Ius Romanum medii aevi, pars V/11. Mediolani: Typis Giuffrè.
- Borovský, T. (2003). Zikmundovy zápisy na Moravě (Zápisy klášterních majetků) [Sigismund's pledges in Moravia (Pledges of monasterial assets)]. In: *Ad vitam et honorem. Profesoru Jaroslavu Mezníkovi přátelé a žáci k pětasedmdesátým narozeninám*. Brno: Maticе moravská, pp. 327–339.
- Borovský, T. (2004). Soukromé kláštery na Moravě ve 13. a 14. století [Private monasteries in Moravia in the 13<sup>th</sup> and 14<sup>th</sup> centuries]. *Časopis Maticе moravské* 123, 461–479.
- Borovský, T. (2005). *Kláštery, panovník a zakladatelé na středověké Moravě [Monasteries, the monarch, and founders in medieval Moravia]*. Brno: Maticе moravská.
- Borový, C., Podlaha, A., Pelikán, J. and Pátková, H. (edd.). (1875–2002). *Libri erectionum archidieocesis Pragensis saeculo XIV. et XV*. Vol. I.–VII. Prague.
- Čáda, F. (1922). *Ležení podle českého práva zemského (K osobní exekuci II)*. Práce ze Semináře českého práva na Karlově universitě v Praze, no. 6. Praha: Jan Kapras.
- Čechura, J. (1986a). K některým aspektům státní ideologie a sekularizačních idejí v předhusitských Čechách [Some aspects of state ideology and secularisation ideas in pre-Hussite Bohemia]. *Časopis Národního muzea, řada historická*, 155 (1–2), 29–36.
- Čechura, J. (1986b). Nejstarší český urbář (Urbář kláštera ve Vyšším Brodě z konce sedmdesátých let 13. století) [The oldest Bohemian urbarium (Urbarium of the monastery in Vyšší Brod from the end of the 1270s)]. *Právněhistorické studie* 27, 5–26.
- Čechura, J. (1986–1987). Sekularizace církevních statků v husitské revoluci a některé aspekty ekonomického a sociálního vývoje v Čechách v době pozdního středověku [The secularisation of ecclesiastical estates during the Hussite Revolution and some aspects of economic and social developments in Bohemia in the late Middle Ages]. *Husitský Tábor* 9, 91–100.
- Čechura, J. (1988). Rozsah a dynamika sekularizace církevních statků v západních Čechách na počátku husitské revoluce (v letech 1419–1420) [The extent and dynamic of the secularisation of ecclesiastical estates in West Bohemia at the start of the Hussite Revolution (1419–1420)]. *Právněhistorické studie* 29, 43–69.
- Čechura, J. (1996). Sekularizace církevních statků v západních Čechách v letech 1421–1454 [The secularisation of ecclesiastical estates in West Bohemia in 1421–1454]. *Časopis Národního muzea, řada historická*, 165 (1–2), 1–16.
- Čechura, J. (2008). Sekularizace církevních statků v jihovýchodních Čechách v letech 1420–1454 [The secularisation of ecclesiastical estates in South East Bohemia in 1420–1454]. *Časopis Národního muzea, řada historická*, 177 (1–2), 1–25.
- Černý, M. (1988). *Il "doctor decretorum" Kuneš di Třebovel. Edizione critica e analisi storico-giuridica del suo trattato "De devolucionibus"*. Roma: Pontificia Università Lateranense.
- Černý, M. (1999). *Kuneš z Třebovle. Středověký právník a jeho dílo [Kuneš of Třebovle. The medieval lawyer and his work]*. Plzeň: Západočeská univerzita.
- Černý, M. (2020). Prague synodic preachments, their legal resources and manuscript distribution. Several brief comments on the periphery of a large topic. In: Krafil, P.

- O. (ed.), *Sacri canones editandi. Studies on Medieval Canon Law in Memory of Jiří Kejř*, second extended edition. *Ius canonici medii aevi*, vol. 1a. Nitra: Constantine the Philosopher University, pp. 230–237.
- Čornej, P. (2000). *Velké dějiny země Koruny české [The Great History of the Lands of the Bohemian Crown]*. Vol. V. Praha–Litomyšl: Paseka.
- Dostál, F. (1981). Kdy vznikl nejstarší seznam statků a lén olomouckého biskupství? [When did the oldest list of estates and fiefs of the Bishopric of Olomouc appear?]. *Vlastivědný věstník moravský* 33, 90–92.
- Emler, J. (ed.). (1870–1872). *Reliquiae tabularum terrae regni Bohemiae anno MDXLI igne consumptarum*. Vol. I.–II. Pragae: Sumptibus Henrici Jaroslai comitis de Clam-Martinic.
- Emler, J. (ed.). (1881). *Decem registra censuum bohemia compilata aetate bellum husiticum praecedente. Deset urbářů českých z doby před válkami husitskými [Decem registra censuum bohemia compilata aetate bellum husiticum praecedente. Ten Bohemian urbaria from the period prior to the Hussite Wars]*. Praha: Královská Česká společnost nauk.
- Emler, J. (ed.). (1884). *Zlomek urbáře kláštera hradištského [Fragment of Hradiště monastery urbarium]*. Pojednání Královské české společnosti nauk, řada VI, no. 12, třída pro filosofii, dějepis a filologii, no. 7. Praha: Královská česká společnost nauk.
- Eršil, J. (ed.). (1980). *Acta summorum pontificum res gestas Bohemicas aevi praehussitici et hussitici illustrantia*. Pars I.–II. Pragae: Academia.
- Foltýn, D. (2000). K typům a funkcím cisterciáckých proboštví v předhusitských Čechách [The types and functions of Cistercian provostries in pre-Hussite Bohemia]. In: Charvátová, K. (ed.), 900 let cisterciáckého řádu. Sborník z konference konané 28.–29. 9. 1998 v Břevnovském klášteře v Praze. Praha: Unicornis, pp. 79–95.
- Graus, F. (1957). *Dějiny venkovského lidu v Čechách v době předhusitské [A history of rural people in Bohemia in the pre-Hussite period]*. Vol. II. Praha: Nakladatelství Československé akademie věd.
- Haubertová, K., Hofmann, G. and Lešický, L. (1993). *Soupis západočeských urbářů. 2. pol. 13. století – 1773 [List of West Bohemian urbaria from the second half of the 13<sup>th</sup> century – 1773]*. Plzeň: Nava.
- Hinschius, P. (1873). Zur Geschichte der Inkorporation und des Patronatrechtes. In: *Festgaben für A. W. Heffner*. Berlin, pp. 1–28.
- Hledíková, Z. (1966). Soudní akta generálních vikářů [Vicars general court books]. *Sborník archivních prací* 16, 157–171.
- Hledíková, Z. (1971). *Úřad generálních vikářů pražského arcibiskupa v době předhusitské [The office of vicars general for the Prague Archbishop in the pre-Hussite period]*. Acta Universitatis Carolinae, Philosophica et historica, Monographia, vol. 41. Praha: Univerzita Karlova.
- Hledíková, Z. (1975). Registrum perceptorum a sigillo (Z agendy pražských administrátorů na konci 15. století) [Registrum perceptorum a sigillo (From the agenda of the Prague administrators at the end of the 15<sup>th</sup> century)]. *Acta Universitatis Carolinae, Philosophica et historica* 5, Z pomocných věd historických 3, 89–104.
- Hledíková, Z. [1977]. Vyvrcholení církevně správního vývoje v době Jana z Jenštejna [The peak of ecclesiastical administrative developments in the era of Jan of Jenštejn]. In: *Jenštejn 1977. Sborník*. S.l., pp. 57–73.
- Hledíková, Z. (1982). Fundace českých králů ve 14. století [Foundations of Bohemian kings in the 14<sup>th</sup> century]. *Sborník historický* 28, 5–55.

- Hledíková, Z. (1984a). Fundace pražských měšťanů do roku 1419 [The foundations of Prague burghers up to 1419]. *Documenta Pragensia* 4, 121–137.
- Hledíková, Z. (1984b). Ke studiu a možnostem využití patronátních práv v předhusitských Čechách [On the study and possibilities of the use of the law of patronage in pre-Hussite Bohemia]. *Folia historica Bohemica* 7, 43–99.
- Hledíková, Z. (1994). Donace církevním institucím v Čechách v prvním dvacetiletí 15. století (Statistický přehled) [Donations to ecclesiastical institutions in Bohemia in the first two decades of the 15<sup>th</sup> century (Statistical overview)]. In: Pánek, J., Polívka, M. and Rejchrtová, N. (eds.), *Husitsví – reformace – renesance. Sborník k 60. narozeninám Františka Šmahela*. Opera Institutu historici Praegae, series C Miscellanea, vol. 9. Praha: Historický ústav, pp. 251–260.
- Hledíková, Z. (1994). Arcibiskupství a písemná kultura ve středověku [Archbishopric and written culture in the Middle Ages]. In: *Pražské arcibiskupství 1344–1994. Sborník statí o jeho působení a významu v české zemi*. Praha: Zvon, pp. 71–84.
- Hledíková, Z. (2007). Farní síť ve středověkých Čechách a možnosti jejího studia [Parish network in medieval Bohemia and options for its study]. In: Hrdina, J. and Zilynská, B. (eds.), *Církevní topografie a farní síť pražské církevní provincie v pozdním středověku*. Colloquia mediaevalia Pragensia, vol. 8. Praha: Filosofia, pp. 23–32.
- Hledíková, Z. (2010). Svět české středověké církve [The World of the Bohemian Medieval Church]. Praha: Argo.
- Hrabová, L. (1964). *Ekonomika feudální držby olomouckého biskupství ve druhé polovině 13. století*. Acta Universitatis Palackianae Olomucensis, no. 20, Historica, no. 6, Praha: Státní pedagogické nakladatelství.
- Hrdina, A. (2002). *Kanonické právo [Canon law]*. Praha: Eurolex Bohemia.
- Hruboň, P. (2017). Papežská protekční privilegia a listy 13.–15. století pro moravské kláštery. Statisticko–diplomatický přehled a drobná úvaha o jejich významu a účelu [Papal protection privileges and letters from the 13<sup>th</sup>–15<sup>th</sup> centuries for Moravian monasteries. A statistical and diplomatic overview and some considerations on their significance and purpose]. *Mediaevalia historica Bohemica* 20 (2) 117–152.
- Hrubý, V. (1936). *Tři studie k české diplomacie [Three studies on Czech diplomatics]*. Brno: Filosofická fakulta.
- Charvátová, K. (2013). Ekonomika cisterských klášterů. 12.–14. století [The economics of Cistercian monasteries. 12<sup>th</sup>–14<sup>th</sup> centuries]. In: Derwich, M. (ed.), *Klasztor w gospodarce średniowiecznej i nowożytnej*. Wrocław: Pracownia Badań nad Dziejami Zakonów i Kongregacji Kościelnych, Wrocławskie Towarzystwo Miłośników Historii, pp. 333–345.
- Chytil, J. (ed.). (1856a). *Die Landtafel des Margrafthumes Mähren (1348–1466)*. Brüner Cuda, Brünn.
- Chytil, J. (ed.). (1856b). *Die Landtafel des Margrafthumes Mähren (1348–1466)*. Olmützer Cuda, Brünn.
- Janiš, D. (1997). Lenní systém olomouckého biskupství za episkopátu Dětricha z Hradce (1281–1302). K problematice lenních a lokačních listin [The fief system of the Olomouc Bishopric under the episcopate of Dětrich of Hradec (1281–1302). On fief and location documents]. *Časopis Matice moravské* 116, 325–346.
- Janiš, D. (2013). *Zemské soudnictví na Moravě vrcholného středověku [The provincial judiciary in High Medieval Moravia]*. Brno: Matice moravská.
- Jirásek, J. (1956). Fojeti na panství olomouckého biskupství v 16. století [Ecclesiastical bailiffs on the estates of the Olomouc Bishopric in the 16<sup>th</sup> century]. *Časopis Matice moravské* 75, 352–356.

- Kadlec, J. (1969). *Mistr Vojtěch Raňkův z Ježova [Master Vojtěch Raňkův of Ježov]*. Praha: Univerzita Karlova.
- Kadlec, J. (1991). *Přehled českých církevních dějin [An overview of Czech ecclesiastical history]*. Vol. I. Praha: Zvon.
- Kalný, A. (1976). *Soupis urbářů jihočeských archivů 1378–1773 [List of urbaria in South Bohemian archives 1378–1773]*. České Budějovice: Krajská správa SNB.
- Knoll, V. (2005). Jus vassallorum vel ministerialium ecclesiae Magdeburgensis. Poznámka k otázce původu olomouckého lenního práva. *Právněhistorické studie* 37, 17–28.
- Krafl, P. (2001). Kostel v Hustopečích na přelomu 14. a 15. století [The church in Hustopeče at the turn of the 14<sup>th</sup> and 15<sup>th</sup> centuries]. *Vyškovský sborník* 2, 209–212.
- Krafl, P. (2010a). Inkorporacja kościołów do czeskich kanoników regularnych św. Augustyna w czasach przedhusyckich. Przykład Rudnicy, Lanckorony i Kłodzka [Incorporation of churches to the Canons Regular of St Augustine in the pre-Hussite period. The examples of Roudnice nad Labem, Lanškroun and Kladsko]. In: Derwich, M. and Pobóg-Lenartowicz, A. (eds.), *Klasztor w kościele średniowiecznym i nowożytnym*. Warszawa–Wrocław–Opole: Wydawnictwo DiG, Pracownia Badań nad Dziejami Zakonów i Kongregacji Kościelnych, pp. 311–319.
- Krafl, P. (2010b). Klášter cisterciáček na Starém Brně v letech 1378–1419 ve světle listinného materiálu fondu E 9 Moravského zemského archivu v Brně [The Cistercian monastery in Old Brno from 1378–1419 in the light of documents in the E 9 collection of the Moravian Regional Archives in Brno]. In: Radziwiński, A., Karczewski, D. and Zyglewski, Z. (eds.), *Sanctimoniales. Zakony żeńskie w Polsce i Europie Środkowej (do przełomu XVIII i XIX wieku)*. Bydgoszcz–Toruń: Wydawnictwo Uniwersytetu Kazimierza Wielkiego, Wydawnictwo Naukowe Uniwersytetu Mikołaja Kopernika, pp. 459–468.
- Krafl, P. (2014). Loupení či napaďání církevního majetku a zajiňání kleriků v českém a moravském církevním zákonodárství [The theft and pillaging of ecclesiastical property and the detention of clergy in Bohemian and Moravian ecclesiastical law]. *Sborník prací Pedagogické fakulty Masarykovy univerzity, řada společenských věd*, 28 (2), 3–9.
- Krafl, P. (2014). *Synody a statuta olomoucké diecéze období středověku / Medieval Synods and Statutes of the Diocese of Olomouc*, 2nd edition. Opera Instituti historici Pragrae, series B Editiones, vol. 10. Praha: Historický ústav / Institute of history.
- Krafl, P. (2017). Spoliatores bonorum ecclesiasticorum et captivatores clericorum in Bohemian and Moravian Synodal Legislation. *Rivista Internazionale di Diritto Comune* 28, 239–251.
- Krafl, P. (2018a). *Quam ecclesiam in honore sancte Marie Virginis intitulari volumus. Study on the Kłodzko Monastery of Canons Regular of St. Augustine in the Pre-Hussite Period*. Canonici regulares sancti Augustini, vol. 1. Brno: Středoevropské centrum slovanských studií.
- Krafl, P. (2018b). Kladská kanonie a její fojtství [Kladsko canonry and its bailiffs]. In: Chládek, O., Petráček, T. and Stachurová Kucrová, V. (eds.), *Jdi svou cestou a nech lidí mluvit. Variety sociálních a kulturních dějin. Profesoru Jaroslavu Čechurovi k 66. narozeninám*. Opera Facultatis theologiae catholicae Universitatis Carolinae Pragensis, Historia et historia atrium, vol. 32. Praha: Univerzita Karlova, Katolická teologická fakulta, pp. 64–70.
- Krafl, P. (2021a). *Dvě studie k synodálnímu zákonodárství (Würzburg 1287, Kališ 1420) [Two studies on synodal legislation (Würzburg 1287, Kališ 1420)]*. Ius canonicum medii aevi, vol. 2. Nitra: Středoevropské centrum slovanských studií.

- Krafl, P. (2021b). Würzburg legatine statutes of 1287 and the Kingdom of Bohemia. *Temas Medievales* 29 (2), 1–26.
- Krafl, P. (2021c). Opevněné kostely v synodálním zákonodárství konce 13. století [Fortified churches in synodal legislation at the end of the 13<sup>th</sup> century]. *Časopis Společnosti přátel starožitností* 129 (2), 83–87.
- Krafl, P. (2021d). Synody biskupa Tobiáše z Benešova. K počátkům synod v pražské diecézi [The synods of Bishop Tobiáš of Benešov. On the beginnings of synods in the Prague Diocese]. *Východočeské listy historické* 46, 9–19.
- Krafl, P. (2022). Fortified churches in the Kingdom of Bohemia and synodal legislation at the end of the 13th century. *Rivista Internazionale di Diritto Comune* 33, pp. 249–255.
- Krafl, P. (2023). *Dějiny církevního práva v českých zemích ve středověku [The History of Ecclesiastical Law in the Czech Lands in the Middle Ages]*. Ius canonicum mediaevali, 3a. Košice: Viena.
- Krafl, P., Mutlová, P. and Stehlíková, D. (2010). *Řeholní kanovníci sv. Augustina v Lanškrouně. Dějiny a diplomatář kláštera / The Regular Canons of St Augustine in Lanškroun. The History and Diplomatarium of the Monastery*. Opera Instituti historici Pragrae, series B Editiones, vol. 7. Praha: Historický ústav / Institute of History.
- Krafl, P. and Šimůnek, R. (2014). Kláštery založené v českých zemích do roku 1526 [Monasteries founded in the Bohemian lands to 1526]. In: Semotanová, E., Cajthaml, J. (eds.), *Akademický atlas českých dějin*. Praha: Academia, pp. 73–75.
- Krejčík, A. L. (ed.). (1949). *Urbář z roku 1378 a účty kláštera třeboňského z let 1367–1407 [Urbarium of 1378 and accounts of the Třeboň monastery from 1367–1407]*. Historický archiv, vol. 52. Praha: Česká akademie věd a umění.
- Kyasová, V. (1960). Příspěvek k problematice lenního zřízení biskupství olomouckého [Contribution on the vassal system of the Bishopric of Olomouc]. *Věstník musea v Kroměříži* 10, 148–155.
- Lapčík, S. (2005). Nástin vývoje lenní organizace olomouckých biskupů a arcibiskupů [Outline of the development of the fief organisation of Olomouc bishops and archbishops]. *Olomoucký archivní sborník* 3, 38–55.
- Lechner, K. (ed.). (1902). *Die ältesten Belehnungs- und Lehensgerichtsbücher des Bisthums Olmütz*. Vol. I.–II. Brünn: Verlag des deutschen Vereins für die Geschichte Mährens und Schlesiens.
- Lindner, D. (1951). *Die Lehre von der Inkorporation in ihrer geschichtlichen Entwicklung*. München: Max Hueber.
- Lojek, A. (2016). Ležení. In: Schelle, K. and Tauchen, J. (eds.), *Encyklopedie českých právních dějin*. Vol. III. Plzeň: Aleš Čeněk, Key Publishing, pp. 448–454.
- Macek, J. (2001). *Víra a zbožnost jagellonského věku [Faith and Piety in the Jagiellonian Age]*. Praha: Argo.
- Macháčková, V. (1985). Církevní správa v době jagellonské (na základě administrátorských akt) [Church administration in the Jagiellonian period (based on administrator acts)]. *Folia historica Bohemica* 9, 235–290.
- Martínková, L. (2003). *Zeměpanské konfirmační a koncesní listiny z lucemburské doby pro moravské příjemce [Royal confirmation and concession documents from the Luxembourg era for Moravian receivers]*. Brno: Matice moravská.
- Mařík, A. (1984). K postavení katolické církve v Čechách v době poděbradské (Činnost katolických administrátorů za Jiřího z Poděbrad) [On the status of the Catholic Church in Bohemia in the Poděbrady era (the activity of Catholic administrators under George of Poděbrady)]. *Folia historica Bohemica* 7, 101–196.

- Maříková, M. (2011). Správa majetku pražské metropolitní kapituly v době předhusitské [Administration of the Prague Metropolitan Chapter assets in the pre-Hussite period]. In: Hrdina, J., Maříková, M. (eds.), *Kapituly v zemích Koruny české a v Uhrách ve středověku*. Documenta Pragensia, supplementa, vol. 2. Praha: Scriptorium, pp. 101–123.
- Merhautová, A. (2006). Nejstarší česká sakrální architektura [Oldest Bohemian religious architecture]. In: Sommer, P. (ed.), *České země v raném středověku*. Praha: Lidové noviny, pp. 154–157.
- Nekuda, V. (1962). Urbáře na panství brněnské kapituly (Zlomky urbáře ze 70.–80. let stol. 14. a z r. 1407, urbář z r. 1619 [Urbarium for the manor estates of the Brno Chapter (Fragments of urbaria from the 1370s-80s and 1407, an urbarium from 1619)]. *Časopis Moravského muzea, vědy společenské*, 47, pp. 43–66.
- Nový, R. (1960). Nejstarší český urbář z let 1283–84 [The oldest Bohemian urbarium from 1283–84]. *Československý časopis historický* 8, 210–227.
- Nový, R. (1962). K sociálnímu postavení farského kléru v Čechách v době předhusitské [The social status of parish clergy in Bohemia in the pre-Hussite period]. *Sborník historický* 9, 137–192.
- Nový, R. (1963). Strahovský urbář z roku 1410 (Příspěvek ke studiu struktury předhusitského velkostatku) [The Strahov urbarium from 1410 (Paper on the structure of the pre-Hussite manor farm estate)]. *Zápisky katedry československých dějin a archivního studia* 7, 39–69.
- Nový, R. (1965). Studie o předhusitských urbářích I. [Study on pre-Hussite urbaria I.]. *Sborník historický* 13, 5–64.
- Pangerl, M. (ed.). (1865). *Urkundenbuch des Cistercienserstiftes B. Mariae V. zu Hohenfurt in Böhmen*. Wien.
- Papajík, D. (2003). *Majetkové poměry na střední Moravě ve 14.–16. století [Property circumstances in Central Moravia from the 14<sup>th</sup>–16<sup>th</sup> centuries]*. Olomouc: Univerzita Palackého.
- Pátrová, K. (2008). Prebendy nejstarších kolegiálních kapitul do sklonku 14. století (Stará Boleslav, Litoměřice, Vyšehrad) [Prebends of the oldest collegiate chapters up to the end of the 14<sup>th</sup> century (Stará Boleslav, Litoměřice, Vyšehrad)]. *Český časopis historický* 106, 505–535.
- Pátrová, K. (2011). Od servicií k denním podílům. Vývoj podělování kanovníků v českých středověkých kolegiálních kapitulách [From servicii to daily shares. The development of the reward-structure for canons in Czech medieval collegiate chapters]. In: Hrdina, J. and Maříková, M. (eds.), *Kapituly v zemích Koruny české a v Uhrách ve středověku*. Documenta Pragensia, supplementa, vol. 2. Praha: Scriptorium, pp. 75–99.
- Pátrová, K. (2021). Liber capitularium decisionum jako jeden z pramenů pro poznání správy majetku vyšehradské kapituly [Liber capitularium decisionum. One of the sources of knowledge about the Vyšehrad chapter's property management]. *Mediaevalia historica Bohemica* 24 (1), 37–52.
- Pauk, M. R. (2000). *Działalność fundacyjna możnowładztwa czeskiego i jej uwarunkowania społeczne (XI–XIII wiek) [Foundation activities of Bohemian elites and social conditions]*. Kraków–Warszawa: Societas Vistulana.
- Plöchl, W. M. (1961). *Geschichte des Kirchenrecht*. Vol. II. Wien–München: Herold.
- Podlaha, A. and Šittler, E. (1903). *Chrámový poklad u sv. Víta v Praze, jeho dějiny a popis [The church treasure of St Vitus in Prague, its history and description]*. Praha: Dědictví sv. Prokopa.

- Polc, J. V. and Hledíková, Z. (edd.). (2002). *Pražské synody a koncily předhusitské doby* [Prague synods and councils of the pre-Hussite era]. Praha: Karolinum.
- Razim, J. (2022). *Mezní právo a jeho rituály v době přemyslovské* [Law of boundaries and its rituals in the Přemyslid era]. Praha: Leges.
- Ryba, J. (1997). Ostrožně. *Časopis Národního muzea, řada historická*, 166 (3–4), 86–92.
- Scharnagl, A. (1936). *Die Inkorporation mit besonderer Berücksichtigung der Baupflicht*. Eichstätt: Brönnner & Daentler.
- Sovadina, M. (1974). Lenní listiny biskupa Bruna [Bishop Bruno's fief charters]. *Sborník archivních prací* 24, 426–460.
- Šebánek, J. (1956). Listiny přímětické a jiné naše listiny na patronátní práva z doby přemyslovské [Přímětické documents and other documents on the law of patronage from the Přemyslid period]. *Sborník prací filosofické fakulty brněnské university* 5, řada historická, C 3, 79–102.
- Šusta, J. (1907). Úroční rejstřík kláštera Zlatokorunského z počátku 15. věku [Interest list of the Zlatá Koruna monastery from the early 15<sup>th</sup> century]. *Český časopis historický* 13, 312–322.
- Tadra, Ferdinand (ed.). (1893–1901). *Soudní akta konsistoře Pražské* (*Acta judiciaria consistorii Pragensis*). *Z rukopisů archivu kapitolského v Praze* [Judicial book of the Prague consistory (*Acta judiciaria consistorii Pragensis*). *From the manuscripts of the chapter archive in Prague*]. Vol. I.–VII. Historický archiv, vol. 1, 2, 8, 11, 15, 18, 21. Praha: Česká akademie císaře Františka Josefa pro vědy a slovesnost a umění.
- Tingl, F. A. and Emler, J. (edd.). (1867–1886). *Libri confirmationum ad beneficia ecclesiastica Pragensem per archidioecesim*. Vol. I.–VII., Pragae.
- Vaněček, V. (1928). *Studie o imunitě duchovních statků v Čechách do polovice 14. století* (*Pokus o věcný rozbor imunitních textů*) [Study on the immunity of religious estates in Bohemia to the mid-14<sup>th</sup> century (Attempt at a factual analysis of immunity texts)]. Práce ze Semináře českého práva na Karlově universitě v Praze, no. 13. Praha: Jan Kapras.
- Vaněček, V. (1931). *K soudní imunitě duchovních statků na Moravě* [On the judicial immunity of religious estates in Moravia]. Práce ze Semináře československých právních dějin na Právnické fakultě Karlovy university v Praze, no. 17. Praha: Jan Kapras.
- Vaněček, V. (1933). *Základy právního postavení klášterů a klášterního velkostatku ve starém českém státě (12.–15. stol.)* (*Zakladatelská práva – Pozemková vrchnost – Imunita*) [Foundations of the legal status of monasteries and monastery estates in the old Bohemian state (12<sup>th</sup>–15<sup>th</sup> century) (Founders' rights – Manorial lords – Immunity)]. Vol. I. *Zakladatelská práva* [Founders' rights]. Práce ze Semináře československých právních dějin na Právnické fakultě Karlovy university v Praze, no. 18. Praha: Jan Kapras.
- Vaněček, V. (1937). *Základy právního postavení klášterů a klášterního velkostatku ve starém českém státě (12.–15. stol.)* (*Zakladatelská práva – Pozemková vrchnost – Imunita*) [Foundations of the legal status of monasteries and monastery estates in the old Bohemian state (12<sup>th</sup>–15<sup>th</sup> century) (Founders' rights – Manorial lords – Immunity)]. Vol. II. *Pozemková vrchnost. Imunita hospodářská* [Manorial lords. Economic immunity]. Práce ze Semináře československých právních dějin na Právnické fakultě Karlovy university v Praze, no. 22. Praha: Jan Kapras.
- Vaněček, V. (1938) *Dvě studie k otázce postavení klášterů a klášterního velkostatku ve starém českém státě* [Two studies on the status of monasteries and monastery estates in the old Czech state]. Práce ze Semináře československých právních dějin na Právnické fakultě Karlovy university v Praze, no. 23. Praha: Jan Kapras.

- Vaněček, V. (1939). *Základy právního postavení klášterů a klášterního velkostatku ve starém českém státě (12.–15. stol.) (Zakladatelská práva – Pozemková vrchnost – Imunita) [Foundations of the legal status of monasteries and monastery estates in the old Bohemian state (12<sup>th</sup>–15<sup>th</sup> century) (Founders' rights – Manorial lords – Immunity)]*. Vol. III. *Imunita soudní (S rejstříkem k celému dílu) [Judicial immunity (With an index for the entire work)]*. Práce ze Semináře československých právních dějin na Právnické fakultě Karlovy university v Praze, no. 24. Praha: Jan Kapras.
- Vaněček, V. (1975). *Dějiny státu a práva v Československu do roku 1945 [History of the State and Law in Czechoslovakia to 1945]*. Praha: Orbis.
- Vladár, V. (2014). *Remedia spoli in sredovekom kánonickom práve [Remedia spoli in medieval canon law]*. Praha: Leges.
- Vodička, O. (2017). *Administrace dezintegrované pražské diecéze za husitských válek [Administration of the disintegrated Prague diocese during the Hussite Wars]*. *Mediaevalia historica Bohemica* 20 (2), 153–187.
- Vorel, P. (1991). *Česká léna olomouckého biskupství ve 12.–16. století [Bohemian fiefs of the Bishopric of Olomouc in the 12<sup>th</sup>–16<sup>th</sup> centuries]*. *Východočeský sborník historický* 1, 49–106.
- Zaoral, P. (1965). *Urbář herburského kláštera z roku 1438 [Urbarium for the Herburga monastery from 1438]*. *Brno v minulosti a dnes* 7, 233–241.
- Zemek, M. and Pohanka, J. (edd.). (1961). *Nejstarší žďárské urbáře. 1407, 1462, 1483 [Oldest Žďár urbaria. 1407, 1462, 1483]*. Brno: Krajské nakladatelství.
- Zilynská, B. (1998). *Záduší*. In: *Facta probant homines. Sborník příspěvků k životnímu jubileu prof. dr. Zdeňky Hledíkové*. Praha: Scriptorium, pp. 535–538.
- CDB. *Codex diplomaticus et epistolaris regni Bohemiae*. Vol. I.–VI/1. Friedrich, G., Kristen, Z., Šebánek, J., Dušková, S., Vašků, V., Bistřícký, J., Sviták, Z., Krmičková, H. and Krejčíková, J. (edd.). Praha–Olomouc: Sumptibus Comitiorum Regni Bohemiae, Sumptibus Terrae Bohemiae, Academia scientiarum Bohemoslovenica and Academia, 1904–2006.
- CDM. *Codex diplomaticus et epistolaris Moraviae*. Vol. VI.–XV. Chlumecký, P., Chytil, J., Brandl, V. and Bretholz, B. (edd.). Brünn: Verlag des Mährischen Landes-Ausschusses, 1854–1903.
- MVB. *Monumenta Vaticana res gestas Bohemicas illustrantia*, Tom. prodomus, I.–V., VII. Klicman, L., Novák, J. B., Jenšovská, B., Stloukal, K., Krofta, K., Eršil, J., and Hledíková, Z. (edd.). Praeae: Sumptibus Comitiorum Regni Bohemiae, Archivum Terrae Bohemiae and Academia, 1903–2003.
- RBM. *Regesta diplomatica nec non epistolaria Bohemiae et Moraviae*. Vol. I.–VIII/3. Erben, K. J., Emler, J., Mendl, B., Linhartová, M., Spěváček, J., Zachová, J. and Blechová, L. (edd.). Praeae: Sumptibus regiae scientiarum societatis Bohemiae, Sumptibus Ministerii scholarum et instructionis publicae, Nakladatelství Československé akademie věd, Scriptorium and Historický ústav, 1855–2019.
- RBMV. *Regesta Bohemiae et Moraviae aetatis Venceslai IV. (1378 dec.–1419 aug. 16.)*. Vol. I/1–7, II.–IV., V/I/1–3, VI.–IX. Jenšovská, V., Vavřínek, V., Kopiczková, B., Beránek, K., Beránková, V., Krafl, P., Psík, R., Bok, V., Blechová, L., Sedláček, P. and Večeře, V. (edd.). Praha: Academia scientiarum Bohemoslovaca, Scriptorium, Institutum historicum Academiae scientiarum Rei publicae Bohemicae, Státní oblastní archiv v Litoměřicích and Universitas Ostraviensis, 1967–2020.