

In the preceding chapters we examined the relationship between the church and its founder from several perspectives. Various forms of the relationship changed over the 13th and 14th centuries, however their content persisted. Patrons' claims expressed themselves in various domains. A feudal claim on the church property also resulted from the ownership of land itself. As a matter of fact, a whole set of founder's rights is concerned. The public function of churches was not impaired thereby. It did not consist in the realm of property, but only resulted from the parochial function, which the founders did not intend to impair by any means. Ecclesiastical supervision over priests' prebends and the church property did not constitute a transition of this property to ecclesiastical ownership in today's connotation, since the Church as a private legal subject did not exist in the Middle Ages. Nor the founders were the owners to all intents and purposes. The property belonging to the church or prebend was a foundation. Its purpose was to ensure the continuous operation of the church and parish administration, which mattered to both sides, the establishment and the Church. The status of the prebend and the church was to stay the same over the time regardless of the change of priests or landowners. The patron claimed a number of privileges based on the property law principle: trials over the serfs belonging to the church property, socage, pays and tributes. Also the vicar, although he should have been independent in theory, was virtually patron's vassal. The Church sought to adjust these relationships formally. The outcome, which considerably restrained the founder in some aspects, was incorporated in the canon law under the label *ius patronatus* – patronage right. It is important to keep in mind that the patronage right was not a part of the municipal or civil law.