

PETRA MELICHAROVÁ

A CZECH PETITION IN THE SPECIAL COLLECTION OF THE UNIVERSITY OF CHICAGO LIBRARY

On October 29, 1624, Anna Applova, a burghess of Prague, addressed a petition to the imperial governor Charles of Lichtenstein requesting a return of property sealed and confiscated by the city officials upon the death of her husband. The circumstances described in the rather brief text pose a number of questions which the author attempted to answer in a study following the edition and English translation of the original document.

Key words:

Petition, edition, Charles I. of Lichtenstein, legal proceedings in Prague in late 1620's

Since medieval and early modern manuscripts of Bohemian provenance are not commonly found in the Special Collection of the University of Chicago Library, a document in Czech described by the library catalog¹ as “testament” necessarily caught my attention. Upon reading it, I thought “petition” would be a more fitting label since its author, widowed Anna Applova, requests the help of the Governor, Karl of Liechtenstein, in order to recover her deceased husband’s property seized and sealed by local church and municipal authorities.

As for the formal details of the document, it is written on paper (30.5 cm on 19 cm), has a well preserved wax seal and the excerpt is cut off. Beside the main hand, there is a note in another hand on the bottom of the recto page identifying the manuscript as belonging to Karl of Liechtenstein. On the reverse, there are chancellery notes in a third and fourth hand.

Transcript of the document²:

1 *„Jakož gest na Jeho milost oswiczene knižie a pana pana*

¹ MS 1540.

² The text of the manuscript is published as a courtesy of the Special Collection Research Center, University of Chicago Library.

2 *Karla vladarže domú Liechtnssteynnskeho³ knižie Oppaw-*
 3 *ske a Brnowske, J.M. Rzimského Czysarže, Uherskeho a Czie-*
 4 *skeho krale tajnau raddu a Narzizeneho Mistodrziczy-*
 5 *go w Kralowstwi Czeskem, Anna po niekdy Janowi*
 6 *Applowi pozústala wdowa skrz supplikaczy swaú*
 7 *wznesla oznamúgiecze: Kterak zie by welebny pan*
 8 *przewor Kostela Matky Bozi pod Rzetiezem koniecz*
 9 *Mostú w Menssim Miestie Prazskem a konssele při*
 10 *temž Prawie po smrti tehož Jana Apple manžela*
 11 *gegiho statkú jakoz vlastnie naleziegiczygo tak*
 12 *take po niem pozústaleho se ugímati, geg inuentowa-*
 13 *ti a peczetiti dati mieli, czegož žie gest se od nych na*
 14 *skraczeni a úgmu spravedlnosti gegi stati nemielo*
 15 *dalssigo při J.M.K. w tež wieczy opatrzeni swego*
 16 *w ponižienosti wygledawagicze: Kterežto wzne-*
 17 *sseni, jako y to wsse czo gest potom od dotczienych*
 18 *pana přewora a konsselú w tégož prawa Matky*
 19 *Boži pod Rzetiezem, proti tomu za odpowied dano*
 20 *bylo J.M.K. magicze spolu s pany presydentem*
 21 *a raddami J.M.C. nad appellaczegmi na Gradu*
 22 *Prazskem rzizenymi w swem bedliwem powážieni*
 23 *racži gmenem a na mistie J.M.C. krále a pana pá-*
 24 *na nas vssech Neymilostiwegssigo takowe w te“*

[End of the first page, on the bottom of the page, in a different hand:]
 „Karl von Liechtenstein Statthalter von Böhmen“

25 *„wieczy uzmierženi čžiniti. Poniewadz tyž niekdy*
 26 *Jan Appl za žiwobytú swého čžinie o stateczku swem porzi-*
 27 *zeni, kterež po smrti gehu w mocz swaú prawni wesslo*
 28 *takowy statek wssezken a wsselijaky přez gmenowane*
 29 *Annie manžielcze swe gest odkazal. Proczež žie taž*
 30 *Anna Applowa, když wssak prwe dcerzi swe Annie*
 31 *Zúzannie, s týmž Janem Applem manžielem ge-*
 32 *gim splozene dve stie kop missie⁴ od niego tymž*
 33 *kssaffiem odkazanych dostatečnie ugisti dalssigo inuen-*
 34 *towani oswozona a při pozústalosti tegož niekdy Jana*
 35 *Appla manžela swego bez wsselijaké gednoho každe-*
 36 *ho překažky, slússnie zústawena byti má. Czimž se*

³ The writer uses a special letter for “h” (as in *Liechtnssteynnskeho*) in the whole text, compounding “g” and “h”. For the sake of clarity, I transcribed it with an “h” wherever contemporary Czech would put an “h” and with “g” wherever a “j” is used today.

⁴ Kop mišeňských.

37 *strany, gichž se dotycže spraviti motczy budaú.*

38 *Actum Pragae 29. Octobris. Anno 1624.* “

[Signature: illegible]

[Seal :]

CAROLUS DG DVX OPPA ET CARN PRIN.DE LICHT....EIN

[Reverse:]

[Chancellery inscription 1:]

Recess.[us]

*Praesentatúm in consili// um ab Anna Applin vi://dua et lectum 4. No://vemb.
Anno 1624.*

[Chancellery inscription 2:]

Positúm in Lib. Cont.[orum] et

Transact[ionum] generali(?)⁵: fo: 112

[Translation:]

“To His Majesty, the enlightened Prince and Lord Karel⁶, the Ruler of the House of Liechtenstein and the Prince of Opava and Brno, the member of the Privy Council of His Majesty the Emperor of Rome, Hungarian and Czech King, and the Chief Governor of the Czech Kingdom⁷, Anna, the widow of the late Jan Appl, made the following petition: Upon the death of Jan Appl, her husband, the venerable prior of the Church of the Mother of God *sub catena in pede pontis*⁸ in the Small Town together with the counselors of the same jurisdiction have seized, made an inventory of and sealed the property he left behind, against all justice towards her [Anna, his widow]. In respect to her ability to support herself, she

⁵ The reading of this word is uncertain. The second letter looks like “j” but the brevity of the text does not allow to confirm this. On the other hand, it reminds me of the number “1” similarly used by another writer in the date form (l.38). In that case the letter in front of it could be 2 describing perhaps the amount requested by the chancellery for processing the case (?).

⁶ Karl I. of Liechtenstein (ruled 1608–1627) was the founder of the princely house of Liechtenstein. Upon the Battle of the White Mountain (1620), the Prince was in charge of arresting and executing the Protestant leaders. In 1622, the Emperor appointed Karl of Liechtenstein governor and vice-regent of Bohemia.

⁷ Ferdinand II., Archduke of Austria (1578–1637), Bohemian King (1617–1619, 1620–1627), King of Hungary (1618–1625) and Emperor of the Holy Empire (1619–1637).

⁸ This name describes a church of the Hospitallers founded by Vladislav II. in the Small Town in 1169. Its name literally means “under the chain”, but its origin is unclear. It either referred to the chain with which the gate of the monastery was closed or to the chain of the former Judith’s Bridge.

asks His Royal Majesty [to grant the following request]: May His Royal Majesty together with the lord president and the lords counselors of His Imperial Majesty who are in charge of the appellations at the Prague Castle carefully judge this petition as well as all that was said against it by the above mentioned prior and counselors of the jurisdiction of the Mother of God *pod Retezem* and [may they] reconcile this cause in the name of His Imperial Majesty, the king and the lord highest-in-majesty above us all.”

[End of the first page. The inscription at the bottom of the recto page made in a different hand:] “Karl von Liechtenstein, vice-regent of Bohemia”

“The same Jan Appl, while still alive, writing his testament concerning his possessions, which upon his death acquired its legal power, willed all such possessions to his above-mentioned wife Anna. When this Anna Applowa has first sufficiently secured two hundred *kopa misenska*⁹ willed by the same testament to her daughter Anna Zuzana, the child of the same Jan Appl her [Anna’s] husband, she [Anna, the widow] should be free of further inventory-making and with all respect keep the property of Jan Appl, her husband, without any further intervention. Thus the sides involved may achieve reconciliation.

Prague, October 29th, A.D. 1624.

[Chancellery note 1:]

Received (?).

[The petition] of Anna Applin the widow [was] presented in council and read on November 4, 1624.

[Chancellery note 2:]

Placed in the Book of Counts and Transactions ??, folio 112

While only a minor document, Anna’s petition raises two questions which are hard to solve without further evidence. The first concerns the reason of the intervention of local authorities; why was Jan’s property confiscated when he left behind a widow, mother of his child, as well as a legal testament expressing his wishes concerning his property? This testament must have been in existence for Anna bases her legal claim upon it (l.26–27). The petition gives no answer to our question mentioning only the confiscation (l.12–13) and protesting vehemently that it “should not have been done” (l.13–14).

There are four plausible explanations for the strange action of the local authorities. Either Anna refused her daughter her share on the inheritance and Anna Zuzana (the daughter) requested intervention of the prior and the civilian representatives (I.),

⁹ Currency.

the inventorying and sealing took place based on Jan Appl's promise or separate donation to the church not mentioned in the will (II.), the whole event could be related to the Catholic takeover after the Battle of the White Mountain in the 1620's and the ensuing confiscations of Protestant property (III.) or, finally, there might have been a debt, which the confiscated property was meant to pay off (IV.).

(I.) The hypothesis that the petition refers to an inheritance quarrel is based on the last paragraph where Anna offers to pay her daughter her share and thus reconcile the grievances of "the sides concerned" (l.37). The fact that the local authorities are not mentioned in the proposed solution might suggest that though active agents, they were not one of the sides directly involved. Since Anna mentions the exact sum named by the testament to be given to her daughter, the parties may have sued for the amount to be paid. In such case, the authorities would be acting on Zuzana's behalf making sure that the inheritance would not diminish until the controversy was resolved. The weakness of this hypothesis is that Anna's protest seems to be turned more against the action of the public authorities than against her daughter who is only mentioned once in the text (l.30–31) and nothing hints on enmity between the two women.

(II.) It is possible that Jan Appl promised or donated part of his property to the church of Virgin Mary. In such case, civil authorities would have intervened on the request of the prior securing the inheritance until the part willed to the church was paid out. In such case, Anna's stress put on the fact that her husband willed everything only to her (l.29) and her daughter as well as the initiative of the prior (l.8) would make sense. However, there is no clear indication that Jan Appl made any such donation.

(III.) The third possibility suggested above is based on the political events of early 1620's in Bohemia. Upon Ferdinand's victory in the Battle of the White Mountain (1620), Karl I. of Liechtenstein became the vice-ruler and was, among other, in charge of the widespread confiscations of Protestant property. Anna or her husband may have been suspected of being Protestant sympathizers or even Protestants themselves. If known or denounced as such, Catholic church officials aided by their civilian colleagues may have filed a suit against Anna and seized her property. Under such circumstances, it would be understandable that both the rights of the deceased man's family as well as his testament were disregarded. Although this explanation may sound plausible, there is nevertheless no allusion to religious issues in the petition. To increase her hopes of regaining the property, Anna would be expected to clear herself of the accusation. However, since there is a note of the case being already presented by the opposing side (l.17–20), previous dealings during which Anna pleaded innocence cannot be excluded. Perhaps she considered her case sufficiently known and requiring no further description. With the dragging of the court proceedings, the document concerned might have been a means of urging the case and having it presented and solved before Anna's financial situation became desperate.

(IV.) Finally, Anna's letter does not mention any debt but the chancellery notes on the verso of the document begin with the word „recess[us]“, which also means

an “acknowledgment of debt issued in closing accounts”. Thus, the possibility that Jan Appl’s property was in debt and therefore seized by local officials upon his death must be considered. The fact that the authorities inventoried and sealed the property, typical procedure in such case, would strengthen this theory. The lender himself, nevertheless, is not mentioned and even in case that it was the Church of the Mother of God represented by the prior to whom Jan Appl was indebted, how could Anna fail to address this debt in her letter altogether? If there was a legal debt, it would naturally have to be paid before the inheritance was divided between the two women. But in that case, it would not make sense for Anna to bring up her husband’s testament.

From a careful study of the document it is evident that it was not meant for anyone’s future enlightenment but was bound to a situation only known to a limited group of people. Conclusively, without further information it is difficult to explain the intervention of the prior and the municipal authorities and decide, which of the proposed possibilities, if any, is correct.

Let us now shortly turn our attention to the second problem, which concerns the history of the manuscript’s journey to Chicago. It was written by Anna Applova or a hired scribe, in Prague on October 29, 1624. The first of the two chancellery inscriptions notes that the case was presented in the vice-governor’s council on November 4 of the same year and the second informs us that it was put (or mentioned) in the *lib. cont.* (most probably *Libri Contorum*) while the note on the bottom of the recto page claims it as a belonging of Karl of Liechtenstein. Somewhere in the dusty archives of one of the Bohemian palaces of the Liechtenstein family our certain knowledge of the further whereabouts of the document ends. Upon its entry into the archive perhaps at the end of 1624, it may have been preserved in Bohemia or Moravia until it was either moved to Liechtenstein or abandoned after the princely property was confiscated in the mid-twentieth century. There is, however, no information as to how it was removed from the Liechtenstein archive and brought out of either country to the United States. There might be a connection between the manuscript and one of the American families of Appl or Applin living in the U.S. today. Without further evidence the history of the manuscript’s journey to Chicago will also remain enigmatic.

ČESKÁ PETICE VE SPECIÁLNÍ SBÍRCE UNIVERZITNÍ KNIHOVNY V CHICAGU

Dne 29. října 1624 Anna Applová, pražská měšťanka, píše petici císařskému místodržícímu Karlu z Lichtenštejna, ve které žádá o navrácení majetku zapečetěného a konfiskovaného městskými úředníky po smrti jejího manžela. Z okolností popsaných v tomto poměrně stručném textu vyplývá několik otázek. Autorka se na ně pokusila odpovědět v úvaze, která následuje za edicí původního dokumentu a jeho anglickým překladem.