

Territorial Governance—Pomeranian Administrative Ordinance (November 21, 1575)

Abstract

At the heart of the institutionalization of territorial governance lay the regulation and continuity of the prince's central regime. Ensuring these things meant more lawyers and secretaries, but it also meant that these individuals were now subject to new standards of discipline for the sake of bureaucratic efficiency, impartial justice, and fiscal responsibility. The roots of regulation can be found in the last decades of the fifteenth century in the southern and central German principalities, notably Bavaria, Württemberg, the Palatinate, Hesse, and Saxony. By the later sixteenth century, regulation had spread to the northern states as well. Administrative ordinances aimed to force the states' judicial administrative officers to obey the rules of honesty, impartiality, industry, and sometimes appearance. At the top of the hierarchy stood the prince's council, followed by the chancellery, which handled the production, duplication, and preservation of administrative documents, without which regular, efficient, and honest governance was impossible (not to mention taxation to support the costs of the regime, the princely household, and military forces). In 1575, Duke Johann Friedrich (r. 1560–1600) issued this ordinance for the duchy of Pomeranian-Stettin. The document illustrates a crucial step in the development of a set of territorial regulations: the separation of judicial from administrative business. The document begins with the councilors and then moves to the chancellery, for which it specifies the numbers, duties, and oversight of the appointees.

Source

The Ordinance of Johann Friedrich, by God's grace duke of Pomerania-Stettin [...] as to how the business of our regime shall be conducted. Published at Old Stettin, November 21, 1575.

Privy Councilors

Our councilors shall not only be attentive to the honest and competent performance of their appointed offices. Once appointed, installed, and sworn in, they shall direct all their thoughts and actions principally to the honor of God and to the common good, advantage, and welfare of our regime. They shall handle their own affairs according to our business and not [handle] our affairs according to their own opportunity and desire. They shall dutifully attend to their tasks at all times and not request leaves except for special, highly pressing reasons. [...]

[The councilors] shall not receive gifts or fees from parties. Concerning parties who come before us and our court, they shall not advise or represent those [parties] in cases in which they were involved before they were appointed; they shall not sit on the court or serve as advocates, except in instances of mediation or the summoning of witnesses.

And if one of our councilors be charged with violations of the rule, he shall be deprived both of his post in our service and of his good name, be banished for life from our lands, and shall surrender legal claims to his properties to the injured party.

Our councilors shall also live loyally and faithfully according to their duties and [according to] this and other regulations for the regime. They shall hold ready the horses, servants, and garments issued to everyone and wear the garments to enhance our honor, or be deprived of them should they fail to do so, as follows:

When a councilor is sent on mission, he shall ride his own horse at our cost, but if he is on his own affairs, at his own cost, so that the towns and the poor will not have to supply transportation and we will not be saddled with double costs. [...]

The Chancellor and the Judicial Administrator

During his princely regime, our dear lord and father of highly praiseworthy Christian memory, who rests in God, delegated, as we have subsequently done, both judicial and personal [princely] affairs to the office of the chancellor. We have discovered, however, that not only have cases and affairs increased, but we also personally promised our obedient territorial estates at past sessions of the parliament that we would speed up and improve our courts through a special officer, namely, a judicial administrator. Therefore, at the most recent parliamentary session at Wollin in this year of 1575, we allotted our [personal] princely business to our chancellor, Jacob Kleiste, and the judicial affairs to an administrator, Dr. Johann Lubbek^[1]. [...] It is our intention, too, to assign to the administrator certain of the privy councilors, who will serve [as judges] in the court only and will be occupied with no other business. All of our councilors shall, when they are present, nonetheless sit in the court and help evaluate judicial documents and expedite petitions and other types of cases.

Personnel of the Chancellery and the Council's Secretariat

Because of the increase in affairs and for other reasons, business shall be handled as detailed in our judicial ordinance. Our protonotary,^[2] secretaries, and all other chancellery personnel shall be and remain in our council's secretariat from 5 o'clock in the morning in summer and from 6 o'clock in the morning in winter until 9:30 a.m., and then after the meal from 1 to 4:30 p.m. [...] Everyone shall keep to himself the secrets revealed to him or learned in the chancellery from the opinions, letters, seals, or other instruments. And, since we might be harmed thereby, he shall faithfully guard the letters, writings, and documents he receives. Everything pertaining to our princely affairs, which he prepares and seals, he shall enter in the proper volumes and in the register according to our princely chancellery ordinance or orders received. [...] Taking our affairs to mind and heart, he shall employ a clear, readable, elegant, and appropriate chancellery hand. He shall also guard whatever letters and acts are entrusted to him and keep a register of them, so that the chancellor and the administrator may at any time find what they seek. He shall give no one a protocol or registry volume, except with the knowledge and permission of the chancellor or the administrator. And he shall not carry to his house or to an inn any documents pertaining to princely affairs or actions at court. [...]

On the Number of Secretaries, Scribes, and Assistants in Our Chancellery

[...] These are the persons we will employ in our chancellery:

Three secretaries

Three copyists

One chancellery servant

And in the council secretariat:

1) The protonotary

2) The secretary

3) A substitute or copyist.

Specification of Writing, Compensation, and Fees

Only judicial documents shall be prepared in the council secretariat. Half the fee for documents issued from the secretariat under our judicial seal shall go to the administrator, the other half to the protonotary, but only after deducting the costs of paper, wax, ink, and other supplies. The court secretary shall also receive payment, because he is the vice-protonotary who must expedite the judicial documents.

Otherwise no sealed letter will be prepared in our council's secretariat, and all others shall be written in our chancellery, and the chancellor shall receive half the fee. [...]

In our own affairs, however, all secretaries and personnel of the chancellery and the council's secretariat, none excepted, shall be responsible and may be punished, at the chancellor's discretion, being assigned to write and to copy day and night.

When judicial acts are to be sent for appeals to the Imperial Chamber Court, they shall be divided between the council's secretariat and the chancellery. Whatever is written in either place shall be charged for by the page, and half the fee shall be paid to the chancellor in the chancellery and half to the administrator of the council's secretariat, which shall also receive one gulden for the seal. Yet before the pages are gathered and sealed, the administrator and the protonotary shall examine them and compare them with the originals, and they shall see that every part is copied correctly word-for-word, copy-edited carefully, and collated. [...]

NOTES

[1] This passage marks one of the most important moments in the transformation of an old-style, patrimonial regime into a new-style, bureaucratic regime, the separation of judicial affairs from the prince's personal administrative business—trans.

[2] A protonotary was the chief clerk or registrar, the term having been borrowed from the Church—trans.

Source of original German text: *Deutsche Hofordnungen des 16. und 17. Jahrhunderts*, ed. Arthur Kern, vol. 1. Berlin, 1905, pp. 109–13, available online at: <https://babel.hathitrust.org/cgi/pt?id=uc1.b3263657>; reprinted in Bernd Roeck, ed., *Gegenreformation und Dreißigjähriger Krieg 1555–1648*. Deutsche Geschichte in Quellen und Darstellung, edited by Rainer A. Müller, Volume 4. Stuttgart: P. Reclam, 1996, pp. 73–78.

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Recommended Citation: Territorial Governance—Pomeranian Administrative Ordinance (November 21, 1575), published in: German History in Documents and Images, <<https://germanhistorydocs.org/en/from-the-reformations-to-the-thirty-years-war-1500-1648/ghdi:document-3959>> [April 03, 2025].