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A R T Y K U Ł Y

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CRIMINAL ACTIVITY IN SILESIA
DURING THE THIRTY YEARS' WAR (1618–1648).
CONTRIBUTION TO THE RESEARCH

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The conflict, which was the Thirty Years' War, is not only about campaigns, battles, sieges, or commanders – the leading figures in those military activities. It is also human maltreatment: poverty, hunger, death, and thus simply everyday life of the inhabitants of the cities, towns and villages affected by military actions. For them any soldiers, mercenaries or ordinary bandits were just sorrow and a big threat. We have very realistic descriptions of these events, written down by eyewitnesses. The Baroque novelist Hans Jakob Christoffel von Grimmelshausen describes one of the attacks on a village as such: “Here they started first, taking out flints from guns, peasants' fingers to screw them in, and torture such unfortunate guys as if they were burning witches. That's how they put one of the captured peasants into the bread oven and set the fire, although he hasn't testified anything

yet. Another person on his head was stabbed, they clenched him so tightly that the blood was gushing out of his mouth, nose and ears. In summary, each peasant was tortured with their own invention and also each peasant had an individual unique torture”. Another time: “They treated our girl in such a way that she could not leave the stable on her own anymore, which is a shame to mention. The farmhand, having him tied up on the ground, was put a peg in his mouth and they poured a cow-milking bucket full of liquid manure into his belly. They called it a ‘Swedish drink’, but he didn’t like it at all and made strange grimaces”.¹

It can be assumed that every war created people from the society’s bottom, and demobilization meant no future for the people who were used to fighting and robbing. They were inclined to continue the activities they have been engaged in so far, but already outside the ranks of the military units. During the wars, masses of various marauders and mercenaries ‘shadowed’ the armies and sometimes they were absorbed into the ranks of the army they were following. People of the margin as well as organized groups were used in more or less open civil and private wars.² Consequently, their members undoubtedly knew their combat profession inside out, often changing the formations in which they served during various conflicts.³ In time of peace, they became mostly unnecessary human beings, often unable to find themselves in the post-war reality. A good example could be the Landsknechts who, after leaving the army, fell to the level of a dependent social class, often without a source of subsistence allowing them to live, wandering around looking for any kind of occupation, often illegal.⁴

Only based on the example of large cities in Silesia at that time, i.e. Legnica or partially Wrocław and Świdnica, can we learn about the scale of the phenomenon of common crime at that time, committed by both soldiers and civilians. For the first of the centres, criminal records have been preserved to this day, and

¹ R. Fukala, *Dramat Europy. Wojna trzydziestoletnia (1618–1648) a kraje korony czeskiej*, Wrocław 2015, p. 375.

² J. Maroń, *Wojsko jako grupa przestępcza w XVII w.*, in: *Przestępczość kryminalna w Europie Środkowej i Wschodniej w XVI–XVIII wieku*, ed. P. Klint, D. Wojtucki, Łódź–Wrocław 2017, pp. 108–109.

³ M. Kamler, *Złoczyńcy. Przestępczość w Koronie w drugiej połowie XVI i w pierwszej połowie XVII wieku (w świetle ksiąg sądowych miejskich)*, Warszawa 2010, pp. 102–103.

⁴ E. Kizik, *Kolorowy ubiór kata. Przyczynek do ikonografii odzieży na przełomie XV i XVI w.*, “*Studia z Dziejów Średniowiecza*” 2008, no. 14, p. 202.

cover the period of history we are interested in.⁵ In the case of Wrocław, we have a copy of the book of proscribed persons for the years 1609–1634, therefore we only have data from several years for the discussed armed conflict.⁶ In turn, an interesting work of the then historian survived for Świdnica, one of whose chapters was devoted to crime in the town and its surroundings. However, it does not cover the entire period of the Thirty Years' War, but only a period between its outbreak in 1618 and the year 1632.⁷ We still have data from the “black book” of the city of Opava, but the preserved volume covers the period only since 1643 until the conflict ended in 1648.⁸ For comparison, we can also refer to the research for Leipzig⁹ and the neighbouring Moravian cities.¹⁰ Even more, the available source base there covers the whole period of the Thirty Years' War, which allows accurate conclusions and findings to be made. In Leipzig, according to research by Bernd Rüdiger, crime involving soldiers during the war increased to 50% between 1618 and 1648, and significantly in 1631.¹¹ Therefore, in the case of the murders, the typical profile of the perpetrator was primarily a soldier.¹² Criminals from this professional group were also accused of the majority of rapes in the city, which resulted in the victims becoming pregnant.¹³ As a result, women decided to remove (to procure an abortion) the foetus or even commit infanticide, immediately after the birth of the offspring. Both acts were treated as murder and punished with all

⁵ Archiwum Państwowe we Wrocławiu (hereinafter only APWr.), Oddział w Legnicy, Akta miasta Legnicy (okres przedpruski), sygn. 466–468, *Criminalia*.

⁶ APWr., Zbiór Klozego (hereinafter only ZK), ref. 58, *Auszüge aus dem liber proscriptorum 1609–1634*; D. Wojtucki, *Przestępczość kryminalna we Wrocławiu na podstawie liber proscriptorum z lat 1609–1634*, in: *Przestępczość kryminalna w Europie Środkowej i Wschodniej w XVI–XVIII wieku*, eds. P. Klint, D. Wojtucki, Łódź–Wrocław 2017, pp. 74–93.

⁷ Biblioteka Narodowa w Warszawie, Oddział Rękopisów, sygn. Akc. 7234, *Annales ex libro cujusdam Lutherani Manuscripto, qui et in Collegio Schwidnicensi asservat excerpta a Tobia Kliman socio Procuratoris ao. 1683*, pp. 899–908.

⁸ Státní okresní archiv Opava, Archiv města Opava, sygn. 225, *Smolná kniha opavská (Gut und peinliche Aussagen sambt den Urtheillen)*.

⁹ B. Rüdiger, *Kriminalität während des Dreißigjährigen Krieges in Leipzig. Ein Sonderfall innerstädtischer Kommunikation*, in: *Die Stadt als Kommunikationsraum. Beiträge zur Stadtgeschichte vom Mittelalter bis ins 20. Jahrhundert*, eds. H. Bräuer, E. Schlenkrich, Leipzig 2001, pp. 609–632.

¹⁰ F. Matějek, *Škoda způsobené na Moravě řáděním vojáků za třicetileté války*, “Časopis Matiče moravské” 1994, no. 113, pp. 83–94.

¹¹ B. Rüdiger, *Kriminalität während des Dreißigjährigen Krieges in Leipzig...*, p. 623.

¹² *Ibidem*, p. 625.

¹³ *Ibidem*, p. 627.

the severity of the law of the time. Women were mostly buried alive, sometimes after previous decapitation or drowned in a river or another reservoir. The scale of this type of crime is difficult to estimate due to the lack of sources. Here you can use a list drawn up on the basis of the chronicles of the city of Lwówek Śląski. If we assume that their evidence is credible, then infant mortality at the hands of their mothers indeed increased. The historians of this centre noted as many as six cases of such crimes in 20 years (1619 – two cases, 1620, 1623, 1629, 1639).¹⁴

In the discussed period, the act of murder was distinguished from conscious and premeditated murder, hence the term *Todschlag* was used in the criminal codes of the time. *Murder*, on the other hand, was considered a premeditated act, for which no excuse should be sought. Illegal deprivation of another person's life is quite commonly referred to as *homicide*. Due to guilt, there was a difference between intentional murder (*homicidium voluntarium et ex proposito*) and unintentional (accidental), committed against the will of the perpetrator (*homicidium causale*).¹⁵ However, committing an offence unintentionally, by accident, did not release the offender from criminal responsibility before the competent judicial authority, but only reduced it. The Criminal Code of Emperor Charles V, then in force but adopted earlier at the Reich Parliament in Regensburg in 1532, stated, among other things, in Article 137, that: 'Any murderer or man-slaughterer who can't legally apologize for that has ruined a life'.¹⁶

The unrest during the period of the armed conflict in the years 1618–1648 also brought about the people's actions against their authorities, as it happened at the end of 1620 in Chełmsk Śląski. At that time the abbot from Krzeszów, Martin Clave, was killed, which was due to the culmination of the tension between the inhabitants and the monastery.¹⁷ During other riots, executioners were also killed, such as master Andreas Thienel in Wrocław in autumn 1626.¹⁸ Also in Głogow in

¹⁴ J.G. Bergemann, *Historisch-Topographische Beschreibung der Kreis-Stadt Löwenberg und Umgegend. Aus Urkunden, Acten, Chroniken und Handschriften gesammelt*, Hirschberg 1824. For a table showing the convicted person's personal details and dates of execution, see: D. Wojtucki, *Publiczne miejsca straceń na Dolnym Śląsku od XV do połowy XIX wieku*, Katowice 2009, p. 358.

¹⁵ W. Uruszczak, *Historia państwa i prawa polskiego. Tom I (966–1795)*, Warszawa 2010, p. 381.

¹⁶ *Die Peinliche Gerichtsordnung Kaiser Karls V und des Heiligen Römischen Reiches von 1532 (Carolina)*, ed. F.Ch. Schroeder, Stuttgart 2000, p. 85.

¹⁷ N. von Lutterotti, *Die Ermordung des Abtes Martin Clave von Grüssau nach gerichtlichen Akten*, "Schlesisches Pastorallblatt" 1922, no. 5/6, Jg. 43, pp. 37–40; P. Wiszewski, *Świat na pograniczu. Dzieje Lubawki i okolic do 1810 r.*, Wrocław 2015, pp. 150–155.

¹⁸ D. Wojtucki, *Przestępczość kryminalna we Wrocławiu...*, pp. 77–78.

June 1629, during the riots in this town, executioner Heinrich Thienel, son of Legnica's master Martin Thienel, lost his life. His funeral took place in Legnica, and a record of these events can be found in the metric books.¹⁹ In Opava, on the other hand, in 1634, the participants of the Freiburger rebellion were punished. For this purpose, wooden gallows were erected in the Upper Square. The Innkeeper was the first to hang on it and acted as a forewarning. At the end of March another execution was planned, this time the convicts were four townsmen. They were to play cards or dice for their fate under the gallows where the innkeeper's corpse was still hanging.²⁰



Figure 1. Playing cards the gallows

The author's own collection.

Theft was the most common crime in modern penal systems, for which criminal sanctions were imposed from the most serious ones – the death penalty, corporal punishment, release, to financial compensation and working in chains for the local community. This is also confirmed by research in other European

¹⁹ APWr., Oddział in Legnica, Kościół Mariacki w Legnicy, no. 47, p. 691.

²⁰ R. Fukala, *Dramat Europy...*, pp. 281–282.

cities, e.g. in the Republic of Poland, such as Kraków, Lublin, Lviv and Poznań.²¹ *Carolina's* Criminal Code of 1532 differentiated in its paragraphs between the so-called "hidden, undisclosed and open theft" when, as we read – [a thief] *ehe und er an sein gewarsam kompt, betretten würd, oder eyn geschrey oder nacheyl machte*²² (realised before and he would come to his senses, or he would enter, or he would make a cry, or he would make a posthumous cry).

In addition, if the seizure of someone else's property was carried out using weapons or direct coercion (violence), then this tort was treated as a robbery. The use of a weapon could already bear the hallmarks of an attempted murder, an act particularly predominant in its nature than simple theft. Therefore, the use of a dangerous tool required that the deed was qualified differently to a mere appropriation of someone else's property.²³ The legislation of that time also knew the division of theft into so-called large and small. The size of the resulting damage was determined by the value of the stolen item.

The thieves' spoils, which can be deduced from their testimonies, were all that had any material value and were left without proper supervision. The real scourge was the small, often accidental, theft that occurred on the occasion. For instance, the disappearance of everyday objects such as: agricultural tools and removable home furnishings, money and valuables, textiles, clothing elements and animals of all kinds. The latter were often killed on the spot and consumed or sold for small amounts of meat and hides. Individual thieves or specialized criminal gangs were mainly interested in property belonging to private individuals, but they did not despise public or church property either. Theft was classified as a breach of public order and prosecuted 'ex officio' because it undermined fundamental cultural norms, acting against the fundamental principle of public trust and respect for others' property.²⁴

Thanks to the testimonies recorded, for example, in a copy of Wrocław's *liber proscriptorum* from the years 1609–1634, we can trace the techniques and objects that were used in the course of criminal activity. The seizure of someone

²¹ M. Kamler, *Złoczyńcy. Przestępczość w Koronie*, p. 57; A. Karpiński, *Przestępczość we Lwowie w końcu XVI i w XVII wieku*, "Przegląd Historyczny" 1996, no. 4 (87), p. 758.

²² E. Lindgen, *Die Breslauer Strafrechtspflege unter der Carolina und der Gemeinen Strafrechtswissenschaft bis zum Inkrafttreten der Josephina von 1708*, "Beiträge zur Geschichte der Stadt Breslau" 1939, no. 8, p. 149.

²³ D. Kaczor, *Przestępczość kryminalna i wymiar sprawiedliwości w Gdańsku w XVI–XVIII wieku*, Gdańsk 2005, pp. 37–38.

²⁴ *Ibidem*, p. 38.

else's property required appropriate, often sophisticated procedures. In the case of houses made in the form of chessboard, the defects in their fragile structural elements were used, making holes in the walls, breaking doors or windows. Interesting was the case of an amateur with an axe who "drei Jahr lang" (for three years) was doing this – he would make a hole in the wall to seize people's treasures, and it was only in 1626 that the noose stopped this activity forever. He actually specialized in making holes in walls or roofs of robbed houses. The list of his disgraceful accomplishments is very impressive and several pages long.²⁵ This criminal, born in Proszkowice near Kały Wrocławskie, stole grain, tools, animals, money, practically everything that had some value and found in robbed houses.²⁶ The jurors assessed his activity as extremely harmful and therefore he was sentenced to be hanged *Obristen Galgen*, on 29 January of the aforementioned year, on the upper beam of the gallows in Wrocław.²⁷ Occasional thieves usually treated their profession as an opportunity to temporarily get rich or satisfy their current needs, including their difficult financial situation. Therefore, most often, shortly after the crime was committed, they liquidated, sometimes for nothing, all the stolen items, and the money thus obtained was quickly consumed by them or lost in various games. Nevertheless, according to the analysis of *liber proscriptorum* in the thieving trade, there were people who treated their 'living' professionally, trying to obliterate the traces of the crime or to remove the suspicion of the exact origin of the items or animals offered for sale. The first of them, a man named Martin Nickische, a former soldier who was executed in the capital of Lower Silesia in 1621, testified that in order to cover up the origin of the offered animals, he exchanged the stolen horses for other, worse ones and only then sold them.²⁸ He performed his activities in various towns in Silesia or Kłodzko region, often far away from each other, in order to confuse the justice system officers. For example, this thief, who stole two mares from the field two years earlier in the night, exchanged them for one by collecting an additional seven thalers. He exchanged the obtained animal for a horse again in some village, and it was only near Strzegom that he decided to sell it for 12 thalers.²⁹ Analyzing his testimony we can point out some more examples of this type of practice. Similarly, Martin Zobel,

²⁵ APWr., ZK, ref. 58, pp. 102–105.

²⁶ *Ibidem*.

²⁷ *Ibidem*, p. 105.

²⁸ *Ibidem*, p. 85.

²⁹ *Ibidem*.

a specialist in horse theft, who was hung from the higher bar of the Wrocław gallows on 18 June 1626, was active together with his companions.³⁰ It should be noted that the theft of horses or cattle was considered a serious crime, especially considering their significant value, which qualified it to punish a given offender more severely, according to the so-called large theft as discussed above.³¹ Among the people who are involved in the thieving facade, we will find real professionals who have been doing this for several years. For example, a thief hung in August 1624 has been stealing for six years.³² Another captured and judged a year later, he testified that he had been involved in thefts for four years.³³ In November 1631, a thief was hanged, as it was publicly announced, on the newly renovated gallows in Wrocław, as he was “stealing and playing with the justice system for too long”.³⁴ It is not uncommon for thieves to join forces and form multi-person gangs in a given area, sometimes not satisfied with the “hidden” theft itself, and even practicing vicious violence against the victims. Thus, one was dealing there with organized crime, treating gangs as criminal associations, stating that the responsibility of the leader as well as other members of the gang was the same.³⁵ Surprisingly, often women played their roles in these criminal relationships.

Particularly negatively perceived in legal terms were all those types of thefts committed by employed servants or journeymen to their employers and also thefts in churches. Condemned especially in both cases, because it was about the significance of the place they were done. Although in the second case the church robbery was not qualified as sacrilege. On 27 April 1623 *Johann Regius was cut down on a stone scaffold in front of the Świdnica Gate in Wrocław* for stealing a case in the Salwator church in Wygon Świdnicki Street five years before. He also robbed the temple of Mary Magdalene three times making a lot of damage last time. In addition, a woman and a man were wounded by stones in the back and head.³⁶

³⁰ Ibidem, p. 109.

³¹ Ibidem, p. 48.

³² Ibidem, p. 96.

³³ Ibidem, p. 98.

³⁴ Ibidem, pp. 134–135.

³⁵ D. Janicka, *Prawo karne w trzech rewizjach prawa chełmińskiego z XVI wieku*, Toruń 1992, p. 115.

³⁶ APWr., ZK, ref. 58, pp. 91–92.

During or just after the Thirty Years' War, we also observe an increase in persecution of people who were accused of harmful magic, i.e. witches and sorcerers.³⁷ This applied to both the living as well as to those who were not exposed during their lifetime, and their sinister activity only revealed itself after their death (the so-called posthumous magic). During the conflict, the main centres where witchcraft trials took place were Nysa and surrounding towns such as Jeseník and Zlaté Hory. The scale of the trials in Nysa required the authorities of this important bishop's centre to employ a special person who was to execute these sentences. Exclusive in this respect was the Nysa executioner Georg Hildebrand, who entered into monopoly contracts with the authorities of the surrounding towns. The scale of persecution was large, so the usual stakes that were built on the execution site were no longer sufficient. The Nysa's authorities went further and ordered a special furnace (*Hexenoffen* or *Feuerofen*) to be built to burn people accused of witchcraft alive on a massive scale. In a preserved document from 1639, which is actually the only reliable trace of this sinister investment, we read about the need to erect such a device.³⁸ It was to stand on the execution site between the gallows and the scaffold (Rabenstein, Köpfhaus) in front of the Customs Gate on the road to Prudnik.

Apart from the living, accusations of sinister, posthumous activity were also made against the dead (*magia posthuma*). Already before the outbreak of the Thirty Years' War, concerns about the deceased in Silesia, e.g. Podgórzyn (1614) and neighbouring areas (especially Moravia) intensified.³⁹ In 1617/18 in the towns of Ivančice (German: Eibenschütz) and Česká Lípa (German: Böhmisch Leipa), chroniclers noted the activity of the so-called *Nachzehrer*, which in free translation means "devourer". He was the type of the deceased who did not have to leave the grave to draw energy from the living. In the case of the latter, a woman was

³⁷ An increase in persecution can also be observed in neighbouring Moravia, where between 1618 and 1648 more than 20 trials of people accused of harmful magic and witchcraft took place in various centres, see K. Rojčíková, *Čarodějnické processions na Moravě do 1648*, "Časopis Matice Moravské" 2001, no. 120, pp. 187–207 (especially the table on pages 202–204).

³⁸ The State Archive in Wrocław keeps documents showing the attitude of craftsmen who were forced to build a witch burning furnace, APWr., Akta księstwa nyskiego, sygn. 375, *Acta miscell. Concerning the punishment of witchcraft and of dealing with the evil enemy, different persons of both sexes, also children in different places, as well as the proceedings against them and finally, execution of some of them by the furnace of fire 1639–1715*, pp. 9–10, 17–18.

³⁹ On the subject of "posthumous magic" in Silesia and Moravia during the Thirty Years' War see D. Wojtucki, *Der Glaube an die "magic posthuma" in Schlesien und Mähren zur Zeit des Dreissigjährigen Krieges (1618–1648)*, "Bohemiae Occidentalis Historica", no. 2, 2019, pp. 189–201.

accused of *magia posthuma*, who had already been lying in her grave for three quarters. The woman devoured all the clothes in which she was buried and her own body. This case is unique in that, usually, after digging up the grave and opening the lid of the coffin, the representatives of the local court set the corpse up without any signs of decomposition, which was to be the crowning evidence of the posthumous activity of such a deceased and the transformation into a ‘living corpse’. (harmful deceased). Most often this gruesome consumption in the grave was described as “schamtzende Tod”, and some chroniclers were even more precise about the noises made by the deceased from the grave – “smacking like a sow” (*wie eine Sau geschmatzet*).⁴⁰ This specific group of the dead was considered particularly dangerous. On the other hand, it is closest to the contemporary image of a “vampire” who has not yet specialized in sucking the blood of the living. According to the beliefs of the time, the dead did not have to leave their graves to harm the living. Their activity was extremely dangerous because it was thought that by smacking or devouring parts of their wardrobe in the grave they could lead to the death of other living people.

In neighbouring Moravia, mainly in the centres north of Olomouc, this phenomenon intensified already on the eve of the conflict and was not solved during the conflict. Precise information about these events is mainly provided by accounting books and public registers. We are particularly interested in the chronology of the expenditure and revenue records of the town of Moravský Beroun from 1629 and 1635. In the first case, it is known that in 1629 more than 44 thalers were spent on the disposal (combustion) of three ‘phantoms’ – *Von beseitschaffung der 3 alter gespenst*. Of which more than 30 thalers were used for executioner’s services, his boarding and tip⁴¹. The record is interesting because the purpose of “execution” by cremation of these three corpses, previously dragged out of the cemetery through a hole in the wall, made especially for this purpose, was to put up some special wooden gallows on which they were hung, and then the whole construction itself was covered with wood and burned with them. The cost of its erection was also given and amounted to over 5 thalers.⁴²

⁴⁰ M. Ranft, *Tractat von dem Kauen und Schmatzen der Todten in Gräbern, Worin die wahre Beschaffenheit derer Hungarischen Vampyr und Blut-Sauger gezeigt, auch alle von dieser Materie bißher zum Vorschein gekommene Schrifften recensiret werden*, Leipzig 1734.

⁴¹ Státní okresní archiv Bruntál se sídlem v Krnově, Archiv města Moravský Beroun, sygn. 490, *Knih ročních účtů města 1620–1632*, no page numbers.

⁴² Of erection of a new gallows, so well burning 3 old ones etc. *Ibidem*.

In Silesia, the number of legal instructions to Wrocław jurors concerning *magia posthuma* also increased. The increased activity of the Wrocław Court of Appeal in cases rising from the grave of the deceased was noted in years: 1632, 1641 (two cases), 1644.⁴³ The Wrocław jurors considered several cases of the “revivers”. The preserved entries in the court books only describe the content of a given case, its dating, but unfortunately no information about the town that asked for legal advice in this specific case was included. The documents stress that the deceased were good Christians, as confirmed by witnesses of *Christenthum leben undt wandel verhalten*. It was all the more difficult to understand why, after their death, they turned into evil spirits, damaging the community in which they had lived so far. This was explained by the case of witchcraft (*Zauberei*), which they were supposed to be involved in, and this was not discovered during their lifetime, but only after their death. This was confirmed by some signs found on the bodies and in the behaviour of those who rose from the graves of the dead – *heimbliches Zeichen oder Marckmahl der Zauberey* and we don't know what happened to the suspect's corpse. Usually, on the basis of a court ruling, they were removed from the local cemetery, handed over to the executioner, who would quarter them at the border of the village and bury them there or burn them to ashes to spread them across.⁴⁴

In Silesia, epidemics also broke out, which were often brought by soldiers from the army, for whom the area became a place of accommodation or march. Witches or gravediggers from Silesian cities (e.g. Świdnica, Góra, Lwówek Śląski) were also accused of causing some of them. Already before, the responsibility for the spread of pestilence in these areas had been shifted to this professional group. A good example could be the set of events from Ząbkowice Śląskie from 1606–1607, when trials and executions of whole families of local gravediggers took place, in total almost 20 people.⁴⁵ In Lwówek Śląski, on the other hand, in 1632 this professional group even gained a special designation as “*Pestilenzischen Todten-Gräber*”.⁴⁶

The Thirty Years' War “created” different kinds of criminals. The worst of them were all those who committed crimes against human life. We are not talking

⁴³ APWr., Akta miasta Wrocławia (Księgi), sygn. E 2.6, pp. 472r–485v.

⁴⁴ *Ibidem*.

⁴⁵ K. Lambrecht, *Hexenverfolgung und Zaubereiprozesse in den slesischen Territorien*, Köln–Weimar–Wien 1995, p. 372.

⁴⁶ *Ibidem*, p. 363.

here about an unintentional murder, mostly during emotional agitation or after drinking alcohol, but about deliberate actions aimed at profit in the form of stolen money, valuables, material goods or livestock. Apart from the above, the motives which guided the actions of such criminals were also those conditioned by beliefs and superstitions of that time. In Silesia, there were big gangs specializing in murdering pregnant women and then cutting out their hearts and their unborn children. In this way, limbs were also obtained which were to be used in further criminal activities and to ensure that their holders would have impunity in contact with officers of the justice system of the time.⁴⁷ These beliefs were already firmly established during the Thirty Years' War, and it is absolutely not uncommon that those responsible for such beastly crimes were brought to justice. An example is the process that took place in Kowary in 1644. At that time, the Wrocław jurors, who were asked for legal advice in this case, indicated in their conviction that a certain Wentzel Pode, 21-year-old son of a former prison supervisor, together with Hans Simon and Baller Simon committed *a grausamer Verbrechen*.⁴⁸ In addition to road robbery, theft and adultery, they committed 16 murders, including three pregnant women whose stomachs were ripped and fetuses cut out. Then they cut off the right hands of their unborn children, which they inundated with wax at the abandoned Silberstein Castle (now Břecštejn near Trutnov), perhaps their hiding shelter, which they were then to use for their evil purposes (crimes) – *and zur ihren Unthaten gebrauchet*.⁴⁹ The brutality of these crimes may be astonishing today, but as evidenced by chroniclers' records, they were a daily occurrence. Here we can use an example from 1643 in Prague, where an old man was executed for murdering many people, interestingly, among them there were five pregnant women.⁵⁰

Undoubtedly, the “product” of the Thirty Years' War was Melchior Hedloff, well known in its final phase and just after it, serial killer. Captured in November 1653 and imprisoned in Oleśnica he was supposed to confess to 251 murders on

⁴⁷ D. Wojtucki, „Pożeracze serc”. *Magiczne wierzenia wśród przestępców na Śląsku w XVII wieku*, “Czasy Nowożytnie” 2017, no. 30, pp. 53–86.

⁴⁸ APWr., Odział w Jeleniej Górze, Akta miasta Kowar, sygn. 16, *Sprawy karne dotyczące sądu gardłowego 1644–1724*, pp. 22–23.

⁴⁹ *Ibidem*, p. 22.

⁵⁰ M. Zeiller, *Handbuch Von allerley useflichen Erinnerungen, anmüentigen und lustigen, er-aufbaulichen, Denckwürdigen, und meistentheils Neüen Exempeln oder Beyspielen; auch viele verwunderlichen der Natur- und Kunst-Sachen. [et]c.: zu täglichem Gebrauch und unterdrache in gewiese Titel und Stellen eingetheilt*, Ulm 1655, p. 508.

torture. He was born in Kuźnica Kącka near Międzybórz in 1606. When he was less than 16 years old, he worked for his father burning charcoal, which he used to drive to Wrocław.⁵¹ However, his new job did not bring him much satisfaction, or above all, a satisfactory income. Also, the severity of the father, as well as his debts, undoubtedly caused frustration for the future multiple murderer who decided to leave the family home. He took up poaching as well as found his place on one side of the army in the ongoing conflict of the Thirty Years' War. We don't know much about the military service of this murderer. It is said that already in the so-called Swedish period of the Thirty Years' War, Hedloff murdered an unknown scout and reiter, taking a horse, some pistol and clothes.⁵² The chroniclers provide general information in this respect, focusing only on the cruel crimes of Hedloff and his gang.⁵³ Among them, he is known under the term "Shooter Melchior" (German: 'Melchior der Schütz', 'Melchior den Schützen' or 'Schütze Melcher'). Activities aimed at capturing Hedloff were also undertaken by Duke Sylwiusz Wirtemberski (1622–1664), the first master in Oleśnica from this dynasty. He ordered his subordinates to organize armed patrols to track down and capture the killer and his comrades. However, the felon and his gang knew the surrounding forests perfectly well, which provided them with very effective shelter, and for this reason the task the patrols were entrusted with proved difficult to accomplish.⁵⁴ Melchior Hedloff was not captured until 2 November 1653, probably in the

⁵¹ T. Ratsch, *Geschichte des Dorfes Luzine im Kreis Trebnitz mit Aufzeichnungen über die Luziner Mordgrube und die Nachbarorte Lückerwitz, Zantkau, Mankerwitz und Probotschütz ferner etwas über Juliusburg, Strehlitz, Gutwohne und Oels*, Trebnitz 1910, pp. 37–38.

⁵² E.W. Happel, *Grösste Denkwürdigkeiten der Welt oder so genandte Relationes curiosae: worinne fürgestellt u. angeführet werden d. merckwürdigste Historien u. Geschichte d. vorigen u. jetzigen Zeiten welche sich auff diesem grossen Schau-Platze d. Welt zugetragen*, Hamburg 1691, p. 92.

⁵³ A structured criminal group should be composed of at least three persons united by a common objective, which is the occasional or continuous commission of offences. The purpose of committing a crime may be permanent or depend on the occasion. No permanent group membership is required; its members can commit crimes in different personal arrangements. They must only be united by a common willingness to commit a crime, as well as a willingness to act for the benefit of the group in such a way as to facilitate the commission of a crime, while the higher form is "a relationship aimed at committing a crime", as "the features" of a "relationship" in the criminal law context are permanent organisational forms, recognised management and specific discipline of the members", see Z. Cwiakalski, *Komentarz do art. 258 i 239 Kodeksu karnego*, in: *Kodeks karny – część szczególna. Komentarz do art. 117–277 Kodeksu karnego*, ed. A. Zoll, Kraków 1999, p. 929.

⁵⁴ R. Schück, *Ein schlesischer Räuber aus dem 17. Jahrhundert*, "Schlesische Provinzialblätter N.F." 1867, no. 6, p. 39.

village of Łakta, located between Rawicz and Sułów, on the border of Silesia and Wielkopolska.⁵⁵ However, his wife Anna and his eldest daughter had previously been arrested, the latter allegedly surrendered voluntarily to the judiciary for fear of her unpredictable father.⁵⁶ The criminal was transported to Olesnica, where he was subjected to intensive torture. On the ordeals that followed, on 20 November 1653, he confessed to 27 murders, 21 and 22 November to 50, 24 November to another 36, 1 December mentioned another 37, 2 December to another 7 and later still 89 murders. Even more, he was also to kill three more of his comrades and his own child. In total, he took the lives of over 251 people including: 100 Poles, six Jews, ten women (probably all of them pregnant), five noblemen, craftsmen, peasants, merchants, traders, and others. It is said that within 1.5 years only until he was captured in 1653 he was supposed to murder 89 people.⁵⁷



Figure 2. Melchior Hedloff – printed copy

From the collection of the University Library in Wrocław, Graphic Collections Division.

⁵⁵ E.W. Happel, *Everh. Gv. Hapellii Historia Moderna Europae, Oder eine Historische Beschreibung Deß Heutigen Europae: Welche zum Anfang und Fundament hat den Münsterischen Frieden-Schluß, und von dar an fortfähret, Unpartheyisch zu beschreiben, dieses Letztere Semi-Seculum Mirabile*, Ulm 1692, p. 266; T. Ratsch, *Geschichte des Dorfes Luzine...*, p. 37; R. Schück, *Ein schlesischer Räuber...*, p. 39.

⁵⁶ R. Schück, *Ein schlesischer Räuber...*, p. 39.

⁵⁷ J. Sinapius, *Olsnographiae, Oder Beschreibung Des Oelßnischen Fürstenthums In Nieder-Schlesien. Andrer Theil*, Leipzig 1706, pp. 351–352.

According to the figures given above, Hedloff usually murdered random travellers and then robbed the money, goods or any valuables found with them. Horses prevailed among the stolen property. Due to their market value, quick sales, even a relatively low amount, yielded considerable income. Of course, he searched his victims to find cash with them. However, it usually found small sums, in actual amounts not exceeding a few thalers, although there were also higher sums of several or several dozen thalers each. Then all kinds of weapons – rapiers, pistols, muskets – were in his circle of interest. Melchior Hedloff also appreciated any type of clothing, appropriating everything the victims had on or with them. It is not known what exactly and what quality these clothes were, because only in one case during the interrogation he was to testify that after the murder of two people he did not find any money but only good clothes (*gute Kleider*).⁵⁸ He usually shared the property he had acquired through robbery, as well as the money he had obtained from sales, among his companions. The part of the loot was probably below its real value, and the money received was spent mainly on food and alcohol. Melchior Hedloff's criminal activity was mainly focused on areas between the villages situated to the north and east of Oleśnica, areas with high forest cover. Based on his testimony from torture, he was very mobile. In his testimony, there are a number of places, mainly villages, and rarely towns, from which he mentioned Syców, whereby he admitted to shoot down a Pole.⁵⁹

Some of the crimes of "Melchior's Rifleman" had a magical background and had its roots in the beliefs of the time. Once he attacked and took the life of a pregnant woman who came from Gdańsk, which he cut through and ripped the heart out of her unborn child, which he devoured immediately after.⁶⁰ The beliefs of that time, whose intensity we observe especially in the 17th century, gave the belief for all kinds of criminals of the magical properties the objects made of parts of the bodies of executed convicts had, and to add up, also of living people.⁶¹ In addition to killing about 251 people, Melchior Hedloff allegedly robbed 45 horses and over 793 thalers, which was not a dizzying amount of money and indicates that he found rather small amounts with his victims.⁶² However, it is difficult to expect

⁵⁸ E.W. Happel, *Grösseste...*, p. 93.

⁵⁹ *Ibidem*, p. 94 (Between pages 93–97 there is a list of people who were killed by this murderer, in what circumstances and what goods and money he found with his victims).

⁶⁰ R. Schück, *Ein schlesischer Räuber...*, p. 40.

⁶¹ D. Wojtucki, „*Pożeracze serc*”..., pp. 53–86.

⁶² R. Schück, *Ein schlesischer Räuber...*, p. 40.

Hedloff to remember all his crimes in detail, especially the amount and type of things he found on his victims. Nevertheless, the chroniclers, listing his cruel achievements, scrupulously stated where and who he deprived of his/her life, as well as what and in what amount he found with the people he killed. It is difficult to expect that “Shooter Melchior” would keep any detailed records, and the data on which the historians based their calculations came directly from the records from the interrogations of this criminal, which were carried out using tortures, therefore their accuracy may vary.

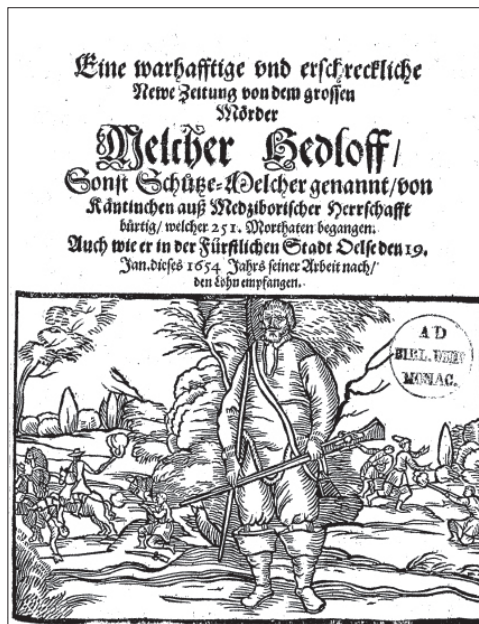


Figure 3. The title page of an ephemeral print published in 1654 showing Melchior Hedloff and his criminal activities

From the collection of the University Library in Wrocław, Old Printing Department.

The execution of the offender was planned for January 1654 in order to bring the tired criminal to a stable physical condition on the one hand, and on the other hand to have time to prepare meticulously for the so awaited execution, which was

to take place in Oleśnica. It is said that Melchior Hedloff only asked for new pants and a deadly shirt (*Sterbe Kittel*)⁶³ before executing him.



Figure 4. The title page of an ephemeral print issued in 1654, showing Hedloff's death in Oleśnica in January 1654 and documenting his criminal activity

From the collection of the University Library in Wrocław, Old Printing Department.

A remembrance of Hedloff's criminal activity, which has survived to this day, is the arquebus from the mid-17th century, currently stored in the collection of the Polish Army Museum in Warsaw. The weapon is carefully crafted, bears the traces of intensive use and numerous repairs. It is characteristic for her that a metal badge has been attached to it with an inscription commemorating Melchior's crimes, as well as his silhouette. Additionally, there are incisions on this weapon, which are to indicate the number of victims of this murderer deprived of

⁶³ Biblioteka Uniwersytecka we Wrocławiu (hereinafter only BUWr.), Oddział Rękopisów, sygn. Akc. 1948/577, A. Frencelius, *Annalium Urbis Lusatiae Super Gorlicii 1717*, p. 621.

their lives by this very weapon.⁶⁴ It is known that Hedloff used two arquebuses and a Turkish sabre at different times.⁶⁵

Hedloff's terrifying, even for those times, activities made this character known in various European countries. There were a few leaflets in connection with the murder of the criminal and members of his gang.⁶⁶ In addition, a painting depicting this multiple murderer was made, which was kept in the collection of the library of the parish of St. Bernard of Siena in Wrocław.⁶⁷ The chroniclers, who were reached by these elusive prints, willingly and meticulously quoted their content, listing the criminal achievements of Hedloff, whom they called "an abominable or cruel murderer".⁶⁸ Descriptions of Hedloff's and his people's criminal activities can also be found on the pages of the works of many Silesian chroniclers, living both in his modern times and shortly after him. Perhaps the best known of them was Johann Sinapius (1667–1725), known mainly for his two-volume chronicle, which he prepared and published in Oleśnica, concerning the history of this town and its surroundings.⁶⁹ Of course, the pages were full

⁶⁴ W. Głębowicz, *Wielkie wyobrażenie wielkiego rozbójnika Melchiora Gedlofa*, "Militaria i Fakty" 2000, no. 3, p. 49; M. Mencfel, *Książęce divertissements. Kunstkammera na zamku w Oleśnicy u schyłku XVII i w pierwszej połowie XVIII wieku*, in: *Czeska historia Śląska*, ed. W. Mrozowicz, Katowice–Oleśnica 2017, p. 334. However, the author gives an incorrect annual date of the execution of Melchior Hedloff in 1659.

⁶⁵ J. Sinapius, *Olsnographiae, Oder Beschreibung...*, p. 353.

⁶⁶ E.g. *Eine warhafftige und erschleckliche Neue Zeitung von dem grossen Mörder Melcher Hedloff/Sonst Schütze=Melcher genannt / von Kämtichen auß Medziborischer Herrschafft bürtig / welcher 251. Morthaten begangen. Auch wie er in der Fürstlichen Stadt Oelse den 19. Jan.[uar] dieses 1654 Jahrs seiner Arbeit nach / den Lohn empfangen*, Augsburg 1654. For more on this see: P. Oszczanowski, *Śmierć w służbie ikonografii*, "Człowiek i środowisko w Sudetach. I Międzynarodowa Konferencja", ed. M. Boguszewicz, A. Boguszewicz, D. Wiśniewska, Wrocław 2000, pp. 410–414.

⁶⁷ Underneath this performance there was the signature "Der berühmte Rauber Hedloff hingerichtet in Oels im Jahr 1654", a reproduction of which was included by T. Ratsch, *Geschichte des Dorfes Luzine...*, p. 39. Another printed copy showing this criminal is in the collection of the BUWr., Oddział Zbiorów Graficznych (Inw. Graf. 581). It's a bust of a man in an oval, with an inscription under it: *Melchior Hedloff*.

⁶⁸ E.W. Happel, *Grösste Denkwürdigkeiten...*, p. 92 ("Der abscheuliche Mörder" – this is the original title of the chapter which fully describes Melchior Hedloff's crimes.); F. Lucae, *Schlesiens curiose Denkwürdigkeiten oder vollkommene Chronica Von Ober- und Nieder-Schlesien: welche in Sieben Haupt-Theilen vorstellet Alle Fürstenthümer und Herrschafften mit ihren Ober-Regenten, Landes-Fürsten, Hofhaltungen, Stamm-Registern, Verwandtschafften, Herren- und Adelichen Geschlechtern, Titeln, Wappen... Sowol auch Deren Verfassungen, Regierungs-Arten, Staats- und Justiz-Wesen, Reichthümer, Regalien, Kriegs- und Friedens-Händel*, Frankfurt am Main 1689, p. 2234.

⁶⁹ J. Sinapius, *Olsnographiae, Oder Beschreibung...*, pp. 351–352.

of news about the activities of Melchior Hedloff and his gang. Another Silesian chronicler, Heinrich Roch, in his work published in 1687 and devoted to various tragic events in Silesia and Lusatia, unfortunately brought nothing new to the current state of knowledge about Hedloff's criminal activities, quoting only the number of people who were deprived of their lives (together with three companions) and a description of the brutal and at the same time instructive executioner.⁷⁰ Hedloff was also often a "hero" in the works of other historians. On the one hand, those who lived at that time were observing the events connected with the activities of Hedloff and his gang, but also followed the effects of the actions taken by the authorities, commenting on them in their works.

Moreover, the triumph of justice over a cruel criminal was commemorated in yet another way. Namely, from the moment Hedloff was captured, that is in 1653, at the castle in Oleśnica, the above-mentioned weapon, which he used in his criminal activity, was kept as a kind of "trophy". The collection also included a skull, which is said to have belonged to the horrible killer himself. This means that after a certain exposition of fragments of the lost body the remaining remains (or at least parts of them) were not buried by the executioner or his people in the pit at the place of the execution, but they were put into the collections of the then owners of the principality. Christian Weiss mentions this fact in the description of his eighteenth-century journey through Saxony, Silesia, Kłodzko County and the Czech Republic.⁷¹

The security, prosecution and fight against crime in a given centre were mostly handled by the guards, as well as city cones and executioners. The latter, because of its profession, was easier to infiltrate criminal structures and "extract" information that would serve in the investigation and detention of the perpetrators, of course for appropriate, often exorbitant remuneration. It was called "criminal hunting" (*Verbrecherjagd*).⁷² In turn, the basic tool in searching for criminals was their descriptions. During their preparation, in addition to the general appearance, i.e. height, eye colour, hair colour, as far as possible, the defects

⁷⁰ H. Roch, *Neue Laußnitz-, böhm-, und schlesische Chronica, oder allerhand denck- und merckwürdiger Unglücks- und Trauer-Fälle, so sich in dem Marggraffthum Lausitz, dessen angränzenden, benachbartem Königreiche Böhmen und Fürstenthümern Schlesien, in den nechsten dreyhundert und sechs und achtzig Jahren, Torgau 1687*, pp. 310–311.

⁷¹ M.Ch. Weiss, *Wanderungen in Sachsen, Schlesien, Glatz und Böhmen*, vol. 1, Leipzig 1796, p. 195.

⁷² For more on this see D. Wojtucki, *Kat i jego warsztat pracy na Śląsku, Górnych Łużycach i w hrabstwie kłodzkim od początku XVI do połowy XIX wieku*, Warszawa 2014, p. 194.

in appearance were described. The absence of a hand, foot, eye, nose or ears, all kinds of scars were a valuable source of information for patrols or other groups looking for perpetrators to identify, apprehend and bring to justice.

In Silesia, but also in the whole Reich, with the outbreak of the Thirty Years' War, many new penitentiary facilities appeared. They were mostly exhibited by municipal authorities (not military) and built on the markets or directly in front of city gates. Among them, new gallows were built, less often brigands, but also devices that were rarely found in the landscape of Silesian villages. They were wooden donkeys with triangular backs used for penal "riding". Their appearance in the centres was undoubtedly connected with numerous crowds of soldiers who had to be disciplined. The frequency of the gallows in the heart of any centres was perfectly illustrated by the example of Świdnica. Wooden gallows were erected in the market square there at the beginning of March 1621 in order to execute the sentence of hanging on a certain man.⁷³ But as early as March 16th, 1621, it was removed by the town's executioner.⁷⁴ Another one was erected on 22 December 1623 in a knee type device, together with an execution ladder. As early as on 28 December, a certain Georg Kutze, an enforcer from Świdnica, was attached to its pole, and then the regiment's executioner gave him thirty strokes with three rods.⁷⁵ The gallows themselves were removed on January 21, 1624.⁷⁶ Soon another object was erected in this place, because on June 21, 1627 Franz Albrecht was hanged from the gallows, his corpse was left hanging until June 23, then it was removed and transported to the city gallows and buried there.⁷⁷ A similar object in this town was located in front of the Lower Gate, now near Plac Wolności. In April 1621, wooden gallows were to stand near the house of a draper.⁷⁸ It was presented on the view of Świdnica in 1623. It was a knee gallows, with an execution ladder attached to it. It was carried out in April 1621, by order of the Świdnica councillors, in order to prevent, as it was called – *des großen Unwillens, so die Stadt Soldaten getrieben*. It is then referred to as *Schwenckgalgen*.⁷⁹ It was also

⁷³ BUWr., ref. 1950/1055, *Excerpta aus Balthas. Usleri Svidnic. and Balthas. Seiler Pistoris Svid. Geschiebenen Chronicis, meist Svidnicensia betreffend Ab Anno 1216–1633*, p. 143v.

⁷⁴ Ibidem.

⁷⁵ BUWr., ref. IV. F. 140, *Schweidnitze Cronica*, vol. II, p. 311.

⁷⁶ Ibidem.

⁷⁷ Biblioteka Narodowa w Warszawie, Oddział Rękopisów, Acc. to 7234, p. 902.

⁷⁸ BUWr., ref. IV. F. 140, *Schweidnitze Cronica*, vol. I, p. 239.

⁷⁹ Ibidem, Acc. 1950/1055, p. 144.

intended to punish the rebels who see *Frederick as the king and not Ferdinand*.⁸⁰ The beams of this gallows were also nailed to the bars with plates containing details of the escaped soldiers, which was done for example on May 25, 1621.⁸¹ This kind of procedure was called hanging *in effigie* (in the picture). The form of such execution 'in absentia' became widespread mainly in the 17th and 18th centuries. It was most often used in the military penal system against deserters, although it was not alien to the city courts. It was practiced by placing on the gallows instead of the convict his portrait or a plaque with his name, together with a description of the crime for which he was convicted. This punishment was a disgrace to the fugitive or elusive accused and allowed for the confiscation of all his assets.

Sometimes, random trees were also used to punish the soldiers, standing by the roads leading to other important centres. On 22 October 1631 in Wrocław it was recorded that: *zu je zweien aufgehängt, alß zwo zu zwo zusammen gehenkt, andern zur Abscheu in der Justifizierung blieben zwo bey Pöpelwitz, zwo auf dem Leuselberg, zwo auf Born auf der Neumarktschen Straße hangend*.⁸² (hung in twos, two by two hanged together, others to the disgust of the justification remained two by Pöpelwitz, two on the Leuselberg, and two on Born on the Neumarktschen Straße). In turn, in Świdnica in 1632, 6 riders from the "Spanish Regiment" were hanged for thefts and robberies.⁸³ They were transported to the area around the village of Jagodnik and hanged on three willow trees. The executioner stabbed an iron skeleton into each of the branches of the tree, suitable for handing out the gallows' beam, and the convict had to stand on a bench, which was then pulled out from under his feet. The lost were hanging on the trees for three days and three nights, and in addition, on one of the trees, there was a plate which, as indicated – *grosse Taffel (large plaque)*, contained the personalities of the lost and the name of the place from which they came. All of them were buried in the same grave at the execution site.⁸⁴

As can be seen from the above examples, in Silesian cities, the crime of soldiers of different authorship did not differ much from the above cited in Leipzig. In Upper Lusatia, neighbouring Silesia, the situation of the local population was equally dramatic. In the period discussed here, the robberies were an integral part

⁸⁰ Ibidem.

⁸¹ Ibidem, p. 144v.

⁸² E. Lindgen, *Die Breslauer Strafrechtspflege...*, p. 71.

⁸³ Biblioteka Narodowa w Warszawie, Oddział Rękopisów, Acc. to 7234, p. 907.

⁸⁴ Ibidem.

of the maintenance of the army. If we add to this the low morale of the soldiers, it will not be an exaggeration that peasants had taken away almost everything, from everyday objects, work tools, to their main source of income – cattle. Usually the robberies also affected the church property and the temples themselves. The army's robbery activity found a particularly wide outlet in cavalry unit raids. Already in 1626, some forms of resistance against robbery were organized in this area. The landowners formed self-defence troops, which at the sound of a bell announcing a threat should come to the aid of the threatened person (similar to hue and cry) under arms. The severe bans on robbery of the local population, issued in 1632, were only a dead law, and the robbery expeditions did not stop until the end of the war.⁸⁵

In the light of contemporary reflections, it seems that the main perpetrators of criminal acts in Silesia during the Thirty Years' War were soldiers, which should not be surprising. Both those who have served in different armies, or those who have served in the army so far, and after being released from the ranks of the army, have taken up common crime. An example can be the figure of Melchior Hedloff described above, hailed as a "super-murderer" by the people living in the mid-17th century.

Finally, one more type of crime should be mentioned, namely suicide (*Selbstmord*). The hardships of war, the uncertain life situation, and finally the so-called "small ice age" which fell on that period contributed to another act which, in the light of legal codes in force at that time, was treated almost equally to murder.⁸⁶ It's a conscious taking of life – suicide. The scale of this phenomenon, although not covering the whole problem due to incomplete source material, was presented partly for Wrocław, also taking into account the period of the Thirty Years' War.⁸⁷ The above-mentioned chronicler also helps describe this problem in the town of Świdnica. However, as in the case of criminal offences, we have information here that ends chronologically in the early 1730s. The last entry in this work comes from July 1631.⁸⁸ By coincidence, it was its tragic implication that best reflected

⁸⁵ Ł. Tekieła, *Wojna trzydziestoletnia na Górnych Łużycach. Aspekty militarne*, Racibórz 2010, pp. 198–201.

⁸⁶ On the cases of suicide during the so-called 'Little Ice Age', see D. Lederer, *Verzweiflung im Alten Reich. Selbstmord während der „Kleinen Eiszeit“*, in: *Kulturelle Konsequenzen der „Kleinen Eiszeit“*, eds. W. Behringer, H. Lehmann, Ch. Pfister, Göttingen 2005, pp. 255–280.

⁸⁷ P. Duma, *Śmierć samobójcza w mieście przedindustrialnym na przykładzie Wrocławia*, "Roczniki Historyczne" 2011, no. 77, pp. 149–168.

⁸⁸ Biblioteka Narodowa w Warszawie, Oddział Rękopisów, Acc. to 7234, p. 865.

on the tragedy of the times of the war between 1618 and 1648. On the basis of the account by the Świdnica historian on July 8th, in the evening, a 9-year-old boy hanged himself at the (then) Fleischer Gasse (now Spółdzielcza). His body was taken by the executioner and buried by the church wall from the outside, at one of the local temples.⁸⁹

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⁸⁹ Ibidem.

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sygn. IV. F. 140, *Schweidnitze Cronica*, vol. I and II.

Oddział Zbiorów Graficznych (Inw. Graf. 581).

Old Prints

Eine warhafftige und erschleckliche Neue Zeitung von dem grossen Mörder Melcher Hedloff / Sonst Schütze=Melcher genannt / von Kämtichen auß Medziborischer Herrschafft bürtig / welcher 251. Morthaten begangen. Auch wie er in der Fürstlichen Stadt Oelse den 19. Jan.[uar] dieses 1654 Jahrs seiner Arbeit nach / den Lohn empfangen, Augsburg 1654.

Happel E.W., *Grösseste Denkwürdigkeiten der Welt oder so genandte Relationes curiosae: worinne fürgestellt u. angeführet werden d. merckwürdigste Historien u. Geschichte d. vorigen u. jetzigen Zeiten welche sich auff diesem grossen Schau-Platze d. Welt zugetragen, Hamburg 1691.*

Happel E.W., *Everh. Gv. Happelii Historia Moderna Europae, Oder eine Historische Beschreibung Deß Heutigen Europae: Welche zum Anfang und Fundament hat den Münsterischen Frieden-Schluß, und von dar an fortfähret, Unpartheyisch zu beschreiben, dieses Letztere Semi-Saeculum Mirabile, Ulm 1692.*

Lucae F., *Schlesiens curiose Denckwürdigkeiten oder vollkommene Chronica Von Ober- und Nieder-Schlesien: welche in Sieben Haupt-Theilen vorstelllet Alle Fürstenthümer und Herrschafften mit ihren Ober-Regenten, Landes-Fürsten, Hofhaltungen, Stamm-Registern, Verwandtschafften, Herren- und Adelichen Geschlechtern, Tituln, Wappen... Sowol auch Deren Verfassungen, Regierungs-Arten, Staats- und Justiz-Wesen, Reichthümer, Regalien, Kriegs- und Friedens-Händel, Frankfurt am Main 1689.*

Ranft M., *Tractat von dem Kauen und Schmatzen der Todten in Gräbern, Worin die wahre Beschaffenheit derer Hungarischen Vampyr und Blut-Sauger gezeigt, auch alle von dieser Materie bißher zum Vorschein gekommene Schrifften recensiret werden, Leipzig 1734.*

Roch H., *Neue Laußnitz-, böhm-, und schlesische Chronica, oder allerhand denck- und merckwürdiger Unglücks- und Trauer-Fälle, so sich in dem Marggraffthum Laußitz, dessen angränzenden, benachbartem Königreiche Böhmen und Fürstenthümern Schlesien, in den nechsten dreyhundert und sechs und achtzig Jahren, Torgau 1687.*

Sinapius J., *Olsnographiae, Oder Beschreibung Des Oelßnischen Fürstenthums In Nieder-Schlesien. Andrer Theil, Leipzig 1706.*

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**PRZESTĘPCZOŚĆ KRYMINALNA NA ŚLĄSKU
W CZASIE WOJNY TRZYDZIESTOLETNIJ (1618–1648).
PRZYCZYNEK DO BADAŃ**

ABSTRAKT

Należy przyjąć, iż każda wojna tworzyła ludzi marginesu, a demobilizacja sprawiała, że pozostali po niej ludzie byli przywykli do walki i rozboju. Skłonni do kontynuowania dotychczasowych zajęć, którymi się trudnili, ale już poza szeregami oddziałów wojskowych. W trakcie wojen za armiami ciągnęły masy przeróżnych maruderów i hultajów, którzy czasem zostawali wchłonięci do szeregów armii, za którymi podążali. Jedyne na przykładzie dużych miast ówczesnego Śląska, tj. Legnicy czy częściowo Wrocławia i Świdnicy możemy poznać skalę zjawiska ówczesnej przestępczości pospolitej, zarówno tej popełnianej przez żołnierzy, ale też cywilów. Niepokoje w okresie konfliktu zbrojnego w latach 1618–1648 przyniosły też wystąpienia ludności przeciwko ówczesnym władzom. Jednak to kradzieże stanowiły w nowożytnych systemach karnych najpowszechniejszy delikt, za który orzekano sankcje karne od tych najpoważniejszych – kary śmierci, cielesnych, czy relegacji. Łupem złodziei padało wszystko, co miało jakąkolwiek wartość materialną i pozostawione zostało bez stosownego nadzoru. Do szczególnie negatywnie postrzeganych w świetle prawa były kradzieże dokonane przez zatrudnioną służbę lub czeladź względem swoich pracodawców oraz rabunek kościoła. W okresie wojny trzydziestoletniej lub tuż po niej obserwujemy również wzrost prześladowań osób, które oskarżano o magię szkodliwą, a więc czarownice i czarowników. Oprócz żywych, oskarżenia o złowrogą, pośmiertną aktywność wysuwano również wobec zmarłych (*magia posthuma*). Na Śląsku wybuchły również epidemie, które nierzadko przywlekli ze sobą żołnierze armii, dla których tereny te stały się miejscem kwaterunku lub przemarszu. O wywołanie części z nich oskarżono czarownice lub grabarzy ze śląskich miast. Wojna trzydziestoletnia „stworzyła” też różnej maści przestępców. Niewątpliwie „produktem” konfliktu 1618–1648 był znany w jej końcowej fazie i tuż po niej były żołnierz, seryjny morderca Melchior Hedloff, który przyznał się na torturach do 251 morderstw. Stracono go w Oleśnicy w styczniu 1654 roku. Na Śląsku, ale też w całej Rzeszy wraz z wybuchem wojny trzydziestoletniej pojawiło się wiele nowych urządzeń penitencjarnych. Na ich wystawienie decydowały się przeważnie władze miejskie (nie wojskowe), a obiekty wznoszono na rynkach lub bezpośrednio przed bramami miejskimi. Wśród nich powstały nowe drewniane szubienice, rzadziej pręgierze.

**CRIMINAL CRIME IN SILESIA DURING THE THIRTY YEARS' WAR (1618–1648).
CONTRIBUTION TO THE RESEARCH****ABSTRACT**

It must be assumed that every war created people of the criminal margins and demobilization made the people, used to fighting and robbing, left with no prospects. They were inclined to continue the activities they had been engaged in so far, but at the time, outside the ranks of the military units. During the wars, masses of various marauders and mercenaries followed the armies and sometimes they were absorbed into the ranks of the army they were shadowing. Only on the example of large cities in Silesia at that time, i.e. Legnica or partially Wrocław and Świdnica, can we learn about the scale of the phenomenon of common crime at that time, both that committed by soldiers and civilians. The unrest during the period of armed conflict in the years 1618–1648 also brought about protests of the population against the then authorities. However, theft was the most common crime in modern penal systems, for which criminal sanctions were imposed on the most serious ones – the death penalty, corporal punishment, or discharge. The thieves' plunders were all that had any material value and were left without proper supervision. Particularly negatively perceived in the eyes of the law was the theft by an employed service or journeyman to their employers or a church robbery. During or just after the Thirty Years' War, we also observe an increase in persecution of people who were accused of harmful magic, i.e. witches and sorcerers. Apart from the living, accusations of sinister, posthumous activity were also made against the dead (*posthumous magic*). In Silesia, epidemics also broke out, which were often brought with them by soldiers of the army, for whom the area became a place of accommodation or march. Witches or gravediggers from Silesian towns were accused of calling some of them. The Thirty Years' War "created" various kinds of criminals. Undoubtedly, the "product" of the 1618–1648 conflict was a well-known, serial killer Melchior Hedloff, who being tortured, confessed to 251 murders. He was executed in Oleśnica in January 1654. Many new penitentiary facilities appeared both in Silesia and also in the whole Reich as a result of the outbreak of the Thirty Years' War. They were mostly exhibited by municipal authorities (not military) and built on the markets or directly in front of city gates. Among them, new wooden gallows were built, less often pillories.