

The Prussian “October Edict” of 1807 (October 9, 1807)

Abstract

This important document brought both Prussian villagers’ subjection to seigneurial overlordship and personal serfdom (where it survived) to an immediate end. Furthermore, it stipulated that estate laborers’ contracts deriving from their subject-status would end in 1810. The October Edict largely justified itself in economic terms by arguing that replacing the centuries-old system of seigneurialism with free markets in land and labor would raise property values to the benefit of the landed nobility, while also allowing members of this class to enter industrial and commercial fields hitherto closed to them. For landed villagers with hereditary tenures, the terms under which they could acquire freehold farms remained to be specified. Villagers with previously temporary tenures now faced the prospect of having their land enclosed into the seigneurial estate, as happened frequently though not universally in the following years.

Source

The Prussian Reform Edict of October 9, 1807

Edict Facilitating the Possession and Free Use of Landed Property, as well as the Personal Conditions of the Landsmen

We, Frederick William, by the Grace of God King of Prussia, etc., etc.

Hereby make known and give to understand:

Since peace has been established we have been occupied before everything else with the care for the depressed condition of our faithful subjects and the speediest revival and greatest possible improvement in this respect. We have considered that in face of the prevailing want the means at our disposal would be insufficient to aid each individual, and even if they were we could not hope to accomplish our object, and that, moreover, in accordance with the imperative demands of justice and the principles of a judicious economic policy it behooves us to remove every obstacle which has hitherto prevented the individual from attaining such a state of prosperity as he was capable of reaching. We have farther considered that the existing restrictions both on the possession and enjoyment of landed property and on the personal condition of the agricultural laborer especially interfere with our benevolent purpose and disable a great force which might be applied to the restoration of cultivation, the former by their prejudicial influence upon the value of landed property and the credit of the proprietor, the latter by diminishing the value of labor. We desire therefore to reduce both kinds of restrictions so far as the common well-being demands and accordingly ordain the following:

1. Every inhabitant of our States is competent, without any limitation on the part of the State, to own or mortgage landed property of every kind. The noble may therefore own not only noble but also non-noble, citizen and peasant lands of every kind and the citizen and peasant may possess not only citizen, peasant and other non-noble, but also noble tracts of land, without in any case needing special permission for any acquisition whatever, although henceforth, as before, every change of ownership must be announced to the authorities. All privileges which are possessed by noble over citizen inheritances are entirely abolished, as well as the restrictions and suspension of certain property rights based upon the personal status of the holder.

Special laws shall still continue to regulate the right of those to acquire land who are by reason of their religious beliefs precluded from performing all the duties of citizenship.

2. Every noble is henceforth permitted, without any derogation from his station, to engage in citizen occupation and every citizen or peasant is allowed to pass from the peasant into the citizen class or from the citizen into the peasant class.

3. A legal right of pre-emption and of prior claim shall exist hereafter only in the case of superior proprietors, of the lessors of estates on perpetual leases or to copy holders, and of co-proprietary owners, and where a tract of land is sold which is confused with or surrounded by other holdings.

4. The possessors of alienable landed property of all kinds, whether in town or country, are allowed, after due notice given to the provincial authority, reserving the rights of those holding mortgages and those enjoying rights of pre-emption (3), to separate the principal estate from its appurtenances, and in general to alienate lands piecemeal. In the same way co-proprietors may divide among them property owned in common.

[...]

6. If a landed proprietor finds himself unable to restore and maintain the several peasant holdings existing upon an estate which are not held hereditarily either on a perpetual lease or of copyhold, he is required to inform the authorities of the province, with the sanction of which the consolidation of several holdings into a single peasant estate or with outlying land shall be permissible so soon as serfdom shall have ceased to exist on the estate. The provincial authorities will be provided with special instructions to meet these cases.

7. If, on the contrary, the peasants' holdings are hereditary whether in virtue of a perpetual lease or of copy hold, the consolidation or other change in the condition of the land in question is not admissible until the rights of the previous owner are extinguished, whether by the sale of the land to the lord or in some other legal way. In this case the provisions of (6) shall apply as well to this species of holdings.

8. Every possessor of feudal or entailed property is empowered to raise the sums required to replace the losses caused by the war by mortgaging the estates themselves and not simply the revenue from them, provided that the application of the funds is attested by the *Landrath* of the Circle or by the Direction of the District Department. From the close of the third year after the contracting of the debt the possessor and his successor are bound to pay off at least a fifteenth part of the capital annually.

9. Any feudal connection not subject to a chief proprietor, any family settlement or entail, may be altered at pleasure or entirely abolished by a resolution of the family, as has already been enacted in regard to the Fiefs of East Prussia (except those of Ermeland) in the East Prussian Provincial law, appendix 26.

10. From the date of this ordinance no new relation of serfdom whether by birth or marriage, or by assuming the position of a serf, or by contract can be created.

11. With the publication of the present ordinance the existing relations of serfdom of those serfs, with their wives and children, who possess their peasant holdings by inheritance, or in their own right, or by perpetual leases or of copy hold shall cease entirely together with all mutual rights and duties.

12. From Martinmas, one thousand eight hundred and ten (1810) all serfdom shall cease throughout our whole realm. From Martinmas 1810 there shall be only free persons, as is already the case upon the royal domains in all our provinces, free persons, however, still subject, as a matter of course, to all obligations which bind them as free persons by reason of the possession of an estate or by virtue of a special contract.

To this declaration of our supreme will everyone whom it may concern and in particular our provincial authorities and other officials are exactly and dutifully to conform and the present ordinance is to be universally made known.

Source: James Harvey Robinson, ed., *Translations and Reprints from the Original Sources of European History*, vol. II, no. 2: *The Napoleonic Period*. Philadelphia: University of Pennsylvania, 1902, pp. 27–30.

Source of original German text: *Sammlung der für die Königlichen preußischen Staaten erschienenen Gesetze und Verordnungen von 1806 bis zum 27. Dezember 1810. Anhang zu der seit dem Jahre 1810 edirten Gesetz-Sammlung für die Königlich preußischen Staaten*. Berlin, 1822. Reprint: Bad Feilnbach, 1985, pp. 170–73; 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. 327–32.

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