The Prussian Declaration of 1816, modifying the Regulation Edict of 1811 (May 29, 1816)

Abstract

Post-1815 conservative aristocratic pressure on the Prussian government succeeded in altering the terms of the 1811 Regulation Edict to the disadvantage of the peasantry, especially village cultivators whose farms, after the cession of one-third or one-half of their cropland, would not qualify as self-sufficient. Landlords were authorized to continue drawing labor rents from such unregulated smaller holdings, or to buy them out or otherwise enclose them in their seigneurial domain. In other respects, too, as this text illustrates, the noble estate-owners gained strength. Nevertheless, the legislation of 1811–16 (together with later laws resulting from the Revolution of 1848) enabled the proprietors of most medium-sized and large peasant holdings (the majority of village farms) to gain freeholds and survive as a numerous class in the countryside, alongside the large estates and a growing number of village small holdings of old or new origins.

Source

Declaration Concerning the Edict of September 14, 1811, Regulating the Relationship of the Manorial Lord to the Peasant Subject Farmer

Article 4: To clarify uncertainties about the concept of peasant holdings, We decree that those farms are subject to the 1811 edict that display all of the following characteristics:

a) their principal purpose is to enable their occupants to sustain themselves as independent farmers;

b) they have been registered in the tax-rolls of their province as specifically peasant properties;

c) they were occupied by identifiable peasant proprietors in their province's normative year, that is, on February 15, 1763, in the Mark Brandenburg and Pomerania, in Silesia before July 14, 1749, before the year 1752 in East Prussia and associated governmental districts, and before the year 1774 in West Prussia and Ermland;

d) at the time of publication of the Edict of September 14, 1811, their manorial lordship was obligated to maintain them in peasant farmers' occupancy.

Article 5: Excluded from the category of peasant holdings are, therefore:

a) Holdings occupied by families who are engaging in providing manorial services rather than in maintaining themselves through farming on their own account. If manorial labor services must be rendered from the holding with draught-teams, or if the possessor has previously customarily farmed it with draught-animals, then it ranks as a self-sufficient farm. If the possessor is obliged only to render manual labor services, and if he has kept no draught-animals to cultivate his holding and if none are required to do so, then the holding qualifies as a service-holding.

b) Farm-holdings that were formed from manorial land, whether arable or forest.

c) Such farm-holdings that, although of such size as would customarily require their occupants to cultivate them themselves, are nonetheless not registered in the provincial tax rolls as peasant farms or

were established only after the above-specified normative years, even if the possessors of such holdings must render manorial and public dues and services like regular peasant farmers.

d) Such holdings as have been, with official legal consent, enclosed within manorial demesne-land. […]

Article 7: Parish and church lands, whether cultivated directly or leased out, and likewise farms held from the parish by peasant farmers, are excluded from the [1811] edict. […]

Article 9. Even if the time specified in this paragraph has passed for reaching amicable settlement [between lord and peasant eligible for freehold conversion], We do not wish to enforce a settlement through official channels. But as soon as one of the parties, even if a farmer subject to manorial services, submits a petition, the General Commission must, through commissioners named by it, carry out the regulation [freehold conversion]. Suspension of regulation may occur only when legal provisions allow it.

The parties remain free to reach an amicable settlement among themselves, without the involvement of the designated authorities. But in all cases the agreement between them must be legally executed and submitted to the General Commission for review and confirmation.

[…]

Source: *Gesetz-Sammlung für die Königlichen Preußischen Staaten 1816*. Berlin: Georg Decker, 1816, pp. 155–58; reprinted in Walter Demel and Uwe Puschner, eds., *Von der Französischen Revolution bis zum Wiener Kongreß 1789-1815*. Deutsche Geschichte in Quellen und Darstellung, ed. Rainer A. Müller, Volume 6. Stuttgart: P. Reclam, 1995, pp. 345–48.

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