

Territorial Government by the Prince with Estates—The Parliament of Electoral Saxony (Second Half of the 16th Century)

Abstract

This sixteenth-century text describes the procedural rules for calling and holding the territorial parliament [*Landtag*] in Electoral Saxony. At this time, the elector, whose seat lay in Dresden, ruled over much of Saxony and considerable portions of Thuringia to its west. In Saxony, as in other principalities in the eastern and northeastern portions of the Empire, the second half of the sixteenth century was a time of growing seigneurial power and weakening communal institutions in towns and villages. Like the Imperial Diet, territorial parliaments were conducted according to customary rules, the recording of which reflects the contemporary tendency to reduce rules to writing. Writing things down meant that the custody of these rules was transferred from the collective memory of the participants to the princely regime as the keeper of records. Thus, these written rules also illustrate the more general shift toward authoritative documentation and the emergence of law from the codification of customary procedure.

Source

A regulation concerning how and in what way a territorial parliament [*Landtag*] is to be held.

[1] The territorial prince determines the day and place, when and where he will hold the parliament.

[2] He then sends out a written or printed general announcement, in which he commands all of his territorial estates—prelates, counts, barons, knights, towns, and universities—to appear in person. This announcement is to be sent to the districts [*ambter*=*Ämter*] of each circle. There, it is read to and acknowledged by the *Schriptsassen*, and then the *Ambstsassen* are called together by the district officials, who read the document and give them a copy of it, so that each person knows the rules he has to follow.^[1]

[3] The literate estates attend the parliament in person. Those prelates and counts who cannot attend, for serious reasons, send their envoys; and each of the towns sends two, three, or four persons, according to its size. The *Ambstsassen* send two or three noblemen from each district; these noblemen have full powers to present their grievances.

[4] Meanwhile, before the parliament assembles, the prince has his needs and whatever else he wishes to propose embodied in a regular written proposition, each and every point of which his councilors deliberate upon and consider; and when they are fairly well agreed, the draft of the proposition is read. And when they are completely agreed, and nothing remains to be considered, the proposition is prepared in four true copies, but not signed or sealed.

[5] On the day of parliament, the prince calls all the invited estates to assemble in a chamber. The prelates take the first seats, then the counts, barons, knights, and townsmen, each according to his traditional place. On the previous evening, the Marshal will have sent a herald to announce the meeting place to each and every one of them.

[6] When they have all taken their places, the prince enters, accompanied by his courtiers [*hofgesind*], councilors, and servants, and he makes a brief speech through one of the councilors, speaking to them

approximately as follows. He says that he graciously notes their obedience to his summons and tells them, further, why he has had them summoned, referring to the written proposition and asking them to listen to the proposition as it is read, to consider it diligently once they have written copies in hand (to consult one another when necessary), and to behave as it behooves loyal subjects to serve with sound words and willing deeds. This is related to them briefly but fully, according to proper form and in a gracious manner, so that they may be inspired to loyalty.

[7] Then the written proposition shall be read by the prince's secretary, after which the prince takes his leave and returns to his quarters. One copy of the proposition is given to the counts and barons, another to the prelates and religious houses, the third to the knights, and the fourth to the towns.

[8] Thereafter the entire parliament selects from all circles about twenty or thirty from among the most eminent knights to sit in the Small Committee of the parliament. The same applies for the Large Committee, which the Small Committee elects, but about twice as many [members]—more rather than fewer. These two bodies deliberate separately. And the burghers also elect members to the Small and the Large Committee. In the Small Committee, the members sit according to their order of precedence. The Hereditary Marshal of Electoral Saxony shall take the chair, and the Bailiff of Thuringia shall vote first. In the Large Committee, however, the members take seats as they wish. The Small Committee selects one of the members of the large committee to direct the business in the latter body.

[9] The prelates, religious houses, and universities also have their separate assemblies, as do the counts and barons who are present; and the knights elected to the two committees hold a separate assembly; and the towns' members of the two committees also meet and deliberate independently.

[10] During deliberations the knights in the Small Committee read the proposition, discuss it, and vote on it. Similarly, the towns hear the proposition and then, after deliberating on it, present their written opinion to the Small Committee. Then the opinions are read to the whole Small Committee and well considered, each group consulting with its people separately, and then the committee comes to a decision about how the matter needs to be handled, how to respond to the proposition and written request, and how to answer the prince's address. When they have reached agreement, the president of the Small Committee, along with others selected for this task, incorporates it into a draft. When this draft is read in the Small Committee and approved by it, it is given for comment to the knights who sit in the Large Committee. If they have anything relevant to say, they do so at this time, and, if important, it is incorporated into the draft.

[11] Finally, when they have agreed, the draft is presented to the entire parliament. They formulate their opinion, which is conveyed by some of them orally and briefly to the Small Committee. This opinion is then, if necessary, deliberated on by the Small Committee, and, finally, a unanimous opinion is composed. They send this via two nobles from the Small Committee to the counts, barons, and universities. The latter give their opinion in writing, saying nothing more than whether they confirm the Small Committee in its findings. The upper estates do not debate the matter but each of them confirms the opinion drafted by the committee.

[12] All of this, including what advice and aid is to be offered, is now written up in true copies and presented to the prince by some nobles from the Small Committee and about four persons from the most prestigious cities.

[13] When the councilors conduct the envoys to the prince, he hears them in the presence of his chamberlains [*cammerräthe*] in a specially designated place, receives the document from them, and dismisses them with the request that they allow him a brief time to consider it. Then he presents the document to his privy council [*in geheimen rath*] and asks whether he should accept it. If they decide that what is offered is too little to serve the purpose, he shall demand that they offer more, stipulate what is

owed from each unit of land, and when it shall be paid, and this is framed in proper form in a written reply. Then the envoys of the estates are recalled and given this reply. And the prince tells them, as forcefully as the situation permits, why he cannot be satisfied by their offer, for which reason he graciously asks them to exert themselves to see that neither he nor they are caused unnecessary delays and that the matter is resolved in a spirit of good will.

[14] The Small Committee receives this reply and considers it, reaches a new agreement and finally offers an explanation and their compliance in such a way as will satisfy the prince.

[15] The prelates, counts, barons, knights, and towns, plus the *Ambtsassen* and *Schriftsassen* also present their grievances, each estate separately, with the earnest request that these be redressed before any aid is approved by the estates. The prince responds to them in writing to say to what degree he can and will redress them.

[16] When the estates are satisfied, they give their approval to the prince's requests. Matthias Hanisch is their parliamentary secretary.

[17] On the day after the parliament's act of consent, the estates are thanked. Then the recess is read aloud, plus the names of those to whom the prince's receivers-general are to render account for the previous tax.

[18] According to ancient custom and practice, the estates and envoys are provided with fodder and meals. In addition, they receive 1 groschen toward stabling costs, plus half a gulden per horse for those who have to take lodgings on the way to and from the parliament.

[19] At its request, the parliament receives a document, signed and sealed by the prince, that the estates' grant does not establish a precedent. When this document is completed, it is put into and kept in the parliamentary archive, of which one of the most distinguished nobles has custody. The draft from which the original document is prepared, however, is deposited by the Small Committee in the prince's chancellery.

[20] Further, at the end, approximately six nobles are selected from all the circles and one person from each of the principal towns. The prince's receivers-general present them with a summary of the accounts for the receipts and outlays from the hearth tax and the beverage tax, which were consented to by past parliaments and have now expired. The representative examines the accounts as needed, and, finding them just, signs off on them. They are also reminded to keep these matters secret.

[21] Then, parliament's grant is printed and publicly announced at parliament's expense. And so the whole thing comes to an end, having once again taken its due course.

NOTES

[1] In Electoral Saxony, the untitled nobles were divided into *Schriftsassen*, who were mobilized (for military service) directly by the prince, and *Amtssassen*, who were mobilized indirectly through the district governors [*Vögte*]*—trans.*

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