

The Prussian Regulation Edict of 1811 (September 14, 1811)

Abstract

This fundamental law governed the transformation of the (now, since 1807-1808, personally free) former subject villagers' landholdings into freehold farms and the compensation they were obliged to pay to their former seigneurial overlords for the acquisition of such property rights. Those with hereditary tenurial rights owed their former landlords one third of their lands or the equivalent in cash or other payments. Those with legally non-hereditary (though often *de facto* hereditary) tenures owed one-half of their lands or the equivalent. These arrangements were importantly modified by the Prussian government's declaration of 1816, amending this 1811 edict, as the next document in this chapter shows. The text below sets forth procedures governing the dissolution of the previously complex landlord-village farmer economic nexus.

Source

Edict of Regulation Regarding the Relationship between Manorial Lordships and Subject Farmers

September 14, 1811

§1. All peasant farms not yet held as personal property shall be converted into hereditary freehold property according to the rules and conditions outlined in this edict, and the labor services and other claims resting on them dissolved through mutually just compensation. To avoid all misinterpretation and abuse, however, we expressly declare that no owner of these rural livelihoods shall be authorized to take possession of such property of his own accord, nor refuse preexisting obligations to render dues and labor services, until a settlement has taken place in accordance with the following rules, either by mutual agreement or [through the mediation of] the responsible agencies. Failure to comply will result in the punishments legally mandated for impermissible unilateral action ["self-help"]. [...]

First section concerning previously hereditary tenures

[...] §4. All current inhabitants of hereditary farms and holdings—whether they be full-holdings, half-holdings, or cottager-holdings, or bear another local name, and whether they belong under ecclesiastical, royal, or private seigneurial lordship—shall have property rights to their farms transferred to them and be obligated to compensate their former landlords according to the stipulations which follow here.

On the same condition, labor services, with the sole exception of auxiliary services outlined in §16, shall be abolished in exchange for compensation.

In return, the former lordships shall be freed from any obligation to maintain buildings and the peasant farms' inventory [of seed grain, livestock, farm equipment, servants' beds, etc.], and from any other support or assumption of responsibility concerning payment of public dues and charges burdening such holdings. The lordships shall be duly compensated in consideration of the value of such previous support [e.g., in cases where lordships could claim to have outfitted peasant holdings with essential livestock].

Remaining dues and services should also be mutually balanced out as far as possible. However, they can

also remain in place, in which case it should be arranged that they be divided into individual shares burdening the farms separately so that they do not form an obstacle to conversion of villages' common lands into individualized holdings.

§5. It is our desire that the negotiations between landlords and their former subjects be carried out in amicable agreement, and, to this end, [We] set a term for their completion of two years from the day of this decree. If however this should not come to pass in a timely manner, the regulation process shall proceed according to the following paragraphs [§§], [and] unless one of the parties initiates such negotiations, a settlement shall be undertaken by the state.

§6. The elements that ordinarily figure in the reaching of a settlement are:

a) rights of the landlord or lordship:

1) property rights;

2) claims on labor services;

3) cash dues and product rents;

4) inventory of movable property essential to operation of the peasant holding [e.g., draught animals and other livestock, wagons and farm implements, basic household furniture]

5) rights of usage on village or seigneurial lands;

b) rights of lordships' subjects:

1) the right to seigneurial assistance in cases of misfortune;

2) the right to collect windfall firewood, or other forest rights;

3) the obligation of the landlords to construct and maintain [peasant farm] buildings;

4) the [lordships'] further obligation, in case of [peasant farmers'] incapacity, to assume responsibility for payment of their subjects' taxes and rendering of other public dues and services;

5) rights of pasturage and forest use.

§7. Of these elements, only a few—namely, cash and product rents, basic farm inventory, and rights of pasturage and forest use—allow for a reasonably precise calculation of monetary worth. The remaining factors can only be valued in estimation, for there is no clear point of reference. These include in particular:

a) property rights, which according to circumstances can be worth more or less;

b) the value of labor services, which, even when fixed in extent, afford a varying benefit depending on the quality of their performance;

c) most of the obligations of the landlords, which by their nature are sometimes frequent and significant, and at other times hardly an issue, and the worth of which is even more difficult to determine because the past can provide little guidance due to irregularity of these needs and obligations;

d) the sum of taxes lordships pay on their subjects' behalf, which similarly sometimes does not occur for long intervals, but at other times can occur often;

In order to provide a solid foundation for the settlements and to not defeat their beneficent purpose with insoluble difficulties, we find it necessary to prescribe special norms for the objects of negotiation, which are derived from the constitution of the land and general legal precedents established thus far.

§8. These norms provide:

- a) that in the case of hereditary peasant holdings, dues and obligations owed the lordships may not be raised;
- b) on the contrary, they should be reduced if the possessor cannot subsist at their present level;
- c) that the farms must be maintained in a condition which enables their payment of state taxes;

accordingly, and in agreement with general principles of governmental economics and law, the right of the state to receive both regular and special taxes and services takes precedence. Those services owed the landlords must be limited in such a way that their subject farmers have the means to subsist and satisfy the demands of the State.

§9. We elaborate therefore on the heretofore undefined concept of subsistence and ability to bear the full tax burden, determining that both will doubtless be assured when the landlord's dues and services do not exceed the value of one third of output or gross yield of the property of hereditary tenants.

§10. The following rule shall therefore (with exceptions to be noted) apply:

in the case of peasant farms held on hereditary tenure, the landlords will be compensated for their property rights in the farms, and for the labor services and dues rendered from them, when and if their subjects cede to them one third of all their lands and renounce all claims on extraordinary support, maintenance of inventory, aid in the construction of buildings, and assistance in tax payment. [...]

§12. It is the general rule that the compensation should entail cession of one third of the arable fields and other farmland, meadows, pastures, and forests; at the same time, the parties involved are free to reach a compromise involving compensation in capital or rents paid in kind or cash. [...]

§16. The farmstead and garden land attached to it shall not be divided but remain the sole property of the farmer. Farmers will compensate the lordships accordingly for this, as well as for the grazing of sheep on one third of the pastures, as detailed in §14, and for the collection of firewood (§15) [in the following way]:

- a) by their assumption of, or rather continued responsibility for, previous or future communal burdens,
- b) by some auxiliary labor services for the former lordship, which may be reserved for pressing needs, as for example at harvest and sowing time, and which among farmers maintaining draught teams should not exceed "ten days with a team of three horses, and ten days of manual labor performed by a man."

Among peasant farmers rendering manual labor services only, ten days for a man and ten for a woman will be permitted.

[...]

§23. While these settlements may begin immediately, we allow for their fulfillment a period of four years, beginning with the first day of annual hiring of farm servants [commonly November 11] of the year 1812. This period is necessary so that both sides have time to make the necessary new production arrangements. [...]

§29. In order that transformation of peasant farms into individualized properties not be burdened by mortgage debt, we hereby declare:

a) that the peasant farms should never be mortgaged for more than one fourth of their worth

[...].

Second part: Concerning the previously non-hereditary holdings

§35. This category includes those farms which have been leased by landlords to tenants for unspecified periods, or for a set number of years, or for their own lifetimes in exchange for dues, rent, and labor services.

[...]

These are distinguished from the farms of the first category by arbitrary seigneurial determination of a successor after the departure of the tenant or usufructuary, and by the customary (but sometimes absent) authority to raise the holding's dues and labor services. The property right of the lord of the manor, however, just as with hereditary peasant holdings, is subject to the restriction that he may not enclose the farms into his own estate or demesne land. Rather, he must maintain them in occupation by members of the peasant class. He is also obligated to maintain the property in such condition that it yields taxes, and bear responsibility for its taxes and rendering of public services.

§36. The relationship that predominates in [East And West] Prussia, Lithuania, Pomerania, Upper Silesia, the Uckermark, and the Neumark, in which the actual [seigneurial] owner has no direct influence on the management and cultivation of the farms, and the momentary tenant farmer has no long-term interest in the property, has even greater disadvantages than those characteristic of the hereditary tenancies. We can thus no longer permit the continuation of such relationships which run contrary to the common weal: instead, to establish a new landlord-peasant relationship, we decree the following:

§37. The regulations outlined in the first section concerning the hereditary peasant farms shall also apply to those which are not hereditary, with the difference that, if no other mutual agreement is amicably reached, the manorial lords shall be authorized to enclose into their estates half of such farms' holdings in arable fields, gardens, meadows, woods, and pastureland, or to decide for themselves how otherwise to dispose of them.

§38. The other half must be left to the free, unrestricted ownership [...] of the current usufructuary or tenant, if there are no objections based on his abilities or performance which would have been grounds based on the rules up to now to dismiss him legally from the property. In this case, or if the current tenant willingly relinquishes his right to acquire the property, the lord is not bound to any subject but may select anyone he thinks fit. He is not, however, thereby permitted to demand any sum in payment.

[...]

§40. The determination of the halves of the farm properties shall be permitted in three ways:

A) via division of the land so that each party truly receives half of the land;

B) without division of the land, but rather via compensation for the use of the [unclaimed] half in payment by grain-rent, to be calculated based on the total area left in the peasant farmer's possession.

C) via a combination of these types of compensation in which 1) of the three sixths of the land owed to the lordship, two sixths are surrendered while one sixth is compensated for in rent, so that the farmer assumes payment of a grain-rent levied on this one sixth and on the three sixths which are allocated to

him, in other words, on the remaining four sixths. This payment in grain may amount to, from an acre^[1] of “wheat-bearing land,”^[2] a quarter-bushel,^[3] half in rye, half in oats; from an acre of “first-class barley-bearing land”, three-sixteenths of a bushel, from “second-class barley-land,” one-eighth of a bushel, from an acre of “oats-bearing land,” one-sixteenth of a bushel.

§41. It is for the parties to mutually agree to one of these three forms of compensation. If such an agreement, however, is not reached within two years after the day of this edict—or three years in [East and West] Prussia and Lithuania—the lord shall be permitted to unilaterally choose one of the three forms. [...]

§52. The regulation of the relationships in this section must also be determined within four years and the instructions in §23 also apply here.

§53. The provinces of East and West Prussia and Lithuania shall have six years’ time to implement the measures outlined here.

NOTES

[1] The German term *Morgen*, literally “morning,” refers to the area of land which could be plowed in one morning. It was varied from region to region, but is often translated, as here, with the English term “acre.”

[2] Land was categorized according to which crops could be expected to grow well in a given field, but peasant farmers did not typically grow wheat, which is why they are expected to pay their grain-rents here in rye and oats, the grains they more frequently cultivated.

[3] The German unit *Metze*, used in the original, is a measure of volume which varied regionally and depending on the type of grain to be measured. It has been converted to bushels here for readability.

Source: *Gesetz-Sammlung für die Königlichen Preußischen Staaten*. Berlin: Georg Decker, 1811, pp. 281–95; 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. 337–45.

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