

Release Proceeding: the Zbiroh Manor Farm Estate in the Years 1670–1690

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Abstract:

The present paper focuses on the release proceeding of the serfs on the Chamber estates of Točnick, Zbiroh and Králův Dvůr in the years 1670–1690, *i.e.* during the office of the governor Ignatius Sebastian de Bois. The process was controlled by both provincial regulations, such as the Renewed Provincial Ordinance, and overlord regulations, such as the instructions for the governor. However, the exact release proceeding has not yet been described, so the thesis attempts to shed light on the process that both the serfs and the overlords had to undergo in order to issue a letter of release. The thesis concludes with the hypothesis that the mechanisms described are applicable to other chambered estates in the second half of the 17th century. The basis of the thesis are microhistorical probes, which, in conjunction with a quantitative-qualitative approach, allow to capture both the overall picture of the release proceedings and its individual aspects in detail.

Keywords: release proceeding; letter of release; 17th century; Chamber estate; governor de Bois; Točnick manor; Zbiroh manor; Králův Dvůr manor

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1. Introduction

The present study deals with the release proceedings, using the example of the serfs of the dominions of Zbiroh, Točnick and Králův Dvůr in the years 1670 to 1690,¹ i.e. in the period when Sebastian Ignatius de Bois was the governor of these dominions. The aim of the study is to find out, on the one hand, how the formal and factual process of releasing of a serf from one overlord to another was carried out and, on the other hand, to focus on the arguments that determined the outcome of such a procedure. The twenty-year management of the governor de Bois also allows us to see whether there was a shift in the release procedure during this period, how the individual arguments for releasing or not releasing individual serfs changed.² This article deals with the permanent migration of serfs approved by the respective suzerain, leaving aside the issue of the defection of serfs from the estate.

The paper is based on numerous sources from both within and outside the release proceedings. The correspondence between governor de Bois and the Bohemian Chamber became the basis. This is partly deposited in the State Regional Archives in Prague in the Velkostatek Zbiroh fonds, and partly in the National Archives in the Nová manipulace fonds. The two complexes of materials complement each other, and in some cases even overlap, so that in many cases relatively comprehensive information concerning the release of a given serf is available. The chamber instruction for the governor, issued for the administration of the estates in question, was also an essential source, and touched on the serf of the releasing of serfs.

Another source are the lists of the serfs of the Zbiroh manor farm estate, which record, among other things, both the temporary and, above all, permanent migration of individual serfs, as well as church registers, recording, among other things, the place of birth of serfs, books of drafts and other auxiliary materials, and finally the correspondence of individual authorities who occasionally intervened in the release proceedings. Such authorities could have included, for example, regional governors, local nobles, parish priests, judges, magistrates and other members of villenage affected by the release or admission of a serf.

The present study is based on a quantitative-qualitative approach. The qualitative component is mainly reflected in the construction of the general release procedure as well as the understanding of the breadth and frequency of criteria that influenced the outcome of the procedure. The qualitative component then allows to delve deeper into the selected proceedings, to study the related materials and to get to the heart of the issue. Thanks to such probes, it is then possible to better understand why the governor made such a decision or why the chamber in some places made a decision opposite to the recommendation of its official. The combination of these two approaches then provides a comprehensive picture of release proceedings over the course of two decades on the chamber estate.

¹ In terms of terminology, I follow the approach of Sheilagh Ogilvie, who prefers the notion of “serf” to that of “subject”: “Likewise, for reasons of clarity, this essay translates *Untertan*, the contemporary German term for someone subject to ‘hereditary servility’ (as were early modern Bohemians and many other east-Elbian inhabitants, for example Prussians), as ‘serf’ rather than the anachronistic and confusing ‘subject’.” OGILVIE, S. Communities and the ‘Second Serfdom’ in Early Modern Bohemia. *Past and Present*, 2005, No. 187, pp. 69–119, here 69.

² Due to the limited scope, more general descriptions of the manor farm estate or the figure of the governor de Bois are omitted. In this respect, reference can be made to the work VACEK, J. Zbíhání a osazování poddaných. Panství Zbiroh, Točnick a Králův Dvůr za hejtmána S. I. de Bois (1670–1690). *Boemiae Occidentalis Historica*, 2021, No. 2, pp. 5–29.

In the first part of the thesis, the basic, general outline of the release procedure is presented in the form according to which it was most often conducted. The individual points of the procedure are then elaborated and commented on. This part describes the individual criteria that played a crucial role in the release of serfs from the point of view of the authorities, *i.e.*, the meeting of the formal and factual levels of the release procedure. In the second part of the thesis, space is devoted to chosen cases – these mainly concern disputes between overlords, since it is in such cases that a greater amount of material was produced for the case and some circumstances were explained in more detail.

Migration is a natural and, even from the point of view of the overlords, largely desirable part of the everyday life of the serf population, which applies to both vertical and horizontal migration. From a geographical point of view, several types of migration can be distinguished according to their distance and duration. From the point of view of the overlordship, long-term migration outside the manor was essential. It can be stated that, in principle, no restrictions were placed on the movement of serfs within the manor farm estate. The framework was primarily determined by family and property relations, followed by the service of the chief or a servant.³ However, considerable attention was also paid by the overlords apparatus to long-term or permanent migration beyond the estate's borders.

In the matter of the disposal of serfs, the starting document is undoubtedly the *Verneuerte Landesordnung* (the Renewed Provincial Ordinance, *Obnovené zřízení zemské*), in the case of the Zbiroh manor farm estate it is the Renewed Ordinance for Bohemia from 1627. Provisions concerning the stay of serfs outside the domain of their superiors are contained in the section entitled “On the non-residence of other estate lords’ serfs and the right of lords over their serfs, including their servants and officials”,⁴ specifically in Articles Q.1. to Q.21., which directly regulates the transfer of serfs from one overlord to another. In spite of Article Q.2., which requires the issuance of a letter of release (*Abschiedsbrief*, *zhostní* or *výhostní list*), Article Q.13. also allowed for the release to be made by a handshake, either orally or in writing,⁵ if the serf was to enter the service of another overlord. A partial modification of these rules and an increase of certain fines for the unauthorized possession of serfs of an other landlord was then made by the imperial rescript of 27 March 1650, which stipulated that a person could not be admitted to serfdom without presenting a letter of release.⁶

However, the more specific regulation of the relations on the manor farm estate depended on the overlord, which in the case of the manors of Točník, Zbiroh and Králův Dvůr was the monarch represented by the Bohemian Chamber. The Chamber issued so-called

³ On this issue, see most recently NEKVAPIL, L. *Čelední služba v Čechách v raném novověku: právní, sociální a ekonomické aspekty*. Pardubice: Univerzita Pardubice, 2020. Also Maur, E. – Grulich, J. (eds.). *Dějiny migrací v českých zemích v novověku. Historická demografie*, 2006, Vol. 30.

⁴ In Czech: “O nepřechovávání lidí cizích poddaných a právu pánův nad svými poddanými, též služebníky a úředníky”, in German: “Von Nich-Auffenthaltung frembder Herren Unterthanen, und dem Recht der Herren gegen ihren Unterthanen, auch derselben Dienern und Beambten”.

⁵ In fact, the older ways of admitting and releasing serfs documented at least for the 16th century were preserved.

⁶ WEINGARTEN, J. J. *Codex Ferdinando-Leopoldino-Josephino-Carolinus*. Prague: Konrád Müllem, 1720, p. 273, no. 143.

chamber instructions for the governors of the estates administered by it.⁷ A modified version of it was also given to the governor S. I. de Bois after he took office in 1670.⁸ For the governor, this was a binding instruction from the owner of the manor, which he was to follow and whose observance was monitored in the context of the visitations of the superiors.

The instruction clearly stated that the governor alone could not decide on the release of individual serfs, but needed the permission of the Chamber. Here the governor played the role of a mediator, an administrator, an intermediary who collected the requests and sent them to the Chamber for a decision, together with a commentary: “Our governor has no power to release any of serfs to other domestic estates or in any other way.”⁹

At the same time, a procedure was laid down for the case when a serf asks to be released: “if any of our people ever want to turn to a different estate, it will be with the knowledge and permission of our Bohemian Chamber, and our governor will be obliged to bring that person and the possibility of that person and whether it would matter to him”.¹⁰

Also, if the Chamber wanted to acquire a serf belonging to a different overlord, it was the governor who was to obtain information about him, but the decision did not depend on him: “On the other hand, when our Bohemian Chamber negotiates for foreign serfs to come to our estates, the governor is obliged to make such people known to the Bohemian Chamber.”¹¹

Last but not least, the instruction was intended to cover situations when a serf belonging to someone else wanted to settle on the estate without the appropriate permission: “Our governor is not to receive serfs who do not have sufficient letter of release on our lands, nor is he to allow them to buy any free estate on our lands.”¹²

It follows from the above summary of instructions that the governor was to be primarily a mediator who collected the requests of the serfs and forwarded them to the Bohemian Chamber, together with an assessment of whether the person concerned was important to the manor. He was to make the same assessment of the persons who wanted to negotiate with the manor. There was also a prohibition to admit people without letters of release to the manor, even temporarily, which was similar to Article Q. I. of the Renewed Provincial Ordinance or other provisions.

⁷ Analysis of these instructions for the Chamber manor, especially KALOUSEK, J. *Archiv český XXII: Řády selské a instrukce hospodářské 1350–1626*. Praha: Domestikální fond království Českého, 1905, pp. 358–481.

⁸ State Regional Archives in Prague (SOA Prague), Velkostatek Zbiroh fund (VS Zbiroh), inv. no. 103, Instrukce hejtmantu Ignatiovi de Bois /opis/, 1670. That this is a copy is evident from the appendix on the last leaf, where the registrar’s note and his seal are placed.

⁹ In the original: “Lidí poddaných hejtman náš nemá žádné moci na cizí grunty neb jakkoliv jinak propouštěti.”

¹⁰ In the original: “jestli se kdy kdo z lidí našich zhostiti a na cizí grunty obrátiti chtěl, to se státi s vědomím a povolením komory naší české, pročež hejtman náš bude povinen pokaždý tu osobu i možnost té a zdaliž by na ní co záleželo přednésti”.

¹¹ In the original: “Naproti tomu když komora naše česká jaké cizí poddané na panství naše vyjednává, aby hejtman povinen byl o takových lidech na tuž komoru českou pokaždý v známost uvěsti.”

¹² In the original: “Lidí cizí, kteří by dostatečných vejhostův neměli, hejtman náš na grunty naše přijímati a jim zakoupení žádného ani freimarku na gruntech našich dopouštěti nemá.”

2. Majority form of release proceedings

The process of releasing a serf to a different domain could be very formalised and take many months. In the period under study, one can encounter various variations of the release procedure, but in principle the basic, majority procedure can be reconstructed from the archival sources. In general terms, the release procedure was divided into the following five steps:

1. A serf of the Zbihroh manor farm estate, who had conceived the idea of permanently moving to a different estate and becoming a serf there, asked the *new overlord* for his release from his home estate;
2. if the mentioned overlord considered his possible negotiation of the serf to be beneficial, he or she asked the current overlord to release the serf – in this case the requests were sent to the Bohemian Chamber;
3. at the Bohemian Chamber, the material was handed over to the relevant clerk, who subsequently asked the governor of the Zbihroh manor farm estate to provide basic information about the serf and to assess whether or not he or she could be released to an other overlord and why;
4. the governor gathered information about the serf and then wrote and sent his opinion on the matter to the Bohemian Chamber;
5. after receiving the governor's letter, the Bohemian Chamber issued a decision on the application and sent it again to the Governor; in the case of release, a letter of release was also sent.

In a similar way, the release procedure worked also in the case when a serf belonging to someone else intended to negotiate to the chamber estate – his request was thus directed to the Bohemian Chamber, which then asked the respective governor of its estate for his opinion on the matter and in case of his consent, then asked the potential overlord for the serf. The newly admitted serf was inscribed in the serf inventory of the particular manor. It is clear that the process could be protracted and the two lordships (existing and requesting) could have had a longer communication about whether the serf could be released or for what consideration. It is clear that it was not only the will of the existing superiority that was crucial here, but also that of the future one, and the latter may have been the more important for the intention of the serf to negotiate, as it depended on it how much energy it put into the negotiations.

Dozens of such formal proceedings have been documented, the most valuable being the governor's individual opinions on individual serfs and other communications regarding their release. Therefore, the most profitable cases appear to be those in which neither party was willing to give in: the demanding superior from his demand for the release of the serf, the governor from his refusal. In such cases, a battle of (economic, legal or social) arguments often broke out and the whole matter dragged on.

A certain exception to this process were the requests of the serfs who wanted to be sent to the cities of Prague, as there was apparently no superiority on the other side with whom it would be possible to negotiate their release. In this case, the serf directly addressed his request to the Chamber, which requested the opinion of the governor and made a decision based on it. In such cases, the governor's own assessment was of greater importance, since it was only the serf and his personal interests that stood against him. In the case of requests for release to other (royal) towns, the headman of the town in question, together with its council, represented the superior.

2.1 Pre-application phase

There are several reasons why the serfs demanded their release. However, by far the most common reason was the desire to enter into a marriage that the applicant had arranged outside his estate. Meetings outside the manor that resulted in a marriage promise were quite common during service on a different manor, at the market or during a regular visit to church, as the parish districts were not dependent on the manor boundaries, and there was no parish coercion. It was commonly understood and perceived that it was undesirable from the point of view of the owner of the manor for serfs of different overlords to be married.¹³ Another reason for a craftsman to change his place of work could have been the exercise of his profession, which had no outlet in the place, or there was no suitable facility for him there. In such a situation, the person concerned had a choice as to which route to take, either by way of a formal request to leave or by arbitrarily leaving the estate, which was generally prohibited.

2.2 Request of a serf to be negotiated to a different estate

The first step in the formal release procedure was usually the request of the serf who wanted to be released. This was addressed to the new overlord, *i.e.*, the one to whom the person in question requested to be negotiated to – it was addressed directly to the owner of the estate. In the letter, the serf briefly presented the reason for which he should be negotiated to the new estate and stated to which overlord he or she was currently a serf. This reason was most often a wedding promise, however, one can also find a desire for a better job in the trade. Thus, if it was a fserf who was interested in being negotiated to the manor of Točník, Zbiroh or Králův Dvůr, the application was directed to the Bohemian Chamber. If, on the other hand, a serf from Točník, Zbiroh or Králův Dvůr wanted to be negotiated from his own estate, he addressed his request to the owner of the receiving estate. Typically, these requests were undated and preserved in copies at the Bohemian Chamber; the original was retained by the lord of the manor on which the serf wanted to be negotiated and only copies made for this purpose were sent on.

2.3 Assessment of the request by the new overlord

The second step was an internal evaluation of the requested overlord, whether it was interested in the given serf and, if necessary, the steps aimed at negotiating it. Thus, if the owner of the manor received a request from a serf in the possession of an other overlord to negotiate him or her, he or she forwarded this request to his or her governor or other official who administered his or her manor. The official had the task of examining the request and, if necessary, expressing an opinion as to whether negotiation would be beneficial to the manor. On the basis of this response, the estate owner then wrote a letter to the Bohemian Chamber requesting the release of the serf. The request for the release of the serf usually stated the reasons which had led the serf to seek resettlement, and a copy of the serf's request was enclosed. The archival materials show that the governor de Bois always advocated the admission of new serfs and supported any such efforts with his

¹³ SOA Praha, VS Zbiroh, inv. no. 855, sign. XVII/42, kt. 46, Různá korespondence od žebřáckého magistrátu, 1636–1680, fol. 172–176, Correspondence from December 1670; or National archives Czech Republic (NA), Nová manipulace fund (NM), sign. Z-6/15, kt. 1088, 1671–1680, unfoliated, Letters from March 1673.

letters. However, when it came to the transfer of serfs to different estates, his answer was not given in advance.

2.4 Assessment of the application by the home overlord

As soon as the Bohemian Chamber (which can be equated with the owner of the manor) received a request for the release of its serf, it has been submitted to the clerk who was assigned to handle matter of the manor and the documents concerning it. The clerk subsequently drafted a letter and, after approval, the original letter, in which he asked the governor of the manor in question to comment on the release of the serf. This was therefore a similar step to the previous point – both overlords tried to obtain at least basic information about the serf who intended to change his or her place of residence. In both cases, the person designated for this purpose was the governor of the manor.

2.5 Acquisition of documents, opinion

After receiving the letter from the Bohemian Chamber, the governor of the estate to which the serf belonged began to collect the necessary documents for his or her eventual release. This was the most important part of the whole release procedure. Home estate kept a number of records about the serfs and this information had to be submitted to the owner of the estate. In practice, this was an extract from various documents: land registers, lists of serfs, criminal records and others. Another ‘place’ where the governor sought information could be the home village, the overlords where the serf in question served or the parish priest, and the attitude of the family of the released serf also played a role.

On the basis of the information thus obtained, the governor wrote an opinion letter in which he either recommended granting or refusing the application, and at the same time stated the reasons which led him to do so. The scope of the information provided was based on the list set out in the Instruction of 1670, which imposed the following requirements on the keeping of the register of dispatches, which were in practice supplemented by a range of additional information:¹⁴

“Releases are written down word for word (...) with diligence which of the serfs of both sexes shall be released to whose estate, how much do we care about him or her, how much equity he had or how much he or she gave for his or her release.”¹⁵

2.6 Chamber decision, further action

After the Bohemian Chamber received the opinion of the governor, it decided whether or not the serf in question should be released. If the request was granted, a letter of release was drawn up,¹⁶ sent to the governor and handed over to the serf, who could present it to

¹⁴ The release register was kept as a separate official document, but it has not been preserved within the fond of manor farm estate.

¹⁵ In the original: “vejhosty slovo od slova (...) s pilností zapisovati, kdo z lidí poddaných obojího pohlaví na čí grunty propuštěn bude, co na něm záleželo, jak mnoho spravedlnosti měl neb od vejhostu do důchodu dal”.

¹⁶ At least at this point, it should be pointed out that until now, Czech historiography has not devoted adequate space to the issue of letters of release, their legal framework and significance, the circumstances of their issue and further manipulation. This paper deals in particular with the formal and material procedure leading to their issue, and can thus be one of the bases for a broader study dealing with this issue.

the new overlord (where he then handed it over). However, if the Chamber did not grant the request, the proceedings either ended or negotiations continued on the terms of the release of the serf concerned. This is where the determination of the new overlord to obtain the serf in question for itself is most evident.

2.7 Phase after the Bohemian Chamber's decision

If the serf was successful with his request, he received from the governor the original of the letter of release, which he had to hand over to his new superior, or the document was sent by the governor to the requesting overlord. At that moment, the name of former serf was to be deleted from the lists of serfs and the serf was to go to his new place of residence, where he would in turn be added to the lists of serfs. However, if the request to be released was not granted, the serf remained under the government of his or her existing overlord and he or she was verbally informed of this fact. However, the negative decision was not an obstacle to the submission of a new application in which the serf sought his expropriation. The length of the release procedure itself depended on the speed of the various steps mentioned above. In the shortest cases, the entire procedure from the submission of the application to its settlement could take from a few weeks to the longest,¹⁷ lasting more than a year.¹⁸

3. Criteria for assessing applications

3.1 Equity

The most frequent aspect, which appeared in virtually every governor's letter, was an assessment of the amount of inheritance and other claims of a proprietary nature that the serf might incur, in the terminology of the time, *equity*. This was crucial information, for, as the letters of release issued show, the serf was released "with all the equity that would be due to him on the H.I.M. estates".^{19,20} The property relations of the serf's parents were thus assessed under this criterion, in particular whether or not they had a purchase on the estate and,²¹ where appropriate, what the value of the property was. The number of siblings among whom the inheritance would be divided also played a role. The rule was that the more equity a serf could expect, the less likely he was to be released of.

The governor tried to determine the supposed claim of the serf to inheritance as accurately as possible according to the value of the testators' buildings: "the estate perfectly lowered, on the fall, will hardly be worth 27 kopecks of Meissen, and so the whole

¹⁷ One of the shortest proceedings, in which Dorota Oulová was released, took place at the end of 1673 – 22 days elapsed between the writing of the application and the issuing of the certificate of leave, with most of the time taken up with the delivery of the relevant documents from place to place.

¹⁸ These were cases where one of the parties was delayed in its answers, it was necessary to negotiate the conditions of release, etc.

¹⁹ His Imperial Majesty, in the original J.M.C.; Jeho Milost Císařská.

²⁰ This is a phrase widely used in letters of release, in the original: "se vší spravedností co by mu na panství jeho milosti císařské patřilo".

²¹ Purchase, in the original "zákup", ger. "Burgrecht". On the concept of *zákup* classically TLAPÁK, J. Zákup – heslo v Naučném slovníku zemědělském, In: *Pocta nestoru české agrární historiografie: K jubileu PhDr. Josefa Tlapáka, CSc.* Prague: Spolek zemědělského muzea, 2003, pp. 129–134.

essence of the inheritance equity of one of each child would hardly apply to 3 kopecks of Meissen".²² Where this was not possible, he tried to determine the amount of equity at least approximately: "the future equity, only on the very ground, is scanty, very little, and perhaps even nothing will accrue to the person of her after the death of her parents".²³ In assessing this criterion, the governor relied mainly on the land registers or accounting materials: "according to the purgkrecht registers, equity from her father's estate is 46 groschen and 1/4 denarii".²⁴

If the parents of the released person did not have any purchase or other sources of wealth, this fact was also explicitly stated: "having no inheritance or share of his own, for her father, being a servant in the town of Mejto, had no purchase".²⁵ Other sources of wealth could have been, for example, livestock: "having no purchase of his own on the estate of HIM ... he intends to divide this daughter Lidmila, as to each son, to four 50 head of sheep".²⁶

However, a serf could deprive himself of his equity by his own behaviour, namely as a result of a previous defection from the estate or another act.²⁷ This was a rather powerful tool with which the overlord could punish disobedient serfs: "[any inheritance] for loitering and disobedience (having always roved from the estate since his childhood) is forfeited and, according to the HIM's most gracious instructions, is forfeited to the pension".²⁸

Although the right of desertion is usually associated with the seizure of the trade of a householder who has deserted it, in the context of desertion it is associated with the loss of the right to inheritance:²⁹ "although more friends [= family members] are found here,

²² NA, NM, sign. Z6/15, 1671–1680, kt. 1088, unfoliated, Letter of 12 December 1678. In the original: "grunt dokonale spuštěný, na upadnutí, budouc sotva státi, bude za 27 kop grošů míšenských, a tak celá podstata spravedlnosti dědické jednoho každého dítěte by se sotva na 3 kopy grošů míšenských vztahovala".

²³ NA, NM, sign. Z6/15, 1671–1680, kt. 1088, unfoliated, Letter of 10 December 1673. In the original: "budoucí spravedlnost, toliko na samém gruntu, skrovná, velmi málo a snad dokonce nic po smrti rodičův na osobu její nepřipadne".

²⁴ SOA Praha, VS Zbiroh, inv. no. 802, sign. X/18/6-32, kt. 22, Kopsiáře hejtmána Samuela Ignatia de Bois, 1672, fol. 12, Copy of a letter dated 19 January 1672. In the original: "spravedlnosti pak po jejím otci jí dle knih purgkrechtních tolik 46 gr. 1/4 d. přináleží".

²⁵ SOA Praha, VS Zbiroh, inv. no. 811, sign. X/18/6-34, kt. 24, C Kopsiáře hejtmána Samuela Ignatia de Bois /fragment/, 1685, fol. 37, Copy of a letter dated 3 November 1685. In the original: "dědictví neb podílů svého nikdež bráti nemaje, neb otec její, bývajíc slouhou v městy Mejtě, žádného zakoupení neměl".

²⁶ NA, NM, sign. Z6/15, 1671–1680, kt. 1088, unfoliated, Letter of 23 August 1677. In the original: "nemajíce však žádného svého na gruntech JMC zakoupení ... tuto dceru Lidmilu podělití miní, tak jakž každému synu, a to čtyřem po 50 kusech ovčích dobytka".

²⁷ An example is the case of Vít Kubáň, who lost his claim to his father's inheritance due to his previous defection from the estate, SOA Praha, VS Zbiroh, inv. no. 813, sign. X/18/6-36, kt. 24, Kopsiáře hejtmána Samuela Ignatia de Bois, 1684, pag. 38, Copy of a letter dated 18 February 1687.

²⁸ SOA Praha, VS Zbiroh, inv. no. 808, sign. X/18/6-30, kt. 23, Kopsiáře hejtmána Samuela Ignatia de Bois, 1681, unfoliated, Copy of a letter dated 3 April 1681. In the original: "[by se jaké dědictví našlo, se pro] všetečnost a neposlušnost (zběhnouc vždy od dětinství svého ven z panství) tratí a dle JMC nejmilostivějších instrukcí na důchod připadá".

²⁹ Typically PROCHÁZKA, V. Zabrání majetku po opuštění panství podle českých pozemkových knih 16. a 17. století. In: *Sborník prací filozofické fakulty brněnské univerzity*, 1961, p. 193, similarly ŠINDELŘ, B. K otázce zběhlých poddaných u nás: Přehled opatření proti poddanským zběhům od 13.–18. století. *Časopis přátel starožitností, Ústřední orgán historické vlastivědy české*, 1949, Vol. 57, No. 3, p. 164.

equity, however found, for such a desertion, as a deserter, would be lost”³⁰ or similarly “but that Catherine and Voršila for their desertion have forfeited their entitlements to the HIM pension”.³¹ That this fact was kept in mind by the administration of the estate for decades is evidenced by the case of Vít Kubáň, who in 1668 defected from the estate, whereupon his father’s estate worth 29 zloty was forfeited. As late as 1687, the governor de Bois interceded on his behalf so that the money forfeited in this way could at least be counted “in the beer debt”.³²

3.2 Reward

The second most common aspect in the evaluation of the request for release was the expectation of a possible *reward* from the other side, *i.e.*, the likelihood of possible reciprocity from the requesting overlord. The release of a serf was called a *loan* in the terminology of the time and was often granted under the promise of a future *reward* or *exchange* (*zápůjčka, odměna, výměna*). The aspect of reciprocity in the release was quite significant, as in the case of a negative conclusion it usually determined the outcome of the governor’s evaluation. The governor’s assessment of this criterion was based on the geographic distance of the requesting overlord and his previous experience with the overlord in question, which he examined through the lists of serfs or the release register and the accompanying materials from the release agenda.^{33,34}

In such a case, the proximity of the demanding estate was a good prerequisite for a successful evaluation: “since the lands of the lord of Lochov are closely connected with the estate of HIM’s Točník, an exchange for this neighbourly loan can easily follow, as has happened more often than not”.³⁵ The argument here was therefore clear – the border with the Chamber manor, or the short distance from it, suggested that due to the contacts between the people, in the future the foreign serfs would be interested in moving to the territory of the Zbiroh manor.³⁶ In the end, however, it depended primarily on the

³⁰ NA, Sbirka Jana Pohla pro dějiny železářství, inv. no. 35, Originální kopiář zbirožského hejtmana de Bois, 1673, kt. 8/24, pag. 6, Copy of a letter dated 28 January 1673. In the original: “ačkoliv přátelů více tu se nachází, spravedlnost pak, byť se jaká nacházela, pro takové své zběhnutí, jakožto odběžný, by ztratil”.

³¹ SOA Praha, VS Zbiroh, inv. no. 829, sign. X/18/7, kt. 27, Makuláře oficiálních zpráv a korespondence, 1652–1675, fol. 296, draft letter of 24 December 1671. In the original: “však ta Kateřina a Voršila pro jejich zběhnutí své nápady do JMC důchodu propadly”.

³² SOA Praha, VS Zbiroh, inv. no. 813, sign. X/18/6-36, kt. 24, Kopiáře hejtmana Samuela Ignatia de Bois, 1687, pag. 39, copy of a letter dated 18 February 1687. In the original: “na restu pivním”.

³³ The instruction for the governor from 1670 explicitly mentions release registers, but it seems that this role was actually fulfilled by the register of serfs, in which information about the releasing or admitting of a new serf to the estate was carefully noted. At the same time, it should be added that no other material representing a more or less comprehensive list of the released serfs can be found in the Velkostatek Zbiroh fund.

³⁴ These were various remarks relating to the willingness of a given superior to accommodate his serfs, their work habits, and so on.

³⁵ SOA Praha, VS Zbiroh, inv. no. 803, sign. X/18/6-24, kt. 22, Kopiáře hejtmana Samuela Ignatia de Bois, 1674, pag. 94, Copy of a letter dated 13 September 1674. In the original: “jsouce grunty páně lochovské tu nablízce s panstvím JMC točnickým immediate spojené, snadně tak jako se častěji stalo, směna za tuto půjčku sousedskou následovati může”.

³⁶ This cooperation was particularly functional with the Rokycany family, see SOA Praha, VS Zbiroh, inv. no. 811, sign. X/18/6-34, kt. 24, Kopiáře hejtmana Samuela Ignatia de Bois, 1685, fol. 12, Copy of a letter dated 15 March 1685.

extent to which the neighbouring nobility was willing to release their serfs to the Chamber estate – problems typically arose with the pledge estate of Křivoklát (at that time under the Schwarzenberg administration), where the serfs were happy to leave, but almost no one was released to Zbiroh.³⁷

On the other hand, it seemed to be disadvantageous to go to more distant places, as the distance usually decreased the contacts and therefore the probability that the Zbiroh estate could be the target of a foreign serf in the future. Such a *distant place* could be not only places in Moravia or abroad, but also locations near Prague: “this estate of Průhonice, which lies beyond Prague, is not expected to bring any reward, so I would rather that she should be left here, on the estate of HIM, obediently with my seemingly directed”.³⁸

The ratio of mutually released serfs also played a role, as some, especially local overlords, were associated with the experience of asking for more serfs but then refusing to release their own. In such cases, the governor resisted the release and, as part of the assessment, went back many years and calculated how many and which serfs on a given manor or estate had been released and in which cases the reciprocal request had been refused. Thus, when in 1680 Jiří Vykysalý attempted to move to the nearby estate of Všeradice for the purpose of marriage, de Bois did not fail to remind the Bohemian Chamber that the owner of the estate, Markvart Tuněchodský, had requested another serf in 1678, a shepherd, Jan Vinš, “without any reward up to now”, and therefore “it would be better to let the bride, promised to the same Jiřík Vykysalý to marry, go here in exchange for the shepherd in question”. As an alternative, therefore, he offered that Jiří’s bride-to-be should be thrown on the Chamber estates.³⁹

Such an exchange was generally desirable, as it allowed to maintain the number of serfs on the estate and at the same time to grant their requests, which led to greater stability – failure to grant a request increased the possibility that the serf would leave the estate anyway, but without the permission of the authorities. In the case of exchange, an extended release procedure was carried out, where the governor not only ascertained the property and family relations of the serf, but also did the same for the serf who was to come to the manor. For logical reasons, the aspect of “future reward” was eliminated, as the exchange was basically equal. The exchange did not have to be initiated by the requesting overlord alone, but could also be proposed by the requested overlord as part of the process – whether this was due to current need or fear of non-reward in the future.⁴⁰

³⁷ SOA Praha, VS Zbiroh, inv. no. 809, sign. X/18/6-32, kt. 23, Kopiaře hejtmana Samuela Ignatia de Bois, 1683, pag. 20–21.

³⁸ SOA Praha, VS Zbiroh, inv. no. 802, sign. X/18/6-22, kt. 22, Kopiaře hejtmana Samuela Ignatia de Bois, 1672, fol. 109, Copy of a letter dated 29 November 1672. In the original: “tuto pak ze statku průhonického, za Prahou ležícího, žádné odměny očekávati není, pročez raději k tomu, aby ona zde, na panství JMC zůstavena byla, bych poslušně se zdáním svým směřoval”.

³⁹ SOA Praha, VS Zbiroh, inv. no. 829, sign. X/18/7, kt. 28, Makuláře oficiálních zpráv a korespondence, 1676–1698, unfoliated, draft letter of 27 April 1680. In the original: “beze vši až dosavad odměny” and “slušelo by raději sem nevěstu, témuž Jiříkovi Vykysalému zakázanou k manželství, za dotčeného ovčáka sousedskou směnou propustiti”.

⁴⁰ SOA Praha, VS Zbiroh, inv. no. 808, sign. X/18/6-30, kt. 23, Kopiaře hejtmana Samuela Ignatia de Bois, 1681, fol. 65–66, Copy of a letter dated 6 September 1681.

3.3 Performed activity

The occupation of the person concerned was also important in the release proceedings – it was specifically mentioned for craftsmen, but we can also find references to peasants and others. In addition to the main economic activity performed by the serf, the governor was also interested in the quality of the work done. Thus, from dozens of release proceedings we learn which crafts were in demand and which were in surplus on the estate, as well as the work habits of some of the serfs.

The examined release proceedings show that the governor included shoemakers among the surplus crafts: “*being a shoemaker’s craft ... there are enough people of the same craft settled here on the HIM lands*”,⁴¹ shepherds: “*but since the estate of Zbiroh has enough similar shepherd people, some of them must be allowed to live abroad*”,⁴² but also carpenters: “*and although there are several similar carpentry craftsmen on the HIM estate, there are very few others in the same trade besides the two*”.⁴³

On the other hand, among the scarce crafts were such trades as basket maker: “*being a basket maker, this man is of much use to the whole estate and especially to the ironworks of JMC, besides his trade... I obediently intercede for him*”,⁴⁴ or rope maker: “*I wish, if it is possible to order it, that the same Poum could be preserved here, as such a craftsman is important for the local economy*”.⁴⁵ On the side of some crafts, we also learn that serfs were purposely sent to be apprenticed to a scarce profession. This was also the case with the aforementioned rope maker, Sebastian Poum, who had already been sent for apprenticeship by the predecessor of the governor of Bois, governor Raphael Gallides, or the brickmaker Bohuslav Vizina: “*this Bohuslav Vizina was sent on purpose to the brickmaking trade, which no one here had properly learned, so that he could be needed for the important economic tasks*”.⁴⁶ For a similar reason, Matěj Jokle began to learn to be a harnessmaker in the 1660s.⁴⁷

⁴¹ SOA Praha, VS Zbiroh, inv. no. 806, sign. X/18/6-27, kt. 23, Kopiaře hejtmana Samuela Ignatia de Bois, 1677, fol. 14, Copy of a letter dated 18 January 1677. In the original: “jsouc řemesla ševcovského ... téhož řemesla lidí zde na gruntech JMC osedlých dostatek se nachází”.

⁴² SOA Praha, VS Zbiroh, inv. no. 805, sign. X/18/6-26, Kopiaře hejtmana Samuela Ignatia de Bois, 1676, pag. 96, Copy of a letter dated 15 July 1676. In the original: “majice pak opáčené panství zbirovské podobných lidí ovčáckých dostatek, tak že se některým na cizopansku živiti povolití musí”.

⁴³ SOA Praha, VS Zbiroh, inv. no. 803, sign. X/18/6-24, kt. 22, Kopiaře hejtmana Samuela Ignatia de Bois, 1674, pag. 96, Copy of a letter dated 18 October 1674. In the original: “a jakkoliv sice tu na panství JMC podobných tesařských řemeslníkův několik se nachází, však mimo dvouh jiní v témž řemesle velmi málo uživení býti mohou”.

⁴⁴ SOA Praha, VS Zbiroh, inv. no. 829, sign. X/18/7, kt. 27, Makuláře úředních zpráv a korespondence, 1652–1675, fol. 601, Draft letter of 11 May 1674. In the original: “jsouce tento člověk košařem, celému panství a obvláště hutím JMC železným, vedle svého řemesla mnoho prospěšen... za něho se poslušně přimlouvám”.

⁴⁵ NA, NM, sign. Z-6/15, 1671–1680, kt. 1088, unfoliated, Letter of 16 March 1673. In the original: “přál bych sice, pokudž možné objednat, aby týž Poum zde zachován býti mohl, potřebujíc takového řemeslníka k zdejšímu hospodářství důležité”.

⁴⁶ SOA Praha, VS Zbiroh, inv. no. 811, sign. X/18/6-34, kt. 24, Kopiaře hejtmana Samuela Ignatia de Bois (fragment), 1685, fol. 26, Copy of a letter dated 4 August 1685. In the original: “tento Bohuslav Vizina schválně k tomu cíli na řemeslo cihlářské, kteréhož se zde žádný pořádně vyučil, aby k důležitostem hospodářským potřebován býti mohl”.

⁴⁷ SOA Praha, VS Zbiroh, inv. no. 829, sign. X/18/7, kt. 27, Makuláře úředních zpráv a korespondence, 1652–1675, fol. 174–175.

However, even a significant craft did not have to be an obstacle to release, unless the serf was excellent at it. One of the important crafts was undoubtedly milling, and although we do not find explicit reports of a shortage of millwright apprentices and masters, they were generally valued serfs who were only reluctantly given up by the overlords. The case of Václav Franta was an exception. He came from the village of Jivina, where his father, Filip Franta, bought a farmhouse in 1650 for the price of 30 kopecks of Meissen. When Filip left in 1671 and the widow Anna remarried the following summer,⁴⁸ the land was taken over in 1677 by the twenty-one-year-old son Václav Franta,^{49,50} already married at that time.⁵¹ In the meantime Anna moved in with her husband, Linhart Celer.⁵²

At that time Václav was already married to the daughter of a miller from Třebnuška named Kateřina,⁵³ and in 1677 she gave birth to their daughter Mařena.⁵⁴ In the next three years they had two more daughters, but during the plague epidemic of 1680 Kateřina lost her life.⁵⁵ After these events, Václav left in 1682, wandered around the mills, where he learned milling and two years later enlisted in the army in Žebrák, from where he returned to the estate in 1684. In the meantime, Linhart Celer left his mother and she returned to Franta's farm, where at that time her younger son Matěj, Václav's brother, acted as farmer.

After his return to the manor, Václav did not intend to take over the family farm again, claiming that he had been tricked into joining the army, and instead of staying on the estates of his overlord, he asked to be released to Trhové Dušníky mill. The request for his release was made in the autumn of 1684, and Jindřich Chlumčanský of Přestavlky and Chlumčany, the owner of Trhové Dušníky, acted as the demanding overlord. On 16 November 1684, he first contacted the governor of Zbiroh and asked him to intercede with the Bohemian Chamber. De Bois replied on the same day that he should have Václav Franta, who was already staying in Dušníky, arrested and handed over to Zbiroh, as he was a deserter and as such should be delivered to the land captains.⁵⁶

Chlumčanský did as he was ordered and had Franta arrested and delivered to Zbiroh to be imprisoned. He did not, however, give up the idea of negotiating for the miller, and wrote another letter to de Bois, in which he reminds him that it was from his estate that his serf had been released to Zbiroh five years ago, and that he would therefore now like to claim his right to a reward. Now de Bois showed his helpful face and said that

⁴⁸ SOA Praha, Sbirka matrik a průvodní listinný materiál fund (Sbirka matrik), sign. Hořovice 01a, pag. 63, Record of marriage dated 24 July 1672. Anna married the wheelwright Linhart Celer.

⁴⁹ SOA Praha, VS Zbiroh, inv. no. 945, sign. LII/1, kt. 93, Soupis poddaných panství Zbiroh, 1670, fol. 86.

⁵⁰ SOA Praha, VS Zbiroh, inv. no. 4804, sign. OS Zbiroh 70, Kniha purgrechtní panství zbirovského, 1641–1670, old fol. 320, new fol. 615.

⁵¹ SOA Praha, VS Zbiroh, inv. no. 831, sign. XI/19/7, kt. 30, Povolení k manželství, 1659–1728, pag. 68.

⁵² SOA Praha, VS Zbiroh, inv. no. 4804, sign. OS Zbiroh 70, Kniha purgrechtní panství zbirovského, 1641–1670, old fol. 306, new fol. 592.

⁵³ SOA Praha, VS Zbiroh, inv. no. 831, sign. XI/19/7, kt. 30, Povolení k manželství, pag. 68, fol. 38. The couple received the marriage licence on 15 July 1676.

⁵⁴ SOA Praha, Sbirka matrik, sign. Hořovice 01a, pag. 501, Baptism record of 3 May 1677.

⁵⁵ SOA Praha, Sbirka matrik, sign. Hořovice 01b, pag. 905, Records of baptisms from 23 October 1678 and 11 February 1680.

⁵⁶ SOA Praha, VS Zbiroh, inv. no. 951, kt. 112, Komorní výnosy 1684–1685, unfoliated.

Chlumčanský should apply to the Bohemian Chamber for a bargain and that he would then make a recommendation for release to his estates.⁵⁷

In spite of the Franta's bad behaviour, the assessment came in which the governor stated that "it matters nothing in particular to the person of his HIM pension here, for he is a wicked peasant and an imperfect miller". Above this, the good experience of the claimant overlord (Chlumčanský) was highlighted.⁵⁸ All Franta's claims to the estate of Zbiroh then passed to his only daughter (the other two died in infancy), who remained a local serf.⁵⁹ In the list of serfs from 1686, Václav Franta is still noted as a miller with the remark "married in Dušníky, to be appeared",⁶⁰ but already in March of the same year he was issued a letter of release.⁶¹ The registry records from Příbram also clearly show that at the end of the 1680s he was staying with his new wife in Trhové Dušníky.⁶²

On the other hand, if the miller proved himself, the governor did not hesitate to use not very frequent tools to bring him back to the manor. This was the case of Tomáš Křepela, who left the manor after his mill burnt down, leaving his wife and children behind. The governor received word that Křepela was staying at the mill in Chlumeč nad Cidlinou – more than one hundred and twenty kilometres from the estate's borders! De Bois immediately upon receiving this information issued *an open letter* authorising his envoys to track down and bring back the defector and at the same time asking the foreign overlords not to prevent them from doing so.⁶³ Thus, in the evaluation, it was not only the craft practised that mattered, but no less the quality in which the serf performed his work. What has been said about craftsmanship can then generally be applied to other work, especially agricultural work.

⁵⁷ The request for negotiation was sent to the Bohemian Chamber on 9 January 1685 NA, NM, sign. Z-6/15, kt. 1089, 1681–1686, unfoliated, and subsequently on 12 January 1685 an inquiry was sent from the Bohemian Chamber to the Zbiroh manor regarding his possible release. SOA Praha, VS Zbiroh, inv. no. 788, sign. X/18/4a, kt. 19, Registraturní kniha, 1675–1691, Regest of the letter of 12 January 1685.

⁵⁸ The whole thing had another dimension when de Bois did not hesitate to verify Chlumčanský's claim that five years ago he had released his serfs to the estates he administered – he found none. He therefore contacted Chlumčanský and asked for proof of this. In the end, Chlumčanský was only able to prove that he had released two of his serfs to another chamber estate two years earlier, which differed considerably from the original claim of one serf on the Zbiroh estate. Even so, the whole thing went through, for apparently de Bois was also glad to be rid of Václav Franta. In the original: "nezáleží na osobě jeho JMC důchodu zdejšimu nic obzvláštního, neb jest zkažený sedlák a nedokonalý mlynář".

⁵⁹ SOA Praha, VS Zbiroh, inv. no. 811, sign. X-18/6-34, Kopiáře hejtmana Samuela Ignatia de Bois, 1685, fol. 10v, Copy of a letter dated 10 March 1685. Original letter deposited in NA, NM, sign. Z-6/15, kt. 1089, 1681–1686, unfoliated.

⁶⁰ SOA Praha, VS Zbiroh, inv. no. 945, sign. LII/1, kt. 93, Soupis poddaných panství Zbiroh, 1686, pag. 472. In the original: "ženatý v Dušníkách, dostaven býti má".

⁶¹ NA, NM, sign. Z-6/15, kt. 1089, 1681–1686, unfoliated. This apparent contradiction is due to the fact that the lists of serfs were made in December of the previous year and thus recorded the situation before the beginning of the year, not at the end of it.

⁶² SOA Praha, Sbírkka matrik, sign. Příbram 002, pag. 32, Baptism record of 17 July 1689 – among the godparents is Kateřina Frantová, a miller from Trhové Dušníky, wife of Václav Franta.

⁶³ SOA Praha, VS Zbiroh, inv. no. 832, kt. 33, Spisy neznačené týkající se zhoštních listů, 1646–1730, fol. 303, Draft of a letter.

3.4 Another criteria

Especially in the early years of his office, de Bois pointed to one particular factor, namely the decline of young people, who, in his opinion, should settle on their home estates instead of going to foreign estates. This argument was made in conjunction with the number of uninhabited, deserted farms on the estate of the so-called *poustka* [*i.e.*, uninhabited farm, unpopulated trade]: “we are in dire need of people to marry and settle the *poustka*’s”.⁶⁴ It is typical that this criterion was frequent in the early 1670s, relatively soon after the end of the Thirty Years’ War, when there was still a noticeable shortage of rural inhabitants. The governor’s correspondence and other materials show considerable effort to fill these unpopulated trades. De Bois was successful in this endeavour, and it was reflected in the assessment of the serfs, so that from about the middle of 1675 the argument disappears, and only reappears briefly after the plague epidemic of 1680, when the population of the manor was noticeably reduced.⁶⁵

When it came to collecting documents for the opinion, the governor did not hesitate to summon the applicant in question, as was the case with the release of Matěj Jokle or Václav Smolař and his father,⁶⁶ in order to inquire about the reasons why Václav wanted to leave the estate.⁶⁷ At the beginning of January 1671, a letter arrived at the manor from Adam Jindřich Hruška of Březno, claiming that Václav Smolař wanted to negotiate a marriage with Hruška’s serf – somewhat unusually, however, there was no letter enclosing Václav’s request, so it was not clear at whose instigation the request originated, and the governor decided to verify this fact himself. Similarly, the governor’s reports contain information on whether family members agreed to the release.⁶⁸

The potential conflict with the law also played a role in the governor’s assessment. This was the case of Kryštof Mencl of Kublov,⁶⁹ whose release for the purpose of marriage was requested by Count Martinic at the end of July 1671.⁷⁰ Mencl’s time on the Točník estate was not well remembered – in the 1660s he decided to flee the estate together with another servants. After this plan was discovered and he “was put under arrest and punished by the whip at Zbiroh castle, he promised by hand to the governor that he would not leave the

⁶⁴ SOA Praha, VS Zbiroh, inv. no. 802, sign. X/18/6-22, kt. 22, Kopiaře hejtmana Samuela Ignatia de Bois, 1672, fol. 6, Copy of a letter dated 18 January 1672. In the original: “k manželství a osazení poustek lidí hrubě potřebujem”.

⁶⁵ Lists of *poustka*’s were made and the farmers to be assigned to them were recorded. E.g. SOA Praha, VS Zbiroh, inv. no. 779, sign. VIII, kt. 16, Spisy neznačené [Urbariale, pozemkové knihy, služebnosti], 1671–1701, unfoliated, File dated 26 March 1671.

⁶⁶ SOA Praha, VS Zbiroh, inv. no. 829, sign. X/18/7, kt. 27, Makuláře úředních zpráv a korespondence, 1652–1675, fol. 172–176.

⁶⁷ SOA Praha, VS Zbiroh, inv. no. 802, sign. X/18/6-22, kt. 22, Kopiaře hejtmana Samuela Ignatia de Bois, 1672, fol. 8 and 19, Copies of letters dated 18 January 1672 and 20 February 1672, inv. no. 787, sign. X/18/3, kt. 19, Registraturní kniha, 1659–1675, unfoliated, Regests of letters of 16 October 1671, 20 November 1671, 14 January 1672 and 22 January 1672, and NA, NM, sign. Z-6/15, 1671–1680, kt. 1088, unfoliated.

⁶⁸ SOA Praha, VS Zbiroh, inv. no. 808, X/18/6-30, kt. 23, Kopiaře hejtmana Samuela Ignatia de Bois, 1681, unfoliated, Copy of a letter dated 10 May 1681.

⁶⁹ This is the brother of Jiří Mencl, a churchman, whose fate was described in VACEK, J. Každodennost a sexuální delikty na Křivoklátsku na přelomu 17. a 18. století. *Cornova. Revue české společnosti pro výzkum 18. století*, 2015, Vol. 5, No. 1, pp. 35–50.

⁷⁰ NA, NM, sign. Z-6/15, 1657–1670, kt. 1087, unfoliated, Letter dated 31 July 1670.

HIM estate”, but “he soon forgot his promise, ran away from the HIM estate after one Sunday and did not appear for five years”.⁷¹ This information is all the more valuable because the governor is describing events that he did not witness, since they took place under his predecessor, Governor Gallides, and de Bois must have obtained this knowledge from other officials.

It was not to Kryštof Mencl’s credit that “Martin, his brother, likewise fled from the estate for eight years and no one knows about him yet”.⁷² And indeed, according to the list of serfs from 1670, Martin “has been a fugitive for many years and is to be appeared”.⁷³ It is not surprising, therefore, that the governor concluded his letter to the Chamber with the words “little or nothing matters to such a wilful and errant fugitive of the HIM estate”.⁷⁴ Three weeks later, on 9 October 1670, Mencl’s letter of release arrived at the manor.⁷⁵ In the same year, in the list of serfs, his name is added to the note “released to the manor of Kladno” and his name is crossed out.⁷⁶

However, committing a crime could also, on the contrary, make it difficult for the serf to leave the estate. On the one hand, it was understandable that the governor would like to get rid of troublesome persons, but on the other hand, the automatic release of criminals would set a dangerous precedent that could result in the deliberate commission of crimes to facilitate their departure from the estate. And although a clear trend of getting rid of these inconvenient people can be observed,⁷⁷ we also repeatedly encounter the rejection of requests for release precisely with reference to criminal activity.⁷⁸

Among the more rarely mentioned aspects were the health of the serf, his or her age or financial situation. All of these aspects could serve as arguments for or against release.

4. Disputes over jurisdiction

The general release procedure outlined in the introduction, which was the majority procedure, can be found in relatively non-conflicting matters such as the release of a serf for the purpose of marriage or the exercise of a trade. At the same time, however, there were situations in which one serf was claimed by several overlords at the same time. There were then legal disputes and interpretations about his jurisdiction. There are several cases in

⁷¹ In the original: “byvše na zámek Zbiroh do arestu dán a karabáči potrestán, připověděl rukou dáním neb[ož-tíku] panu hejtmantu, že z gruntův JMC nikam neujde” and “on brzo na svůj slib zapomenul, po některý neděli předece ze dvora JMC pryč utekl a již pět let se nehlásil”.

⁷² In the original: “také Martin, bratr jeho, podobně z panství na osum let zběhl a dosavad žádný neví o něm”.

⁷³ In the original: “zběhlý od mnoha let, má býti dostaven”.

⁷⁴ NA, NM, sign. Z-6/15, 1657–1670, kt. 1087, unfoliated, Letter dated 16 September 1670. In the original: “na takovém svévolným a zhejralým poběhlci JMC panství málo aneb dokonce nic nezáleží”.

⁷⁵ SOA Praha, VS Zbiroh, inv. no. 787, sign. X/18/3, kt. 19, Registraturní kniha, 1659–1675, unfoliated, Regest of letter dated 7 October 1670, delivered on 9 October 1670.

⁷⁶ SOA Praha, VS Zbiroh, inv. no. 947, sign. LII/3, kt. 95, Soupis poddaných panství Točnick, 1670, fol. 34. In the original: “propuštěn na panství Kladenské”.

⁷⁷ For example, Kateřina Nová of Zdice, who was twice defected from the estate, was released, SOA Praha, VS Zbiroh, inv. no. 814, sign. X/18/6-38, kt. 24, Kopiáře hejtmána Samuela Ignatia de Bois ois, 1690, pag. 19, Copy of a letter dated 23 February 1690.

⁷⁸ Examples include the efforts of Václav Mašek to be released, SOA Praha, VS Zbiroh, inv. no. 810, sign. X/18/6-33, Kopiáře hejtmána Samuela Ignatia de Bois (fragment), 1684, fol. 22–23, Copy of a letter dated 1 August 1684, or Matouš Křikava, *ibid.*, inv. no. 809, sign. X/18/6-32, kt. 23, Kopiáře hejtmána Samuela Ignatia de Bois, 1683, fol. 44–46, Copy of a letter dated 21 April 1683.

which provincial or other regulations were argued. As a rule, they were settled over a longer period of time and are characterised above all by the fact that both parties claiming the serf did not hesitate to collect a large amount of material or to present legal interpretations proving their right. From this point of view, the often-enormous effort not to lose even a single serf is remarkable.

A frequent cause of the ambiguous relationship was the Thirty Years' War, which brought unprecedented confusion to the Bohemian countryside, many people left their estates and moved to other areas, where they lived for several decades, had children, or even had a purchase.⁷⁹ Newly born children automatically, in accordance with the provincial law, became serfs of the overlord on whose estate they were born. When the parents decided to return to their home estate after decades, complications often arose, as they themselves were either mistakenly or deliberately registered as serfs of the overlord on whose estate they had been living and working until then. This situation was all the more pronounced for people who frequently changed their place of work and so may have had a number of children formally under different lordships.⁸⁰

One of them was the case of Jiří Chodounský, who was claimed by both the Bohemian Chamber and the owners of the Tmaň estate. In the summer of 1672, after having failed in the same request to the governor de Bois, Kateřina Dohalská, widow of Ferdinand Greifenfels of Pilsenburg, applied to the Bohemian Chamber with her claim to Jiří.⁸¹ She based it on the claim that Jiří was born on her estate. The Chamber naturally responded to this letter with a request to the governor of the manor to clarify the situation and report on the state of affairs.⁸²

De Bois responded two weeks later with a letter summarising the matter. Jiří's mother, Salomena born Zemanová, was a serf of the Tmaň estate until 1650, when she was released to the Točnik estate at the request of the Bohemian Chamber, where she was courted for marriage by Jan Chodounský, a miller from Chodouň and a serf there.⁸³ The surviving letter of release dated 26 April 1650 testifies to this disposition.⁸⁴ Only a few days after the

⁷⁹ This was, for example, the situation of the miller Tříška, SOA Praha, VS Zbiroh, inv. no. 802, sign. X/18/6-22, kt. 22, Kopiaře hejtmana Samuela Ignatia de Bois, 1672, fol. 26, Copy of a letter dated 16 March 1672. The situation got so far that two and a half years later de Bois issued an open letter ordering his arrest and bringing him back to the manor. SOA Praha, VS Zbiroh, inv. no. 803, sign. X/18/6-24, kt. 22, Kopiaře hejtmana Samuela Ignatia de Bois, 1674, pag. 112, Copy of the letter dated 28 November 1674.

⁸⁰ Probably the most notable example was the situation of Ondřej Holub, whose fate would be worthy of a separate analysis. He came to the Zbiroh estate during the ongoing Thirty Years' War and it is not clear whose serf he was originally. He then married on the estate with the permission of the governor and gave birth to three children. He and his wife then went away from the estate for about ten years, staying in various places, during which time five more children were born. Eventually he returned to Zbiroh, from where Vratislav of Mitrovce intended to negotiate him. Extensive material on this case is contained in the National Archives in the Nová manipulace fund, in the State Regional Archives in Prague in the Velkostatek Zbiroh fund, especially in copies of outgoing correspondence, in surviving incoming correspondence, in the registry of Chamber decrees, and in other funds.

⁸¹ SOA Praha, VS Zbiroh, inv. no. 951, sign. LII/6, kt. 105, Komorní výnosy, 1672–1673, fol. 156–158, Letter of 29 June 1672.

⁸² SOA Praha, VS Zbiroh, inv. no. 787, sign. X/18/3, kt. 18, Registraturní kniha, 1659–1675, unfoliated, Letter dated 5 July 1672, delivered 21 July 1672.

⁸³ The record of the marriage cannot be traced due to the gaps in the registers. See SOA Praha, Sbirka matrik, sign. Beroun 02.

⁸⁴ SOA Praha, VS Zbiroh, inv. no. 832, sign. XI/19/9, kt. 31, Propouštěcí listky, 1566–1700, fol. 203.

issue of the letter of release, her son Jiří was born, baptised on 3 May 1650, and his father is listed as “Jan miller of Chodoun” and his mother as “Salka”.⁸⁵

Although the place of birth is missing from the church register, the governor himself adds it in his letter – for the reason that “at that time there still was a military situation”⁸⁶ Salomena and her husband stayed with her sister in Málkov, where she also gave birth. They moved to Chodoun about two years after Jiří’s birth.⁸⁷ The governor explains the sudden interest in Jiří, who had *not* been “touched” (noticed) for 22 years of his life, by the fact that he was about to get married and take over his father’s mill. And since Jiří was listed in the orphan registers alongside his siblings,⁸⁸ who had already been born in Chodoun,⁸⁹ the governor considered it proved that he was a serf of the estate he administered.⁹⁰

In their correspondence, Kateřina Dohalská drew attention in particular to the provisions of Article Q.19. of the Renewed Provincial Constitution: “If a serf, whether or not she has been seated under her hereditary lord, has begotten children on other people’s estate, then those children shall remain in the servitude of the lord on whose estate they were begotten and born.”⁹¹ De Bois, on the other hand, tried to argue primarily on the merits, *i.e.*, that such a provision “is a strange thing”⁹² and that, since Jiří had been brought up on Chamber estates and Kateřina Dohalská had remained silent for twenty years, she should not be entitled to it. He then stated that, if Kateřina Dohalská’s superior right in relation to Jiří was to be recognised, he drew attention to the fact that in 1668 the huntsman Václav Wildman had been released to the Tmaň estates, whereupon he stated that “I would consider it good [...] that the often-mentioned Mrs Dohalská, in reward for this Václav Wildman released to her from here, should not again be opposed to the letter of the release of Jiří Chodounský”.⁹³

Another attempt to extradite the miller was made by Kateřina Dohalská in September, when she again reminded the Chamber of her affair.⁹⁴ De Bois responded with a letter to the Chamber, in which he described the way in which Bořek Dohalský, Catherine’s husband, treated the serfs who had been released or put into temporary service on his

⁸⁵ SOA Praha, Sbirka matrik, sign. Beroun 02, pag. 75, baptism record of 3 May 1650.

⁸⁶ In the original: “tehďáz ještě ve vojenským běhu jsouc”.

⁸⁷ SOA Praha, VS Zbiroh, inv. no. 780, kt. 16, Partikulární rejstřík urbární stálých platů na panství točnickém, 1653, unfoliated, where “Kateřina, miller” is listed in Chodouň as of 1653, which was the mother of Jan, grandmother of Jiří. For further information see also KLÍMOVÁ, H. *Soupis poddaných podle víry z roku 1651*. 2nd ed. Prague: National Archive, 2007, p. 272, where Jan’s wife is incorrectly given the name “Halka” instead of “Salka”. Children under the age of ten were not listed in the inventory.

⁸⁸ SOA Praha, VS Zbiroh, inv. no. 947, sign. LII/3, Soupis poddaných panství Točník, 1664, pag. 103.

⁸⁹ See the second-born Václav born on 6 March 1653. SOA Praha, Sbirka matrik, sign. Beroun 02, pag. 108.

⁹⁰ NA, NM, sign. Z-6/15, 1671–1680, kt. 1088, unfoliated, Letter dated 2 August 1672.

⁹¹ JIREČEK, H. (ed.). *Obnovené právo a zřízení zemské dědičného království Českého*. Prague: published by F. Tempský, 1888, Art. XIX., p. 464. In the Czech: “Kteráby poddaná, pod dědičným pánem svým osedlá neb neosedlá, na cizích gruntech děti zplodila: tehdy ty děti tomu pánu, na čichž gruntech zplodeni a zrozeni jsau, v poddanosti jeho zůstati mají.” and in the German: “Da eine Unterthanin, sie wäre unter ihrem Erbherrn angesessen oder nicht, auff eines andern Herrn Gründen Kinder erzeüget: solche Kinder sollen in dess Herrn Unterthänigkeit, auff dessen Grund sie geboren seyn, verbleiben.”

⁹² In the original: “jest to věc podivná”.

⁹³ NA, NM, sign. Z-6/15, 1671–1680, kt. 1088, unfoliated, Letter dated 2 August 1672. In the original: “za dobré bych uznal (...) aby často opáčená paní Dohalská, na odměnu za tohoto Václava Wildmana jí odsud propuštěného, zase na toho Jiřího Chodounského list zhostní vydati odporna nebyla”.

⁹⁴ NA, NM, sign. Z-6/15, 1671–1680, kt. 1088, unfoliated, Letter of 13 September 1672.

estates – the aforementioned Wildman had fled to the army because of his severity, from where Bořek Dohalský had extorted him back and had him beaten for it. Similarly, Pavel Kozler (Chosler), a serf of Králův Dvůr, who came to the manor of Tmaň to have an experience in a tavern, was imprisoned by Bořek Dohalský and it took time to negotiate his return. The governor concludes that “it is a pity for him to release a serf, especially that Jiří Chodounský, on whom the HIM estate depends”.⁹⁵ This triggered another reaction, this time from Bořek Dohalský himself, who in October appealed to the Chamber to have Jiří “*ohne weiteren Aufschub*” (without further delay) handed over by the governor to the Tmaň estates.⁹⁶

This was the end of the surviving correspondence between the parties involved, but the pressure from the Dohalsky family to extradite the young miller continued, as Salomena Chodounská decided to seek protection elsewhere – from a native of Zdice, Václav Rosa, a judge of the Prague Court of Appeal.⁹⁷ In December 1672, the latter intervened in the proceedings in a somewhat unusual way, writing a letter directly to the governor de Bois, in which he told him his view of the matter, namely that, given the sequence of (a) *Salomena's release from Tmaň estate* – (b) *the birth of Jiří* – (c) *Salomena's submission to Točník* “the son is free, as born of a free mother”. Rosa subsequently intervened directly with the Chamber by similar letter.⁹⁸

From the point of view of the contemporary law, this conclusion was probably correct, as it corresponded with the royal resolution of 20 July 1652, which stipulated that “every man without regard to the estates of serfs or any other aliens, if he is begotten of free parents and not of serfs, the very place of begetting gives him or her and his or her parents no detriment to his or her liberty, much less for the very cause of the superiority of the estate what right it gives”.⁹⁹ This, moreover, was in accordance with Article Q.2. of Renewed Provincial Ordinance. According to this, “whoever in our hereditary Kingdom of Bohemia passes himself off as free or exempt from servitude: he or she shall show by a public letter that he is released from his lordship”.¹⁰⁰ Nevertheless, the question remains as to what role was played by the fact that only one of the parents (the mother) was free and the other

⁹⁵ SOA Praha, VS Zbihov, inv. no. 802, sign. X/18/6-22, kt. 22, Kopiaře hejtmana Samuela Ignatia de Bois, 1672, fol. 89n. Correspondingly also NA, NM, sign. Z-6/15, 1671–1680, kt. 1088, unfoliated, Letter of 24 September 1672. In the original: “že škoda jemu člověka poddaného, obzvláště toho Jiříka Chodounského, na kterém JMC panství záleží, propustiti”.

⁹⁶ NA, NM, sign. Z-6/15, 1671–1680, kt. 1088, unfoliated, Letter received on 11 October 1672.

⁹⁷ WOITSCHOVÁ, K. *Personální obsazení pražského apelačního soudu v letech 1548–1783: “což slušného a spravedlivého jest fedrovati”*. Pelhřimov: Nová tiskárna Pelhřimov, 2010, p. 77.

⁹⁸ SOA Praha, VS Zbihov, inv. no. 958, sign. LII/6, kt. 127, Korespondence hejtmana S. I. de Bois, 1670–1673, fol. 15 and 26. In the original: “ten syn svobodný jest, jakožto z matky svobodné zrozený”.

⁹⁹ KALOUSEK, J. *Archiv český XXIII: Řády selské a instrukce hospodářské 1627–1698*. Praha: Domestikální fond království Českého, 1906, p. 285, and in the German version WEINGARTEN, *op. cit.*, p. 285, no. 158. In the original: “člověk každý bez ohledův gruntův poddacích aneb jakých koliv jiných cizích, když tolik z rodičův svobodných a ne poddaných splozen jest, samé místo splození jemu ani rodičům jeho k žádné ujmě svobody jeho, méněji pak pro samou příčinu vrchnosti gruntu jaké právo dává”.

¹⁰⁰ In the Czech: “Kdo se v dědičném Našem království Českém za svobodného aneb poddanosti osvobozeného vydává: ten listem veyhostním, že od vrchnosti své propuštěn jest, ukázati má.” and in the German: “Welcher in Unserm Erb-Königreich vorgibt, dass er von seiner Obrigkeit der Unterthänigkeit entlassen worden: der sol solches mit einem Weglassbriff beweisen.”

parent (the father) was a serf. Either way, the conclusion should be that Mrs Dohalska and her husband had no relevant legal claim on Jiří.

The decision of the Bohemian Chamber, which in the summer of 1673 decided to hand over Jiřík Chodounský to the Dohalskis, may have been all the more surprising. We do not learn about this until August 1673, when de Bois complained to the fiscal clerk in Točník that, although the Chamber had decided on Jiřík's release on 28 July 1673,¹⁰¹ the Chodounský reeve refused to release him. In doing so, he ordered the fiscal clerk to arrange for his release and also stated that the reeve must be punished for this arbitrariness. The exasperated governor concluded by remarking that he had "enough other day and night work to do at this time" and did not wish to be burdened with the matter any longer.¹⁰² However, he was not so fortunate, and six days later he had to take up the matter again, for in the meantime, with the idea of preventing Jiřík's departure, the reeve of Chodoun had put him on a *clog*. All these efforts were in vain, however, and Jiřík was moved to the farm of Tmaň and the reeve was punished.¹⁰³

There are several similar disputes within the records, but the common features are the long-lasting search for solutions, the highly individualised approach of the parties involved and the involvement of the administration of the estate at various levels. Within the functioning of the administration, we also find mechanisms that were intended to prevent future disputes. The most significant of these was the *exception to births* applied when a serf was temporarily sent to the service of another overlord. In such cases, the serf was sent, even for a longer period of time, to a foreign manor, but with the condition that any children born to him or her there would be serfs of the sending overlord.¹⁰⁴ From this point of view, the provisions of Q.19. of the Renewed Provincial Ordinance may be interpreted as dispositive, since the parties could have agreed on a different arrangement of the question of jurisdiction over serfs at birth.

5. Special forms and procedures

5.1 Acceptance of Serfs

The governor de Bois had a special view of the serfs belonging to other overlords who expressed their interest to have the Bohemian Chamber as their overlord and to move to the estate of Zbiroh. Even in such cases he was asked by the Bohemian Chamber to give his opinion on whether he or she was suitable for the estate. This was commonly done when a serf of the Zbiroh estate intended to enter into a marriage with his partner who came from another estate and an attempt was made to negotiate he or she to Zbiroh. At the time, de Bois did not hesitate to intercede for their negotiation on the grounds that it was a "laudable cause" for which he "obediently interceded". The obviousness of such a course of action is

¹⁰¹ SOA Praha, VS Zbiroh, inv. no. 787, sign. X/18/3, kt. 19, Registraturní kniha, 1659–1675, unfoliated, Regest of a letter dated 28 July 1673, delivered on 7 August 1673.

¹⁰² NA, Sbirka Jana Pohla pro dějiny železářství, inv. no. 35, Originální kopiář zbrožského hejtmana de Bois, 1673, card 8/24, pp. 116–117, Copy of a letter dated 14 August 1673. In the original: "v tomto čase jiných dosti dnem i nocí platnějších prací".

¹⁰³ NA, Sbirka Jana Pohla pro dějiny železářství, inv. no. 35, Originální kopiář zbrožského hejtmana de Bois, 1673, card 8/24, pp. 120–121, Copy of a letter dated 20 August 1673.

¹⁰⁴ NA, NM, sign. Z-6/15, 1671–1680, kt. 1088, unfoliated, Letter of 13 April 1679.

attested, among other things, by the fact that he wrote three such letters in December 1670 alone.¹⁰⁵ At the same time, it may be noted that he was constant in his approach throughout his entire tenure, as evidenced by the numerous intercessions for the release of serfs written by him in the last year of his service.¹⁰⁶

One of them shows that even a scratch on the honour of a serf did not have to be an obstacle. This was the case of the tailor Jan Burle, a serf of the Rožmitál estate, who in December 1670 asked for a negotiation at the Zbiroh estate to marry Dorota Plimlová from Dobřív. However, he had already “begotten one child with her under the marriage vow”, which at that time was qualified as committing the offence of fornication.¹⁰⁷ In spite of this, the governor judged “his request to be decent”, stating that the continuation of fornication would hardly be prevented anyway, which would be resolved by negotiating with Burle and allowing the marriage.¹⁰⁸ The fact that he would seek Burle was then communicated by de Bois in similar words to the governor of Rožmitál twelve days before the request was sent to the Bohemian Chamber.¹⁰⁹

Despite this intercession, however, the request was not granted – the Archbishop of Prague, as the overlord of the Rožmitál estate, refused to grant the request in March of the following year.¹¹⁰ It seems, however, that by this time Dorota was already pregnant again with Jan, for in the autumn of the same year her son Václav was born.¹¹¹

Four years later, the situation repeated itself – this time Adam Tráva, a charcoal burner and serf of the royal city of Pilsen, who worked in Dobřív, intended to propose Dorota. At the end of March 1674, the Bohemian Chamber again asked the governor to comment on whether Adam Tráva “would be willing to settle here on the HIM estate” and take Dorota as his wife.¹¹² De Bois had the Pilsen charcoal burner and Dorota’s relatives summoned to hear that there was a willingness between Dorota and Adam to marry and that both wanted to stay on the estate. De Bois then summarised that Adam was “besides his work for the HIM smelters, a very useful and industrious man”, and “for him I obediently intercede”.¹¹³ Exactly two months later, on 31 July 1674, de Bois was then able to send to the Bohemian Chamber the original letter of release which Adam Tráva had given him, thus completing

¹⁰⁵ NA, NM, sign. Z-6/15, 1657–1670, kt. 1087, unfoliated, Letters of 3, 6 and 29 December 1670.

¹⁰⁶ SOA Praha, VS Zbiroh, inv. no. 814, sign. X/18/6-38, kt. 24, Kopíře hejtmana Samuela Ignatia de Bois, 1690, pp. 8, 12 and 64, Copies of letters dated 31 January 1690, 10 February 1690 and 21 June 1690.

¹⁰⁷ SOA Praha, VS Zbiroh, inv. no. 945, sign. LII/1, kt. 93, Soupis poddaných panství Zbiroh, 1670, fol. 70. Here is Dorota Plimlová (ravished) and her three years old son. In the original: “s ní pod tím slibem manželským jedno dítě na svět zplodil”.

¹⁰⁸ NA, NM, sign. Z-6/15, 1657–1670, kt. 1087, unfoliated, Letter of 29 December 1670.

¹⁰⁹ SOA Praha, VS Zbiroh, inv. no. 801/1, sign. X/18/6-20, kt. 22, Kopíř Jana Rafaela Gallidesa z Rosendorfu a Samuela Ignatia de Bois, 1670, unfoliated, Letter dated 17 December 1670.

¹¹⁰ SOA Praha, VS Zbiroh, inv. no. 787, sign. X/18/3, kt. 19, Registraturní kniha, 1659–1675, unfoliated, Regest of letter of 24 March 1671, delivered on 28 March 1671.

¹¹¹ SOA Praha, VS Zbiroh, inv. no. 945, sign. LII/1, kt. 94, Soupis poddaných panství Zbiroh, 1672, old fol. 74, new fol. 98.

¹¹² SOA Praha, VS Zbiroh, inv. no. 787, sign. X/18/3, kt. 19, Registraturní kniha, 1659–1675, unfoliated, Regest of letter dated 31 March 1674, delivered on 16 April 1674.

¹¹³ SOA Praha, VS Zbiroh, inv. no. 829, sign. X/18/7, kt. 27, Makuláře úředních zpráv a korespondence, 1652–1675, fol. 583–584. The draft bears the date 31 May 1674. In the original: “vedle své práce JMC hutím nemálo prospěšný, živný a pracovitý člověk” and “za něho se poslušně přimlouvám”.

the release process.¹¹⁴ The day before the letter of release was sent, the couple were granted permission to marry.¹¹⁵ The lists of the serfs for 1678 shows that the marriage was consummated, as the couple had already had two children together by this time.¹¹⁶

The fact that this was not a side agenda, but that the governor took the matter very seriously, is evidenced by his efforts to negotiate with the miller Jan Sekera in 1673. At that time, de Bois did not hesitate to convince the Bohemian Chamber that the arguments of Anna Švihovská, who represented Sekera's overlord at that time, were not relevant. When she claimed that she had no other miller at her disposal, the governor found out that there were two others on her estate and others serving on other estates. He further stated that if Sekera was not released, "he would go to Moravia or elsewhere to a foreign country".¹¹⁷ These efforts did not come to naught, and in July of the same year the Bohemian Chamber send a letter of release of Jan Sekera to the governor.¹¹⁸ The release was completed by a marriage that took place in September 1673, in which it is already stated in the register that he was a serf of the Točnick estate.¹¹⁹

In the role of receiving governor, de Bois was thus clearly more friendly than in the position of issuing governor. The lack of written information about the serf was usually resolved by personal meetings with those concerned or their surroundings, but it can be assumed that this was a rather formal aspect of the matter, as there is not a single case in the whole period under review where the governor actively opposed the admission of a serf. Arguments in favour of admission were usually made by reference to the need of the negotiated serf (for example, in terms of his or her trade) or simply a proclaimed desire to enable the couple to marry. The admission process then replicated the structure of the release procedure and is a kind of mirror or view from the other side that illustrates the whole formal process of the release/admission of the serf.

5.2 *Libertines and Redeemed Serfs*

The negotiations between the governor and the serfs also showed that one of the ways for a serf to legally and permanently leave the estate was to *redeem himself* from serfdom. We encounter it in three cases. The earliest of them reflects the efforts of the blacksmith Jiřík Ulman to get to the royal town of Beroun, which dates back to 1673 and 1674. At that time, the Bohemian Chamber asked the governor to evaluate the possibility of releasing him to the administration of that town.¹²⁰ What was different was that Ulman referred to

¹¹⁴ SOA Praha, VS Zbiroh, inv. no. 803, sign. X/18/6-24, kt. 22, Kopiař hejtmana Samuela Ignatia de Bois, 1674, pp. 75–76.

¹¹⁵ SOA Praha, VS Zbiroh, inv. no. 831, sign. XI/19/7, kt. 30, Povolení k manželství, 1659–1728, pag. 58. Due to the state of the registry, it is not possible to determine the exact date of their marriage – the pages containing the years 1673 to 1675 have been torn out, see SOA Plzeň, Sbirka matrik západních Čech, sign. Mirošov 33, between pages 192 and 193.

¹¹⁶ SOA Praha, VS Zbiroh, inv. no. 945, sign. LII/1, kt. 94, Soupis poddaných panství Zbiroh, 1678, fol. 231v.

¹¹⁷ NA, Sbirka Jana Pohla pro dějiny železářství, inv. no. 35, O Originální kopiař zbirožského hejtmana de Bois, 1673, card 8/24, pp. 89–90, Copy of a letter dated 5 June 1673. In the original: "do Moravy aneb jinam do cizí země zajde".

¹¹⁸ NA, NM, sign. Z-6/15, kt. 1088, 1671–1680, unfoliated, Draft letter of 14 July 1673.

¹¹⁹ SOA Praha, Sbirka matrik, sign. Žebrák 02, pag. 17., fol. 9 in the section of married persons, record of marriage dated 3 September 1673.

¹²⁰ NA, NM, sign. Z-6/15, kt. 1088, 1071–1080, unfoliated, Draft letter of 12 December 1673, cf. SOA Praha, VS Zbiroh, inv. no. 951, kt. 105, Komorní výnosy, 1672–1673, fol. 497–498, Letter of 12 December 1673,

the former freedom of his parents “Hans Ulman, my father, coming with his parents from Germany, both free men”,¹²¹ who lost it during the Thirty Years’ War when they fell into serfdom. Now Ulman wanted to marry Anna, the daughter of Matej Hřebíček, a blacksmith in the royal town, and the Beroun people supported his efforts.¹²²

The governor initially had no objection to the release, taking into account the proximity of the town and the possibility of an early reward.¹²³ However, apparently because of an unresolved relationship as to whether the parents had brought their children into servitude with them, the Bohemian Chamber offered a way out, namely to find out how much he would be willing to pay for his freedom.¹²⁴ The advantage was that the town would not be obliged to provide a serf for Ulman in the future. The governor reinterpreted the offer: “in the manner and custom of other overlord I asked 50 thalers from him”. Another interesting development is that the governor reduced the amount to 40 thalers of his own accord. It is not clear whether this was a tax approved by the Bohemian Chamber or whether the governor simply followed a common practice, assuming that the Bohemian Chamber would subsequently approve such a practice.¹²⁵ However, the whole effort failed due to lack of funds, and the situation turned out quite the opposite – Ulman’s bride voluntarily gave herself in servitude to Zbiroh,¹²⁶ where she was subsequently married to Jiří Ulman on 1 November 1674.¹²⁷

The redemption did not have to take place only by the person bringing the required sum and receiving a letter of release in return. The second option was to set off the claims (present and future) that the serf had or expected to have on the estate. These included in particular orphan money and (presumed) inheritance claims, *i.e.*, money that he or she had insured on the building (trade) and which he or she was about to receive from the next owner.¹²⁸ Overall, however, due to the lack of sources, it is not possible to establish the general conditions for the redemption or its more precise course.

In the context of the release proceedings, one can also encounter non-serfs, *i.e.*, either directly personally free, or people whose personal status was unclear.¹²⁹ These persons

delivered on 22 December 1673.

¹²¹ Application of Jiří Ulman for negotiation from serfdom addressed to the bailiff, the mayor and the council of Beroun, SOA Praha, VS Zbiroh, inv. no. 951, kt. 105, Komorní výnosy, 1672–1673, fol. 491–492. In the original: “Hans Ulman, otec můj, přijdouce s máteří z Němec, oba dva lidé svobodní”.

¹²² SOA Praha, VS Zbiroh, inv. no. 951, kt. 105, Komorní výnosy, 1672–1673, fol. 493–496, Letters of 1 and 19 December 1673.

¹²³ SOA Praha, VS Zbiroh, inv. no. 803, sign. X/18/6-24, kt. 22, Kopiáře hejtmana Samuela Ignatia de Bois, 1674, pp. 1–2, Copy of a letter dated 4 January 1674.

¹²⁴ SOA Praha, VS Zbiroh, inv. no. 787, sign. X/18/3, kt. 18, Registraturní kniha, 1659–1675, unfoliated, Regest of letter dated 10 May 1674, delivered on 18 May 1674.

¹²⁵ SOA Praha, VS Zbiroh, inv. no. 803, sign. X/18/6-24, kt. 22, Kopiáře hejtmana Samuela Ignatia de Bois, 1674, pp. 60–61, Copy of a letter dated 6 July 1674. In the original: “způsobem a obyčejem jiných vrchností a pánův [jsem] od něho 50 tolarů požádal”.

¹²⁶ SOA Praha, VS Zbiroh, inv. no. 831, sign. X/19/7, kt. 30, Povolení k manželství, 1659–1728, old pag. 59, fol. 34.

¹²⁷ SOA Praha, Sbirka matrik, sign. Beroun 03, pag. 432, record of marriage dated 1 November 1674.

¹²⁸ In particular the unsuccessful attempt to claim this money by Ferdinand Kučera, SOA Praha, VS Zbiroh, inv. no. 807, sign. X/18/6-28, kt. 23, Kopiáře hejtmana Samuela Ignatia de Bois, 1679, pp. 36–37.

¹²⁹ These are not royal libertines, but for example former townsmen of royal towns, foreigners, etc. On the legal status of libertines in this period and also a review of the literature, see most recently VACEK, Josef.

were usually the initiators of the release proceedings, both in relation to themselves (for example, with the intention of entering into serfdom) and in relation to third parties, usually serfs (usually when a free person requested a release for a serf for the purpose of marriage). Overall, then, it can be said that these proceedings were the least similar to classical, majority-rule proceedings, since here the question of the personal status of individuals was clarified or special forms of release were dealt with.

The sources show that if a free man (for example, a burgher of a royal town) applied for entry into serfdom, he or she was granted it without delay. The only thing he had to prove in such a case was a certificate of (free) birth. Such a document was usually an extract from the church registry,¹³⁰ but in its absence, the administration of the manor could make do with testimonies proving the origin of the person concerned. The second way was used by Samuel Schuster, who at the end of 1675 decided to marry a Zbiroh serf and at the same time to enter into serfdom on the estate. Since his father was already dead, he had to turn to the townspeople of Radnice, who certified his free origin. Two written testimonies refer to his father's claim that "I am free from Bavaria" or "that he *is free from Bavaria and no one has ever claimed him*".¹³¹ Having thus proved his descent, the governor was instructed to accept Samuel as a serf and to give him his consent to the marriage without further ado.¹³² In such a case, this meant the gain of a serf and there was no longer any need to examine the circumstances of the marriage permission.

Practically only marriage used to be a reason for a single person to enter into a serfdom. The practice of a trade was not an option as a reason for becoming a serf, as it would have been economically undesirable for the authorities to restrict its practice to their own serfs, but at the same time they could not force the free person to become a serf of the estate – usually the overlord let the freemen operate their trade on his or her estates. Conversely, non-married serfs needed formal permission to marry, and while there were ways to circumvent this process,¹³³ majority behaviour did not defy this norm. And if a free man intended to marry a person who was a serf, the overlord generally required him to become a serf.

However, this did not apply unconditionally. In the mid 1680s, the governor de Bois learned that the twenty-one-year-old Magdalena Fridrichová from Strašice, a serf of the Zbiroh estate, was regularly visited by the free carpenter Wolfgang Beck. As the girl was an orphan, the governor felt the need to defend her position, as he feared that she might "come into disrepute",¹³⁴ so he struck the carpenter to find out what he thought of Magdalena. The latter explained that he would have taken the girl as his wife, but that he did not intend to enter into servitude on that account. They agreed on a middle option: since Beck intended

Libertines and law: The Case of Pavel Sládek alias Čícha from 1663 and Land Captains as an Instance of the Court. *Folia Historica Bohemica*, Vol. 36, No. 1, pp. 55–76.

¹³⁰ NA, Sbirka Jana Pohla pro dějiny železářství, inv. no. 35, Originální kopiář zbirožského hejtmana de Bois, 1673, card 8/24, p. 165, Copy of a letter dated 30 September 1673.

¹³¹ The original witness statements with seals are deposited in NA, NM, sign. Z/6-15, kt. 1088, 1671–1680, unfoliated. In the original: "já sem z Bavor svobodný" and "že z Bavor svobodný jest a žádný na něj potahovati se nikdá nežádal".

¹³² SOA Praha, VS Zbiroh, inv. no. 832, sign. XI/19/8, kt. 30, Propuštění z poddanství, 1671–1731, fol. 20–21.

¹³³ Typically ČECHURA, J. *Sex v době temna: Sexuální život na českém jihu v prvním století Schwarzenberků (1660–1770)*. Prague: Rybka Publishers, 2015, pp. 17–19.

¹³⁴ In the original: "v hanebnou pověst přijíti mohla".

to settle in Žebrák, where he would practice his trade, he should ask the local council to arrange for Magdalena to be married there. At the same time, he “went to his born town of Bor and brought a certificate, sealed with the town seal, of his honest birth and that he was not serf to any overlord, wherever he pleased, he could settle”.¹³⁵ The fact that the request of the Žebrák family was finally granted is evidenced by the entry next to Magdalena’s name in the list of serfs from 1686: “married and released to the town of Žebrák to Wolfgang the carpenter”. For the same reason she was removed from these lists of serfs.¹³⁶

6. Conclusion

The release proceedings can be characterized as a process whose aim was to settle the request for the release of a serf, either under the administration of another overlord, or by releasing him to freedom. In this form, it represented a comprehensive and formalised instrument for dealing with this type of request. Usually, it was the serf whose status was at stake who initiated the procedure, but there are also cases where someone else, usually a family member or a fiancé, played the role of the initiator of this procedure.

The procedure itself, from the submission of the application to the final decision, could take anywhere from a few weeks to several months, or even more than a year in extreme cases. It began with the formal submission and acceptance of the request for release, followed by the task of assessing the pros and cons of the serf in question. For this purpose, the governor consulted official materials (land registers, lists of serfs, criminal records, etc.), asked for opinions, testimonies and statements, which he incorporated into the final document. In some cases, the Bohemian Chamber was also approached by the Board of Counts, i.e. the Bohemian Chamber Accounting Office, which did not usually issue an opinion with a no/release conclusion, but gave a sort of summary of assets; however, according to what key this office was approached is not clear.

The materials produced in the context of the release proceedings form a unique source that allows us to know to what extent the administration or the owner of the estate cared about a particular serf, but they also allow us to examine the legal environment of the period in question in the question of serfdom as such. The initial and subsequent assessments of individual serfs by the governor of the manor give a relatively comprehensive view of the individual in terms of the administration of the manor, with legal, economic, political and social aspects coming to the fore. The governor’s standard assessment was of *equity* (monetary quantification of current and likely future entitlements), *reward* (evaluation of past experience with the claimant’s estate), the *activity performed* and its quality (usually craft). Other circumstances included criminal history, the number of *poustka*’s on the estate, as well as the opinion of the serf, his or her age, wealth or health.

Special forms of proceedings are those in which there are significant deviations from the standard, majority process. These include, in particular, redemption from serfdom by

¹³⁵ SOA Praha, VS Zbihov, inv. no. 811, sign. X/18/6-34, kt. 24, Kopiaře hejtmana Sebastiana Ignatia de Bois, 1685, fol. 21, Copy of a letter dated 3 July 1685. In the original: “odebral do své Patrie města Boru a přinesl vysvědčení pečeti městskou utvrzené, poctivého svého na svět zplození a že žádnému poddanství opovázán nejsouce, kde by se témužkoliv líbilo, osaditi může”.

¹³⁶ SOA Praha, VS Zbihov, inv. no. 945, sign. LII/1, kt. 94, inv. no. 945, sign. LII/1, kt. 93 Soupis poddaných panství Zbihov, 1686, fol. 502. In the original: “vdána a k městu Žebračku propuštěna za Volfganga truhláře”.

the serf himself, proceedings with freemen and people of unclear status, and disputes over serfhood that resulted in the formal release or admission of a serf, or in the determination that he or she was or was not a serf of a particular overlord.

If we compare the governor's procedure with the instruction he received when he took office in 1670, we can conclude that he followed its wording exactly. We do not find a single instance of his having the power to release or even to admit serfs without the permission of the Bohemian Chamber, nor did he take care to always provide the most comprehensive assessment of the serf in question. However, the fact that in some cases he had to be repeatedly reminded to give his opinion or supplement his findings in the matter may be regarded as a deviation from the instruction.

At the same time, it can be stated that the governor was stricter in his proposals than the Bohemian Chamber, which released more serfs than the governor proposed, which can be justified by the fact that while he had to deal with the daily reality of a shortage of workers, the Chamber was far from these problems or perceived the problem from a different (for example, political) perspective.

The spectrum of criteria, apart from the three basic ones (equity, reward, activity performed), was random and highly individual, which underlined its importance for the overlord and allowed to know what was emphasized. Hence, the serf was viewed as an individual within the great scheme of the chambered estate, he was not an anonymous serf, he was not a mere soul in number.

A hypothesis that needs to be tested by further research is the assumption that the exposed outline of the release process was a universal starting point within the chamber estates, which may have had its local modifications, but did not deviate too much from the described form. This hypothesis can be supported by the fact that instructions for the governors of the Chamber estates in a similar wording to that of de Bois from 1670 were issued from the beginning of the 17th century at the latest. The administration of the serfs should therefore have been similar on other Chamber estates. It should also be borne in mind that it was the Bohemian Chamber that had the clerical apparatus to deal with requests for release from other administered estates, and therefore a diametrically opposed procedure could not be expected.