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**THE BEGINNINGS OF BOHEMIAN MUNICIPAL BOOKS
DEMONSTRATED ON HRADEC (KRÁLOVÉ)
(CONTRIBUTION TO BOHEMIAN AND SILESIAN
RELATIONS)**

**POCZĄTKI CZESKICH KSIĄG MIEJSKICH NA PRZYKŁADZIE HRADCA
(KRÁLOVÉ) (PRZYCZYNEK DO RELACJI CZESKO-ŚLĄSKICH)**

ABSTRACT: The paper focuses on the beginnings of the Hradec Králové municipal chancellery and aims to prove that the Silesian region, which with its experience of municipal official activities, contributed through the established Silesian–Bohemian and Bohemian–Silesian contacts to the creation of the oldest Hradec court book based on Magdeburg law.

KEYWORDS: Middle Ages, Bohemia, Hradec Králové, town, municipal book, Magdeburg Law, Silesia, Wrocław

SŁOWA KLUCZOWE: średniowiecze, Czechy, Hradec Králové, miasto, księga miejska, prawo magdeburskie, Śląsk, Wrocław

Preface

In recent years, the research on city offices has become one of the important topics in the Czech Republic not only in the field of medieval and early modern diplomatics research; this knowledge serves to further understand medieval and early modern towns, because as the results of systematic research show, the level of advancement of a certain medieval and early modern municipal chancellery depended on the cultural and economic development of a certain town and its

population. It was not until the 18th century that the gradual introduction of reform unification measures in the area of municipal administration brought changes to the scope and personnel structure of municipal chancelleries¹. The presented paper arises from the author's long-term research of the Hradec (Králové)² municipal chancellery; she wants to focus on its beginnings and to prove that it could have been the Silesian region, which with its experience of municipal official activities, contributed through the established Silesian–Bohemian and Bohemian–Silesian contacts to the creation of the oldest Hradec court book based on Magdeburg law³. Knowledge on this law probably came to the area of Hradec from Silesia and contributed to the establishment of the city. The author's attention will thus be focused on the period of the 13th and the beginning of the 14th century⁴.

The relationship of Bohemian towns and their populaces towards official documentation during the reign of the late Přemyslid dynasty (until 1306)

The starting point of the present research should be a general characteristic of the period of Přemyslid dynasty⁵. Although Hradec was one of the earliest towns in the Kingdom of Bohemia and for centuries the most important one in Eastern Bohemia, we have to emphasize that there are just fragmentary sources providing evidence of municipal relations and we have to take into account the fact that the consuetudinary law and oral acts were mostly followed. A shift from oral testimonies

¹ More on the topic: cf. e.g., Jana Vojtíšková, *Středověké a raně novověké městské kanceláře: široké téma pro široké využití*, „Sborník archivních prací”, 68 (2018), 1, pp. 85–93, where there are also references to further literature concerning these issues.

² “Králové” means “queen’s/belonging to the queen”: the beginning of the royal dowry towns institution was set in the first decade of the 14th century.

³ The study is a partial outcome of the Specific Research of the Philosophical Faculty of the University of Hradec Králové with the title “The Municipal Office of Hradec Králové in the Period before the Battle of White Mountain”. Complex research of the functioning of the medieval Hradec municipal chancellery was included in the monograph by *eadem*, *Počátky (králové)hradecké městské diplomatické činnosti a její středověký vývoj*, [in:] *eadem*, Vít Šebesta, *(Králové)hradecké městské kanceláře do roku 1620*, Hradec Králové–Ústí nad Orlicí 2013, pp. 17–106.

⁴ Currently, especially research into Bohemian–Silesian relations in the 14th century associated with the Luxembourg dynasty is being developed – cf. e.g. Mlada Holá, *Kancelář vratislavského hejtmantství za vlády Jana Lucemburského a Karla IV.*, Praha 2011; Bogusław Czechowicz, *Böhmische Erbfolge und Breslau in den Jahren 1348–1361. Kunst und Geschichte auf Wegen und Holzwegen der Historiographie*, Červený Kostelec 2013.

⁵ So far, the most significant contribution is: Jindřich Šebánek, Sáša Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, „Sborník archivních prací”, 6 (1956), pp. 99–160.

to written juristic actions occurred at some point at the end of the first half of 13th century. Such actions were carried out using sealed documents. Notices giving the evidence of legal acts concerning real estate were replaced by documents of non-mandatory character, whereby legal acts were carried out directly⁶.

According to the growing research of surviving diplomatics material of the late Přemyslid dynasty, towns and their inhabitants exhibited neither positive nor negative attitude to those documents. Only few documents concerning general municipal matters issued by their authorities were preserved, while more documents available dealing with individual inhabitants' legal acts survived. There is a considerable number of surviving documents issued by individual inhabitants for another inhabitants. Sealed documents with a municipal or citizens' seal and issued by burghers for one another appear from the second half of the 13th century. The recipients of documents issued by municipal authorities were mostly clerical feud-alists. In such case, the recipient himself took over an issue of these documents and that is why it is called a recipient's issue⁷. There are no municipal or burghers' documents addressed to the ruler or noblemen. Based on the preserved records, we can deduce that from the 2nd half of the 13th century, the towns and their inhabitants were more and more frequently the recipients of documents⁸.

The research has shown that in the 13th century, there was a boom of municipal service institutions represented by a town scribe. Such institutions were first introduced in economically developed towns (esp. mining towns) and politically significant towns, as it is evident (due to surviving sources) in Prague (later Prague's Old Town)⁹, Jihlava, Brno, Litoměřice (though it was presumably an urban-capit-ular milieu)¹⁰, Most, and Německý Brod, where the scribe post was consolidated

⁶ František Hoffmann, *Středověké město v Čechách a na Moravě*, Praha 2009, p. 421.

⁷ Šebánek, Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, p. 110.

⁸ *Eidem*, *Česká listina v době přemyslovské*, [in:] *Česká diplomatika do roku 1848*, eds. Jindřich Šebánek, Zdeněk Fiala, Zdenka Hledíková, Praha 1984, pp. 103–104.

⁹ New Town of Prague was established in 1348.

¹⁰ The foundation of the Litoměřice municipal office probably took place in the 1280s, when we encounter the name of Master Jan, the canon of Litoměřice chapter, and there is also a connection with the provincial royal court; cf. Jindřich Tomas (in collaboration with Michaela Hrubá), *Liber Civitatis Litomericensis (1341)–1562. Nejstarší městská kniha a její vztah k písemnostem v Litoměřicích od 11. do 16. století*, [in:] *Městská kniha Litoměřic (1341)–1562 v kontextu písemností městské kanceláře*, eds. Barbora Kocánová *et al.*, Ústí nad Labem 2006 (*Libri civitatis*, 3), p. 17.

with the official activities of the local authorities¹¹. Generally speaking, all the mentioned towns were of great importance, predominantly royal towns and towns busy with legal issues. Therefore, we assume to a certain extent that in all towns where a provincial royal court was located, official written activity of the city officials and local lords could be observed¹². Research on the Olomouc milieu, where scribes are supposed to have existed from the half of the 13th century, came to the same conclusion. However, the role of town scribes cannot be overestimated as the incidence of those records is only occasional¹³. The same attitude must be taken to the records related to scribes' existence in less significant towns, where the records might be even more frequent than in much more important towns¹⁴.

Town scribes were in charge of issuing documents, supervising both accounting and administrative entries and records, probate proceedings, lists of outlaws, etc. It is highly probable that in the 13th century, a simple municipal book was introduced in Prague as a response to the intensifying urban life and juristic needs¹⁵. Later on, we will return to the origin of Bohemian municipal books in more detail.

¹¹ Sáša Dušková, *Účast měst a jejich obyvatel na diplomatické činnosti*, „Acta Universitatis Carolinae. Philosophica et historica”, 1, „Z pomocných věd historických”, 10 (1992), pp. 67–70. Even other towns play an important role. The traces of municipal official written activity (we have an information about a reeve's scribe and a town scribe) can be found in Kolín, where we have a copy of the document from 1289; cf. Šebánek, Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, p. 139.

¹² *Ibidem*, p. 104.

¹³ Vladimír Spáčil, *Písaři a kanceláře města Olomouce do roku 1786*, Olomouc 2001, p. 17. The first written document is from 1317, when the scribe Jindřich is mentioned, probably a scribe from a burgher's family, church institution or provincial royal court, as he is mentioned together with sworns.

¹⁴ There is an evidence of a local scribe from 1288 in Jihlava and in Prague, in 1325 in Brno, in 1332 in České Budějovice, in 1337 in Kłodzko, and in 1343 in Olomouc. The institution is proven by the archives of Magdeburg, where there is evidence of the scribe's post from 1301. In Nuremberg, there was a scribe service to all agents and he was given the position of a council scribe in 1419; *ibidem*, p. 19.

¹⁵ The earliest, oblique evidence is from 1282 in the compendium of forms by Tobias of Bechyně, where a burgher Engbert's request appears, approved by the Prague reeve and the sworns with the establishment of a municipal book of private legal character (*Formulář biskupa Tobiáše z Bechyně (1279–1290)*, ed. Jan Bedřich Novák, Praha 1903 [Historický archiv, 22], no. 250.) For example, Václav Vojtíšek noted the possibility that the book could have had a character of a *liber imbreviatur* that were used by public notaries. He denied the fact that the earliest surviving book was a continuation of the book founded by the scribe Jindřich (Václav Vojtíšek, *K počátkům městských knih pražských*, [in:] *idem*, *Výbor rozprav a studií*, ed. Zdeněk Fiala, Praha 1953, pp. 229–239.) In the opinion of Rostislav Nový, the book was to serve the newly formed municipal administration and its written records were not to substitute any issue of a document; cf. Rostislav Nový, *Městská diplomatika v Čechách a na Moravě do poč. 16. stol.*, [in:] *Česká diplomatika do roku 1848*, p. 160.

The use of seals is another important lead when searching for the traces of the official written activities of the urban milieu. The earliest surviving town seal (Brno) originates from 1247¹⁶. After that, there is a rise in town seals' preservation and at the end of the 13th century all royal or even serf towns are supposed to have had their own seal, including Hradec¹⁷. The earliest surviving seal of Hradec originates from 1362¹⁸. The earliest surviving product of Hradec town scribe's official activities bearing a town seal is the reverse for Elisabeth of Pomerania dated September 15, 1363¹⁹. This exemplar symbolizes a practically formed town community represented by the authorities possessing their own administrative facilities.

Referring to the above, we can deduce that Hradec had no preserved documents until 1363. There is obviously no need to say that Hradec had no official written activities of town provenience by then. Let us mention the fact that there are not any evident records of Kutná Hora's²⁰ (due to the silver ore mining the second most significant town of the Kingdom of Bohemia) official written activities in the period of the late Přemyslid dynasty either (till 1306). Therefore, it is necessary to interconnect the knowledge from various areas and use the methods of analysis and collation when searching for the outset of Hradec's official written activities. In the following parts of the paper, we will explain that the procedure is very complex and that it is influenced by a wide range of both external and internal factors.

¹⁶ Regarding municipal official written activities in the Cheb area, the earliest record on town seal can be found in the document from 1242; Šebánek, Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, p. 112).

¹⁷ *Ibidem*, p. 104.

¹⁸ This seal is a part of acknowledgement of Charles IV. From July 21, 1362, it was probably created in the ruler's office, as the other documents from other towns having the same date of origin; Antonín Haas, *Archiv České koruny 1158–1935. Inventory*, Praha 1901, nos. 830–841.

¹⁹ Surviving reverses of the other dowry towns – from Vysoké Mýto and Chrudim – date back to September 21 of the same year; thus, they could not be written together with the one from Hradec; *Codex iuris municipalis regni Bohemiae*, vol. 2: *Privilegia regalium civitatum provincialium Regni Bohemiae annorum 1225–1419* (next only: CIM II), ed. Jaromír Čelakovský, Praha 1895, no. 406. Compare with Pavel Bělina, „Sborník archivních prací”, 23 (1973), pp. 168–169.

²⁰ In J. Šebánek's words: “How could we imagine Kutná Hora at the end of the 13th century without developed written activities of the local offices?”; Šebánek, Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, p. 140.

External and internal factors of Hradec municipal official written activities formation

Hradec Králové, a distinguished town of East Bohemia, is known by experts to have only poor and fragmentary medieval and early modern archives. In addition to widespread fire disasters, those who are to blame for such a poor condition of document preservation are the city council authorities of the 1870s, who ordered to dispose of all the documents dated before 1800 and having just a small juristic value both for the whole town and individual inhabitants, as they had not been able to sort and file them. There are only six municipal books surviving from the period before the Habsburg accession (in 1526), a revenue register from the turn of the 14th and 15th century, a copy book from about 1406, a book of municipal calculations from 1497, burgomasters' calculations from 1504, a wood sale register from 1508, and a plains and meadows register in Lochenice from 1519–1522²¹. This fact, supported by the fragmentary condition of the other types of documents, significantly complicates the research of the issue. It does not, however, make it impossible. We are aware of the fact that diplomatics method enables the reconstruction of the original pieces of both publisher's and recipient's activities even from individual surviving documents.

If we derive from a generally accepted point that at the end of the 14th century every Bohemian or Moravian royal town had its own municipal book²², it can be traced even in the abovementioned fragment of Hradec revenue register book. Thus, we find ourselves in the period when the Hradec town hall supposedly existed and the progress of official written activities and town books particularly was increasing²³. The foundations of both external and internal factors, however, were set much earlier.

²¹ State Regional Archive in Zámbrsk, State District Archive in Hradec Králové, Archive of Hradec Králové (next only: AMHK): *Berní rejstřík 1398–1402–1403*, inv. no. 290, book no. 1; *Kniha městských počtů 1497*, inv. no. 5146, book no. 3780; *Rejstřík na prodej dřeva 1508*, inv. no. 46, carton no. 35; *Registra luhů a luk v Lochenicích 1519–1521*, inv. no. 291a, book no. 2a (the latest mentioned one is referred to as *Registra luhů a luk v Lochenicích 1519–1522*). Archiv Národního muzea: Sbirka pergamenů, Perg-A312, *Fragment knihy privilegii města Hradce Králové [1406]*; Topografická sbírka F, Hradec Králové, *Počty purkmistrů 1504*.

²² Nový, *Městská diplomatika*, p. 170.

²³ Compare with the Bohemian surviving medieval municipal books: Rostislav Nový, *Soupis městských knih českých od roku 1310 do roku 1526*, Praha 1963 (Acta Universitatis Carolinae. Philosophica et Historica, 4) and the latest one by Ludmila Sulitková, *Vývoj městských knih v Brně ve středověku (v kontextu vývoje městských knih v českých zemích)*, Praha 2004 (Práce z Archivu akademie věd. Řada B, 17).

Speaking about this, we should mention that the town character of Hradec is evident as early as in 1225²⁴, and, consequently, it can be deduced that it was acknowledged *de iure* by the ruler even before this date. As early as in the 13th century, monastic institutions were established: Teutonic Knights²⁵, female Dominicans²⁶ and male Dominicans²⁷, and especially Minorites²⁸. The town monastic compounds served evidently not only for monastic, but also public purposes (e.g., public assemblies or town council meetings)²⁹. Such meetings, which are absolutely unknown for Hradec because of the lack of sources, would surely have supported the growth of juridical awareness and official written activities. Hradec Minorites deserve special attention as they provided their services to the Teutonic Knights many times³⁰. The existence of monastic institutions in Hradec and their official written activities allow for a supposition that it was this kind of institutions which enabled

²⁴ AMHK, *Listiny a listy*, inv. no. 1, carton no. 1.

²⁵ The activity of the Teutonic Knights can be traced in Hradec from the 1240s. They established their settlement at the Church of St. James. They also ran a hospital with St. Elisabeth's Chapel (Jiří Kejř claims incorrectly St. Maria's, cf. Jiří Kejř, *Vznik městského zřízení v českých zemích*, Praha 1998, p. 271.) Around the commandery premises arose, a settlement equipped with a side law (in Czech "postranní právo") with own reeve, documented from 1364. Along with the commandery, the Church of St. James, serving as a parish church for the area of Křižovnická Street, is also mentioned. The precincts of the commandery were formed by a churchyard with a residential building and the abovementioned hospital. Both the commandery and church were destroyed at the beginning of the Hussite movement, when Křižovnická Street was burnt down. It was restored again at the beginning of the 16th century. In the post-Hussite period, there is no evidence of the commandery, but the hospital was restored (Radek Bláha, *Putování po hradeckých středověkých kostelech a klášterech*, Hradec Králové 2008, pp. 27–28).

²⁶ The female Dominican nunnery, including the Church of St. George, was the farthest one from the town as compared to other monasteries. It was located in the area between the present Masaryk Square and Charles IV Street. The earliest records about the Dominicans date back from 1227. Their nunnery served as a shelter and educational center for women and the relatives of East Bohemia aristocratic families. The nunnery owned huge swaths of land in the pre-Hussite period, but it was destroyed probably between 1433 and 1436. In the following period, this area is referred to as "Klášteřiště"; Bláha, *Putování po hradeckých středověkých kostelech*, pp. 26–27.

²⁷ The male Dominican friary was situated behind the fortification near Prague Gate. The first evidence of their presence in Hradec is a document of a royal cupbearer Zbraslav (compare below). The Church of Virgin Mary belonged to the nunnery's premises as well. There was also a school. The premises were destroyed at the beginning of the Hussite revolution in 1419.

²⁸ In the northern part of the present historical center, near the ruler's residence, there were church premises belonging to the friary of the Minorites. The first evidence of their presence in town dates back from 1238, from the royal cupbearer Zbraslav's bequest. In 1241, there was a residence of the King Wenceslas I, which is the proof of the church building existence at that time. The Church of St. John Baptist, belonging to the monastery premises, is first recorded in 1390. The monastery was destroyed at the very beginning of the Hussite revolution in 1419; *ibidem*, p. 23.

²⁹ Kejř, *Vznik městského zřízení*, p. 271.

³⁰ *Ibidem*.

the documentation of some juridical matters for the town or its inhabitants. It could also explain the lack of municipal documents and official written activities in the 13th century despite the fact that Hradec had great prerequisites for them. The total absence of information about any scribes in the latest period of the town development makes it impossible to say whether the scribes were laymen or clergy³¹.

The same attention should be paid to Hradec “cúda” (a provincial royal court). The traces of records by Hradec castellans, royal officers of the system of fortified settlements (in Czech “hradská soustava”), who were partially in charge of some court agenda, began to disappear under the reign of Přemysl Otakar II. In the juridical field, there was just the Hradec judge then, whose authority to substitute the governor over the town judicial matters gradually diminished³². We have to take into account the fact that there was also an intensification of some official written activities in the provincial royal court. We know nothing about their issue of documents in Hradec, but we have to mention the fact that only one document of provincial court from the late Přemyslid period survived – and it is the mandate from 1284³³. Speculating about the possibilities of keeping written records, we should mention that in 1260–1270, the original Prague Royal Court became the Bohemian Land Court and its documents were gradually changed into land court books, in Czech called “desky zemské” (land tablets)³⁴. Obviously, the same changes occurred in Hradec, where documents of provincial court turned into the region’s provincial books, in Czech called “krajské desky” (regional tablets), though their existence is not traceable until the end of the 14th century³⁵. The existence of the provincial court can be partly explained by the unproven Hradec municipal official written activity of the 13th century. Some legal acts, especially those of Hradec inhabitants, may have been carried out by other institutions (but we should not overrate such possibility), or the records may have been kept by other institutions.

³¹ It corresponds with the outcome of Olomouc milieu research; Spáčil, *Pisaři a kanceláře*, p. 20.

³² Cf. e.g. CIM II, no. 211.

³³ It was issued by Prague officers for Plzeň officers to be credited to Chotěšov monastery (*Regesta diplomatica nec non epistolaria Bohemiae et Moraviae*, part 2: *Annorum 1253–1310*, ed. Josef Emler, Praha 1882, no. 1315).

³⁴ The earliest clear evidence of their existence is from 1287 and is related to the land court; Zdeněk Fiala, *Desky zemské a dvorské*, [in:] *Česká diplomatika do roku 1848*, p. 102.

³⁵ *Codex iuris Bohemici*, vol. 2, pars 2, ed. Hermenegildus Jireček, Praha 1870, pp. 11–12. Cf. also: *První kniha provolací desk dvorských z let 1380–1394*, ed. Gustav Friedrich, Praha 1921 (Archiv český, vol. 31), pp. 1–37; *Druhá kniha provolací desk dvorských z let 1394–1410*, ed. *idem*, Praha 1935 (Archiv český, vol. 35), pp. 1–74.

It can also be assumed that in some cases, there could have been the concretion of Hradec provincial court and municipal official written activity. However, there is no evidence of this or of the existence of Hradec town scribes.

Thus, we can answer a fundamental question, which is: Was there any Hradec official municipal written activity taking place in the 13th century? Undoubtedly, in the late Přemyslid period Hradec was one of the most flourishing towns. As for the documentary production the town awareness plays just a minor role when compared to the level of the economic standard, social significance and the burghers' right to handle their own property³⁶. There were undoubtedly other important factors. In Hradec, we can speak of the existence of church institutions, the possibility of documented important legal acts under the governor's authority as well as of the provincial court activities; the town could take advantage of being entitled to exercise such authority. Due to the fragmentary character of the material available, we are not sure whether it was entirely exclusive or not. If we admit the fact that some documents could have been issued by town authorities, at least for the individual town inhabitants, it has to be considered as just a rare act with no evidence available to us. In the Hradec milieu of that time, it corresponded with the development of the society. That is why we should mention that "the legal acts are carried out only in an oral way throughout all of the Přemyslid period and documents are issued only very rarely as a supplement"³⁷. The municipal documents and town inhabitants' documents issued before 1306 are far from having a non-mandatory character³⁸.

In connection with mentioning the Hradec provincial court and the possibility of local written records production similar to written records in land court books called "desky zemské", we should focus on Hradec municipal books genesis. We may start our deduction from the fact that on December 13, 1311 the court book *Liber conscientiae 1311–1470*³⁹ was ceremonially founded in Nový Bydžov and the royal officers paid their contribution to this act. The book consists of four

³⁶ Šebánek, Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, p. 145; Zdeněk Šimeček, *Městská listina ve středověkých Českých Budějovicích*, „Sborník historický“, 16 (1968), p. 5.

³⁷ Šebánek, Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, p. 145.

³⁸ *Ibidem*, p. 142. Z. Šimeček emphasizes that in European medieval cities there were earlier town seals and that is why municipal documents appeared earlier than burgher's documents; Šimeček, *Městská listina ve středověkých Českých Budějovicích*, p. 6.

³⁹ *Kniha svědomí města Nového Bydžova z let 1311–1470*, ed. Jan Kapras, Nový Bydžov 1907, p. 14.

quarterns, each of two sections, in the first one of which the civil right matters were recorded and in the second one – the criminal law matters. The written records are on an advanced level already and they border the character of documents. According to R. Nový, the records were to substitute documented proceedings necessary in all developed towns and required by the middle of the 14th century. Nový Bydžov, founded before 1305 by the transition of the former settlement to a new place and following the Hradec way of practice, must have imitated some other exemplars⁴⁰. It is likely that Nový Bydžov authorities followed the practice of the Hradec reeve court dating back from the end of the 13th century or not later than the beginning of the 14th century, when Hradec seems to be one of the most significant towns of the Kingdom of Bohemia. The written records were not yet mandatory at the time and we can presume that they were kept only if it was in the concerned person's interest. More than Hradec court influence, we might take into consideration the primary activities of Silesian area and the local Magdeburg law modification. In the field of the south German town law, where there were obviously some provincial royal courts dealing with the juridical matters that were still subject to the governor even after the collapse of integrated governor's administration (in Czech "hradská soustava"), we have no evidence of such court books.

In light of the facts mentioned above, we reached a very peculiar situation: Hradec belonged undoubtedly to the most developed towns of the region, but there is neither any evidence that the town issued documents nor the existence of seals or town scribes' activities. On the other hand, we cannot ignore the fact that there are records of court proceedings from the turn of the 13th and 14th century that must have followed some precedent municipal documents. Admitting this way of development as a possible one, the Bydžov book was just an accidentally surviving exemplar of the Hradec situation in that period. We might make a list of some other arguments proving it.

As the acceptance of Magdeburg law is a key factor for establishment of court books in Bohemia, we should pay special attention to the reconstruction of the beginning of municipal law development in Hradec⁴¹. However, we are forced to

⁴⁰ At the beginning, Nový Bydžov belonged under the administration of Hradec "vilik", in Latin *villicus*, an ex-officer of "hradská soustava" (castle system). At that time, this office was held by Henlin Linkov. Though the foundation document was not surviving, we can clearly say that Hradec was an exemplary town; *Knihy svědomí*, pp. X–XI.

⁴¹ The last research of this area was summed up by Pavla Slavíčková, *Recepce práv městských Království českého ve městech sasko-magdeburského práva v Čechách na Moravě*, [in:]

conclude that there is no surviving foundation document. The earliest existing document, as was already mentioned above, dates back to 1225 and does not include the legal rights that should be followed by the inhabitants. What is crucially important is that Hradec is already referred to as a town. In connection with this, there is an underlying question of how the legal customs affecting the future character of gradually arising official written activity penetrated to Hradec. We should also emphasize the fact that there was no proved primary effect of a particular jurisdiction of the town on the municipal documents issue.

Hradec was under Magdeburg jurisdiction and its town character had been mentioned in the documents before such status was ascribed to Litoměřice⁴² – the town that should have been the starting point of Magdeburg law spreading along the Elbe river⁴³. But J. Kejř is of the same opinion as the author of this article: the customs of Magdeburg law spread to Hradec with the help of German colonists⁴⁴ or, more precisely speaking, with the help of German-speaking colonists. It was along the trade route from Silesia through Kłodzko, a path called Silesian or Kłodzko route⁴⁵. It connected Náchod, Jaroměř, Hradec, Nový Bydžov, and Nymburk – up to Prague. This route was considered to be the most remarkable one in

Městské právo ve střední Evropě. Sborník příspěvků z mezinárodní právnické konference „Práva městská Království českého“ z 19.–21. září 2011, Praha, eds. Karel Malý, Jiří Šouša Jr., Praha 2013, pp. 83–94. We should also pay attention to the project at the Saxon Academy of Sciences in Leipzig: *Das sächsisch-magdeburgische Recht als kulturelles Bindeglied zwischen den Rechtsordnungen Ost- und Mitteleuropas*. The project is headed by Prof. Ernst Eichler and Prof. Heiner Lück. The list of outputs as new literature can be found at: <https://www.saw-leipzig.de/de/projekte/das-saechsisch-magdeburgische-recht-als-kulturelles-bindeglied-zwischen-den-rechtsordnungen-ost-und-mittleuropas> (accessed July 20, 2020). On the development of Magdeburg law in the area of present-day Poland, see e.g., Inge Bily, Wieland Carls, Katalin Gönczi, *Sächsisch-magdeburgisches Recht in Polen. Untersuchung zur Geschichte des Rechts und seiner Sprache*, Berlin 2011 (Ius Saxonico-Magdeburgense in Oriente, Bd. 2).

⁴² The first document shown by J. Kejř in his argument for the municipal establishment and formation of municipal institutions in Litoměřice comes from 1234. J. Kejř rejects the claim of J. Tomas about the foundation of Litoměřice occurring as early as 1218–1228; this claim is based on the capitula of Litoměřice effort to have their property insured and on the expression *villa* used in the document of Wenceslas I. J. Kejř does not deny the fact that Litoměřice may have been heading for a town foundation; he just suggests greater chariness, as there is nothing about emerging municipal institutions or a town foundation in the document from 1228; see Kejř, *Vznik městského zřízení*, p. 73.

⁴³ It should be added here that the change of Litoměřice court into the court of appeal for the towns under Magdeburg law is considered to have taken place at the beginning of 14th century; Tomas, *Hrubá, Liber Civitatis Litomericensis (1341)–1562*, p. 19.

⁴⁴ This issue was dealt with by, e.g., Antoni Furdal, *Kontakty polsko-czeskie na tle polityki międzynarodowej*, [in:] *Wrocław w Czechach, Czesi we Wrocławiu. Literatura – język – kultura*, red. Zofia Tarajło-Lipowska, Jarosław Malicki, Wrocław 2003, p. 192.

⁴⁵ Kejř, *Vznik městského zřízení*, p. 154.

the country, which is proved by the existence of right called “ungelt”, imposed on Hradec in the 13th century⁴⁶. Besides the important trade route passing through the town, there was also a house for merchants, where the goods of arriving merchants had to be stored or offered for sale. This right was held not only by Hradec but also by Prague, Litoměřice, Most, Kolín, České Budějovice, Brno, Olomouc, Jihlava, Havlíčkův Brod, and Opava⁴⁷. The impact of the favorable economic development of those towns is proved by the existence of documents from the second half of the 13th century. As for Hradec, we have neither any surviving document proving this activity, nor documents evidencing the municipal scribe’s activities. The earliest account about a council scribe is from 1397 – the scribe’s name was Fridrich⁴⁸. At this time, the local town office was not only already in operation, but also had been developing for several decades, which will be explained below.

The speculation of the Silesian urban area effect on the formation of juridical customs in Hradec is really challenging, as it likely to help us to trace the beginnings of the keeping of written records at the Hradec reeve court. As confirmed by extensive legal historical and philological research, Silesia was economically advanced at the turn of the 12th and 13th century and, thanks to the reception of Magdeburg law, took on the role of mediator: the abovementioned trade route became an important communication link through which knowledge of law spread. The first Silesian towns founded by Prince Henry I based on Magdeburg law were Złote Góry (1211), Lwówek Śląski (1217) and Środa Śląska (1235). As early as in 1212, there is evidence of Magdeburg law implementation in Złote Góry, in 1235 in Środa Śląska, in 1253–1278 in Kłodzko, and in 1261 in Wrocław. In the case of Wrocław, the development is complicated: Wrocław was granted city rights at the

⁴⁶ Hoffmann, *Středověké město v Čechách a na Moravě*, p. 258. Hradec citizens were deprived of this right, supporting trade activities and communication in 1393, when Wenceslas IV limited it to Prague only; *Codex iuris municipalis regni Bohemiae*, vol. 1: *Privilegia civitatum Pragensium*, ed. Jaromír Čelakovský, Praha 1886, no. 111.

⁴⁷ Hoffmann, *Středověké město v Čechách a na Moravě*, p. 258. The right of a compulsory store was promised to Hradec citizens by the king of the Romans Albert and his son Frederick in the document from 1307 (CIM II, no. 83).

⁴⁸ Bělina, *Ze správní a hospodářské agendy města Hradce Králové*, p. 169. E.g., in the area of Domažlice, the earliest record of a town scribe dates back from 1344 (Petr Mužík, *Městská kancelář, správa a hospodářské poměry v Domažlicích v 16. a 17. století*, „Sborník archivních prací”, 27 [1977], p. 57). In light of the material from Český Brod, the earliest scribe (“notarius civitatis”) seems to be the scribe Přibík, recorded from 1386. He was probably the one who wrote the earliest surviving document of Český Brod in 1389, in which there are advanced formulations (Miloš Dvořák, *Městská správa v Českém Brodě a její písemnosti do roku 1623*, „Sborník archivních prací”, 32 [1982], pp. 189–190.)

beginning of the 13th century, but during the Tartar invasion in 1241 the vast majority of the city was burned down, so its development was temporarily slowed. However, the favorable location at the crossroads of trade routes again enabled the city to develop rapidly⁴⁹. In addition, Środa Śląska soon became an important legal center as well, where an influential principal seat of the court (in German “Schöffentstuhl”) was formed. On the territory of present-day Poland, the first important legal centers were also formed in Lesser Poland and Greater Poland, which further helped to spread Magdeburg law. In addition to the proven influence in the area of today’s Ukraine, Slovakia and Hungary⁵⁰, it is possible to assume that specifically Silesian legal centers influenced the area of northeast and east Bohemia, and Hradec (Králové) in particular, which was the only town in that area in the first half of the 13th century⁵¹. This suburbanization can be considered the reason why so far academic research on the Silesian influence in the milieu of northeast and east Bohemia has not considered seriously the theory that the towns by the Labe (Elbe) were founded against its current under the influence of Magdeburg law and the town of Litoměřice. This is indeed the case for a number of Bohemian cities based on Magdeburg law. However, as we have already explained above, contacts with the Silesian municipal legal area were probably crucial for the constitution of the city of Hradec, which already in the pre-urban period had an important trade route running through it, and an important administrative center with highly favorable natural conditions and population concentration could be observed here⁵². Hradec then functioned from the second half of the 13th century as a model town for several emerging East Bohemian towns.

⁴⁹ *Magdeburské právo*, [in:] *Ottův slovník naučný. Illustrovaná encyklopaedie obecných vědomostí*, vol. 16: *Lih–Media*, Praha 1900, p. 594. After this incursion, it took many years before some places of Silesia recovered. As for Wrocław, the desolated area was populated by German-speaking colonists who were well aware of Magdeburg law; cf. Marie Sobotková, *Ze vztahů mezi městy Vratislavi a Olomoucí (I. do roku 1650)*, [in:] *Wrocław w Czechach, Czesi we Wrocławiu*, p. 290.

⁵⁰ Bily, Carls, Gönczi, *Sächsisch-magdeburgisches Recht in Polen*, p. 15. On the influence of the cities of Görlitz and Wrocław on the spread of Magdeburg law in Buda in more detail, see Erika Nikolicza, *W sprawie pośrednictwa Wrocławia i Zgorzelca w przekazywaniu prawa magdeburskiego do Budy*, „Śląski Kwartalnik Historyczny Sobótka”, 69 (2014), 1, pp. 23–36.

⁵¹ As it was proved, Wrocław merchants travelled through the territory of Bohemia in the 13th century, for example, to Regensburg (sources documented from the last quarter of the century); see Grzegorz Myśliwski, *Wrocław i Ratzbona. Kontakty gospodarcze w XIII–XV w.*, „Śląski Kwartalnik Historyczny Sobótka”, 61 (2006), 2, p. 229.

⁵² The current distance from Hradec to Wrocław is approx. 170 km. A similar distance is from Hradec to Litoměřice.

An example of the role of Hradec as a model city is the document of Přemysl Otakar II issued in 1259, where Litomyšl was elevated to a town. We can read there: “[...] iure fori, iure civile, iure iudici ceterisque iuribus ac libertatibus gaudeat, quibus civitas nostra Gretz et alie civitates nostre per regnum Bohemie sunt contente [...]”⁵³. Though there is not stated what kind of law was followed in Hradec, we can estimate it was some version of the Magdeburg law that was imported there by the German-speaking colonists from Silesia and was first modified through trade contacts with the Silesian area⁵⁴. These processes created a firmer bond with the Silesian area not only in terms of economic, but also cultural ties. This can be proved by a very interesting Hradec document dated 1329, which states that at Easter and on St. Michael’s Day four threescore groschen should be paid to St. Lawrence’s Altar as a bequest by the Hradec widow “Gerdrouť dy Soffranin”. These expressions employed in economic areas of life are typical for the Polish milieu, where they were most frequently used⁵⁵. This could refer to a significant Polish influence in Silesian milieu relinquished to the Czech state for the most part in 1335. We can also remind the reader that in 1300–1306 the House of Přemyslid were also the kings of Poland⁵⁶. These Bohemian–Polish or Polish–Bohemian and Bohemian–Silesian or Silesian–Bohemian ties kept flourishing until they were split up in the Hussite period, never to be restored again to their full extent⁵⁷.

Speaking of the town law and the beginnings of municipal books, we are, however, most interested in the development of the city in the 13th century – and therefore, we will focus on the period of the stabilization of town affairs in Wrocław⁵⁸.

⁵³ Kejř, *Vznik městského zřízení*, p. 154; *Codex diplomaticus et epistolaris Regni Bohemiae*, vol. 5, part 1: *Inde ab a. MCCLIII usque ad a. MCCLXVI*, eds. Jindřich Šebánek, Sáša Dušková, Praha 1974, no. 195. The document was addressed to the monastery of Litomyšl, not to the town itself; see Šebánek, Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, p. 100.

⁵⁴ In the document of Přemysl Otakar II from 1261 addressed to the monastery of Opatovice, the serf town Přelouč is granted the usage of Magdeburg law; see Šebánek, Dušková, *Česká listina doby přemyslovské (Listina měst a jejich obyvatel)*, p. 101. Undoubtedly, such law must have already been in use in Eastern Bohemia.

⁵⁵ Marie Bláhová, *Historická chronologie*, Praha 2001, p. 267.

⁵⁶ Among the abundant literature on this topic, the following publications should be mentioned: *Přemyslovci. Budování českého státu*, eds. Petr Sommer, Dušan Třeštík, Josef Žemlička, Praha 2009; Josef Žemlička, *Do tří korun. Poslední rozmach Přemyslovců (1278–1301)*, Praha 2017 (Česká historie, 34).

⁵⁷ Jaromír Mikulka, *Dějiny Hradce Králové do roku 1850*, vol. I/1: *Od nejstarších dob do roku 1526*, Hradec Králové 1994, p. 81.

⁵⁸ Among the Polish authors who wrote about municipal chancelleries, especially worth attention are: Marian Friedberg, *Kancelaria miasta Krakowa do połowy XVIII w.*, „Archeion”,

Undoubtedly, in this period, rapid development occurred, supported by a combination of the favorable natural conditions, location on a crossroads of trade routes and the effect of Magdeburg law. It was in Wrocław where the council book was kept since 1287. The first file includes accounting records, statutes, and a list of councilors and sworns from 1287–1292. It has a mixed character and it is supposed to have been bound to the book *ex post*. The first known scribe working in the services of the city in the years 1287–1299 was Wilhelm of Sienic, listed as “notarius civitatis”⁵⁹. From 1299, the book of accounting was kept and it was called *Henricus pauper*⁶⁰. The agenda expanded and a second municipal notary is documented from 1303⁶¹. Soon after 1306, the first local book of privileges (in Polish “kopiarcz”) was founded and it contained the documents from the period of 1261–1326⁶². Starting from 1361, a book called *Secundus liber* was used for recording of burghers’ rights. However, there is no surviving *liber primus*⁶³. It is precisely the existence of this earlier court book that is extremely important for our considerations, and it should be given due attention in the future, in connection with the beginnings of the Bohemian municipal court books based on Magdeburg law.

From the above, it is evident that the institution of municipal books was developed in Wrocław milieu at the latest from the 1280s⁶⁴. If we accept the possible

24 (1955), pp. 277–304; *idem*, *Kancelaria miasta Kazimierza pod Krakowem 1355–1802*, „Archeion”, 36 (1962), pp. 137–170; Helena Piskorska, *Organizacja władz i kancelarii miasta Torunia do 1793 r.*, Toruń–Łódź 1956 (Roczniki Towarzystwa Naukowego w Toruniu, 59/2); Irena Radtke, *Kancelaria miasta Poznania do roku 1570*, Warszawa 1967; Maria Stankowa, *Kancelaria miasta Lublina XIV–XVIII w.*, Warszawa 1968; Bożena Wyrozumská, *Kancelaria miasta Krakowa w średniowieczu*, Kraków 1995 (Rozprawy Habilitacyjne Uniwersytetu Jagiellońskiego, no. 308); Janusz Łosowski, *Kancelarie miast szlacheckich województwa lubelskiego od XV do XVIII wieku*, Lublin 1997; Marcin Starzyński, *Średniowieczny Kazimierz, jego ustroj i kancelaria*, Kraków 2015 (Monografie Towarzystwa Naukowego Societas Vistulana, 3).

⁵⁹ Ewa Wólkiewicz, „*Viri docti et secretorum conscii*”. *Personel kancelaryjny Wrocławia w późnym średniowieczu*, „Śląski Kwartalnik Historyczny Sobótka”, 61 (2006), 1, p. 24.

⁶⁰ *Henricus pauper. Rechnungen der Stadt Breslau von 1299–1358, nebst zwei Rationarien von 1386 und 1387, dem liber imperatoris vom Jahre 1377 und den ältesten Breslauer Statuten*, Hrsg. Conrad Grünhagen (*Codex diplomaticus Silesiae*, Bd. 3), Breslau 1860.

⁶¹ Wólkiewicz, „*Viri docti et secretorum conscii*”, p. 24.

⁶² Bronisław Turoń, *Najstarszy kopiarcz miasta Wrocławia*, „Śląski Kwartalnik Historyczny Sobótka”, 15 (1960), pp. 183–192.

⁶³ The latest reference to it in the Bohemian context: Hana Pátková, *Úvodní studie*, [in:] *Liber vetustissimus Antiquae Civitatis Pragensis 1310–1518*. *Edice*, eds. *eadem*, Věra Smolová, Aleš Pořízka, Praha 2011 (Documenta Pragensia Monographia, vol. 25), p. 51.

⁶⁴ Of the researchers who have paid greater attention to the Wrocław municipal chancellery in the last two decades, Ewa Wólkiewicz should be mentioned, who explored the issue of late medieval staff employed there and summarized the findings to date on the beginnings of the municipal scribes; see Wólkiewicz, „*Viri docti et secretorum conscii*”, pp. 21–43). The work preserved in the

influence of the Silesian region on Hradec and its municipal official activities, then the turn of the 13th and 14th century would seem the latest time for the reception of information on the way of keeping the court books.

The impact of Wrocław should be neither overestimated nor edged out. The well-developed foreign towns that were in contact with Bohemian towns through trade connections, especially the exemplary towns, from whence the knowledge of town law and of the municipal book institution was spread by German-speaking colonists, together with the increasing town needs, contributed to the emancipation procedure of town councils' formation, as well as to the development of official written activities and the establishment of municipal books. We can assume that the most advanced Bohemian towns, in which development of juridical life and economy was particularly pronounced, were among the first inspired by the foreign towns. Hradec was evidently influenced by the incoming colonists from the Silesian area, especially from Wrocław, where the knowledge of Magdeburg law had become widespread even before the Mongol invasion⁶⁵. In the second stage, starting at the beginning of the 14th century, one could observe both the direct impact of foreign countries (highly likely Silesian influence due to its geographic location and its own more advanced urban needs) and modification of the adopted examples from abroad according to local experience. In the next stage, Hradec, which at that time was still among towns influenced by Magdeburg law, was undoubtedly inspired by Litoměřice, a town in turn inspired directly by Magdeburg, where the town books were kept evidently as early as in 1215. It was the place from where Litoměřice requested to be sent the written version of the Magdeburg law (a copy was sent to them in March 1282)⁶⁶. Unfortunately, we do not have a single finding that would confirm that the municipal court book would have been established on the basis of this event, which would later become a model for the earliest court book in Hradec (Králové). To be correct, we cannot completely rule out this variant either; however, Hradec's ties to the Silesian region again rather confirm our assumption that until the beginning of the 14th century, the dominant influence is from abroad

manuscript, kept in the State Archives in Wrocław, still maintains its importance: Władysław Pyrek, *Kancelaria miejska Wrocławia w średniowieczu (do 1526 r.)*.

⁶⁵ One should bear in mind that Wrocław served as a connecting link between the principal seat of the high court for the Silesian and Moravian towns functioning under the Magdeburg law; František Hoffmann, *K oblastem českých práv městských*, „Studie o rukopisech”, 14 (1975), p. 47.

⁶⁶ In 1262, Přemysl Otakar II. issued a document for Litoměřice citizens ratifying exceptional rights so they would not have to submit their issues to the Prague court or *cúda*, but they were to be judged by the ruler or a nobleman in charge, in accordance with the Magdeburg law (CIM II, no. 11).

in the case of municipal law formation in the main legal centers of the Bohemian Magdeburg law region (Hradec and Litoměřice), and such influence can also be observed in the emergence of the first court books. This timeframe also corresponds to the fact that the assumption of the transcript contributed to the finalization of the formation of the High Court tribunal in Litoměřice supposedly at the beginning of the 14th century; from then on, the beginning of the dominance of the town of Litoměřice as the main center of Magdeburg law in Bohemia is indisputable⁶⁷. The presented model of town law spreading, based predominantly on the foreign influence and followed by the domestic inspiration afterwards, should be remembered during the future explanation of Hradec medieval administration of the book stock reconstruction.

The information on the Silesian impact that can help to understand the beginning of Hradec written records in a court book might be supplemented by the fact that the ties between Hradec and Nový Bydžov can be proved by the records in the Nový Bydžov book, where a man from Hradec, one of the colonists who settled in Bydžov – Herbord from Hradec (“Herbordum de Grecz”) – is mentioned by Hradec sworns⁶⁸. As court records keeping had already had a multiyear tradition, he might have been the one who came up with the idea to establish the book. The ties to Hradec are also proven by the fact that Nový Bydžov fell under the cognizance of subordinate stool dating back to the first half of the 14th century.

There are other court books of this type within the Magdeburg law reach in Eastern Bohemia which can be used as another proof supporting an enormous impact of the Magdeburg law on the beginnings of municipal court books establishment. We might also mention the Jičín court book, established in the 1360s. Its editor Ferdinand Menčík claimed that there was a precedent book that did not

⁶⁷ Establishing schools in Litoměřice undoubtedly had a significant impact – especially the capitular school spread literacy and awareness of law throughout the Litoměřice milieu; see Tomas, Hrubá, *Liber Civitatis Litomericensis (1341)–1562*, pp. 16–19. We have only a vague idea about Hradec school system in that period. The earliest record about school existence is from 1271. We know nothing about the quality of education in those schools. Classes were probably held in the Mýto suburb, in a school at the Church of St. Anthony. We must also mention the Minorites and Dominican monastic milieu, where education took place (Mikulka, *Dějiny Hradce Králové do roku 1850*, vol. I/1, p. 69.) In 1387, Wenceslas IV prohibited the towns that implemented the Magdeburg law to appeal to Magdeburg. The appeals were to be directed to the local high courts with Litoměřice as the principal seat (Zdeňka Hledíková, *Městská správa*, [in:] *Dějiny správy v českých zemích od počátku státu po současnost*, eds. *e adem*, Jan Janák, Jan Dobeš, Praha 2005, p. 204).

⁶⁸ *Kniha svědomí*, p. 14.

survive⁶⁹. Jičín belonged under the Nymburk law, where a fragment of a court book from 1363–1364 has survived⁷⁰. Nymburk was situated on the Silesian route and it belonged under the Magdeburg law. Another book from East Bohemian region – the Česká Třebová town book⁷¹ – can also be considered as representing the Nový Bydžov type. This book at its beginning describes some regulations from an older book and thus it displays two books written one after the previous one. The beginning of this surviving book pertains to the years 1400–1403. The book very lively depicts the complex procedure of town council emancipation. The initial part can be considered a court book, the middle one seems to be a combination of court and council book and the last part resembles a council book. There was no obligation of putting records into court books until the second half of the century and it was just up to individuals involved whether they wanted to ensure their rights this way⁷².

It is generally known that the New Bydžov book represents another development line compared to the Prague book established by the scribe Jindřich, who became a scribe around 1282. In his rendering, the book was just an instrument of registration and administration, without a competence as a legal document⁷³. The book may have been established just due to the outstanding personality of the scribe Jindřich and as no continuator was found, it just got ahead with a common way of development. As for New Bydžov and possibly Hradec as well, following the Magdeburg law played the main role and this law stipulated the establishment of municipal book institution. Undoubtedly, there was a considerable impact of foreign countries. This is the main difference between the two juridical areas formed in Bohemia territory, or more precisely – between their most progressive representatives. The difference was fully visible at the turn of 13th and 14th century when court records appeared at the reeve court in the area within the Magdeburg law reach – most likely in Hradec and probably in Litoměřice as well, as Litoměřice took over the

⁶⁹ *Soudní kniha města Jičína (od roku 1362 do roku 1407)*, ed. Ferdinand Menčík, Jičín 1898, pp. IV–V. The issue of Jičín court book is also discussed by Jindřich Francěk, *Soudní kniha města Jičína z let 1457–1547*, „Východočeský sborník historický”, 2 (1992), pp. 57–82.

⁷⁰ Karel Dolista, *Předhusitský Nymburk a jeho nejstarší kniha městského soudu*, „Sborník archivních prací”, 26 (1976), pp. 139–202.

⁷¹ Jindřich Růžička, *O knize města České Třebové z předhusitské doby*, „Sborník archivních prací”, 4 (1954), pp. 102–140. The edition by Štěpán Gilar: *Městská kniha České Třebové 1375–1488*, ed. Štěpán Gilar, Ústí nad Orlicí 2000.

⁷² Cf. the pioneering Czech study by Václav Vojtíšek, *O studiu městských knih českých*, [in:] *idem, Výbor rozprav a studií*, pp. 52–85.

⁷³ With approval of Nový, *Městská diplomatika*, p. 160.

Magdeburg model⁷⁴. At the beginning and throughout the 14th century, these differences started to fade away due to more intensive emancipation procedure of the board of sworns and consequently the existence of council books that might be considered to have domestic origin. Well known *Liber vetustissimus*⁷⁵, the earliest surviving Bohemian municipal book, was induced by the town council of Prague in 1310 and then it turned into a combined court and council book (and later on into a remembrance book). It is a unique example of a book bearing a council character from its beginning and it is typical for medieval cities⁷⁶.

Other towns also started to keep remembrance books, typically containing all kinds of records (property assignments, town calculations, commemorative records, transcripts of privileges etc.). In many cases, they represent the starting point of the further development of town books keeping system⁷⁷. Around the 16th century, in more prominent towns, perception of the term “remembrance book” changed; from then on such books contained written records important for the town in a general aspect⁷⁸. The earliest records in Hradec milieu dating back from 1540 were used for formation of the remembrance book of the early modern period model in the 1560s⁷⁹.

⁷⁴ J. Tomas sets the beginnings of municipal book in Litoměřice after the Magdeburg law book form takeover in 1282. However, it is disputable if “this deed proves the citizens’ interest in written records in the form of books”; see Tomas Hrubá, *Liber Civitatis Litomericensis (1341)–1562*, p. 20. If J. Tomas deals with the issue of taking records in other municipal matters, gradual introduction of remembrance books must be considered and that may have been followed by the book (1341)–1562, showing the features of a town hall book. The previous book could have still been a mixed, unorganized one. It is all just speculation, but it shows that Litoměřice went through the same development process as Hradec, only the original source of inspiration was from somewhere else. Due to Litoměřice geographic location, it was influenced directly by Magdeburg, while Hradec was influenced by Silesia.

⁷⁵ The latest reference can be found in: *Liber vetustissimus Antiquae Civitatis Pragensis* (see note 63 above). The author discussed this topic in the study of the same title: Jindřich Tomas, *Liber vetustissimus Antiquae Civitatis Pragensis. Život jedné středověké městské knihy*, „Český časopis historický”, 105 (1997), pp. 393–405.

⁷⁶ Nový, *Městská diplomatika*, p. 171. The earliest surviving Olomouc book was established in 1343 and put into practice in 1350. For 1350–1384, it can be described as combined court and council book, and it can be considered to be purely a court one from 1385; *Nejstarší městská kniha olomoucká (liber actuum notabilium) z let 1343–1420*, ed. Vladimír Spáčil, Olomouc 1982, p. 25.

⁷⁷ The latest and the most profound study of the medieval remembrance books: Sulitková, *Vývoj městských knih*, p. 66–70.

⁷⁸ Nový, *Městská diplomatika*, p. 170–171.

⁷⁹ AMHK, *Knih pamětní 1532–1757* (= according to the diplomatics analysis, it is referred to as a Remembrance book ca. 1540–1757), inv. no. 307, book no. 18. The latest study of the remembrance books is written by Marie Wasková, *Liber memorabilium Starého Města pražského z let 1631–1648 (1656)*, „Sborník archivních prací”, 67 (2007), pp. 574–706, the author discussed the medieval developments as well.

Let us go back to the 14th century and trace whether a medieval remembrance book appeared in the Hradec milieu, with regard to its significance and the emancipation of the board of sworns. This excursus is important for us to understand the beginnings of Czech town books, as in this period not only reeve court records appear, but also records initiated by the council. Two pieces of evidence were found which prove the existence of the local remembrance book within the scope of the research of Hradec state of affairs. The prior evidence is from a municipal document dated 1329, preserved due to an insert “ex libro erectionum”⁸⁰. This document, concerning Hradec widow’s bequest “Gerdrou dy Soffranin”, contains the following passage: “[...] vnd so vil me wer dysen brief hat, daz den keyn brief noch der stat buech, noch keyn gelubde nicht brechn mak en nucze czu dem erstn seyne craft haben [...]”⁸¹. The record implies, in accordance with our presumption, that Hradec inhabitants were aware of the municipal books institution. We can suppose that it was possible to enter bequests in this kind of municipal book. Though there is no detailed specification of the book, the wording makes it clear that this book was well known in the town at that time. In consequence of the presumption that the Nový Bydžov book was inspired by the unreserved Hradec book which was presented as a court one, a question arises whether the municipal book dated 1329 could be considered a remembrance book. The second incidence of the municipal book comes from the time when the council scribe Fridrich was in office; he established a specialized book of bequests (unfortunately, unreserved). He entered into this book pious bequests of Hradec inhabitants to the St. Anthony’s Hospital, to the Church of St. Holy and its St. Laurence’s Alter and to the St. Ann’s Hospital – and all this was proved in the second half of the 18th century by Karl Joseph Biener, who obtained these information “aus dem alten Stadtbuche”⁸² and “ex antique libro civitatis”⁸³. If we can consider Biener’s deposition trustworthy, it might mean that our assumptions of Hradec municipal official written activities development were confirmed and we can consider the 1320s as the time when Hradec town office already existed, though in a simple form and connected with a reeve’s scribe probably fulfilling the role of a town council scribe.

⁸⁰ *Libri erectionum Archidioecesis Pragensis saeculo XIV. et XV., Liber IV: (1390–1397)*, ed. Clemens Borový, Praha 1883, no. 856.

⁸¹ *Ibidem*.

⁸² Karl Joseph Biener von Bienenberg, *Geschichte der Stadt Königgrätz*, Prag 1780, p. 247.

⁸³ *Ibidem*, p. 248.

It is therefore possible to speculate further: The scribe Fridrich in his book of bequests put down the references to the years 1310, 1313, 1314, 1315, and 1322; it means references from before 1329. As the records at this time were not binding, some of them may have been created retroactively. Another interpretation sets the existence of the old municipal book into the second decade of the 14th century. The boldest assumption could consider 1310 as evidence about this book existence. We can do nothing else than claim that it is impossible to solve the issue without any other piece of evidence. Nevertheless, signs of written records activities are beginning to appear in this period. Undoubtedly, the queen-widow Elisabeth Rejčka's presence in 1308–1318 in Hradec, which was her dowry town, must have played an important stimulative role.

Let us go back to Biener's quotation again: If the scribe Fridrich gathered the data for his book of bequests "aus dem alten Stadbucho" and "ex antique libro civitatis", it suggests that the book was not used for entering new records any more at that time. It could have been him who established a new remembrance book, the one with a more complex organization and subdivision (compare, e.g., with the Jihlava town scribe Václav (1398–1477), who established a new type of remembrance book there) and it may have preceded the other Hradec municipal book, established around the turn of the 15th century⁸⁴. But neither this book was used as a source by Biener for his *Geschichte*. Both of them must have been destroyed before he stayed in Hradec. Though even the assumed court book was allegedly influenced by the Magdeburg law, coming to Hradec from Silesia, we are unable to prove it. The only tangible evidence of its existence is the surviving Nový Bydžov *Liber conscientiae 1311–1470*.

Concluding remarks

When summarizing the results of the above research, the fragmentary surviving material makes it impossible to decide exactly whether there was a proper official written activity represented by town's scribe in the town of Hradec in the 13th century, an activity laying the foundation to the town's office. In case of need, the Hradec citizens could use the service of the Minorites or perhaps the provincial

⁸⁴ *Památná kniha Olomoucká (kodex Václava z Jihlavy) z let 1430–1492, 1528*, eds. Libuše Spáčilová, Vladimír Spáčil, Olomouc 2004, p. 55. General development – cf.: Hoffmann, *Středověké město v Čechách a na Moravě*, pp. 421–422.

royal court called “cúda”. The research corresponds fully to the recent explorations. However, the discovery of vital importance with respect to the reconstruction of the town law in Hradec milieu is the fact that in the late 13th century or at the very beginning of the 14th century, the earliest written records of legal actions at the Hradec reeve court were kept and they are likely to have given inspiration for the newly established *Liber conscientiae 1311–1470* of Nový Bydžov in 1311, the second earliest surviving Bohemian municipal book.

Therefore, it is evident that the establishment of the first Bohemian municipal court books was influenced by Magdeburg law. Consequently, it can be assumed that contacts with the advanced Silesian region played an important role in this case – for instance, in Wrocław, the management of municipal books has been documented as sources since the 1280s. This research has tried to show that in the 13th century, regarding municipal court books based on Magdeburg law, there was a dominant foreign influence (the town of Magdeburg influenced the development in Litoměřice, and Wrocław with high likelihood influenced Hradec). In the first decade of the 14th century at the latest, Litoměřice took over in dominance and thanks to its contacts with Magdeburg, reached the position of the Bohemian High Court for the area of Magdeburg law.

The unpreserved Hradec remembrance book, which clearly existed in 1329, was established due to the board of sworns’ emancipation and the urban milieu’s needs, and was influenced mainly by domestic affairs. This procedure was analogical in individual towns and reflects the prosperity and significance of the town itself. Those circumstances, supported by the scribe’s activity (or later by the elder scribe’s activity), form the background suitable for some other specialized books’ establishment.

STRESZCZENIE

Artykuł traktuje o początkach kancelarii miejskiej w Hradcu Králové. Autorka podejmuje próbę udowodnienia, że śląskie doświadczenia w kształtowaniu biurokracji miejskiej wpłynęły – dzięki regularnym kontaktom śląsko-czeskim i czesko-śląskim – na powstanie pierwszej w tym mieście księgi sądowej opartej na prawie magdeburskim. Zapewne sama wiedza o tym systemie prawnym przeniknęła do rejonu hradeckiego ze Śląska, co przyczyniło się do dokonania lokacji miasta. Odkryciem najbardziej znaczącym dla zrekonstruowania systemu prawa miejskiego w Hradcu Králové jest jednak ustalenie, że już na przełomie XIII i XIV w. przechowywano najstarsze pisemne świadectwa czynności prawnych hradeckiego sądu, a dokumenty te prawdopodobnie wpłynęły na kształt

Liber conscientiae 1311–1470 z Novego Bydžova, drugą najstarszą w pełni zachowaną czeską księgę miejską, którą spisywano od 1311 r. Można zatem założyć, że kontakty z bardziej zaawansowanym pod względem prawnym Śląskiem (we Wrocławiu istnienie ksiąg miejskich jest pewne już w latach 80. XIII w.) odegrały w tym przypadku dużą rolę. Badaczka starała się wykazać, że w XIII w. w Hradcu Králové księgi miejskie oparte na prawie magdeburskim powstawały przede wszystkim pod obcym wpływem (miasto Magdeburg wpływało na Litomierzyce i Wrocław, a te miasta z kolei na Hradec Králové). Najpóźniej w pierwszej dekadzie XIV w. Litomierzyce stały się siedzibą Czeskiego Wsokiego Trybunału dla terenów objętych prawem magdeburskim.

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