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VILLAGE COMMUNITY AND VILLAGE HEADMAN
IN EARLY MODERN BOHEMIA*

In early modern Europe, the vast majority of the population lived in village communities. Most villages were not simply geographical entities, but also had institutional powers to regulate economic, social, religious, and sexual behaviour on the local level. Yet we still know little about how village communities actually functioned in many societies. Of particular interest are those parts of eastern-central and eastern Europe which were subject to the 'second serfdom' – the enormous growth in the powers of the great landlords over the rural population in the sixteenth and seventeenth centuries.¹ What role, if any, did the rural commune play in this process?²

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¹ This essay uses 'second serfdom' as a convenient shorthand to refer to the massive growth in landlord powers over the rural population during the early modern period, abstracting from wearisome terminological debates about the relationship of this process to true 'serfdom.' Likewise, for reasons of clarity, this essay uses the English term 'serf' to refer to *Untertan*, the contemporary German term for someone subject to *Erbuntertänigkeit* (hereditary servility); the English term 'subject' is, in this context, anachronistic and confusing. The civil status of rural Bohemians before 1781 was usually described in contemporary sources as *Erbuntertänigkeit* (hereditary servility) rather than *Leibeigenschaft* (serfdom, literally 'bodily ownership'). However, from at latest the 1650s onward, rural Bohemians did swear *Leibeigenschaft* to their overlords, e.g. on the estate of Friedland/Frýdlant in Státní Oblastní Archiv Litoměřice, Pobočka Děčín, Fond Rodinný archiv Clam-Gallasů, Historická Sběrka [Regional State Archive of Litoměřice, Děčín Branch, Archive of the Clam-Gallas Noble Family, Historical Collection; hereafter SOAD HS], Kart. 81, Dekretbuch Friedland 1652-1657, fol. 60v, 6.9.1659. – SOAD HS, Kart. 81, Dekretbuch Friedland 1656-1663, p. 106, 30.9.1660. – *Ibid.* p. 143, 7.1.1662. – On the frequent lack of any clear distinction between *Erbuntertänigkeit* and *Leibeigenschaft* in practice, see Melton, Edgar: Gutsherrschaft in East Elbian Germany and Livonia, 1500-1800: a Critique of the Model. In: *Central European History* 21 (1988) 315-349, here esp. 332-333. – Rudert, Thomas: Gutsherrschaft und ländliche Gemeinde. Beobachtungen zum Zusammenhang von gemeindlicher Autonomie und Agrarverfassung in der Oberlausitz im 18. Jahrhundert. In: Peters, Jan (ed.): Gutsherrschaft als soziales Modell. Vergleichende Betrachtungen zur Funktionsweise frühneuzeitlicher Agrargesellschaften. München 1995, 197-218, esp. 202.

² For a consideration of the wider theoretical and empirical issues raised by this question, see Ogilvie, Sheilagh: Communities and the 'Second Serfdom' in Early Modern Bohemia. In:

Three strands of argument have hitherto dominated the debate. The 'manorial dominance' view argues that village communes in eastern Europe were deliberately weakened as the 'second serfdom' progressed by overlords seeking to expand their own institutional powers, and that the weakness of serf communes contributed to the economic and social 'backwardness' of eastern compared to western Europe.³ The 'communal autonomy' view, by contrast, contends that in practice east-Elbian overlords lacked the information, capacity, or motivation to intervene in local life; this encouraged independent and autonomous village communes which helped power the long resistance of eastern European serf societies to rural 'capitalism' on the western European model.⁴ A third view, which may be termed the 'dualism' the-

Past & Present 187 (2005) 69-119. – *Dennison*, Tracy K./*Ogilvie*, Sheilagh: Serfdom and Social Capital in Bohemia and Russia. In: *Economic History Review* 60 (2007) forthcoming.

³ For this view in the European context, see *Brenner*, Robert: Agrarian Class Structure and Economic Development in Pre-Industrial Europe. In: *Aston*, Trevor/*Philpin*, Charles (eds.): *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*. Cambridge 1985, 10-63, here 23, 40-46. – For central and eastern-central Europe, see *Harnisch*, Hartmut: Die Landgemeinde im ostelbischen Gebiet (mit Schwerpunkt Brandenburg). In: *Blickle*, Peter (ed.): *Landgemeinde und Stadtgemeinde in Mitteleuropa. Ein struktureller Vergleich*. München 1991, 309-332, esp. 313, 325. – *Walker*, Mack: *German Home Towns: Community, State, and General Estate, 1648-1871*. Ithaca 1971, here esp. 1-3, 326, 356, 392, 396, 419, 422-425. – *Blickle*, Peter: *Deutsche Untertanen. Ein Widerspruch*. München 1981, 46-47. – On its acceptance for other east-Elbian societies, see *Hoffmann*, Richard C.: *Land, Liberties, and Lordship in a Late Medieval Countryside: Agrarian Structures and Change in the Duchy of Wrocław*. Philadelphia 1989, here esp. 358-369. – *Blaschke*, Karlheinz: *Dorfgemeinde und Stadtgemeinde in Sachsen zwischen 1300 und 1800*. In: *Blickle* (ed.): *Landgemeinde und Stadtgemeinde* 119-143, here esp. 142-143. – For Bohemia, see *Černý*, Václav: *Hospodářské instrukce. Přehled zemědělských dějin v době patrimoniálního velkostatku v 15.-19. století* [Economic Ordinances. Survey of Agrarian History during the Period of Large Manorial Estates from the 15th to the 19th Century]. Praha 1930. – *Válka*, Josef: *Hospodářská politika feudálního velkostatku* [Economic Policies of Large Feudal Estates]. Praha 1962. – *Petráň*, Josef: *Poddaný lid v Čechách na prahu třicetileté války* [Serfs in the Czech Lands after the Thirty Years' War]. Praha 1964. – *Weizsäcker*, Wilhelm: *Die Entstehung der Landgemeinde in Böhmen*. In: *Mayer*, Theodor (ed.): *Die Anfänge der Landgemeinde und ihr Wesen*. 2 vols. Konstanz 1964, vol. 2, 379-386, here esp. 381-384.

⁴ For examples of this view in the context of medieval Germany, see the essays in *Ibid.* – For medieval England, see the essays in *DeWindt*, Edwin B. (ed.): *The Salt of Common Life: Individuality and Choice in the Medieval Town, Countryside, and Church. Essays Presented to J. Ambrose Raftis*. Kalamazoo 1995. – For early modern east-Elbian Germany, see *Wunder*, Heide: *Die bäuerliche Gemeinde in Deutschland*. Göttingen 1986, esp. 19, 37-41. – *Enders*, Lieselott: *Die Uckermark. Geschichte einer kurmärkischen Landschaft vom 12. bis zum 18. Jahrhundert*. Weimar 1992, esp. 259-261, 498-500. – *Idem*: *Die Landgemeinde in Brandenburg. Grundzüge ihrer Funktion und Wirkungsweise vom 13. bis zum 18. Jahrhundert*. In: *Blätter für deutsche Landesgeschichte* 129 (1993) 195-256, here esp. 206-208, 211, 223-227, 236, 243, 256. – *Rudert*, Thomas/*Zückert*, Hartmut (eds.): *Gemeindeleben. Dörfer und kleine Städte im östlichen Deutschland (16.-18. Jahrhundert)*. Köln, Weimar, Wien 2001. – This view is particularly widespread among American studies of Russian and Baltic serf communes, e.g., *Field*, Daniel: *The End of Serfdom: Nobility and Bureaucracy in Russia, 1855-1861*. Cambridge, MA 1976, here esp. 22. – *Hoch*, Steven: *The Serf Economy and the Social Order in Russia*. In: *Bush*, Michael L. (ed.): *Serfdom and*

ory, holds that serf communes served the interests of both villagers and overlords, although to differing degrees at different periods.⁵ Most versions of 'dualism' argue that communes, while crucial to the 'second serfdom', progressively lost autonomous powers during that very process; this view will be subjected to critical scrutiny later in this article.⁶

These theories have hitherto mainly been supported with normative sources.⁷ But literary works such as travelogues, cameralist tracts, or 'house-father' treatises are

Slavery: Studies in Legal Bondage. London, New York 1996, 311-322. – *Melton*, Edgar: Serfdom and the Peasant Economy in Russia, 1780-1860. Ph.D. dissertation, Columbia University, 1984. – *Plakans*, Andrejs / *Weatherell*, Charles: Family and Economy in an Early Nineteenth-Century Baltic Serf Estate. In: *Rudolph*, Richard L. (ed.): The European Peasant Family and Society. Liverpool 1995, 165-187. – For a critical survey of this view, see *Freedman*, Paul: North-American Historiography of the Peasant Land Market. Paper delivered to the Colloque International Consacré à l'Étude du Marché de la Terre au Moyen Âge, Treilles, 21-26 Juin. 1999. In: <http://lamop.univ-paris1.fr/W3/Treilles/freedman.html> (5.7.2006).

⁵ For one of the German originators of the concept of communal 'dualism', see *Steinbach*, Franz: Geschichtliche Grundlagen der kommunalen Selbstverwaltung in Deutschland. In: *Petri*, Franz / *Droege*, Georg (eds.): Collectanea Franz Steinbach. Aufsätze und Abhandlungen zur Verfassungs-, Sozial- und Wirtschaftsgeschichte, geschichtlichen Landeskunde und Kulturraumforschung. Bonn 1967, 487-555, here esp. 524-528. – On the Russian side, see *Aleksandrov*, Vadim Aleksandrovič: Sel'skaja občina v Rossii (XVII-načalo XIX v.) [The Rural Commune in Russia (From the Seventeenth to the Early Nineteenth Century)]. Moskva 1976; and the summary in *Moon*, David: The Russian Peasantry, 1600-1930: the World the Peasants Made. London, New York 1999, 230-231. – For recent outstanding representatives of this view, see *Scott*, Tom: Introduction. In: *Idem* (ed.): The Peasantries of Europe from the Fourteenth to the Eighteenth Centuries. London, New York 1998, 1-21, here esp. 8. – *Hagen*, William W.: Ordinary Prussians: Brandenburg Junkers and Villagers, 1500-1840. Cambridge 2002, here esp. 423-425. – A 'dualistic' view (albeit with strong emphases on communal autonomy) is also adopted by some (although not all) of the essays in *Peters* (ed.): Gutsherrschaft, see esp. *Rudert*: Gutsherrschaft und ländliche Gemeinde 213 (cf. fn. 1). – *Peters*, Jan (ed.): Konflikt und Kontrolle in Gutsherrschaftsgesellschaften. Über Resistenz- und Herrschaftsverhalten in ländlichen Sozialgebilden der Frühen Neuzeit. Göttingen 1995. – *Idem* (ed.): Gutsherrschaftsgesellschaften im europäischen Vergleich. Berlin 1997. – *Rappe*, Susanne: "Wann er bey seinem Schultzen Rechte nicht bleiben könnte...". Ein Dorfschulze zwischen Gutsherrschaft, Gemeinde und Selbstbehauptung im Gericht Gartow (Elbe) um 1700. In: *Peters* (ed.): Konflikt und Kontrolle 285-314, esp. 291-293, 309-313.

⁶ *Winkelbauer*, Thomas: "Und sollen sich die Parteien gütlich miteinander vertragen." Zur Behandlung von Streitigkeiten und von "Injurien" vor den Patrimonialgerichten in Ober- und Niederösterreich in der frühen Neuzeit. In: Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung 122 (1992) 129-158. – *Feigl*, Helmuth: Die niederösterreichische Grundherrschaft vom ausgehenden Mittelalter bis zu den theresianisch-josephinischen Reformen. Wien 1964. – *Harnisch*: Die Landgemeinde im ostelbischen Gebiet 243-245 (cf. fn. 3). – *Rudert*: Gutsherrschaft und ländliche Gemeinde 198, 218 (cf. fn. 1). – *Štefanová*, Dana: Herrschaft und Untertanen. Ein Beitrag zur Existenz der rechtlichen Dorfaufonomie in der Herrschaft Frýdlant (Friedland) in Nordböhmen (1650-1700). In: *Peters* (ed.): Gutsherrschaftsgesellschaften 199-210, esp. 210 (cf. fn. 5).

⁷ For critical remarks to this effect, as well as efforts to remedy it with regard to village headmen in particular, see *Rappe*: "Wann er bey seinem Schultzen Rechte nicht bleiben könnte..." here esp. 288-289, 291 (cf. fn. 5). – For a similar attempt for communal-manorial relationships more broadly, see *Rudert*: Gutsherrschaft und ländliche Gemeinde (cf. fn. 1).

not very satisfactory, since they portrayed communes and communal officials in ways that suited their rhetorical aims.⁸ Nor does legislation provide a much more reliable guide, since even the estate ordinances issued by overlords, let alone princely and Imperial law-codes, focused on how law-makers wanted communes and their officers to behave, not on how they worked in practice.⁹

The best way to find out how serf communities operated is to use documents generated as close as possible to the daily interactions between serfs, village officeholders, and manorial bureaucrats. This essay therefore adopts the approach of the micro-study, bringing together a rich database of quantitative and qualitative sources for a particular serf estate in early modern Bohemia.¹⁰ It focuses on the key figure of the village headman (German *Scholtz*, *Schultheiß*, or *Richter*; Czech *rychtář*).¹¹ In most parts of central and eastern-central Europe, the headman chaired the village court, implemented manorial and princely commands on the local level, and organized communal activities. As a consequence, his powers and activities are widely interpreted as conveying important information about those of the village community more generally, both vis-à-vis its own members and toward the outside world.¹²

– On the almost complete reliance on normative sources in the Czech historiography on village communes, see Štefanová, Dana: Erbschaftspraxis und Handlungsspielräume der Untertanen in einer gutsherrschaftlichen Gesellschaft: die Herrschaft Frýdlant in Nordböhmen, 1558-1750. Ph.D. dissertation, Universität Wien, 1999, 217, 226-227, 252-253.

⁸ See the discussion in *Rebel*, Hermann: Peasantries under the Austrian Empire, 1300-1800. In: *Scott* (ed.): Peasantries 191-225, here 219-220 (cf. fn. 5).

⁹ For a 'manorial dominance' view of Bohemian communal-manorial relations derived from such ordinances, see Černý: Hospodářské instrukce (cf. fn. 3).

¹⁰ On the advantages of the micro-study for studying social interactions in rural societies, see *Medick*, Hans: *Weben und Überleben in Laichingen 1650-1900*. Göttingen 1996, 13-38. – *Ogilvie*, Sheilagh: *A Bitter Living: Women, Markets, and Social Capital in Early Modern Germany*. Oxford 2003, 4-7, 22-36, 320-321. – Its advantages in studying societies under the 'second serfdom' are vividly illustrated by the essays in *Peters* (ed.): *Gutsherrschaft* (cf. fn. 1); *idem* (ed.): *Konflikt und Kontrolle*; and *idem* (ed.): *Gutsherrschaftsgesellschaften* (cf. for both fn. 5). For a particularly fine example of how it can shed light on the role of village headmen, see *Rappe*: "Wann er bey seinem Schultzen Rechte nicht bleiben könnte..." esp. 288-289, 291 (cf. fn. 5).

¹¹ There is no fully satisfactory English translation for the German term *Scholtz/Schultheiß* or the Czech term *rychtář*. 'Headman' has been selected on the grounds that the commonest alternative, 'bailiff', is mainly used to refer to a medieval English manorial official appointed from outside the community, which was not the case for the *Scholtz/Schultheiß/rychtář*. The translation 'mayor' used by some scholars is inappropriate since this was a purely urban office equivalent to the German *Bürgermeister* who had no responsibilities toward a manorial overlord.

¹² As, for instance, by *Franz*, Günther: *Geschichte des deutschen Bauernstandes vom frühen Mittelalter bis zum 19. Jahrhundert*. Stuttgart 1970, 48-66. – *Harnisch*: *Die Landgemeinde im ostelbischen Gebiet* 313 (cf. fn. 3). – *Blaschke*: *Dorfgemeinde* 133 (cf. fn. 3). – *Blickle*: *Deutsche Untertanen* 44 (cf. fn. 3). – *Zückert*, Hartmut: *Die brandenburgische Landgemeinde bis zum Dreißigjährigen Krieg. Ihre Organe und Kompetenzen*. In: *Schmidt*, Heinrich Richard/*Holenstein*, André/*Würzler*, Andreas (eds.): *Gemeinde, Reformation, Widerstand. Festschrift für Peter Blickle zum 60. Geburtstag*. Tübingen, 1998, 25-43, here 30. – *Vilfan*, Sergij: *Die Land- und Stadtgemeinden in den habsburgischen Ländern*.

The region chosen for micro-level analysis is the large Bohemian estate of Friedland/Frýdlant. Bohemia (now part of the Czech Republic) was one of those many early modern European societies that underwent the 'second serfdom', in the sense of a massive growth in landlord power over the rural population.¹³ From the sixteenth century onward, Bohemian landlords in general – and the lords of Friedland/Frýdlant in particular – engaged in a whole array of new initiatives which are associated with the 'second serfdom'. They expanded their demesne operations, particularly in the sphere of manorial brewing and distilling. They sought wherever possible to increase the rents they demanded from their serfs, whether in cash, kind, or labour services. They extended rents and labour levies to previously exempt social groups, in particular the sub-peasant strata of smallholders, cottagers, and houseless lodgers. The lords of Friedland/Frýdlant also devised new feudal dues which they levied on non-agricultural activities such as proto-industry and forestry. They set up market monopolies and monopsonies, in particular compelling their serfs to consume a certain quota of beer from the manorial brewery. Finally, they expanded and systematized the legal rights they claimed to intervene in the economic and demographic decisions of their rural subjects.¹⁴ Before the serf emancipation of 1781, most rural Bohemians did not have the right to appeal to any jurisdiction beyond manorial courts in which the judges were employees of their overlords, and had little hope of obtaining any intervention by church, parliamentary estates, or crown against any decision of their overlord.¹⁵

Friedland/Frýdlant was part of a larger complex of estates, initially owned, from 1558 to 1621, by several generations of the noble family von Redern. When the

In: *Blickle*, Peter (ed.): *Landgemeinde und Stadtgemeinde in Mitteleuropa. Ein struktureller Vergleich*. München 1991, 145-167, here 154-155. – *Aubin*, Hermann: *Medieval Agrarian Society in its Prime: the Lands East of the Elbe and German Colonization Eastwards*. In: *Postan*, Michael Moissey (ed.): *Cambridge Economic History of Europe. Vol. I: The Agrarian Life of the Middle Ages*. 2nd rev. edn. Cambridge 1966, 449-486, here 469-472. – *Brenner*: *Agrarian Class Structure* 40-46 (cf. fn. 3).

¹³ On the timing of the 'second serfdom' in Bohemia, see *Maur*, Eduard: *Vrchnosti a poddaní za třicetileté války [Seigneurial Authority and Serf in the Thirty Years' War]*. In: *Folia historica bohemia* 8 (1985) 241-264, here 241-247. – On Friedland estate, see *Cerman*, Markus: *Gutsherrschaft vor dem "Weißen Berg"*. Zur Verschärfung der Erbuntertänigkeit in Nordböhmen 1380 bis 1620. In: *Peters* (ed.): *Gutsherrschaftsgesellschaften* 91-111, here esp. 91-105, 109-111 (cf. fn. 5).

¹⁴ *Hroch*, Miroslav/*Petráň*, Josef: *Das 17. Jahrhundert – Krise der Feudalgesellschaft?* Hamburg 1981. – *Klíma*, Arnošt: *Economy, Industry and Society in Bohemia in the 17th-19th Centuries*. Prague 1991. – *Maur*: *Vrchnosti* 241-264 (cf. fn. 13). – *Cerman*: *Gutsherrschaft* (cf. fn. 13).

¹⁵ *Maur*, Eduard: *Staat und (lokale) Gutsherrschaft in Böhmen 1650-1750*. In: *Cerman*, Markus/*Luft*, Robert (eds.): *Untertanen, Herrschaft und Staat in Böhmen und im "Alten Reich"*. München 2005, 31-50 (Veröffentlichungen des Collegium Carolinum 99). – On the similar situation in Upper Lusatia, see *Rudert*: *Gutsherrschaft und ländliche Gemeinde* 199 (cf. fn. 1). – This contrasts with the 'Verrechtlichung' (juridification) of disputes between overlords and subjects discussed for Prussia in *Hagen*: *Ordinary Prussians* esp. 423-425 (cf. fn. 5). – For east-Elbian Germany in *Melton*: *Gutsherrschaft* 333-334 (cf. fn. 1). – For Germany more widely in *Ogilvie*, Sheilagh: *Germany and the Crisis of the Seventeenth Century*. In: *Historical Journal* 35 (1992) 417-441, here esp. 425-426, 438-439.

Redern lost their possessions by taking the Protestant side in the Bohemian Revolt, the estate of Friedland/Frýdlant became part of the huge Duchy of Friedland, the economic powerhouse of the legendary military entrepreneur Albrecht von Waldstein during the Thirty Years War. When Waldstein was murdered in 1634, the estate fell into the hands of the Imperial general Matthias von Gallas. It remained in the possession of his successors, the Gallas and Clam-Gallas noble dynasty, into the nineteenth century.¹⁶

The estate consisted of two small towns and 38 villages. The towns, Friedland/Frýdlant and Neustadt/Nové Město, were very small, each with a population of only about 1 000-1 200 persons. The villages, too, were tiny, ranging in size from ten to one hundred households in the religious census of 1651. At that date, a time when Bohemia's population was diminished by war mortality and religious emigration, the villages of the estate of Friedland/Frýdlant contained a total of 5747 inhabitants, living in 1486 households.¹⁷ The entire population of the estate was legally *untertänig* (subject to hereditary servility to the lords), with the exception of a few manorial officials and foreign craftsmen, representing less than 1 per cent of the population. Of the 38 villages of the estate, 23 (60 per cent) were directly subject to the lords of Friedland/Frýdlant. The other 15 (40 per cent) were fief-villages (*Lehensdörfer*) subject to small fief-nobles (*Lehensadeligen*), who in turn were vassals of to the lords of Friedland/Frýdlant. In the course of the seventeenth and early eighteenth century, most of these fief-villages were brought into direct ownership and administration by the Gallas overlords.¹⁸

Each village on the estate had its own community court (*Gericht*), chaired by the village headman (*Schultheiß*, *Scholz*, or *Richter*) and manned by half-a-dozen village elders (variously termed *Schöppen*, *Geschworene*, or *Älteste*).¹⁹ The village court itself did not keep minutes of its proceedings, although it did maintain a register of land transfers known as the *Schöppenbuch*.²⁰ The next jurisdictional instance, and for serfs

¹⁶ *Klindert*, Karl: Christoph II. von Redern. Der Letzte aus dem Hause Friedland. In: *Mitteilungen des Vereines für Heimatkunde des Jeschken-Isergau* 3 (1909) 73-108. – *Ressel*, Anton: Beiträge zur Geschichte der gräflichen Familien Gallas und Clam-Gallas. In: *Mitteilungen des Vereines für Heimatkunde des Jeschken-Isergau* 21 (1927) 95-111; 23 (1929) 84-94, 159-170.

¹⁷ Národní Archiv Praha [National Archive Prague; henceforth NA], *Soupis poddaných podle víry 1651* [Register of the serfs by confession, henceforth SPPV] for the estate of Friedland.

¹⁸ The 15 *Lehensdörfer* were: Arnsdorf/Arnoltice, Bertelsdorf/Pertoltice, Bunzendorf/Boleslav, Engelsdorf/Andělka, Ebersdorf/Habartice, Gerlachsheim im Winkel/Grabiszycze, Göhe/Háj, Lautsche/Loučná, Mühlscheibe/Mlýnice, Neundorf/Nová Ves, Tschernhausen/Černousy, Nieder-Ullersdorf/Dolní Oldřiš, Wiese/Loučná, Wünschen-dorf/Srbská, and Wüstung/Poustka. For an early-eighteenth-century catalogue of their changing ownership, see SOAD HS, Kart. 527 (undated).

¹⁹ On numbers of *Schöppen*, see, for instance, SOAD HS, Kart. 78, *Amtsprotokolle 1616-19*, fol. 118r, 4.8.1618.

²⁰ *Štefanová*: Herrschaft und Untertanen (cf. fn. 6). – *Idem*: Zur Stellung der Untertanen in einer gutsherrschaftlichen Gesellschaft in der Frühen Neuzeit: Die Herrschaft Frýdlant 1558-1750. In: *Cerman*, Markus/*Zeitlhofer*, Hermann (eds.): *Soziale Strukturen in Böh-*

the final court of appeal, was the *Amt* (manorial court or 'office'). The Friedland/Frýdlant manorial court did keep records, and 22 volumes of its official minutes (*Amtsprotokolle*) survive, covering the periods 1583-1692 and 1781-1787. These volumes record a total of 3873 separate cases.²¹ The manorial administrators also maintained a series of decree-books (*Dekretbücher*) consisting of digests of serf petitions and manorial responses to them, which survive for the period between 1652 and 1738.²² In addition, the estate archive contains pledge-books, minutes of annual serf assemblies (*Jahrdingsprotokolle*), correspondence, and reports from communal and manorial officials. Together, these documents provide a rich picture of how village communes operated on this estate in the period of the second serfdom.

Micro-level research is essential to find out precisely how village communities operated, but the findings for this estate may not necessarily be characteristic of Bohemia as a whole. Each Bohemian estate was administered differently, according to the preferences, resources, and administrative traditions of its overlord. Thus, for instance, the huge Rožmberk/Rosenberg, estates in south Bohemia are legendary for an elaborate manorial administration not observed in medium-sized estates such as Friedland/Frýdlant or tiny single-village estates such as those of the *Lehensadeligen* (vassal nobility).²³ Furthermore, the estate of Friedland/Frýdlant was located in the area of the so-called *Magdeburger Recht*, a Germanic law-code which, it is often argued, differed greatly from the Bohemian Czech law, particularly in giving greater powers to village courts and village headmen.²⁴ On the other hand, between the

men. Ein regionaler Vergleich von Wirtschaft und Gesellschaft in Gutsherrschaften, 16.-19. Jahrhundert. Wien, München 2002, 206-227, here esp. 221-222. – *Horáková*, Libuše: Vesnické konšelské knihy libereckého a frýdlantského panství [Village Schöppenbücher in the Estates of Liberec and Frýdlant]. In: Archivní časopis 19 (1969) 210-219. – *Idem*: Poddanské poměry v době velkého povstání poddaného lidu v roce 1680 [The Conditions of the Serfs during the Period of the Great Serf Uprising of 1680]. In: Sborník příspěvků k době poddanského povstání roku 1680 v severních Čechách [Collection of Contributions on the Epoch of the 1680 Serf Uprising in Northern Bohemia]. Praha 1980, 43-62. – *Idem*: Vesnické konšelské knihy na Clam-Gallasovských panstvích. Příspěvek k dějinám poddanské správy [Schöppenbücher on the Clam-Gallas Estates. A Contribution to the History of Serf Administration]. In: Sborník Severočeského muzea, Historia 7 (1984) 59-71.

²¹ The 22 surviving volumes cover a total of 74 years, in the following periods: 1583-1619, 1627, 1629-1631, 1645, 1649-1664, 1674-1692, 1781-1787.

²² SOAD HS, Karton 81, Dekretbücher Friedland, 1652-1738.

²³ See, e.g. *Barbarová*, Eva: Funkce hejtmanů (úředníků) na rožmbergských panstvích [The Office of Village Headmen (Officials) on the Rosenberg Estates]. In: Jihočeský sborník historický 38 (1969) 198-207. – *Longfellow*, Linda: The "Second Serfdom" in Bohemia: a Case Study of the Rožmberk. In: *Volgyes*, Ivan (ed.): The Peasantry of Eastern Europe. Roots of Rural Transformations. New York 1978, 1-18. – *Winkelbauer*, Thomas: Repräsentationsstreben, Hofstaat und Hofzeremoniell der Herren bzw. Fürsten von Liechtenstein in der ersten Hälfte des 17. Jahrhunderts. In: *Život na dvoře a v rezidenčních městech posledních Rožmberků* [Life at Court and in the Urban Capitals of the Last Rosenbergs]. České Budějovice 1993, 179-198.

²⁴ For a discussion of this distinction in Moravia, see *Novotný*, Jaroslav: Rychtější-fojti-šoltýsovové [Richter, Vogte, Schultheiße [i. e., village headmen]]. In: *Matějka*, František (ed.): Feudální velkostatek a poddaný na Moravě s přihlédnutím k přilehlému území Slezska a

Middle Ages and the seventeenth century the actual administration of the law converged very substantially between zones of Czech and German law in Bohemia.²⁵ In the absence of detailed research, we do not yet know to what extent differences between Czech and German law gave rise to differences in practice by the period of the 'second serfdom.' The only way to find out is to carry out detailed empirical studies of what serf communities and village headmen actually did. This paper presents such empirical findings for the estate of Friedland/Frýdlant, in the hope that analogous detailed studies of other estates will ultimately enable a general assessment.²⁶

This article begins by examining how the village headman was appointed and dismissed from his office, as a way of assessing the degree of autonomy he enjoyed vis-à-vis both community and manor. It then examines the economic privileges attached to the headman's office, and traces their implications for the headman's relations with villagers and overlord. The article goes on to explore the powers and activities of the village court, which was chaired by the headman. It then turns to the very extensive powers and responsibilities which village headmen exercised outside formal meetings of their village courts. Finally, headmen's social background and affiliations are analysed in order to assess the social groups in whose interests – apart from his own – a headman was likely to have acted.

Appointment and Dismissal of Headmen

One way assessing whether village headmen were tools of manorial dominance or representatives of communal autonomy is to examine how they were appointed and dismissed from office, since this influenced whose interests they had to take into account. The existing literature paints a contradictory picture of developments for eastern-central Europe in this period. Some claim that the appointment of headmen was always controlled by the overlord with no community involvement.²⁷ Others

Polska [Large Manorial Estates and Serfs in Moravia with some Consideration of Adjacent Silesian and Polish Territories]. Praha 1959, 203-224.

²⁵ *Weizsäcker*: Die Entstehung der Landgemeinde in Böhmen esp. 381, 383-384 (cf. fn. 3).

²⁶ For excellent older studies on Bohemian communes and their headmen, albeit based almost exclusively on normative sources, see *Krofta*, Kamil: Dějiny selského stavu [History of Rural Landholdings]. Praha 1919, esp. 137-143. – *Vacek*, František: Práva vesnické obce v 15. století [Rights of Village Communities in the 15th Century]. In: Agrární archiv 3 (1916) 23-45. – *Idem*: Selský stav v Čechách v letech 1419-1620 [Rural Holdings in the Czech Lands in the Period 1419-1620]. In: Časopis pro dějiny venkova 14 (1927) 5-16, 81-93, 153-168, 241-256; 15 (1928) 1-24, 112-138, 274-286; 16 (1929) 1-24, 81-103, 169-194, 149-178. – For more recent surveys, also based mainly on normative sources, see *Hanzal*, Josef: Vesnická obec a samospráva v 16. a na počátku 17. století [Village Communities and Autonomy in the 16th and Early 17th Century]. In: Právněhistorické studie 10 (1964) 135-146. – *Míka*, Alois: Poddaný lid v Čechách v první polovině 16. století [Serfs in the Czech Lands in the First Half of the 16th Century]. Praha 1960, esp. 139-140. – *Jirásek*, Jiří: Poddání na panství olomouckého biskupství v druhé polovině 16. století [Serfs in the Estate of the Bishops of Olomouc/Olmütz in the Second Half of the 16th Century]. In: Rozpravy Československé Akademie Věd, řada XV, 67:10 (1957) 1-111.

²⁷ *Franz*: Geschichte des deutschen Bauernstandes 50, 53, 58, 62 (cf. fn. 12). – *Harnisch*: Die Landgemeinde im ostelbischen Gebiet 313 (cf. fn. 3).

argue that the selection of headmen passed decisively from community to manorial control during the early modern period.²⁸ Still others find that communities continued to exercise influence over selecting headmen even as manorial power intensified.²⁹ Finally, a few studies find that communal influence over the selection of headmen actually increased as the early modern period progressed.³⁰ It is thus not possible to adopt either a simple 'manorial dominance' explanation or a straightforward 'communal autonomy' approach to the key issue of which social groups headmen had to please to keep their office.

In many parts of eastern central Europe including Bohemia, Lusatia, Silesia, Brandenburg, and Hannover, the headman's office was hereditary, in the sense that it was attached to a particular landholding which could be transmitted to heirs.³¹ However, the literature interprets this in diametrically opposed ways. Some regard inheritability of the headman's holding as a sign of the headman's dependence on the manor, since his ability to transmit the holding to his heirs depended on manorial consent.³² Others, by contrast, argue that "it was his hereditary status alone which enabled [the village headman] to resist becoming a mere agent of the lord."³³ The findings for Bohemia cast light on this question.

Bohemia had a mixture of 'hereditary' headmen (*Erbscholzen, dědiční rychtáři*) and 'appointed' headmen (paid nominees of the overlord), varying from one estate to another across the country.³⁴ Hereditary headmen are generally described as being found only in areas of German law, with appointed headmen prevalent only in areas of Czech law.³⁵ However, this is an over-simplification. Admittedly, the German-speaking regions of northern Bohemia did have hereditary headmen, but the areas of

²⁸ *Blaschke*: Dorfgemeinde 133 (cf. fn. 3). – *Blickle*: Deutsche Untertanen 44 (cf. fn. 3).

²⁹ *Zückert*: Brandenburgische Gemeinde 30 (cf. fn. 12).

³⁰ *Vilfan*: Land- und Stadtgemeinden 154-155 (cf. fn. 12).

³¹ For a fascinating analysis of the survival of the office of hereditary headman in a village on the Brandenburg-Hannover border into the late eighteenth century, see *Rappe*: "Wann er bey seinem Schultzen Rechte nicht bleiben könnte..." (cf. fn. 5).

³² *Aubin*: Medieval Agrarian Society 469-472 (cf. fn. 12). – *Franz*: Geschichte des deutschen Bauernstandes 48-66 (cf. fn. 12). – *Brenner*: Agrarian Class Structure 40-46 (cf. fn. 3).

³³ *Wunder*, Heide: Peasant Organization and Class Conflict in East and West Germany. In: *Past & Present* 78 (1978) 47-55; repr. in: *Aston, Trevor / Philpin, Charles* (eds.): *The Brenner Debate: Agrarian Class Structure and Economic Development in Pre-Industrial Europe*. Cambridge 1985, 91-100, here 93. – *Blaschke*: Dorfgemeinde 133 (cf. fn. 3). – *Blickle*: Deutsche Untertanen 44 (cf. fn. 3).

³⁴ See *Weizsäcker*, Wilhelm: Das deutsche Recht der bäuerlichen Kolonisten Böhmens und Mährens im XIII. und XIV. Jahrhundert. In: *Mitteilungen des Vereines für Geschichte der Deutschen in Böhmen* 51 (1913) 476-542, here 508, 531. – *Horáková*: Poddanské poměry 47 (cf. fn. 20). – For detailed local studies of Bohemian village headmen, see esp. *Novotný*: Rychtější-fojti-šoltysové 203-224 (cf. fn. 24). – *Záloha*, Jiří: Dědiční rychtáři ve Fefrech [Appointed Headmen in Fefra]. In: *Jihočeský sborník historický* 26 (1957) 46-48. – *Lintner*, Jan: Rychtářská instrukce a rychty v polovině XVII. stol. na panství chýnovském [Headman Ordinances and Village Courts in the Mid-Seventeenth Century in the Estate of Chýnov]. In: *Jihočeský sborník historický* 16 (1947) 10-13.

³⁵ *Novotný*: Rychtější-fojti-šoltysové (cf. fn. 24).

German colonization in southern Bohemia (and Czech villages which converted to German law) had appointed headmen.³⁶ Likewise, although many areas under Czech law had appointed headmen who were paid employees of the overlord, some Czech areas had hereditary headmen.³⁷ There is as yet no complete and systematic analysis of how hereditary and appointed headmen were distributed across Bohemia,³⁸ but at least it seems clear that it cannot be wholly explained in terms of the division between areas of German and Czech law or colonization.

The estate of Friedland/Frýdlant provides evidence about the operation of one of the two main Bohemian systems, that of hereditary headmen. Here, the office of headman was attached to ownership of a particular holding, the *Scholzerei*, which consisted of the village tavern (the so-called *Kretscham*, which also functioned as the village law-court or *Gericht*), plus a large landholding of the size usually associated with the status of a 'full peasant.' The headman's holding also sometimes included other pieces of property such as a grain-mill, saw-mill, bakery, or smithy. Like all landholdings subject to hereditary servility in Bohemia, the *Scholzerei* was transferred from one holder to the next through inheritance or sale. Many but not all headmen's holdings passed to relatives of the existing holder, as shown by Dana Štefanová's analysis of property transfers in three villages of the estate of Friedland/Frýdlant (Göhe/Háj, Mildenau/Luh, and Hohenwald/Vysoký) between 1558 and 1750. Inter-kin transfers accounted for 75 per cent of all transfers of headmen's holdings, significantly higher than the proportion for full peasant holdings (43 per cent) or holdings of the sub-peasant strata of smallholders and cottagers (22 per cent).³⁹ Still, it should be remembered that a full one quarter of these 'hereditary' headmen's holdings were transferred to non-kin, and hence the office was not fully hereditary in practice.

How, if at all, did the inheritability of the *Scholzerei* affect the exercise of the office of headman? For one thing, it intensified the already strong association between property and power. This is illustrated by a 1616 conflict between community and headman in Mildenau/Luh, during which the headman's son told two community ringleaders, "if you want to take over my father's rights, then buy the tavern [*Kretscham*] off him – though you don't have enough to pay for it."⁴⁰ However, this view was not universally held in the village, as shown by the community ringleaders' reply, that "the headman's son [...] should leave [them] in peace – when he became headman, then he could speak about this."⁴¹

³⁶ Weizsäcker: *Das deutsche Recht* 492, 503-504, 529, 537 (cf. fn. 34).

³⁷ For instance, *Záloha*, Jirí: *Dědiční rychtáři* (cf. fn. 34).

³⁸ Unlike the excellent analysis for Moravia in *Novotný: Rychtější-fojti-šoltysové* (cf. fn. 24).

³⁹ Calculations and significance tests carried out by the present author, based on the raw numbers reported in *Štefanová: Erbschaftspraxis* 147-149, cf. tables 2.19 and 2.20 (cf. fn. 7).

⁴⁰ SOAD HS, Kart. 78, *Amtsprotokolle* 1616-1619, fol. 5r, 10.8.1616: "ihr großen bainen ihr wollet meinem Vattern, Zumb nacht recht [*1 word illegible*] Kaufft ihme den Kreschemb ab, ihr aber hab, ihne nicht zuzahlen."

⁴¹ *Ibid.*: "der Schultheße Sohn [...] wolte ihme zufriedenlaßen wan ehr Schultheiß wurde, darnach soltte ehr darzu reden."

The second effect of the inheritability of the headman's holding was that headmen's sons frequently assisted their fathers in office, reporting community concerns to the manor,⁴² gaoling offenders,⁴³ exercising physical coercion on villagers,⁴⁴ helping village sworn-men to inspect alleged thefts,⁴⁵ and allocating manorial burdens among the villagers.⁴⁶ Although it was normal in early modern Europe for the tasks of office to be carried out by the office-holder's entire household, including his wife, offspring and servants, the degree of involvement shown by headmen's sons in the villages of this Bohemian estate appears to have been unusually intense.⁴⁷

The fact that the headman's office was linked to ownership of a particular landholding meant that the only way for either the community or the manor to intervene in the appointment of the headman was by intervening in the transfer of the headman's holding.⁴⁸ As we have seen, this is sometimes regarded as having reduced manorial control over the appointment.⁴⁹ But Bohemian overlords had the right to grant or withhold consent to all land transfers among their subjects, and this applied to headmen as much as to other subject holdings.⁵⁰ Thus, for instance, in 1616 when the headman of Raspenau/Raspenava died and his heirs sold the headman's holding, [...] because the instalments were set quite slowly, and the creditors were set back quite a long time, Her Grace [the countess] wished to intervene in the sale herself, and get another purchaser, who would pay the cash moneys sooner, and with whom Her Grace would be better satisfied.⁵¹

In 1657 it required two petitions from the fief-headman of Bernsdorf/Horní Rašnice before the manor "graciously permitted the sale of the Kretschan" and "graciously permitted him to [...] settle in Neustädtl and there pass his remaining fief-period."⁵² In 1658, after long delay, the manor

⁴² SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 81v, 31.10.1610.

⁴³ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 179v, 8.7.1619.

⁴⁴ *Ibid.*, fol. 180v, 8.7.1619.

⁴⁵ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 61v-63v, 31.1.1650.

⁴⁶ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 48v, 17.12.1686.

⁴⁷ *Friedeburg*, Robert von/*Mager*, Wolfgang: Learned Men and Merchants: the Growth of the Bürgertum. In: *Ogilvie*, Sheilagh (ed.): Germany: a New Social and Economic History. Vol. II: 1630-1800. London 1996, 164-195, here 169-177.

⁴⁸ *Weizsäcker*: Das deutsche Recht 538 (cf. fn. 34).

⁴⁹ *Wunder*: Peasant Organization 93 (cf. fn. 33). – *Blaschke*: Dorfgemeinde 133 (cf. fn. 3). – *Blickle*: Deutsche Untertanen 44 (cf. fn. 3).

⁵⁰ For a discussion of manorial controls on land transfers on this estate, see *Ogilvie*: Communities 103-108 (cf. fn. 2).

⁵¹ SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 154r, 15.4.1616: "weil aber die angelder zimlich langsam gesezet, Vnd die gleubiger ziemblang zurückt gesezet wurden, woltten Ihr. Gn. in den Kauff selbst Tretten, Vnd ein andere Kauffman schaffen, so die bahren gelder eher ablegen soltte, Vnd mit welchen Ihr. Gn. beßer Zufrieden."

⁵² SOAD HS, Kart. 81, Dekretbuch Friedland 1652-1657, fol. 41r, 24.5.1656: "wir in Verkhauffung seines Kretschanbs Gened.: gewilliget." – *Ibid.*, fol. 41v, 3.7.1657: "Wir Vnnß in Gnad. belieben, daß Er dieses sein Vorhaben ins Werckh sezen, Vndt sich Zum New Stättle würckhlich niderlasßen Vndt daselbsten seine Übrige Lehens Zeit Zue bringen Thue."

[...] finally graciously consented that the Kretscham in Cunnersdorf [Kunratice] may be inheritably sold and [...] transferred to Georg Guttpier from Einsiedel [Mníšek] [...] but on condition that he not set such a long payment schedule, but rather a deadline of 6 or 7 years.⁵³

In 1669, the headman of Mildenau/Luh described himself as “old and weak” but had to petition for manorial permission “to transfer and sell his headman’s tavern [*Lehen-Kretscham*] to his youngest son.”⁵⁴ In 1678 the overlord lost patience with the length of time it was taking the Priedlanz/Předláncé headman to sell his holding, and ordered him to sell the tavern immediately or “we will ourselves take on its sale in such a way that by this means our rents may be satisfied.”⁵⁵ The manor thus carefully monitored transfers of headmen’s holdings and intervened to ensure that it would thereby obtain a headman with whom it would be “better satisfied.”

A Bohemian overlord also had the right to order any subject – including a headman – to sell his holding if his behaviour was unacceptable to the manor.⁵⁶ As Table 1 shows, actual and threatened ejections were much more frequent before the demographic losses of the Thirty Years War than afterwards, with 66 per cent of all ejection orders occurring in the 1583-1619 period, even though only 50 per cent of all cases in the surviving manorial court records date from that period. However, in all periods, village headmen were over-represented among those targeted by ejection orders, making up 18 per cent of all ejection orders in villages but only 2 per cent of all village household heads in the 1651 census, a difference statistically significant at the 0.05 level. This suggests that the manor did exploit its right to eject people from their landholdings as a way of getting rid of headmen who behaved unacceptably. Among household heads in general, the manor disproportionately targeted females, who made a significantly greater share of ejection orders (10 per cent over the whole period) than household heads (2-4 per cent). As I have shown in detail in an earlier publication, this was because manorial and communal officials regarded women as poor fiscal risks and male relatives were keen to obtain their holdings.⁵⁷ The ration-

⁵³ SOAD HS, Kart. 81, Dekretbuch Friedland 1656-1663, pag. 49, 3.8.1658: “Endtlich in gnaden Consentirt, daß selbiger dem Georg Guttpiern Von Einsiedel [...] Erblich Verkauft Vndt hin gelaßen werde, doch daß er den Kaufschilling nicht auf so lange Jahr hinauß setze, sondern auf erträgliche Termine Von 6. oder 7. Jahren bezahlet werde.”

⁵⁴ SOAD, HS, Kart. 81, Dekretbuch 1668-1669, fol. 71, 1.8.1669: “Hatt Suppliciret, Vmb gne.: Zu Laßung, daß Er seinen Lehen Kretscham, In dem er Scholze numehr Alt vndt schwach, seinem Jüngsten Sohne hanß Kraußen VerKäufflichen Vber Laßen möge.”

⁵⁵ SOAD HS, Kart. 82, Dekretbuch 1678-1680, fol. 41, 18.10.1678: “So werden Wür Vnß deßen selbst Zum Verkauften der gestalt an maßen, Vermittels dessen Vnßere Renthen befriedigt werden mögen.”

⁵⁶ For a discussion of these powers and their application to female household heads, see Ogilvie, Sheilagh/Edwards, Jeremy: *Ženy a “druhé nevolnictví” v Čechách na počátku novověku* [Women and the Second Serfdom: Evidence from Early Modern Bohemia]. In: *Historická Demografie* 22 (1998) 5-49. – *Idem*: Frauen und “Zweite Leibeigenschaft” in Böhmen. In: *Bohemia* 44 (2003) 100-145. – *Idem*: Women and the Second Serfdom: Evidence from Early Modern Bohemia. In: *Journal of Economic History* 60 (2000) 961-994, here esp. 982-989.

⁵⁷ See *ibid.* 986, where the figures relating to ejection cases differ from those reported in Table 1 because of the subsequent discovery and analysis of four additional volumes of manorial court records.

ale behind ejecting a headman was different: it was so important that the office of headman be adequately filled that incapable or recalcitrant headmen *had* to be dismissed, despite the costs of finding a new person to cultivate and administer the holding.

But what were the precise reasons the manor ejected village headmen from their holdings and thus from their offices? We can answer this question by analysing the – often multiple – causes given for ejection orders, shown in Table 2. In ejections of headmen, the three most important causes were conflict with the overlord, economic difficulties, and conflict with the community. Economic difficulties underlay approximately half of all ejection orders against headmen, about the same as for other male householders but much less than for female householders (78 per cent). Conflict with the community played a role in about one-third of ejection orders against headmen, about the same as for other male householders, but much more than for female householders (at only 11 per cent). Disobedience or resistance to the manor was the most important respect in which ejections of headmen differed from ejections of other householders, playing a role in over two-thirds of all ejections of headmen compared to only 14 per cent of ejections of male householders and in no ejections of female householders.

What forms of disobedience and resistance to the manor were regarded as so serious as to merit threatened or actual ejection of a headman from his holding? They included a whole array of offences: disobeying the overlord's command to get married,⁵⁸ illegally hunting with dogs on manorial lands,⁵⁹ stealing manorial wood,⁶⁰ failing to pay manorial dues,⁶¹ failing to ensure that one's villagers paid manorial obligations,⁶² breaking out of imprisonment in the castle for a prior offence,⁶³ failing to manage the village court properly,⁶⁴ displeasing the manorial officials,⁶⁵ participating in the 1680 serf uprising,⁶⁶ and general disobedience to the manor.⁶⁷

Headmen themselves explicitly acknowledged that their tenure in office depended on manorial favour, as in the early 1640s when the Priedlanz/Předlánc *Scholzerei* "was sold by force and against [the headman's] will through a village court set up by the then Swedish administrator." The new headman was explicitly described as being "appointed at that time by the Swedish inspector," and years later defended himself for having permitted an invalid sale to occur in his village court on the grounds that "he had to do it on the command of the said administrator."⁶⁸ Headmen's vulnerabil-

⁵⁸ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 63v-3, 28.5.1590.

⁵⁹ SOAD HS, Kart. 57, Bürgerschaftsbuch 1593-1610, fol. 28r-1, 7.6.1597.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 20v, 15.6.1677.

⁶³ SOAD HS, Kart. 57, Bürgerschaftsbuch 1593-1610, fol. 58r, 23.9.1604.

⁶⁴ SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 20v, 15.6.1677.

⁶⁵ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 37r-1, 30.12.1649.

⁶⁶ SOAD HS, Kart. 61, Amtsprotokolle 1681-1685, fol. 2r, 2.10.1681.

⁶⁷ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, 72v-3, 28.11.1590. SOAD HS, Kart.

⁶⁸ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 37r-1, 30.12.1649.

ity to change of overlords was also acknowledged in 1649 when the Cunnersdorf/Kunratice headman remarked to the Rückersdorf/Dolní Řasnice headman in a tavern that “if it becomes Imperial again, I will have to run away, and you will become a *Herr*.”⁶⁹ Given the unusual political situation of the 1640s, these two cases should not be over-interpreted. Nevertheless, they are consistent with the quantitative findings for the entire period indicating that the manor was able and willing to use its power to eject people from their landholdings, and that this power was disproportionately deployed against disobedient village headmen.

Did this mean that the village community itself had no influence over the appointment or dismissal of the headman? By no means. Admittedly, Bohemian communities lacked the powers of communities in territories such as Württemberg, to refuse *Fertigung* (ratification) to any land transfer in the village on grounds of communal objections.⁷⁰ But village communities on the Bohemian estate of Friedland/Frydlant could and did eject undesired holders. In the 1620s, for instance, an indebted Bernsdorf/Horní Rašnice cottager “was threatened by the village elders [...] that they would whip him out of the house, for which reason he went away and vacated the cottage to the creditors.”⁷¹ The community also played an important role in deciding who should occupy holdings in the village. Thus in 1645 the community of Raspenau/Raspenava told the manor that “they would rather fill [a certain] cottager holding with a different man.”⁷² Likewise, in 1650 the manor responded to communal complaints by ejecting a dishonest and conflictual peasant holder from Heinersdorf/Jindřichovice p. Srkem but observed that “the community is to blame because they accepted him into their community, even though they knew his ways beforehand.”⁷³

There is no evidence that any village commune on the estate ever expressed a view about the filling of a headman’s holding. However, there are a number of cases in which communities put pressure on the manorial court to such an extent that the latter finally ejected the headman by ordering him to sell his holding and leave the village. Thus, as already mentioned, conflict with their own communities was a contributory factor in nearly one-third of all manorial ejections of village headmen shown in Table 2. Such conflicts are rarely described in detail, but they include headmen

⁶⁹ *Ibid.* fol. 1r-1v, 16.10.1649: “höre du Scholtes Von Rückersdorff, wen es nu wird. wied. Kayserlich. werd., so muß Ich entlauffen, Vndt du wirst ein herr werd.”

⁷⁰ As discussed in *Ogilvie, Sheilagh: State Corporatism and Proto-Industry: the Württemberg Black Forest, 1580-1797*. Cambridge 1997, 45-57, 68-69. – *Sabean, David: Property, Production and Family in Neckarhausen, 1700-1870*. Cambridge 1990, 72, 211, 354-356, 425.

⁷¹ SOAD HS, Kart. 78, Amtsprotokolle 1630-1631, fol. 1631.52, 22.9.1631: “Nach dem Er ab. von Eltesten [...] bedrawt Ihn aus dem hause zu prugeln Als weh er dar von gang. Vnd dz heusel den Creditorn ein gereumet.”

⁷² SOAD HS, Kart. 78, Amtsprotokolle 1645, fol. 25v, 31.5.1647: “wolten lieber daß heusel mit einem andern man besezen.”

⁷³ SOAD HS, Kart. 79, Amtsprotokolle 1649-55, fol. 62v, 31.1.1650: “die gemeinde, dz sie ihme [...] Weilln sie hiebeuor sein thuun geWust haben, in ihre Gemeinde genomben, vrsach ist.”

defaming villagers,⁷⁴ assaulting villagers,⁷⁵ assaulting the *Schöppen* (village justices),⁷⁶ defaming the community at large,⁷⁷ being complained against by their *Leute* (people),⁷⁸ and calling a villager who reported an offence to the manor “a spy and a traitor to the community.”⁷⁹ A community could thus persuade the overlord that a hated headman deserved ejection.

However, this strategy was not always successful, as shown by the headman of Mildenau/Luh, whose community repeatedly complained against him to the manorial court throughout the second decade of the seventeenth century, but who was never threatened with ejection. By 1616 the conflicts had become so acute that 37 of the householders of the village had come out into open opposition to the headman, with two of the *Schöppen* (village justices) acting as “the representatives of the community in the manorial court” in complaints against the headman. That year, the manorial court “severely reprimanded” the headman because he “acted wrongly in the commands of the manor, and dealt according to his own affections.” Nevertheless, it concluded that “the headman has once and for all been entrusted with the village court by the overlord and must carry out the command of the manor.”⁸⁰ That the manor failed to eject a headman who was in conflict with his community for a period of years testifies to its reluctance to dismiss headmen who were targets merely of communal dislike.

This reluctance was undoubtedly intensified by the demographic losses caused by the Thirty Years War and the post-war catholicization effort, which greatly reduced the supply of those willing and able to take on landholdings, thereby increasing the costs to the manor of ejecting any holder. This is reflected in the striking decline in actual and threatened ejections during and after the war, shown in Table 1. This may explain why, when a majority of village headmen on the estate participated in the 1680 serf uprising, the manor did not dismiss them from their offices, but reinstated them on condition that they buy back their headmen’s holdings, which all of them duly did.⁸¹ Likewise, in 1686, when the headman of Ringenhain/Větrov sought to resign from his office, the manor objected that he was “not entitled” to give up being

⁷⁴ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 8v, 24.4.1604. – SOAD HS, Kart. 78, Amtsprotokolle 1615-1616, fol. 17v, 6.7.1615.

⁷⁵ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 8v, 24.4.1604. – SOAD HS, Kart. 78, Amtsprotokolle 1615-1616, fol. 17v, 6.7.1615.

⁷⁶ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 20r, 10.9.1604. – SOAD HS, Kart. 78, Amtsprotokolle 1615-1616, fol. 17v, 6.7.1615.

⁷⁷ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 20r, 10.9.1604.

⁷⁸ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 72v, 28.11.1590.

⁷⁹ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 8v, 24.4.1604: “ein Speyer vndt der gemaind vorräther.”

⁸⁰ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 5r-6v, 10.8.1616: “sie wehren In dem Ambz der gemeine Vorsprächer gewesen [...] das der Schultheß in der herschafft geboht zuviell gethan, vnd proprios affectiis mit Vntterlaufen lassen [...] weil gleichwohl den Schultheßen einmahl von den herr S. gn. die gerichte vortrauet Vnd der herschafft beuehl verrichten sollen.”

⁸¹ *Horáková*: Poddanské poměry 52 (cf. fn. 20). – For the reinstatement of the Schönwalda/Krásný Les headman, see SOAD HS, Kart. 61, Amtsprotokolle 1681-1685, fol. 2r. 2.10.1681.

a headman and ordered him to take on a new headman's holding within the next 14 days or be punished.⁸²

Periods of depopulation improved the bargaining power of all those subject to hereditary servility, including village headmen. But the resulting manorial reluctance to dismiss village officers applied in regions of hereditary and appointed headmen alike.⁸³ This is vividly illustrated by a case which arose in 1656 on the estate of Poděbrady/Poděbrad. This was a cameral estate (subject directly to the crown) and was in the zone of 'Czech' law that is widely regarded as having granted communities and their officials much less autonomy than the 'Magdeburg' or Germanic law prevailing on estates such as Friedland. In 1655, the headman and elders of the village of Radovesnice on the estate of Poděbrady/Poděbrad had been called to the deathbed of an old woman to witness her last bequests. While doing so, they had conspired to steal her money, divided it up among themselves, failed to deliver the share owed to the manor, and were only ultimately reported to the manorial administrators by a member of another community after a year during which rumours of their corrupt behaviour had circulated throughout the entire estate. Yet the Poděbrady/Poděbrad manorial administrator was deeply reluctant to dismiss them. He explained his reluctance explicitly in the following terms:

If this headman and these village justices were released from their offices, they have little regard for such offices; they would be glad to be free of these tasks and duties in these times, because of the effort they have to expend in collecting various state taxes, organizing various other work ordained by the manor, and pressing the disobedient people to render these; it is also very difficult and disagreeable for them to travel the long two miles in to the castle. And concerning others, I have even worse opinions.⁸⁴

Thus even on cameral estates such as Poděbrady/Poděbrad, supposedly free of most ancient customary rights for peasant communes, village officers were so essential for manorial interests and their positions were so difficult to fill that the manor had strong incentives to retain existing officers, in the teeth of serious misbehaviour.

⁸² SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 27r-27v, 26.3.1686: "ihme nicht zustehen sollen."

⁸³ Counter to the view that appointed headmen were vulnerable to instant dismissal by the manor and hence unable to exercise independence; see, e.g., *Blaschke*: Dorfgemeinde 132-133 (cf. fn. 3). – *Blickle*: Deutsche Untertanen 45-46 (cf. fn. 3). – *Hagen*: Ordinary Prussians 454-466 (cf. fn. 5). – *Hoffmann*: Land, Liberties, and Lordship 360-361 (cf. fn. 3). – *Rudert*: Gutsherrschaft und ländliche Gemeinde 203 (cf. fn. 1).

⁸⁴ NA Praha, NM 26, Poděbrady, P. 26/10, No. 35, 6.5.1656 (report of administrator of estate of Poděbrady to Kammer): "A kdyby i tento rychtář z povinnosti a ti konšelé propuštění byli, takoví lidé málo sobě toho pokládají, i rádi bez těch prací a povinností v tyto časy budou. Nebo i jejich práce pro kontribuce rozličné a všeliké práce vrchnosti vykonávání a ty neposlušné lidi k tomu přivozování, na velké dvě míle na zámek k JMC [Jeho Milosti Císařské] přicházení, jim těžké a odporné jsou; i o druhých ještě méněji smejšším, však všechno při milostivém Vašich Excel.[encí] Milostí nařízení i milostivé paměti o toho chudého člověka, kterýž to pronesl, odevzdaje, což takkoliv při mně nařízeno bude, poslušně vykonati nepominu." This case was discovered in the course of joint research into Czech serf petitions with Lenka Matusíková, to whom I am grateful for permission to quote it in this context.

Conversely, even on estates such as Friedland/Frýdlant, subject to the Magdeburg Law under which communes are thought to have enjoyed greater autonomy, there were still occasions on which the manor was prepared to eject sitting headmen, even against the expressed preference of the village. Thus, for instance, in 1677, the overlord insisted on replacing the headman of Friedlanz/Předlánc, even though the entire community formally “petitioned that the village court should remain with the old headman Geörg Zippel, and that it should not be administered by the new headman Christoph Horn.”⁸⁵ That same year, the Friedland manor ordered a forced sale of the headmen’s holdings in Lusdorf/Ludvíkov p. Smrkem and Liebwerda/Libverda, on the grounds that

[...] all sorts of incorrectnesses are arising with the two headmen’s holdings [...] also our village courts [...] are not being provided for and attended to as required, for which reason various of the obligations owed to us, both on the said headmen’s holdings and within the two communities, have fallen into stagnation.⁸⁶

When a headman neglected the village court and the manorial burdens, it was time for him to go, however scarce replacements might be.

The system of hereditary headmen, whereby the office was linked to a particular landholding, probably made it more costly for the manor to get rid of an undesirable headman, since it involved delay while a purchaser for the holding was found. But it did not make replacing a headman impossible. The manor got rid of unacceptable headmen by the same means it used to get rid of other undesired landholders: ejecting them from their holdings. Filling vacancies became more costly during periods of depopulation, and hence the bargaining power of headmen – whether hereditary or appointed – undoubtedly increased during and after the Thirty Years War. Indeed, the manor began to compel headmen to remain in office against their will and even to turn a blind eye to outright rebellion, so dependent was it on having a moderately effective man holding this key local office. But it was openly recognized that the manor retained the right to eject unacceptable headmen, and this right was used even in the post-war period. Furthermore, the manor also possessed numerous other means of putting pressure on potentially recalcitrant headmen, as we will see in the next section.

Economic Privileges of Headmen

What the overlord needed was a lever to align a headman’s individual interests with the lord’s own manorial interests. Power of dismissal was one such lever, but dismissal was a costly sanction to exercise. Much less costly, and in normal times more

⁸⁵ SOAD HS, Kart. 82, Dekretbuch 1677-1678, fol. 3, 27.4.1677: “Haben Suppliciret, damit die Gerichte beim Alten Scholtzen Geörg Zippeln Verbleiben: Vnnd solche nicht durch den Newen Scholtzen Christoph hornen, Verwalten werd. möchten.”

⁸⁶ SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 20v, 15.6.1677: “bej den Zwej Kretschamben Zu lußdorff Vnd liewerde allerhandt Vnnrichtigkeiten sich eraignen, auch Vnßere Gerichte, sonderlich zu lußdorff, nicht also, wie schuldig, Versehen vnd in Obacht genohmmen werden.”

effective, was the fact that hereditary headmen enjoyed an array of valuable economic privileges which could only be maintained through manorial enforcement. This gave headmen an interest in behaving in such a way as to retain manorial favour.

Hereditary headmen throughout east-Elbian Europe enjoyed legal privileges in the spheres of tax-payment, tavern-keeping, brewing, milling, baking, and a variety of other economic activities. These are regarded as having substituted for the salary paid by the manor to appointed headmen.⁸⁷ But the evidence for Friedland/Frýdlant shows that such privileges had a much broader function. Because a hereditary headman derived such a large share of his income from privileges which were dependent on manorial enforcement and hence vulnerable to manorial discretion, he had very strong economic incentives – quite apart from his desire not to be ejected from his holding altogether – to avoid displeasing the manor.

For one thing, hereditary headmen in Bohemia, as in other east-Elbian territories, enjoyed fiscal privileges freeing them from payment of certain dues and taxes.⁸⁸ But this freedom was subject to manorial reinterpretation.⁸⁹ On the estate of Friedland/Frýdlant, headmen had to defend their fiscal privileges against constant challenges. Some of these came from lords themselves, as in 1616 when the noblewoman who owed the fief-village of Wiese/Loučná brought the village headman before the Friedland/Frýdlant manor for having refused to carry out certain carting services owed to her.⁹⁰ Other challenges came from the community, as in 1606 when the community of Dörffel/Vesec refused to accept its headman's claim that he was free of hearth-tax,⁹¹ or in 1656 when the community of Hermsdorf/Heřmanice demanded that its headman perform labour services on his two peasant holdings;⁹² in both cases, the manor imposed a compromise solution. Some headmen were only free of taxes at the pleasure of their communities, as in Dittersbach/Dětrichov in 1685 when "the community lets the headman be free of the farm-tax because he keeps the registers and accounts for the community"; the manor ordered that someone else keep the registers and the headman pay his taxes.⁹³ And sometimes the challenge came from the crown, as in 1682 when all headmen on the estate were deprived, through imperial and parliamentary decree, of their centuries-old tax-freedom

⁸⁷ See the wide-ranging discussion in *Aubin: Medieval Agrarian Society* 470-472 (cf. fn. 12).

⁸⁸ *Ibid.* 471. – *Rappe*: "Wann er bey seinem Schultzen Rechte nicht bleiben könnte..." 290 (cf. fn. 5). – *Wunder*: *Peasant Organization* 92, 94 (cf. fn. 33). – *Enders*: *Die Landgemeinde* (cf. fn. 4). – *Weizsäcker*: *Das deutsche Recht* 502-504 (cf. fn. 34). – *Helbig*, Julius (ed.): *Beiträge zur Geschichte der Stadt und des Bezirkes Friedland in Böhmen*. 4 vols. Friedland i. B. 1892-1895, vol. III, 254. – *Cerman*, Markus: *Proto-Industrialisierung und Grundherrschaft. Ländliche Sozialstruktur, Feudalismus und proto-industrielles Heimgewerbe in Nordböhmen vom 14. bis zum 18. Jahrhundert (1381-1790)*. Ph.D. diss., Universität Wien 1996, 191 with note 8.

⁸⁹ *Enders*: *Die Landgemeinde* (cf. fn. 4).

⁹⁰ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 14r, 13.10.1616.

⁹¹ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 50v, 26.8.1606.

⁹² SOAD HS, Kart. 79, Amtsprotokolle 1656-1660, fol. 11r-11v, 18.1.1656.

⁹³ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 18v, 11.9.1685: "weiln die gemeinde den Scholthesen Vom gutte Steuer frey gehalten, aus vrsach, das Er der gemeinde Ihr Regiester v. rechnung geführt."

on headmen's taverns.⁹⁴ A headman's fiscal privileges were ambiguously defined and constantly challenged, and could only be maintained if the headman stayed in the manor's good graces.

A second important income source for many hereditary headmen in Bohemia, as in other east-Elbian societies, consisted of payments, services, and other benefits owing to them from their own vassals, in their identities as *Lehensscholzen* (fief-headmen).⁹⁵ On the estate of Friedland/Frýdlant, the headmen of at least 11 of the 23 villages directly subject to the counts of Friedland/Frýdlant were explicitly referred to as *Lehensscholzen* (fief-headmen): those for Bernsdorf/Horní Rašnice,⁹⁶ Cunnersdorf/Kunratice,⁹⁷ Einsiedel/Mníšek,⁹⁸ Haindorf/Hejnice,⁹⁹ Heinersdorf/Jindřichovice p. Smrkem,¹⁰⁰ Hermsdorf/Heřmanice,¹⁰¹ Mildenau/Luh,¹⁰² Raspenau/Raspenava,¹⁰³ Ringenhain/Větrov,¹⁰⁴ Rückersdorf/Dolní Rašnice,¹⁰⁵ and Schönwalda/Krásný Les.¹⁰⁶ Fief-headmen enjoyed labour-services and sometimes other benefits from a certain number of their fellow-villagers whose holdings were hereditarily subject to the *Scholzerei*.¹⁰⁷

But, like their fiscal privileges, headmen's feudal privileges were ambiguously defined and constantly challenged by the community, the manor, and the headmen's vassals. Communities challenged their headmen's feudal privileges because it reduced the number of villagers available to shoulder manorial or state burdens. Thus in 1627 Heinersdorf/Jindřichovice p. Smrkem complained that their headman's four smallholders were claiming that their status made them tax-free.¹⁰⁸ Likewise, in 1655 the *Gemeinsbauern* (community-peasants) in Raspenau/Raspenava and Mildenau/Luh complained that the 6 *Lehensbauern* (fief-peasants subject to the headmen) were not providing assistance with the demesne-services.¹⁰⁹ Headmen's feudal entitle-

⁹⁴ SOAD HS, Kart. 82, Dekretbuch 1680-1684, p. 67, 27.5.1682.

⁹⁵ *Aubin*: Medieval Agrarian Society 471-472 (cf. fn. 12). – *Knothe*, Hermann: Die Stellung des Gutsuntertanen in der Oberlausitz zu ihren Gutsherren von den ältesten Zeiten bis zur Ablösung der Zinsen und Dienste. In: *Neues Lausitzisches Magazin* 61 (1885) 159-308, here 205-207. – *Weizsäcker*: Das deutsche Recht 504 (cf. fn. 34).

⁹⁶ SOAD HS, Kart. 79, Amtsprotokolle 1656-1660, fol. 3, 9.11.1656. – SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 49r-49v, 13.12.1686.

⁹⁷ SOAD HS, Kart. 78, Amtsprotokolle 1630-1631, fol. 1631.23, 12.4.1631.

⁹⁸ SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 149v, 8.3.1616.

⁹⁹ SOAD HS, Kart. 527 (Verzeichnis der Besitzer der Friedländer Lehengüter, 18. Jh.).

¹⁰⁰ SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 2r, 4.2.1627. – SOAD HS, Kart. 78, Amtsprotokolle 1630, fol. 1631.12, 29.3.1631.

¹⁰¹ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 184r, 15.6.1619.

¹⁰² SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 29r, 13.4.1651.

¹⁰³ SOAD HS, Kart. 527 (Verzeichnis der Besitzer der Friedländer Lehengüter, 18. Jh.).

¹⁰⁴ SOAD HS, Kart. 709, Amtsprotokolle 1685-7, fol. 49r-49v, 13.12.1686.

¹⁰⁵ SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 30v, 13.4.1651.

¹⁰⁶ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 110v, 31.8.1650. – SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 49r-49v, 13.12.1686.

¹⁰⁷ See, e.g., the vassals of the Cunnersdorf. Kunratice headman listed in SOAD HS, Kart. 478, Cunnersdorf list, 1.10.1677.

¹⁰⁸ SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 2r, 4.2.1627.

¹⁰⁹ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 195r, 6.2.1655.

ments often brought them into competition with the manor for scarce labour services, as in 1645 when the Swedish manorial administrators simply redefined the Schönwalda/Krásný Les headman's "free-peasants" as manorial "demesne-peasants," a change in status which the new overlord made permanent in 1650.¹¹⁰ A fief-headman's own vassals sometimes complained, as in Rückersdorf/Dolní Řasnice in 1651, that he was "burdening several serfs who owe particular services into his fief with services counter to old custom, and is forcing their good will into a right, whereby the other services of the manor in general are diminished, and injustice is done"; the manor supported their complaint.¹¹¹ This second important component of a headman's income was thus vulnerable to challenge by villagers and reinterpretation by the overlord, creating further incentives for the headman to exercise his office in such a way as to retain manorial favour.

Another important legal privilege of hereditary headmen in many east-Elbian territories related to various aspects of the production and sale of alcohol – cultivating hops, brewing, and serving beer and spirits.¹¹² In Bohemia, the village headman was commonly called the *Kretschmar*, a term derived from the Czech *krčma* (tavern), and he often enjoyed exclusive privileges prohibiting the operation of any other tavern within a certain distance.¹¹³

On the estate of Friedland/Frýdlant, the village headman generally enjoyed an exclusive right to operate the village tavern. As with his other privileges, however, this valuable entitlement was not always clearly defined and was subject to constant challenge. It was challenged by headmen in other villages, as in the case of the Haindorf/Hejnice headman who spent at least 16 years (from 1603 to 1619) in conflict with the headman of the newly-founded neighbouring village of Weißbach/Bílý Potok over the dues the latter had to pay him to be allowed to serve beer in such proximity,¹¹⁴ and over precisely which inhabitants of each village should "be compelled to [go to] the Haindorf/Hejnice tavern for their beer."¹¹⁵ The headman's monopoly was also challenged by individual black-market tavern-keepers, as in 1618 when the manor had to enforce the monopoly of the Hermsdorf/Heřmanice headman against a freeman from Passau who was serving spirits and offering overnight shelter in the village,¹¹⁶ or in 1656 when the manor had to declare explicitly that the former

¹¹⁰ *Ibid.*, fol. 110v-111v, 31.8.1650.

¹¹¹ SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 30v, 13.4.1651: "etlich in sein Lehen zue gewießer diensten gehörige Vnd.thannen mit der dienstbarkheit wider altes herkhommen beschwer vnd iezo Ire erwiesene guettwilligkheiten Zue einer gerechtigkeit tring. vnd auffbürd. welle, wordurch die andere dienste der Gene.: herrschafft geschwechet vnd sonsten wider billicheit gehandelt werd."

¹¹² *Aubin: Medieval Agrarian Society* 471 (cf. fn. 12). – *Meiche*, Alfred (ed.): *Historisch-topographische Beschreibung der Amtshauptmannschaft Pirna*. Dresden 1927; cited from *Blaschke: Dorfgemeinde* 136 (cf. fn. 3).

¹¹³ *Weizsäcker: Das deutsche Recht* 505 (cf. fn. 34).

¹¹⁴ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 76v, 7.1.1606. – SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 141r, 7.2.1619.

¹¹⁵ *Ibid.*: "mit dem bietzuge nach haindorff in den Krezschmer daselbsten."

¹¹⁶ *Ibid.*, fol. 90r, 1.5.1618. – *Ibid.*, fol. 97v, 14.5.1618.

Bernsdorf/Horní Rašnice headman was “henceforth to refrain entirely from serving beer and spirits, since this is harmful to the buyer [of his former holding] in his livelihood and fief-tavern’s rights.”¹¹⁷ The headman’s monopoly was also challenged by individual serfs who, confronted with high-priced and low-quality manorial beer, imported wine and served it to their neighbours in black-market taverns, a practice forbidden by the manor in 1681 as “highly disadvantageous to the headmen’s beer-serving.”¹¹⁸ Obtaining manorial enforcement, and hence retaining manorial favour, was the only way headmen could control the encroachment by competing producers and evasion by consumers which was the inevitable result of their monopolies.

A related source of income for headmen was their right to levy dues on those of their villagers who bought beer in quantity for private festivities such as weddings and baptisms.¹¹⁹ This privilege, too, depended on manorial enforcement. It was defined sufficiently ambiguously as to attract constant challenges from villagers.¹²⁰ Indeed, the manor did not always accept the headman’s alleged privileges unquestioningly, as in 1618, when the manorial court gave the Mildenau/Luh headman eight days

[...] to prove that he is entitled to take away a half barrel of beer which a householder fetches in the town for his godchildren, or that it must take place with his prior knowledge, and that everyone must pay him 6 Groschen for the profit.¹²¹

Manorial favour was also needed to enforce this privilege against other headmen, as in 1631 when the headmen in Mildenau/Luh and Raspenau/Raspenava came to blows over which of them had the right to supply beer for a betrothal in which the bride’s father was from Mildenau/Luh but the groom’s was from Raspenau/Raspenava.¹²²

Brewing privileges, too, created strong economic incentives for headmen to retain manorial favour. Some headmen initially possessed brewing rights of their own, but a headman who seriously displeased the manor might lose them, as in 1618 when the Heinersdorf/Jindřichovice p. Smrkem headman permitted a female member of his household to fornicate and then flee unpunished, whereupon the manor “deprived

¹¹⁷ SOAD HS, Kart. 79, Amtsprotokolle 1656-1660, fol. 4, 9.11.1656: “deß bier vndt brantwein schanckes soll sich Verkeuffer hinführo bej hoher straffe gentlichen Enthalten, dann solches dem Keuffer an seiner Nahrung Vndt Lehen Kretschams gerechtigkeit schedlichen.”

¹¹⁸ SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 41v, 5.3.1681: “der Schulteßen Bier-schanck, höchst Nachtheilichen.”

¹¹⁹ On this, see also *Hockauf*, Anton: Über das Erb- und Lehngericht in Obergrund. In: Mitteilungen des nordböhmischen Exkursions Klub 14 (1891) 157-158, here 158.

¹²⁰ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 65r, 16.4.1605. – *Ibid.*, fol. 98v, 17.1.1608.

¹²¹ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 120v, 11.9.1618: “darthun, Vnnd beweisen, das ehr berechtiget, die halben Tonnen bier so ettwan ein wirth Auff seine Gefatterschafft in der Stadt abholet, hinweg Zuenehmen Sondern must mit seinem Vorwißen geschehen, do dann ein ieder ihme 6 g. Zumb Vortell geben mus.”

¹²² SOAD HS, Kart. 78, Amtsprotokolle 1630, fol. 1631.6, 21.2.1631.

him of the privilege of brewing, in the hope that he would let this be a warning to him and as a headman [*Gerichtshalter*] pay the better attention [in future] to similar deeds."¹²³ Most headmen were initially legally obliged to buy their beer from the privileged brewers of the town of Friedland/Frýdlant.¹²⁴ This created continual conflict between headmen and townsmen, in which headmen sought manorial support, as in 1604 when the Niederweigsdorf/Višňová and Priedlanz/Předláncé headmen complained that the town, as a monopolist, was setting extortionate prices: the manorial court settled the matter by ordering the town to lower its prices, but also imprisoning the two headmen.¹²⁵ In the first two decades of the seventeenth century, the manor succeeded in taking the brewing monopoly away from the town into its own hands, whereupon brewing revenues became the most important single component of manorial revenues, here as on a number of other Bohemian estates.¹²⁶ This made it even more essential for headmen to stay in the manor's good graces, especially since by the 1670s a manorial *Überreiter* was regularly inspecting headmen's taverns to make sure they had manorial beer and spirits on sale, and fining offenders.¹²⁷ Even a headman who enjoyed an ancient privilege to distil spirits could lose it at the whim of the overlord, as in 1668 when the Berttelsdorf/Pertoltice headman was told that although he and his predecessors had been permitted to distil spirits,

[...] this does not imply that such an entitlement is eternally attached to the headman's tavern [*Kretscham*] in Berttelsdorf, and such favours can be abolished by the succeeding manorial authorities [*Obrigkeiten*] as they please.¹²⁸

This whole complex of alcohol-related monopolies and privileges was thus economically important but could be cancelled by the overlord at any time, rendering

¹²³ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 126v, 7.11.1618: "Zur Strafe die gerechtigkeit des Brewergs eingezogen, Ob man nun wohl vorhoffet, ehr wurde ihme dießes eine warnung sein laßen, Vnd als ein gerichthalter auff der gleichen Thaten desto beßer auffachtung geben haben."

¹²⁴ SOAD HS, Kart. 315, Jahrding 1617-1636 & 1656, Schriftstück 4, Jahrdings Artickeln 1620, fol. 6v, articles 23, 54. – *Ibid.*, Schriftstück 5, Jahrdings Artickeln 1625, fol. 2r, article 20.

¹²⁵ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 13v, 6.7.1604.

¹²⁶ On the importance of beer in the revenues of the lords of Friedland, see *Cerman: Proto-Industrialisierung* 102 (cf. fn. 88). – On other parts of Bohemia, see *Hrubý, František: Z dějin hospodářských převratů českých* [Concerning the History of Bohemian Economic Changes]. In: *Český časopis historický* 33 (1927) 21-59, 263-306. – *Ledvinka, Václav: Úvěr a zadlužení feudálního velkostatku v předbělohorských Čechách* [Credit and Debt on Great Feudal Estates in Bohemia before the Battle of the White Mountain]. Praha 1985, 72-75. – *Mika, Alois: Feudální velkostatek v jižních Čechách 14.-17. století* [Great Feudal Estates in Southern Bohemia from the Fourteenth to the Seventeenth Century]. In: *Sborník historický* 1 (1953) 122-313, here 148-149.

¹²⁷ SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 5v, 28.1.1675. – *Ibid.*, fol. 8v, 9.12.1675. – *Ibid.*, fol. 10r, 17.2.1676. – *Ibid.*, fol. 12r, 30.3.1676. – SOAD, HS, Kart. 81, Dekretbuch 1674-1676, fol. 58, 3.9.1675. – *Ibid.*, fol. 59, 26.9.1675.

¹²⁸ SOAD HS, Kart. 81, Dekretbuch 1668-1669, fol. 32, 12.11.1668: "Eß folget aber, nicht darauß, daß eben ein solche Gerechtigkeit auf Ewig auf den Kretscham Zu Berzdorff gewiedtmet seye, Vnnd Können Von denen folgenden Obrigkeiten der gleichen Vergünstigungen, nach belieben aufgehbt werden."

a headman's economic well-being heavily dependent on remaining in the good graces of the manor.

A similar function was served by the privileges which headmen on the estate of Friedland/Frýdlant, as elsewhere in Bohemia and other east-Elbian territories, enjoyed over milling and baking.¹²⁹ Although the headman did not usually operate the mill personally, he often owned it and leased it out to a professional miller.¹³⁰ Each mill had a group of villagers who were legally obliged to patronize it irrespective of its prices or quality of service.¹³¹ Millers responded predictably to the incentives they faced as monopolists by overcharging and providing low-quality service to their bound customers while undercharging the bound customers of other millers who patronized them illegally. For these reasons, manorial enforcement was often required to force villagers to patronize their assigned mill.

Likewise, many village headmen enjoyed exclusive privileges over baking in their villages. This evoked a familiar pattern of attempted evasion on the part of villagers, and petitions by the headman for manorial enforcement, as in Haindorf/Hejnice and Weißbach/Bílý Potok in 1606,¹³² Wiese/Loučná in 1616,¹³³ Gerlachsheim/Grabiszyce in 1687,¹³⁴ and Philippsgrund in 1737.¹³⁵

The economic well-being of the Bohemian hereditary headman thus depended on tax freedoms, feudal entitlements, and legal privileges over tavern-keeping, beer-serving, brewing, baking and milling – all key sectors of the rural economy. Collectively, all of these were regarded as the headman's 'freedoms,' which were conditional on his behaving in ways that pleased the overlord. This was stated explicitly by the Friedland/Frýdlant manor in 1677, when it declared that "the headmen were graciously granted their freedoms for this reason, that they keep the subjects to obedience and complying with the [manorial] command." If, the manorial court continued, headmen continued to fail to compel their villagers carry out the *Robot*, they themselves would "be punished in their freedoms."¹³⁶ Almost every aspect of a headman's economic well-being thus depended on 'freedoms' that were defined, interpreted, enforced, and sometimes arbitrarily abolished by the manor. Although, therefore, the manor could not instantly deprive a hereditary headman of his salary

¹²⁹ *Aubin*: Medieval Agrarian Society 471 (cf. fn. 12). – *Meiche*: Historisch-topographische Beschreibung; cited from *Blaschke*: Dorfgemeinde 136 (cf. fn. 112). – *Hockauf*: Über das Erb- und Lehngericht 157-158 (cf. fn. 119). – *Weizsäcker*: Das deutsche Recht 506 (cf. fn. 34). – *Helbig* (ed.): Beiträge zur Geschichte der Stadt und des Bezirkes Friedland (cf. fn. 88).

¹³⁰ See, e.g., SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 62v, 25.11.1617.

¹³¹ SOAD HS, Kart. 315, Jahrding 1617-1636 & 1656, Schriftstück 1, Jahrdingsprotokoll 1617, fol. 5r, 10.1.1617.

¹³² SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 76v, 7.1.1606.

¹³³ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 14r-16r, 13.10.1616.

¹³⁴ SOAD HS, Kart. 709, Amtsprotokolle 1687-1692, fol. 17r, 9.8.1687.

¹³⁵ SOAD HS, Kart. 710, Bürgenbuch 1737-1785, fol. 1v, 16.7.1737.

¹³⁶ SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 28r, 16.11.1677: "den scholzen auch Ihre Freyheit deßentweg. gnd. gegeben. word., die Vnterthanen zu dem gehorsamb zuhalt [...] an die scholtzen v: Ihres [ins.: Freyheit] Vnß Zur straff Zue Erhalt. wieß."

as it could with an appointed headman, it still possessed a wide array of economic levers creating strong incentives for the headman to align his exercise of office with manorial interests.

Headman and Village Court

The evidence presented so far suggests that in early modern Bohemia, hereditary headmen may not have been very much more independent of manorial pressure than their appointed counterparts, both because they could be ejected at will by the manor and because their economic well-being depended on institutional privileges requiring manorial support. But does this mean that the 'manorial dominance' theory is right, and communal institutions were powerless and irrelevant in Bohemia under the 'second serfdom,' even in areas of hereditary headmen?¹³⁷

Here there is not space to provide a complete answer to this question, since the 'power' or 'relevance' of community institutions can be assessed in a variety of different ways.¹³⁸ One important set of measures, however, is provided by the documentation, coercive powers, and sphere of jurisdiction of the village court (*Gericht*). This body consisted of the headman plus a small group of village officers – on this estate, usually between 3 and 8 – variously termed *Schöppen* (justices), *Älteste*, or *Geschworene* (sworn-men). The village court was dominated by the headman, who was therefore often termed the village's *Richter* (judge) or *Gerichtshalter* (holder of the court). Court sittings were summoned by the headman, they were held in the headman's tavern (a synonym for which was *Gericht*), and they were chaired by the headman in person.

There is a widely held view that under the 'second serfdom' community courts were weak and irrelevant. It is argued that they kept no documentary records,¹³⁹ lacked financial independence,¹⁴⁰ were allowed to hear only minor local conflicts,¹⁴¹

¹³⁷ Specifically on Bohemia, see *Weizsäcker*: Die Entstehung der Landgemeinde in Böhmen esp. 381, 383-384 (cf. fn. 3). – On eastern compared to western Europe more generally, see *Brenner*: Agrarian Class Structure 23, 40-46 (cf. fn. 3). – *Harnisch*: Die Landgemeinde im ostelbischen Gebiet esp. 313, 325 (cf. fn. 3). – *Blickle*, Peter: Kommunalismus. Begriffsbildung in heuristischer Absicht. In: *Idem* (ed.): Landgemeinde und Stadtgemeinde in Mitteleuropa. Ein struktureller Vergleich. München 1991, 5-38, here 36. – *Idem*: Deutsche Untertanen 46-47 (cf. fn. 3). – *Walker*: German Home Towns 1-2, 23-25, 115-119 (cf. fn. 3). – *Zückert*: Brandenburgische Landgemeinde (cf. fn. 12). – *Harnisch*: Die Landgemeinde im ostelbischen Gebiet 325 (cf. fn. 3). – *Vilfan*: Die Land- und Stadtgemeinden 161, 166 (cf. fn. 12).

¹³⁸ For further perspectives on this question in the Bohemian context, see *Ogilvie*: Communities (cf. fn. 2).

¹³⁹ *Blaschke*: Dorfgemeinde 136 (cf. fn. 3). – *Wunder*: Die bäuerliche Gemeinde 13 (cf. fn. 4). – *Boelcke*, Willi A.: Verfassungswandel und Wirtschaftsstruktur. Die mittelalterliche und neuzeitliche Territorialgeschichte ostmitteldeutscher Adelsherrschaften als Beispiel. Würzburg 1969, here esp. 158-183.

¹⁴⁰ *Harnisch*: Die Landgemeinde im ostelbischen Gebiet 319 (cf. fn. 3). – *Idem*: Gemeindeigentum und Gemeindefinanzen im Spätfudalismus. Problemstellungen und Untersuchungen zur Stellung der Landgemeinde. In: *Jahrbuch für Regionalgeschichte* 8 (1981) 126-174, here 127, 139, 148.

and were progressively deprived by manorial institutions of any vestigial coercive powers.¹⁴² As I have shown in detail elsewhere, these assumptions are not borne out by the evidence for the estate of Friedland/Frýdlant.¹⁴³

At least on this Bohemian estate, village headmen's village courts maintained a wide range of documentary records, including not just the *Schöppenbücher* (village justices' books for recording land transfers, a source specific to northern and north-eastern Bohemia),¹⁴⁴ but also *Rugen* (declarations of village custom),¹⁴⁵ community accounts, records of individual land transfers and debts, lists of the village's members and their fiscal obligations, records of testimony heard from witnesses, testimonials of good reputation for community members, copies of manorial commands, and declarations of loyalty by rebellious villagers to the overlord. Headmen squabbled over the services of village schoolmasters to do the writing, and the documents themselves were stored in a village archive called the *Schöppenladen*.¹⁴⁶

Village headmen's courts also exercised wide-ranging economic powers. "In the name of the whole community," headmen and village elders bought, sold, and leased land for communal ends, bought grain collectively, collectively financed the building of local saw-mills, smithies, and grain-mills, and bought and sold sheep from communal herds.¹⁴⁷ The village court – often in the person of the headman himself – functioned as an official depository for disputed moneys,¹⁴⁸ bad coinage proffered in payment of debts,¹⁴⁹ confiscated grain-spirits,¹⁵⁰ stolen grain,¹⁵¹ and stolen cattle.¹⁵²

¹⁴¹ *Enders*: Die Landgemeinde 200 (cf. fn. 4). – *Weizsäcker*: Das deutsche Recht 532 (cf. fn. 34). – *Štefanová*: Erbschaftspraxis 229 (cf. fn. 7).

¹⁴² *Blickle*, Peter: Die staatliche Funktion der Gemeinde – Die politische Funktion des Bauern. Bemerkungen aufgrund von oberdeutschen ländlichen Rechtsquellen. In: *Idem* (ed.): Deutsche ländliche Rechtsquellen. Probleme und Wege der Weistumsforschung. Stuttgart 1977, 205-223, here 212, 217. – *Weizsäcker*: Das deutsche Recht 529 (cf. fn. 34). – *Horáková*: Poddanské poměry 47 (cf. fn. 20).

¹⁴³ See *Ogilvie*: Communities 84-89 (cf. fn. 2).

¹⁴⁴ *Štefanová*: Herrschaft und Untertanen (cf. fn. 6). – *Idem*: Zur Stellung der Untertanen esp. 221-222 (cf. fn. 20). – *Horáková*: Vesnické konšelské knihy na Clam-Gallasovských panstvích (cf. fn. 20).

¹⁴⁵ Widely held to be absent in east-Elbian Europe, e.g., by *Franz*: Geschichte des deutschen Bauernstandes 50, 53, 58, 62 (cf. fn. 12). – *Brenner*: Agrarian Class Structure 41-42 (cf. fn. 3). – But see the discussion of such documents in areas of medieval German settlement in Bohemia in *Hanzal*: Vesnická obec (cf. fn. 26). – *Schlesinger*, Ludwig: Deutschböhmisches Dorfweistümer. In: Mitteilungen des Vereins für die Geschichte der Deutschen in Böhmen 15 (1876/77) 169-176.

¹⁴⁶ *Ogilvie*: Communities 80-84 (cf. fn. 2).

¹⁴⁷ *Ibid.* 85-87.

¹⁴⁸ SOAD HS, Kart. 78, Amtsprotokolle 1629, fol. 4r, 4.4.1629. – SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 1v, 4.2.1627. – SOAD HS, Kart. 78, Amtsprotokolle 1629, Zettel 8v-9r, assumed 25.5.1629-1.6.1629.

¹⁴⁹ *Ibid.*, fol. 4r, 4.4.1629. – SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 1v, 4.2.1627.

¹⁵⁰ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 75r, 2.4.1650.

¹⁵¹ SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 84r, 29.11.1610.

¹⁵² SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 38v, 4.9.1627.

Village headmen's courts were not limited to judging minor local spats between family members and neighbours, but ranged much more widely afield.¹⁵³ Manorial court minutes reveal that those appearing before the headman in a typical village court included not only inhabitants of that particular village, but also members of other villages on the estate,¹⁵⁴ inhabitants of towns,¹⁵⁵ manorial officials such as the *Vogt* (demesne-farm manager),¹⁵⁶ and even people from outside the estate altogether.¹⁵⁷ Village courts were responsible for the initial hearing of many serious cases, including debt, defamation, theft, physical assault, manslaughter, murder, fornication, illegitimate pregnancy, adultery, infanticide, blasphemy, and witchcraft.¹⁵⁸

In crisis situations, the village headman's court was used by the manor as an official forum in which villagers reconfirmed their feudal allegiance, as in 1687 when the manorial court reacted to reports of "conventicles and secret meetings among the populace in various villages" by ordering all villagers individually to appear "out there in the village courts" and declare loyalty to the overlord.¹⁵⁹ That is, the village court functioned as a legal setting in which formal declarations could be made on oath, whose validity was acknowledged – indeed, in many cases, utilized – by non-villagers, foreigners, and the manor itself.

Finally, village headmen's courts enjoyed considerable powers of coercion which the manorial court, far from seeking to limit, in most cases encouraged and often sought to enforce or widen. A village headman had the power to summon people to appear before his court, and the manorial court punished those who failed to obey such summons.¹⁶⁰ Conversely, the overlord relied on the village headman to order offenders to appear before the manorial court.¹⁶¹ The village headman also had the power to require people to provide pledges to pay debts,¹⁶² to report to the manorial

¹⁵³ Counter to the account provided in, e.g., *Blaschke: Dorfgemeinde* 121-122, 131-132 (cf. fn. 3). – *Enders: Die Landgemeinde* 200 (cf. fn. 4). – *Weizsäcker: Das deutsche Recht* 532 (cf. fn. 34).

¹⁵⁴ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 13r, 3.7.1604. – *Ibid.*, fol. 9v, 24.4.1604. – SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 11v, 12.3.1627.

¹⁵⁵ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 18r, 7.1.1586.

¹⁵⁶ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 30r, 6.4.1686.

¹⁵⁷ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 84v, 6.6.1606. – SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 40r-41v. – SOAD HS, Kart. 78, Amtsprotokolle 1630-1631, pag. 31-32, 21.9.1630. – SOAD HS, Kart. 78, Amtsprotokolle 1645, fol. 18r, 27.5.1645. – SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 11r, 17.11.1649. – *Ibid.*, fol. 20r-20v, 4.12.1649. – SOAD HS, Kart. 709, Amtsprotokolle 1687-1692, fol. 7r-7v, 10.3.1687.

¹⁵⁸ *Ogilvie: Communities* 87-89 (cf. fn. 2).

¹⁵⁹ SOAD HS, Kart. 709, Amtsprotokolle 1687-1692, fol. 6v-7r, 7.3.1687: "bey den Vnterthanen in Vnterschiedtl. dörrffern einige conventicula vnd heimbliche zu sammen Kunfften [...] in denen Gerichten daraußen gethan Haben."

¹⁶⁰ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 78r, 29.6.1591.

¹⁶¹ SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 5v, 1.9.1609. – SOAD HS, Kart. 78, Amtsprotokolle 1649-55, fol. 61v-63v, 31.1.1650.

¹⁶² SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 3v, 22.8.1609. – SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 28v, 12.3.1605.

court,¹⁶³ to report back to the village court itself,¹⁶⁴ and to refrain from pursuing the conflict which had brought them before the village court in the first place.¹⁶⁵

The village headman's court had the power to levy fines, although generally in the form of beer rather than cash.¹⁶⁶ Village courts' imposition of beer-fines was actively encouraged by the manor since it increased sales from the manorial brewery, and by headmen since they monopolized beer-serving in the villages.¹⁶⁷ The manor itself sometimes imposed beer-fines in headmen's courts, as in 1687 when the manorial court ordered all parties to a dispute in Heinersdorf/Jindřichovice p. Smrkem to "come together at the village tavern/court [*Gericht*], at which [...] each of them shall drink to the value of 1 imperial penny, for the utility of the manor."¹⁶⁸ Headmen also imposed significant money payments on individuals who appeared before the village court, in the form of "court expenses" (*Gerichts-Unkosten*)¹⁶⁹ and "consumption costs" (*Zählung*).¹⁷⁰ But village headmen's courts could also impose more serious penalties, such as incarcerating people in the village gaol or stocks, or confining them in chains in the tavern.¹⁷¹ Occasionally the manorial court reproved a headman's

¹⁶³ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 84v, 6.6.1606. – SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 61v-63v, 31.1.1650.

¹⁶⁴ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 180r-v, 8.7.1619. – *Ibid.*, fol. 186r, 15.6.1619. – SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 45r, 17.12.1686.

¹⁶⁵ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 54v, 24.7.1604. – SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 45v, 20.4.1610. – SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 3r, 9.6.1611. – SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 157v, 7.3.1619. – SOAD HS, Kart. 78, Amtsprotokolle 1630-1631, pag. 1631.10, 7.3.1631.

¹⁶⁶ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 54v, 24.7.1604. – SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 96r, 4.6.1650. – SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 81, 31.1.1663. – *Ibid.*, fol. 16-17, 26.5.1661. – *Ibid.*, fol. 63-64, 19.8.1662.

¹⁶⁷ For a very different pattern, in which a new Brandenburg overlord systematically objected to the imposition of fines by a headman's village court, see *Rappe*: "Wann er bey seinem Schultzen Rechte nicht bleiben könnte..." 302-303 (cf. fn. 5).

¹⁶⁸ SOAD HS, Kart. 709, Amtsprotokolle 1687-1692, fol. 23r, 16.9.1687: "bey den Gerichten zu sammen kommen [...] Vndt ein ieder zu nutzen der gned.: Obrigkeit 1 reichs orth ver-truncken."

¹⁶⁹ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 13r, 3.7.1604. – SOAD HS, Kart. 709, Amtsprotokolle 1687-1692, fol. 11r, 23.5.1687. – *Ibid.*, fol. 6r, 4.3.1687.

¹⁷⁰ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 71r, 2.8.1605. – SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 64, 19.8.1662. – SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 34r, 5.6.1686.

¹⁷¹ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 1r, 21.2.1604. – SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 16r, 10.11.1609. – *Ibid.*, fol. 56r, 28.5.1610. – SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 93v, 12.5.1618. – *Ibid.*, fol. 179v, 8.7.1619. – SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 44r, 16.10.1627. – SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 32, 4.7.1661. – *Ibid.*, fol. 78, 23.9.1662. – SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 12v-13r, 18.9.1594. – SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 71v, 24.7.1610. – *Ibid.*, fol. 93v, 8.4.1611. – SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 39v, 31.8.1686. – SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 54r, 3.4.1604. – SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 94v, 2.5.1611. – SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 88v-89r, 28.5.1650.

court for having incarcerated an offender with particular cruelty or without informing the manor, as in 1683 when a Berttelsdorf/Pertoltice man was accused of theft in Ebersdorf/Habartice, beaten by his victim, and then “thrown into the stocks by the Ebersdorf/Habartice village court, and left lying there for 5 days,” without medical care, until he confessed.¹⁷² But it was much more common for the manorial court to support a headman in his decision to incarcerate,¹⁷³ to instruct him to lock up certain offenders,¹⁷⁴ and to punish people who resisted or escaped from such incarceration,¹⁷⁵ sometimes explicitly ordering a recalcitrant villager “in future show himself true and obedient to his gracious manorial overlord, the manorial court, and also the village court [*Gericht*] at all times.”¹⁷⁶ It is inappropriate to regard the headman’s village court and the overlord’s manorial court as competing for a monopoly of coercion: in the vast majority of cases, they supported each other’s powers.

Cases from headmen’s courts appear to have been reported to the manorial court only under two conditions. The first was if the case simply could not be settled before a headman’s court. Thus in 1687 a defamation conflict between a Rückersdorf/Dolní Řasnice man and the village officers “was agreed in the manorial court when it could not be agreed at the village court [*Gericht*].”¹⁷⁷ The second was if the case touched on the prerogatives of the manor. Thus in 1688 a defamation dispute was resolved in the Arnsdorf/Arnoltice headman’s court but was subsequently reopened before the manorial court when a headman from another village reported that “the theft of [manorial] timber from which the conflict and defamation arose was a matter which only the manorial court could resolve.”¹⁷⁸

There were two strong sets of pressures which increased the likelihood that cases would be heard before a village headman’s court rather than the manorial court. The first was the desire of the headman – and the village oligarchy as a whole – to resolve community conflicts locally in their own interests. This is shown by the repeated

– *Ibid.*, fol. 179v, 14.3.1654. – SOAD HS, Kart. 709, Amtsprotokolle 1687-1692, fol. 10r, 23.5.1687.

¹⁷² SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 45v, 3.12.1686: “Von dem Ebersdorffer gericht in stock geworffen, Vndt bies aufn 5:ten tag darinnen liegen lassen.”

¹⁷³ SOAD HS, Kart. 79, Amtsprotokolle 1655-1656, fol. 7r, 21.12.1655.

¹⁷⁴ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 93v, 12.5.1618. – *Ibid.*, fol. 157v, 7.3.1619. – SOAD HS, Kart. 78, Amtsprotokolle 1630-1631, pag. 1631.10, 7.3.1631.

¹⁷⁵ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 21v, 16.1.1586. – SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 13v, 3.7.1604. – SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 96v, 14.10.1607. – *Ibid.*, fol. 103v, 7.11.1609. – *Ibid.*, fol. 105r, 8.2.1610. – SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 42v, 28.5.1651. – SOAD HS, Kart. 709, Amtsprotokolle 1687-1692, fol. 27v, 17.11.1687.

¹⁷⁶ *Ibid.*: “Hienführo treu Vndt gehorsamb seiner gned.: Obrigkeit, dem Ambt, als auch den Gerichten iederzeit sich bezeugen woll.”

¹⁷⁷ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 50r, 14.1.1687: “als es bei dem gerichte nicht verglichen werd. Können, im Ambt verglichen worden.”

¹⁷⁸ SOAD HS, Kart. 709, Amtsprotokolle 1687-1692, fol. 33r, 20.1.1688: “dergleich. entfremdung der bürcken, wor von der Streit v. die schmaehung entstand., allein des hoch gräffl.: Ambt zuvergleich. concerniret.”

occasions on which headmen and other village officers expressed resentment against fellow-villagers who refused to be satisfied with a settlement in the village court and instead appealed “unnecessarily” to the manor. Thus in 1604 the headman of Weißbach/Bílý Potok forbade one of his villagers to report a spinning-bee to the manorial court, saying that “if he did this he would be a traitor to the community.” The same headman later “called another villager a spy and a traitor to the community” for reporting a fornicating maidservant to the manor.¹⁷⁹ Similarly, in 1616, the headman and two village elders in Mildenau/Luh objected to a villager bringing a case to the manor, declaring that “it was an outrage, that these people would not let themselves be instructed; other people had to comply with the village court.”¹⁸⁰ Likewise, in 1649 the headman and sworn men of Lusdorf/Ludvíkov p. Smrkem objected to the tendency of a particular villager always to appeal to the manor “whenever he committed an offence and they pointed it out to him.”¹⁸¹ For poorer villages, the manorial court, despite the fact that its judgments reflected the interests of the overlord, could provide a welcome alternative to the headman’s court in the village, whose judgments reflected the interests of the headman and the village oligarchy.

The second pressure leading cases to be heard in village headmen’s courts emanated from the manor itself. On a number of occasions, the manorial court objected to being “pestered” with minor conflicts that could have been resolved in headmen’s courts. In 1657, for instance, the manor dismissed an accusation of defamation and corruption brought by a villager against the Priedlanz/Předláncé headman on the grounds that “there was nothing substantial in it, and hence it was not worthwhile pestering the count’s manorial court with it.”¹⁸² The manorial court also tried to deter villagers by warning them of financial penalties, as in 1685 when two Priedlanz/Předláncé peasants were warned that because “they did not want to let themselves be told what to do by the village court,” the manorial court would come out and inspect their disputed boundary, for which they would have to pay all the costs.¹⁸³ On several occasions, the manorial court simply referred cases back to village headmen’s courts. In 1686, for instance, it ordered that “several physical fights” in Schönwalda/Krásný Les and Rückersdorf/Dolní Řasnice should be “taken up out there before village courts.”¹⁸⁴ Later that year, it commanded the headman and

¹⁷⁹ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 8v-9r, 24.4.1604: “der Scholz hatt ihn ein Speyer vndt der gemaind vorräther [...] der Scholz ihm diß vortotten, so er diß thue, sey er der gemaine vorräther.”

¹⁸⁰ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 10v, 1.10.1616: “das es schande sey, das sie sich nicht weisen laßen wolten, andere leute mießen sich nach dem gericht halten.”

¹⁸¹ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 2v-3r, 29.10.1649: “wen er waß vexirt hette, vnd sie es Ihme hatt verwiesen.”

¹⁸² SOAD HS, Kart. 79, Amtsprotokolle 1656-1660, fol. 56, 21.8.1657: “daß darinnen nichts erhebliches zu finden, Vndt also nicht werth geweßen, daß Gräffl.: Ambte darmit zu molestiren.”

¹⁸³ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 13r, 25.5.1685: “Sich von denen gericht nicht hab. wall. lasen weisen.”

¹⁸⁴ *Ibid.*, fol. 37r, 25.6.1686: “einige schlage händel [...] daraußen bej Gerichten.”

the baker in Priedlanz/Předlance to “reach agreement in the Weigsdorf/Višňová village court, where they had been pledged.”¹⁸⁵

This general principle was given explicit utterance in 1676 when the manorial court ordered that

[...] wrong dealings and conflicts which are of no importance, the village headman and swornmen shall bring to agreement out there, and the parties shall let themselves be sufficed with that in what is right and just, so that such a large number of folk do not sometimes have to wait upon a few unimportant persons, and so that in the mean time other things can be carried out in the manorial court.¹⁸⁶

In matters “of no importance” (to the manor, although evidently not to the individuals concerned) the manor begrudged the costs of a court hearing and preferred that village courts deal with such cases. The ‘second serfdom,’ insofar as it involved an increasing focus on “other things” (for the most part the narrow economic interests of the manor) at the expense of general justice, may actually have increased rather than decreased the range of “wrong dealings and conflicts” which had to be solved “out there” in communal courts by village headmen.

The pressures for conflicts to be resolved locally by village headmen in their courts are reflected in the quantitative pattern of manorial court business, shown in Table 3. The volume of cases heard by the manorial court rose up to and during the Thirty Years War, but fell precipitously thereafter. The decline in manorial court cases continued even as population recovered in the 1660s and 1670s – precisely the period at which the Friedland/Frýdlant manor was explicitly discouraging serfs from pestering it with matters “of no importance.” The proportion of manorial court cases in which village headmen made an appearance was also significantly higher after 1618 than before, suggesting that headmen may increasingly have functioned as gatekeepers to manorial justice for individual villagers. At least in the sphere of conflict resolution and contract enforcement between individual villagers, the ‘second serfdom’ may paradoxically have involved an expansion rather than a contraction in the autonomy enjoyed by village communes and their headmen.

Headmen's Powers outside the Village Court

The growing unwillingness of the Friedland/Frýdlant manorial court to let itself be “pestered” (*molestiert*) by minor complaints from villagers also increased the headman’s autonomy in those official activities which did not even involve the village court. Headmen undertook a wide array of official activities independently of court sittings, and the autonomy or subordination of communes vis-à-vis the manor

¹⁸⁵ *Ibid.*, fol. 45r, 17.12.1686: “Weiln aber sie beede sich in den Gerichten Waygsdorff verbürget, seindt selbe zum vergleich in ermelte gerichtten verwiesen worden.”

¹⁸⁶ SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 11v, 19.3.1676: “Vnnrichtige händeln Vnd strittigkeiten so Von Keiner wichtigkeit: sollen Scholze Vnd Geschworne daraußen Vergleichen, Vnnd sich die Partten waß Recht vndt billich, daran begnügen laßen, damit zu Zeitten nicht so Viel Volck auf etliche [ins.: Vnwichtige] Perßonen wartten, Vnnd man Vnter deßen [ins.: im Ambte] andere sachen Verrichten Kan.”

cannot be assessed without taking these into account. These activities fall into three main categories: information transmission, tax allocation, and law enforcement.

For one thing, the headman functioned as an information conduit from manor to village and vice versa. In the sixteenth and early seventeenth century, headmen attended the manorial court only when summoned. But in 1655 the manor decreed that "it is a general custom with all estates that the headmen must appear every 8 days on a particular determined day before the manorial court."¹⁸⁷ From then on, headmen who failed to attend each *Amtstag* had to pay a fine.¹⁸⁸ At the *Amtstag*, the headman was supposed to "learn what might be commanded to him and to the community on the part of the gracious manorial authority."¹⁸⁹ In turn, headmen were expected to convey these manorial commands to their villages at a regular (again often weekly) *Eingebot* (lit. commanding-in) in the village.¹⁹⁰ Headmen also received written commands from the manor, the volume of which noticeably increased over time, as shown in 1650 by the Bullendorf/Bulovka headman's remark that in his father's day "the commands did not come so frequently, but now it was a complete impossibility."¹⁹¹

Arguably even more important than keeping villagers informed about manorial decisions was keeping the manor informed about villagers. The headman had to supply the manorial office with regular written lists of his villagers, including information about their land transfers and their obligations to render dues, services, tithes and taxes.¹⁹² The headman was also legally responsible for reporting villagers who sought labour elsewhere in harvest time,¹⁹³ those who left the village without explanation,¹⁹⁴ those who absconded before being conscripted (along with any property they had left for confiscation),¹⁹⁵ those who had emigrated on account of religion but sought to revisit the community,¹⁹⁶ and those who wished to marry and desired manorial betrothal permits.¹⁹⁷ Headmen who failed to report accurately on their vil-

¹⁸⁷ SOAD HS, Kart. 81, Dekretbuch 1652-1657, fol. 10r, 18.8.1655: "Ein Allgemainer brauch ist es bey Allen Herrschafften, das [gstr. alle] [ins.: die] Scholzen alle 8. tag auff einen gewissen darzu bestimbten tag Vor dem Ambt erscheinen müeßen."

¹⁸⁸ SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 101, 11.3.1664. – SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 16r, 16.3.1677. – *Ibid.*, fol. 26r, 4.9.1677.

¹⁸⁹ SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 70, 19.9.1662: "Vernehmen, waß von gn.: Obrigkeit wegen, ihme vndt d. gemeinde möchte anbefohle werden."

¹⁹⁰ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 3r-3v, 5.8.1616.

¹⁹¹ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 76r-v, 12.4.1650: "Wehren die befelch nicht so heuffig Khomen, nun aber wehre es ein pur lautere Unmöglichkeit."

¹⁹² SOAD HS, Kart. 315, Jahrding 1617-1636 & 1656, Schriftstück 11, Jahrdings Artickeln 1636, fol. 2v, article 11. – SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 70, 19.9.1662.

¹⁹³ *Ibid.*, Schriftstück 5, Jahrdings Artickeln 1625, fol. 5v, article 54.

¹⁹⁴ SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 3r, 21.8.1609. – *Ibid.*, fol. 28v, 25.2.1610.

¹⁹⁵ *Ibid.*, fol. 90bv, 28.2.1611.

¹⁹⁶ SOAD HS, Kart. 79, Amtsprotokolle 1656-1660, fol. 70-71, 4.12.1657.

¹⁹⁷ See, e.g., SOAD HS, Kart. 78, Amtsprotokolle 1615-1616, fol. 24v, 28.1.1616. – SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 3v, 5.2.1627. – SOAD HS, Kart. 78, Amtsproto-

lagers were punished. Thus in 1586 the manor imprisoned the Mildenau/Luh headman because "four years ago he remained silent about the dues [*Zins*] owed by Jacob Willer there."¹⁹⁸ In 1657 the Priedlanz/Předláncé headman was fined for having failed to detain and report a Cunnersdorf/Kunratice serf who had absconded from the estate because of (non-Catholic) religion but sought to visit the village again as an illegal emigrant.¹⁹⁹ By 1666 this headman had retired, but was still held personally responsible for having failed to report the absconding villager to the manor, and was told by the manorial administrator that he could only be freed of the substantial (40-*Schock*) fine if he could swear on oath "that the absconded [man] from Cunnersdorf did not escape out of oversight and prior inattention on his part."²⁰⁰ In 1707, it was because of a report that "the headman suspects that she might abscond and leave behind her 4 small children" that the manorial court required Zacharias Schmid's widow to provide financial guarantees that she would remain in the village of Lusdorf/Ludvíkov p. Smrkem.²⁰¹

The key role of the headman in conveying information to the manor is shown by the repeated failure of attempts to control Sabbath-breaking. In 1677, the manor finally ordered that "since the headmen won't watch out" for Sabbath-breakers, the village clergy were to report such offences and headmen to pay the fines personally, so as to motivate them to monitor Sabbath observance themselves.²⁰² A headman who failed to report a matter of concern to the manorial court was inflicted with unusual punishment, as in 1685 when the village of Raspenau/Raspenava secretly organized a campaign to obtain its own parish priest and the village headman was imprisoned because "he furthered this work, and helped to conceal it, when justly he should have informed the count's manorial court."²⁰³

The headman's second main sphere of activity outside his court was the allocation of rents, labour services, taxes, military conscription, and other levies among village members. The headman announced these burdens to the villagers at the *Eingebot*, which was generally held in his *Kretscham* which doubled as local tavern and court.²⁰⁴ In the large village of Mildenau/Luh, for instance, in 1616 the headman was

kolle 1629, fol. 2v, 20.3.1629. – For a detailed discussion of headmen's role in enforcing manorial marriage regulations, see *Ogilvie: Communities* 98-103 (cf. fn. 2).

¹⁹⁸ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 26r, 27.5.1586: "demnach er Jacob willern daselbst, mit den Zinsen vier Jahr hero vorschwiegen."

¹⁹⁹ SOAD HS, Kart. 79, Amtsprotokolle 1656-1660, fol. 70-71, 4.12.1657.

²⁰⁰ SOAD, HS, Kart. 81, Dekretbuch 1665-1667, fol. 44, 15.5.1666: "daß der entwichene Von Cunnerßdorff, nicht auß Vber sehen, vndt vor her gehender seiner Vnachtsambkeit, ent-runnen."

²⁰¹ SOAD HS, Kart. 710, Bürgenbuch 1703-1724, fol. 3v, 2.11.1706: "die deß Scholtes in Verdacht gehabt, das selbe mechte Entlauffen, Vnd Ihre Kleine 4 Kinder hinterlassen."

²⁰² SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, fol. 21v, 28.7.1677: "durch die herrn Geistl.: Vnnd Kirchen schreiber auf die Verbrecher genawe Aufsicht geschehen wirdt, wann es anderst die Scholtzen nicht thun wollen."

²⁰³ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 16v, 17.8.1685: "Solches werckg Gleichsamb befördern wollenn, Vnnd Verdecken helffen, welches er biellich bey Zeiten dem Hochgräffl.en Ambte [...] bey bringen Sollen."

²⁰⁴ SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 26r, 8.5.1612. – SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 35v, 2.5.1651.

holding the *Eingebot* weekly on Sunday afternoons from 3 o'clock onward, sometimes keeping the villagers there well into the evening.²⁰⁵ At this gathering, each householder was required to "present himself or have himself represented by capable servants," although many tried to get out of it by only sending "small children."²⁰⁶ It was here that the burdens were allocated among members of the village, as in 1609 when the Liebwerda/Libverda headman "had the community there summoned together on account of the demesne-work, so that they reckon-ed up with one another concerning it."²⁰⁷ So important was the headman's *Eingebot* that in 1710 two Cunnersdorf/Kunratice peasants were taken into arrest by the overlord "on account of their disobedience, namely that they did not obey the headman, and did not come into the *Eingebot*, but rather had to be fetched by the village sworn-men."²⁰⁸

Money rents and taxes were often personally collected by the headman who walked from house to house in the community to dun each villager personally,²⁰⁹ although as burdens ineluctably increased, other village officers and even ordinary villagers had to assist.²¹⁰ Headmen were solely responsible for the physical delivery of payments to the manor,²¹¹ and those who failed to deliver them on time were punished.²¹²

Headmen were also responsible for ensuring that villagers turned up in the right place at the right time for demesne services,²¹³ although the actual work was directed by the *Vogt* (governor or manager) of the demesne farm.²¹⁴ The headman's responsibility to organize the forced labour services owed by his villagers was not limited to demesne work, but extended to forestry,²¹⁵ chalk-carting,²¹⁶ maintenance

²⁰⁵ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 3r-3v, 5.8.1616.

²⁰⁶ *Ibid.* "Kleine Kinder [...] sich [...] selbstn oder durch d. Tauglich gesinde [...] stellen."

²⁰⁷ SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 16r, 10.11.1609: "ehr die gemeine daselbsten weg. der hofarbeit Zusammen erfordern laßen, darmit sie sich dießerhalb. berechnete."

²⁰⁸ SOAD HS, Kart. 710, Bürgenbuch 1703-1724, fol. 6r, 17.2.1710: "weg. ihres Vngehorsams, das nembl.: selbige den scholzen nicht pariret, Vnd ins Eingeboth nicht Kommen, sondern selbe durch die Geschworne gehollet werden müssen."

²⁰⁹ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 60v, 28.1.1650.

²¹⁰ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 179v, 8.7.1619.

²¹¹ SOAD HS, Kart. 79, Amtsprotokolle 1655-1656, fol. 2r, 23.11.1655. – SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 70, 19.9.1662. – SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 28v, 14.4.1651. – SOAD HS, Kart. 79, Amtsprotokolle 1655-1656, fol. 24v, 28.4.1656. – *Ibid.*, fol. 26v, 23.5.1656.

²¹² SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 82r-v, 1.4.1606.

²¹³ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 38v, 2.8.1587. – SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 2v, 15.8.1609. – SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 76v, 12.4.1650.

²¹⁴ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 11v, 19.6.1604. – SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 2v, 15.8.1609.

²¹⁵ SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 26r, 8.5.1612.

²¹⁶ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 84r, 5.8.1591.

of roads and footpaths,²¹⁷ hunting,²¹⁸ demolition work,²¹⁹ and carting wheat from outside the estate to the manorial brewery.²²⁰

Although formal rules for the allocation of taxes, dues and services did exist, they were sufficiently ambiguous as to leave considerable room for discretion. This discretion was sometimes exercised by the headman jointly with the other village officers. Thus in 1596 a Heinersdorf/Jindřichovice p. Smrkem villager was punished for "setting himself against the village court and elders in the *Eingebot*."²²¹ Likewise, in 1645 a Bernsdorf/Horní Rašnice villager complained that the headman and sworn-men were wronging the community in their allocation of taxes.²²²

But more often, the headman allocated burdens on his own. Thus in 1627 the Dittersbächl/Dětrichovec headman complained that "in the collection of the taxes the community elders do not stand by him."²²³ In 1651 a Cunnersdorf/Kunratice villager enjoyed a tax-freedom which "his headman ordained for him with the knowledge of the manorial court."²²⁴ Likewise, in 1685 a Dittersbach/Dětrichov smallholder demanded of the headman "why he ordered him to do so many demesne-days."²²⁵ So substantial was the discretion enjoyed by headmen and village officers in imposing levies on their villagers that in 1661 the manor commanded that

[...] in order that the manor may have proper knowledge of what sort of levies are made, and for what purposes, [...] henceforth the headman and elders shall not make any levy in the villages without the prior permission of the manorial court.²²⁶

In 1708, it was the headman of Nieder-Bertelsdorf/Dolní Pertoltice who conscripted Friedrich Treuttman, a cottager's son, to fill the village's military levy.²²⁷ This substantial communal autonomy in making levies meant that village headmen

²¹⁷ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 4v, 6.3.1604. – SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 5r-6v, 10.8.1616.

²¹⁸ SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 2v, 5.2.1627.

²¹⁹ SOAD HS, Kart. 79, Amtsprotokolle 1655-1656, fol. 2r, 23.11.1655.

²²⁰ *Ibid.*, fol. 7r, 21.12.1655.

²²¹ SOAD HS, Kart. 57, Bürgerschaftsbuch 1593-1610, fol. 20r, 11.1.1596: "er sich Wieder die gerichte, Vnd Eltisten gesezet [...] wan eingebothen."

²²² SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 19v, 7.1.1649.

²²³ SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 2v, 5.2.1627: "im bey steuer Einnehmung Kein beystandt von [ins.: gemein] Eltesten geleitet wierdt."

²²⁴ SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 41v, 28.5.1651: "welliches ihme sein Scholz also geordnet mit dem Ambts wissen."

²²⁵ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 18v, 11.9.1685: "warumb Er ihme so viel hoff tage gebitten thete."

²²⁶ SOAD HS, Kart. 315, Jahrdings Artickeln 1661, fol. 14r, art. 95: "förters auff den dörffern von den Scholtes vndt Eltisten Keine Anlag nicht gemacht werde, es seie dann Zuuorn solliches von dem Ambt verwilliget vnd Zuegelaßen." This article was a new introduction since the previous surviving set of Jahrdingsartickeln from 1640; see SOAD HS, Kart. 61, Jahrdings Artickeln, 1640.

²²⁷ SOAD HS, Kart. 710, Bürgenbuch 1703-1724, fol. 5r, 18.12.1708.

were often individually responsible for allocating very substantial proportions of the cash, grain, and labour circulating in the rural economy.

No less important was the headman's third main sphere of activity outside his court, that of ensuring compliance with the law on the local level, often without prior reference to the other village officers or the manor.²²⁸ A headman was obliged to stop his villagers from sheltering absconding serfs,²²⁹ to see that villagers obtain betrothal permits,²³⁰ and to ensure that orphans and smallholders' children reported for forced service with the manor.²³¹ He was expected to enforce manorial market regulations, monitoring his villagers' compliance with milling monopolies,²³² customs regulations on linen²³³ and grain,²³⁴ and the manorial purchasing prerogative on cattle.²³⁵ He was entitled to order his villagers, both individually and collectively, to appear in his own village court,²³⁶ at the *Jahrding* (annual assembly of household heads summoned by the manorial officials),²³⁷ and in the manorial court.²³⁸ Any individual who disobeyed the headman's summons was summarily punished, either by the headman himself (as in 1611 when one villager complained that the headman locked up anyone who failed to appear to the village court when summoned),²³⁹ or by the manor (as in 1645 when the manor threatened to send soldiers to fetch villagers who disobeyed summons by the headmen of Hermsdorf/Heřmanice and Dittersbach/Dětrichov).²⁴⁰ In some circumstances, the headman was regarded as better able to summon his villagers than the overlord, as in 1615 when the nobleman who owned the fief-village of Engelsdorf/Andělka asked the Friedland/Frýdlant manorial court "to command the headman to summon in those [villagers] who have not presented themselves in here."²⁴¹

²²⁸ SOAD HS, Kart. 315, Jahrding 1617-1636 & 1656, Schriftstück 4, Jahrdings Artickeln 1620, fol. 12r, article 52. – *Ibid.*, Schriftstück 5, Jahrdings Artickeln 1625, fol. 3v, article 36.

²²⁹ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 194r, 4.1.1655.

²³⁰ SOAD HS, Kart. 78, Amtsprotokolle 1629, fol. 2v, 20.3.1629. – SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 70, 19.9.1662.

²³¹ SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 22v, 21.1.1651. – SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, 8.1.1677, fol. 14v.

²³² SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 14r-15r, 30.12.1650.

²³³ *Ibid.*, fol. 19v-20r, 24.1.1651.

²³⁴ *Ibid.*, fol. 20r, 24.1.1651.

²³⁵ *Ibid.*, fol. 28r, 12.4.1651. – SOAD HS, Kart. 78, Amtsprotokolle 1627, fol. 3v, 5.2.1627.

²³⁶ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 20r, 6.1.1596. – SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 41r, 15.11.1605. – SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 85r, 21.6.1606. – *Ibid.*, fol. 102r, 2.9.1609.

²³⁷ SOAD HS, Kart. 77, Amtsprotokolle 1583-92, fol. 9r, 27.1.1585. – SOAD HS, Kart. 79, Amtsprotokolle 1655-1656, fol. 22v, 14.3.1656.

²³⁸ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 88v, 7.12.1591. – SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 1r, 21.2.1604. – SOAD HS, Kart. 79, Amtsprotokolle 1650-1651, fol. 27v, 12.4.1651.

²³⁹ SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 7r, 15.7.1611.

²⁴⁰ SOAD HS, Kart. 78, Amtsprotokolle 1645, fol. 17r, 27.5.1645.

²⁴¹ SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 104r, 3.4.1615: "dem Schulteßen anzubeuehlen darmit ehr die Jenigen, so nicht herein [ins.: sich] gestellet sollen. anmelde."

The headman's dispensing of local law and order involved considerable use of corporal punishment, despite repeated manorial prohibitions. Thus in 1613, the Mildenau/Luh headman hit a young man with a tankard when he verbally abused the village officers over his demesne services. The manor did not punish the headman, but merely warned him mildly "that in future he should not strike but rather make use of the medium of the village court as is proper."²⁴² But such warnings did not lead to the disappearance of corporal punishment and physical coercion as important methods by which headmen maintained order in their villages. In 1629, for instance, a villager in Rückersdorf/Dolní Řasnice who failed to pay his taxes was beaten by the headman and elders, "and the headman spat in his eye and said you frivolous villain, why did the manorial administrator forbid me to make use of the cudgel?" The manor did not punish the headman, but merely ordered him feebly "to keep law and justice, but not to treat the people with cudgelling, but rather when something comes up to report it into the manorial court."²⁴³ In 1655, the Lusdorf/Ludvíkov p. Smrkem headman struck Hans Elßner for talking back to him when reprovved, again receiving no punishment but merely a manorial order that "the headman was not entitled to treat Elßner with blows, but rather to set him in the stocks, and report him to the manorial authority for fitting punishment."²⁴⁴ Headmen were not officially supposed to use corporal punishment against villagers, but in practice it was a normal component of how they "kept law and justice" on the local level.

The village headman played a central role, therefore, not just in conducting the village court, but also in information transmission, tax allocation, and law enforcement. This gave him wide-ranging powers over all aspects of village life. These findings are consistent with a theory of dualism, in which the village commune and its headman served the interests of both manor and community.²⁴⁵ But some widely held versions of the dualism theory go further, advancing two claims that demand deeper investigation: first, that over time communal institutions, though still strong, became increasingly tools of the manor with fewer autonomous functions; and second, that declining communal autonomy reduced serf well-being.²⁴⁶

²⁴² *Ibid.*, fol. 61r, 30.7.1613: "das ehr Künfftig nicht schlagen, Sondern die gerichts mittel brauchen solle so sich gebührete."

²⁴³ SOAD HS, Kart. 78, Amtsprotokolle 1629, fol. 2r, 18.3.1629: "so hette Ihme der Scholze in der Augen gespies V. gesagt, du Lichtfertig. Schelm wen Hat mir es der h. Hauptman Verboten das Ich nit sol die Prügel brauchen [...] recht vnd gerechtigkeit Zu Halten, aber der Leute nit mit prugeln tractiren sondern wan etwas vorfellet selbiges ins Ambt berichten."

²⁴⁴ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 194r, 4.1.1655: "Weiln dem Scholzen nicht gebühret hat, den Elßner mit schlägen Zu tractiren, sondern Ihnen in stock zu sezen, Vndt d. Obrigkeit zu gebührend. bestraffung an zu deuten."

²⁴⁵ *Steinbach*: Geschichtliche Grundlagen 524-528 (cf. fn. 5). – *Aleksandrov*: Sel'skaja občina (cf. fn. 5). – *Moon*: Russian Peasantry 230-231 (cf. fn. 5).

²⁴⁶ *Rudert*: Gutsherrschaft und ländliche Gemeinde 211 (cf. fn. 1). – *Winkelbauer*: Und sollen sich die Parteien 135 (cf. fn. 6). – *Feigl*: Die niederösterreichische Grundherrschaft (cf. fn. 6). – *Štefanová*: Herrschaft und Untertanen 210 (cf. fn. 6).

The findings for this Bohemian estate cast doubt on this view. For one thing, as we have seen, the autonomy of village headman may actually have increased with the second serfdom, in arenas – particularly contract enforcement and conflict resolution – where the manor no longer wanted to incur the costs of providing arbitration.²⁴⁷

Furthermore, greater autonomy for their communal headmen did not necessarily mean that ordinary villagers were better off. The headman's discretion in exercising his powers both inside and outside village court sittings enabled him to use these powers to serve his own interests – something which was potentially quite harmful to the more vulnerable of his villagers. Because the headman was responsible for local law enforcement, he could often violate manorial regulations with impunity. The Friedland/Frýdlant manorial court minutes record village headmen breaking regulations for years – in paying for land purchases on the promised deadlines,²⁴⁸ paying off other debts,²⁴⁹ hunting with dogs,²⁵⁰ herding cattle,²⁵¹ trading in beer,²⁵² selling timber,²⁵³ assaulting other villagers,²⁵⁴ defamation,²⁵⁵ holding spinning-bees,²⁵⁶ and giving shelter to vagrant soldiers.²⁵⁷

A village headman could easily use his office to conceal his offences. Because the headman had such power over community tax allocation, he could demand illicit labour services from villagers,²⁵⁸ retain tax revenues for his own use,²⁵⁹ put fiscal pressure on villagers in order to bring their holdings into his own possession,²⁶⁰ conceal his own manorial liabilities and threaten to gaol villagers who mentioned the matter,²⁶¹ collude with the other village officers in drawing land boundaries in the

²⁴⁷ Counter to the view advanced, for instance, in Čechura, Jaroslav: *Selské rebelie roku 1680. Sociální konflikty v barokních Čechách a jejich každodenní souvislosti* [Rural Rebels of 1680. Social Conflicts in the Baroque Czech Lands and their Everyday Relationships]. Praha 2001, according to which Bohemian villages enjoyed extensive communal autonomy which the overlords were continually struggling to reduce.

²⁴⁸ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 87v, 21.5.1650.

²⁴⁹ SOAD HS, Kart. 77, Amtsprotokolle 1583-1592, fol. 96r, 1.5.1592.

²⁵⁰ SOAD HS, Kart. 77, Amtsprotokolle 57, Burgschaftsbuch 1593-1610, fol. 58r, 7.6.1597.

²⁵¹ *Ibid.*

²⁵² SOAD HS, Kart. 61, Amtsprotokolle 1674-1681, 17.9.1674, fol. 2r.

²⁵³ SOAD HS, Kart. 77, Amtsprotokolle 57, Burgschaftsbuch 1593-1610, fol. 58r, 7.6.1597. –

SOAD HS, Kart. 78, Amtsprotokolle 1630-1631, fol. 18, 18.7.1630.

²⁵⁴ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 20r, 10.9.1604. – SOAD HS, Kart. 57, Burgschaftsbuch 1593-1610, fol. 79r, 29.1.1606. – SOAD HS, Kart. 78, Amtsprotokolle 1615-1616, fol. 17v, 6.7.1615.

²⁵⁵ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 20r, 10.9.1604. – *Ibid.*, fol. 8v, 24.4.1604. – SOAD HS, Kart. 57, Burgschaftsbuch 1593-1610, fol. 79r, 29.1.1606. – SOAD HS, Kart. 78, Amtsprotokolle 1615-1616, fol. 17v, 6.7.1615.

²⁵⁶ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 8v, 24.4.1604.

²⁵⁷ SOAD HS, Kart. 78, Amtsprotokolle 1615-1616, fol. 17v, 6.7.1615.

²⁵⁸ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 26v-27r, 15.2.1605.

²⁵⁹ SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 40, 24.9.1661.

²⁶⁰ SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 7r, 15.7.1611.

²⁶¹ *Ibidem*, fol. 23r, 5.5.1612.

village,²⁶² falsify the village's manorial labour services,²⁶³ assign villagers to the conscription rolls in order to get his hands on their farms,²⁶⁴ take abandoned holdings into his own possession on fiscal grounds,²⁶⁵ and allocate payments to his own kin or social stratum within the village.²⁶⁶

The headman could also manipulate his control over information conduits between village and manor to offer threats and favours that would benefit himself. In 1610, for example, the Bullendorf/Bulovka headman threatened one villager that "he would bring it about with Her Grace the Countess that he should be hunted out of the country."²⁶⁷ Likewise in 1613, the Olbersdorf/Albrechtice headman agreed "not to report" a grain-thief to the manor.²⁶⁸

Conversely, those who could not obtain the favour of the headman – often the poorer and more marginal villagers – suffered from this manifestation of communal autonomy. Immigrants and those who were not relatives of the oligarchy complained that the autonomy of the village headman was used against them. In 1618, for instance, Michell Petzelt in Lusdorf/Ludvíkov complained that he had lost a boundary dispute because "he was foreign [*fremd*], and the village headman and village justices were each other's kin."²⁶⁹ In 1645 Hans Wolckstein in Liebwerda/Libverda complained that before he purchased his abandoned farm, the village headman as its caretaker had sold one of its fields to his own father-in-law, rendering the farm unviable.²⁷⁰

Women, too, frequently complained of ill-treatment by the headman and his court. In 1605, for instance, Jacob Wildner's wife in Mildenau/Luh complained that the headman had helped a male relative deprive her of her paternal inheritance.²⁷¹ In 1669, Andre Haußman's widow Christina only managed to compel the headman of Raspenau/Raspenava to pay a longstanding debt by petitioning the overlord directly.²⁷² In 1685 Jacob Schmied's widow Anna only managed to retain her smallholding against attack by the Hermsdorf/Heřmanice headman's court by appealing to the manorial court.²⁷³

Members of the lower strata of smallholders, cottagers and lodgers found themselves disadvantaged by the discretion enjoyed by the headman and other village

²⁶² SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 122v, 8.10.1618.

²⁶³ SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 40, 24.9.1661.

²⁶⁴ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 164v, 13.4.1619.

²⁶⁵ SOAD HS, Kart. 78, Amtsprotokolle 1645, fol. 5v, 8.5.1645.

²⁶⁶ SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 40, 24.9.1661.

²⁶⁷ SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 49r, 11.5.1610: "ehr wolte souiel zuweg bring. bej der Gräfin Ihr. Gn: das ehr außm lande gejagt werd. solte."

²⁶⁸ SOAD HS, Kart. 77, Amtsprotokolle 1611-1616, fol. 43v, 13.4.1613: "ihnen nicht anzu-melden."

²⁶⁹ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 122v, 8.10.1618: "ehr wehre Frembde, Schultes Vnd Schoppen wehre Freünde."

²⁷⁰ SOAD HS, Kart. 78, Amtsprotokolle 1645, fol. 28r, 1.6.1645.

²⁷¹ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 29v, 12.3.1605.

²⁷² SOAD, HS, Kart. 81, Dekretbuch 1668-1669, fol. 38, 2.1.1669.

²⁷³ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 10v, 8.5.1685.

officers. Thus in 1607 the smallholders of Oberweigsdorf/Višňová complained that the headman and village elders were requiring them to pay too much grain-levy.²⁷⁴ In 1655 a tenant lodger in Heinersdorf/Jindřichovice p. Smrkem complained that the headman and village officers were forcing him to pay taxes as if he were a settled householder.²⁷⁵ In 1685 a Dittersbach/Dětrichov smallholder

[...] attacked the headman with hard words, asking why he ordered him to do so many days of demesne service [*Hoftage*] [...] and publicly, in front of locals and outsiders, said, 'Headman, you do injustice, your tavern [*Kretscham*] is no excuse'.²⁷⁶

These findings reinforce two major conclusions derived from the evidence presented in earlier sections of this article. First, on this Bohemian estate the headman exercised strong powers and a wide range of discretion over information transmission, tax allocation, and law giving. This state of affairs appears to have been increasingly encouraged by the manor, which did not have the personnel to monitor and govern villagers closely on the local level and yet desired a growing intensity of taxation and regulation which required such monitoring and governance. Paradoxically, the advance of the 'second serfdom' required an increase, not a decrease, in the power and autonomy of the commune and its officers.

Second, the autonomy with which the manor endowed the village community lay very largely (although not exclusively) in the hands of the headman as an individual. He not only conducted the village court, but also controlled information transmission, tax allocation, and local law-giving, which in turn gave him various means of deriving economic advantage from his office. But this autonomy enjoyed by the commune and the headman did not necessarily translate into well-being for villagers as a whole – particularly more vulnerable groups such as immigrants, women, and the lower social strata.

Social Affiliations of Village Headmen

Hitherto we have regarded the headman primarily as an individual. But pre-industrial European societies were highly stratified, and there is lively debate about how this affected the social allegiances of village headmen. Some regard the village headman as "a man who stood above the peasants in wealth and in official and social position [...] he and his class were their natural leaders."²⁷⁷ Others regard the headman as having been in many senses outside village society altogether, "a manorial bureaucrat."²⁷⁸ But still others argue that, despite the privileges with which the headman

²⁷⁴ SOAD HS, Kart. 57, Bürgerschaftsbuch 1593-1610, fol. 93v, 17.3.1607.

²⁷⁵ SOAD HS, Kart. 79, Amtsprotokolle 1655-1656, fol. 4v, 7.12.1655.

²⁷⁶ SOAD HS, Kart. 709, Amtsprotokolle 1685-1687, fol. 18v-19r, 11.9.1685: "habe Er den Scholtesen mit harten Worten angefallen, warumb Er ihme so viel Hoff Tage gebitten thete, [...] Undt öffentlich vor frembden vndt einheimisch. leüth. diese Worte vergeßen, Scholthes Ihr thut vnrecht, Euer Kretschschamb wirdt nicht reichen."

²⁷⁷ *Aubin*: Medieval Agrarian Society 472 (cf. fn. 12). – For other essays advancing this argument, see Franz, Günther (ed.): Bauernschaft und Bauernstand 1500-1970. Büdinger Vorträge 1971-1972. Limburg/Lahn 1975.

²⁷⁸ *Weizsäcker*: Das deutsche Recht 530 (cf. fn. 34).

was endowed by the manor, "headman and peasant community appear as a unit in which the headman acted as the spokesman of peasant interests and the leader of peasant protest."²⁷⁹

Every member of a Bohemian village was legally defined as a *Bauer/sedlák* (full peasant holder), *Gärtner/zahradník* (smallholder), *Häusler/chalupník* (landless cottager), or *Hausgenosse/podruh* (houseless lodger). The social stratum to which a villager was legally defined as belonging reflected the size of his landholding, the manorial burdens he owed, and his standing vis-à-vis both commune and manor.²⁸⁰ In Bohemia, headmen are usually portrayed as having been recruited exclusively from the top stratum of rich peasant holders.²⁸¹ On the estate of Friedland/Frýdlant there were 35 village headmen listed in 1651, as Table 4 shows. Of these, 29 (83 per cent) were certainly or most probably from the highest rural stratum of the peasants. Of the 6 headmen from the sub-peasant strata of smallholders and cottagers, 5 headed villages in which the entire population consisted of sub-peasants and were from the highest stratum in that village.

There was only one village in which the headman in 1651 was not from the highest social stratum. The village of Göhe/Háj contained 5 full peasants, 4 smallholders, and 3 cottagers, and in 1651 its headmen came from the middle stratum of smallholders. But the Göhe/Háj headman's holding was anomalous. In 1656 it was purchased by Christoff Neumann, and in 1663 he stated in a petition to the overlord [...] that his predecessors and owners of this farm [*Gut*] had nothing more to perform on account of the officer of headman [*Richter*] than bringing the disobedient into arrest, and that the taxes and other money-levies were delivered in here into the Friedland manorial court by the peasants, and thus the owner of this farm does not have to carry out such things.

The manorial officials, by contrast, pointed out that "the purchase document clearly states that the headman's office [*Richter-Amt*] has been attached to this farm

²⁷⁹ *Wunder*: Peasant Organization 93-96, quotation on 93 (cf. fn. 33). – For other arguments to this effect, see *Blickle-Littwin*, Renate: Besitz und Amt. Bemerkungen zu einer Neuerscheinung über bäuerliche Führungsschichten. In: *Zeitschrift für bayerische Landesgeschichte* 40 (1977) 277-290. – *Wunder*, Heide: Zum Stand der Erforschung frühmoderner und moderner bäuerlicher Eliten in Deutschland, Österreich und der Schweiz. In: *Archiv für Sozialgeschichte* 19 (1979) 597-607.

²⁸⁰ On social stratification on the estate of Friedland, see *Cerman*: Proto-Industrialisierung esp. 203-258 (cf. fn. 88). – *Ogilvie*, Sheilagh/*Cerman*, Markus: The Bohemian Census of 1651 and the Position of Inmates. In: *Social History/Histoire sociale* 28, 56 (1995) 333-346. – *Štefanová*: Herrschaft und Untertanen 201-203 (cf. fn. 6). – On the implications of social stratification for East-Elbian communes, see *Melton*: Gutsherrschaft 345-347 (cf. fn. 1). – *Blaschke*: Dorfgemeinde 134-136, 141 (cf. fn. 3). – *Rudert*: Gutsherrschaft und ländliche Gemeinde 197, 200-203, 212 (cf. fn. 1).

²⁸¹ On the social origins of Bohemian village headmen in general, see *Mika*: Poddaný lid 139-140 (cf. fn. 26). – *Jirásek*: Poddaní (cf. fn. 26). – On the Moravian situation, *Chocholáč*, Bronislav: "Stalo se Léta Páně za rychtářství...". Příspěvek k dějinám správy městečka Dolní Bobrová a k majetkovým poměrům jeho představitelů v 2. polovině 16. a v 17. století ["It happened in the year of our Lord on behalf of the headman...". A Contribution on the Administrative History of the Community of Dolní Bobrová and on the Wealth Situation of its Community Representatives in the Second Half of the Sixteenth and in the Seventeenth Century]. In: *Časopis matice moravské* 116 (1997) 119-136.

[*Gut*] from the most ancient times, and shall in future remain attached to it.”²⁸² But in 1676 the manor admitted that “the headman in Göhe does not have any freedoms like other [headmen] concerning the tax quota on the farm [*Gut*] he occupies.”²⁸³ This suggests that there was something unusual about the headman’s office and the headman’s holding in Göhe/Háj, which distinguished it from the situation that was normal on other villages of the estate. This anomalous legal status may explain why it was possible for a smallholder to hold the office in 1651, even though it subsequently appears always to have been held by full peasants. Although it was evidently not impossible for a headman not to be from the top social stratum in his village, it seems to have been highly anomalous.

The manorial court records provide several indications of contemporaries’ perceptions of the social position of village headmen. These suggest that, although headmen were still subject to hereditary servility to the overlord, socially they stood somewhat apart even from other members of the highest rural social stratum. For one thing, the manor set them apart by repeatedly pointing out that they were supposed to set unusual standards of good behaviour.²⁸⁴ This emerges, for instance, from the heavy fine and prison sentence meted out to the Schönwalda/Krásný Les headman in 1619 for defaming the Rückersdorf/Dolní Řasnice headman, “because the headmen are supposed to provide a good example to other subjects.”²⁸⁵ In 1651, a headman who failed to attend church was to be fined four times as highly as other household heads in the village.²⁸⁶ In 1662, the Schönwalda/Krásný Les headman was severely punished for selling cattle outside the estate, since “he the headman should stand before other subjects with a good example, instead of letting himself be caught in such altogether too great excesses.”²⁸⁷ In 1664, two headmen who failed to report a land sale to the manor were fined 8 Reichstaler apiece on the grounds that “they ought to remember their obligations and the manorial regulations [*Jahrdings-Artikeln*] better, in order to remind others to follow them properly.”²⁸⁸ In 1677, the

²⁸² SOAD HS Kart. 81, Dekretbuch 1656-1663. fol. 203, 21.3.1663. “daß seine Vorfahrer vndt besizer dießes Gutes wegen des Richter Amts nicht mehr zu verrichten gehabt, alß die Vngehorsamben in arrest, zu bringen, vnd daß die stewart alß andere geldt gaben von den Pawern anhero in mein Amt Friedlandt weren abgeführt worden, also besizer solchem Gutes der gleichen sachen nicht Verrichten dörff.” – *Ibid.*: “besaget der Kauff Clar, daß auf solchem Gutt von vralten Zeiten daß Richter Amt geweßen, vnd auch ferners darauf verbleiben solle”.

²⁸³ SOAD, HS, Kart. 81, Dekretbuch 1676-1677, fol. 26, 31.3.1676: “Scholtze Zum Göhe, mit denen auf sein Innhabendeß Gutt, weiln Er sonsten Keine Freiheiten, wie andere, hat, der Stewern halben betreffende Quota.”

²⁸⁴ For the same pattern in Brandenburg, see *Rappe*: “Wann er bey seinem Schultzen Rechte nicht bleiben könnte...” 307 (cf. fn. 5).

²⁸⁵ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 172v, 10.5.1619: “weill die Schultessen den andern Vntterthanen mit guttem exempeln vorleuchten.”

²⁸⁶ SOAD HS, Kart. 79, Amtsprotokolle 1649-1655, fol. 142r, 23.9.1651.

²⁸⁷ SOAD HS, Kart. 80, Amtsprotokolle 1661-1664, fol. 58, 1.8.1662: “er Scholze vielmehr andern Vnterthanen mit einem guter Exempel vorgehen, alß sich durch der gleichen all zu vermessen Excessum Zu vergreifen.”

²⁸⁸ SOAD HS, Kart. 81, Dekretbuch 1663-1665, fol. 25, 28.6.1664: “sie nicht Weniger sich

Bernsdorf/Horní Rašnice headman was ordered to start cultivating a second farm he had purchased “next year, without further resistance, in order not to set a bad precedent for other headmen and in this way, as a loyal obedient subject, to cause others to follow this good example.”²⁸⁹

Furthermore, the headmen evidently regarded themselves as possessing a special corporate honour and status which was shared among all headmen in the estate, cut across kinship allegiances, and had to be defended when attacked. Headmen regarded their distinctive honour as essential for the exercise of their office. Thus in 1597 the Schönwalda/Krásný Les headman reported a villager for the defamatory statement that he “was not sufficient to be a *Gerichtshalter* for him.”²⁹⁰ Likewise, in 1610 the Dittersbach/Dětřichov headman told the manorial court that he “wishes to be freed from the village court [*Gerichte*], and claims that because he was defamed as a villain he could not help anyone to legal right [*Recht*].”²⁹¹

Headmen also regarded it as essential to act in concert, if necessary against their own kin, to defend their corporate honour. Thus in 1604, a town furrier, Göрге Brendel, called the Ullersdorf/Dolní Oldřiš headman a “coarse ox.” The Einsiedel/Mníšek headman immediately sprang to his fellow-headman’s defence, declaring that “although Brendel was his brother-in-law, the Ullersdorf headman was his *Nachbar*” (literally ‘neighbour,’ but in this case clearly to be interpreted as meaning ‘fellow-headman’ since the two men came from different villages). Subsequently, Brendel was reported to the manor as having “defamed all the headmen in the whole country as coarse oxen,” and the manor ordered an investigation to see “whether any of the headmen from the country might complain.”²⁹²

There is also some indication that the headmen saw themselves as being of higher status than their own villagers, in the sense that they consorted socially with other higher-status social groups.²⁹³ In 1617, for instance, a manorial court case revealed ten men drinking and gambling together in a Friedland/Frýdlant tavern. The group consisted of four pastors, three village headmen, two fief-nobles, and one manorial official (the *Burggraf*). When the pastors began losing at gambling and started throw-

Ihrer schuldigkeit, vnd der Jahrdings Articuln, beßer, andern Zue guter Nachfolge erinnern sollen.”

²⁸⁹ SOAD HS, Kart. 82, Dekretbuch 1677-1678, fol. 17, 13.7.1677: “Alß solle Er solches gleichwohl (: Zu Verhüttung Vbler anderer Scholtzen Consequenz :) daß Gutt ohne weitere wiederung an fangen, aufs Künftige Jahr zu bawen, Vnnd dar durch Andern, alß Ein Trew gehorßamber Vnterthan Vrsach geben, solchen gutten Exempel nach Zu folgen.”

²⁹⁰ SOAD HS, Kart. 77, Bürgerschaftsbuch 1593-1610, fol. 30v, 12.11.1597: “das er Im nicht guttgnugsam Zu einem gerichtshalter sein soll.”

²⁹¹ SOAD HS, Kart. 77, Amtsprotokolle 1609-1611, fol. 69r, 16.7.1610: “der Schulteß will der gerichte entledigt sein, giebet Vor weill ehr Vor einen schelmen gescholten word.n, Kondt ehr nimandes rechtes vorhelffen.”

²⁹² SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 14v, 17.7.1604: “Vngeachtete das Brendell sein Schwager weren, So were der Schulteß im Vllersdorff sein Nagbar [...] hette allen Schulzen im lande fur grobe oxsen gescholt. Hette [...] ob etwa der Schultessen einer Vom landt Klag. möchte.”

²⁹³ On the specific corporate sociability of headmen in one Brandenburg region, see *Rappe*: “Wann er bey seinem Schultzen Rechte nicht bleiben könnte...” 311 (cf. fn. 5).

ing insults at their opponents, one of the headmen warned them to “cease from this, since the overlord does not appoint villains as headmen: in the church you are pastors, [but] here you are equal to us.” The pastor retorted that the headman “was well regarded at court but was not allowed in the parlour.”²⁹⁴ The headmen, at least, regarded themselves as the ‘equals’ of pastors, manorial officials, and fief-nobles.

However, there are also indications that for many purposes the headman was regarded as a member of the village. Admittedly, he was of the highest social stratum, that sub-group (almost always consisting exclusively of full peasant holders) which held community office. Nevertheless, the headman was still more closely affiliated with village society than was the case for a pastor, a fief-noble or a manorial official – hence, perhaps, his being “well regarded at court but not allowed in the parlour.” For one thing, the headman was sometimes referred to as simply one of the “elders” or “justices” of the village. Thus in August 1604 the Hermsdorf/Heřmanice headman complained that a villager had accused “him and the other elders” of having acted wrongly.²⁹⁵ In November 1604 the manor ordered the Einsiedel/Mníšek church elders to have all church loans written up “in front of the headman or another sworn justice.”²⁹⁶ Likewise, in 1606 a Hohenwalda/Vysoký villager was reported to the manor for having “called the headman and the other justices villains.”²⁹⁷

A second indication that the headman may have been regarded more as a member of the community than as a member of a separate social order of manorial office-holders is the fact that in the serf uprising of 1680, all but six of the headmen on this estate took the serf side, and four of those who stood aloof were the headmen of former fief-villages, who may have enjoyed greater autonomy than headmen of villages directly administered by the manor.²⁹⁸

A final indication that the village headman had strong community ties are the many occasions (examined in preceding sections of this article) on which he favoured the full peasant holders in his community, for instance in tax allocation decisions. Insofar as a headman felt allegiance to his community, it was mainly to the highest stratum in it, that of the substantial peasant landholders.²⁹⁹

Nevertheless, as this article has shown, there were also many occasions on which the community (including the other village officers) protested against its headman, and where the headman acted as the agent of the manor in reporting offences committed by his entire community. The best assessment of the headman’s position was

²⁹⁴ SOAD HS, Kart. 78, Amtsprotokolle 1616-1619, fol. 42r, 2.6.1617: “es Konne nun wohl ein ende haben, dann die herschafft nicht schelmen Zu Scholteßen Vorordnet, in der Kirch. seid ihr Pfarhern, alhier seid ihr Vns gleiche [...] ehr wehre Zu hofe wohl angesehen, dorffte aber nicht in die Stube.”

²⁹⁵ SOAD HS, Kart. 77, Amtsprotokolle 1604-1606, fol. 19r, 28.8.1604: “ihn Vndt die anderen Eltesten.”

²⁹⁶ *Ibid.*, fol. 24v, 2.11.1604: “fur den Scholzen oder [ins.: ein] and.n geschworne Schoppen.”

²⁹⁷ *Ibid.*, fol. 42r, 27.1.1606: “den Richter sambt and.n scheppen [...] schelmen geheissen.”

²⁹⁸ Horáková: Poddanské poměry 52 (cf. fn. 20). – For analogous findings for Brandenburg, see Rappé: “Wann er bey seinem Schultzen Rechte nicht bleiben könnte...” 299-300, 302 (cf. fn. 5).

²⁹⁹ Blickle: Deutsche Untertanen 34 (cf. fn. 3).

not only that he was an intermediary between community and manor, but that he owed full allegiance to neither. Instead, he enjoyed his own institutional 'freedoms' (i. e. legal privileges) which benefited him personally, and set him apart from both commune and manor.³⁰⁰

Conclusion

This article has sought to transcend normative portrayals of Bohemian village communes based on legislation, by using systematic local-level documentary sources to examine how village headmen operated in everyday life – how they were appointed, what economic privileges they enjoyed, how their village courts worked, what powers they exercised outside their courts, and the social strata with which they were affiliated. What do these findings tell us about the role of village communes in the 'second serfdom'?

Historiographical approaches to communities under the 'second serfdom' bifurcate into two contradictory perspectives, of 'manorial dominance' and 'communal autonomy.' Within Bohemia, these opposing views are reflected in the distinction between regions of 'Czech law' where villages and their headmen are supposed to have been enfeebled by manorial domination under the 'second serfdom' and those of the Germanic 'Magdeburg law' where communes are supposed to have enjoyed relative autonomy. But the findings presented here on the appointment and privileges of village headmen suggests this distinction may have been exaggerated. Friedland/Frýdlant was subject to 'Magdeburg law,' under the system of hereditary rather than appointed headmen. But as this paper has shown, the manor could and did rid itself of unacceptable headmen by ejecting them from their holdings. Although this strategy became more costly as Bohemia became more depopulated, potentially increasing the bargaining power of all serfs including headmen, the manor continued to eject unacceptable headmen. Indeed, headmen were significantly more likely than other serfs, even female household heads, to be subject to manorial ejection orders. Furthermore, evidence from the estate of Poděbrady/Poděbrad, subject to 'Czech law,' shows the same manorial reluctance to dismiss village officers, essential as they were to the local implementation of manorial interests. Given the demographic and institutional realities of early modern Bohemia, the legal distinction between 'manorial dominance' under Czech law and 'communal autonomy' under German law may not have meant very much in practice.

The central role played by headmen's 'freedoms' casts further doubt on the view that Bohemian hereditary headmen were representatives of communal autonomy. Instead of receiving a salary from the manor, a hereditary headman enjoyed a whole array of economic privileges: tax freedoms, payments from his own vassals, and

³⁰⁰ For analogous findings for headmen in other east-Elbian societies, see *Rappe*: "Wann er bey seinem Schultzen Rechte nicht bleiben könnte..." 294-295, 309-310 (cf. fn. 5). – *Gleixner*, Ulrike: 'Das Mensch' und 'der Kerl': Die Konstruktion von Geschlecht in Unzuchtverfahren der Frühen Neuzeit (1700-1760). Frankfurt/M. 1994, 34.

monopolistic privileges over the serving of beer and spirits, brewing, milling, and baking. But these privileges were ambiguously defined and constantly challenged. This meant that almost every component of a headman's economic well-being depended on the favour of the manor, which had the sole power to define, interpret, enforce, or remove his 'freedoms.' The manor could not instantly deprive a hereditary headman of his salary as it could with an appointed headman, but it possessed a wide array of economic levers creating strong incentives for a headman to align his exercise of office with the manorial interest.

However, this does not mean that we should revert to the 'manorial dominance' view, whereby headmen and communes were powerless and irrelevant under the 'second serfdom'. Headmen's village courts in Bohemia were far more active than has usually been imagined. They generated a multiplicity of written records, enjoyed significant economic discretion, adjudicated over a wide array of conflicts and offences, involved non-members of the village, and wielded impressive coercive powers. The manorial administration, far from seeking to limit the purview of village courts, supported and enforced their decisions in the vast majority of cases. Indeed, as time passed the manor increasingly referred conflicts and offences 'out there' to village headmen's courts. This may have been caused by the overlord's growing ability to extort rents and services from his subjects, reducing the advantage he had traditionally gained by being seen to provide justice, enforce contracts, and redress wrongs on the local level. In some ways, paradoxically, the 'second serfdom' may have increased communal autonomy.

These Bohemian findings thus support neither a theory of 'manorial dominance' nor one of 'communal autonomy,' but rather one that emphasises communal-manorial 'dualism.' The 'second serfdom,' in short, required both a strong manor and a strong commune. The same 'dualism' is reflected in the social affiliations of village headman, who were neither manorial officials (as shown by their role as ringleaders in communal revolts) nor fully integrated into their own communities (as shown by their role as informants and tax-gatherers for the manor). Rather, headmen possessed a corporate honour and identity of their own – as headmen – which was essential to their conduct of office and cut across other allegiances, including kinship. Given their unique institutional 'freedoms,' this is understandable. Thus headman are sometimes observed acting in concert with the community (or at least with its upper social stratum), but on other occasions acting in the manorial interest in the teeth of communal resentment.

Finally, the activities of Bohemian village headmen cast doubt on the implicit assumption of all three theories – 'manorial dominance,' 'communal autonomy,' and 'dualism' alike – that strong communal institutions increased the well-being of all villagers. The headman and other village officers not only enjoyed increasing discretion to adjudicate over local conflicts and offences in the village court, but the headman in particular exercised a wide range of powers over information, tax allocation, and law giving outside formal court sittings. This state of affairs was tolerated and even encouraged by the manor, which lacked the personnel to monitor its subjects closely on the village level and yet desired a level of rents, dues, conscription, and regulation which required such monitoring. The autonomy which the manor grant-

ed to the headman over court business, information transmission, tax allocation, and local law-giving enhanced his incentives to retain manorial favour. But it also enabled the headman to abuse his office at the expense of those villagers who could not easily defend themselves – migrants, women, members of the lower social strata. Such vulnerable villagers had never been especially favoured by either manorial or communal officials, but had benefited from tensions between the two which offered an alternative authority to which they might appeal. Communal autonomy narrowed their options.

By endowing the village headman with a body of unique institutional ‘freedoms’ and a wide array of autonomous local functions, the manor created a key figure which enabled it to exercise a degree of local control much greater than would have been possible using only salaried manorial officials. It thereby ensured that in normal times this key figure would calculate that his own continued well-being relied on substantial (if not total) compliance with manorial orders. Nevertheless, to obtain what they wanted out of local society, overlords under the ‘second serfdom’ found that they had to devolve enormous power to community administrations and their headmen. This means that the historiography may be at fault in regarding manorial and communal administration as being at odds. In many ways, they were complicit in administering and sustaining the ‘second serfdom.’

Table 1:
Ejection Orders (Threatened or Actual) against Village Headmen
Compared to Other Groups,
Estate of Friedland/Frýdlant, 1583-1692

Category	Pre-war (1583-1619)		Wartime (1627-1645)		Early post-war (1649-1664)		Late post-war (1674-1692)		Whole period (1583-1692)		Village heads 1651	
	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%
Villager: headman	11	17	2	11	2	29	3	30	18	18	34	2
Villager: manorial official	1	2	0	0	0	0	0	0	1	1	n/a	n/a
Villager: ever-married male	41	64	12	67	3	43	5	50	61	62	1328	91
Villager: widow	5	8	1	6	2	29	2	20	10	10	91	6
Villager: unmarried male	1	2	1	6	0	0	0	0	2	2	n/a	n/a
Villager: unmarried female	2	3	2	11	0	0	0	0	4	4	n/a	n/a
Villager: servant	1	2	0	0	0	0	0	0	1	1	n/a	n/a
Villager: children	2	3	0	0	0	0	0	0	2	2	n/a	n/a
Villager: total	64	100	18	100	7	100	10	100	99	100	1456	100
Townsmen: male	23		5		1		0		29			
Townsmen: widow	1		0		0		0		1			
Townsmen: servant	1		0		0		0		1			
Townsmen: total	25		5		1		0		31			
Noble: male	1		1		4		0		6			
Noble: widow	1		0		0		0		1			
Noble: servant	1		1		0		0		2			
Noble: children	1		0		1		0		2			
Noble: total	4		2		5		0		11			
Grand Total	93	66	25	18	13	9	10	7	141	100		
Total manorial court cases	1914	50	770	20	645	17	464	12	3793	100		

Note:

Excludes cases (n=81) from post-Emancipation period (1781-1787) when ejection orders were not applicable.

The numbers in the present table differ from those reported in *Ogilvie/Edwards: 'Women'*, 986, Table 1, because of the subsequent discovery and analysis of four additional volumes of manorial court records among previously uncatalogued material in the Friedland/Frýdlant estate archive in Děčín.

Sources:

NA HS, Kart. 61, 77, 78, 79, 80, 709 (Amtsprotokolle, Herrschaft Friedland, 1583-1787).

Table 2:

Justifications Given for Ejection Orders against Village Headmen Compared to Other Groups, Estate of Friedland/Frydlant, 1583-1692

	Debt, economic difficulties		Theft		Conflict with family		Conflict with community		Conflict with overlord		Sexual offence		Non-payment of taxes/rents		Religion		Orders with justification		Total orders	Orders with no justification	
	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%	no.	no.	%
Villager: headman	8	50	1	6	0	0	5	31	11	69	1	6	3	19	0	0	16	100	18	2	11
Villager: manorial official	0	0	0	0	0	0	0	0	1	100	0	0	0	0	0	0	1	100	1	0	0
Villager: ever-married male	28	48	4	7	9	16	20	34	8	14	0	0	11	19	1	2	58	100	65	7	11
Villager: widow	7	78	0	0	3	33	1	11	0	0	0	0	1	11	0	0	9	100	10	1	10
Villager: unmarried male	1	50	1	50	0	0	1	50	0	0	1	50	0	0	0	0	2	100	2	0	0
Villager: unmarried female	0	0	1	25	0	0	0	0	0	0	4	100	0	0	0	0	4	100	4	0	0
Villager: servant	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	1	1	100
Villager: children	2	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	100	2	0	0
Villager: total	46	50	7	8	12	13	27	29	20	22	6	7	15	16	1	1	92	100	103	11	11
Towsman: male	6	21	1	3	0	0	1	3	20	69	0	0	1	3	1	3	29	100	29	0	0
Towsman: widow	0	0	0	0	1	10	0	0	0	0	0	0	0	0	0	0	1	100	1	0	0
Towsman: servant	0	0	0	0	0	0	1	10	0	0	0	0	0	0	0	0	1	100	1	0	0
Towsman: total	6	19	1	3	1	3	2	6	20	65	0	0	1	3	1	3	31	100	31	0	0
Noble: male	6	100	0	0	1	17	0	0	0	0	0	0	3	50	2	33	6	100	6	0	0
Noble: widow	1	100	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	100	1	0	0
Noble: servant	0	0	2	100	0	0	0	0	0	0	0	0	0	0	0	0	2	100	2	0	0
Noble: children	2	100	0	0	0	0	0	0	0	0	0	0	1	50	0	0	2	100	2	0	0
Noble: total	9	82	2	18	1	9	0	0	0	0	0	0	4	36	2	18	11	100	11	0	0
Total ejection orders	61	46	10	7	14	10	29	22	40	30	6	4	20	15	4	3	134	100	145	11	8

Notes:

Percentages (except for final column) are of ejection orders where some justification is given. Percentages do not always add up to 100 because ejection orders often had multiple justifications given. n/a = not applicable, because there are no ejection orders in this category where justification was given.

Table 3:
*Numbers of Cases and Involvement of Community Headman in the Manorial Court,
 by Time-Period, Estate of Friedland/Frydlant, 1583-1787*

Time-Period	No. Years	No. Cases	Mean No. Cases Per Annum	Village Headman Involved	
				no.	%
1583-1587	5	259	52	34	13
1588-1592	5	213	43	22	10
1593-1597	5	96	19	22	23
1598-1602	5	81	16	8	10
1603-1607	5	494	99	158	32
1608-1612	5	492	98	111	23
1613-1617	5	278	56	87	31
1618-1619	2	211	106	79	37
1627, 1629-31	4	364	91	102	28
1645	1	196	196	36	18
1649-1654	6	278	46	91	33
1655-1659	5	255	51	81	32
1660-1664	5	111	22	40	36
1674-1679	6	163	27	47	29
1680-1684	5	118	24	27	23
1685-1692	8	183	23	59	32
1781-1787	6	81	14	28	35
Pre-war (1583-1617)	35	1914	55	442	23
Wartime (1618-45)	7	770	110	217	28
Early post-war (1649-64)	16	645	40	212	33
Late post-war (1674-92)	19	464	24	133	29
Post-emancipation (1781-7)	6	81	14	28	35
Grand total	83	3873	47	1032	27

Sources:

NA HS, Kart. 61, 77, 78, 79, 80, 709 (Amtsprotokolle, Herrschaft Friedland, 1583-1787).

Table 4:
*Social Strata of Village Headmen,
 Estate of Friedland/Frýdlant, 1651 Religious Census*

Characteristic	Estate villages		Fief-noble villages		All villages	
	no.	%	no.	%	no.	%
No stratum, almost certainly "Peasant" ^a	6	27	1	8	7	20
Peasant (<i>Bauer</i>)	15	68	7	54	22	63
Smallholder (<i>Gärtner</i>) ^b	0	0	4	31	4	11
Cottager (<i>Chalupner</i>) ^c	1	5	1	8	2	6
Total "Peasant"	21	95	8	62	29	83
Total "Sub-Peasant"	1	5	5	38	6	17
All headmen	22	100	13	100	35	100

Notes:

The 1651 census records a total of 44 villages, but only 35 with a headman, probably because of demographic losses due to warfare and recatholicization.

^a Headmen with no recorded stratum are most probably peasants since they are invariably listed before the stratum of the "peasants", whereas headmen from sub-peasant strata are listed below any peasants in their villages.

^b Bunzendorf/Boleslav and Wiese/Loučná consisted wholly of smallholders. Gerlachsheim im Winkel/Grabiszyce consisted half of smallholders and half of cottagers. Göhe/Háj consisted of 5 peasants, 4 smallholders, and 3 cottagers.

^c The estate village was Hohenwald/Vysoký, consisting solely of cottagers; the fief-noble village was Mühlscheibe/Mlýnice, also consisting wholly of cottagers.

Source:

NA SPPV, Herrschaft Friedland/Frýdlant, 1651.