A CRIMINAL TRIAL AT THE MUNICIPAL COURT OF THE PRAGUE „KLEINSEITE“ IN THE YEAR 1773: SPECULATIONS AND CERTAINTY

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In the fall of 1773, a municipal court of the so-called „Small Side“ Quarter of Prague in the morning sentenced to death a thief who had fled there from Electoral Saxony, only to change the sentence in the afternoon to four years’ imprisonment. This miscarriage was due to the circumstance that neither the praeses nor the assessores were familiar with an important provision of the Constitutio Criminalis Theresiana of 1769, which would have worked against passing a death sentence. — This, at any rate, is what is reported in the memoirs of an actor named Christ, who claims to have been an eyewitness of the trial.

This article examines the credibility of this astonishing trial account, in the light of the personality of its author and the juridical plausibility of his report. In the process, the development and status of criminal law in 18th-century Bohemia are also discussed in detail. The conclusion, based on source criticism and considerations of legal history, is that the layman Christ misunderstood the details of the trial situation and was unjust when he accused the judge of lack of familiarity with the Theresiana. But the core of his charge of abuse of judicial power can not be refuted. What has been preserved of the correspondence exchanged between the municipal court and the appellation court in Prague Castle shows that the judges had already decided on a prison sentence before the trial. This unusual case of first appearing to pass a death sentence can probably be viewed as a curious form of „Territion“.

BISMARCK AND THE CZECHS IN 1866

Hans Raupach

In 1866, Bismarck did not hesitate to mobilize in the anti-Habsburg struggle the forces of nationalism which since 1848 had threatened the existence of the monarchy. How he came to terms with the Italians, Magyars and Serbs has been known for some time; his links with a Czech separatist movement are analyzed for the first time in this study, which already appeared in 1936, on the basis of previously unutilized sources. After the Battle of Königgrätz, the Prussian High Command placarded an appeal to the „inhabitants of the glorious Kingdom of Bohemia“ which spoke of the „just aspirations to autonomy and free national development“: Bismarck had in mind a further national-federative dissolution of Austria in the event that he was unable to
achieve a peace treaty that was acceptable to him. The background of his activity were discussions held in Berlin with Czech journalists (Kotík, Frič, and Prince Thurn und Taxis) and a propaganda brochure which they printed in Berlin and which was also disseminated by Prussian organs. The early peace settlement prevented this campaign from gaining any deeper impact. But in any event, the conservative Czech forces, under the still unchallenged leadership of the realistic Palacký, would presumably have sided with the Habsburg monarchy, which in their eyes still represented the bulwark against *grosseutsch* and Russian-led Pan-Slav endeavours. The still powerful nobility of the land would likewise not have been willing to revolt against Austria. The people as a whole were probably also aware of the ambivalence of the campaign, which left open the whole question of the Germans in Bohemia. By and large, the will to an independent state was, in contrast to the Magyars, still insufficiently developed. The policy of Bismarck and of the Czechs in 1866 offers an instructive example of the durability of the Habsburg Empire even in the critical situation which it faced before the final collapse in the year 1918.

**ONE HUNDRED YEARS OF MENDEL'S LAWS**

*Otto Mather*

Johann Gregor Mendel was born in 1822 in Heinzendorf. His father was a farmer, and the young Mendel was originally designated to take over the property ultimately. Already in elementary school, however, he revealed a marked mental alertness. He finally went to the Gymnasium, where he displayed his gifts in the linguistic-philosophical and mathematical-natural sciences. In spite of financial distress and illness, he graduated from the Gymnasium in Troppau in 1840 and then entered the Augustinian Order. After completing his philosophical-theological studies, he was ordained a priest. Mendel later studied natural science at the University of Vienna, and after twice having failed to pass the state examination, he became a part-time teacher at a Realschule, where he distinguished himself as an outstanding pedagogue.

In addition to teaching, Mendel devoted himself above all to his experiments, in which he used garden peas as experimental plants. He applied the experimental methods of physics and chemistry. Because of his conviction that the laws of heredity were necessarily a question of numerical relationships, the quantity of experimental plants and the number of trials had to be as large as possible. After years of experimentation which required tremendous energy and stubborn persistence, he was finally able to demonstrate the existence of a law of heredity in 1865. The fact that the scientists of his time refused to recognize his achievement was a bitter disappointment to him.