



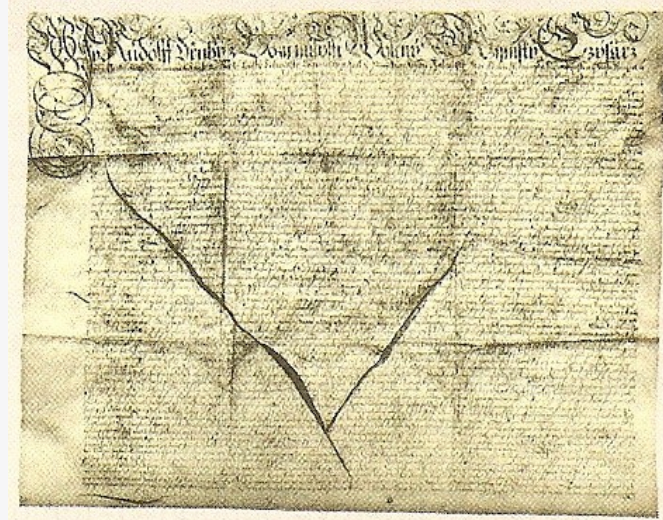
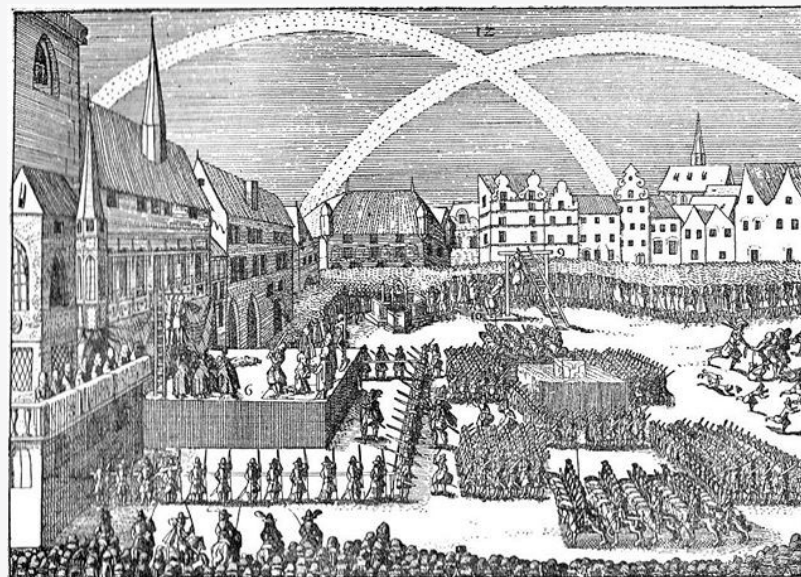
# MASARYK UNIVERSITY FACULTY OF LAW

## 17th-19th century



## Czech war 1618-1620

- 1618 - defenestration of catholic members of the government
- 1618- 1620 war
- 1620 - the protestants bohemian army defeat in battle of Bílá Hora at Prague
- 1620 - righth of the victor - the state lost all privileges, principle „Quius regio, eius religio - recatholisation
- 1621 - Old town execution of 27 heats of protestant government (lords, knights, citizens)
- 1627 - Verneuetete landesordnung für Erbkönigsreich Böhmen
- 1628 - Verneuetete landesordnung für Erbkönigsreich Mähren
- Neu legal order of the land law -the end of the medieval law





# Verneuerte Landesordnungen

- Medieval legal Order
- Medieval sources of law
  - Custom law
  - Precedens
  - Privilege
  - Codifications
  - Act of congress (15century)
- Medieval court praxis
  - Only czech language
  - Oral procedure
  - Public

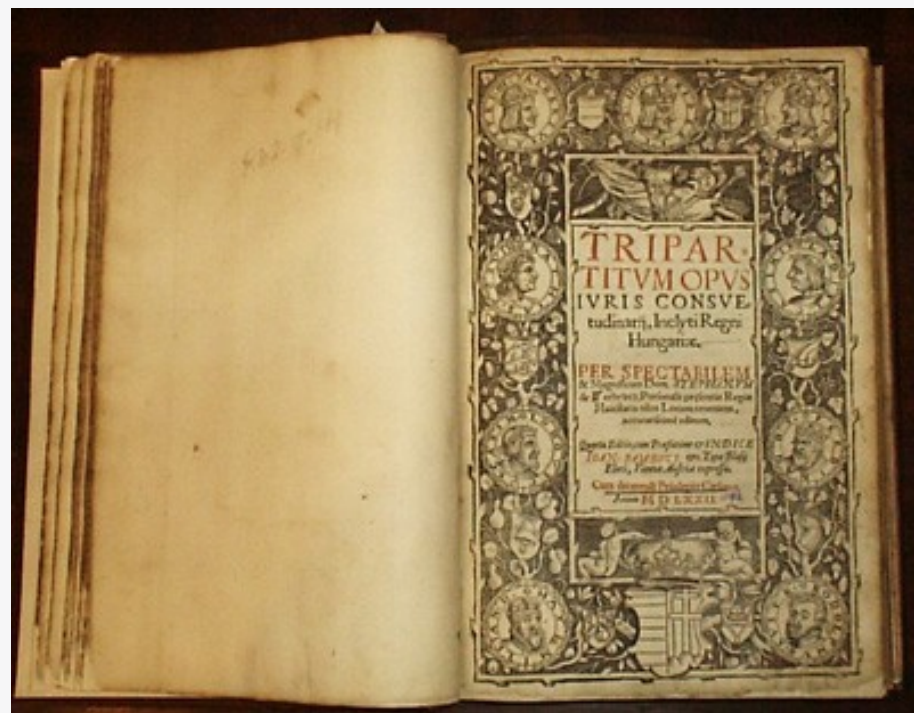
- New legal order
- New sources of law
  - Codification and Kings acts
  - Ius legis ferendae
  - Condress has no more legislativ initiativ (crimen laese maiestatis)
- New court praxis
  - German language
  - Written procedure (roman-canonic)
  - Secret





# Hungary

- Custom law
- Tripartitum Opus Iuris - draft of codification by Stephan Verböczy
- Acts x until half 19th century has custom law priority
- End of custom law after the WW2





# Reforms of Maria Theresia and Joseph II

- Pragmatic sanction - (Charles VI.)
- 1749 - Centralisation of state - all bureaus in Vienna and germanised
- Enlighted feudalism
- 1769 - Constitutio criminalis Theresiana
- 1774 - Obligatory basic school
- 1776 - Tortury prohibited
- 1781 - Serfhood abolishment
- 1781 - Decree of Tolerance - for protestants and ortodox church
- 1781 - General Code of civil procedure - první stupeň dle stavů x 2. a 3. stupeň již pro všechny stejný - všichni jsou si rovni
- 1787 - General Code on Crime and their Punishment - first time the principle: **nullum crimen sine lege a nulla poena sine lege**, inspiration in Code of Leopold II (Tuscana), the ideas of Caesare Becharia



# 19th century constitutional developement

- Metternich's absolutisms - an effort to maintain feudalism
- 1848 - Revolution
- 1848 Pillersdorf's constitution (april 1848) - ordered by emperor
- Congress in Kroměříž - new constitution
- 1849 - Stadion's constitution (march 1849) - ordered by emperor
- Hungarian uprising (Hungarian republic) 1849 x capitulation at Szeged (today Hungary)  
Hungarian name Vilagos
- Alexander Bach's absolutisms (neoabsolutism)
  - Political niveau - Patents of Silvester (31. 12. 1851) - abolishment of Constitution x guaranteed no more serfdom, tolerance of confession, equality before the law, byrocratical regime, security police, „everything for people, but not per people“
  - Economical niveau - trade regulation, railway act, mining act
- 1859 battle of Solferino - end of Absolutism, exchequer was empty
- 1860 - end of absolutism by Emperor's diplom of october 1860, special position of Hungary
- 1861 - Schmerling's (february) constitution - centralistic + ordered by emperor
- 1867 - December constitution - not ordered



# Neoabsolutism, Czechs and Slovaks

## ■ Czech

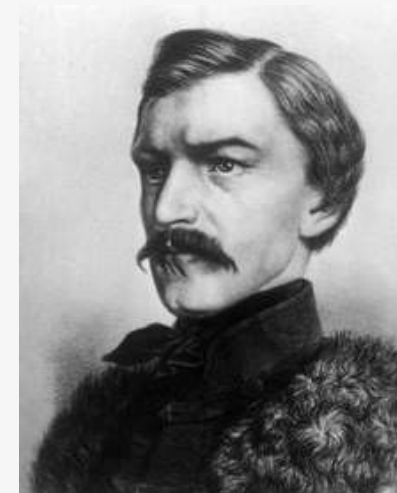
- Time of oppression
- Persecution of czech activities, czech newspaper

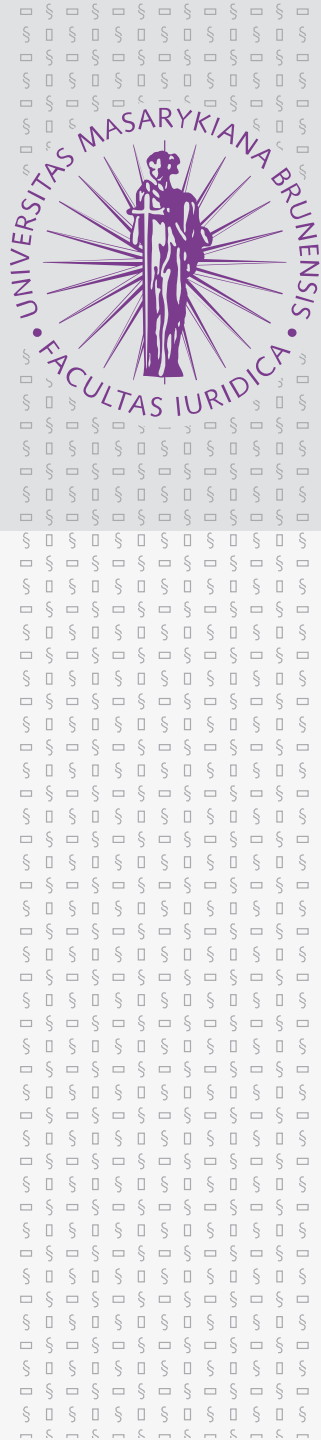
## ■ Slovak

- Persecutions of Hungarians
- Hungarian law lost validity (austrian law is valid until 1861)
- Germanization, political persecution of Hungarian - they don't have time for hungarisation of other citizen of hungary
- Time of release for Slovaks

## ■ See also:

[https://en.wikipedia.org/wiki/Slovak\\_Uprising\\_of\\_1848%E2%80%99349](https://en.wikipedia.org/wiki/Slovak_Uprising_of_1848%E2%80%99349)





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