

ABSTRACT

The work deals with the infiltration process and the emphyteutic law evidence in the Čáslav province in the Middle ages. This area can be delimited with the range of the Iron Mountains from the north, and then with the river Sázava from the south. Several significant territorial suzerains (authorities) acted here such as Vilémov monastery, Sedlec monastery and Želivka monastery, especially significant was the colonization activity of the Lichtenberk family which was developing in the area from the half of the 13th century. The Lichtenberks came to the area from north-western Bohemia, from the contact area of the Czech state, where their relatively early-ripening emphyteutic contracts are documented, and infiltration of early forms of the German law is presumed in general.

This medieval law, sometimes designated as “stable and firm” in written sources, was brought from the area of present western Europe (also from the Netherlands) by new settlers, colonists who were bringing with them excluding new knowledge of landscape cultivation (drainage, forest transformation into fields) also juridical habits, which were used to adjust legislative relations while establishing villages. They were not only farmers, but they were also other specialists, mainly miners who brought with them technologies of mining non-ferrous metals. Since they were coming to our areas from the south-west (Rhineland, Bavaria) and the north-west (Silesia), the oldest documents speak about the German law, later the emphyteutic law.

The observed area of the former Čáslav province is quite extensive, no self closer Čáslav province wider area of the river valley Doubrava Iron mountain ridge in the direction of running Čáslav province out district of Bojanov a suggestive region to monitor the processes of colonization and related emphyteutic entrances. A separate problem outside the author's own experience is a mining activities in Jihlava and Havlíčkův Brod ore district associated with the massive influx of new residents, not only miners but also the population of emerging or renewed villages, representing the substrate emphyteutic processes.

The experience of these settlers and miners manifested itself in the period of Grunder enterprise and developing the argentiferous dominion of the Lichtenberks in the Čáslav region. It can be seen clearly in the documents for the town Brod as one of the silver mining centres in the Highlands. Other evidence of emphyteutic law can be found in the archives of individual monasteries, especially Vilémov monastery and then Vyšehrad canonry. Both these church institutions were developing ample colonization activities in the periphery parts of the Čáslav region, in the central parts of the Highlands.

The period of the German law infiltration into the area is related not only to colonization of

the country areas and transformation of current villages into the German law, but also to the origin of new towns, which was developing boisterously in the 13th century. The oldest evidence of an emphyteutic contract dates back from 1252, then others follow quickly. The emphyteutic contract on establishing a liege town Ronov upon Doubrava by the Lichtenberks in 1307 is well known.

It can be stated that already advanced forms of the German law (emphyteutic law) are documented in the observed area, of which the contract from 1252 is the evidence. This period conditions are described in Jinřich Řezbář's Chronicle about establishing Žďár monastery. This source gives evidence of current use of the emphyteutic law around 1250. This is especially significant because it shows the infiltration of colonization activities into the periphery forest area of the Čáslav region.

In the 13th century, Emphyteus, or more exactly the emphyteutic law, as a younger and pronounced form of the German law presented a contracting relation between the territorial authority and the vassals enabling them hereditary and undisturbed estate possession and its belonging land. The territorial authority was often presented by great feudal lords (the minor ones as well), church institutions, and monarchs, too.

It did not regard only establishing new villages on the new German law, but gradual transformation of the current ones as well. The change of the natural rent into the financial one connected with the start of the emphyteutic law necessitated a structural transformation of the landscape, change in field lay-out whose result was a decline of some villages for the benefit of the neighbouring ones – as one of the results of the admirable changes in the 13th century.

Historical roots of the emphyteutic law reach to the antique Mediterranean. The word comes from Greek and it means the obligation to cultivate, especially to plant and meliorate the land. Its reliably observable roots reach at least to the period of Greek colonization when individual Greek towns on the coast of the Mediterranean Sea under the influence of marine trade were establishing secondary settlements – colonies on the coast in desolate locations. The basic thought of this juridical instrument itself consist in planting of the desolate and so far non cultivated land, its dividing – acreage and consequently its longstanding cultivation, melioration.

The arrival of new settlers was encouraged with the effort to cultivate the landscape, rise the income from it, use the possibility hidden in the forests either with their transformation into fields or their ore wealth. In the Čáslav region “the end of old times” can be observed, as well, consisting in the gradual decline of the original administrative system of settlements and

the start of new fiscal (and not only this) form of central administration. As an example there is the origin of the town Čáslav, emphyteutic location, partly non-settled place. Emphyteus as a suitable juridical instrument of these changes presented an acceptable medium especially in the written form, which registered all executed changes, it determined their form, how to realize them, and it stabilized the new juridical conditions for the future as well.

If you can compare the onset time emphyteus clear-cut forms of written records and the related reorganization of the opening of farmland elsewhere in the Czech Republic, especially in the so-called old settlement, on the very edge of the (geographically) was located at the core of the monastery property Vilémov and justify it as research into advanced form, which since its discovery in the border regions of Moravia and Bohemia, and shortly thereafter, the emphyteuse changed, materialized, and spread its use in areas with no ties to the incoming ethnic German population. Its population is reliably supported by the estate of Vilémov monastery in connection with the exploitation of silver from the south Brod, but also in the vicinity of Vilémov and Čáslav basin. In a narrower sense, not in the sense Čáslavská as counties, are applied to the German people in connection with the development of silver mining in Kutna Hora, 13/14 at the turn of the century.

The intention to establish a new village in the colonization is not always successful, as evidenced by the multiple deaths village overgrown trees, plowing the fields or the entire area covered by forest today, as Drahan Highlands, which was in the 13th newly deforested centuries planted in villages colonization business century of great change. After one or two centuries of life have suddenly or gradually waned, and their relics conserved forest plots represent tangible proof emphyteus onset.

Likewise, settlements are known emphyteutic based, which was shortly after its establishment and assessment of land by the gentry moved on to other, usually very remote location, and initial locational settlement forest cover or box. A prime example of this phenomenon, documented in a rare understanding of how the documentary sources and archaeological research is the introduction Bylany, the village of Sedlec monastery and market village, later town of Zdar cistercian monastery of the same name.

The 13th century brought a lot of changes which passed in a relatively short time of one century, nevertheless, its results are perceptible up to the present day. The landscape changed, the seat system in the landscape was stabilized in the present form, there were established towns which survived as centres up to present. Mainly the agriculture passed through all the changes. Transformation of a medieval village into the emphyteutic law enabled more exact and more transparent acreage and the following tax administration /control. The landscape got

populated. Primarily with the hereditary tenure, the new law brought the element of the juridical certainty on the contracting basis in the written form, which had not been usual before at all. Emphyteuse as a new law ensured these changes, it gave them their legal framework. Medieval conditions started to change slowly in the beginning but still more and more quickly later at the end of the 12th century. The right of the colonists was not only a formal aspect, but it was an active element as well. The horizon of medieval Bohemia, hidden from the eyes of the West behind the barrier of border forests, started to open.