

Royal Towns and Their Role in Keeping the Peace and Legal Order in the Czech Lands in the Fourteenth and Early Fifteenth Centuries*

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The study is devoted to the Bohemian and Moravian royal towns and their contribution to the protection of the peace and security of the country from the end of the thirteenth to the beginning of the fifteenth century. The original legal jurisdiction of the towns was extended by monarchical privileges to include the punishment of public criminals and robbers who threatened the country, the inhabitants of the towns and their economic interests. Some towns formed alliances for mutual protection and assistance under the mandate of the monarch. Threatened towns could also take action against aristocratic castles in their vicinity, and new castles could only be built near towns with the consent of the monarch. The royal towns were also involved in legal measures against public criminals, which were introduced in Bohemia at the beginning of the fifteenth century.

Keywords: Urban history; Czech lands; Royal towns; Provincial peace; Criminals.

Introduction

The emergence of towns in the Czech lands as one of the manifestations of colonization in the thirteenth century brought with it the formation of a significant new body of law, the foundations of which were received from abroad. Town law (*ius civitatis*) fully regulated the self-government and internal life of individual towns. This body of law thus came into a certain competitive position with the domestic so-called provincial law (*ius terre*), and the interrelations between the two systems of law were included in particular in the numerous privileges of the Bohemian kings addressed to the newly emerging towns.¹

The key point of these privileges, especially for the royal towns, was the question of the exercise of criminal jurisdiction, in addition to various economic issues (holding fairs, customs, mileage law etc.). While “civil” jurisdiction in property, commercial and other matters was entirely in the hands of the municipal courts, criminal jurisdiction was considered part of the exclusive royal rights in the Czech lands until the High Middle Ages. In particular, the monarch (through his officials) claimed criminal jurisdiction over serious crimes. Jurisdiction over less serious offences was gradually transferred

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1 On the formation of towns in the Czech lands KEJŘ, *Vznik městského zřízení*; KLÁPŠTĚ, *Proměna českých zemí*, 363–388. On the relationship between these two laws, using the town of Brno as an example JANIŠ, *Vztah městského a zemského práva*, 11–33.

to individual landowners – both ecclesiastical and secular – from the thirteenth century onwards. This process is well documented in the thirteenth and first half of the fourteenth centuries, particularly in the immunity privileges granted to ecclesiastical institutions, especially large monasteries with their own estates.²

Foundations of Criminal Justice: Royal Officials, Cities and the Landowners

Under provincial law, criminal jurisdiction over serious offences, including the protection of public peace, was vested in royal officials, usually called *villicus* and, from the mid-thirteenth century, *iudex provincialis*. Their jurisdiction has recently been thoroughly clarified for the situation in Moravia, where they were active in the individual provinces.³ The situation was similar in Bohemia. This type of office was often associated with the offices of the burgraves of the royal castles, which were thus not only the centres of the administration of the royal domain, but also played an important role in keeping the peace in the country and prosecuting robbers (the burgraves having armed soldiers at their disposal).⁴

Similar to the role of the provincial judges (*villicus* / *iudex provincialis*), the judges of the royal towns (*iudex civitatis*, *advocatus*; Germ. *Vogt*, *Richter*)⁵ acted as officials of the king in the early development of the towns. With regard to the exercise of criminal justice, a parallel can be drawn, albeit somewhat simplified, between the town judges (*iudex civitatis*) and the provincial judges (*iudex provincialis*), the former exercising jurisdiction on behalf of the monarch in the royal towns, together with the sworn assessors (town councillors), while the latter did essentially the same on other estates, again with the sworn assessors (the so-called provincial councillors).⁶ The relative proximity of the two offices, which were filled by decision of the sovereign, is also evidenced by the fact that the offices of provincial judges were often filled by German-speaking persons from among the wealthy inhabitants of the towns (a form of leasing being documented).⁷ At the beginning of the fourteenth century, there is direct evidence that the same person held both offices at the same time. Vivian, the judge of the royal town of Olomouc, one of the centres of the Margraviate of Moravia, is described in 1305 as both the town judge of Olomouc and the provincial judge (*iudex civitatis Olomucensis et prouincie*).⁸ Similarly, the 1284 charter of Tobias, Bishop of Prague, shows that the judge of the royal town of Polička, founded by the monarch

2 JAN, *Vznik zemského soudu*, 55–65; JANIŠ, *Zemské soudnictví*, 156–170 and 215–232. On immunity privileges, see also VANĚČEK, *Základy právního postavení III*, passim.

3 Cf. JAN, *Vznik zemského soudu*, 42–54; JANIŠ, *Zemské soudnictví*, 137–150; JAN, *Královské vilikace*, 247–259.

4 JANIŠ, *Zemské soudnictví*, 101–107 and 138–141; RIEGER, *Zřízení krajské I*, 26–32; JAN, *Václav II. a struktury*, 241–253. Cf. recently ŽEMLIČKA, *Konec Přemyslovců*, 144–146 and 209–211 (with some questionable conclusions).

5 The English equivalents sometimes used, “reeve” and “bailiff”, are not strictly equivalent.

6 The earliest reliable evidence of provincial councillors (*consules terrae*) is thought to be a report from 1305. The role of the provincial councillors is not entirely clear because of the confused and somewhat contradictory evidence in the sources – they were mainly supposed to indict and prosecute the perpetrators of serious crimes (in this respect their activities being closely related to the powers of the “provincial judges”), and they also had some jurisdiction in civil (property) disputes. They took a solemn oath on taking up their duties. Cf. RAUSCHER, *Zemští konšelé v českém právu*, 522–533.

7 JAN, *Václav II. a struktury*, 23–37; JANIŠ, *Zemské soudnictví*, 144–150.

8 BOČEK, *Codex diplomaticus et epistolaris Moraviae* (hereinafter CDM) V, 192–194, no. 181 and 182.

twenty years earlier on the Bohemian–Moravian border, was entrusted with the office of provincial judge for the surrounding area.⁹

The town judges exercised criminal jurisdiction according to the town law and their jurisdiction extended to the territory of the town (within the perimeter of the town fortifications). The town was thus a separate legal territory and the commission of a crime in the town was considered a breach of the town peace (*pax urbis, pax civitatis*).¹⁰ The criminal jurisdiction granted by the monarch often took the explicit form of immunity, with the king prohibiting interference by provincial officials in municipal justice in a corresponding privilege. The criminal jurisdiction granted was often graded, and serious crimes were to be tried by the king's deputy, usually a Bohemian or Moravian vice-chamberlain (*subcamerarius*) as administrator of the royal chamber¹¹ to which Bohemian and Moravian towns belonged.¹² In the early days of towns in the Czech lands, there was a fairly strict separation between the jurisdiction of the town judge and that of the town councillors.¹³ Criminal jurisdiction did not apply to the nobility, who were subject only to provincial jurisdiction. At the same time, the nobility (*baronum aut nobilium terre*) had no powers in the town, could not behave arbitrarily towards the town and could not keep anyone in prison (i.e. in the town) without the knowledge of the town judge, as explicitly documented in the Brno privilege of 1243.¹⁴

The criminal jurisdiction of the landowners (usually the nobility) could come into conflict, especially in the suburbs where the subjects of these landowners lived. If they committed a serious offence in the town, they had to be handed over to their superiors. However, this practice may not have ensured that the offender was punished consistently, and so in 1276 the town of Brno, for example, obtained a privilege that extended the jurisdiction of the town judge to these foreign subjects. The town judge could judge (punish) them, but the proceeds of the fines belonged to the respective landowners (i.e. superiors).¹⁵ The relationship between town law and provincial law also touched on some property matters (especially cases where burghers acquired allodial estates recorded in provincial records), but this issue is beyond the scope of this study.¹⁶

The royal towns were an important support of the power of the king of Bohemia (or the margrave of Moravia, if this position was held independently within the Přemyslid or Luxembourg dynasties). As fortresses, the towns had the necessary human and material resources, and the monarch tried to involve them in the protection of peace and security in the country. At the same time, various robbers and outlaws (often in league with the nobility) threatened the towns themselves and their inhabitants –

9 ČELAKOVSKÝ, *Codex juris municipalis regni Bohemiae* (hereinafter CIM) II, 98–99, no. 35 (... *aduocatium dicte ciuitatis... aduocatium prouinciale*). On the town of Polička cf. KONEČNÝ, *O zakládací listině*; JUNEK – KONEČNÝ, *Dějiny města Poličky*, 12–37.

10 KEJŘ, *Vznik městského zřízení*, 255. Cf. ENNEN, *Der Stadtfriede*, 541–551; WITTEK, *Städterin und städtischer Frieden*, 276–291.

11 Cf. JAN, *Václav II. a struktury*, 59–85.

12 Cf. e.g. the privilege for the royal town of Žatec (1265) – ČELAKOVSKÝ, CIM II, 49–51, no. 16.

13 JANIŠ, *Vztah městského a zemského práva*, 23; KEJŘ, *Vznik městského zřízení*, 259–260.

14 ŠEBÁNEK – DUŠKOVÁ, *Codex diplomaticus et epistolaris regni Bohemiae* (hereinafter CDB) IV-1, pp. 79–87, no. 17; JANIŠ, *Vztah městského a zemského práva*, 28.

15 ŠEBÁNEK – DUŠKOVÁ, CDB V-2, pp. 508–509, no. 815; JANIŠ, *Vztah městského a zemského práva*, 28.

16 On the jurisdiction of the town judge in relation to out-of-town estates of burghers, cf. JANIŠ, *Úřad rychtáře a městská jurisdikce*, 20–21; KOHOUT, *Politický vývoj*, 128.

especially those townspeople who traded and went to fairs. Merchants needed to protect their wagons, so they banded together in various ways to protect each other and hired armed escorts.¹⁷

Royal Towns and the Peacekeeping

Royal towns were involved in peacekeeping as early as the thirteenth century. An example of this is the undated charter of King Přemysl Otakar II preserved in the collection of forms. At the end of November, probably in 1266, the monarch discussed important issues of security and peace in the country with the Bohemian lords. The resulting resolution forbade anyone, including lords and knights, from harbouring or otherwise supporting outlaws. Persons supporting outlaws were to be reported to the king (and his officials) primarily by the town councils (*per civitatum consules*). The monarch was then to punish such persons with death and property.¹⁸ Representatives of the Bohemian royal towns are also remembered as participants in the assembly of Bohemian lords and knights at the turn of 1280–1281 to protect peace in the country during the interregnum. (The Margrave of Brandenburg, Otto V The Tall, was the country's administrator.) However, their specific role in these measures is unknown.¹⁹

The reign of the Luxembourgs after 1310 also failed to calm the situation in the Czech lands. At the very beginning of his reign, in 1311 and 1312, John of Bohemia intervened militarily against disturbers of the peace among the Bohemian and Moravian nobility and, according to the Zbraslav Chronicle, he conquered and destroyed numerous castles in Bohemia and Moravia from which robbery expeditions were launched. The main obstacles to the restoration of order in the country were thus removed, but the activities of robber bands, sometimes supported by some nobles, were never completely eliminated.²⁰

A few years later, serious disputes broke out between King John and some of the Bohemian lords, which was reflected in the deteriorating security situation in the country. After 1320, John rarely stayed in the kingdom, and narrative sources in particular note the deterioration of the situation in the country, coupled with the decline of central power and the arbitrariness of royal officials. Although the details are not known, it is clear that the deterioration of conditions also affected the status of the towns. King John was well aware of the importance of the royal towns as a source of financial revenue and various services, and over 150 royal charters are recorded for these towns.²¹

In the case of some towns, King John's charters confirmed or added to earlier privileges concerning the extent of the criminal jurisdiction of town judges and town courts. The scope of jurisdiction was generally understood to be complete, except for certain serious offences (although the list of the offences varied from privilege to privilege – generally counterfeiting of coin, arson, rape, home invasion). These

17 Cf. HOFFMANN, *České město ve středověku*, 146–147.

18 VOIGT, *Das urkundliche Formelbuch*, 139–142, no. 136; EMLER, *Regesta diplomatica nec non epistolaria Bohemiae et Moraviae* (hereinafter RBM) II, 205–207, no. 533; NOVOTNÝ, *České dějiny. Dílu I. část 4.*, p. 151; ŠUSTA, *Dvě knihy českých dějin I*, p. 219.

19 On the analysis of the events described JAN, *Václav II. Král na stříbrném trůnu*, 45–47; CHARVÁTOVÁ, *Václav II.*, 66–67; JANIŠ, *Landfrýdy jako pramen*, 33–34.

20 EMLER, *Fontes rerum Bohemicarum IV*, 178–180; BOBKOVÁ, *Jan Lucemburský*, 87–88; JANIŠ, *Landfrýdy jako pramen*, 39–42.

21 EMLER, *Fontes rerum Bohemicarum IV*, 275 and 280; BOBKOVÁ, *Jan Lucemburský*, 99–114 and 363–372.

cases were either tried directly by the king's representative, usually the chamberlain (*subcamerarius*), or under the criminal jurisdiction of the town judge – but in such cases two-thirds of the fines imposed went to the royal chamber.²² In 1337, King John issued a series of three identical charters to the 30 royal towns in Bohemia, which regulated the powers of the chamberlain and defined the criminal jurisdiction of the town for serious offences, except those which “from ancient times” had been reserved to the sovereign for adjudication or where the parties appealed to the king or the chamberlain.²³

Some of the royal charters issued to Bohemian and Moravian towns directly concerned the safety of the towns and their inhabitants, as the country was in a turbulent situation, as mentioned above. While the burghers and their financial and commercial activities were relatively safe within the town, any travel outside the town made the wealthy burghers of the royal towns, in particular, tempting prey for various brigands, often associated with various members of the nobility. Some of the tensions between the burghers and the nobility, moreover, had older roots and were linked, among other things, to earlier events in 1309, when the burghers had captured a group of prominent Bohemian lords.²⁴

King John's charter for the North Bohemian royal town of Ústí (now Ústí nad Labem), dated January 1327, shows that its burghers were being captured by various criminals and robbers (*profugi, spoliatores et malefici*) and then ransomed by their relatives. In order to stop this growing practice, the king ordered the judge and the town council of Ústí nad Labem to confiscate a burgher's property in case of capture and to prevent the family from paying the ransom. Upon return from captivity, the property was to be returned. The ruler also reserved the right to punish any relatives of the captured burgher who tried to pay the ransom in spite of this prohibition. The royal mandate was quite strict and it is not clear how effective it was in combating robbers. This charter was confirmed by King Charles IV in 1349.²⁵

A similar mandate was issued by King John on 24 October 1334 to the royal town of Jihlava, which lay on the border with Moravia in a vast wooded upland. This Bohemian–Moravian borderland was traditionally associated with the activities of various bandit groups. The king's decree stated that many robbers and criminals were taking the burghers of Jihlava captive, causing them much damage “to persons and property”. The monarch therefore forbade the ransoming of captured burghers with their own, their family's or even the town's money. The charter explicitly emphasized that this measure would prevent the further capture of burghers.²⁶ In an undated document seemingly dating from this period, King John orders the town of Jihlava to continue purchasing arms and horses for its defence and to pacify the surrounding roads. To this end, the monarch ceded to Jihlava the revenue from the “higher” toll for two years.²⁷

The extortion of money from the citizens by various criminals (*malefici*) is also mentioned in an undated document of Margrave Charles for the East Bohemian town of Jaroměř (if the information in the collection of forms is reliable) from around 1341.

22 E.g. ČELAKOVSKÝ, CIM II, 148–154, no. 83; 181–183, no. 107, and 186–188, no. 111.

23 Ibidem, 321–326, no. 199–201. Cf. BOBKOVÁ, *Jan Lucemburský*, 367.

24 See MUSÍLEK, *Zajetí českého panstva patriciátem*, 139–155.

25 ČELAKOVSKÝ, CIM II, 236–238, no. 141; BOBKOVÁ, *Středověk*, 13.

26 CHLUMECKÝ – CHYTIL, CDM VII, 68, no. 88; HOFFMANN – KŘESADLO, *Městská správa Jihlava*, 16, no. 17 (regest); PISKOVÁ, *Jihlava*, 116.

27 JACOBI, *Codex epistolaris*, 64, no. 151. The document is the part of the form collection.

The margrave, referring to the authority of his father, King John, ordered the town to prosecute all criminals in order to keep the peace, and also to punish its citizens who wanted to pay a ransom to criminals in order to protect their property.²⁸

The practice of ransom extortion was apparently so serious that it was reflected in the draft of the provincial code that Charles IV tried (but failed) to enforce in the 1350s. The introduction to the article *De pactis illicitis* stated that robbers and thieves were rife in the border areas of the kingdom, robbing on the public roads. However, the king was able to curb this crime. The code states that the criminals often not only robbed their victims, but also imprisoned them, tortured them and forced them to enter into contracts (*convenciones sive pacta*) to pay a certain amount of money. The contract was secured by an oath and the person in question guaranteed to return to prison if the money was not paid. The code states that such contracts were actually honoured, either out of fear or because of a belief in their actual validity. However, the king declared that these contracts were enforced by violence and were therefore completely void. The related oaths were also declared null and void, as they had not been taken voluntarily and related to impermissible matters. At the same time, Charles forbade the payment of any sums to criminals under such contracts. Those who agreed to the payment were obliged to pay the same amount as a penalty to the royal chamber (treasury).²⁹

The constant threat to towns from criminals and robbers was reflected in the privileges granted by the monarch to certain towns to have criminal jurisdiction to prosecute and punish such persons. This issue is explicitly mentioned in the privilege granted by King Wenceslas II to the town of Brno in March 1292.³⁰ The charter concerns, among other things, the jurisdiction over the property of burghers outside the town and regulates certain matters concerning the exercise of criminal jurisdiction within the town. The town of Brno was granted the right to arrest and detain on its territory robbers (*predones*) who had no estates or property in the country (*in terris nostris nulla dominia nec aliqua bona immobilia possident*) and who had been proven guilty. They were to be held until "justice is done" (*ad obtinendum iusticiam de ipsis*), but it is not clear whether they were to be tried by the town judge and town councillors or handed over to the relevant provincial officials (who regularly held their trials in Brno).³¹ It is not clear from the preserved sources whether Brno had an independent criminal jurisdiction in the area around the town as early as the turn of the thirteenth and fourteenth centuries. It is possible that in this case the model known from Olomouc from later times was used.

In 1331, the town of Olomouc was granted a privilege by King John, which gave it the right to arrest arsonists, rapists, murderers and criminals on the public roads (*incendarios violentos et temerarios hominum in stratis publicis et alias occisores et alios maleficos*), as well as full jurisdiction over such persons. The town no longer had to respect the authority of the provincial judge (*provincialis iudex*) in such cases or wait for him to be present in court. The wording of the charter in this regard suggests the contours of the previous practice, where jurisdiction over these criminals was vested

28 Ibidem, 64–65, no. 153 (dating 1333–1346); ČELAKOVSKÝ, CIM II, 364–365, no. 236.

29 HERGEMÖLLER, *Maiestas Carolina*, 92–95, art. 29.

30 BOČEK, CDM IV, 385–387, no. 303.

31 On the privilege FLODR, *Brněnské městské právo*, 43–45; JANIŠ, *Vztah městského a zemského práva*, 29; JANIŠ, *Úřad rychtáře a městská jurisdikce*, 20; BRETHOLZ, *Geschichte der Stadt Brünn* 1, 85–86.

in provincial officials. The burghers of Olomouc also obtained the right to imprison their debtors in the town through the town judge – the limit was the amount of the debt up to ten Moravian talents (one talent being equal to 64 Prague groschens).³² The possibility of imprisoning debtors up to a certain amount of debt appears in some older privileges of some royal towns in Bohemia.³³ John's charter of 1331 also contained a ban on building castles and other fortifications within one mile of Olomouc. A castle could only be built with the king's permission. This provision, which was primarily directed against the local nobility, is thus evidence of royal law, which was applied primarily in connection with the protection of the country's peace (the castle, as a base of armed power, not being allowed to threaten the country's security).³⁴

The oldest Olomouc municipal book from the years 1343–1420 also contains cases of the punishment of public criminals and robbers. The book contains more than 700 entries, about two-thirds of which are criminal records, mainly records of proscriptions (*proscriptio*) of offenders for various violent acts such as murder and robbery. Most of the crimes were committed within the town, but some records document robberies and murders committed on public roads outside Olomouc. According to the wording of some of the entries, the town explicitly followed town law (*ius civitatis*) in these cases.³⁵

Another surviving privilege, which granted the royal town the right to prosecute criminals in its vicinity, dates from May 1339. King John's charter is again addressed to the North Bohemian town of Ústí and contains a number of provisions concerning the scope of the town's jurisdiction. The town judge could try all serious crimes and was also entitled to collect all fines in the amount set by the Magdeburg Town Law. He was not allowed to arbitrarily increase the fines for his own benefit. The town's jurisdiction in cases of murder and other serious crimes extended to the suburbs. The burghers could also arrest their debtors in the town and its suburbs (and the amount of the debt was not limited). The town of Ústí also gained the right to pursue, capture and bring to the town all criminals (murderers, thieves, robbers, arsonists, counterfeiters, outlaws and others – *homicidas, fures, latrones, incendiarios, predones, falsarios, proscriptos seu quomodolibet aliter criminosos*) in its surroundings. The town authorities gained full jurisdiction over these criminals, including for the imposition of the death penalty. The burghers were also not liable for any damage they caused to said criminals during their pursuit.³⁶

The privileges granted to Olomouc and Ústí, as well as the apparently earlier charter for Brno, clearly illustrate the earliest phase of the extension of municipal jurisdiction to the surroundings of towns, connected with the prosecution of criminals who threatened the security of the country. Taking into account the reports from the late 1340s quoted below, we can assume that other royal towns also acquired this authority in the 1330s and early 1340s. Some towns formed alliances to fight robbers together – such town

32 CHLUMECKÝ – CHYTIL, CDM VI, 317–318, no. 413; SPÁČIL, *Sbírka listin*, 71, no. 17; KOHOUT, *Soudnictví*, 153.

33 Cf. the privileges for Most (1273), Hradec Králové, Jaroměř, Chrudim, Vysoké Mýto and Polička (1307), Hradec Králové (1318), Kadaň (1319), Ústí nad Labem (1325) etc. – ČELAKOVSKÝ, CIM II, 57–59, no. 21; 148–154, no. 83; 176–178, no. 103; 186–188, no. 111; 219–222, no. 133.

34 Cf. VANÍČEK, „Právo na hrad“ a hradní regál, 24–50; PAUK, *Funkcjonowanie regale fortyfikacyjnego*, 3–16.

35 SPÁČIL, *Nejstarší městská kniha olomoucká*, 35–117. Cf. ŠTĚPÁN, *Proskripční záznamy*, 39–49.

36 ČELAKOVSKÝ, CIM II, 336–338, no. 214; BOBKOVÁ, *Středověk*, 19.

alliances, leagues and Landfrieden are well known from fourteenth-century German territories.³⁷

The Politics of Charles IV and the Town Unions

In January 1346, Margrave Charles approved the union of the town of Olomouc with two towns to the northwest of it – Uničov and Litovel. This union of royal towns was concluded “for the sake of peace” (*pro bono pacis*) and was intended to provide mutual protection and assistance against “criminals, robbers and similar persons” (*ad resistendum maleficis predonibus et aliis quibuscumque*). Charles’s charter states that the alliance was formed on the basis of documents issued by the aforementioned towns and submitted to the Margrave for approval. It also briefly states the basic principle of mutual protection within the union – an injury to one of the towns is considered an attack on the other two towns, which are obliged to help the attacked town. At the end of his charter, Margrave Charles emphasizes that the union was made by his order and consent.³⁸

City unions were also an important part of Charles’s imperial policy. These unions had already existed in the thirteenth century in cooperation with the royal (imperial) power, which they supported in its efforts to establish peace in the country. The maintenance of peace and security was closely linked to the protection of the commercial interests of the imperial cities. In the fourteenth century, these unions also served to consolidate the internal administration of individual cities and to prevent disputes and coup attempts. In his policy of centralization, Charles IV adopted the older model of unions of cities, initially allowing cities some freedom to form alliances. In the Golden Bull (1356) he forbade all unions and alliances, but an exception was made for the unions of princes and cities, which were expressly intended to keep the peace. Charles’s prohibition was therefore not directed against cities. It is true, however, that he participated in the conclusion of city unions and always insisted on their formal subordination to the sovereign.³⁹ Charles applied a similar approach to Czech politics – in its formal form this was reflected in the draft of the provincial code (later called *Maiestas Carolina*), in which he forbade the nobility and all other inhabitants of the country to enter into alliances and unions (*conspiracio, ligua seu confederacio*) without the express consent of the king. This was one of various measures against possible opposition and was also to prevent possible armed clashes between such groups.⁴⁰

The involvement of the royal towns in the protection of the provincial peace is also evidenced by Charles’s document for Jihlava of 3 May 1348, in which he informed the town of the results of the general assembly held in Prague with the participation of the lords and members of the lower nobility of Bohemia and Moravia (*per nonnullos tam de Boemia quam Moravia barones et vladicones*), and the measures adopted were probably also valid in the Margraviate of Moravia. According to the document, the assembly discussed the maintenance of the general peace (*ordinacio communis pacis*), which

37 Cf. DISTLER, *Städtebünde im deutschen Spätmittelalter*; JÖRG, *Kooperation – Konfrontation – Pragmatismus*, 51–84; RUSER, *Die Urkunden und Akten der oberdeutschen Städtebünde*.

38 CHLUMECKY – CHYTIL, CDM VII, 464–465, no. 636; SPÁČIL, *Sbírka listin*, 71, no. 20.

39 ANGERMEIER, *Städtebünde und Landfriede*, 34–46; DISTLER, *Städtebünde im deutschen Spätmittelalter*, 194–195, 219–225; FRITZ, *Monumenta Germaniae Historica*, Const. XI, 600–601, art. 15.

40 HERGEMÖLLER, *Maiestas Carolina*, 104–107, art. 33–34. Cf. JANIŠ, *Odpověď (zášti) a normativní zakotvení nepřátelství*, 243.

the nobles present confirmed by taking a personal oath (*per iuramenta corporalis*).⁴¹ This practice (oath taking) is also known from earlier times (and also from the German *Landfrieden*).⁴²

The monarch, or rather the royal chancellery, selected from the provisions of the assembly those articles which concerned Jihlava and thus the other royal towns. In addition to the provision on the right to brew beer,⁴³ there is a detailed provision on the conditions for pursuing criminals. When provincial officers of criminal jurisdiction (*poprawczones, villici, militare homines*)⁴⁴ or others of any rank pursued fleeing criminals (*profugos*), any armed inhabitant of any rank was obliged (upon hearing a cry or information from a messenger) to pursue such a fugitive with a cry (so that others would also be alerted). Those who failed to do so were liable to a fine of five talents of silver. Acceptable grounds for excuse from this obligation were illness or absence from the place where the offender was being pursued. Otherwise, it was possible to clear oneself of the charge by swearing an oath before the sovereign or a provincial official; if the oath was not sworn, the person concerned had to pay the aforementioned fine of five talents. All (able-bodied) inhabitants of the village where the offender was prosecuted had to take part in the prosecution, under a fine of five groschen per hide, to be collected and paid by the landowner.⁴⁵ If the fine was not paid within 14 days, the landowner had to pay a fine of five talents of silver to the sovereign and the provincial officials. Persons prosecuting criminals could keep their property, provided it had not been stolen from a third party. These provisions are followed by the aforementioned article on the right to brew beer. Rules to protect the peace of the land (*prefata statuta seu ordinationem pacis*) were to be publicly proclaimed in the town at the time of the fair.⁴⁶

The cited document not only shows the involvement of the royal towns in the protection of the peace of the country, but it is also one of the oldest documents on the method of prosecution of criminals, when all landowners, together with their subjects, had this duty. Similar provisions appear later in the regulations of Bohemian and Moravian provincial law of the fifteenth and sixteenth centuries.⁴⁷

A few days later, on 27 May 1348, King Charles called on the royal towns of Kutná Hora, Čáslav and Kolín to accept the town of Jihlava into their alliance (*in vestram societatem*) against criminals, outlaws and disturbers of the peace (*adversus homines maleficos, profugos et turbatores pacis*). The monarch emphasized that the towns should help each other in any way they could in the prosecution of such persons, if requested.⁴⁸

41 CHLUMECKÝ – CHYTIL, CDM VII, 572–573, no. 789. Incomplete text also printed in JIREČEK, *Codex juris bohemicus* II/2, 24–25. On the content briefly RIEGER, *Zřízení krajské I*, 48.

42 Cf. JANIŠ, *Landfrýdy jako pramen*, 24–31.

43 This issue had economic overtones and is not related to the content of this study.

44 *Popravci (iustitarii provinciarum)* – provincial officials ("provincial judges") appointed by the king are mentioned in Bohemia from the 1320s and 1330s and had criminal jurisdiction in each region of the Kingdom of Bohemia. They were the continuation of the older *villicus* office. Cf. BERAN, *Landfrýdní hnutí*, 46; RIEGER, *Zřízení krajské I*, 30–67; MAREŠOVÁ, *Příspěvek k dějinám krajských popravic*, 13–19.

45 The fine was paid according to the size of the estate (area of land) owned by the subject (villein).

46 CHLUMECKÝ – CHYTIL, CDM VII, 572–573, no. 789; HOFFMANN – KŘESADLO, *Městská správa Jihlava*, 18, no. 24.

47 Cf. JANIŠ, *Zemští škůdci, psanci a lotři*, 24–42.

48 CHLUMECKÝ – CHYTIL, CDM VII, 580–581, no. 803; ČELAKOVSKÝ, CIM II, 396–397, no. 262; HOFFMANN – KŘESADLO, *Městská správa Jihlava*, 18, no. 25.

The document thus indirectly proves that the towns of Kutná Hora, Čáslav and Kolín, which were located in close proximity to each other, had probably already formed into a protective alliance.

As mentioned above, due to its location on the Bohemian–Moravian border, Jihlava was one of the towns most threatened by robbers, often directly from the ranks of the nobility and their retinues. In 1351, Jihlava was granted another important privilege by John Henry, Margrave of Moravia, to keep the peace. The introduction to the document states that there were numerous castles, fortresses and other fortifications in the vicinity of the town, which were secret or open bases for criminals and robbers who threaten their surroundings, including Jihlava itself. The margrave therefore granted the town the right to demolish such castles and fortresses, provided that the need for action against such settlements was supported by an oath (presumably by the town council). The town of Jihlava was also to acquire all the movable and immovable property of these criminals, unless the margrave decided otherwise.⁴⁹

In 1348, King Charles IV focused his security policy not only on the town of Jihlava. In the first half of July of the same year he issued a series of documents, three of which have been preserved for the towns of Mělník, Chrudim and Žatec. The ruler gave these towns all the property of criminals and robbers against whom these towns had taken action or would take action in the future. The property was to be used as compensation for the costs incurred by these towns in prosecuting such persons. At the same time, the king excluded any claim to this property by the relatives of these criminals, whatever their status. He also expressly forbade any interference by provincial officials and nobles if the criminal in question was their client or servant.⁵⁰ This provision was clearly a response to the existence of bands of robbers working for certain nobles.⁵¹

In July 1348, King Charles IV confirmed a number of older royal privileges for the South Bohemian royal town of Písek and added some new ones. One of these was a ban on the construction of new castles and other fortifications (*castra, munitiones seu fortalicie*) within a one-mile radius of the town. Castles whose construction was not approved by the monarch were to be demolished. The same privilege was granted to the town of Olomouc in 1331.⁵²

A document of Charles IV concerning another alliance of royal towns probably dates back to 1351. In this case, the monarch addressed separate charters to four neighbouring towns in southwestern Bohemia – Domažlice, Klatovy, Sušice and Kašperské Hory (though only the document for Domažlice has survived in the collection of forms). The towns were ordered by the king to form an alliance (*in societatem vnám*) to ensure peace (*ad procurandam pacem*) in their surroundings; the alliance was to be secured by taking “personal” oaths (perhaps by the town councils). These towns were to coordinate their actions against “robbers, fugitives, thieves or other disturbers of the peace and outlaws” (*omnes spoliatores, profugos, fures seu alios quoscumque pacis turbatores ac proscriptos*). The monarch was to be informed of the prosecution of criminals (presumably so that this activity could be coordinated on a country-wide basis). When prosecuting criminals, the towns were to invite other “honest men” from

49 BRANDL, CDM VIII, 55, no. 87; HOFFMANN – KŘESADLO, *Městská správa Jihlava*, 19.

50 ČELAKOVSKÝ, CIM II, 400–403, no. 268–270.

51 This issue was mostly dealt with by František Hoffmann – cf. HOFFMANN, *Bojové družiny na Moravě a v Čechách*, 47–144; HOFFMANN, *K povaze drobné války*, 55–75.

52 ČELAKOVSKÝ, CIM II, 404–410, no. 273; SEDLÁČEK, *Dějiny královského krajského města Písku*, 30.

the Province of Plzeň / Pilsen and, if they were prosecuting criminals in a neighbouring region, also from the Province of Prácheň (in this region lay Sušice and Kašperské Hory) to advise them. A more detailed description of these “men” is not given; perhaps they could have been provincial officials or members of the nobility settled in the region.⁵³ Charles’s lost charter for Klatovy of July 1370 (known only from the regest) proves that the monarch once again encouraged the town and its neighbours to take joint action against criminals in their surroundings.⁵⁴

The measures taken in the late 1340s to keep the peace in the country were probably not enough. According to the chronicle of Beneš Krabice of Weitmile, Emperor Charles IV called an assembly in 1356 because of the increasing number of robberies and other serious crimes in the country.⁵⁵ The meeting was attended by a large number of nobles and representatives of towns from all the lands of the Bohemian Crown.⁵⁶ Charles IV, after consulting the participants of the assembly, established and confirmed by a permanent law (*lege perpetuis*) provisions for the prosecution of criminals declared outlaws, conditions for pardon by the monarch and the access of outlaws to the provincial court.⁵⁷ If a person of any status was accused, proscribed or convicted of serious crimes (theft, robbery) and could not be exonerated of these crimes under provincial law, or if the crimes were open or publicly known (where there was no doubt of guilt), they were to be considered forever deprived of honour and of all rights and the possibility of legal action (i.e. legal capacity), both in and out of court. This fact could not be changed even by a pardon granted orally or in writing by the sovereign.⁵⁸ Such a person could thus avoid the death penalty, but had to compensate the victims for all damages according to their means; moreover, they remained disqualified and outlawed for life. It was also decided at this meeting that the subjects (*pauperibus*) should have access to the provincial court, where they could file a lawsuit. According to the chronicler, such lawsuits were carried out in practice.⁵⁹

Of course, the question remains as to how accurately the chronicler reproduced the content of the assembly’s resolution, and whether these decrees were sealed with an

53 ČELAKOVSKÝ, CIM II, 614–615, no. 423. Jaromír Čelakovský dated the document to 1366, which is not correct, as Charles IV is mentioned only as a Roman king. The document probably dates from 1351 (see CIM 452, no. 307). The content of the form (listing the names of four towns) probably reflected reality – it is very plausible. Even if we reject the document on the grounds that it is a form, it does at least reflect the practice of forming town alliances under the patronage of the king.

54 Ibidem, 630, no. 437. Čelakovský thought that the lost document might be identical to the form quoted above (but it is older).

55 On the context (including the war with the noble opposition) cf. KAVKA, *Vláda Karla IV. za jeho císařství*, 72–73; ŠUSTA, *Karel IV.*, 406–410.

56 EMLER, *Fontes rerum Bohemicarum IV*, 524–525: *magno concilio principum, baronum, nobilium, wladikonum et civium ad regni Boemie coronam pertinencium*; RIEGER, *Zřízení krajské I*, 48–49. On the proceedings of the assembly and its date see MEZNÍK, *Odvolání Majestas Carolina*, 53–61; cf. KAVKA, *Vláda Karla IV. za jeho císařství*, 39–43.

57 The provincial court (*iudicium terre*) was the most important court in the country and was primarily intended for disputes between the nobility over allodial estates registered in the provincial register (“Provincial Tables”). Both countries, the Kingdom of Bohemia and the Margraviate of Moravia, had their own (though very similar) provincial law, provincial authorities and also provincial courts. Cf. KAPRAS, *Právní dějiny*, II/1, 215–232; JANIŠ, *Zemské soudnictví*.

58 A similar provision, i.e. that the monarch can pardon the death penalty, confiscation of property or other punishment, but cannot restore the offender’s honour (he remaining dishonourable for life), appears in the draft code of *Maiestas Carolina* – HERGEMÖLLER, *Maiestas Carolina*, 90, art. 28.

59 EMLER, *Fontes rerum Bohemicarum IV*, 524–525.

oath, as in the previous case, or confirmed by the monarch. In this case, too, the validity of the decrees was probably wider and applied also to the Margraviate of Moravia. The chronicler Beneš Krabice also mentions, in connection with the assembly and the protection of peace, that Emperor Charles IV repeatedly intervened with military force in the kingdom against “thieves and robbers” and especially against those who supported such pests. In this context, he conquered and demolished a number of fortified settlements (*fortalicia*) where such persons resided. The expedition (1356) against the knight John Pancíř of Smojno, who was captured during the conquest of Zampach Castle and hanged for numerous robberies, is explicitly mentioned. The chronicler also mentions that some castles had been occupied by the prosecuted persons (*profugi*), who often captured various people from neighbouring countries and demanded ransom for them. In fact, this was the activity of fighting and robbing bands. Beneš Krabice states that such a “troop” could consist of “sixty or even a hundred armed men”.⁶⁰

The exercise of criminal jurisdiction, involving the prosecution of public robbers and criminals, required the royal towns to have the necessary human and material resources. They had to be equipped with the weapons that the burghers used to defend the town. They could also use them against robbers. In 1362, war threatened between Charles IV and his allies on the one hand, and the Duke of Austria and King of Hungary on the other. The King of Bohemia therefore ordered a number of royal towns in Bohemia to stockpile grain and armour, some of which was provided to the towns at the expense of the royal chamber and some of which the towns purchased at their own expense. Surviving documents from 1362 record the exact number and type of armour each town possessed, as well as the obligation to maintain it and keep it ready at the monarch’s command. These documents for 13 towns show that these towns had armour sets for a total of 2950 people. It can be assumed that such armour and other weapons could also be used in military operations against public robbers (especially in larger military actions related to the capture of castles).⁶¹

After the mid-fourteenth century, a number of Bohemian and Moravian royal towns had criminal jurisdiction to prosecute public enemies and criminals – not all the relevant sources (documents) have survived, as in many cases this jurisdiction is only mentioned in passing. The privilege granted Margrave John Henry (brother of Charles IV) in October 1363 for the royal town of Uherské Hradiště in southeastern Moravia testifies to the exercise of criminal jurisdiction under provincial law. The “provincial courts” (*iudicia terre*) attached to the margrave’s castle in Bzenec were to continue to meet only in Uherské Hradiště on a weekly basis. It was therefore the *iudicium provinciale*, i.e. a criminal court, as this type of court has already been mentioned. No further details are known.⁶²

The last document issued by Charles IV in 1366 concerns the prosecution of robbers by the royal towns. The charter was issued in November 1366 and was addressed to

60 Ibidem, 525.

61 ČELAKOVSKÝ, CIM II, 577–579, no. 399; MENDL – LINHARTOVÁ, RBM VII/4, 750–752, no. 1230–1235; MENDL – LINHARTOVÁ, RBM VII/5, 795–796, no. 1316; 814–815, no. 1346 and 820–821, no. 1355; HOFFMANN, *České město ve středověku*, 146–153; KAVKA, František. *Vláda Karla IV. za jeho císařství*, 189–192.

62 BRANDL, CDM IX, 242–243, no. 322; CHLUMECKÝ – CHYTIL, CDM VI, 126–127, no. 162; JANIŠ, *Zemské soudnictví*, 230. The town of Bzenec lies 18 km southwest of Uherské Hradiště; it was not a royal town, but part of the margrave’s estate, whose administrative centre was the castle in Bzenec (HOSÁK, *Historický místopis*, 408–409).

a group of towns in northwestern Bohemia – Žatec, Most, Kadaň and Louny (which towns also seem to have formed an alliance). These towns were to control the roads in their vicinity (in their region) and had the right to seize all criminals and exercise full criminal jurisdiction over them. The towns could also confiscate the property of these criminals and use it to pay damages to those who had been robbed and to cover their own expenses. Towns did not have to invite provincial officials to exercise criminal jurisdiction over arrested criminals. The nobles were obliged to hand over to the towns, upon request, criminals found on their estates or in their service. Those who refused to do so had to take a formal oath (promise to submit to legal authority) and their estates could be occupied by the town until the ruler decided. If the attacks were led by criminals from an estate and the landlord was unaware of it, the law allowed him to exonerate himself. All the inhabitants of the country, whether noble or not, were obliged to assist in the pursuit of criminals and robbers at the call of the four towns until they were caught (no doubt in accordance with the above-mentioned rules adopted at the assembly in 1348). Those who did not pursue the offenders were required to take a formal oath, as in the above case, and their estates were to be occupied until the sovereign's decision. At the end of the charter, Charles IV ordered the four royal towns to help each other protect the roads and to act together against anyone, noble or not, who would hinder them in this endeavour.⁶³

The Politics of Wenceslas IV: The Offices of Provincial Judge and Landfriede

At the beginning of his reign, the new king of Bohemia, Wenceslas IV, sought to actively involve the royal towns of Bohemia in protecting the peace of the country. In July and August 1381, the king issued a series of documents with the same wording, addressed to selected royal towns. Eleven of them are known today in the original or as copies (for the towns of Plzeň/Pilsen, Litoměřice, Kolín, České Budějovice, Klatovy, Louny, Mělník, Stříbro, Vysoké Mýto, Staré Město pražské / Old Town of Prague and Menší Město pražské / Minor Town of Prague). The ruler granted to the towns the office of "provincial judges" connected with the exercise of criminal jurisdiction (*officium justiciarie siue poprawe*) in their district (*districtus*). They were not to be hindered in the exercise of these powers by other provincial and royal officials or by other provincial judges; on the contrary, they were to assist and support the towns. These offices of provincial judges, as already mentioned, were traditionally associated with members of important noble families. It is clear from the documents cited that the king sought to confer this jurisdiction on selected royal towns in various parts of the Kingdom of Bohemia. The office of provincial judge (*poprawce*) was linked to individual administrative regions (*provincia*), but the documents cited only mention the vicinity of the towns (*districtus*). Other offices of provincial judge seem to have remained in the hands of the nobility.⁶⁴

In the last years of the fourteenth century, the security situation in the Czech lands deteriorated considerably. This was due to a rivalry between the king and opposing lords and to disputes between members of the Luxembourg dynasty. The situation in Moravia was greatly disturbed by the so-called Margrave's War, which reflected disputes between the brothers Jobst and Prokop of the Moravian line of the Luxembourg family.

63 ČELAKOVSKÝ, CIM II, 609–614, no. 422.

64 Ibidem, 734–737, no. 570–578; ČELAKOVSKÝ, CIM I, 162–163, no. 99–100; RIEGER, *Zřízení krajské I*, 49–50; MAREŠOVÁ, *Příspěvek k dějinám krajských poprawců*, 21.

Although King Wenceslas IV tried to use the royal towns in Bohemia as a foothold for his power, he was unsuccessful. Between 1395 and 1396, King Wenceslas was forced to make a number of concessions to the Bohemian lords, who demanded, among other things, that the offices of provincial judges be restored in the regions according to "ancient custom". These offices were to be filled by members of the high nobility.⁶⁵

It is not entirely clear whether the charters quoted from 1381 remained in force and the towns continued to exercise their jurisdiction. It is not entirely impossible, as this jurisdiction was limited to the vicinity of the towns. The continued validity of these documents seems to be indirectly attested by the charter of Wenceslas IV for the Nové Město pražské / New Town of Prague of December 1400, which granted this town the office of provincial judge "on the model of the Old Town of Prague". Similarly, in July 1400, Wenceslas IV issued a now-lost charter to the South Bohemian towns of České Budějovice, Písek and Vodňany, ordering them to prosecute criminals in their vicinity and to exercise criminal jurisdiction over them. The important role of the towns is also evidenced by the king's mandate of November 1398, in which he ordered the nobility, castle administrators and town councils to arrest criminals and deliver them, upon request, to the prison in the West Bohemian town of Kadaň.⁶⁶

The role of the royal towns in fighting public criminals was also of great economic importance to the king. In 1397 he ordered the Bohemian royal towns to pay a special tax to combat crime (notwithstanding earlier privileges that had temporarily exempted some towns from this obligation).⁶⁷

An important step towards restoring internal security in the Kingdom of Bohemia was the promulgation of royal decrees against enemies and criminals in January 1405. These followed two comprehensive resolutions of the Bohemian provincial court, made in 1402 and 1404. At the beginning of February 1402, Wenceslas IV and his brother, King Sigismund of Hungary, concluded an agreement in Hradec Králové to regulate power relations in the Kingdom of Bohemia whereby Sigismund effectively took over the government.⁶⁸ In this context, the provincial court met on 18 February under Sigismund's personal chairmanship, with other lords and prominent clerics (bishops) taking part. The resulting decision forbade the local population from participating in wars against the Bohemian Crown and included provisions for the security of the country. No inhabitant of the country, of whatever status, was allowed to harbour or support a criminal on his estate or in his fortified mansion; the penalty was the loss of property and being declared an outlaw (with the provincial judges to testify in this matter). Another article concerned the activities of the provincial judges and provincial councillors,⁶⁹ whose duty it was to prosecute and sentence criminals. However, the decision forbade these officials to seize the offender's property – they could only confiscate clothes, horses and what would cover the executioner's expenses. If the accused was not apprehended within a month, they were to be declared an outlaw in the towns and regions according to custom. The final passage of the judicial

65 JANIŠ, *Landfrýdy jako pramen*, 53–82; PALACKÝ, *Archiv český* (hereinafter AČ) I, 56–58, no. 5; BRANDL, CDM XII, 286–288, no. 309.

66 ČELAKOVSKÝ, CIM I, 185–186, no. 117; ČELAKOVSKÝ, CIM II, 914–915, no. 709; 937, no. 726.

67 ČELAKOVSKÝ, CIM II, 899–903, no. 701.

68 SPĚVÁČEK, *Václav IV. 1361–1419*, 334–336; ČORNEJ, *Velké dějiny zemí Koruny české V*, 72–73; BARTOŠ, *Čechy v době Husově*, 190–205.

69 Cf. note 6.

decision prohibited all further acts of violence, and whether or not there had been a formal declaration of hostilities between the disputing parties beforehand was of no significance. Violation of these provisions was punishable by the loss of property and outlaw status.⁷⁰

Efforts to restore peace in the country were reflected in the proceedings of the Bohemian provincial court in December 1404, when the court issued a ruling on the prohibition of trade in stolen and war-derived goods. This prohibition applied to persons of any status and its violation was punishable by death and loss of property. The royal towns with the provincial judges were to act in this matter.⁷¹ The seriousness of the measures taken to preserve the peace was reflected in a punitive military expedition against the robber knight Jan Zoul of Ostředek. The provincial army captured his two castles, Čejchanův Hrádek and Stará Dubá (in central Bohemia). The captured Zoul was executed along with fifty robbers of his retinue. The event was intended to demonstrate the severity with which all criminals and robbers who disturbed the peace of the country would be dealt with. It is known that the New Town of Prague took part in the conquest of Zoul's castles, sending its mercenaries and paying part of the costs of the siege.⁷²

The royal towns had their own military units, which the monarch used as an important part of the royal army. An example of this is the West Bohemian royal town of Stříbro, which had not only its own town (burgher) army but also a small mercenary detachment, as can be seen from the surviving town accounts. In 1401–1405 the town used the services of the Lord Boreš of Rýzmburk and his armed retinue. For example, mercenaries paid by the town of Stříbro took part in a campaign against Prostiboř Castle in 1403 and against the castles of Tachov and Věžka in 1406. In 1410, mercenaries under the leadership of the captain (*capitaneus*) Mařík Hubenka took part in another military expedition against disturbers of the provincial peace. The military detachment from Stříbro was part of a larger army, because apart from the above-mentioned commander it consisted of only six horsemen (one of them was being artilleryist, *pixidarius*, which shows that the aim was to conquer fortified settlements) and a cook. The hiring of professional warriors – mercenaries – by royal towns from around the 1390s was linked to the deteriorating security situation in the Czech lands. Mercenaries were mainly used for out-of-town military actions and were part of the army that intervened against disturbers of the peace. Without mercenaries, the burghers themselves would have had to take part in these actions – but they were not trained and experienced enough for these military actions. The towns often hired members of the Bohemian, Moravian and also Austrian lower nobility as commanders (*capitaneus*, *hauptmann*) of their mercenaries.⁷³

At the beginning of January 1405, King Wenceslas IV appointed provincial judges (*popravce*) from among the leading representatives of the Czech nobility (lords) in eleven Bohemian provinces and promulgated the aforementioned judicial decisions of 1402 and 1404 in the relevant decrees. At the same time, the king informed the individual royal towns of the content of the decisions and ordered them to assist the

70 EMLER, *Reliquiae tabularum terrae*, I, 594–595; ČORNEJ, *Velké dějiny zemí Koruny české V*, 73; JANIŠ, *Landfrýdy jako pramen*, 83–84.

71 EMLER, *Reliquiae tabularum terrae*, II, 10; SPĚVÁČEK, *Václav IV. 1361–1419*, 357.

72 SPĚVÁČEK, *Václav IV. 1361–1419*, 357–358; ČORNEJ, *Velké dějiny zemí Koruny české V*, 79–80; TOMEK, *Dějepis města Prahy*, III, 420–421.

73 NOVÝ, *Stříbrské vojenství*, 438–443; HOFFMANN, *České město ve středověku*, 146–153.

provincial judges in their regions in the prosecution of public enemies and criminals (*maleficorum, raptorum et oppressorum dicti regni Boemie et incolarum ipsius*). This decision was to be publicly announced orally at market time in each town.⁷⁴ One month later, on 14 February 1405, King Wenceslas promulgated a decree calling on all the royal towns to send one representative each from among the members of the town council to the royal court (on 1 March) to discuss action against thieves, robbers and criminals threatening public roads (*fures, predones, ceterique malefici et publicarum stratarum eiusdem regni nostri notorii et dampnosi inuasores*). A similar summons was dispatched to the burgraves of the royal castles and the superiors of the monasteries. The royal towns, castles and monasteries were part of the royal chamber.⁷⁵

The measures adopted in 1402 and 1404 became the basic legislation for the prosecution of public enemies and criminals in the territory of the Kingdom of Bohemia. A decisive role was assigned to the nobility, especially to those lords who held the office of provincial judge in each region, whose activities were revived at this time and whose jurisdiction was clearly defined in court decisions. However, the role of the royal towns in the fight against criminals remained crucial. At the same time, King Wenceslas made use of the institution of the *Landfriede*, which was applied mainly in the territories of the Holy Roman Empire, in the fight against public criminals. In December 1399, the king ordered the nobility, clergy and royal towns of the Province of Žatec to unite for the purpose of mutual assistance and the punishment of criminals (*schedlich lewte*). This is the earliest known example of this type of alliance, which later became typical of the Kingdom of Bohemia. (*Landfriede* were concluded in individual regions.) If one of the members of the alliance was harmed, they were all to pursue the offender together. Those who did not pursue the criminal or even hid him were to be punished by the ruler. A criminal who was declared an outlaw in one town was considered an outlaw in all the other towns.⁷⁶

In the autumn of 1405, the king ordered a new *Landfriede* to be negotiated in the Province of Žatec for a period of two years; the content of the royal charter was basically the same as in the previous case.⁷⁷ An undated text of the *Landfriede* (probably from the turn of 1405/1406) in the form of a contract of the Estates of the Province of Žatec has been preserved in the collection of Wenceslas IV's writings. It contains provisions on mutual assistance in the prosecution of public criminals and the prohibition of their support on the territory of the Province of Žatec. The *Landfriede* was headed by an eighteen-member sworn council – each town was to send two members, and similarly the inhabitants of the surrounding areas of the towns (especially the nobility) were to be represented by two members each. The text explicitly mentions only the towns of Žatec and Most; the other towns of the Province of Žatec are only vaguely represented.⁷⁸

74 Národní archiv Praha, Archiv České koruny (1158–1935), no. 1366–1385; Archiv Národního muzea Praha, A – Sběrka pergamenů 1142–1526, sign. Perg-A296; ČELAKOVSKÝ, CIM II, 1000–1010, no. 771–780; SPĚVÁČEK, Václav IV. 1361–1419, 358–359; ČORNEJ, *Velké dějiny zemí Koruny české V*, 78.

75 ČELAKOVSKÝ, CIM II, 1006, no. 772 (the text is known from the charter for the royal town of České Budějovice).

76 ČELAKOVSKÝ, CIM II, 932–934, no. 722; BERAN, *Landfrýdní hnutí*, 44–45; JANIŠ, *Landfrýdy jako pramen*, 85.

77 ČELAKOVSKÝ, CIM II, 1010, no. 781; 1020–1023, no. 789 and 790; HLAVÁČEK, *Codex Přemyslaeus*, 134–135, no. 210. Cf. BERAN, *Landfrýdní hnutí*, 44–47; HLAVÁČEK, *Žatecký landfríd Václava IV.*, 100–101.

78 HLAVÁČEK, *Studie k diplomatice Václava IV.*, 160–161. Cf. ČELAKOVSKÝ, CIM II, 1028–1030, no. 794 (In March 1406, the king invited the towns of Žatec, Most, Kadaň, Louny and Chomutov to join the *Landfriede* in the Province of Žatec).

Landfrieden were later also concluded in other provinces of the Kingdom of Bohemia; they became more important after the Hussite Wars, i.e. in the 1440s.

In March 1407, King Wenceslas IV issued a mandate to all nobles and provincial officials in the kingdom, and especially in the Province of Bechyně (in southern Bohemia), to help the royal town of České Budějovice in prosecuting robbers and criminals of all kinds, including their helpers and protectors. Thus, the *Landfriede* was not concluded in this province at that time.⁷⁹

From the end of the fourteenth century, the legal institution of the *Landfriede* was also applied in the Margraviate of Moravia. From the beginning, however, it had a countrywide form. The earliest known Moravian *Landfriede* took the form of a decree issued by Margrave Jobst in September 1387. The text of this decree has not been preserved in its entirety and is known from a Brno municipal book under the title *Statutum de profugis*. It is most likely an extract from the original document, probably written in German. Its individual provisions forbade declarations of hostility, acts of violence and the harbouring of criminals in castles and estates, and emphasized the obligation to settle disputes before the provincial court. Anyone who violated these prohibitions was to be declared an outlaw and prosecuted by the nobility and the royal towns. The decision was made by Margrave Jobst with the unanimous consent of "all lords, gentry, nobles, cities, towns and others" (*all lantherrn, bladiken, edil leut, stete, merkte and ander*). Although the diction of the document suggests that the royal towns and knights were involved in the adoption of the provisions in question, in reality the decisive say undoubtedly fell only to the margrave and the lords. The assent of all the others is more a commitment on the part of the landowners to abide by the provisions than an expression of actual participation in the decision to conclude the *Landfriede*. It is clear, however, that the royal towns in particular, whose commercial interests were being damaged by robbery and other crimes, were very interested.⁸⁰

In Moravia, other *Landfriede* agreements were concluded in the form of treaties between the margrave and important Moravian lords (1396, 1405). They were valid for the whole country and were of course binding on the Moravian royal towns. Of these, Jihlava, situated on the Bohemian–Moravian border, probably had the greatest problems with criminal gangs. In March 1410, King Wenceslas IV directly confirmed the older privileges of Jihlava and at the same time granted a new privilege to Jihlava, according to which this town could pursue all criminals and disturbers of the peace (*invasores, fures, maleficos et pacis turbatores*) on public roads, demolish their fortified settlements and administer justice, i.e. judge and punish them, on the territory of the Kingdom of Bohemia. This privilege thus explicitly extended (in relation to the previous charters) the powers to the territory of the Kingdom of Bohemia. All members of the nobility, officials and towns were to support Jihlava in this activity, especially the towns of Kutná Hora, Kolín, Čáslav and Jílové, as well as other towns belonging to the Jihlava Town and Mining Law.⁸¹ This privilege significantly strengthened the position of Jihlava as a leading town in the protection of provincial peace in the Czech lands. However,

79 ČELAKOVSKÝ, CIM II, 1064–1065, no. 811.

80 BRANDL, CDM XI, 395–396, no. 451; JANIŠ, *Landfrýdy jako pramen*, 61–64.

81 BRETHOLZ, CDM XIV, 117, no. 127; HOFFMANN, *Popravčí a psanecké zápisy*, XXIX–XXX; HOFFMANN, *Bojové družiny na Moravě a v Čechách*, 58–59; PISKOVÁ, *Jihlava*, 117–120.

as already mentioned, the activity of fighting and robber gangs was not completely eliminated before the beginning of the Hussite revolution.⁸²

The records of interrogations of arrested criminals and robbers from the agenda of the town of Jihlava have also been preserved, which is an exceptional and unique source in the context of other towns. These are records from Jihlava's own criminal agenda and copies of interrogations sent to Jihlava from many other Moravian and Bohemian towns. The entries were recorded in a town court book in 1419. The dated records go back to 1410, the undated ones to around 1405. The records document the activities of criminal gangs (often in the service of prominent nobles) who threatened burghers and other inhabitants on their travels. The records show that the number of persons committing crimes against peace and security was relatively large and their apprehension was not easy. However, when such a person was apprehended, the information exchanged between the towns was of great evidential value. It was difficult for the towns to punish the nobility who supported criminals, especially in view of the jurisdictional obstacles (the nobility belonging to the circle of provincial law), and action against them had to be coordinated with provincial officials and the Moravian provincial court.⁸³ However, the records of Jihlava do not contain details of how the criminals were prosecuted and how the town of Jihlava cooperated with other entities (towns, officials etc.).

Records from Jihlava show that the town was sometimes threatened not only by the larcenous activities of individuals or small groups of criminals, but also by wider alliances of important Moravian and Bohemian nobles. In 1414 several noblemen, namely Vilém of Pernštejn, Čeněk of Ronov in Přebyslav, Jan of Boskovice and Brandýs, Erhart Puška of Kunštát in Doubravice and Půta of Častolovice in Solnice, entered into a kind of sworn alliance against Jihlava. They swore to attack and harm the burghers of Jihlava in any way possible, or possibly to attack another royal town or a suitable castle. A member of several criminal gangs named Janek, who was arrested, testified to this during an interrogation under torture in Jihlava in April 1416. He also confessed that the leader of the bandits, Zikmund Plachota of Martinice, and 60 others had sworn a similar oath to attack Jihlava in 1414.⁸⁴

The difficult security situation, especially in the Margraviate of Moravia in the period before the outbreak of the Hussite revolution, i.e. before 1419, is also evidenced by the armistice agreements related to military actions of individual parties – especially attacks by robber bands against royal towns. Jihlava is again an example. There are two documents from 1402 in which the lower noblemen pledged not to be enemies and not to commit acts of violence against the town of Jihlava. The truces were often negotiated through intermediaries and the pledges were secured by guarantors. In the first case, two burghers of the royal town of Kutná Hora vouched for the lower nobleman Dětrich of Schonvald, while in the second case two other members of the lower nobility vouched for a certain Huplík, who had already made peace with Jihlava.⁸⁵

82 Cf. HOFFMANN, *Bojové družiny na Moravě a v Čechách*, 120–127.

83 HOFFMANN, *Popravčí a psanecké zápisy*, XI–XXXVII.

84 Ibidem, 94–96, no. 57; HOFFMANN, *Jihlava v husitské revoluci*, 164; HOFFMANN, *Vilém z Pernštejna*, 181–182.

85 BRANDL, CDM XIII, 201–202, no. 193; 211, no. 204; HOFFMANN – KŘESADLO, *Městská správa Jihlava*, 29, no. 64–65 (regist).

Truce agreements were important during the Hussite Wars, but the situation in the Czech lands was already different in terms of security and the protection of peace.⁸⁶

Conclusion

In the first century of their existence the royal towns that emerged in the Czech lands from the beginning of the thirteenth century were endowed with a criminal jurisdiction that mainly covered the population within the towns themselves. Some towns gradually acquired jurisdiction over their suburbs, where they encountered the “competing” jurisdiction of the surrounding landowners. From the end of the thirteenth century, the first monarchical privileges began to appear, involving Bohemian and Moravian royal towns in the prosecution of public criminals (Brno, 1292). These individuals, often organized in criminal gangs, directly threatened the persons and property of the burghers (recovery of ransom) and the commercial activities of the inhabitants of the towns. From the 1330s and 1340s, many royal towns acquired independent criminal jurisdiction over robbers and bandits in their area. Towns with these powers received the property seized from these criminals and could use it to pay damages and expenses. The King of Bohemia, Charles IV, also encouraged the formation of town alliances to keep the peace in the country and to protect and help each other against criminals. These alliances usually brought together several neighbouring towns to protect common interests in a particular area (1346, 1348). The royal towns were empowered to intervene against members of the nobility and their property, as some nobles supported or directly organized criminal gangs. Some towns (e.g. Jihlava in 1351 and again in 1410) were given the right to destroy castles and other fortified settlements in their vicinity that threatened them and were bases for robber bands. In some cases (1331 Olomouc, 1348 Písek) the king forbade the construction of new castles within one mile of a given town without his express permission.

The royal towns were also bound by the rules for the prosecution of provincial enemies, criminals and robbers, which were adopted by the assembly in 1348 and by the Bohemian provincial court in 1402 and 1404. The towns were to assist the provincial officials, especially the provincial judges, in this activity. From the end of the fourteenth century, *Landfrieden* began to play an important role in the protection of peace and security – in Bohemia they were concluded in the form of regional treaties (in the provinces), while in Moravia they were valid throughout the country. Despite these measures, the security situation in the Czech lands deteriorated at the turn of the fourteenth and fifteenth centuries and resulted in the Hussite Wars, which broke out in 1419 and seriously disrupted the security situation throughout Central Europe.

86 On the truce agreements recently ELBEL, *Pravé, věrné a křesťanské příměří*.

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