AN

## HISTORICAL DEVELOPEMENT

OF THE PRESENT

POLITICAL CONSTITUTION

OFTHE

GERMANIC EMPIRE.

VOLUME III.

#### HISTORICAL

## DEVELOPEMENT

OF THE PRESENT 1674
POLITICAL CONSTITUTION

OF THE

## GERMANIC EMPIRE.

#### By JOHN STEPHEN PÜTTER,

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#### TRANSLATED FROM THE GERMAN,

With NOTES, and a comparative View of the REVENUES, POPULATION, FORCES, &c. of the respective Territories, from the Statistical Tables lately published at Berlin.

By JOSIAH DORNFORD, of Lincoln's Inn, LL.D. of the university of gottingen, and late of trinity college, oxford.



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### BOOK XI.

Eighth Period of Modern History.

FROM THE DEATH OF CHARLES VI. UNTIL THE PEACE OF AIX LA CHAPELLE.

1740-1748.

#### CHAP. I.

The Vicariate of the Empire on the Death of Charles VI.

Bad prospect for the Interregnum—Particularly respecting the Vicariate—Family Compact between the Houses of Bavaria and the Palatinate concluded in 1724—In which they agreed to hold the Vicariate in common—But without the approbation of the Empire—Which prevented the use of a common seal in the dispatch of business—Neither was the establishment of a joint Aulic Court at Aussungs for the Vicariate of the Rhine approved of—So that there was almost a cessation in the administration of justice, except in the Aulic Court of the Vicariate of Saxony.

THE death of Charles VI. forms a remarkable A. C. 1740. epoch in the hiftory of the Germanic Empire, because it suddenly broke the line of the Emperors of Vol. III.

BOOK the House of Austria, which had continued without XI. interruption for three centuries. There were at first, indeed, some hopes at Vienna, that Charles's son-in-law, Francis of Lorraine, who was then Grand Duke of Tuscany, would be elected Emperor, and that Vienna therefore would remain as usual the seat of the Imperial Court; but this hope soon vanished, and a variety of circumstances concurred, which threatened several important changes in, if not a total subversion of, the Germanic constitution. The Interregnum itself, before a new election was accomplished, was attended by a number of remark-

able circumstances.

The recollection of the dispute concerning the Vicariate of the Empire between the Bavarian and Palatine Houses, on the death of Ferdinand III, gave some cause for apprehension at present (a). This affair did not occasion any disturbance at the death of Joseph I, because the Elector of Bavaria was at that juncture under the ban of the Empire, so that the Elector Palatine had no opponent. The expectation of the public was now raised, and waited the result, when it was suddenly discovered that not only this dispute between the two Houses had been settled in the year 1724, but that a general Family Compact likewise had been concluded, which comprehended a variety of important articles.

The difference of religion, which subfisted be- CHAP. tween the two houses, so long as the Electoral line .... of Palatine-Simmern, which was of the Calvinistical persuasion, flourished, had certainly a considerable influence. Now that the Catholic House of Palatine-Neuburg succeeded to the Palatine Electorate, there was much less difficulty, upon the refloration of the Bayarian House to its former honours, in confequence of the peace of Baden, to bring them to a nearer connection with each other. This was at last accomplished by means of the treaty of union already mentioned, which was privately concluded by the two houses on the 5th of May, 1724; and as Francis Lewis, who was at that time Elector of Treves, was a brother of the Elector Palatine, and Clement Augustus, Elector of Cologne, a son of the Elector of Bavaria, both those Spiritual Electors were included in the treaty.

This Family Compact, which was in many refpects of such importance to the constitution of the Empire, in the first place renewed certain ancient treaties of the years 1490, 1529, and 1674, so far as they were not inconsistent with the peace of Westphalia—After this both Houses bound themselves to protect each other in the possession of their territories and privileges; and for this purpose it was enjoined, that they should adopt the same measures at all public meetings of the States, and act for the interest of each other in all negociations with the Imperial or other Courts, or else where any particular views

BOOK or treaties prevented this, to avoid any opposition, by XI., remaining neutral. They further promifed to support each other, in case of an attack, with all their forces; and, on this account, that each Electoral House should keep a standing army of 8000 men, 2000 cavalry, and 6000 infantry. That all the Princes likewise descending from the joint Bavarian and Palatine houses, who should obtain ecclefiastical Electorates or Principalities, should of course be included in the treaty. It was moreover enjoined, by a feparate article, that mutual affiftance should be granted, particularly in case of any molestation on account of the Catholic religion. That one House should in like manner endeavour to promote the advantage of the other; in cases of Matrimony, elections to Bishopricks, or Coadjutorships. That, on the other hand, both Houses should always withhold their consent to the claims of the Princes respecting a perpetual capitulation, and their equality with the Electors, and oppose the introduction of new Princes to the utmost of their power (a).

With respect to the Vicariate of the Rhine, it was settled in the convention, that the Bavarian and Palatine Houses should have the administration in common; and that for this end, whenever the Imperial throne was vacant, a joint court of judidicature should be established at Augsburg.

<sup>(</sup>a) FABER'S State Chancery—Vol. LXXX, p. 90. History of the Interregnum after the death of Charles VI. Vol. I. p. 322.

All this was put in execution immediately after CHAP. the death of Charles VI; but a question arose now, whether the two Courts of Munich and Manheim could make this alteration in the Rhenish Vicariate, of their own accord, without first obtaining the consent of the Emperor and Empire. It was considered by many as a deviation from the Golden Bull, to have three administrators of the Empire in future, instead of the two which are there expressly mentioned, viz. the Palatinate and Saxony. And as a deviation from the custom hitherto prevailing, that a Vicariate Court of Judicature, which was in the place of the Aulic Council, should be held in another place, viz. an Imperial city, and not at the court of the Vicar of the Empire.

The Electoral Court of Saxony took no part in this alteration; fo that no agreement could be made respecting a common seal, which was otherwise customary, to be made use of in the Imperial Chamber during an Interregnum. On this account, as long as the Interregnum lasted, no business could come to any formal issue at Wetzlar; a circumstance which occasioned, among other things, the greatest inconvenience to the persons employed in chancery, as their salaries depended entirely on the sees which were paid when any formal acts of the courts were executed.

Befides this, the Vicariate Court of Judicature at Augsburg was not acknowledged by most of the B 3

BOOK States of the Empire; so that, except in the district of the Saxon Vicariate, there was almost a total ceffation in the administration of justice. This appeared fo difficult to remedy, that the Vicarial Courts themselves were under the necessity of taking the matter into confideration, and uniting in the establishment of some other institution.

> In the capitulation at the election in the year 1742, it was only faid, "that as the circumstances which " were already known had occurred, with respect to the joint administration which had been " agreed upon of the Rhenish Vicariate, the affair " should be referred to the meeting of the States," until which time the Emperor's approbation of the acts of the Vicariate, which was otherwise usual, was deferred, and on the present occasion it was confined to the affairs of the Vicariate of Saxony alone (a).

<sup>(</sup>a) Capitulation at the Election of Charles VII. Art. III. § 18, 19.

#### CHAPTER II.

Fate of the Pragmatic Sanction, until the election of Charles VII. 1740-1742.

Claims of the House of Bavaria upon the Austrian succession, to invalidate the Pragmatic Sanction-Founded upon the fo denominated REGRESSIVE INHERITANCE—which, however, were not admitted to the prejudice of those, who were the nearest related to the last of the male line—the right and order of succesfion two distinct things-And a right of succession, which once devolves to a particular line, continues there fo long as that line exists-On this account, Maria Theresia, the daughter of Charles VI. had a prior right to all the more distant female descendants of the former Princes of her family-The usual refervation, at the renunciation made by daughters, has effect upon their posterity only, when the succession devolves to them on the failure of male heirs - The Archdutchefs Anna, therefore, who was married into the House of Bavaria, could only make a refervation in favour of her posterity, that her renunciation should be no obstacle, when the Austrian male line became extinct; and not that they should have the preference before all the other female descendants, and even the daughter of the last male heir-Although several lawyers were of a different opinion, from a misapplication of the principles of the Roman law, respecting conditional renunciations-Maria Therefia, therefore, fucceeded according to the Pragmatic Sanction-And undertook to exercise her right of voting in behalf of Bohemia, to affift in procuring her husband to be elected Emperor-But affairs took quite a different turn, by the King of Pruffia's marching his troops into Selesia, in order to support the

BOOK XI. claims of his house upon Jägerndorf, Lieguitz, Brieg, and Wohlau—France effects an alliance at Nymphenburg, to procure the Austrian fuccession, as well as the Imperial dignity, for the House of Bavaria.

THE grand object which attracted the attention of every one on the death of Charles VI, and on which almost all the other affairs of state depended, was the question, Whether the Pragmatic Sanction, the confirmation of which the deceafed Emperor had had fo much at heart, would continue valid? As far as was then known, the opposition of the Court of Munich to the Pragmatic Sanction was the only obstacle not yet removed. The Elector of Bavaria did not ground this opposition fo much upon the right of his confort as a daughter of the Emperor Joseph, as upon his own personal claims in right of his great great grand-mother on his paternal fide, the wife of Albert V. Duke of Bavasia, who was the daughter of the Emperor Ferdinard I; and though she had at the time of her marriage made the usual renunciation of her claims in favour of her brother and his male offspring, yet notwithstanding this, she had made a refervation of her rights, in case of the extinction of the Austrian male line, and their posterity.

This kind of claim, which is usually termed a REGREDIENTERBSCHAFT (regressive inheritance), is so far well founded, that the daughter of a Prince and her descendants, if they survive the male line,

to which they must yield the family inheritance, can no longer be injured by any former exclusion, or renunciation of right.—For as far as the question does not concern any feudal estates to which no female whatsoever can succeed, according to the right of succession established by custom in Germany, daughters and semale descendants in the houses of Princes, when the male line is totally extinct, have a right to claim the inheritance, since the priority allowed to the male branch no longer exists, to prevent it.

So far the Elector of Bavaria might legally affert an exclusive preference as a descendant in the semale line from Ferdinand I, because the male descendants of that Prince had hitherto succeeded as the heirs of the House of Austria; and the renunciation made in their favour by Ferdinand's daughters, from whom the Elector descended, now that the Austrian male branch was extinct could not be urged against him. In short, there is no doubt but that the right of succession of all the descendants in the semale line, of the House of Austria was now open, and that the right of inheritance of the former male branch, no longer existed.

But another question arises here, on which the whole of the business turns. Was the right of inheritance, which devolved to all the descendants in the semale line, to descend in an equal degree? Or was there a certain order to be observed, so that one

BOO'K branch should regularly succeed the other in the enjoyment of the inheritance; ought not the more distant branches to give place to those that are nearer, and how was this degree of confanguinity to be legally determined?

> We must here consider the nature of the case, the mode of succession in the Houses of the States of the Empire; and that there is a great difference between the right of succession and the order of it. The right of succession in the male line of a Princely House descends immediately from the first proprietor to all his descendants; and this right can never be transferred to a stranger, or alienated to his disadvantage. But, in order to preserve this right, the younger fons, in Houses where the right of primogeniture is established, or distant branches, as long as there are any nearer heirs, must wait till they succeed in order; and the circumstance of the fuccession not falling to their lot during their life must be considered merely as a matter of chance. In the fame manner it is equally confiftent on the extinction of the male branch, for the right of fuccesfion to be open in the fame order to the descendants of females; that is, that the incapability of succesfion which depended on the priority of the males, can no longer be presumed. But does it follow, on this account, that the right of fuccession is in that case equal to all? By no means! Neither will any one pretend to affert, that all the descendants of the former Austrian Princesses could claim the right

of fuccession without distinction, on the death of CHAP.

Charles VI.

Upon what grounds then was the order of succession in the present case to be determined? Here again the point is settled; that though the right of succession is always derived without distinction from the first possession, because no future possession can deprive the other descendants of the first, of it: and in this respect the German differs from the Roman mode of succession, by which the possession was indebted to the last deceased; yet, with respect to the order of succession according to all laws, however they are called, it can not be otherwise than that one must wait for the death of the other, and regularly succeed according to his near or distant degree of confanguinity.

It is not necessary to enquire here, whether this degree is to be determined by the tables contained in the Roman laws, according to the precedency of primogeniture, or other principles. It is enough, that where the question relates to the order, and not to the right of succession, every thing depends upon the proximity of relationship. And here likewise another important principle in the German right of succession must be considered, that, when an inheritance once devolves to any particular line, it continues in that line till it is totally extinct.

If we apply this to the Austrian Pragmatic Sanction, we shall find that it was perfectly agreeable

BOOK to the system transmitted from time immemorial in the Princely Houses, for the right of succession on the death of Charles VI. to be open to all the female descendants, and that no preceding renunciation could be urged to their prejudice; but, in the order of fuccession in the present instance, the daughters who were last deceased, preceded the daughters of the brother deceased before, and all the distant female descendants of the former Princes of the House.

> The Bavarian Authors, as well as all the defenders of the regreffive inheritance, afferted now in vain, that the daughter, who had renounced her right. had done it expressly upon the condition of referving her fuccession in future, in case the male branch should be extinct; that the renunciation, therefore, was only conditional, and ceafed as foon as the condition was broken, and the right, which until then was dormant, revived. This conclusion would be very just, if the renunciations made by the daughters of Princes were of the same nature as the renunciation of a right, which was otherwise to be equally enjoyed, until the accomplishment of any particular event; but here this was not the case. In the most ancient times, no Princess who had brothers could claim the fucceffion, fo long as her brothers, or any of their male descendants were living (a). Nothing but the apprehension, arising from the too frequent application of the principles of the Roman Law fince the thirteenth century, occasioned the in

troduction of these renunciations, not, as an opinion of these renunciations, not, as an opinion of the prevailed that a daughter was entitled to succeed if the did not formally renounce her right, but only by way of precaution, that such daughters, or their descendants, might be the less induced to advance claims which they could have no pretensions to. In most Houses it was generally settled by particular family compacts, that, notwithstanding any renunciations, daughters and semale descendants should always be preceded by the males.

If the Archdutchess Anna, therefore, when she was married to Duke Albert V, of Bavaria, had made no renunciation, still she would not have had a right of succession so long as any of the male off-spring of either of her brothers lived; and supposing even that she made the renunciation only until the extinction of the male descendants, still it could not be on that account pretended, that when this event happened a right revived, which might have been enforced at the time of the renunciation; or rather, that the posterity of this Archdutchess Anna was to take place of all the other semale descendants, and even before the daughters of the male heir, who was last deceased.

In short, according to the real principles of the rights of the Germanic Princes, the claims of the Bavarian House were not of such a nature as to invalidate the legality of the Pragmatic Sanction; though at that period many lawyers, who had imbibed the inapplicable

BOOK inapplicable principles of the Roman code, confider-XI. , ed the doctrine of regressive inheritance in general as thoroughly established; but here, however, the matter was referred to a very different decision than the mere authority of a code of laws.

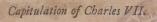
> Maria Therefia, upon the strength of the Pragmatic Sanction, which was guaranteed by fo many Powers, as foon as her father died, took immediate possession of all his territories. She also flattered herself that her confort, the Grand Duke of Tuscany, would have the majority of votes in his favour at the election of an Emperor. At Vienna it seemed to be generally thought, and not without the greatest probability, that the votes of Mentz, Treves, Saxony, and Hanover, were certain; and reckoning the fingle vote of Bohemia, the election then was gained.

> With respect to Bohemia, the only difficulty feemed to be, whether a female could vote? At least, if Maria Theresia attended the election as Queen of Bohemia, it would have been the first instance of the kind. In order to prevent all doubts concerning this, she declared her husband, Nov. 20, 1740, Co-regent, and that she transferred her right of voting to him. This however only increased the difficulty; and while it was in agitation. an unexpected event gave the whole affair a different turn.

The convention by which Frederick William, CHAP. Elector of Brandenburg, refigned the pretentions of his House to the four Silesian principalities, Jägerndorf, Liegnitz, Brieg, and Wohlau, was revoked May 31, 1740, by Frederick II, upon his accession to the throne; because he thought that it had been illegally concluded, and that it was therefore not obligatory on the future successors of the House. In order to enforce his claim, in December 1740, he A. C. 1749. marched an army into Silefia; though at the fame time he offered, provided a part of Silesia was geded him, to give his vote at the election of an Emperor to Francis, and support the Pragmatic Sanction. This propofal was made at the Court of Vienna by Count de Gotter, and rejected; upon which the King proceeded on his march, and on the 10th of April. 1741, gained almost a decifive victory at Molwitz. Marshal Belleisle, the Minister from the King of France to the Electoral Courts, and the Electoral convention, fucceeded in prevailing upon the Elector of Bavaria to declare himself a candidate for the Imperial dignity; and in order to support that claim as well as his pretenfions, in opposition to the Pragmatic fanction, a league was entered into in the month of May, at Nymphenburg, between France, Spain, and Bavaria, and afterwards other alliances formed between the Electorates of Cologne and the Palatinate, Naples, and Prussia.—On the other hand. among all the Powers whose guarantee of the Pragmatic Sanction was called for by Maria Therefia, George II, the King of Great Britain, was the only

BOOK one who was ready to afford her actual affiftance, which he did by a new treaty concluded at Hanover.

In this fituation of affairs, the support of the Prag. matic Sanction, as well as the Imperial election, had a very different appearance. The pretentions of the Elector of Bavaria were now firengthened by a powerful army from France. In October 1741, he took possession of Upper Austria; and on the 19th of December received homage as King of Bohemia; and even the Elector of Saxony joined the French and Bavarian league, Sept. 19, the same year. The vote of Bohemia was on this occasion suspended, as the Congress met, for the purpose of election, at Frankfort; and the other votes falling unanimously on A. C. 1742. Charles VII. Elector of Bavaria, Jan. 24, 1742, he was crowned on the 12th of February. With respect to the Conflitution of the Empire, the most important circumstances which happened during these transactions, were the additions made to the capitulation of the Emperor, which were of the greatest consequence,



## CHAPTER III.

Capitulation at the Election of Charles VII. New Ordinances, particularly respecting unequal Marriages.

Diet of the Princes at Offenbach. Electoral Collegiate Rescripts.—1742.

Expected alteration in the capitulation at the Emperor's election-Diet of the Princes called on that account at Offenbach -Opposition of the Princes to several new articles-particularly to one, respecting some advantages granted to the Vicars of the Empire-With other articles the Princes were contented -Such as that which was newly instituted respecting mejailiances, or unequal marriages, which was grounded on ancient custom-not only with regard to what are called MORGANATIC marriages, where the inequality of the wife and children in point of rank is acknowledged by agreement-But also where no agreement is made-Against which no elevation of rank, without the confent of the relations of the House, can avail-Other principles feem to militate against this in the common Roman, and Canon Laws-The infertion of this new article in the capitulation was occasioned by the mésailliance of Duke Anthony Ulric of Saxe-Meinungen-The article confirmed afterwards by a decree of the Empire-But the exact definition of a mélailliance left to some future Act-Particularly whether the marriage of a Prince into a noble family was one-Which, according to the spirit of the Germanic constitution, certainly seemed to be fo-Since in the opposite case the most important consequences might be expected-On these and other Collegiate refcripts there have hitherto been no deliberations of the Empire.

AT fo important a revolution as this, when the A. C. 1742. Imperial dignity, after so long a period, was suddenly

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BOOK. transferred to another House, and confidering the various observations that were likely to have been made during the last reign, which lasted for almost thirty years, there could not be any want of matter to fupply additional articles, and other alterations to the Election Capitulation. The plan of a perpetual Capitulation, which was agreed upon in 1711, could not be any hindrance to the necessity which might occur of occasionally making new articles, as the circumftances of the times might require. As far as the Electors were not only agreed with the Emperor elect upon the fubject, but acted likewise with the general approbation of the other States, there was nothing to object to; but some of the new additions to the capitulation of Charles VI. had already experienced an opposition, on the part of the Princes, and other States.

> On this occasion the Princes seemed more upon their guard, for before the capitulation was drawn up, they held a particular Diet at Offenbach, in the neighbourhood of Frankfort. Most of the Electoral Comitial Envoys were at that time gone in the capacity of fecond or third Ministers from Ratisbon to Frankfort, and it was not yet settled how the Diet was to be continued during the Interregnum; the other Envoys therefore at Ratisbon were almost wholly inactive. In order to remedy this, it is probable, that the Envoys of fome of the Princes proposed a Diet to their respective Courts.

Courts, that they might be nearer the Congress, CHAP. and have a watchful eye over its proceedings, that nothing might be done to their prejudice. Those, who were concerned in the business were chiefly the Comitial Envoys of the following ancient Princely Houses, viz. Saxe-Gotha, Saxe-Meinungen, Brandenburg-Anspach and Bayreuth, Brunswick-Wolfenbuttel, Heffe-Caffel, Heffe-Darmfladt, Swedish Anterior Pomerania, Würtenberg, Baden-Dourlach, Holstein-Gluckstadt, and Anhalt; and Rudolphus Anthony von Heringen, the Envoy from Heffe-Caffel, had perfonally, perhaps, more share in the bufiness than any of the rest As this was not fo much a Collegiate meeting, as a congress on the part of feveral Courts, it was alternately held at the houses of the Envoys, and commenced at Offenbach April 25, 1741. The objections of the ancient Princely Houses to the Capitulation of Charles VI. were fent in writing to the Elector of Mentz, October 16; and in November, the fame year, the Diet itself of the Princes was removed to Frankfort.

These circumstances, perhaps, were in some meafure the cause of the Electors, in many respects, adopting on this occasion another method of forming the capitulation which they had already, and particularly now, found very advantageous. This was, instead of determining any thing particular in the capitulation, to draw up a collegiate address in the

BOOK name of all the Electors, and present it to the newly. elected Emperor, requesting him to lay its contents before the empire, that they might be enacted by a general decree. With this the whole Empire had every reason to be satisfied; but the Princes were displeased that an article was at the same time inferted in the capitulation itself, by which the Emperor obliged himself to put whatever was contained in the Collegiate address (a) of the Electors in actual execution.

> The real and fole intent of this was, that the Emperor might not leave the subjects recommended to his confideration, without inquiry; but the Princes were apprehensive lest this article, if it was continued in the capitulation, should, at some future period, obligate the Emperor to any act which was not generally known. On this account therefore they entered a protest against it, that they might at least fecure themselves from its validity in future.

> But this was not the only thing in the capitulation which met with opposition from the Princes; for the Electors had retained those articles, which they had already protested against, in the capitulation of Charles VI, and inferted likewife feveral new articles, with which they were equally displeased. Among these was one in particular, by virtue of which the concurrence of the Electors alone, in par-

ticular cases, was requisite for forming a decree when CHAP. the matter would not admit of waiting, for deliberation at the General Diet. If this related to fuch cases, where the Emperor was obliged to require the concurrence of the Empire in general, fuch as commencing a war, or concluding a peace, in the name of the Empire, their opposition does not appear to have been unreasonable; but, if it only concerned fuch cases where the Emperor before was not under the necessity of consulting any one else, it was better then, that the Electors should give their consent, than that those objects should be left to the Emperor's arbitrary will; or, when it only related to a fort of previous consultation, it was certainly better that this should be left to the Electors, than that the affair should be immediately laid before the Empire in general-For instance, if the question should arise again, Whether a Diet should be held? or, whether a writing should be carried to the Dic-TATURE?

Neither were the Princes fatisfied with the new ordinances respecting the Administrators or Vicars of the Empire; as, for instance, that they should have a right to hold diets, whether the question related to their continuation or convention. Upon the whole, circumstances were on this occasion uncommonly favourable to the Vicars, fince, befides the three Vicarial Courts of Bavaria, Saxony, and the Palatinate, the Elector of Cologne was a Bavarian

BOOK Prince, and the Elector of Brandenburg a Bavarian ally; and yet, notwithstanding this, what the new ordinances contained in their favour, was afterwards very far from being actually accomplished. With many of the new articles, however, in this Capitulation the Princes were perfectly fatisfied, and were, in some measure, the cause of their insertion. One of the most remarkable of these was, an article respecting mésailliances, or unequal marriages, which merits a fuller explanation.

> Ever fince the time of the Middle Ages, it had, no doubt, been customary for a Prince, when he married a person of inferior rank, not to confider her in the light of a Princess; neither were the children, born in fuch wedlock, entitled to princely honours, or capable of fuccession to their Father's territories. If a Prince had fons already by a fuitable marriage, and then became a widower, or else were induced from other motives to marry beneath his dignity, it was usual to give the person of inferior rank the left hand in the marriage ceremony, that his family might not be over-burdened with the necessary provision for a widow or younger children. At the fame time, it was generally previously fettled how such Ladies should be called, which was either after the name of the Prince, as Madame Rudolphina, Madame Ernestina, or else after some particular estate purchased for her use, as FRAU von (Madame de) M. N. &c. and a fettlement was made both for her and her children, as well as an agreement concerning their names.

The following inflance of this, occurs in an an- CHAP. cient Hessian Chronicle of the 14th century, of a Landgrave of that country. "This Landgrave, "Otho, governed well, and defired his fons to hear "the complaints of his subjects graciously, and not divide his territory. When his confort, who was "born a Countels of Ravensberg, died, and he was " no longer able to continue in a state of widow-" hood, he was unwilling to be found finning before "God; neither would he marry the daughter of a " Prince, Count, or Lord, that the land might not " be divided among the children of two marriages; "but he rather chose for his wife a pious virgin " from the family of a private nobleman, and pro-" vided for the children with money, and with " fiefs, and other estates, that the Principality might " remain intire (a)." In like manner the Elector Palatine, Frederick the Victorious, that he might not injure the fon of his eldest brother, promised not to marry any one of equal rank, and espoused therefore Clara Dettin, whose iffue was provided for with the county of Löwenstein, and educated in a fuitable manner. Frederick-Lewis likewife, Duke of Deux Ponts, was married in the same manner to a lady of the name of Heppin, and her fons were educated as HERREN von (M. de) Fürstenwarter. Rudolphus Augustus, Duke of Brunswick-

<sup>(</sup>a) HERT. de special. rebusp. sect. 2. § 6. not. 2 opuse, vol. I. som. H. p. 75.

BOOK. Wolfenbuttel, took a lady of the name of Menthin for his fecond wife, with the title of Madame Rudolphina. Ernest, Landgrave of Hesse Cassel, married one Dürniczel, under the name of Ernestina, with many other inftances. Thefe unequal marriages, with previous agreements, are mentioned even in the feudal laws of Lombardy, where they are called Morganatic marriages (a), an expression which is certainly of German origin.

> Even if no agreement was previously made, it was understood, that a person who was not of suitable rank, though married to a Prince, could neither become a Princess herself, or her children enjoy either the title or right of fuccession. This was the case with the Margrave Henry the Illustrious, of Misnia, and Elizabeth de Maltitz; the Archduke Ferdinand of Austrian Tyrol, and Philipina Welferin; Prince Ferdinand of Bavaria, and Maria Pettenbeck, Prince George Aribert of Anhalt Deffau, with a Lady called de Crofigk, &c. The only exception to this rule was, when the fons by fuch unequal marriages were allowed the right of fucceffion by the legitimate relations, as was the case in

<sup>(</sup>a) This expression has been generally derived from the circumstance of such Ladies being obliged to be contented with their MORGENGABE, or dowry; but the derivation, given by Möfer, in the Berlin Journal for May, 1784, feems more probable, viz. because the children of such marriages only follow the mother, i. e. in low German, NA DER MODER GAN, and contracted, NA DER MOR GAN, or go after the Mother.

the House of Brunswick in 1546 with Otho the CHAP. younger of Harburg, the son of Duke Otho, by a Lady of the name of Metta de Campen. Another instauce occurs in the House of Baden-Dourlach with the Margrave Charles, whose Mother was Urfula de Rosenfeld; and in the House of Anhalt Desfau, with the issue of the marriage of Prince Leopold with Anna Louisa Fösen, &c.

In the latter instance recourse was had to an elevation of rank conferred by the Emperor, by which Anna Louisa Fösen, who was only of a Burgher's family, was raifed to the rank of a Princess; and the fame honour was granted to her children. If the relations of the House, who alone had the right of objecting, were fatisfied, nothing further could be faid; but in other cases, where objections arise on the part of the family, there is no doubt but that the legitimate relations, fo long as there are none nearer allied, and equally capable of fuccession, remaining, have a right to affert their title (jus quasitum) which is so well founded, and of which not even an equality of rank conferred by the Emperor, or any other pretext whatever, can deprive them. These principles, in all probability, formerly prevailed, in the Houses of the Princes and States of the Empire respecting unequal marriages, although at that period there might not be any general law existing on the subject; a circumstance which proved highly prejudicial to the right thus transmitted by custom, partly as it was inconsistent

with

with the principles of the Civil and Canon laws, and partly because it was for the interest of the Imperial Court, by no means to neglect an opportunity of attributing a greater value to the prerogative of conferring Titles, as one of the Emperor's Refervata.

It certainly corresponds more with the systems of the Civil and Canon laws, that a marriage legally performed, should not only entitle the wife to share her hufband's honours, but give the children likewife the rank of their father, as well as a capability of fucceeding to the patrimonial property. In fupport of this, an appeal was even made to the Bible, where the expression occurs "And if children then heirs," &c. But it was not recollected that every nation and state, without any injury to religion, is at liberty to determine for itself, that all legal inheritance should be confined to the children of one marriage; and that the codes abovementioned only contained common laws, which might be fet afide, whenever they interfered with the acknowledged rights of any particular country, town, family, or even particular rank, as in the prefent case, of Princes. If the legitimate relations of a House have in this manner acquired an established right, with respect to any unequal marriages, which might have taken place, it is certain that they could never be deprived of this right by any elevation of rank, conferred by the Emperor against their will, any more than the privilege vested in the Imperial Court of

granting new titles, where this grant only respects CHAP. fuch title and dignity, and not the rights of particular families, can be denied to be one of the Emperor's Reservata.

A particular instance of this kind occurred in the case of Duke Anthony Ulric of Saxe-Meinungen, who married the daughter of a Captain in the Heffian fervice, and prevailed upon Charles VI. to confer upon her the title of Princess. By virtue of this creation fhe was not only raifed, as his confort to his own rank, but the children by that marriage were declared Dukes of Saxony by birth, and capable of fuccession. This met with violent opposition immediately from the relations of the House of Saxony; and before the affair was legally determined, the electors took the opportunity of inferting the following article in the Capitulation, "that the Em-" peror should not allow the children of any State of " the Empire, born in an indisputable and notorious " mésaillance or any of their descendants, the paternal "titles, honours, or dignities, to the prejudice of the " family; much less declare them to be of equal rank, and capable of fuccession, to the prejudice of the real heirs, without their confent; and where " fuch instances had occurred already, the declaration " should be confidered as null and void."

If this had been enacting a new law, now first introduced, it could not with any degree of justice have applied to the case of Saxe-Meinungen, which

BOOK which had already happened; but it had certainly been long established, although only founded on custom before, and was firmly established by the forms of law. Upon these grounds therefore is no doubt, but that the cause of Saxe-Meinungen was decided upon the fame principles, which was proved afterwards by the fentence pronounced by the Imperial Aulic Council, 1744. Duke Anthony Ulric indeed appealed from that Court to the General Diet; the refult of which was, a Decree of the Empire, not only confirming the fentence of the Aulic Council, and impofing perpetual filence on the Duke, but which at the same time ferved to add fresh strength to the above article in the Capitulation, by establishing it as a fundamental law.

> There was one circumstance left in this article, which the Electors did not fully determine, as they preferred recommending the matter to the Emperor, for examination at the Diet, to a decision on the point themselves. This was how these mésaillances were to be determined in such cases, which might frequently occur, where they appeared dubious. In the capitulation itself, they very confiderately adopted the words unstreitig notorischer MISSHEIRATHEN, indisputably notorious mésaillances or unequal marriages; by which was certainly meant that the marriage of a Prince into a Burgher's family, as that of Duke Anthony Ulric's, which was the immediate cause of the article, should be confidered as illegal. Perhaps it was thought

a dubious point, whether the marriage of a prince CHAP. with a Lady of old nobility, or into the family of a new Count, or Prince of Germany, or any other country, and whether likewise the marriage of a Count of the Empire with a Lady of inferior nobility, should be considered as a mésailliance or not? This was left to be decided afterwards; and the Electors, in their Collegiate address to the Emperor, requested him to lay the matter before the Diet as speedily as possible, that, as they considered it as an affair of great importance, a decree might be paffed immediately; but, notwithstanding this, it has been taken no further notice of.

The instances above mentioned contribute every much to explain the real nature of the affair. A tolerably exact line at least may be drawn now with respect to the distinction which has prevailed for so many ages in Germany, between the high and inferior nobility, with respect to matrimony. If we consider the two circumstances, that a Princess, when she is married to a Count of the Empire does not lose her rank, and that if she is married to a person of inferior nobility fhe does; fo that the marriage of a German Prince with a Lady of inferior nobility, is as much a MOR-GANATIC marriage as if he married a Bourgeoise, or daughter of a Burgher; but not if he marries a Princess, or Countess of the same rank with himself; and there is no doubt but that if this custom, which has fo long prevailed, should ever experience a

BOOK change, the confequences would, to the German XI.

Princes at leaft, be fatal.

If it was once admitted that the marriage of a Prince with a person of ancient nobility was not a mes. ailliance, we should foon find that the Princes would more frequently marry persons of that rank, than those who are born Princesses; at least they would have a much greater choice among the latter: and how many Princesses would then remain unmarried! Besides it is a question, whether the preference. which has been hitherto given to the Princely rank in Germany, fo that Monarch's think it no degradation to take Princesses from German House for their conforts, would continue long, if there was any danger of their being connected with people of inferior nobility. On the other hand, younger fons of Princely families, who are feldom able at present to meet with fuitable matches, would certainly more frequently marry ladies of inferior nobility; and if their daughters were to claim the dowry raifed in most countries by a tax, and till now folely appropriated to the use of those born in equal marriages, the German territories might be fure of those taxes being levied often enough; not to mention the many other confequences, fuch as nepotifin, (attachment to nephews) &c. which must necesfarily occur to every one ferioufly confidering the fubject.

Unequal marriages were not the only object which was submitted to the attention of Charles VII. in the Collegiate Electoral rescript, and not decided. Many of the articles of the Capitulation rest in the same state they were in, when they were first inserted, even now. Those that have come into discussion since will be more properly taken notice of in the sequel of the history.

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## CHAPTER IV.

Remarkable Events during the Reign of Charles VII.

Short as this reign was, it was fruitful in events of great importance—The Pruffian power in particular was confiderably augmented by the addition of Silefia and Eaft Friefeland—Eifenach devolves to the House of Saxe-Weimar—and Siegen to the House of Orange-Nassau—although claims were laid to the latter by another pretender—The House of Holstein-Gottorp's prospect of succeeding to the thrones of Sweden and Russa—Decree of the Empire in savour of the House of Hesse-Cassel, confirming its possession of the County of Hanau—as well as its unlimited privilege de non appellands—Several new Princes created by the Emperor—Many other changes, which were further expected in the constitution, prevented by the Emperor's death.

THE Emperor, Charles VII. was fcarcely three years in possession of the Imperial Throne; but his reign was crowned with remarkable events, which had no small influence upon the constitution of the Empire.

The fate of the Pragmatic Sanction was not wholly decided, but the fortune of war during all this time had given the hopes of the Bavarian House, though

ported by fo many and such powerful allies, but CHAP, little encouragement. The King of Prussia was the only one to whom Maria Theresia had made concessions, and to that Prince she was obliged by the peace of Breslau to cede all Lower, and a considerable part of Upper Silesia, together with the county of Glätz. This facristice enabled her to unite her whole force against her other enemies; and when her hopes were again frustrated by the King of Prussia's envasion of Bohemia, it was doubtful after all, whether the peace of Breslau could be considered as valid, especially as the power of the House of Brandenburg was almost doubly encreased thereby, and rendered more able to preserve the balance against the House of Austria in Germany.

During this reign, the House of Brandenburg acquired an additional strength likewise by the principality of East Friesland, which the King took possession of May 25, 1744, on the death of the last Prince, in consequence of a reversion granted by the Emperor, Joseph I. Dec. 10, 1694; though the Elector of Brunswick-Luneburg likewise put in his claim for it, by virtue of a Pact of Confraternity, entered into March 20, 1691.

Two other Princely houses, or at least two reigning branches of them, were already extinct, and contributed therefore to lessen the number of reigning Princes of the Empire. One of these was William Henry, Duke of Saxe-Eisenach, who died July 29, Vol. III.

D 1741,

BOOK 1741, and was the last of his line. In consequence of this, the territory belonging to the line of Eisenach, together with the voice in the College of Princes annexed to it, was united to the House of Saxe-Weimar, except the county of Altenkirchen, which, as John George, the grand father of the late Duke, brought into his family by marrying a Countels of Sayn, devolved to the Margrave of Anspach, because the consort of his grand-father the Margrave John Frederick was a daughter of John George Duke of Eisenach. A daughter of the Margrave John Frederick of Anspach was the confort of George II. of England; fo that, on the extinction of the House of Anspach, the county of Altenkirchen devolves to the House of Hanover \*.

> The other Prince, who was the last of his line. was William Hyacinth of Naffau-Siegen. He died Feb. 18, 1743; and his territory, as well as vote in the College of the Princes, devolved to the House of Nassau-Orange. John Francis, the father of William Hyacynth, had another fon, Emanuel Ignatius; but he was born in an unequal marriage with Isabella Clara Eugenia de la Serre; and it was agreed

<sup>\*</sup> Altenkirchen in the circle of Westphalia, contains the prefecturates of Altenkirchen, Freufburg, Fridewald, and Bendorff. The revenues at prefent are not very confiderable, but capable of great improvement.

in their marriage articles, that her children should CHAP. only be private Noblemen. Notwithstanding this, though the relations of the House of Nassau protested against it, this Emanuel Ignatius assumed the title of Prince of Nassau-Siegen, and in May, 1711, married Catharine Charlotte, a daughter of Lewis de Mailly, Marquis de Nesle. This Lady left her husband in 1715, but on the 23d of November, 1722, produced a fon, Maximilian William Adolphus, and pretended that her husband had been reconciled to her that very year, and paid her a vifit, though it was but for a short time, at Paris. This Maximilian William Adolphus appeared afterwards as a pretender to the territories of Naffau-Siegen, and fubmitted his cause to the Aulick Council, where fentence however was pronounced against him, August 5, 1746. The Parliament at Paris, on the contrary, passed sentence in his favour, in 1756; in consequence of which his fon, Charles Henry Nicholas Otho, who was born to Maximilian William Adolphus, by Maria Magdalena Amelia, a daughter of Nicholas de Monchy Marquis de Senarpont, January 9, 1745, at Paris, and is still living, was acknowledged as Prince of Naffau Siegen. This Charles diftinguished himself by accompanying Mr. de Bouganville on his voyage round the world, in the year 1766, till 1769; and fince that by his unfuccessful attack on the Island of Jersey in 1770 .-At last, in the year 1780, February 22, he married a daughter of Bernard de Godzky, who

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BOOK was divorced from Prince Janus of Sanguízko, in XI. Poland \*.

At this period likewise, the consequence of the House of Holstein Gottorp, was considerably raised by two of its Princes, being designed as successors to the thrones of two northern countries. Charles Peter Ulric, or, as he was called after he embraced the Greek religion, Peter Feodorowitz, was declared Great Duke, and successor to the Russian throne, Nov. 18, 1742; and Adolphus Frederick, heir to the Crown of Sweden, July 4, 1743.

The last house, that was at this period considerably advanced, was that of Hesse Cassel. At the conclusion of the reign of the late Emperor, Prince William of Hesse Cassel, on the death of the last Count of Hanau, March 28, 1736, (his eldest brother, who was then King of Sweden, having transferred his right to him), took possession of the county of Hanau, as a descendant from Amelia Elizabeth, Countess of Hanau-Munzenberg; and besides this, not only a pact of confraternity had been concluded between Hesse Cassel, and Hanau; in 1643, but by a treaty with the Elector of Saxony, in 1728, which the Emperor confirmed, the claims of the Elector of Saxony to the Imperial sief of Hanau-Munzenberg,

<sup>\*</sup> This Prince is at present in the service of the Empress of Russia, and has lately particularly distinguished himself in a victory over the Swedish sleet.

as a mesne sief of the Electorate, were entirely refigned. In opposition to this, the hereditary Prince of Heffe-Darmstadt, who had married a daughter of the last Count, laid claim to the personal property, and the Bailiwick of Babenhausen. The Elector of Mentz also laid claim to the Free Tribunal of Alzenau, at the foot of the Mountain of Welmitz. heim, which he formerly held in common with Hanau. Both thefe cases were referred to the Imperial Chamber, upon which Heffe-Caffel appealed to the Court of Austregues. To this the Chamber paid no attention. The Landgrave appealed therefore to the Diet, and in June and July, 1743, procured a Decree, that the contested affair of the Hanau Succession. should be referred to a Court of Austregues, of the Princely House of Hesse. Besides this, the Emperor Charles VII. conferred an unlimited privilege de non appellando on the House of Hesse-Cassel, December 7. 1742, in consequence of which, a new high Court of Appeal was established in the City of Cassel, No. vember 26, 1743.

During this fhort reign, likewife, the Emperor created the new Princes of Stolberg-Gedern, Solms-Braunfels, Hohenlohe-Schillingsfurst, Hohenlohe-Bartenstein, Hohenloe-Pfädelbach, and Isenburg-Birstein, without any alteration taking place, either at the Diet, in the Circles, or among the Counts.

If this reign had been of long duration, many alterations might have been expected of various kinds.

BOOK XI. The Vienna writers would then have found it difficult to have attributed so much power to the Emperors, as they have done both before and fince. In partilar, it is highly probable that the connection between Germany and Italy would have long continued on its former footing, as the Bavarian House itself had nothing substantial in Italy, and therefore could not enforce the Imperial authority; but the premature decease of the Emperor gave the whole state of affairs a different turn.

HAP.

## CHAPTER V.

Remarkable Events on the Accession of the Emperor Francis I. to the Throne. 1745.

Peace of Fueffin, between Austria and Bavaria-Election and coronation of Francis I .- Admission of the Bohemian Envoy to the Diet, without further hefitation respecting the electoral vote of a female-Articles of peace of Dresden and Aix la Chapelle-Both without the participation of the Empire-except that the Empire guaranteed the peace of Dresden-but with refervation of its rights respecting Silesia-The Empire only grants a fubfidy to the Emperor, and offers its mediation. -New questions and ordinances, respecting the continuation of the affociation of the anterior circles-regulations respecting the alternate possession of the Rhenish Vicariate-Renewal of the former connection between the Imperial Crown and the House of Aukria-The difficulty removed thereby respecting the archives of the Imperial Aulic Council-as well as the change of that Court under different Emperors-and the offices of Vice Chancellor and Referendary of the Empire.

CHARLES VII. but a short time before his death, had declared his son Maximilian Joseph, to be of age, within a few months of the expiration of his eighteenth year, which was the time fixed by the Electors. This Prince was soon persuaded to put an end to the war which his father was engaged in.

BOOK Articles of Peace were figned at Fuessin, April 22, 1745, by which he agreed to return to his paternal territory, and refign all the claims which opposed the Pragmatic Sanction. He promised likewise, not only to acknowledge the vote of Bohemia, but even to give his voice in favour of the Election of the Grand Duke of Tuscany to the Imperial Throne.

> Maria Therefia, it is true, was still at war with the Pruffians in Bohemia and Silefia; France, in the Netherlands; and with France, Spain, and Naples, in Italy; but with respect to the election of an Emperor, every circumstance soon became favourable to her Confort. There was not much alteration made on this occafion in the Capitulation. The election took place Sept. 13, 1745, and Francis was crowned Emperor, Oct. 4. His Confort attended him to Frankfort; but though there was some expectation that she would have been crowned likewise, as the Consort of the late Emperor was, on the 8th of March, 1742, that ceremony did not take place, because she was pregnant.

> One of the most remarkable circumstances attending this election was, that an envoy was admitted with full powers from Maria Therefia, in quality of Queen of Bohemia, without any hefitation; by which the point was fully fettled, that an electoral female voice is valid.

> The two Envoys from the Electors of Brandenburg, and the Palatinate, left Frankfort, before

the Election was determined; but, according to CHAP. the Golden Bull, this could not prevent the others from proceeding; and as peace was foon afterwards concluded with the King of Pruffia on the 25th of December, 1745, nearly on the same A.C. 1745. terms as that of Breflau, both Courts, by virtue of an express article, withdrew their protests. All other hostilities were afterwards put an end to by the peace of Aix la Chapelle in 1748, where the Mi-A. C. 1748. nisters of Great Britain, France, and the United Provinces, had already figned the preliminaries on the 30th of April. The Peace was not wholly concluded till the latter end of October, when the Court of Vienna acceded to it; and the Pragmatic Sanction was at last fully established, except a fingle point, which was, that Don Philip, a younger fon of Philip V. King of Spain, fucceeded to the Dutchies of Parma, Placentia, and Guaftalla,

As the Germanic Empire had taken no active part in the war, it could not be confidered as a party concerned in the peace. There feemed, however, one objection to this, that it was thought necessary in the negociation of the Quadruple Alliance in 1720, to refer the favourite article concerning Tuscany, Parma, and Placentia, for the approbation of the Diet; but at present, when the new articles were inferted in the peace of Aix la Chapelle, respecting Parma, Placentia, and Guastalla, the ratification of the Diet was not thought of, and to the best of my know-

BOOK knowledge the Emperor has never granted an investigation of those countries fince.

One of the conditions made by the King of Pruffia in the Peace of Dresden was, that an attempt should be made to procure the guarantee of Empire. This was accomplished afterwards by a decree, May 14, 1751, but with the infertion of this clause "with the refervation jurium Imperii." As Silefia was formerly incorporated with the kingdom of Bohemia, perhaps a doubt might arise, whether this incorporation could be annulled without the concurrence of the Empire, as it had already been done by the Emperor Charles VII. as king of Bohemia, and afterwards in the peace of Breslau. The above clause was probably inserted that there might be no infringement of the rights of the Empire, The King of Prussia, however, immediately after the Peace of Breslau, assumed the titles of Sovereign DUKE OF SILESIA, and SOVEREIGN COUNT OF GLATZ, which have never been denied him by the Chancery of the Empire.

The only measure adopted at the Diet, was a grant of fifty Roman months in October, 1742, in consequence of a commissional decree issued March 28, 1742, in which Charles VII. applied for a substidy of money, on account of the impoverished state of his hereditary dominions. The Empire moreover declared its consent to become a joint mediator with the Maritime powers, between the parties then

engaged

engaged in war, in a refolution, May 10, 1743, CHAP. though this was not put in Execution.

Both parties were very zealous in their endeavours to establish an Association of the Circles. The Court of Vienna wished it because the anterior Circles had hitherto affociated in its favour, against France; the Court of Munich, because the Emperor had hitherto had the affociation on his fide alone. When the Court of Vienna had recourse to this argument in the reign of the Emperor Francis, the affair came again into agitation, and at last the question was debated, "Whether the affociation of the Circles should continue in time of peace?" This was paffed in the affirmative; but the effect to be produced, and how it was to be put in execution, was referred to future discussion. The affair has remained undecided ever fince; especially as the circumftances with respect to Austria and France were evidently changed by the peace of Aix la Chapelle: fo that, as long as that peace continues in force, there can be no apprehension of any war between those powers, and of course therefore the former grand object of the aflociation exists no more; but if at any future period circumstances should be changed again, this affociation of the Circles would probably be revived.

Soon after the death of Charles VII. new regulations were made concerning the Rhenish Vicariate. The two Courts of Munich and Manheim agreed

BOOK to exercise the office in future alternately, instead of holding it in common, as was determined in 1724; and Munich, on the present occasion, enjoyed the precedency. The electoral College expressed its approbation of this measure in the Capitulation of Francis I, and recommended this agreement to the approbation of the Empire, which afterwards followed in a refolution of August 7, and received the Emperor's affent August 21, 1752. Since that period, however, circumstances have changed again, owing to the extinction of the Bavarian House, so that at present there can be only one Rhenish Vicariate.

> At the accession of Francis I. to the Throne, almost every thing else which respected the Imperial Court was restored to the same state in which it was during the reign of Charles VI. An effential difference, it is true, appeared in the government of the hereditary dominions of the House of Austria not being vefted as formerly in one person; but the near relation in which Francis and Maria Therefia flood, as hufband and wife, rendered this distinction almost imperceptible. At least there was now a prospect of both governments being again united, at some future period, in the person of a descendant of this sublime pair. From this period the political interests of the Imperial and Austrian government feemed to flow in the same channel; and from this period likewise the Austrian Historians refumed the defence of their old principles, which, if the Imperial title had continued longer at

Munich.

Munich, they would probably not have advanced CHAP. and maintained with their former zeal.

One difficulty, which could not wholly be removed in the reign of Charles VII, and which in the fame circumftances will probably always occur again, vanished of itself as soon as the Imperial Court was again fettled at Vienna. In former times they were not fo cautious in feparating the registers and archives used in the business of the Imperial and Austrian governments as they are at present. When the Emperor's Court, therefore, was removed from Vienna to Munich, it was very naturally proposed to remove likewise the archives of the Aulic Council. This the Court of Vienna fcrupled to comply with, not merely because it would not acknowledge Charles VII. as Emperor, but principally on this account, that a feparation must have been first made between the writings relating to Austria, and those which concerned the Empire. A commissorial Decree, however, was issued to the Empire, May 13, 1742; and in October the separation was begun at Vienna. Other difficulties now arose, among which was the raising a fund fufficient to defray the expences of the transport of fuch an immense quantity of papers, such as Documents, &c. But these difficulties were removed of themselves, as every thing could remain now in its former place.

Another

BOOK XI.

Another alteration was occasioned by the change of government, which had been hitherto unufual respecting the Aulic Council. It is true this exists no more on the decease of an Emperor; but, as long as the Imperial dignity continued uninterruptedly in the House of Austria, the Aulic Council was generally fupplied, on the accession of a new Emperor, from the former members. Charles VII. on the contrary, found himself under the nenecessity of appointing others, because some of those who had held the office before at Vienna were not engaged by the Court of Bavaria, and some of them were not dismissed from the Court of Austria. The same circumstance again occurred under Francis I. when those were not re-appointed who had been in the fervice of Charles VII; but some of those who still lived upon the fpot were restored to the places they had before enjoyed in the reign of Charles VI. This was particularly the case with the Count of Wurmbrand, the prefident of the Aulic Council, who has fat upon the bench upwards of fifty years.

It was the fame case with the very profitable office of VICE CHANCELLOR OF THE EMPIRE, which, though in the gift of the Elector of Mentz, is vacated at the death of every Emperor. In the latter part of the reign of Charles VI. this office had been already occupied by Rudolphus Count of Colloredo. In the reign of Charles VII. it was given to a Count of Königsfeld; in that of Francis, again to Colloredo,

who was created Prince in 1764, and still enjoys CHAP. his place \*. In fact, the Vice Chancellor of the Empire is the only Minister of State in the fervice of the Emperor, in his Imperial capacity. He alone can make all the propositions in the concerns of the Empire to the Emperor, according to the Capitulation; and whatever the Emperor figns in his Imperial capacity must first be counterfigned by the Vice Chancellor. This renders it the more extraordinary, that the Emperor should not, in this instance, be at liberty to nominate his own Minister. The Elector of Mentz, it is true, is not very likely to obtrude a man upon his Imperial Majesty in that post against his will; yet, notwithstanding this, it is the express order of the Capitulation, that the Emperor should by no means infringe the right of the Elector of Mentz of disposing of the office, nor throw any obstacle in his way (a). In the reign of Leopold, in 1705, it happened, however, that the Elector of Mentz promoted his nephew, Frederick Charles, Count of Schönborn, to this office against the will of the Imperial Court, when he was scarcely twenty years of age. The office is very profitable. because all the fees and perquisites belong to it. At the late changes, it is faid, that the person who was newly appointed reimburfed his predeceffor a confiderable fum, which he paid upon fucceed-

<sup>\*</sup> Count Colleredo is fince dead, and the office is conferred on Baron Dalberg.

<sup>(</sup>a) Capitulation, Art. 25. § 1.

BOOK ing to the office. One of the most important offices next to that of the Vice Chancellor, is the office of REFERENDARY of the Empire, who is appointed as his affiftant by the Elector of Mentz. It is the place of this officer to execute fuch business at the Imperial Court as does not immediately belong to the Aulic Council, to draw up instruments, and even counterfign them before the Vice Chancellor, and in conferences on affairs of the Empire, to open the debate. This office has been occupied fince the year 1765 by Francis George de Leikam, who was formerly Affessor of the Chamber at Wetzlar.

## CHAPTER VI.

Transactions at the Diet, concerning appeals and ceremonial disputes. 1745-1748.

Appeals frequently made from the decrees of the Imperial Courts of Judicature to the Diet-but it was difficult to determine in which cases they were right-Four appeals made against the Imperial Chamber, which occasion the question, whether the chamber should not be first required to give a report?—An apparent majority against it-but in fact more in favour of the question -An appeal in the cause of Gleichen, from Saxe-Meinungen in particular, foon evinced that even the facts, as related in the writings of the Princes, were not always to be depended upon-An appeal from the Palatine Electorate obtains a favourable decision among the Electors-but the hopes of obtaining a fimilar decree from the Princes frustrated-Decree of the Empire unfavourable to an appeal of Anthony Ulric, Duke of Saxe-Meinungen, respecting the capability of succession of his fons, who were born in a mefailliance-The ancient dispute concerning rank revived between the spiritual and secular Princes, at the first dinner given by the Prince of Taxis, when he was made Principal Commissary-In confequence of which, there were ten successive publications on the subject from the Ministers of Hesse Cassel, Hesse-Darmstadt, Bamberg, the Counts, Holland, and Bavaria-Their chief contents.

THE most important occurrence at the commencement of the reign of Francis I. was the measures adopted in consequence of the appeals to the Diet, among the Envoys themselves as well as at the different Courts. It seemed to have imperceptibly become a general custom, if a State had experienced
an unfavourable sentence, either from the Imperial
Chamber, or from the Aulic Council, to have recourse to the Diet, and, if possible, to procure a refolution of the Empire, by which the Emperor was
requested to suspend or change it.

If the Emperor and Empire find a cause to be of fuch a nature, that the Court of Judicature has evidently trespassed beyond the bounds of its power, there certainly can be no objection to the supreme power adopting fuch measures to inform a Court of Judicature, which is otherwife the fupreme and last resort, that it is not wholly independent of the legislative power and its supreme inspection. According to the fingular form of administration of justice in Germany, this appears to be of double importance, as the legal method by which the decrees of the Chamber were formerly subjected to the revision of other Judges, had not been in practice for two hundred years, and because in the Aulic Council, there were no means of a cafe of grievance being put into any other hands whatever. On this confideration therefore, it might very well happen, that parties, who brought their complaints against this or the other Court to the Diet, occasionally procured a resolution in their favour. This was frequently the case at the beginning

ginning of the prefent century (a), though the refolutions were not so fortunate as to procure the Emperor's affent; but one of the most important instances was an appeal of the House of Hesse-Cassel during the former reign, when the resolution of the Diet was confirmed by his Imperial Majesty, and became a formal decree of the Empire (b).

Notwithstanding this, it does not follow from these instances, that every one who thinks himself aggrieved by an Imperial Court of Judicature, has an indiscriminate right of demanding an inquiry into his grievance at the general Diet, unless the Diet was converted into a formal Court of Judicature, and the supreme tribunals of the Empire deprived of their right of being considered as the highest and last resorts, or, which is just the same, the boundaries of the legislative powers and the highest offices of

(a) The following refolutions were passed in favour of Wurtzburg: April 18, 1704, against Wigaud, an Assessor of the Imperial Chamber; June 4, 1704, for the Duke of Würtenberg, the Counts of Castell, against the Free Nobility; April 7, 1705, for Hesse-Castel, against the county of Rittberg; July 14, 1706, for the House of Brandenburg, in the causes brought before the Aulic Council during the cessation of the Imperial Chamber; June 14, 1709, for Nassau-Ottweiler against Nassau-Idstein; October 7, 1709, for the Countesses of Pöttingen and Kirchberg; May 8, 1714, for the Bishop of Augsburg, in a criminal process carried on by the Aulic Council against two brothers of the name of Lottich.

<sup>(</sup>b) See p. 36, 37.

BOOK justice confounded with each other. To every person who reflects upon the subject, it must appear a very dangerous thing, if ever the administration of justice should be so circumstanced, that several states should have appeals in their own causes depending at the fame time, and mutually affift each other in order to procure a majority of voices in the supreme colleges of the Empire (a). In short, the Diet itself is not by any means calculated to inquire into cases of law. as the comitial Envoys are by no means bound, like the members of a tribunal of justice, to give their votes after due examination into the merits of the cause, but as they are ordered by their respective Courts, and every Court generally directs its Envoy give his vote according to its own convenience.

> On this account it was very confiderately inferted, in the Capitulation at the election of Charles VII. that "the appeals which were made to the Diet, in " consequence of the failure of the visitation, should " be limited (b):" but as instead of this, the late in. flance, even in the reign of Charles VII. of the Heffe-

<sup>(</sup>a) Thus for instance, in the year 1750, we meet with the following extract from the rescript of a Prince: Having thought good to fend our Privy Counfellor to his highness the elector of Cologne, at Mergentheim; and recommended our affairs to his attention, to which he fent us a favourable answer, but requested of us in return our support in his cases of appeal; we have therefore this day given orders to our Privy Council, and comitial Envoy, to make a point of supporting all the cases of appeal of the Elector of Cologne without exception.

<sup>(</sup>b) Mosens State archives, 1751; vol. I. p. 157.

Cassel appeal, gave them greater encouragement, CHAP. their number have been constantly increasing. In the very first year of the reign of Francis I. four appeals from the Palatine-Electorate, Saxe Weimar, Anhalt-Cothen, and Salm, which had been brought before the Diet in the former reign, against the Imperial Chamber, were very zealously discussed.

On this occasion a new question arose, whether a REPORT ought not to be required from the chamber, before the Diet proceeded to a decision on the cause? Nothing certainly could be more equitable than that the general principle of never condemning any one unheard, should be equally attended to by this high tribunal, left its decision should be unjustly condemned before the arguments upon which they are founded are heard. This likewise was analogous to the custom of other Tribunals, as no Judge in a Court of Appeal can reverse the sentence of an inferior Court, without a previous hearing of the grounds of decision, and a report of the proceedings. It was justified also by the method observed in the Chamber itself, where the Assessor, who has been Referendary at the first trial, is admitted to defend his own decree in the Senate of Revision; or at least the relation, or statement of the case as delivered before, and the votes of the first Senate, are revised by that Court. In many cases of appeal to the Diet, it had been usual to require a report of the proceedings from the Chamber, or at least where this had been neglected, she appeal was immediately dismissed, or else left without the only one in which this method was not adopted, and even here the college of the cities protefled against the omission, and it was expressly declared by the whole Diet, that it should not be considered as a precedent in future.

It feems probable that those who drew up the four appeals above mentioned, did not wish that the report of the Chamber should first be heard, as many circumstances would then perhaps have been placed in a different point of view from that in which they had been represented in their partial accounts. One of the Envoys of the Diet (a), therefore, who had particularly distinguished himself as a zealous and learned advocate in favour of these appeals, took up his pen in defence of the position, that no report from the Chamber was necessary (b). His chief argument

was

(a) Rudolphus Anthony von Heringen, Envoy from Saxe-Weimar, and Eifenach, from Brandenburg-Culmbach, and Onolzbach, and entrufied at the fame time with the votes of Holstein-Gottorp, Lubech, Baden-Dourlach Hochberg, Henneberg, and Offfriesland. Besides this, he was Privy Counfellor of Hesse-Casfel, and delivered the vote of that Court at the diet of the Princes at Ossenbach. See Putter's Literature of the public law, vol. II. p. 145.

(b) The publication appeared under the title, "Examination of the question, whether a report could be demanded from the "Chamber in appeals?" (1746) and is distinguished by a very general establishment of all appeals, which begins in the following tone. "Whoever is acquainted with the Germanic history must know, that formerly, before the erection of the chamber,

was founded upon custom, in support of which he adduced the case of the appeal of Hesse-Cassel, and other cases, which were rejected without any such report being heard. He slattered himself that his work would enable him to triumph over those whom he pretended were now establishing the first precedent of requiring a report from the Chamber, upon these four cases, and urged, among other reasons, that the word of a Prince ought not to be of more value than that of the Assessment of the Chamber, who made the report.

But these four cases, which were certainly not at all invalidated by that which the Diet had de-

every Emperor had a fort of Aulic Court, which is supplied at present by the Aulic Council, at their residence; that this Jurisdiction only took cognizance of the causes of persons of inferior rank, and not of those of Princes and States, which could only be tried by perfons of the fame rank at the Diet. In proof of this the Author appeals to the Ordinance of the Emperor Ferdinard II. in 1236, Rudolphus I. in 1241, Albert I. in 1438, and Sigifmund in 1446; then to the constant practice in consequence of these ordinances; and he maintains that the Imperial Chamber was only erected when there was no Diet; and that the States therefore had referved the nomination of the Affestors, as their Reprefentatives."-" It follows of courfe," he continues, "from this known history of facts, that the power and jurifdiction of the Chamber was delegated, and fubject to the direction and inspection of the Supreme Head and States of the Empire affembled; that it could either be increased or reduced as they pleased, and that at all events in cases where the Chamber passed beyond its bounds, the ordinary appeal might be made to the Diet as; constituente et delegante ordinisque præseripti custode, by another con constituente, et condelegante." The whole composition is printed in König's felectis juris publ. novifs. Vol. 15, p. 4. 28.

BOOK. clared, should not be confidered as a precedent, were with great propriety opposed to the custom he attempted to prove; and as to his other arguments. it was evident to every one, that there was the fame relation between the State that appealed, and the Chamber, as between the parties at law and the Judge, where the latter has always greater prefump. tion in his favour than the former; besides which, the respect which ought to be paid to the word of a Prince could not by any means come into confideration, as the writings are not drawn up personally by the Prince, but by his Council. It was not long, however, before a case occurred, which placed the whole of this matter in a clearer point of view.

> Anthony Ulric, Duke of Saxe-Meinungen, had taken a Countess of Hohen-Solms, who married one of his Secretaries, under his protection, appointed her husband one of his Counsellors of Government. and allowed her to take place of all the ladies of his Court, as a Countess by birth. A lady of the name of de Gleichen, who would not acknowledge her precedency, showed several anonymous letters upon the subject to her friends. The Duke committed her to prison and commenced a prosecution against her, alledging that she was guilty of a libel, and made herself subject to the punishment inflicted by the Saxon law, called the DUELLMANDAT. Madame de Gleichen instituted a suit against his Highness in the Imperial Chamber; and that her person might be more

secure, the Duke of Gotha was ordered to take her CHAP. under his protection. A Baron de Diemar, who carried on the cause for her, and had on that account been insulted by the Duke of Saxe-Meinungen, brought an action against him likewise for defamation. upon which the Chamber iffued a citation with the common forms of law. The Duke immediately published a short memorial, in which he stated to the Diet. that the Chamber had fent him his fentence, by which he was condemned, without any hearing, to make an apology to de Diemar, and also to pay a fine of tenthousand dollars; but it very soon appeared that the Duke had mistaken a mere citation for a decree. In this case therefore the presumption in favour of the word of a Prince proved erroneous. A more forcible refutation of the above affertion, that reports from the Chamber were not necessary, could not have been produced; a circumstance not very advantageous to that fystem of appeals to the Diet, which many of the Courts of Germany at that time feemed fo much inclined to favour (a).

In an appeal, which the Elector Palatine made on account of an arbitration ordered by the Aulic Council, in an action brought by the Knights of the Empire concerning the Lordship of Zwingenberg, the Electoral College decreed by a majority of voices in favour of the Elector; but when the Electoral

<sup>(</sup>a) M. DE HERINGEN published remarks upon this appeal, in which he condemned all the parties together.

BOOK Envoys, after having finished their own deliberations. expected to deliver their votes the fame day in the College of the Princes; they found that the Austrian Directorial Envoy, had proposed beginning the vacation fooner than usual. This occasioned a dispute whether the proceeding was lawful, or whether the Envoys of the Princes ought not rather to have waited for the return of those fent by the Electors: but the Austrian Ambassador replied, that it was not to be expected that the Envoys of the Princes would postpone their deliberations, because some of the Princes had entrusted their votes to persons employed in the Electoral College, especially as every Court ought in justice to appoint its own Envoy, as those of Vienna and Munich always did. The affair never came to deliberation in the College of the Princes, and the appeal therefore was never decided upon.

> Another appeal, which was made about this time by Duke Anthony Ulric of Meinungen, in confequence of a decree paffed by the Aulic Council, Sept. 25, 1744, against the succession of his fons, came into agitation at the Diet; the result of which was an unfavorable refolution paffed July 24, 1747, and confirmed as a decree of the Empire by the Emperor, on the 4th of September following. By this event that article of the Capitulation against notorious mesailliances was fully established. The Duke however, that he might deprive the relations of his House of the advantages they ex-

pected

pected to derive from the decree, married a lady of CHAP. fuitable birth in the year 1750, by whom he had vi. feveral fons and daughters.

Besides the business of appeals, an event took place at this place which fuddenly gave birth to a variety of disputes concerning rank and ceremony, at Ratifbon, and occafioned a very extraordinary public correspondence. When the Prince of Fürstenberg, who had been hitherto Principal Commiffary, refigned his office, the Prince of Taxis was appointed in his place, and imagined that he should be able to avoid the former disputes concerning etiquette, by residing for some time at a country house, a small distance from the town, and occasionally inviting all the Envoys to his table, without paying any particular attention to their rank. This happened for the first time on the 4th of June, 1748, when the Con-Commiffary, and the Envoys of Mentz, Cologne, Bohemia, Austria, and Würtenberg, with their ladies, and a clergyman of the name of Stingelheim, who was charged with the votes of the Bishops of Ratifbon, Freifingen, and Liege, were invited to dinner. When it came to the turn of the Bohemian Envoy, Count Sternberg, to hand Madame de Buchenberg, the Austrian Ambassador's Lady into the room, he happened not to be near her. Upon this, Mr. de Wallbrun, the Würtenberg Envoy, stept forwards before Mr. de Stingelheim to offer his hand, and took the latter gentleman's place at the table. This circumstance revived the whole dispute concerning precedency between the ecclefiastical and secular States of the Empire. 1

BOOK Empire. The clergyman entered a formal protest the next day against the behaviour of Mr. de Wallburn, which was defigned to preferve the just prerogatives of the ecclefiaftical Princes from infringement. It appeared to be intended by way of fatiffaction to the spiritual Princes, that the Prince of Taxis invited all their Envoys on the 16th of June. and did not invite those of the secular Princes till the 20th following.

> But a new difficulty arose now by Mr. de Bibra, the Envoy from Bamberg, who was confidered as the first among the Clergy, not appearing at table on the 16th of June, because Mr. de Stingelheim. who was the next to him in rank, had been invited before him. The Envoys of the fecular Princes refused the invitation, that the precedency of the spiritual Princes might not be considered as acknowledged by them in prejudice to the rank which had always been afferted by the former. Mr. de Schwartzenau, the Envoy from Heffe Darmfladt was the only one who accepted the invitation, and the Envoys from Holland, and the Counts, were invited in the place of the others.

This affair was the occasion of no less than ten different publications (a). The first was composed by Mr. de Heringen, an Envoy from one of the fe-

<sup>(</sup>a) They are all printed in FABER's State Chancery, Part 97, p. 94-133. Part 98, p. 187-211. Part 99, p. 107-124. but it is werth while to infert a few of the principal passages to show the spirit of them.

cular Princes, and ended with these words: "It is CHAP. "an easy matter to breed confusion in the transac-"tions of the Diet, but difficult to restore it to " order again, and this affair will certainly not " he finished without further troublesome dis-" putes, nor will the end be quite fo easy as the "beginning." In the fecond publication Mr. de Schwartzenau made fome remarks on the former one. He began with observing, "that there had been " for fome time people enough at the Diet, who, " under the cloak of those detested appeals and dif-" putes concerning ceremonies, which were now " confidered in fo ridiculous a light by most of the "Courts, concealed deep defigns of producing con-"fusion and misunderstandings, they fished in trou-" bled waters, made elephants of flies, and, under the " appearance of supporting the ancient prerogatives " of the Princes, (though fuch pillars were very weak, " and by no means to be trufted,) confounded them in "chimerical disputes concerning rank, and then en-" deavoured to extricate themselves from the knot, " and while they made themselves necessary in certain " places, threw the odium upon others; that it was " eafy to suppose that the Electors, Princes, and other "States, would not look for their dignity and prerogatives in things which related only to the fup-" port of the body and the necessaries of life, but " take care of fomething more fubstantial, and know "how to affert their rank in its proper place at the "Seffions." He flightly hinted likewise at the invitations which had been fent to the Dutch Envoys and the Deputies of the Counts.

BOOK In a third publication, occasioned by this affair. Mr. de Bibra, the Envoy from Bamberg faid, " that " he had forupled to accept of the invitation to dinof ner because an Envoy ought not to be indifferent to " the rights of his principal, or facrifice his dignity to " the pleasures of the table, or a passion for gaming." A fourth publication from Baron de Pistorius, an Envoy from the Counts, under the title of "Incidental "Remarks," contained the following paffage: "The 66 fatyrical manner in which the Author mentions the " fecond publication of the Envoys of the Counts. " which he might as well have avoided, clearly or proves that he is himself a lover of those very cere-" monies which he attempts to place in fo ridiculous a light; that he fishes in troubled waters him-" felf, endeavours to make elephants of flies, and fets "himself up as Master of the Ceremonies at the "Diet. Careful as he had been in endeavouring to " distinguish the Ministers sent from the Counts un-"der the name of Deputies, he would not inquire into " the original character of a Deputy, nor go back to those times, when even the Ministers from Electors. and Princes in the last century were so denominated; 66 but he begged leave to remind him, by way of in-" formation, that the Emperor, Charles VII, had " given the Counts of the Empire the right of fending 66 Envoys, (Gesandte), and gave that title to their " Ministers; which act of the Emperors was sufficient " authority; and it appeared to him, that it must even 66 be difadvantageous to the Princes of ancient houses, " according

" according to the well-known disputes which they CHAP.

" had with foreign republicks, if the Counts of the
" Empire, who sat in the same College and were of
" equal birth, were put upon a lower footing than
" foreigners (a)."

Baron Schwartzenau replied in a fifth publication. " that the Envoys of the fecular Princes, as they knew " fo well how to accommodate themselves to civi-"lized manners, good living, and the paffion for " play, which now prevailed, would willingly leave others to comfort their fouls with their prayer-"books, if they chose them in preference. With " respect to the Plenipotentiaries of the Counts, who " owed their rank to a paper promotion, or so called " equalization of the Deputies, which was purchased " perhaps from the last Imperial Court, and not even " acknowledged by the prefent Bavarian Ministers at " the notification of their credentials, their attempts "would tend as little to the derogation of great " Electors and Princes, or their Ministers, as the "ideal title of Excellency, with which they are ho-" noured by the guards at a town gate, or by the " news papers, and with which thefe gentlemen De-" puties are fo mightily pleafed, can give them any " real importance."

A fixth publication appeared from Baron Pistorius, with this motto from Juvenal "Prælia quanta illo

<sup>(</sup>a) This hint was occasioned by M. de Schwartzenau having mentioned the Dutch Minister before the Envoys from the Counts.

BOOK "dispensatore videbis armigero!" and the conclusion from Phædrus, " Hoc scriptum est tibi, qui, magna " quum minaris, extricas nibil." The contents were. " that Baron Schwartzenau feemed inclined to begin " a ferious paper war, which would at least afford " him a good opportunity for passing the ensuing vacation in troublesome and unnecessary labour. The " paffage which related to the purchase of rank, and " personally alluded to Charles VII. he left to a " higher tribunal; and as to the allufion to the Bavarian Embaffy, that would fucceed but badly." Baron Schwartzenau answered in a seventh publication, that the incidental remarker, being already comof pletely vanished, attempted to conceal a weak am-" bition under a scholastic pedantry; and that for es his part he had no inclination to be involved in a "dirty correspondence with the "Diis minorum genss tium,"

> Now came a rejoinder, an eighth publication from Baron Bibra. "There were certainly fome among the ecclefiaftical Envoys, who had no occasion to study of politeness at Ratisbon! the prayer-book which had " been brought with fuch violence into the dispute " might as well have been fpared, and not have been 66 affociated with the pleasures of the table and a pas-" fion for gaming." The Dutch Minister also delivered his fentiments in a ninth publication. He declared, " that he was perfectly indifferent to the disputes about " rank, and neither intended making a bargain by " this or the other distinction, or paper flattery, nor " engaging

es engaging himself in any ridiculous quarrels; but CHAP. se since he was personally named in the abovemen-" tioned writings, he would leave it to the decision of others, whether the author of the incidental re-" marks had any reason to be so mightily distressed with the apprehension of the Envoys of the Courts " being put upon a lower footing than foreigners, " or to boast fo much of what had accidentally " happened at table." At length appeared the tenth publication from Baron Schneid, the Envoy from Bavaria. "It was vulgar," he faid, "in the extreme to " give the reins to a mean and abufive wit, in things 66 with which none but people of the lowest class "were accustomed to sport and make the subjects of 66 their ridiculous and blasphemous jests. The dis-"guised author, it is true, did not seem to have ac-66 customed himself much to the use of his prayer-"book, though he might be well-read in infipid 66 novels; that the mention of any purchase of the 66 honourable decrees of the Emperor was the greatest "imprudence," &c. But these are sufficient specimens of a public correspondence of the members of the Diet, in the the middle of the eighteenth century! The affair itself continued as it was, without decision, and may therefore, especially with respect to the disputes concerning the rank of the Ecclefiastical and Secular Princes, be again brought forwards at every opportunity; -- The abovementioned gentlemen, however, had very foon objects of much greater importance to employ them.

## BOOK XII.

Ninth Period of Modern History.

FROM THE PEACE OF AIX LA CHAPELLE UNTIL THE ELECTION OF JOSEPH 11. KING OF THE ROMANS. 1748—1764.

## CHAP. I.

First Period of the Peace before the War of Seven Years, 1748—1753, particularly the Changes which took place during that Time in the State of the Coinage; and the Appeal against the Knights of the Empire.

The changes which have evidently taken place in the fystem of Europe since the peace of Aix la Chapelle—particularly with respect to the friendship subsisting between Austria and France—Improvements made during the time of peace, particularly in the Prussian territories—Alterations in the coinage on account of the unequal proportion of gold and silver—Discovered by Grauman in the standard of Leipsic—Publications occasioned thereby on the subject—and the so called conventionsfuss, or convention standard—Religious grievances of Hohenlohe—Upon which the Protesta it body thought it necessary to enforce the right of self-defence allowed by the treaty of Westphalia—Great disturbances among the Catholicks at the Court of Vienna—A very important appeal made by Würtenburg

tenburg against the Knights of the Empire—particularly on account of the taxation of the estates of the Knights being still persisted in, after they came into the hands of the States—Also on account of the peculiar right, which was maintained by the Knights of the Empire, of selling their estates; on account of the union of individual members; and the frequent admission of the so-denominated Personalists—but without the decree of the Empire, which was procured, having the desired effect.

A Very few years elapsed after the peace of Aix la Chapelle before there was a rupture, on one fide, between Great Britain and France concerning the boundaries of Canada, which threatened important consequences; and the King of Prussia, on the other fide, discovered from private intelligence, that a combination of feveral powers was in agitation against him. The event certainly proved, that the fystem which had hitherto prevailed in Europe, fince the peace of Aix la Chapelle, was totally changed. The enmity which had sublisted for three fuccessive centuries, between the Houses of Austria and France, seemed suddenly converted into friendship. This was probably occasioned by Count Wencelaus, Anthony Kaunitz de Rittberg, who had figned the peace of Aix la Chapelle on the part of Austria, being immediately fent in the capacity of Minister from the Court of Vienna to Versailles, and his being appointed in May, 1753, to the office of Chancellor of the Court, and first Minister of State, at Vienna. In the year 1764, he was raifed to the rank of Prince, and has ever fince continued to fulfil

BOOK the duties of his office with unremitting activity; a very extraordinary circumstance, and perhaps the only instance of the kind.

> It was only a period of eight years after the peace of Aix la Chapelle, or eleven years, if we reckon from the peace of Dresden, that Germany remained in a flate of tranquillity; but even this period was, in many respects, of infinite importance to the constitution of the Empire. Frederick, equally active in consulting the advantage of his dominions in peace, as personally bold in the command of his army in war, appeared in the character of a wife legislator, a reformer of the administration of justice, and promoter of navigation and commerce; an example which encouraged feveral other great Courts to imitate his paternal zeal for the good of his country; but the fruits which were reaped from these exertions, or which were at least in expectation, were confined to the constitution of particular States, and did not extend to Germany in general, except in a fingle instance, where a measure was adopted which diffused its effects throughout the Empire.

> In the standard of coinage established at Leipsic, which, fince the year 1738, had been confidered as that of the Empire, the proportion of gold and filver was fixed, apparently without either knowledge or confideration of the subject, at the rate of 1 to 15, that is, that one pound of gold should be confidered of the same value as fifteen pounds of filver.

filver. On the contrary, in Holland, France, and Spain, the proportion observed was I to 14. Of courfe therefore filver was no where fo cheap as in Germany; and yet, as the filver mines of this country were extremely productive, the owners of them had every reason to prize this valuable gift of nature higher, especially when they confidered that it was an article which could not be difpenfed with. Hence it followed, that all the filver which was coined by the Courts that adhered to the standard of Leipfic foon disappeared, and was exchanged for Dutch ducats, and old French Louis d'ors. Foreign commercial companies, which made a profit by trading in filver to other quarters of the world \*, procured the greatest part of it from Germany; a circumstance which proved as injurious to the trade of this country, as it was advantageous to the Dutch and French.

At last a person of the name of John Philip Grauman, a man who was well acquainted with the business, and had been employed in several commercial houses in Holland, found an opportunity of disclosing his sentiments upon this subject at Brunswick. In confequence of a proposal he made, a mark of silver, which, according to the Leipsic standard, made eighteen florins, was coined into twenty, and the gold into pieces of sive dollars value. At first this alarmed the States which adhered to the Leipsic standard; but upon Grauman's publishing a justifi-

\* Particularly to China.

BOOK cation of his principles, he was fent for to Berlin, and appointed Inspector General of the Royal
Mint. A great quantity of gold and filver was immediately coined there, according to this newlyadopted plan; and at last the proportion established
by the standard of Leipsic was universally acknowledged to be erroneous.

At Hanover the government made fome scruple of debasing the silver coinage, because every one, who had occasion to raise a sum in silver to the amount of twenty ounces, sustained a loss of two-twentieths; for, in a quantity weighing twenty ounces, there were only eighteen of the former value. To remedy this, it was proposed to leave the silver coinage as it was, but to lessen the value of the gold, so that the value of a piece of sive dollars was reduced to four and two-thirds; most of the other Courts however adopted the plan proposed by Grauman.

Even the Court of Vienna was perfuaded to make an alteration in the state of the coinage of Austria, according to the new proportion of gold and silver; but, that the Emperor's subjects might not suffer from the neighbouring territories, that Court concluded a Convention with the Court of Munich, (from which circumstance the new standard acquired the name of the Conventionsfuss, or Convention standard, and Conventions-Münze, or Convention money, throughout Germany). By virtue of this

this Convention, a mark of filver in Bavaria was to CHAP. be coined into twenty florins; and the Court of Vienna endeavoured to establish the same standard in the Circles of Swabia, Franconia, and the Upper Rhine. But in all these Circles another obstacle presented itself. The current filver was reckoned at twenty-four florins to a mark; ducats were valued at five florins, pistoles at nine, and Carolines and Louis d'ors at eleven. Every attempt to alter this in the end proved fruitless, and the Court of Bavaria was under the necessity of revoking the Convention; so that no uniformity prevailed whatever, though this was but a fmall prelude to the confusion which arose in the state of the coinage a few years afterwards, and occasioned a dreadful war.

Among the other affairs at this period, which related to the Germanic constitution, none were of more importance than the religious grievances in the country of Hohenlohe, when the queftion was again agitated, how far the two parties might, in such cases, have recourse to self-defence? The Princes of Hohenlohe, who became Catholicks after the peace of Westphalia, had made alterations in the state of their country, which were so repugnant to the rule of the definitive year, that a decree of the Aulic Council was iffued against them in consequence of the complaints of their Protestant fubjects, and the relations of their House, September 30, 1744. They could not, however, be prevailed upon to comply with the edict, and the neceffary

BOOK. ceffary force to put the fentence in execution was actually wanting, though it was ordered by the Aulic Council, September 13, 1748. As this had frequently happened before, in cases of a fimilar nature, the Protestant States were induced, on the application of the aggrieved party, to enforce the article of the peace of Westphalia, which in such cases authorizes self-defence.

> They resolved therefore, April 29, 1750, to commission the Summoning Office of the Protestant party in the Circle of Franconia to procure justice for the aggrieved subjects of Hohenlohe; for which purpose the Electors of Brandenburg and Brunswick, and the Houses of Saxe-Gotha and Hesse-Cassel, were requested, June 8, 1750, to affift, in case it should be necessary, in the execution of the commission. - In consequence of this, an officer in the service of the Margrave of Anspach entered the country of Hohenlohe, Oct. 15, 1750, with 104 grenadiers, and obliged the Princes to fubmit to the terms proposed. This measure was confidered by the Court of Vienna, and the Catholicks in general, as an illegal infringement of the Emperor's fole prerogative, of enforcing the execution of a judicial fentence; but the article of the peace of Westphalia on this subject is too clear not to justify it: "If any one shall be aggrieved contrary to the treaty of Westphalia, and the aggrievance is not removed, either amicably or in the course of law, within the term of three years, all the parties, and every individual concerned in the peace, as well as the Body of Protestant States, which, jointly confidered, con-

flitutea party, shall in that case be obliged, and of course CHAP. have a right, to unite with the injured party, and affift them with their advice and power; and not upon the supposition of previous directions from the Emperor. but on the application of the injured party alone." The measure adopted by the Protestant Body was perfectly confistent with this prescription. This was certainly the first instance of this article being actually put in execution, because hitherto the most violent measure adopted, when matters were carried to the greatest length, had been only making reprifals; but this very circumstance is a proof of the moderation formerly used, and that necessity alone required the Protestants at this juncture to proceed to such extremities, unless they had been disposed to leave those who were so evidently injured in a defenceless state, and have given room to imagine that such measures would never be adopted. Since the most fatal confequences, therefore, may refult from fuch a recourse to felf-defence being opposed by an equal force, it is certainly to be wished on this account, for the peace of Germany, and the welfare of both parties of religion, that they may never give each other any opportunity of proceeding to fuch extremities in future.

Another affair which came into discussion at this period related to the free Imperial Nobility, or Knighthood of the Empire; an affair which was of no less consequence, than either paving the way for their total abolition, or supporting their constitution

BOOK in its former state, as it was established by the fun-

Many of the States might certainly find it a very disagreeable circumstance to have the connection of their territories interrupted by a number of immediate estates belonging to the Free Nobility, when they compared them with those countries where all the Nobility are subjects. On the other side, it might not unfrequently happen, that the Free Nobility made an improper use of their privileges. and carried the principles they had adopted too far. But the former were confirmed by the peace of Westphalia, and were now fo interwoven in the constitution of the Empire, that they could not possibly be removed as a part, without injuring the whole. The latter therefore must necessarily be legally examined, according to the circumstances of each particular case, though the States had frequently complained of the Free Nobility when they were engaged in any law-fuits with them, being too much favoured by the fupreme tribunals.

The Free Nobility pretended, that when any of their estates came into the possession of a State of the Empire, either by purchase or other means, the taxes imposed by them ought to continue, and no obstacle be thrown in the way to prevent their being raised, when they were granted at a convention of the Knights (to which none but those who were immediate, were admitted); but that they should be

raised, by order of the Free Nobility and by their executive power, the same as they were before. The States afferted, on the contrary, their right to incorporate newly-acquired estates with their own territories, and impose the customary taxes, without being any longer subject to the burthen of contributing to a tax imposed by the Nobility \*.

In order to prevent fo great a number of these estates from coming into the possession of the States of the Empire, the Immediate Nobility endeavoured. by virtue of a privilege granted by the Emperor in the years 1624, 1652, and 1688, to appropriate a very extensive right +, which allowed them to seize a free estate, within three years after the purchase, without making any allowance for the improvements which had been made upon it. The States opposed this right; and complained moreover, that when they thought they were only concerned with one of the Free Nobility, they found themselves engaged with a whole Canton, or a Circle, or even with all the Free Nobility and Knights of the Empire, in the three Circles of Swabia, Franconia, and the Rhine, who made the affair a common cause; that the Knights were not fatisfied with admitting fuch perfons to be members of their order as were really possessed of estates, but matriculated even Ministers of State, Ambassadors to Courts, and members of both the Su-

\* RITTERSTEUERN. + RETRACHTSRECHT.

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preme Tribunals of the Empire, in a merely personal capacity, without thinking of the disagreeable circumstances which generally arise when a member of the Knighthood is either in the service, or only resident in the country of a State of the Empire, and has a suit depending at the Imperial Tribunals; or, in a case of death, when the effects of the deceased are to be sealed, an inventory taken, &c.

The Court of Würtenberg, with respect to all these disputes, adopted very different measures. It was pretended, that, for want of a general rule to be observed between the States and the Knighthood of the Empire, a decision was feldom made in a cause, in which they were concerned, according to any uniform principles, but fometimes one way, and sometimes another. That Court applied therefore to the executive power for a general and determined rule to be observed in all disputes, in which the States and Free Nobility were concerned. A Manifesto, with a folio full of documents and records, was laid before the Diet in 1749; and negociations carried on with the greatest zeal on the subject at the principal Courts, by means of Ambassadors sent expressly for the purpose. The Free Nobility fent whole folios of remonstrances on their part. The votes at the Diet appeared tolerably equal. At last a resolution of the Empire was procured July 23, 1752, which, upon the whole, left the affair in its former state, by observing, that the establishment of a general rule would meet with

with too many obstacles, on account of the various customs prevailing in the different parts of Germany; and that there was no alternative, therefore, than for his Imperial Majesty to recommend such disputes, according to the circumstances of each particular case, to be amicably settled; or, if that should prove unsuccessful, to be decided by the judgement of the Supreme Tribunals.

## CHAPTER II.

Second Period of the Peace before the War of Seven Years, 1753—1756. New Subjects of Dispute between the Courts of Vienna and Berlin, and between the two Parties of Religion.

Affairs, concerning which the Courts of Vienna and Berlin differed in opinion—Introduction of the vote of the Prince of Taxis in the College of the Princes, in opposition to the majority of votes on the secular bench of Princes—The hereditary Prince of Hesse-Cassel changes his religion, and on that account signs an instrument to secure his subjects—The Protestant subjects of Carinthia, Stiria, and Upper Austria, transported to Hungary, and Transylvania—New Capuchin Convent erected at Dierdorf, the residence of the Counts of Wiedrunkel—Private intelligence of the design, in agitation at Vienna, of changing the state of Religion in the Empire, and reconquering Silesia.

THE impression which the affair of Hohenlohe appeared to make upon the Court of Vienna in particular, was considerably increased by certain events, concerning which the Courts of Vienna and Berlin discovered opposite principles.

An event of this kind first occurred with respect CHAP. to the vote which was attempted to be introduced in the College of Princes, in favour of the Prince of Thurn and Taxis. The Electoral College, it is true, had already given its confent, and the Elector of Brandenburg among them; in the College of the Princes likewise, the majority of votes was in his favour, but the majority of the secular bench of Princes, on which the new vote was to take its place, was against him. The Emperor's Capitulation (Art. 1. § 5.) contains the literal prescription, that when the admission of a new vote among the States is proposed, the Electoral College, and that College and BENCH on which it is to be admitted, must give their confent." The Houses of the ancient Princes maintained, therefore, that it was not fufficient for the whole College of Princes to confent, by means of a majority of votes, but that it was absolutely requisite to have the particular confent likewise of the secular Bonch, a majority of which was against the admisfion of the Prince of Thurn and Taxis,

Notwithstanding this circumstance, the Austrian Directorial Ambassador would persist in introducing the vote, which was entrusted with full powers to himfelf. The Houses of the ancient Princes opposed him, and, among the rest, the Prussian Envoy, in behalf of Magdeburg, and the other princely votes of the House of Brandenburg, because as the Directorium was determined to proceed in fo arbitrary a manner, notwithstanding such a powerful opposition,

BOOK the affair was confidered in a different point of view. In fact, matters were carried fo far, that as often as the vote of Thurn and Taxis was called over afterwards in the College of the Princes, the Envoys who opposed its introduction withdrew, and refused to insert it in their Protocols. (According to the public accounts, this affair continues in the flate it was, neither has there ever been any authentic explanation of the abovementioned article of the Capitulation; yet the vote of the House of Taxis sill continues in exercise. The vote of the Princely House of Schwartzburg was introduced at the same time; but did not meet with the fame opposition. Since that, however, the introduction of any new votes in the College of the Princes has never been accomplished; and, during the whole period from the time of Leopold till now, the only vote which has succeeded was that of the House of Lichtenstein in the reign of Charles VI.)

> Another circumstance, which was viewed in different points of view at Vienna and Berlin, and concerning which the religious parties were of very different opinions, was the change in the religious persuasion of the hereditary Prince of Hesse-Cassel. It was not known till the autumn of the year 1754, that he had become a Catholic in 1749 at Paderborn, where he was on a vifit to Clement Augustus, Elector of Cologne. The Landgrave William VIII, his Father, was still living, and took care that the

the Provincial States of Heffe should receive a full CHAP. affurance, at a Diet expressly convened for that purpose, that the religion of the country should not suffer any alteration, and that there should be no Simullaneum, nor any Catholics appointed to the offices in the gift of the Court. The Landgrave ordered likewise, that the eldest of his three grand children, whom the hereditary Prince had by the Princess Maria of England, should, after his death, succeed to the county of Hanau, and that his Mother should be appointed his guardian during his minority. He thought he had a greater right to make this regulation, because he was the first of his family, who was in possession of the county of Hanau, and according to the principles of law respecting the German Princes, could fettle the order of inheritance in his own family, as he pleased. By virtue of his power likewise as a grandfather, he made fuch regulations concerning the education of his grandchildren, that there was no apprehension of their becoming Catholicks after his death. They were immediately fent to the University of Gottingen, and when that place was in danger of being exposed to a war, they were removed to Copenhagen, where the two eldest afterwards married Danish Princesses. The hereditary Prince submitted to all these regulations, and subscribed his name to them. They were guaranteed likewife by the Kings of Great Britain, Denmark, and Pruffia, and by the whole Protestant Body in Germany.

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In fact, there was nothing done on this occasion. which had not been done before in fimilar cases, when a change took place in religion, as in the Houses of Saxony, Würtenberg, and others. The prefervation of the state of religion, agreeably to the definitive year, and of course therefore to the treaty of Westphalia. was evidently the grand object. Attempts were made to remove the few obstacles, which it was apprehended might arise from a different way of interpreting certain articles of the peace of Westphalia, from precedents in other houses and territories, by treaty, which was no more repugnant to the peace than any other fundamental law, or any other part of the Germanic conflitution. There was not, therefore, any innovation in view; but the prefervation of every thing in its former state, and the prevention of complaints and disputes in future: objects to which no upright German who is not indifferent to principles of equity and the prefervation of peace, cannot refuse his approbation. Notwithstanding this, feveral writers feemed to make it their bufiness to represent this affurance of the security of religion in Hesse, as repugnant to the treaty of Westphalia, and fpoke in a tone even as if the whole transaction could be declared to be null and void. Such affertions as these naturally occasioned other publications to confute them, which firmly maintained the contrary principles. This was all done without any of the Courts immediately interfering; although their different opinions could not remain a fecret.

This difference of opinion and principles became CHAP. more evident, when the Protestant States presented an address to the Empress Maria Theresia, November 6, 1754, in favour of her Protestant subjects in Carinthia, Stiria, and Upper Austria, in consequence of an Edict which fentenced them, unless they embraced the Catholic perfuasion, to be transported to Hungary and Transylvania. It certainly is not repugnant to the treaty of Westphalia, for a Catholic Sovereign to compel his subjects, who are not of his own perfuation, and are not included in the rule of the definitive year 1624, to quit the country; but in that case the subjects, who are driven out, are at liberty to go to any other place they please, as in the year 1732, when many thousand Protestants, who emigrated from the Bishoprick of Salzburg met with a very hospitable reception in other countries \*. A compulsion of this kind likewise, which is certainly sufficiently dreadful, is the feverest measure, which the peace of Westphalia allows a Catholic Sovereign to adopt. Every transgression beyond this boundary is evidently inconfistent with the principles of the peace; and nothing can be more evident, than that not only a violent compulfion of the inhabitants to abandon their native country, but to transport them to another place against their consent, is incomparably more fevere than a meer compulsion to emigrate, when it is left to the option of the fugitives, where they chuse to settle. This transportation, therefore, was intirely inconfistent with the peace of Westphalia. In a military state it is certainly allowable

<sup>\*</sup> Vol. II. P. 337. Note.

BOOK to draft men from one regiment and place them in another, or remove a garrison; but setting religion afide, furely the right of transporting fubjects to another country, can never be granted to any fupreme power, except as a punishment for crimes. Much less can such a measure be adopted on account of religion, and not without great compunction of conscience, even when the alternative is allowed either to abandon particular religious doctrines, or be banished to another land and climate. and fimilar remonstrances, made so little impression at Vienna, that the Austrian Directorial Ambassador. on the contrary, received a fevere Rescript from his A C. 755 Court, April 23, 1755, which expressed the greatest displeasure at the intercession of the States; and the transportation of the subjects, which had been refolved upon, was vigoroufly perfifted in.

> A Convent, which the reigning Count of Wied-Runkel permitted the Capuchins to erect, in February, 1755, in his refidentiary city of Dierdorf, became a new object of contention. In a country where the Sovereign and fubjects are of the fame religion, the former is certainly at liberty to allow those who are of a different persuasion the exercise of their religion; as in the instance of a Catholic Church being first built by Frederick II, at Berlin; but in the present instance, the Count, who was a Calvinist as well as his fubjects, had already, upon fome other occafion, promifed them, upon the condition of their paying him a flipulated fum of money, that no Catholic

> > Con-

Convent should be built in the country. When he CHAP. gave his consent to the Catholicks, notwithstanding his promise, and was in habits of intimacy moreover with the Clergy of the neighbouring Electorate of Treves, his subjects began to suspect that their Sovereign, perhaps, might have privately changed his religion. The Protestant body, therefore, upon their application, not only fent a dehortatory letter to the Count, June 3, 1755, but particular letters likewife to the Margrave of Brandenburg-Anspach (as the proprietor of Sain-Altenkirchen) and Nassau-Orange, requesting them, as neighbours, to guard against any infringement of the peace of Westphalia. This measure was confidered at Vienna as an illegal neglect of the Tribunals of the Empire, and the building of the Convent proceeded, with the Count's permiffion, without further interruption.

All these circumstances might have had their influence, if the private intelligence of that time may be depended upon, which declared, that even then the grand objects of the Court of Vienna were to change the state of religion in Germany, and recover Silesia (a).

(a) German Military Chancery, 1757, Vol. II. p. 168.



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#### CHAPTER III.

Cause of the war of Seven Years, and the Part taken in it by the Emperor and Empire. 1756—1757.

Treaty fecretly concluded at Leipsic, May 18, 1745, between the Courts of Vienna and Dresden, with the intention of obliging the King of Prussia to relinquish not only Silesia, but other territories-Articles of a treaty of alliance formed May 22, 1746, between the Courts of Vienna and Petersburg-Private intelligence, on account of which the King of Pruffiq thought himself intitled to arm in his own defence, and prevent the threatened confequences-The Aulic Conncil confidered this measure in the light of a breach of the public peace-A war of execution, decreed at the Diet of the Empire, against the Elector of Brandenburg-An article of the Capitulation of the Emperor, which had been hitherto the fubject of dispute. inforced on account of a memorial of the Court of Berlin being refused to be communicated, per dictaturam-Dispute likewife concerning the manner of delivering the votes at the Diet -A declaration of France and Sweden concerning their gua rantee of the peace of Westphalia-In opposition to which the Court of Berlin appealed to an article of the Capitulation, by virtue of which no foreign troops can be brought into Germany-After the King of Prussia had lost a battle, and the French, Ruffian, and Swedish armies took the field, the army of execution of the Empire marched likewife, and met with a defeat at Rossbach.

A. C. 1756. WHEN the King of Prussia, in consequence of the Frankfort Union, in 1744, marched his army again

into Bohemia, and before this new war was terminated C,HAP. by the peace of Dresden, a private treaty was entered into at Leipfic by the Courts of Vienna and Dresden, in which they both agreed not to difarm, before, not only the whole of Silefia and the county of Glatz were recovered, but the King of Prussia still further humbled. It was the wish of his enemies, after having conquered Silefia and Gratz, to become mafters of the Dutchy of Magdeburg, with the Circle of Saal, which was annexed to it; the Principality of Croffen, together with the Circle of Züllichauer; the Bohemian fiefs of the House of Brandenburg in Lusatia, viz. Cotbus, Pritz, Storkau, Breskau, Sommerfeld; and other places appertaining to them. Agreements likewise were made respecting the part to be taken possession of by the House of Saxony, according as the fortune of war favoured the conquerors, and fo far there could be no objection to a treaty of this nature, as it was concluded in the time of war, the fortune of which alone could decide in its favour or against it.

But after the House of Austria, as well as the Elector of Saxony, had agreed in the peace concluded at Dresden, Dec. 25, 1745, that his Prussian Majesty should retain Silesia and Glatz, with all his other dominions; the Courts of Vienna and Petersburgh made a new league, on the 22d of May, 1746, in which the Court of Vienna declared its intention of religiously adhering to the peace of Dresden, and the renunciation of Silesia and Glatz; but it was

BOOK added, that in case the King of Prussia should be the first aggressor, and renew his attack upon the House of Austria, that the claims of the House of Austria upon that part of Silefia which was ceded, and upon the county of Glatz, should revive. To this likewife there could be no objection .- But the fame condition was made upon the prefumption of the King of Pruffia's commencing hostilities, either against the Ruffians, or the Republick of Poland.-Whether the Court of Vienna could be absolved from the obligation, to abide by the peace of Dresden in this case likewise as well as the first, because the King had attacked another power, is a point which the political writers of Berlin zealously disputed.

> It happened that the King of Prussia not only acquired, through a particular channel, authentic copies of both these private Conventions; but had further intelligence likewise, that it was in agitation to cause a rupture between him and Poland, or Russia, in order that the first case might actually happen; and even that hoftile preparations were making for a sudden invasion of several parts of his own dominions at once. The remonstrance to the Court of Vienna was in vain. The answer which the King received was neither fatisfactory nor determinate. He resolved, therefore, first to secure himself from any apprehensions respecting Saxony, and then invade Bohemia. Allowing that the King was the first aggressor, he maintained that he was under the necessity of having recourse to self-defence, and acted upon principles justified

justified by the right of prevention. This was fimilar CHAP. to an event in the reign of Charles V. when Philip, the Landgrave of Hesse, took the field, in the year 1529, in the affair of Otho de Pack; and in 1542 made an attack upon Henry the younger, Duke of Brunswick-Wolfenbuttel. There was a peculiar fimilarity to the latter inflance, because as the Landgrave was at that time fuccessful in his conquest of Magdeburg, and found certain documents there. which justified his conduct, copies of which he had in a great measure been previously in possession of; so likewise the King of Prussia made himself mafter of the private archives at Drefden, and got possession of the original papers, of which he had copies already, and which were a fufficient demonfiration of the facts he appealed to in his own defence #.

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\* The conduct of the late King of Prussia, has, on this occasion, been generally reprobated, but very unjustly. The circumstances attending the transaction, are related in "M. de
Archenholtz's History of the War of Seven Years, as follow:
"The King of Prussia was not a stranger to the league which
"had his ruin for its object. He had copies of several important
"papers, though, with respect to many circumstances, he was
"fill in the dark. A thorough knowledge of the designs which
"were meditated against him, was absolutely necessary for self"preservation; and to this might be added the political duty,
to justify his invasion of Saxony, which raised the assonishment
of Europe, by unquestionable documents. These considera"tions rendered it a matter of necessity to make himself master
of the Saxon Archives. His wishes were anticipated, and
"the

BOOK The question concerning the application of the LANDFRIEDE, or law for the preservation of the

> the political treasure was conveyed, therefore, to the apartments of the Queen of Poland. She kept the key herfelf, and kept a cautious watch over her facred deposit. To Frederick's applise cation for their delivery, the Queen, who was his declared ee enemy, he gave a positive refusal. Upon this the King deputed " his favourite General Winterfeld, who was as elegant a courtier as he was a brave warrior, to wait upon her; but all his remonstrances were fruitless. Her Majesty firmly persisted in her ec refolution, though Winterfeld intreated her upon his knees to comply with his Sovereign's will. At last he withdrew, and 66 two other officers were fent in his place, who attempted to break the cabinet open; the Queen thought herfelf able to protest the treasure by a personal resistance; accordingly she placed 44 herfelf against the door, and spread her arms out to prevent \*\* their proceeding; but her resolution was ineffectual, and only contributed to her greater degradation. She was removed by force from her post, without any regard to her cries, or \* the violence of her opposition, and Frederick succeeded in proe curing the papers he wished for. This irreverent attack upon 44 the perfon of royalty, although the circumstances fully justi-4 fied it, was confidered as an act of uncommon cruelty. An 66 account of the event, with the injury great exaggerated, was se transmitted to every Court, and Frederick's conduct in Saxony, 46 which was painted in the blackest colours, tended not a little 46 to increase the number of his enemies, and check the ardor of "his friends. It is well known that the Dauphine, the mother ee of the present King of France, a daughter of the humiliated "Queen of Poland, fell at the feet of Lewis XV. and with tears \* intreated his affistance, to fave her royal parents and paternal at land.' ARCHENHOLTZ'S History of the War of Seven Years in Germany. Leipfic, 1789.

public peace, was never of such importance as at the CHAP. present juncture. The invasion of Saxony and Bohemia were both represented at Vienna as breaches of the public peace. At Berlin, on the contrary, the accusation was denied; and it was argued, that it was not only a breach of the peace when one State made war upon the other, but likewife when either of them entered into a forbidden conspiracy or league to the other's prejudice. The Aulic Council in the mean time took every necessary measure for commencing a legal process, in order to subject the King, as Elector of Brandenburg, to the punishment annexed to a breach of the public peace; with this view a Notary was ordered to serve the citation upon the Envoy of the Elector of Brandenburg at Ratifbon. The Notary, however, was unfuccefsful. and the mode of ferving the citation was not acknowledged as legal \*. There could not be fo much objection

<sup>\*</sup> Doctor April, the Imperial Notary, was authorized by the Fiscal of the Aulic Council to serve the citation upon Baron Plotho, the Envoy from the King of Prussia to the Dietat Ratisbon, which required him to show cause, why the sentence which subjected him to the ban of the Empire, should not be put in execution. The Doctor waited upon the Envoy at his house, and presented the paper with all possible humility, not even presuming to mention its contents; but as soon as the Baron opened it, and read the superscription; Gitatio ad widendum, et audiendum se declarari in panam Banni Imperii, et privari omnibus seudis, juribus gratiis privilegiis et expectativis; his just abhorrence of the measure, and contempt for the messence, carried him beyond the bounds of moderation; he insisted at first upon the Doctor's taking it back; and upon his refusal took him by the collar, and showed him the

BOOK objection made to the avocatory letters \* iffued by the Aulic Council, confidering the premises they proceeded upon, and the letter of the law. They were not wholly ineffectual with respect to some of the Princes of the Empire, and the Imperial Nobility. who immediately quitted the fervice of the King of Pruffia; but the grand question was, whether the Diet would act in conjunction with the Aulic Council, in enforcing the execution of the laws respecting the public peace, by passing the decrees which were necessary.

> Soon after the invafion of Saxony a decree was paffed by the Imperial Court, demanding the aid of an army of execution of the Empire in defence of the party attacked. Several of the States thought it more adviseable to propose the mediation of the Empire between the belligerent Powers. The Electoral House of Brunswick, in particular, was of this opinion; and many of the others might well have had reason afterwards to lament that they did not contribute their voices in support of advice which was fo well intended. A Resolution, however, was pro-

> door, where the fervants in livery waited to do the honours, and kicked him down stairs. The unfortunate Doctor April became the sport of the whole town, and his fon, who at present enjoys the honorable office of Laquais de Place, in the free Imperial City of Ratisbon, gains some addition to his pay by amusing ftrangers with the ftory .- ARCHENHOLTZ's History of the Seven Years War.

> \* Avocatorien, are the orders fent by any particular government, to recall the subjects from the country of another power, and in Germany, when a State is under the Ban, to forbid the others to affift him.

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cured at the Diet by a majority of votes in favour of CHAP.
the war; which was opposed at Berlin, upon
the principle that the votes had not been given regularly; but this circumstance produced a fingular
event, by which a part of the Constitution of the
Diet was more accurately settled.

In order that it might not be left entirely at the option of the Directorium of Mentz, whether the writings of a State of the Empire should be communicated to the Diet by means of the usual DICTATUR. an article was inferted in the Capitulation of Charles VII. "that if objections arose to this communication " on account of any improper or severe expressions, " or any other reason, the Directorium should pre-" vioufly confer with the Electoral College, and pro-" ceed accordingly." The Princes had protested against this article, because the Electors were to be confulted on the subject without them. At present there was a case in point: M. de Plotho the Prussian Minister, required a writing to be communicated by means of the DICTATUR, which contained a number of criticisms on the votes that were given in favour of the abovementioned Refolution. Mentz entered into a discussion of the matter with the other Electors. the refult of which was, an Electoral refolution against the DICTATUR. The College of the Princes fuffered it to pass; of course, therefore, their former opposition was removed, and this article of the Capitulation fully confirmed.—In fact this was but just, because the question related to a fort of previous confultation; and it would be very extraordinary

BOOK if it were necessary for the whole Empire to enter into a deliberation on a subject before it was legally notified; fo that it was certainly better to take the opinion of the Electoral College, than to refer the whole business to be decided at the pleasure of the Court of Mentz, or its Envoys to the Diet.

> M. de Plotho endeavoured to help himself afterwards in another manner, which occasioned the difcustion of several points relative to the constitution of the Diet. Every Envoy is at liberty, when it is his turn to vote, either to dictate to the Secretary of Legation for him to write his opinion, or else to read a written paper, which he gives afterwards to the Secretary of the Directorium, that it may be inferted in the Protocol, or registered. At the meeting of the Electoral College, Feb. 11, 1757, when the turn came to the Elector of Brandenburg to vote, M. de Plotho began to dictate to the Secretary; but, as he was thought tedious, the Ambaffador of the Elector of Mentz interrupted him, and defired him only to read the paper and give it in; M. de Plotho faid he had no objection, if they would promife to infert its contents, without alteration, in the Protocol. This was refused. He continued, therefore, to dictate; upon which the other Envoys and Secretaries of Legation went away, and left the Protocol unfinished. The Envoys and Secretaries of the Elector of Brandenburg and Brunswick continued; of course, therefore, there was a breach in the Protocol; and yet the Protocol of the two latter Envoys could not be discredited,

dited, because the Secretary of Legation of a State, is as much deserving of credit, as the Secretary to the Directorium. Even while the Protocol, which was complete, was writing, the other Envoys were obliged to return into the apartment where the Electoral College met, because when they went into the adjoining room they had forgotten to take their hats, which are generally left upon a fide table (a).

The Directorium of Mentz maintained, that none of the Clerks of the Chancery were under the necessity of writing more than three sheets, and that if more was required the paper should be printed. Much less could it be expected, that a Secretary should have more than three sheets dictated to him by an Envoy at once. On the other side, it would be very inconsistent with the freedom which a State has of voting, if an Envoy could be required to subject his vote to the general criticism of the others.

(a) It was customary formerly for the city of Ratisbon, to supply the Envoys to the Diet, with confectionary and sweet wine. The Clerks of the Chancery, likewise, were provided with wine and white bread, by the Directorium; but when the Diet became perpetual, the city of Ratisbon complained, even in the last century, that their civility cost them some thousand dollars, especially as there was seldom any of their provision lest, and if there was, it was pocketed. The three Colleges, therefore, consented to relieve the city from the expence, and the confectionary was generally placed, which is still in the Council room, is only used now to put the hats and canes upon.

BOOK If an Envoy perfonally advances any thing improper to be inferted in the Protocol, he is liable to be complained of at his Court, and made to answer for his conduct. But if it originates with the Court itself, or meets with its approbation, in that case the whole College is at liberty to act according to their own discretion, and decide whether any thing shall be erazed from the Protocol, or withdrawn in another manner. But a previous decision certainly appears to be by no means constitutional.

> Before the army of the Empire, which had been refolved upon at Ratisbon, was in motion, the French Minister informed the Diet, March 14, 1757, that application had been made, by feveral of the most distinguished States of the Empire, to the Crowns of France and Sweden, to exercise their right of guarantee of the peace of Westphalia; and that both Crowns had come to the determination, to adopt such measures to fulfil their obligation, as would be most expeditious and effectual. The Minister from Sweden made a fimilar declaration; and on the 20th of May, 1757, the French Minister announced in a more explicit manner the march of the French army into Germany.

> The Court of Berlin objected to this declaration, that neither the names of those States were specified, which made the application for the guarantee, nor the particular article for which it was required. An article likewise was appealed to in the Capitula-

tion of the Emperor, which ordered "that the CHAP. "Emperor should neither introduce, nor suffer to 66 be introduced, any foreign troops, without the " consent of the States; but that, in case any foreign c troops should be brought into, or through the 66 Empire, by one or more States, contrary to the or peace of Westphalia, he should earnestly see that they left the country immediately, let them belong to whom they would, and whatever the pretence " might be for their incursion; and that in case of " necessity he should oppose force with force, and " afford immediate and efficient aid in defence of the " injured party." On the other fide, it was argued. that this article only prohibited the introduction of a foreign army into Germany against the peace of Westphalia; but not when the guarantee of the peace required it. It was the opinion of others, that the real meaning of this article was, that it was an infringement upon the peace of Westphalia, when any foreign army whatever was brought into Germany without the previous confent of the States.

After the King of Prussia had met with his first A. C. 1757. defeat at the battle of Kolin\*, which he lost June 18, 1757, and not only the army of France, but those likewise of Russia and Sweden, had taken the field against him; the army of the Empire likewise, which was assembled at Nürenberg, under the command of Prince Joseph of Hildberghausen, began its

march in August 1757, with the view of driving the

\* See Gen. Loyd's "History of the War;" and the late King of

"Prussia's Posthumous Works."

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BOOK Prussians out of Saxony; but the fate of this campaign was foon decided in that part of Germany, by the most complete victory gained by Frederick, November 5, 1757, at Rossbach, in Thuringia \*.

> \* An army of more than fifty thousand men, French, Imperialists, and troops of the Empire, were encamped in a strong place, under the command of the Prince Soubife. The Pruffian army was 20,000 ftrong, commanded by the King himfelf, and encamped in the neighbourhood of Rossbach. The enemy marched in three columns, and expected, by forming a triangle, to inclose the Marquis de Brandenbourg, and take him and his little army prisoners. His Prussian Majesty had just fat down to table in his head-quarters at Rofsbach, when news came that the French army was on the march. Sufficiently acquainted with the strength and disposition of the enemy, he continued for some time fitting in the most composed manner, and then led his whole army under a chain of hills, which covered his march through a vacant part of the triangle, with which the French thought to have inclosed him. As foon as he had passed them, he sent his favourite Seydlitz, with the cavalry, to attack the cavalry of the enemy, who immediately fell back upon their own infantry, and threw them into diforder. Six battalions of Pruffian Infantry, which had advanced under the command of Prince Henry, fupported this attack fo manfully, that in an hour and a half's time, the fate of the day was decided, with no greater lofs, which is almost incredible, than 91 killed and 274 wounded. The enemy made a precipitate retreat; 8 French generals, 250 officers. and 6220 privates, were made prisoners; seventy-two pieces of cannon, 15 standards, 7 pair of colours, and two pair of kettledrums, composed but a part of the spoil. Fifteen hundred men were mortally wounded in the field of battle, and as many were killed in the purfuit; among the wounded were Prince Henry of Prussia, and General Seydlitz. The enemy continued their flight, breaking down every bridge, to prevent the Prussian army from purfuing them, as far as the Rhine, which they passed with the greatest precipitation, scarcely allowing themselves time to take care of the fick and wounded.

## CHAPTER IV.

War of Execution of the Empire, 1757, and Military
Establishment.

Defects in the military establishment of the Empire, which were particularly discovered at the battle of Rossbach, especially on account of every State being obliged to maintain his own quota of men-The number of ovens-Difference of pay-Deficiency of many things necessary for the war, the muskets of unequal fize, &c .- Military chest raised by the grant of Roman Months-The mode of keeping the accounts-Affignments, and compensations-Tax imposed upon the subjects for the raising of Roman Months-Augmentation of them for the States which remained unarmed-Commanding officers of the Empire-Maintained likewife in time of peace-But enjoy the particular advantages of their offices only during a campaign-New regulations every time respecting the chief command of the army-An Imperial Council of War, which by virtue of the Capitulation ought to be composed of both religions, is not yet established.

THE military establishment of Germany cannot be A. C. 175 placed in a clearer point of view than in the observations which were occasioned by the defeat of the army of the Empire at Rossbach. The grand circumstance to be considered is the obligation every State is under to provide his own contingent with every necessary article even in the field. Many regiments are

BOOK composed of the contingencies of several States, each of which has a particular Commissary, or Entrepensur; his own baggage-waggons, ovens, hospitals &c. It is impossible, therefore, for the army to have any regular magazine, because the Commissaries cannot keep their stores together, and on that account require feveral feparate buildings; and it fometimes happens, that they are neither provided with bakers, nor ovens, but are obliged to run over the country to ask leave from the peafants in the villages to bake their bread, fo that the foldiers of course have their bread of a bad quality, half-baked, and very unwholesome.

> A fingle regiment, which is raifed by ten or twelve different States, must fend to as many different places for bread. The number of waggons used by the army is not fufficient for the purpole; of course others must be procured from the peasants of the country. The confequence of which is not only a great expence, but it inevitably follows, that in the fame company one foldier has good bread, and another bad; nay, he may even flarve, while his comrade enjoys a belly-full, which occasions incredible jealoufies among the privates. Another inconvenience is, that the army is never supplied with bread at the fame time, because one contingent receives their allowance to-day, another to-morrow, and a third, perhaps, the day after. The commanding officer, therefore, can never know, with any degree of certainty, whether his army is provided

vided with bread for any number of days or not; fo CHAP. that, if he has any plan in agitation, it is impossible for him to keep it fecret; he must disclose it to a number of officers, because one man, who has only ten or twelve men, which are fent by one State, must know what previous preparation to make, as much as he, who has to provide for a thousand. It frequently happens likewise, that the men are in want of bread; the Commiffaries are out of the way, conceal themselves, and very often are not to be found at all. Of course, therefore, if the men are not affifted from the general army flock, most of them must literally die for want of the common necessaries of life. In case, moreover, of a file or detachment of men being fent on any expedition, if there are no more than fifty in number, and it may very often happen that every man is fent by a different State, no less than fifty Commissaries must accompany them to fupply them individually with provisions; and then, perhaps, there are not conveniences enough, which is often the cafe, for carrying the bread, when it is required for any time, in a sudden and unexpected march. Another inconvenient circumstance is, that the privates neither receive their pay at the same time, nor in the same proportion; the inevitable consequence of which is, that those who have a smaller pay than their comrades are discontented, and those who receive their pay for whole weeks and months, perhaps, at once, spend it, in the course of a few days, in drinking, and then have recourse to stealing, or living on the public. BeBOOK fides this, almost every Circle, if not every individual State, has a particular hospital; so that the fick and wounded are dispersed in villages at a distance from each other, and are of course neglected or left to a diffipated life, and are obliged to have recourse to illicit practices.

It has been observed also, that, in order to keep the army of the Empire in better regulation, the commanding officers of the regiments ought to have more authority, and be at liberty to discharge such Adjutants, Quarter-masters, and other officers, as are unfit for service, or neglect their duty; and have full power to compel the superior officers to pay a rigid attention to military discipline. It is necessary, moreover, that each regiment should have every thing requifite for its equipment, as shoes, stockings, &c. in a fufficient quantity, always at hand; that every battalion should be provided likewise with the instruments necessary for making intrenchments, &c. of which they are daily in want, to prevent their taking them by force from the poor peasants, or paying an exorbitant price for them, which very often delays the troops in their march, or elfe they are exposed to the greatest danger for want of the proper precautions of throwing up works to protect themselves; that every battalion should be provided with a baggage-waggon and able horfes to carry the various necessaries for the army during a campaign; and another waggon, or pack-horses, to follow with the tents, that the troops may not be obliged to lie upon

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the ground in the open air, and run the risk of their lives: that every battalion should have two sield-pieces of cannon of the same weight, with a sufficient number of artillery-men and horses to each; but principally, that their muskets should be uniform, and of the same bore; a circumstance in which so much negligence was observed at the battle of Rossbach, that of a hundred muskets, not above twenty could be fired. As long as such defects as these, and God knows how many more, are not remedied, every honest German, when he considers their importance, must join in the fervent wish, that the Holy Roman Empire may be long preserved from the sate of war!

But these are not the only requisites to prosecute a war of the Empire. There must be a general military chest; for though every State must maintain his own contingent, and every Circle be answerable for the money required by the commanding officers, there must still be a variety of expences attending the army, to be provided for by the Empire at large, such as the pay of the Commanders in Chief, the Staff-officers, Couriers, Expresses, Spies, &c. To answer these demands a number of Roman Months are granted. Formerly no less than ninety Roman Months were required for one campaign, but in the last war of the Empire there was no more than that number granted for all the campaigns, which were six or seven in number, during the last war.

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The method adopted to raife this money was by appointing feveral towns called LEGSTADTE in the different Circles, and REICHSFENNIGMEISTER, or collectors. The method used in the last war was a very fimple one. The Chamber of the city of Ratisbon received the money from the States, and paid it again to their orders. The accounts were fettled afterwards by an extract being occasionally made from the books of the Chamber in which the receipts and time were regularly specified (a). The expenditure was mentioned in general fums, as they were paid to the commanding officers, or their orders; but a particular account of the purposes to which the money was applied, which might be required according to the Capitulation, Art. 5, §. 4. has never yet been given; and it unluckily happened once, that the Council-house at Ratisbon was broken open, and the military cheft with its contents stolen.

It is probable that the Commanders in Chief, or Commissaries of the army, drew for money upon the Circles, or upon particular States, formerly without their confent; but this custom was abolished by a particular article in the Emperor's Capitulation (a), which orders, that no Compensations shall be allowed without the confent of the Empire, particularly with respect to private money, and debts of the Emperor, which were formerly frequently

(b) Capitulation (1742). Art. 5, §. 8.

<sup>(</sup>a) German Military Chancery, 1757, vol. III. p. 155.

reckoned instead of the arrears of fubfidies in money CHAP. due to the Empire, which were promifed from Austria. Sometimes even demands have been made upon the Empire itself, which, however, cannot afford any grounds for compensation without the confent of the Diet.

(One of the latest instances of this kind occurred in the year 1783, when the Court of Denmark prefented a Memorial to the Diet. At the time of the war of the Spanish succession, when the money was irregularly paid to the military cheft, the Diet allowed Prince Eugene of Savoy, who had then the command of the army, June 21, 1713, to treat with a banker at Frankfort, of the name of Roft, to advance the money upon the fecurity of the Empire, to be paid again as it came in. According to the accounts of the books in the War-office at Vienna, March 23, 1733, Roft had at that time advanced no less a sum than 809,361 Florins, 9 Cruitzers. This debt has devolved to three heirs, and a third of it has been transferred to the King of Denmark. That Court, therefore, infifts upon the payment of the debt at present, or else upon the future possesfion of Holstein, by way of compensation).

When a fum of money, raised by a certain number of Roman Months, is granted by the Empire, as well as by the individual States, in time of war, a State does not pay it from the revenues of his own domains, but by a tax imposed for that purpose upon

BOOK his subjects, who contribute also to maintain his quota of troops. With respect to such States who have no foldiers themselves, it is common for the Circle to undertake the appointment and maintenance of their quota, and charge them fo many Roman Months extraordinary. Thus the Bishoprick of Bafil was obliged, in consequence of a resolution of the Empire, August 28, 1758, to pay twenty Roman Months to the Empire, thirty-four to the military cheft of the Circle of the Upper Rhine, and feventy-feven for the quota of troops, in all one hundred and thirty-one Roman Months. In the Bishoprick of Paderborn, a Jew, called Simon Baruch, procured the commission from Clement Augustus, the Bishop of that see, to provide the troops; and very lately brought an action against the Provincial States of that country, in the Aulic Council, to recover the money. Many States, at the time of the Seven Years War, were not able to raise their quota of men; and, when the war was over, a long account was made out against them at Vienna; another strong inducement for repeating the warmest wishes for a continuation of peace!

> With respect to the officers necessary for the command of an army of the Empire, it was fettled that each Circle should appoint the Generals to command all the troops which were raifed by that Circle in particular; but, as no officers of this description can claim any command over the troops of another Circle, it was left to the Empire in general to appoint

its own particular officers, to whom the chief command of the whole army might be intrusted with fafety. These four officers were appointed in the following order: the Field Marshal General \*, Commander in Chief of the Artillery \*, General of the Cavalry, and Lieutenant-General. As an equality must be observed in religion, their number, must always be even, so that there are generally two appointed to each office, and sometimes four.

The Commanders in Chief of the army were formerly only appointed in time of war; but in the year 1727, when one of the offices was vacated, the Prince of Oettingen made application for it, and succeeded, which was the first instance in the time of peace; and fince that it has become customary for all the commanding officers of the Empire to enjoy their rank in peace as well as war; and it frequently happens, that, whenever an office of that kind is vacant, there are several candidates for it of distinguished rank. The application is usually made to the Diet; and the business settled by an opinion or resolution of the Empire, confirmed by the Emperor.

The commanding officers of the Empire are paid in time of war from the military cheft, according to their rank, whence they receive likewise the com-

<sup>\*</sup> GENERALFELDMARSCHALL.

<sup>+</sup> GENERALFELDZEUGMEISTER.

BOOK, mon ratio for their horses and men. There are no other advantages attending their fituation, except that the Field Marshal General of the Empire takes place of all officers of that rank in the fervice of other powers. On this account, the House of Austria took care in former times that the officer, who had the chief command of that army, should at the same time enjoy the office of Field Marshal General of the Empire, as in the inflances of Prince Eugene of Savoy. Prince Charles of Lorraine, &c. The other officers rank the fame as those of other powers, according to their time of service. - In the year 1758 it was in agitation for the GENERALITY, or officers of the Emepire, to have their winter quarters allowed them in the Imperial cities; but the College of the cities unanimously opposed the proposition at the Diet, and contrived by some means or other to carry their point (a).

> In every war of the Empire it may be determined, by a resolution at the Diet, who is to have the chief command, when it is not left to the differetion of the Emperor, as was the case in 1757; but, when the Emperor gave the command in the campaign of 1758 to Prince Frederick of Deux-Ponts, the question arose, whether a Prince could be appointed to that office who was not in the GENERALITY, or in the list of commanding officers of the Empire. The abovementioned Prince however was not admitted to that office till afterwards.

<sup>(</sup>a) German Military Chancery, 1758, vol. III. p. 565.

In the time of war there ought properly to be a CHAP. particular Council likewise of both religions (a); but this has never been established. The concerns of the war therefore are generally under the direction of the office appointed by the Emperor in his hereditary dominions.—As soon as an army of the Empire is assembled, the men swear allegiance to the Emperor and Empire, and are provided with particular articles of war; though when any extraordinary event occurs, there is no end to the disputes.

(a) Capitulation, (1742) Art. 4. P. 3.

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# CHAPTER V.

Debates on the Design of Subjecting the King of Prussia to the Ban of the Empire, and concerning a Congress of Peace at Augsburg. Peace finally concluded at Hubertsburg. 1758—1763.

As the three Colleges of the Empire were proceeding to put the King of Pruffia to the Ban, the Protestant body resolved upon secession in order to preserve the authority of the Capitulation—The Emperor declares their resolution annulled; but in vain—The Empire infists upon joining the Congress of Peace to be held at Augsburg—and on ratifying the former treaties with an exception of that of Ryswic—on which the two parties of Religion again divide—and the Congress comes to nothing—The war at last finally concluded by other treaties of peace at Paris and Hubertsburg.

TOWARDS the end of the year 1758, it was proposed that the question, Whether the King of Prussia ought not to be put to the Ban of the Empire, in the capacity of Elector of Brandenburg, on account of his breach of the public peace? should be immediately brought for discussion before the three Colleges of the Empire at the General Diet, instead of a deputation being first appointed from each of the Colleges, observing an equality in point of religion, to inquire into the merits of the cause, according

cording to the article in the Capitulation, of CHAP. 1711. To prevent this article from any infringement, the Protestant Body came to a resolution, Nov. 29, 1758, in case the proposition was made, and a majority of votes should appear in its favour, to exercise their right of secession.

This resolution revived the question, Whether they could fecede when the fubject of debate did not immediately concern religion? and whether it was necessary for this purpose, that all the Protestant States should be perfectly unanimous? or whether a general refolution, conflitutionally paffed by the majority of their body, was not fufficient? The Emperor Francis even took upon him to declare the resolution of the Protestant States null and void. This, however, was very inconfistent with the prescription of the peace of Westphalia, which expressly ordains, that, " in case of a division of the 66 two parties of religion, only an accomodation shall " avail;" (sola amicabilis compositio litem dirimat.) The Protestants, therefore, who were in no want of arguments to maintain their prerogative with firmness, accomplished their purpose, and prevented the King's profcription. It was not fo much as proposed afterwards, which would otherwise have been inevitable. This was the first instance since the affair of Zwingenberg, which was thirty-one years before, in which the Protestant body saw themselves under the neceffity of having recourse to the expedient to preserve their

BOOK their rights; but another event occurred foon after-XII. wards which reduced them to the same necessity.

> As the Germanic Empire had fufficiently fuffered from the oppressions of a destructive war, and the other belligerent powers appeared anxious for the restoration of peace, a Congress was agreed upon in the year 1701, to be held at Augsburg, to the great joy of all the parties concerned, between Austria, Ruffia, France, and Sweden, on one fide; and Great Britain, Prussia, and their allies, on the other. It was the general opinion that the Empire should take no part in it, because the Court of Berlin persisted in denying the legality of the decree which was passed in 1757; and because a number of difficulties were foreseen, which were likely to occur, with refpect to the manner in which the Empire could co-operate, as well as with respect to the points which would come into debate, concerning the affairs of the Empire.

Notwithstanding this, the Emperor made the proposition to the Diet, to know whether the States might not think it conducive to their interests to send an Envoy to the Congress, which was in contemplation, in behalf of the Empire. Neither the representation of the important obstacles already mentioned, nor the very imperfect manner in which the other powers expressed their invitation, were sufficient to prevent the actual proposition of the Emperor's message. The Catholic States, who en-

joyed the priority of voting in both the Superior CHAP. Colleges, not only implicitly gave their votes in its favour, but even delivered their fentiments concerning the various points on which they intended to give the Emperor the full power of negociating-One of these was, that the preceding treaties should be confidered as the basis of this, without taking any notice of the objections of the Protestant Body to the Peace of Ryswick (a). This afforded another opportunity for secession.—The Catholics even proceeded fo far, as to form a Resolution; but the Protestants took no part in it; the refult of which was, that the Congress, which was expected to be held at Augsburg, although feveral of the Envoys had already hired houses there for the purpose, came to nothing, and the dreadful war continued, until the year 1763, to overwhelm the country with blood and devastation. without any advantage being gained on either fide \*.

The

### (a) Vol. II. p. 412.

<sup>\*</sup> It is impossible to give the reader a more just idea of the calamities occasioned by this dreadful war, than from the following elegant and descriptive letter written by her present Majesty, when Princes of Mecklenburg, to the King of Prussia.

<sup>&</sup>quot; May it please your Majesty,

<sup>&</sup>quot;I am at a loss whether I should congratulate or condole with you on your late victory, fince the same success which has covered you with laurels has overspread the country of Mecklenburg with desolation. I know, Sire, that it seems unbecoming my sex, in this age of vicious refinement, to seel for one's country, to lament the horrors of war, or wish for the return of peace. I know you may think it more properly my province

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The Peace itself was afterwards concluded in a very different manner.—After the death of Elizabeth, Empress of Russia, which happened January 5, 1762, the King of Prussia made peace with Russia and Sweden, May 5 and 22; and the other

to fludy the arts of pleafing, or to inspect subjects of a more domestic nature; but, however unbecoming it may be in me, I cannot result the defire of interceding for this unhappy people.

"It was but a few years ago, that this territory wore the most pleasing appearance, the country was cultivated, the peasant looked chearful, and the towns abounded with riches and feftivity. What an alteration, at present, from so charming a scene! I am not expert at description, nor can my fancy add any horrors to the picture; but surely even conquerors themselves would weep at the hideous prospect now before me!

"The whole country, my dear country! lies one frightful waste, presenting only objects to excite terror, pity, and despair. 'The business of the husbandman and the shepherd, are quite difcontinued. The husbandman and the shepherd are become foldiers themselves, and help to ravage the soil they formerly cultivated. The towns are inhabited only by old men, women, and children. Perhaps here and there a warrior, by wounds or loss of limbs rendered unfit for fervice, left at his door; his little children hang around, ask the history of every wound, and grow themselves soldiers before they find strength for the field. But this were nothing, did we not feel the alternate infolence of either army, as it happens to advance or retreat in purfuing the operations of the campaigns. It is impossible to express the confusion which even those who call themselves our friends create. Those from whom we might expect redress, oppress us with new calamities. From your justice, therefore, it is that we expect relief. To you even women and children may complain, whose humanity stoops to the meanest petition, and whose power is capable of repreffing the greatest injustice."

Annual Register, 1761.
belligerent

belligerent powers, which had been increased in CHAP. number by the addition of Spain and Portugal, entered into negociations at Paris and London; in confequence of which, the preliminaries of peace were figned by France and Spain on one fide, and Great, Britain and Portugal on the other, Nov. 2 and 3, 1762, at Fontainbleau; and a definitive Treaty finally fettled at Paris, Feb. 10, 1763.—In the mean time, likewise, a ceffation of hostilities was agreed upon, Nov. 24, 1762, between Pruffia and Austria, until the month of March following; and, before that period was elapsed, peace was concluded between Pruffia and Austria, as well as between Pruffia and Saxony, at Hubertfberg, on the 15th of February; by virtue of which, the affairs were left in general, as they had been fettled by the Peace of Drefden. With respect to the army of the Empire, his Prussian Majesty declared, that he would consider all those States as neutral, who would withdraw their troops. This offer was accepted by one State after the other, and the condition complied with. Even a Refolution was formed at the Diet upon the subject, Feb. 11; and the army was in this manner dispersed, without any formal Treaty of Peace with the Empire; except that all the States, who had been allied to either party, were included in the Peace of Hubertsberg.

# BOOK XIII.

Tenth Period of Modern History.

JOSEPH II. 1764—1786.

#### CHAP. I.

Joseph II. elected King of the Romans. 1764.

Electoral Collegiate Diet, and meeting for the purpose of Election, at Frankfort-Capitulation, and Electoral Collegiate Address to the Emperor-Two Decrees passed by the Electors-Difputes concerning the number of cannon to be fired at the arrival of the Imperial Commissary, and the Electors-The personal attendance of the newly-elected King of the Romans no longer required as formerly in the Conclave-nor the confent of the Father-The Election accomplished on this occasion without the previous confent of the Dief-All the Nine Electors vote at the Election-The Electoral Union confirmed by oath-Remarks on the alternate precedence of the Electors of Treves and Cologne-Agreement of the Courts of Munich and Manheim to enjoy the Vicariate of the Rhine alternately, approved of-The further agreement of the Vicarial Courts concerning the Rhenish and Saxon Vicariates, recommended to the deliberation and approbation of the Diet.

ONE of the first consequences of the peace of CHAP. Hubertsberg, which had the greatest influence on the Germanic Constitution, was the Election of Joseph II. to be King of the Romans. The attempt to accomplish it in 1730 was unsuccessful; but the confent of the Electoral Vote of Brandenburg was now secured by a particular article of the Peace. A Diet of the Electoral College was previously held at Frankfort, to form the necessary resolutions on the question, "Whether the Election of a King of the " Romans was necessary?" When this was resolved in the affirmative, the invitations to attend the Congress, which must otherwise have been sent by the Elector of Mentz to all the Electoral Courts, were presented by a Minister expressly appointed for the purpose to the Ambassadors, who were already affembled at Frankfort, with the fame solemnities as are usual on that occasion at the Courts themselves.

The deliberations concerning the Capitulation were very fhort, and there were very few additions. A variety of things were inferted again in the Electoral Collegiate Rescript which was to be presented to the reigning Emperor, to which he had promised in his Capitulation to pay due attention (a). These articles, therefore, were very properly omitted in the Capitulation of the King of the Romans, and the usual admonition inserted instead, not to undertake the Government during the life of the Emperor, with-

(a) P. 19, 20.

book out his express commission and consent (a); and if there should be an Interregnum again, the above article of the Collegiate Rescript would, in that case, no doubt, be inserted in the new Emperor's Capitula-lation.

The Emperor on this occasion sent two Commissaries to the Electoral College, Prince Wenseslaus of Lichtenstein, and Baron de Bartenstein, one of his Aulic Counsellors, not as is usual at the Diet, one a Principal Commissary, and the other a Con-commissary; but both in the same capacity. This, in some measure, established it as a custom for the above restriction to be peculiar to the Diet, and that there might in other places be more Imperial Commissaries than one at the same time.

When Prince Lichtenstein arrived at Frankfort, he was faluted by the city with a hundred cannon. When the Ecclesiastical Electors, therefore, and the Elector Palatine attended afterwards in person, instead of receiving them as formerly, with twenty-four guns, which was the usual compliment to an Elector, they were obliged to falute them each with a hundred and twenty-five, though with the assurance, that it should not be considered as a precedent in future.

Whenever a King of the Romans, or an Emperor, was elected formerly, it was usual for him to be

<sup>(</sup>a) Capitulation, 1764, Art. 30, § 3.

personally present in the Conclave, that he might CHAP. at the same time not only accept the dignity, but take the oaths to observe the Capitulation submitted to him. At the three last Elections it was settled, that an Ambassador from the new Emperor, who was present in the Conclave, should take the usual oaths to observe the Capitulation in the Emperor's name. Notwithstanding this, however, His Imperial Majesty, when he makes his public entrance, must personally take the oaths, and from that day the Vicars of the Empire resign the administration (a).

As there had been these precedents, there could be no objection, at the election of a King of the Romans likewise, to the dignity being accepted, and the oaths being taken to observe the Capitulation at the same time. But at the preceding elections of a King of the Romans, it was customary for the Prince, on whom the election fell, to request the consent of the reigning Emperor, who was prefent, and generally his own father, before he declared his acceptance of the dignity. At prefent, that thefe two personages might not have the trouble of attending in person, it was fo fettled for the first time, that Prince Lichtenstein, who on that account acquainted the Elector of Mentz with the full power he was invefted with, was invited immediately after the election by one of the Elector of Mentz's Envoys to the Conclave, and gave the Emperor's paternal confent in his

<sup>(</sup>a) Capitulation 1711, 1742, 1745, Art. 30, §. 5, 6.

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name; a method which in all probability will be observed in similar cases in future. This paternal consent is not to be consounded with that which the Electoral College requests of the Emperor before they proceed to an Election. The former is not granted in consequence of any application from the College, but from the Prince himself who is elected. The Electors request the Emperor's consent, though they have a right to proceed to an Election without, "when "the Emperor resules to comply with their request "without sufficient reasons (a)."

Even in the year 1750, it was a debated point, Whether the question, if it should ever arise, of any other necessity of an election occurring besides the usual pleas of the absence, age, or infirmities of the Emperor, could by virtue of the Convention entered into, concerning the election of a King of the Romans in the year 1711, be decided without the concurrence of the Empire in general? On the present occasion there was only notice of the election sent to the Diet by the Emperor, without any deliberations on the subject, which will probably be the case in suture.

The meeting of the Electors on this occasion had this peculiar circumstance attending it, that it was the first of its kind, where the Electoral College confisted of nine members, its complete number, all of

(a) Capitulation, 1612, Art. 3, §. 11.

whom attended. At the Election of Charles VI, CHAP. which was the first fince the admission of the ninth Electorate, the Bavarian vote was wanting, because that Elector was under the ban of the Empire. When Charles VII. was elected, the vote of Bohemia was fuspended, and the Electors of Brandenburg and the Palatinate took no part in the Election of Francis I. But now all the nine Electors gave their votes for the first time at the Election of the King of the Romans, and it was also the last time, because by the extinction of the House of Bavaria in 1777, the number of Electors was reduced again to eight.

It accidentally happened, that of all the Electors, who had either perfonally, or by means of their Ambaffadors, renewed the Electoral Union by oath at the last Election, the Empress Maria Therefia, whose Ambassador had taken it in behalf of Bohemia, was the only one living. The other Electors therefore took the oath at prefent; the Electors of Mentz, Treves, Cologne, and the Palatinate in person; and the others by means of their Ambasfadors. On the day when this folemnity was obferved, according to the alternate precedency obferved by the Electors of Treves and Cologne, it came to the turn of the latter to take the upper feat; but the Elector of Treves infifted upon taking his oath respecting the Union before Cologne, because the alternate precedency was only allowed when there was a variety of subjects to be treated of, which followed

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followed each other, in which first the Elector of Treves, and then the Elector of Cologne, was to enjoy the precedency, but not when there was only one transaction which had no other to follow it, in which case the Elector of Treves had a right to take place of Cologne. It happened, however, on this occasion, that the Elector of Cologne did not personally attend on the day when the oaths were taken.

Among the few new articles which were inferted in the Capitulation there was one respecting the Rhenish Vicariate, the alternate enjoyment of which by the Courts of Munich and Manheim, with reference to the Treaty concluded on the subject, and which was confirmed by a Decree of the Empire (a), was now considered as acknowledged. The Vicarial Courts, moreover, had settled the dispute which formerly subsisted between the Rhenish and Saxon Vicariates concerning the boundaries of their districts, by a Convention concluded among themselves, June 9, 1750. This Convention met with the approbation of the Electoral Congress, and was left to be confirmed by a general Decree of the Empire \*, though it has not yet succeeded (b).

(a) P. 44. (b) Capitulation, 1764, Art. 3. § 19.

<sup>\*</sup> The Emperor Joseph II. was crowned April 3, 1764, with the usual ceremonies, which are nearly as follow: "As soon as the Ambassador of the Emperor elect has declared his Majesty's intention of being crowned, and the insignia and jewels are brought by the respective Deputies from Aix la Chapelle, and Nurenberg, the Elector of Mentz receives proper notice, and the grand Mareschal of the Empire sends

the usual invitations to the Courts of their Electoral Highnesses, C HAP. or delivers them to their Ambaffadors at Ratifbon.

At 8 o'clock in the morning of the day appointed, the Ecclefiaftical Electors of Mentz, Treves, and Cologne, who are already affembled at Frankfort, proceed in their robes of State, attended by a numerous train of officers, with the affifting Bishops and Prelates, to the Cathedral Church of St. Batholomew at Frankfort; where they put on their respective pontifical robes, mitres, caps, &c. and wait for the arrival of the procession. The Elector of Mentz, whose office it is to confecrate his Imperial Majesty, affisted by the Electors of Treves and Cologne, then receives the jewels, with the ufual oaths and ceremonies, from the Deputies of Aix la Chapelle, in the facrifty; and the Bishops and Prelates assist in placing them in proper order, on an altar, at a convenient distance from the high altar in the chancel, except the Gospel in golden letters, and the reliques of St. Stephen, which are placed upon the high altar itself. The crown, sceptre, globe, and the sword of St. Maurice. are then carried by two Canons of the Church, in a coach, to the Emperor's refidence; accompanied by eight nobles of the Confecrator's household, in two other carriages, and a body of guards. The Canons fit backward, and place the infignia upon the front feat of the carriage. The Dalmatic robe, the Alba or Imperial mantle, and Stola, another of the Imperial vestments, embroidered with gold and precious flones, the fandals, bulkins, gloves, and girdle, all of which are richly adorned with jewels, are placed by the Deputies from Nurenberg upon an altar in the Electoral Chapel, the doors of which are shut immediately afterwards, by the Count of Werthen, door-keeper of the Holy Roman Empire.

The Secular Electors, or their first Ministers, then repair to the Senate House, habited in their robes of State, with the same trains as on the day of election, and proceed from thence on horseback to the Emperor's refidence. There they alight from their horses, and are received by his Majesty in person, in his apartment. The Emperor mounts his horfe, which is in waiting and richly caparifoned, at 10 o'clock; and as foon as the Ambaffadors are remounted, the procession commences in the following order. 1. The Grand Provost of the Empire, with his staff of office, and the Imperial Harbinger of State. 2. Two trabans,

BOOK or lifeguards. 3. The Harbinger of the Elector of Brunswick-Luneburg, with all the principal fervants attending the Embaffy, and afterwards the fervants of all the other Electoral Ambaffadors, the Harbingers, and fervants of the Electors present, and the Emperor's fervants habited in proper liveries. 4. The Pages of Honor in the fervice of the Elector of Brunfwick, and other Electors according to their rank. 5. The Mareschals of the Courts of the Electors of Mentz, Treves, and Cologne, with their other officers of State. 6. The members of the Council, Secretaries of Legation, Noblemen of the Courts, Chamberlains, Ministers, Princes, and Counts uncovered on foot. 7. Kettle-drums and trumpets playing during the whole procession. 8. The Emperor's Heralds properly habited on horseback; and after them the Electors, or the Ambaffadors who reprefent, them on horfeback; the hereditary officers of the Empire bearing the infignia, which were delivered to them at the Emperor's refidence. The Hereditary Grand Sewer. bearing the Imperial globe in the middle; the Hereditary Grand Chamberlain, with the fceptre, on the right; and the Grand Treas furer, with the Crown, on the left; all in one line. Then the Hereditary Grand Cupbearer, and the Hereditary Grand Mareschal, with the fword of St. Maurice drawn. 9. His Imperial Majesty habited in his Royal, Electoral, or Ducal Robes of his own house, and the crown of his family upon his head, under a fplendid canopy fupported by the senior Senators of Frankfort, on horseback; attended by the Grand Chamberlain of His Houshold, Master of the Horse, Captain of the Guards, and Halbertiers, with a body of guards walking on both fides uncovered. On the approach of his Imperial Majesty to the porch of the Cathedral, their Electoral Highnesses of Mentz, Treves, and Cologne, mitred, and holding their Archiepiscopal crosiers, attended by all the Bishops and Abbots, go to meet him, preceded by the Canons of the Church of Frankfort, and the canons of their own cathedrals, with their crucifixes richly ornamented; the Electoral Hereditary Marefchals, with their fwords of state inverted; and before the Elector of Mentz, the proper officer, bearing the feals of the Empire upon a filver staff. As foon as his Majesty has dismounted, he passes through to take place of the Electors; and the Elector of Mentz sprinkles him with holy water, repeating the usual prayer; Adjutorium nostrum in nomine Domini! to which

the Bishops and Abbots make the response, "qui secit cælum et CHAP.

terram." The Elector proceeds, "sit nomen Domini benedichum!"

Resp. "Ex boc nunc et usque in siculum." The Consectator then says, "Oremus! Omnipotens sempiterne Deus, qui samulum tuum, "N. N. regni sassigio dignatus es sublimare, tribue ei quæsumus, ut ita in præsentis seculi cursu cunctorum in communi disponat, quatenus a tuæ veritatis tramite non recedat per Dominum nostrum Jesum Christum." Resp. Amen.

When this ceremony is over, and the Nobles, Ministers, Counts, and Princes, with the Electors, or their Representatives. have proceeded, His Electoral Highness, the Confectator, goes with his whole train of Bishops, Canons, Priests, and Deacons, in the order abovementioned, to the Altar. After him follows the hereditary Grand Mareschal of the Empire with a drawn fword, preceding his Imperial Majesty; and the Electors of Treves and Cologne, at proper distances, conduct him to a feat prepared for the occasion in the middle of the Church, elevated three steps, and under a splendid canopy. As his Majesty enters the Church, the kettle-drums and trumpets strike up, and the Antiphone, Ecce ego mittam Angelum meum, &c. is performed in full choir with the usual responses. During this, the Electors, nobles, &c. take their feats, and the hereditary officers bearingthe infignia stand near the Emperor in the following order: the Hereditary Mareschal with his drawn sword, and the Hereditary Arch-Chamberlain with the scepter on the left; the Grand Sewer, with the Imperial globe, and the Hereditary Grand Treafurer, bearing the crown upon a velvet cushion on the right, and the Hereditary Grand Cup-bearer immediately before the Emperor. When the Antiphone is fung, the Electors of Treves and Cologne, affisted by the Bishops and Abbots, conduct his Majesty to the High Altar, where he kneels upon a cushion covered with purple upon the upper step, and the officers of State continue in their respective places standing. The Elector of Mentz standing over him with the Crosier in his hand, says in a loud voice, Domine falvum fac Regem; and the furrounding Clergy answer, Et exaudi nos in die, qua invocaverimus! Confec. Oremus! Deus! qui scis genus humanum nulla virtute posse subsistere, concede propitius; ut Famulus tuus N. quem populo tuo voluisti præferri, ita ut tuo fulciatur adjutorio, quatenus, quibus potuerit prodesse, valeat per Dominum

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BOOK minum nostrum Jesum Christum. Resp. Amen. Consec. Oremus! Omnipotens sempiterne Deus, coelestiumque Moderator, qui famulum tuum N. ad regni fastigium dignatus es provebere, concede quæsumus, ut a cunciis adversatibus liberatus, ad aterna pacis gaudia per te venire donantem mereatur, per eundem Dominum Jesum Christum, &c. Refo. Amen. When this part of the service is over, his Majesty is conducted with the same ceremony to his seat. The Elector of Mentz then begins high Mass. The first part, as the Kyrie eleison, and gloria in excelsis, are fung in full choir, after which follow the collects, prayers for the day, &c. Before the Gospel, the Grand Chamberlain of his Majesty's household, attended by the Mareschal of the Court, takes off the crown and robes of his house and delivers them to the officers in waiting. The Elector of Treves and Cologne, attended by the other Electors. then conduct him again to the Altar, where his Majesty kneels. and the Elector of Mentz likewife kneeling, repeats the Litany. to the verse Ut nos exaudire digneris; upon which the latter rifes, and holding the Crofier in his hand, repeats the ufual prayers and benedictions, affilted by the Electors of Treves and Cologne, making the accustomed croffes; Ut bunc famulum tuum N. in regem electum bene + dicere digneris, to which the clergy answer. Te rogamus audi nos. Conf. Ut eum sublimare et con + secrare digneris. Resp. Te rogamus audi nos. Cons. Ut eum ad Regni et Imperii fastigium feliciter per + ducere digneris. Resp. Te rogamus, audi nos. At the commencement of this Litany, the Protestant Electors and Ambalfadors leave the Altar, and return to their feats; and at the conclusion of it, the others rife, and the Confecrator having put on his Mitre again, and refumed his Crofier, addresses himself to the Emperor as follows: 1. Vis faretam fidem Catholicam et Apostolicam tenere et operibus justis servare? 2. Vis sanctis Ecclesiis Ecclesies arumque Ministeris fidelis esse tutor ac defensor ? 3. Vis regnum à Deo tibi concessum secundum justitiam Prædecessorum tuorum regere et essicaciter defendere? 4. Vis jura Regni et Imperii, bona ejusaem injuste dispersa recuperare et conservare, et sideliter in usus Regni et Imperii dispensare? c. Vis pauperum, et divitum, viduarum et orphanorum equus effe judex et pius defensor? 6. Vis Sanctissimo in Christo Patri et Domino, Romano Pontifici et Sanctæ Romanæ Ecclesiæ subjectionem debitam et fidem reverenter exhibere? To each of which questions, his Imperial

Imperial Majesty answers, Volo; and then approaching nearer to CHAP. the Altar, and placing his right hand upon the Holy Gospel, which was brought from Aix la Chapelle, he takes a folemn oath in the following words: Omnia præmiffa in quantum divino fultus fuero adjutorio, fideliter adimplebo; sic me Deus adjuvet et sancta Dei Evangelia. The Confecrator then addresses himself in a loud voice to all the people affembled : Vultis tali Principi et Rectori vos subjicere, Infusque Regnum firmare, fide stabilire, atque juffionibus illius obtemperare, juxta Apostolum: Omnis anima potestatibus sublimioribus subdita sit, sive, Regi tanquam præcellenti? to which the whole congregation answer, Fiat! Fiat! The Emperor then retires from the Altar, and kneels upon the lowest step, upon which the Confecrator standing over him gives the bleffing : Benedic Domine! bunc Regem nostrum, &c. After which the Emperor is prepared to receive the holy unction. The Ambaffadors, and the Hereditary Grand Chamberlain of the Empire, affifted by the Master of the Robes, and Royal Chamberlains, undress his Majesty as far as is necessary for the ceremony of anointing him. The Confecrator then holding the veffel in his hand, fays, Pax tibi. Refp. et cum spiritu tuo. The Emperor is then anointed and figned with the Crofs, first on the top of his head, on the breast, and between the shoulders, and then on the right arm between the hand and the elbow, the Confecrator faying each time of pouring the oil, Ungo te in Regem de oleo sanclificato, in nomine Patris, + et Fili, + et Spiritus Sancti, + Amen. During this ceremony the Antiphone: Unxerunt Salomonem Zadoc Sacerdos, et Nathan Propheta in Zion et ambulantes læti dixerunt. Vivat in æternum! Alleluia is fung to music by the whole choir. As the Elector anoints the palm of the Emperors hand, he fays, Ungantur manus ifte de oleo sanctificato, unde unctifuerunt Reges et Prophetæ et sicut unait Samuel David in Regent, ut fis benedictus et constitutus Rex in Regno isto super populum istum, quem Dominus Deus tuus dedit tibi ad regendum et gubernandum, quod ipse præstare dignetur, qui vivit et regnat Deus in secula seculorum. The choir then fing, Unxit te Deus oleo lætitiæ præ confortibus tuis.

After this ceremony, the Emperor is conducted by the Electors, or their first and second Ministers, attended by the Bishops and Abbots,

BOOK XIII. Abbots, and the hereditary officers bearing the infignia before him, to the Electoral Chapel; where he puts on the Imperial pontificals, the fandals, bufkins, dalmatic robe, and mantel. which are presented to him by the Deputies from Nurenberg, and over them along robe from the shoulders over the breast, like the dress worn by the Priests. Thus habited, he is conducted again before the Altar, and the others take their places. He then kneels upon the last step, and behind him stand the secular Electors, repeating the responses to the customary prayers. The Electors of Treves and Cologne take the fword of Charlemagne from the Altar, draw it, and prefent it to the Emperor; upon which the Elector of Mentz addresses him as follows. Accipe gladium per manus Episcoporum licet indignas vice tamen et austoritate Sanctorum Apostolorum consecratas tibi regulariter concessum nostræque benedictionis officium defensionem sanctæ Dei ecclesiæ divinitus ordinatum: efto memor, de quo Pfalmifta propbetavit, dicens: accingere gladio tuo super femur, tuum potent fime, Ec. Resp. Amen. At the words accingere gladio tuo, his Majesty gives the sword to the Elector of Saxony. who puts it in its fcabbard, and with the affiftance of Bohemia and Bavaria girds it on him. A ring is then presented to the Elector of Mentz, who puts it on the Emperor's finger, with these words; Accipe Regiae Dignitatis, annulum, et per boc Catholica fidei cognosce fignaculum. Resp. Amen. The sceptre and globe are taken in the fame manner from the Altar, and delivered to the Confecrating Elector, who gives the former into the Emperor's right hand, and the latter into his left, repeating the words: Accipe virgam virtutis et veritatis, &c. Refp. Amen. After which the Emperor returns them to their proper officers. The Elector of Saxony, or his first Minister, then draws the fword of Charlemagne from its fcabbard again, and delivers it to the Hereditary Grand Mareichal, instead of the fword of St. Maurice. The Emperor is robed in his rich Imperial mantle or pluvial by the Hereditary Chamberlain; after which the confecrating Elector, and the Electors of Treves and Cologne jointly affift in placing the royal crown upon his head, and the confecrator addresses him in the following words: Accipe coronam Regni, quæ licet ab indignts spifcoporum tamen manibus capiti tuo imponitur. In nomine Patris + et Filit Pilit + et Spiritus + sancti, quam fanctitatis gloriam et bonorem et opus fortitudinis lignificare intelligas, et fer banc le participem ministerii nostri
non ignores; ita ut sicut nos in interioribus Pastores Rectoresque animarum
intelligimur, ita et tu in exterioribus verus Dei cultor, strenunsque contra
omnes adversitates ecclessis Christi desensor, existas, regnique tibi a Deo
dati, et per officiam nestra benedictionis in vice Apostorum, omniumque
Sanctorum regimini tuo commisti utilis executor, proficuusque regnator
semper appareas, ut inter gloriosos athletas virtutum gemmis ornatus et
præmio sempiternæ selicitatis coronatus, cum Redemptore ac Salvatore
nostro sesso sensos successos, since s

"I promise and vow, in the presence of God and his Angelsa that I will now, and ever, obey the laws, do justice, and preserve the peace of the holy church of God. I will fludy the welfare of the people subject to me, and endeavour to procure, and do them justice. I will promote the welfare, and maintain the rights of the Empire, with due confideration of the Divine Mercy, in the best manner I am able with the advice of the Princes, who are faithful to the Empire and myfelf; I will duly honour the most holy Bishop of Rome, the Romish church, and the other Bishops and fervants of God; and protect and preferve uninjured, whatever the church has been endowed with, and what has been given to holy men by Emperors and Kings; and will flow due honour to the Prelates, States, and vaffals of the Empire; the Lord Jefus Christ affifting me with strength and grace." The Emperor is then conducted with the same forms to his seat, the kettledrums are beat again and the trumpets founded. While the Mass is continued, and the Gospel chaunted, the Elector of Treves presents the book with the golden letters for his Majesty to kifs, and the Elector of Cologne gives the incense. While the Creed and Offertory are chaunting, the Emperor, bearing the scepter and globe in his hands, which he afterwards delivers to the proper officers, approaches the altar, and makes the accustomed offering; after which he returns to his feat, and receives the incense from the Elector of Treves .- Before the holy facrament is administered. Vol. III.

BOOK XI. administered, the two Spiritual Electors take the crown from his Majesty's head, and place it on a cushion to be held by the Hereditary Treasurer of the Empire.

At the elevation of the Host the Elector of Treves brings the paten for the Emperor to kifs; and Cologne prefents him with the Holy Water. As foon as the confecrating Elector has received the facrament himfelf, his Majesty is conducted to the Altar, where he receives the confecrated wafer from the Elector. and the wine from his cup. The Elector then, after the usual prayers, folemnly pronounces the Bleffing; and the affiffing Clergy make the responses. When the Emperor is returned to his feat, the crown is placed with the fame ceremony upon his head again. This ceremony concludes the mass; upon which the Emperor, attended by the Electors, and all the high officers of the Empire, is conducted to a throne erected for the purpose, inflead of the chair of Charlemagne at Aix la Chapelle, and the attendants take their feats in their respective stalls. The Elector of Mentz addresses himself to him in these words: Sta et retine a modo locum Regium, quem non jure bereditario, nec paterno successione. fed Principum Electorum in Regno Alemaniæ tibi noscas delatum, maxime per auctoritatem Dei omnipotentis, et traditionem Prafentium, et omnium Episcoporum cæterorumque servorum Dei, &c. Then standing before the throne, he congratulates his Imperial Majesty in the name of all the Electoral College; for which the Emperor gracioutly thanks him; and the Elector, turning towards the Altar, begins the Ambrofian Hymn, which is instantly struck up by the whole band in full chorus, the bells ringing, cannon firing, kettle-drums beating, and trumpets founding from every quarter. amidst the general acclamations of the people. In the mean time, the Spiritual Electors repair to the Sacrifty, and change their Priestly for their Electoral Robes.

The Emperor, being feated on his throne, is prefented with the fword of Charlemagne, and, while the Te Deum is performing, confers the honour of Knighthood on feveral Counts and Nobles, dreffed in the full habit of chivalry, as was customary in the time of the ancient Tournaments. Those who are to receive this honour have their names given in, the day preceding, to the Elector of Mentz, who sends them to the Vice

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Chancellor of the Empire. They are then fummoned to ap- CHAP. pear by the Captain of the Guards; and those who answer to their names are presented to his Imperial Majesty, and kneel with due reverence before his throne, when he touches their right shoulder three times with his sword; after which they rife invested with the honour of knighthood. Immediately after this ceremony, the Deacon, and fingers of the royal foundation at Aix la Chapelle, attend, and humbly represent to the Emperor, that it is customary for every King of the Romans, immediately after his coronation, to be admitted Canon of their order, and take the usual oaths; which his Maiesty complies with in these words, laying his hand upon the Holy Gospel: Nos N. divini favente clementia Romanorum rex, Ecclesia nostra B. Maria Aquisgranensis Canonicus, promittimus, et ad hæc fansta Dei Evangelia juramus eidem Ecclefiæ fidelitatem, et quod ipsam jura, bona et personas ejusdem ab injuriis et violentiis defensabimus, et faciemus defensari, ejusque privilegia omnia et singula et consuetudines ratificamus, approbamus, et de novo confirmamus.

The Electors of Treves and Cologne having changed their robes and returned to his Majesty, the procession commences, during which the bells continue ringing, and cannon firing. The Emperor proceeds, first adorned with his Imperial Crown, and robes of State, upon a platform prepared on the occasion from the Cathedral to the Senate-house, which is covered with black, white, and yellow cloth. The infignia, including the crown of the Emperor's house, are carried as before, and the Spiritual Electors, with their respective trains, join the procession. The trumpets and kettle-drums go before the Nobles and Ministers the whole time; after them the Heralds, the hereditary Grand Mareschal of the Court of Mentz, with his sword inverted, and the seals carried upon a filver staff. Then the Elector of Treves alone, and the insignia borne by the proper officers; after them the Emperor, with the Spiritual Electors of

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BOOK Mentz on his right, and Cologne on his left, bearing his train. Then the fecular Electors two and two. The Electors are all covered, but all the other officers, and the whole procession besides, uncovered. The Emperor's halbertiers and guards walk on each fide, and the Electoral guards close the procession; at the conclusion of which ceremony, the platform. cloth, &c. are given to the populace. Before the Emperor fits down to the banquet prepared for him in the Senate-house, it is customary for him to appear with the Electors at the window. and fee the ceremonies performed by the hereditary grand officers, as they are prescribed by the Golden Bull. First the hereditary Grand Mareschal of the Empire mounts his horse, which is richly caparifoned, and rides into the middle of a heap of oats laid in the square before the Senate-house on the occasion, attended by kettle-drums and trumpets. Having filled a filver measure full, and made the oats even with a filver inftrument, he shakes them out again, returns to the hall, and the oats become the property of the po-The hereditary Arch Sewer mounts a caparifoned horse in the same manner, rides to a table covered with a fine linen cloth, takes from it a filver bason, ewer, and a napkin; difmounts again at the Senate-house, and carries them to the Emperor. After him the hereditary Grand Chamberlain rides in the fame manner, with the fame number of attendants, to a fire made in the fquare, where there is an ox roafting, from which he takes a piece, and carries it in a filver plate, covered, to the Emperor's table. The hereditary Arch Cup-bearer likewise rides to a table covered with a white cloth, on which there is a filver cup, weighing twelve marks, full of wine and water; he takes the cup, dismounts at the Senate-house, and presents it to the Emperor; and at last the hereditary Arch Treasurer rides, with the same ceremonies, and with kettle drums and trumpets, into the middle of the populace, bearing a purfe of gold and filver coins, which he throws among the people, and returns.

A fountain, with a double eagle displayed on the top, ejects CHAP. white and red wine, and white bread is thrown among the people. When these ceremonies are over, his Imperial Majesty retires from the hall till the dinner is ferved up, when he is conducted by the Electors and the Imperial officers, bearing the infignia before him in due form to his feat. At table the crown is taken from his head by the hereditary Grand Sewer. The hereditary Arch Chamberlain prefents the water and the napkin. The Spiritual Electors then standing before the Emperor's table, which is raised two steps higher than the best, Mentz in the middle, Treves on the right, and Cologne on the left, the former fays grace, and the others make the responses. All three of them then take the filver staff with the feals, and bear them upright before his Majesty. The Elector of Mentz, as Chancellor of the Empire, takes the feals off, and lays them on the table; upon which his Maiesty presents them again to him, and as soon as his Highness has received them, he hangs them on his neck, and takes his place at a separate table, and the other Electors at theirs. A table is provided likewise in the same hall where the Emperor dines, for the Princes, who are attended by officers of State. When dinner is ferved up, the Emperor's dishes are brought in by Counts of the Empire, preceded by Heralds and guards, and the hereditary Mareschal with his staff of office, except the first dish, which is brought in by the hereditary Arch Sewer. The Elector of Mentz is waited upon in the fame manner by his own officers, and the Marefchal of his own Court with his wand. The Prince of Hesse-Darmstadt carves for his Imperial Majesty, and the hereditary Cup-bearer of the Empire prefents the cup. Such of the Electors as affift at the ceremony in person, fit at their own tables, and are attended by the officers of their Courts; but those who are reprefented have only tables covered for them, at which the Ambassadors do not sit. After dinner, the hereditary Chamberlain places the bason upon the table for his Majesty to wash, which

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he does litting, and when he has finished, the whole company rises, and the Elector of Mentz returns thanks, to which the other Spiritual Electors make the usual responses. The hereditary Cup-bearer then replaces the Emperor's crown upon his head, and, assisted by the Counts in waiting, draws back the Emperor's seat, when they withdraw into another apartment. Soon after dinner the Emperor is conducted, with the usual ceremonies, to his residence: he and the Electors in their carriages of state, and the Imperial hereditary officers bearing the insignia on horseback, attended by the pages and servants in livery, with slambeaus. As soon as his Imperial Majesty is arrived, the Electors attend him to his own apartment, and having formally taken leave, repair to their different quarters in the town.

A few days after the Coronation, the feals of the Empire are given in custody to the Vice Chancellor; and the filver staff becomes his property; the filver utenfils likewise, as the laver, the ewer, measure, cup, and dish, are presented to the hereditary officers who performed the different functions as ordered by the Golden Bull.

SCHEIDERMANTEL'S Repertorium of the public Law of Germany, vol. II. p. 595. Moser's public Law of Germany, where the Coronation Service may be found at large, vol. II. p. 463.

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## CHAPTER II.

## Visitation of the Imperial Chamber.

Laudable zeal of Joseph II. for justice-which he discovers by a particular ordinance iffued to the Aulic Council-and by affording hopes of a Visitation of the Chamber-concerning which ferious deliberations are begun at the Diet-But a book which appears under the title of, Reflections on the Visitation, gives rife to entirely new principles—as if the Vifitation was only a court of justice-and not dependent upon the Diet -but by virtue of a Recess of the Empire of the year 1543, only on the Emperor - who could fettle every thing respecting it, therefore, according to preceding laws -These principles begin to be adopted at Vienna-The Visitation opened in May, 1767-A difficulty arises immediately, concerning the distinction between the Visitation, and Revision-and concerning the right maintained by the Elestor of Mentz, of having a Sub-Delegate in every Senate of Revision-which was one reason why the Visitation was at last stopped-The affairs punctually examined each time by twentyfour found lawyers-The propofal to appoint a fubordinate deputation unfuccessful-An unexpected discovery, that a Tew carried on a trade with the Solicitors at Wetzlar, and that three Affesfors received bribes, which occasions a serious inquiry-'1 he Visitation had scarcely continued a year before a dispute arises concerning the relief of the first class, in November, 1774-Another dispute whether the Imperial Commissioners could invalidate a decree passed by a majority of votes, by refusing their confent-A report of the proceedings to the Emperor and Empire occasions at last a Resolution of the Diet, respecting several circumstances which occurred K 4

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occurred at the Visitation of the Chamber-The Visitors previoutly take the opinion of feveral of the Affessors to regulate the statutes of the Chamber, but do not begin the work-On the contrary, the Visitors employ themselves in settling the fees to be paid by the States, who complain respecting their lawfuits-Another dispute concerning the part the Counts were to take in the Vifitation-which could not be allowed to individuals, but only to the four Colleges collectively-of which the Counts of Franconia and Westphalia, as well as Wetteravia, were reckoned purely Protestant-In this manner the affair was confidered by the whole Diet in 1766-But now the Counts of Westphalia and Franconia were all at once to be alternately reckoned on the Catholic fide-as a Catholic Plenipotentiary of the Count of Metternich attended the fecond class in behalf of the Counts of Westphalia-Upon which the Cath licks and Protestants passed decrees directly contrary to each other at Ratifbon-An unfortunate division of the whole Visitation at Wetzlar-Publications on both fides-the merits of which posserity alone can impartially determine-The fuppolition that a memorial from Carlfruh had a fatal influence on the whole affair, certainly without foundation.

THE principal Courts of Germany never discovered so much zeal and unanimity on any occasion, as in the wish, which they expressed at the Congress of election, that the Visitation of the Imperial Chamber at Wetzlar, which had been so long desired, might at last, now that peace was restored, be seriously attended to. This zeal was fully revived, when Joseph II. immediately after his accession to the Imperial Throne, discovered the most laudable inclination to promote regularity and expedition in the administration of justice, a disposition which could not fail of securing that Monarch the most unlimited considence.

As the government of the hereditary dominions of Austria was still in the hands of the Dowager Empress Maria Theresia, Joseph was enabled to devote himself entirely to the duties of his situation as Emperor. The Aulic Council reaped the first fruits of his activity on the 5th of April, 1766, when he issued an ordinance, containing the most salutary regulations to be observed by that high Tribunal in legal proceedings, which have in some measure preserved their efficacy to the present day.

With respect to the Visitation of the Chamber, the Electoral College had already proposed in the Capitulation of Charles VII. that it might now be commenced in the same manner as it was to have been according to the directions of the last Recess in 1654. But as many alterations had taken place since that period with respect to the States there nominated, as well as other circumstances, several things were provisionally settled in the Capitulation, and a reservation made that a report should be made to the Empire by means of a Commissional Decree, and the opinion of the Diet taken on the subject (a).

If the orders, therefore, contained in the last Recess, as well as in the other laws of the Empire, and the instructions moreover which were given by the Empire, to the very extraordinary Visitation which was held in the years 1707—1713, could serve as a

<sup>(</sup>a) Capitulation, 1742, Art. 17. §. 3-12.

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BOOK foundation for the Visitation now; the question still remained, how far those instructions were applicable to the present circumstances (a). There were several points, likewise, which it was highly proper to settle by a previous deliberation at the Diet, as carefully and accurately as possible, before they proceeded to the business itself, and discovered, when it was too late, the diffensions and interruptions likely to delay it.

> With this view, no less than twenty-fix points were referred, in the year 1747, to the confideration of the Diet .- I know not by whom, but whoever proposed them, he was certainly equal to the work he engaged in .- There scarcely ever was an instance of more zeal and unanimity than in the deliberations on this subject at the Diet in July and August, 1766 .-A resolution of the Empire was soon formed relative to some of the most important points, which was submitted to the Emperor's approbation, with the refervation of the right of deliberating on the other articles hereafter.-The Emperor's approbation, however, was not procured so early as was expected (b); and it foon appeared, that a change had, in all probability at least, in the mean time, taken place in the principles. hitherto entertained, with respect to the Visitation of the Chamber.

(a) Capitulation, 1742, Art. 17, Sec. 6.

<sup>(</sup>b) The Refolution of the Empire was paffed August 8, and the Emperor's Commifferial decree of approbation, Nov. 17, 1766.

It was evident what fystem was adopted now, from CHAP. a writing which was at first distributed in manuscript, and afterwards printed at Mentz, in 1767, under the Title of "REFLECTIONS on the VISITATION OF THE IMPERIAL CHAMBER (a)."

It was argued, that the rules to be observed at the Visitation now in contemplation, were already sufficiently fettled by cuftom and the laws, which had been formerly and lately made upon the subject; of course therefore that no further deliberation at the Diet was necessary. It could not, it is true, be denied that there were three very different objects in view, diffinct from each other; first, an examination of the causes left for revision, in the manner of a regular Tribunal; fecondly, a real Visitation to enquire into, and remedy, the defects in the constitution, as well as of the members, of the Court; and, lastly, to establish fuch new legal prescriptions and improvements, as might feem necessary to the Visitors acting in the capacity of an extraordinary Deputation of the Empire. The whole Vifitation, however, was reprefented as a Court of Judicature appointed by law; and it was foon evident on feveral occasions, that an attempt was made to connect with this idea the principle, that every thing depended folely on the Supreme Magifterial power of the Emperor, and that he could determine any thing in the whole bufiness at pleasure.

<sup>(</sup>a) This work may be found in the Transactions of the Visitation of the Imperial Chamber. Continuation, p. 63\_86.(1767,) The

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The Vifitation, fay the advocates for this opinion. is not dependent on the Diet; but the Deputation appointed for that purpose represents the Emperor and Empire equally as much as the Diet itself .-There might be a Vifitation if no Diet existed, which frequently happened formerly; the Sub-Delegates were not dependent on the Diet, but immediately upon the respective Courts, as much as the Envoys themfelves (a) .- All this would certainly be true, if a Vifitation appointed by the Emperor and Empire was really in being; but, as the question was first difcussed, whether a Visitation should be established. and how it should be established, and how far they should adhere to the regulations respecting it. which were made a century ago or what alterations should be made, as circumstances changed? these were subjects which could certainly only be determined by the Diet.

In order to attribute an exclusive right to the Emperor of determining such questions as might occur at the Visitation, without the concurrence of the States, an Article of the Recess, of the year 1543, was adduced in favour of the doctrine; in which it was ordered, with respect to the different religions of the States, at the Visitation which was to be held in that year, that, if any misunderstanding arose among the visitors, the Imperial Commissions

<sup>(</sup>a) Reflections on the Vifitation of the Imperial Chamber. § 7-10, p. 8-10.

thould endeavour to accomodate matters in an ami- CHAP. cable way. To this a clause was added, that, if their endeavours to fettle the dispute should be unsuccessful, "the affair should, in that case, be referred to " his Imperial Majesty, for his final decision, with "which all the States should punctually comply."-Against this clause the Protestant States immediately protested; the Visitation of 1543 was dissolved; and in the Statutes of the Chamber, which abolished all former regulations which were not repeated and did not accord with them, this article in the Recess of 1543 was omitted .- Notwithstanding this, the very article abovementioned was appealed to as a law, which was not only obligatory then, but for all fubsequent Visitations, and therefore a perpetual rule. They founded the position upon it, that, if the Visitors, after declaring their votes several times, could not agree, and the number of votes were equal. they must apply to his Imperial Majesty as the only Supreme Judge of the Empire, and wait for his final decision (a).

It was faid, moreover, that this was not an extraordinary Visitation, like that of the year 1707, which lasted till 1713, but an ordinary one, the same as that which was continued annually, from 1556 to 1587. The States which were deputed for the purpose were already nominated, according to the division, into five classes, in the Recess of 1654; the first class, therefore, could enter

<sup>(</sup>a) Reflections on the Visitation of the Imperial Chamber. § 14. p. 13.

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BOOK immediately upon the business, without any further power, or instruction being granted for the purpose by the Emperor.-If any other regulations were necessary for the succeeding classes, the Emperor had it always in his power to require a Resolution of the Empire on the fubject. Every thing elfe the Emperor could fettle of himfelf. He could appoint the time for opening the Vifitation, iffue an edict by virtue of which all States and Parties, who had causes depending, and wished to continue the revision of them, could be obliged to renew their application within three months, on pain of lofing their causes, &c. Thus, the twenty-fix points which were proposed for deliberation were thought of no more, because the Emperor did not stand in need of any further Refolution of the Empire to put the Visitation in action(a). If any of the laws or customs were still undetermined, the Vifitors would discover and adjust them in the course of the Session; and they then might remedy the evils in a constitutional manner, or else, if necessity required, report them to his Imperial Majefty; but that nothing of this kind could be done previously, nor any instruction therefore be given on the subject (b).

> Although these reflections made their appearance only in the form of an anonymous private write ing, with the real Author of which I am perfectly un-

<sup>(</sup>a) Reflections, § 29, p. 22.

<sup>(6)</sup> Ibid. \$ 47, p. 32.

acquainted; yet the event foon proved, that the Im- CHAP. perial Court implicitly adopted their principles. In the Commifforial Decree, which was issued Nov. 17. 1766, in consequence of the Resolution of Aug. 8. the Visitation was appointed to be opened on the 2d of May, 1767. The Emperor undertook to execute all the preparatory bufiness, and settled every thing himself, as if there was nothing left for the deliberation of the Diet. A few doubts which were expressed upon the subject, were the occasion perhaps of another Commissionial Decree being issued, Jan. 26, 1767. which contained the reasons why it was not thought necessary to apply for a power of proceeding and instructions, and yet a further Resolution of the Diet was required respecting the progress of the Visitation in the succeeding Classes; at which period. just as the affair was in agitation, the above mentioned reflections were published.

The Sub-Delegates of the twenty-four States, who were deputed for the first class, and the two Imperial Commissaries, Charles Egon Prince of Fürstenberg, and George Baron of Spangenberg, arrived so early at Wetzlar, that the Visitation was fortunately opened in May, 1767; but such obstacles foon presented themselves, that it was greatly to be wished, for the successful progress of this important business, that it had previously been more accurately settled; which would certainly have been the case, if the twenty-fix articles already mentioned had been properly deliberated at the Diet. The Visitation might

BOOK XIII. might then have commenced perhaps a year or two later; but more bufiness would have been done in one or two years than was afterwards done in nine, and the whole affair would not have met with such an unfortunate end as it actually did.

At the very commencement of the Visitation, a doubt arose concerning the distinction to be made between the real business of the Visitation, and the revision of the causes depending. The last Recess ordered, "that the twenty-four States should undertake the revision of the causes as soon as the business of the Visitation was over (a), and as it was supposed that there was an immense number of causes waiting for revision, the Recess for that very reason ordered such a number of States, that they might be divided into four different Senates." The Electoral College expreffed a wish in the Capitulation of Charles VII. that the real business of the Visitation should only be transacted by one Senate; that two of the others should undertake the revision of the old causes, and the fourth begin with the new ones (b). But it appeared to be more confistent with the meaning of the Recefs, that the whole Deputation should settle the business of the Visitation first, and then proceed in four distinct Senates to a revision of the causes; for the business of the Visitation was certainly of infinitely greater consequence than the revision of any individual cause. Another difficulty arose now re-

<sup>(</sup>a) Recefs, 1054, § 130.

<sup>(</sup>b) Capitulation, 1742, Art. 17, § 8.

fpecting the fix States, who were to enjoy the precedency, and be employed in fettling the business of the Visitation alone, and the eighteen who were to constitute the Senate of Revision. In short, it was found necessary for the Visitors to begin their business immediately in a full Council, consisting of the two Imperial Commissaries, and twenty-four Subdelegates from the deputed States.

An unforeseen difficulty arose even in the division of the Senates, which were to enter upon the bufiness of Revision. The Diet proposed, in a Resolution of August 8, 1766, that each of the deputed States should fend two Sub-delegates to the Visitation. The Commifforial Decree of the Empire, on the contrary, which ratified the Refolution, mentioned only one, with which the Diet was fatisfied. At the opening the Vifitation, therefore, in May 1767, only one Sub-delegate appeared from each of the deputed States, except from the Elector of Mentz, who fent four, and the reason, as it soon appeared, was, that he thought it necessary to have one in each of the Senates. As there was now therefore no less than twenty-feven Sub-delegates to be divided into four Senates, either three of them must have been composed of seven Members, which could not be admitted on account of the equality to be obferved in religion: or else three other Catholic Subdelegates must have given place to those appointed from Mentz.

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In order to remove this obstacle, the Imperial Commiffary made a proposition, June 25, 1768, that there should be an Electoral Directorium appointed by the Elector of Mentz in each of the Senates, but that his vote fhould be admitted only in one. An answer was required on this subject from the Elector himself, which was very naturally objected to, not only by the Elector of Saxony and most of the Prorestant States, but by the Elector of Bavaria, and the Bishops of Bamberg and Munster. Before this affair was adjusted, therefore, not a step further could be advanced in the division of the Senates, neither could any other measures be adopted to promote a revision of the causes. The answer was not given by the Elector of Mentz before the 10th of January, 1776, and even then he agreed to the proposal. upon this condition, that it should not be considered as any precedent in future, and with the refervation that no appeal whatever should be made to it, as a right either by title or poffession \*. The Emperor's Commiffaries confidered this as a very generous declaration, as it was certainly at the option of every State, to exercise his right of voting on any occasion, without prejudice to himself. Others, however, thought it a matter of too great importance to acknowledge, that the Elector of Mentz had actually the right of voting in every future Senate, and allow him the direction of them, on the prefent occasion, upon such conditions. There was no refource, therefore, but to submit the affair to the Emperor and Empire; and when this was attempted

<sup>(\*)</sup> WEDER POSSESSORISCH NOCH PETITORISCH.

in vain, the Protestant Sub-delegates were under the necessity of resting satisfied with making a report of their proceedings to the Protestant Body, which was done Feb. 23, 1776. In this situation of affairs, as the object of contention was neither removed at Ratisbon nor by any other means, the measure adopted by the Emperor's Commissioners at Wetzlar, May 8, 1776, was doubly important, for in a short time, before any other method of adjusting the affair was determined, they proceeded to make the division of the four Senates.

Nine years were fully elapsed from the 8th of May, 1767, to May 2, 1776, and no other bufiness transacted than merely such as related to the Visitation itself. This was certainly very extraordinary; but the fact may be eafily accounted for from feveral co-operating causes. In the first place, as there had not been any Visitation for many years, there was no fcarcity of work to employ the Delegates, especially as they discovered an unbounded zeal, as foon as thy entered on the bufinefs, to leave nothing which could possibly tend to the restoration of a constitutional and efficient Court of Judicature without inquiry. The variety of objects which prefented themselves, each of which was to be examined and fubmitted to the deliberation of twenty-four different persons who had the privilege of voting, could not be very expeditiously dispatched; but when we confider that the twenty-four perfons employed were skilled in their profession, and animated by a genuine

BOOK zeal for justice, that they had now an opportunity offered them of exhibiting their profound learning and integrity, and vied with each other in adding weight to their respective opinions by the most folid and diffusive arguments, it is natural to suppose, that the Protocols of votes, which were delivered in fo elaborate a manner must have been prodigious; for, perhaps, there never was an instance of any fubjects being more closely and minutely examined. or of any bufiness being transacted in which greater pains were taken to render it complete.

> A plan was once in agitation to divide fome of the bufinels of the Vifitation among different Sub-deputations or Committees, which would certainly have answered the purpose; but this plan immediately met with obstacles which prevented its execution, by a dispute arifing concerning the manner of appointing the members. In cases where it is necessary to obferve a religious equality, it is certainly agreeable to analogy, as well as to custom, to leave the choice of the persons appointed to the religious party itself. On this occasion it was agreed, that all the twentyfour, or the majority of them, should choose the persons of both religions for each of the Committees. This was the ruin of the plan, and the whole bufiness of the Visitation, therefore, was transacted by the twenty-four Vilitors without distinction, except that there was a particular Referendary, and Conreferendary, to each particular cause, who were put in possession of the writings, and drew up their opinions

opinions at leifure, which were afterwards delivered CHAP. in full council in the course of the session, and not unfrequently for feveral fessions together.

The real business of a Visitation is to examine the members of the Court in general, and each of them individually, on a variety of points, and discover from their answers the nature of the defects of the Court, and how they may be remedied. On the prefent occafion it was foon discovered that three of the Affessors had been guilty of mal-practices. It appeared afterwards, that a Frankfort Jew had been speculating, and carrying on a fingular kind of trade through this channel, with the Solicitors of the Chamber. A real defect likewise soon appeared in the Court itself; for the Directorium of Mentz had acquired an unconstitutional influence in the decision of the causes, by having the arbitrary power of appointing the Affessors of the Senates as he pleased, which had by degrees become an established custom. But before any regulations could be made respecting these and and a variety of other objects, which were submitted to inquiry, feveral questions arose relative to the continuation even of the Vifitation itself, and the manner in which its decrees were to be rendered effectual, which foon evidently discovered how much it was to have been wished, that every thing of this nature had been previously fettled at the Diet.

With respect to the progress of the Visitation, it was ordered in the last Recess that there should be five classes, each consisting of twenty-four States,

BOOK who should relieve each other; and as soon as the Vifitation was finished, proceed to a revisal of the causes. According to this plan, and the mode of transacting bufiness at that time, it was thought that a tolerable number of causes might be dispatched in half a year: it is probable also, that fix months were thought a sufficient time to transact all the business of the Visitation itself. They allotted a whole year, therefore, for the first, and half a year for the remaining classes, to relieve each other in fuccession. It appears as if it was taken for granted, that the first class would not be occupied a whole year in the bufiness of the Vifitation alone, and that when that was fettled there would be time to commence the revision. The event, however, proved that the members of the first class could not by any means flatter themselves with the prospect of compleating their business within that period, or that they could even bring it to fuch a point as to enable them to leave it, to be continued by the next class which confisted in a great measure of totally different States, without materially injuring the whole. Notwithstanding this, a proposition was made in December, 1767, that the first class should be relieved by the second in May, 1768. This, however did not meet with the approbation of the Diet. The fecond class did not succeed, therefore, till November, 1774, the third in October, 1775, which was relieved by the fourth in May, 1776. But, alas! just as the last entered upon the office, the whole Vifitation stopped.

> The Vifitation had already met with a delay in the manner of transacting business in the months of April

and June, 1768. Two Refolutions of the Sub de- CHAP. legates were paffed, by a majority of votes, which the Imperial Commiffary endeavoured to render invalid, by refufing his affent. There is no doubt, but that, if a new law was to be made by an extraordinary or an ordinary Deputation of the Empire, it could not have its legislative force, unless it met with the necessary approbation of the Emperor, any more than at the Diet itself. But in the present case the question only related to the abolition of certain abuses, which were discovered, and against which there were laws of the Empire already. If it had been necessary to have applied for the Emperor's approbation, and he had refused it, the very laws of the Empire which existed already would have lost their validity, an event which would have been of ferious consequences to the States in general. In these circumstances the Imperial Commissaries appealed to the Recess of the Empire of 1543; -but I have already observed what was necessary to be faid on this fubject above (a).

No measures could be adopted at Wetzlar now, but to refer the affair to the Emperor and Empire. This was done in a very elaborate report, both from the Visitors and the Chamber itself, in which the vote of each individual member was stated at length (b). The affair was discussed at last at the Diet, and a Resolution formed, October 23,

<sup>(</sup>a) P. 126.

<sup>(</sup>b) Puller's Literature of Public Law, vol. II. p. 183-185.

BOOK 1775, which was confirmed as an obligatory law by the Emperor, December 15, the same year. By virtue of this law the number of twenty-five Ac. feffors was to be actually completed, and feveral new regulations of great importance were made in the internal State of the Chamber, particularly with respect to the division of the Senates, and the Directo. rium; but these regulations, even to the present day. have never been thoroughly adopted.

> One of the principal things, which it was expected the Vifitors would attend to, was the adjustment of the plan of the statutes of the Chamber which was drawn up and printed in the year 1613. That this bufiness might be seriously attended to, six Asfeffors of both parties of religion were appointed foon after the Visitation was opened to fuggest their ideas, and give their advice on the subject. These Affesfors, except one of them, who died before the business was accomplished, performed their part with fo much industry, that the Visitors had only to put the finishing hand to the work, before it was submitted to the Diet to be finally fettled. But as they were employed in a variety of other bufiness, they were prevented from attending to this, and at last the whole Vifitation was fuddenly diffolved, before the statutes were settled, and without even the usual Recefs.

> The labours of the Visitors were greatly increased by a particular species of business, which affords suf ficient

ficient reason for a repetition of the wish, that the whole CHAP. had been previously and accurately settled, by the legislative power at the Diet. In the year 1730, when there was no fuch thing as a revision in the Chamber, it was ordered in the Recess, that " when a State of the " Empire had any grievance, or complained of hav-"ing been improperly treated by the Chamber, he " should make his complaint to the Visitors, that the af-" fair might be properly inquired into, and the grievance " remedied (a)." The intention of this was, perhaps, to hint to some of the States who had complained to the Diet, that it would be more proper to have the affair inquired into by the Vifitors of the Chamber; but foon after, in the year 1732, when the regular revision was introduced, it was understood that the Vifitors could not take cognizance of all the grievances in particular cases of law, which might be legally examined by a Court of Revision, but only of fuch as related to ill treatment, as an unfair rejection of a presentation, &c. or at most only of fuch causes which might be submitted to the decision of the Diet itself. There were States enough, however, who took advantage of the literal words of the Recess, which seemed to imply the admission of complaints of every kind, and who submitted their causes therefore to the decision of the Visitors. The method they adopted in such

<sup>(</sup>a) Recess, 1532, § 94. Statutes of the Chamber, 1555, Part I. Tit. 50. § 5. Concept. Part I. Tit. 64, § 20.

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cases as these was to require a report of the proceedings of the Chamber; and it frequently happened, that they discovered in the end, that the grievances complained of, were totally without foundation; but even then, those who were appointed to be the Referendary and Conreserendary of a cause had a great deal of labour, and many an hour must have been devoted to a single cause, without a step further being advanced, or any point accomplished.

The most lamentable circumstance of all, and a circumstance which still remains without any remedy, was the dispute that arose concerning the part to be taken by the Counts, in the different classes of the Visitors on the Catholic fide. Since the introduction of the two collegiate votes of the Prelates, and four of the Counts, it had been customary not to appoint fingle Prelates or Counts to a Deputation of Empire; but a person invested with full powers from a whole Bench of Prelates and Counts, in the fame manner as they exercise their right of voting at the Diet. When the expression, therefore, "a Prelate and " a Count," was made use of in the list of the States who were deputed to each of the five classes of the Vifitors, it was certainly only to be understood in the fame manner as Prelates and Counts are admitted at the Diet .- Perhaps fuch a general expression was made use of, that the agreement which might be made among themselves, respecting the appointment of the representatives, might not be anticipated,

for

for an individual Count could no more be ex- CHAP. pected to depute a Sub-delegate to the Visitation of the Chamber, than he can invest an Envoy with full powers in the College of the Princes at the Diet.

If the question related to the attachment of this Collegiate vote, to any particular party of religion, we may suppose that a College of Prelates and Counts, might be as eafily confidered purely Catholic, Protestant, or mixed, as the Circles and Imperial Cities; but, according to this analogy, only those Bodies or Colleges can be considered of a mixed perfuation, when there is nearly an equal number of both. There are Protestant Burghers in the cities of Cologne, and Aix la Chapelle, and fome Protestant States likewise in the Circle of Bavaria; and yet, notwithstanding this, the former are confidered as Catholic Imperial Cities, and the latter as a purely Catholic Circle. The Circle of lower Saxony likewise, though the Bishop of Hildersheim belongs to it, is reckoned Protestant; and there are Imperial Cities which contain a number of Catholic inhabitants; and yet, according to the Peace of Westphalia, they do not cease to be considered as purely Protestant. Upon this principle the Prelates of the Rhine, and Counts of Swabia, are reckoned Catholic, although there are feveral among both who adhere to the Confession of Augsburg; and the Counts of Franconia and Westphalia, on the contrary, are confidered as purely Protestant, though they have several Catholic Members.

BOOK The College of Franconian Counts had always adhered to the Piotestant party from its origin, and had always a Protestant Directorium. All the officers appointed by the College, and its Envoy to the Diet, were always of that perfuafion, and in the presentation to the Imperial Chamber, that religion was constantly adhered to, &c. If any of the Franconian Counts, therefore, afterwards changed their religion, or a County or a Seigniory became subject to a Catholic Sovereign, the countries themselves still remained Protestant, and on this account regard was not merely paid to the person of the Sovereign, but to the country itself; otherwise in later times, fince the introduction of the perfonal votes of those who have no territory at all, members of that defcription likewife might be added to the fcale, and occasion the whole College on that account to be reckoned of a mixed religion!

> With respect to the Counts of Westphalia, circumstances were so far somewhat different, as there had always been feveral Catholics among them; and it was even once in agitation to deliver their vote alternately on the Catholic and Protestant fide; but in many other respects, as the Sovereign was in feveral inftances only perfonally a Catholic, and the Catholic Counts had withdrawn their contributions to the Collegiate con-Mitution, this College likewife was reckoned purely Protestant; at least it never could be confidered either as Catholic or mixed, fo long as vote was delivered by a Protestant Envoy; for

even in those instances where the religious quality is CHAP. alternate, as in the case of the Bishoprick of Osnabruck, the vote can never be reckoned either in a Deputation, or at the Diet itself, as Catholic, when it is delivered by a Protestant Envoy, nor on the other hand, as Protestant, when the turn devolves to a Catholic.

A Baron Piftorius, who died after the Vifitation, December 24, 1778, and was of the Protestant persuasion, delivered the votes of the Counts of Wetteravia, Franconia, and Westphalia, for a number of years. On the contrary, the votes of the Prelates of Swabia, and the Rhine, and the Counts of Swabia, were delivered by a Catholic; fo that among the fix Collegiate votes, the equality of religion, which is fo confiftent with the conflitution of the Empire in general, is observed with great exactness, without any dispute arising on account of the different persuasion of an individual member. Thus, in the deliberations of the Diet in the year 1766, previous to the Vifitation, it was taken for granted, that the Counts of Wetteravia, Franconia, and Westphalia, would relieve each other in the Deputation appointed on the Protestant fide; and that on the Catholic fide, on the contrary, there could not be any other than the College of the Counts of Swabia. On this account there was no great difficulty for that College to give up its vote to the Elector Palatine, upon the application of that Court, during the fession of the first class, which was in negotiation likewise for the fecond

BOOK fecond in the year 1768, for the Court of Ba-

But as the feffion of the fecond class was delayed till other deliberations at the Diet paved the way for it, in the months of May and June 1772, and there was not any mention then made of an alteration of the abovementioned division of the Colleges into the different classes in point of religion; nothing could possibly be more unexpected than the sudden intelligence of a summons being issued from the Elector of Mentz, for the College of the Counts of Westphalia to deliver the Counts vote in the second class on the Catholic side.

A circumstance still more extraordinary occurred at the opening of the second Class, November 23, 1774, which was, that a Catholic Sub-delegate from the Counts of Westphalia attended in the place which was expected to be occupied by the Sub-delegate of the Counts of Swabia, as the only Catholic College of Counts, and his letters plenipotentiary, instead of being signed by the Directorium of the College in general, had only the signature of a Count of Metternich.

This delegation was unconflitutional and derogatory to the right which the Princes alone enjoy of a personal vote, because it is expressly ordered, that a whole College of Counts should only be represented by one Collegiate vote. Such a partial innovation as

this, moreover, could not be defended by the clause, CHAP. which infures the prefervation of every one's rights, unless a clause of this nature had the power of trampling upon all rights of possession whatever. The Protestant Body, therefore, could not consider these credentials as admissible. But Mr. Lazarus Caspar de Wölkern, who was at that time the Sub-delegate from the City of Ulm, and created Aulic Counfellor in 1779, by joining the Catholic votes, occafioned a majority in favour of the admission of the letters plenipotentiary of the Count of Metternich, and the others, that they might not interrupt the proceedings of the Vifitors; but at the fame time not fanction a violation of their rights, continued to perform their duty, although they protested against the measure, and referred it to be settled by the Emperor and Empire.

When the third class succeeded on the 15th of May, 1775, a summons was iffued for the College of the Counts of Fronconia to vote on the Catholic side. This was carrying the matter so far, that the Protestant States, unless they were disposed to see their members drawn one after the other away from them, had no alternative but to make the Resolution they did at Ratisbon, July 26, 1775; viz. to exert their endeavours to keep the Colleges of the Counts of Westphalia and Franconia, on the Protestant side, as they always were; and on that account to determine that the Protestant Sub-delegates in the ensuing session of the Visitors, both in the class which immediately

BOOK diately followed, as well as in all fucceeding ones, should not enter into any deliberations with any individual Catholic Counts, unless they were legitimated by a whole College, and did not deliver a personal but a Collegiate vote in the name of all the members; and that if any fuch appeared, that they should immediately enter a protest, and dissolve the meeting.

> The Catholic States formed a Refolution in direct opposition to this, August 5, 1775, so that in this division of the two religious parties, nothing remained according to the Peace of Westphalia, but to adjust the matter by an amicable accommodation. The Protestants yielded fo far. in confequence of a negociation between the Courts of Vienna and Berlin, that it was agreed that the Counts of Swabia and Wetteravia should be occasionally summoned to the third class, and that a further agreement should in the mean time be made for the fourth and the other classes that followed; but not a step further was advanced respecting this agreement; on the contrary, the provisional Convention, which was only defigned for the third class, in confequence of a declaration from the Emperor, was extended to the claffes which followed, and the Colleges of the Counts, therefore, of Franconia as well as Westphalia were entirely withdrawn from having any concern in this deputation on the Protestant fide.

The Principal Commissary at Ratisbon positively CHAP. refused to receive, or make any use of, the memorial which was drawn up on this occasion, in the name of the Protestant States. They had no refource, therefore, but to pass a Decree in confirmation of their former Refolution, which was done March 12, 1776, and when the fourth class was on the point of being opened on the 8th of Mav, without paying any attention to the memorial, the Protestant Sub-delegates could do no otherwise than quit the affembly. But even this measure had so little effect upon the others, and was fo far from producing any concession, that the Imperial Commissary withdrew himfelf from Wetzlar, and of course, therefore, the Vifitation was entirely diffolved, without answering the purpose for which it was defigned.

I have endeavoured to give a concise account of the principal circumstances attending the Visitation of the Chamber, which met with so unfortunate an end, as far as is necessary for the development of the present Constitution of the Germanic Empire. The whole history of it was published at the time of its dissolution (a), and as it cannot be expected that the same opinions should have prevailed among those who delivered the sentiments of the two parties of religion, one of which thought themselves bound to defend the rights of the Emperor, and

<sup>(</sup>a) Real circumstances attending the diffolution of the Viitation of the Imperial Chamber on the 8th of May, 1776. Gottengen, 1776.

BOOK the other the rights of the States; not only publications (a) appeared to confute the doctrines advanced in the work alluded to, but, if report may be believed, even the original letters which paffed upon the subject (b) were printed with the same design.

> Posterity alone, perhaps, will be able to form an impartial judgement on the fubject. Two things alone, however, deferve in this place to be particularly noticed. An idea prevailed, when an attempt was made to confute the publication in question, that the book ought to have been publicly burned, and the Author punished; but if a composition which is printed by authority, and with the approbation of feveral Courts, and which contains nothing either in fubftance or expression more exceptionable than this, should be suppressed by such threats as these, not only the liberty of the prefs would be endangered, but the freedom of the States themselves. But even in this respect very different opinions were entertained in many places, perhaps, in 1786, than ten years before; when the Protestant body did not think the Resolution superfluous, which they passed on the 4th of December, 1776, declaring their determination, "firmly to support and protect all

<sup>(</sup>a) Real Circumstances, &c. with Remarks, confuted by ---, Vienna, 1777.

<sup>(</sup>b) Collection of Original Letters, tending to illustrate the transactions of the Deputation appointed for the Vilitation of the Chamber, May 2, 1767. Part I. III. 1777-1779. Put-TER's Literature of Public Law, vol. II. p. 190.

those who acted on genuine Protestant princi- CHAP.

ples, or defended them, and adopt such measures

no all occasions for their security as the constitu
tion and necessity allowed."

In both the compositions, which were intended as confutations of the work mentioned above, an attempt was made to perfuade the public that the Margrave of Baden had written to the other Protestant States at the commencement of the Visitation. Oct. 9, 1766, and that it was a circumstance of the preatest moment. The expressions he was said to have made use of were, "that they ought to labour with their united strength, to remove the com-" plaints which were made against the attempts to " extend the jurisdiction of the Imperial Chamber; " that the Protestant States had the greatest reason " to be firmly united, and on that accountit ought to be confidered, whether it would not be expedient " for the Envoys of the Protestant Princes, who were deputed to undertake the business in question, " to enter into a confidential confultation with " each other, and agree upon the best method of " instructing the Counsellors deputed to the Chamber at Wetzlar." The conclusion drawn from this was, that the Protestant States were not so anxious for the administration of justice in the Empire, as for a greater restriction of the jurisdiction of the Emperor; and to obtain such prerogatives for themselves, as they had endeavoured in vain to procure at the time of, as

well

BOOK well as fince, the Peace of Westphalia. The defign of this was no doubt to prejudice the reader against the Protestant States, and draw his attention perhaps from other objects. But, as I have read the particulars of the whole history of the Visitation, as contained in the journal of the proceedings in the pofferfion of a diffinguished Court, and am convinced that nothing was kept from me; I must ingenuously confels, that I cannot even remember that fuch a memorial, which could not eafily be paffed over, was ever fent from Carlfruhe to the Court I am fpeaking of. So little was the effect, if there was any, upon those Courts, which are faid to have been influenced. The States alluded to had nothing but the warmest wish at heart to establish the administration of Justice upon the firmest basis. This was the grand object of their endeavours to preserve the former fystem; and as the Imperial Court, and all the other States of both religions cannot have any other wish, it is the more to be lamented, that any circumstances, or even the unseasonable zeal, perhaps, of a Minister, who had adopted bad principles, intervened to induce one party to difavow the other, and occasion so laudable an institution as the Visitation of the Chamber to come to ruin.

## CHAPTER III.

Remains of the Visitation; Dispute concerning the religious Quality of the Vote of the Counts of Franconia, and Westphalia; Decree of the Empire of 1775 enforced.

Difpute continued concerning the religious quality of the vote of the Counts of Franconia and Westphalia,- The Diet totally inactive for five years .- The number of affesfors of the Chamber increased to 25.-Not fixed before June, 1782.-Decree of the Empire in 1775, respecting the Senates in the Chamber. -Evident misconceptions and obstacles not removed,-Other ordinances of the Decree of the Empire, to limit the arbitrary power of the Directorium .- Various objects, of which the Visitors were first to give a report; but, as the Visitation was diffolved, it must be first restored again .- A more accurate legal determination of those cases, in which Mandates may be issued by the Tribunals of the Empire, without provisional clausesas well as the Ordinations, as they are called, which are lately come into frequent use in the Imperial Chamber-and how the two fupreme Tribunals may be prevented coming for often into collision with each other-lince the Aulic Council will not allow the Chamber a concurrent jurisdiction in causes which concern the Refervata of the Emperor, and the first observance of the Papal Concordate. On which account fresh diffentions have arifen concerning a demand of the writings and Protocol of the deliberations of the Chambers made by the Imperial Court .- Sincere wish that all finular diffensions may be removed by the adoption of just and uniform principles.

BOOK THE Affair of the Counts has not only remained unsettled until the present day; but even the Diet itself, in consequence of the disputes on this subject. was rendered totally inactive, from the month of February, 1780, until February, 1785. When Baron Pistorius, who was the Protestant Envoy from the Counts, died, December 24, 1778, a Catholic Envoy immediately attended in his place to deliver the vote of the Counts of Westphalia; and his credentials. which were only figned by the Count of Metternich, were admitted, while the credentials, on the contrary, which were figned by the Directorium of the College of the Counts of Westphalia, were rejected; and there was fome fcruple even of receiving the credentials of the Counts of Franconia, without a refervation. In these circumstances so great an opposition arose between the two parties of religion, that it was impossible for the point to be settled in any other manner than by an amicable compromife. The right of the vote of the Counts of Franconia is fo unquestionably on the Protestant fide, that their whole Body would be losers, if it was confidered even as an object concerning which any negociations could be admitted. With respect to the Counts of Westphalia, the Protestants have voluntarily declared, in consequence of a proposition which was carried by a majority of the Catholics, that that vote should be alternately delivered in future by a Catholic and Protestant Envoy (a); but

<sup>(</sup>a) The declaration of the Protestant body, May 8, 1784, is in REUSS's Public Chancery of Germany, part VII. p. 350. -

but, notwithstanding this, the two religious parties CHAP. are not yet come to a perfect agreement on the fubiect (a), although the Diet so far recovered its former state, that, in January 1785, a Protestant Envoy was admitted from the Counts of Franconia, with mutual refervations, to deliver the alternate vote first: (b) in consequence of which, several delibera-

In the same work, likewise, may be found the Protocol of the conference of the Catholic party, in May 13, 1784. Part VII. p. 363 .- July 31, 1784. Part VIII. p. 249 - August 14 and 26. 1784. Part VIII. p. 308, 315.

(a) The most violent opposition on the part of the Counts of Franconia, was made by Charles Albert, Prince of Hohenlohe .-Schillingsfürst, who was educated by a Jesuit, supposed to be the author of the whole difpute. REUSS'S public Chancery, part XII p. 389. His opposition was made in particular letters, addressed to Baron de Borié, the Austrian Directorial Ambassador, May 18; to the Catholic Imperial cities, June 2; and in a particular memorial on the fubject, Dec. 6, 1784. A report, " which was foread " in Germany, that Baron de Borié alone prevented this affair, "which was by its confequences become of fo ferious a nature," has been contradicted, in a circular letter from Prince Kaunitz to the Imperial Ministers in the Empire. REUSS, part IV. p. 331.

The particular circumstances attending the restoration of the transaction of public business at the Diet, occur in REUSS. part XI. p. 387, 426:

(b) The Circle of Franconia was very near meeting with the fame fate, and a ceffation taking place of the proceedings of the Affembly, in August 1785, on account of this affair of the Count. A Counsellor, Knortzer, attempted to force himself by violent means into the meeting of the Diet of the Circle; but application was made by the Circle to the City of Nurenberg, which fent an officer with a guard to turn him out of the Seffion room. REUSS, Part XII. p. 354, 382.

B O O K tions have been fince carried on, without any further MIII. mention of the subject (a).

Another confequence of the Vifitation, and a circumftance which is not yet fully determined, is the difficulty attending the execution of the last Decree of the year 1775, as well as several important objects, which were referred by the Diet at that time to future deliberation. One of the most important ordinances of this Decree was, that the number of Assessor, which then only amounted to seventeen, should be increased to twenty-five. The Chamber terms were on this account raised one fourth, to be paid immediately, that the eight Assessor might enter upon their respective offices at Easter, 1776.

(a) A Convention was entered into; I. July 23, 1777, by the Circles of Upper and Lower Saxony, and the Protestant part of the Four Mixed Circles, respecting the future regulation of their alternate prefentation (See Vol. II. p. 452.). II. In the Circle of Swabia, June 25, 1779. And III. in the Circle of Westphalia, Oct. 26, 1779, when the doubts which arose respecting the Protestant presentation of these Circles were removed by the agreement of the Protestant members of the others. At last, IV. it feemed necessary, after the change which was produced by the extinction of the House of Bavaria, to settle whether the Palatine Electorate should in future appoint a Catholic or Protestant Assessor? This was fettled by the Refolutions of both parties of religion, by the Catholics, June 30, and by the Protestants, Nov. 28, 1781, that the Palatine Electorate should present a Catholic Assessor, and that the Protestant Assessorship, thus vacated, should be replaced by the alternate presentation of a Protestant from the three Protestant Electoral Courts.

The greatest part of the money was collected (a), and there were persons enough presented, who wished to enter upon the office immediately; but it was necessary to remove some obstacles, which arose concerning the presentations, first; and it was the opinion of the Chamber, that all the eight Assessment fould take their places at once. This occasioned a delay until the 1st of June, 1782, when they were all admitted, after that the objections, which were made to some of the presentations, were finally removed, by various agreements (a).

There was another circumstance which still procrastinated the business, relative to the appointment of the Senates, according to the prescription of the last Decree of the Empire. In order to make this matter intelligible, I must premise a few necessary observations (b). In the year 1510, soon after the institution of the Chamber, an idea prevailed, that it was not necessary for all the fixteen Assessor, who then composed the Chamber, to assist in awarding a sentence. It was thought, and I think not without reason, that if eight men, of abilities and integrity, were employed in deciding a cause, the design would be accomplished as well, if not better, than by fix-

<sup>(</sup>a) Statutes of the Aulic Council of Ferdinand III. Tit. I. § II.

<sup>(</sup>b) This subject is treated of at large in the history of the internal Constitution of the Imperial Chamber, by J. F. Brandis, particularly with respect to the Senates, as an historical commentary on the 20th and 21st articles of the Decree of the Empire of the year 1775. Wetzlar, 1785.

BOOK teen, or a greater number. Eight persons can certainly communicate their fentiments more fully and intelligibly, according to the defign of a collegiate deliberation, than a more numerous affembly; and when eight persons have examined the merits of a cause, and delivered their votes, with equal ability and impartiality, it is not very probable that their Colleagues would have it in their power to make many new observations, and, if a number of Assessors are in this manner divided into feveral Senates, and each Senate holds its session in a separate apartment, the advantages attending their division are evident, as they are enabled to undertake feveral causes at once.

> All this has been fully proved by the experience of the Chamber itself; on the other hand, the Aulic Council even has acknowledged, that too great a number of Counfellors (as in the Aulic Council they all fit at one table) only tends to protract the bufinefs. In the best institutions there cannot be too much care taken, left, by too great attention to minute circumstances, those that are of greater consequence and likely to be more prejudicial, are paffed over, which feemed to be the case here; for, as it was agreed that eight persons were sufficient finally \* to decide a cause, it was thought likewise that only three or four were sufficient to give an interlocutory

<sup>\*</sup> ENDURTHEIL a final, or decifive judgement.

<sup>†</sup> BEYURTHEIL Arrêt ou sentence interlocutoire, an opinion in the course of the proceedings.

judgement in the course of the process, or issue a CHAP. fummons at the commencement of it. Thus, therefore, the Chamber was divided into two different kinds of Senates, judicial as they are called, which confift of eight Affeffors, or, as they were afterwards limited to, fix; and extra-judicial ones, which confift only of three or four.

At the time that the Imperial Chamber had only feventeen Affeffors in all, the Judge appointed four extra-judicial Senates; three of four, and one of five Affesfors. For the final decision of a cause two extra-judicial Senates were combined to form a judicial Senate, confisting of fix Affesfors. This combination was at last made by the Judge of the Chamber in every cause, according to his own pleasure, by which he acquired a power which has fcarcely a fimilar example; for instead of appointing members indifcriminately, as every Director of a College does in general, the Judge of the Imperial Chamber, whenever a cause was to be decided, could always appoint fuch perfons as fuited his own purpofe. on whose votes the whole bufiness depended. If he succeeded in selecting a sufficient number to form a majority, agreeably to his wish, it was intirely in his own power to decide the cause as he pleased, without having any right, according to law, of voting himself.

In order to prevent this, a Resolution of the Empire was formed, October 23, 1775, which ordered, that

BOOK that there should not be a new Senate appointed in future to every cause, but that the Chamber, if there were twenty five Affesfors, should be divided into three perpetual Senates, two of which should confift of eight, and the other of nine members. although they were at the fame time of opinion, that if one or two Affesfors should be prevented from attending their duty by fickness, or any other cause. the other fix, but no fewer, should proceed with the bufinefs. The expression used in the Resolution or Opinion of the Empire was, that "DEFINITIVE CASES " should should not be finally decided by a less num. " ber than fix Affessors." It was evident from the contex, and the preceding votes of the States, that the real meaning of this was, that a final decifion should be made in general by eight Affesfors, but never by a less number than fix. The Chamber adhered so literally to the words of the Decree, that although three Senates were appointed, and each of eight Affessors, yet there were never more than fix left to give judgement.

> When the Resolution of the Fmpire was made, many of the States were of opinion, that the diftinction between judicial and extra-judicial Senates should be wholly abolished, and all causes determined in the same Senate, only with this restriction, that if there should be a less number than fix Assessors present, owing to fickness or any other hindrance, the others should not give final judgement, but only answers to points of law in the course of the suit, issue

citations,

citation, &c. But it was proposed by some, that inter- CHAP. locutory judgements and extra-judicial decrees, when a State of the Empire was concerned, should always be made by fix Affesfors, and the causes of private persons left to the decision of four. That in such cases, therefore, the supernumerary Assessors should leave the Senate, and adjourn to a feparate table \* to give answers on points of law which only concern the external form of the process, as when the question relates to an application for the trial to be deferred, charges of disobedience to citations, &c. New difficulties and obstacles have very naturally arisen here likewise, which require the interference of the legislative power again; and it must have been observed, that owing to these obstacles, fewer, or at least not more, causes have been decided fince the year 1782, by the twenty-five Affesfors, than were formerly decided by seventeen. The Chamber at last adopted a provisional regulation, that extra-judicial causes, as they are called, by which is understood the commencement of a process, shall be tried on Mondays and Tuesdays, in fix Senates, confifting of four, or in three Senates of fix Affesfors, and that judgement shall finally be given on the other four days. The custom of withdrawing to give an interlocutory judgement, is somewhat diminished, but not wholly abolished. It still, however, often happens, that the Affeffors remain unemployed during the fession of the Senates, and that the Senates do not, as was defigned by the decree, confift of the

BOOK fame persons, because it is incumbent on each of them as foon as he has made his relation of a cause to adjourn to the table where the answers are given to the questions of Law.

> The Decree, moreover, was certainly defigned to prevent the Directorium from having any illicit influence in any particular law-fuits in future, either by an artful appointment of the Senates, or by any other means. For this purpose it was ordered, that the writings should be divided among the three Senates by lot; but that the Referendary should be appointed by the Judge; fo that it could not any longer depend upon the Judge to nominate the Affesfors, and chuse the cause to be decided; but the Referendaries were to fucceed in their turn according to their rank; and with respect to the causes which came on for trial, a particular rule was to be observed, to determine which should be examined first. It was ordered likewise, that the Judge of the Chamber, and the two Prefidents, should alternately prefide in the Senates for one year.

With respect to those affairs which were referred by the Diet to a future deliberation, it was ordered by the Decree, that a report should first be made from the Visitors; but as the Visitation was dissolved, a new question arose, Whether the Diet should proceed with the enquiry into those subjects without a report? or whether an attempt should not first be made to re-establish the Visitation itself? The latter would in many confiderations certainly be most defirable.

Many things, which it would be necessary to enquire C HAP. into, could, doubtless, much better be settled on the spot than at such a distance as the Diet is from the Chamber; but if the Visitation should be revived, no honest German can conceal his wish, that all the impediments which have hitherto interrupted its progress, and which were for the most part left unremoved by the deliberations of the Diet being broken off in 1766, may be previously enquired into, and every necessary regulation entirely settled.

To give some idea of the importance of the objects of our present consideration, I will only mention a fingle point or two without going too far in the extensive and almost immeasurable field of the Law. It is certainly one of the most universal rules obferved in the administration of Justice, and very jufly, that no defendant in a cause can be obliged to confider the plaintif in the right, merely upon his partial relation, before the cause is examined, because no Judge can previously know whether the account of the plaintiff be just, and whether the defendant may not have fubftantial reasons, perhaps, to urge in his own defence. This rule will admit of very few exceptions, and those only in cases where there is fufficient evidence of an act of violence by which a person attempts to remedy himself, and force another out of his possession; or, in the case of an action on account of a positive breach of a contract, against which no pleas can avail, except in another

BOOK XIII. fuit after the payment of the fum demanded. In both these cases it has been thought advisable to allow of two different kinds of fuits, which respect possession and execution, in which the proceedings are shorter than in the former ordinary process, and the defendant is only allowed to profecute his cause with fictitious pleas, and prolix proceedings in a separate suit. According to the legal proceedings of the Empire, as they are ordered in the statutes of the Imperial Chamber, and other laws, the fupreme Tribunals may iffue penal mandates in cases of this nature. which cannot be fo much objected to, if they contain a clause, or proviso, that in case the defendant thinks himself aggrieved, he may put in his plea against it; by which the mandate is of itself converted into a meer citation; but when mandates are iffued without this clause, and the execution of the fentence is immediately to follow; this is more exceptionable, especially if any one thereby loses the possession of his property, and is not until after that, at liberty to profecute his right.

With respect to the two supreme Tribunals of the Empire, there is another circumstance, that in cases where mandates are issued without the clause, the statutes of the Chamber order, that there shall be no resort to a Court of Austregues (a). On this account it is no uncommon thing for a party which is plaintiss to endeavour to procure a mandate with

out the clause, in order to prevent a recourse to the AP. Austregues, and perhaps an aversion to this resort is one great reason why applications for mandates of this kind are often attended to, where, in point of equity, they ought not to be. This circumstance has occasioned many appeals to the Diet; it was worth while, therefore, for the Legislative Power to make a more accurate distinction of the cases in which mandates may be iffued without clauses, as that is one of the points recommended by the last Decree.

In order to escape the complaints respecting mandates, the Aulic Council has recourse sometimes to an expedient peculiar to that Court, by iffuing a Rescript in the name of the Emperor, and with his own fign manual, which is expressed in more refined terms than the mandates usually iffued, as for inflance; "The Emperor confiding " in the love which the defendant has for juffice, and " his good disposition, hopes that he will be inclined of himself to remove the cause of the com-" plaint against him in the manner prescribed." Such Rescripts as these, which are much oftener made use of by Courts and Ministers of State than by Tribunals of Justice, are not adopted by the Chamber. where all the proceedings are only according to the common forms of law; but even there they have attempted to imitate the style of writing made use of in the Emperor's Rescripts in the extra-judicial Decrees, as they are called, in which the pleas of the plaintiff are either admitted, rejected, or the Vol. III. cause

BOOK cause put off upon certain conditions. Thus, for instance, the Palatine Court, when the Imperial Chamber admitted an action, en fait de nullité, from a civil officer of the name of Heiler, against the Elector, and iffued the usual citation, appealed to the Diet, and prevented the plaintiff from accomplishing his purpose. Soon afterwards an action of the same nature was brought by a man of the name of Ulfaner, against Clement Augustus, Elector of Cologne, and the Chamber issued a Decree, the contents of which were nearly these: " For the " present rejected; but it is hoped, from the Elector's " regard for equity, that he will be disposed to al-" low the plaintiff a legal hearing, and do him " justice;" by which the man obtained his ends. These Edicts were called ORDINATIONS, and were afterwards very frequently applied for, and granted, although they were not authorized by any positive law; and as they were only Decrees, or Judgements, after the relation of one party, it was very easy to err, on which account it was proper to make some regulations respecting them.

> It frequently happens likewise, that the two supreme Tribunals of the Empire, owing to their concurrent jurisdiction, come into collision with each other, which, according to the universal principles of policy, can never be approved of. As far as it is left at the option of a party to commence a fuit either in the Imperial Chamber, or the Aulic Council, it is certain that the Court where a cause is first registered

has a prior right to decide it; but notwithstanding this, CHAP. there are not only frequent mistakes, which are not eafily rectified, but in many cases the Aulic Council even dispute the concurrent jurisdiction of the Chamber; and the pretentions of the former are funported by the Imperial Court, and the latter by the States of the Empire. I have already mentioned a dispute of this kind, the adjustment of which depends upon the authentic explanation of a paffage in the Chamber Statutes, respecting such causes as concern entire Principalities, which the Electoral College recommended to the attention of the Diet in the year 1742; and the Decree, which was paffed in 1775, referred the dispute concerning the jurisdiction of the two supreme Tribunals in general, to be more accurately fettled by the Legislative Power.

The Court of Vienna feems to appropriate all causes which concern the Reservata of the Emperor, or where the laws recommend any affairs to his attention, as immediately belonging, to the Aulic Council, with a total exclusion of the jurisdiction of the Chamber, although nothing can be more certain than that all affairs whatever, which come under the Emperor's cognizance, belong as much to the Imperial Chamber as to the Aulic Council, unless the Chamber be expressly excluded by any laws of the Empire. Thus in a dispute which arose between a Baron Weichs and a Baron Collenbach, concerning the Provostship of Hansinne, which the Bishop of Liege had given to

BOOK the former, whereas the latter endeavoured to procure it by means of a Papal presentation, a mandate was issued, and served by the Chamber, on the application of Baron Weichs, as well as the Bishop himfelf; upon which Baron Collenbach procured another Decree from the Aulic Council, in which it was expressly declared, that this cause neither came under the cognizance of the Imperial Chamber, nor of the Official at Liege, but of the Aulic Council alone; perhaps because the question was to be decided by the Concordate with Rome, the enforcement of which was recommended in the Emperor's Capitulation (a).

> This event not only occasioned the Bishop of Liege to appeal to the Diet in 1780 (b), but has been productive likewise of other consequences, which have been more alarming. In the year 1785, the writings of this process, and the protocol, or journal of the deliberations of the Chamber on the subject, were demanded in the Emperor's name. In oppofition to this measure, the Chamber appealed to feveral laws, which declare that the Affeffors are not bound by any particular Imperial Rescripts, and that no cause depending in that Court can be withdrawn, the proceedings annulled, prohibited, or by any means interdicted, &c (c). This has been thought of great importance, on account of the

<sup>(</sup>a) REUSS'S State Chancery, Part I. p. 103, 119.

<sup>(</sup>b) REuss's Collection of Cases of Law, P. I. p. 158.

<sup>(</sup>c) Chamber Statutes, 1755. Part II. Tit. 35 .- REUSS, 1654, § 166. Capitulation, Art. 16, § 7.

freedom of voting of the Affessors, whose suffrages CHAP.
ought to remain a secret with the Court; and still
more important, as it was an object concerning which
the jurisdictions of the two Tribunals came into collision with each other, and where no partial regulation can have any weight. Several of the most
distinguished Courts of Germany have, on this account, thought it necessary to send a spirited memorial on the subject to the Chamber itself, in order
to preserve the rights of the States.

It is certainly to be wished, that the same fixed principles were observed in all affairs of this nature by the Emperor and Empire, since a Monarch whom all Germany honours as its supreme head, can derive no advantage from allowing a Ministerial influence in the decision of the law-suits of individuals; and it must be an object with all parties, to preserve a regular and unbiassed administration of justice, without any partiality or secret influence, in both the supreme Tribunals of the Empire.

POOK XIII.

## CHAPTER IV.

## Redress of Religious Grievances.

A new article, inferted in the Capitulation of 1742, to redrefs the religious grievances—and a laudable declaration from the Emperor Joseph II. occasioned by an Electoral Collegiate addrefs in 1770.—A Deputation of fix Protestant States, appointed to put the regulation in force, in 1770,—the sums levied to defray the necessary expences, almost exhausted in 1784.

TWO objects of great importance came into diffcussion immediately after the Emperor's election. One of these was the complaints made by one religious party against the other; and the other, the various grievances which the Catholic States themselves laboured under according to their own hierarchical system.

Notwithstanding the good understanding, which prevailed before the war of seven years between the House of Austria and the Courts of Great Britain and Hanover, had perhaps frequently occasioned the grievances, complained of by the Protestant States or their subjects, to be entirely remedied, or at least alleviated; shill the number of these religious grievances had increased so prodigiously during the reign of Charles VI. in the Palatinate and other countries,

that the Electoral College was induced at the elec- CHAP. tion of Charles VII. to infert a particular article on the subject in the Capitulation. This article has been retained in all the later Capitulations, and was drawn up by the labours of the Barons Spangenberg and Münchhausen, who were the Ambassadors from the Electors of Treves and Brunswick to the Congress of election, in the following terms: Where the adherents to the Confession of Augs-" burg think themselves aggrieved, contrary to the " Peace of Westphalia, or other laws of the Em-" pire, and memorials are prefented on the subject " by the Protestant States, including the Free Im-" perial Nobility, either collectively or feparately, of to his Imperial Majesty, he shall without delay decide the question in dispute, agreeably to the " aforesaid laws, inform the Protestant States of his "decision, and immediately put it in execution. "He fhall not, by any means, allow law-fuits in af-" fairs of religion, but abide by the fundamental " laws of the Empire, and fee that the religious " grievances still subfisting be remedied in the most " expedient and constitutional manner (a)."

Obligatory as this article appears, yet it was not observed to produce the smallest effect in either of the succeeding reigns. For this reason further application was made in a Collegiate address to the Emperor Francis I. at the election of Joseph II.

BOOK " not only to adopt measures to remove all the re-" ligious grievances according to the contents of the "Capitulation in the most expedient manner, but to " prevent them as much as possible; and to promote "the welfare, and preferve the internal tranquillity of the Empire in future." The Emperor like. wife immediately iffued his commands to the fupreme Tribunals, to bring the causes depending in those Courts respecting religion to a legal iffue, and Jofeph II. declared afterwards, in a Rescript sent to the principal Commissary at the Diet, January 8, 1769, in answer to a memorial of the Protestant Body, and in terms which did him the highest honour, "that it was his Majesty's intention to allow that all those who complained of grievances with respect to religion, as soon as they brought their causes to a trial, and received judgement in their " favour, according to the forms of law, fetting " afide all prolix proceedings, should have judgees ment awarded, and put in execution immedi-" ately, before any other cause whatever."

> The members of the Protestant Body, encouraged by fuch a declaration as this, were animated with fresh courage, and, in order that they might contribute every thing on their part to relieve the supreme Tribunals of the Empire as much as possible, and even to prevent their being troubled with any groundless complaints, resolved, April 11, 1770, upon the appointment of a Deputation, confisting of fix States

of their own persuasion (a), and a person skilled in the CHAP. law to confult, that all the religious grievances, in . which either the support or intercession of the Prorestant States was applied for, might first be thoroughly examined. It was their intention to affift in bringing the necessary authorities for acting, and the evidence on the part of the aggrieved parties, which are very often wanting in both the supreme Tribunals, into proper order, and then to direct them to bring their fuit, or continue it, in one of those Courts. The expences necessary for this purpose were raised by the free contribution of each of the States (b). Twenty causes came under the cognizance of this Deputation before November, 1784, but of these, only fix could be brought to trial in the Courts of Judicature, and

(a) The States were the Electors of Saxony and Brunswick, the Landgrave of Hesse-Cassel, the Counts of Wetteravia, and the cities of Ratisbon and Heilbron. A full account of the whole affair occurs in WALCH'S Modern History of Religion, vol. I. p. 251—292.

(b) These contributions, as they were paid from the 27th of September, 1770, to the 13th of February, 1771, according to an account of December 31, 1784, amounted altogether to 7474 Florins, 12 Cruitzers, of which 854 Florins remained at the end of the year 1784. To this sum the Elector of Brunswick contributed 900 Florins; Holstein-Gluckstadt 404 Florins, 24 Cruitzers; Holstein-Gottorp 400 Florins; Hamburg 400 Florins; Brunswick-Wolfenbuttel 360 Florins; Nassau-Orange 300 Florins; Elector of Saxony, Mecklenburg-Schwerin, Hesse-Cassel, Mecklenburg-Strelitz, Hesse-Hanau, each 180 Florins, &c. The Court of Berlin contributed nothing.—Reuss's State Chancery, Part X, p. 151—180.

BOOK it is still an object of the warmest wishes and hopes of Germany, that the present tolerating principles of the enlightened Catholics may be univerfally diffused, and, that in imitation of the sublime example of Joseph II. the sources themselves of the religious grievances may by degrees be totally destroyed.

## CHAPTER V.

Revolutions in the Catholic Church, particularly occasioned by the Abolition of the Order of the Jesuits.

Complaints of the Catholic Church of Germany revived against the Court of Rome-particularly in consequence of a dispute between the Bishop and Chapter, and the Dean of the Cathedral of Spire-which the Papal Rota endeavoured to fettle at Rome omitting the refort to the Archiepiscopal Court of Mentz-The Pope yields in confequence of an Electoral Collegiate memorial to the Emperor-The contents of this memorial not wholly observed-A more perfect edition of the Concordate published, together with the Instrument of acceptance of the Decrees of the Council of Basil-and a book under the name of Justinus Febronius, highly prejudicial to the Papal power-The three Spiritual Electors renew their complaints against the Court of Rome-but without the support expected from the Emperor-The most important revolutions occasioned by the abolition of the order of the Jesuits-by which the country becomes more enlightened, and a greater spirit of toleration prevails among the people, which begins to produce important confequences-in fome measure in the reign of Maria Therefia. but more under Joseph II. in his hereditary dominions of Austria-Although many Ex-Jesuits are still active in Germany\_and the order still finds means of diffusing its influence under the protection of Russia,

THE Catholic part of Germany still continued to labour under many grievances, which it had long suffered from the Court of Rome, and which a particular event at this period occasioned an attempt to redress.

BOOK . A variety of disputes had arisen between the Bishop of Spire and the Chapter, an accommodation of which was attempted in the year 1760, but met with opposition from the Count of Limburg-Styrum. who was then Dean, and fucceeded to the Bishoprick in 1770. The contest was carried on with such violence between the Chapter and the Dean, that the latter was at last suspended from his office, upon which he appealed to the Metropolitan Court of Mentz, and procured an order for his restoration. This order, however, was not attended to; the Chapter appealed on the other hand to the Papal Rota \*. and met with fuch fuccefs, that the Pope not only prohibited the favourable fentence of Mentz from being put in execution, but infifted upon the cause being brought immediately to trial in his own Court, in the fo-denominated fignatura justitia leco gratia, omitting the refort to Mentz entirely.

> The Court of Mentz confidered this measure as a grievance, because the proceedings of Rome were contrary to the Decrees of the Council of Bafil, which had been admitted by Germany, and against

> \* Rota, the name of an Ecclefiastical Court at Rome, composed of twelve Prelates, one of whom must be a German, another a Frenchman, and two of them Spaniards; the other eight are Italians, viz. three Romans, and the remaining five a Bolognese, a Ferraran, a Venetian, and a Tuscan. This is one of the most august tribunals in Rome, and takes cognizances by appeal, of all causes in the territory of the Church, as also of all matters beneficiary and patrimonial.

the Concordate, which was founded upon them. A CHAP. memorial was fent to the Emperor upon this fubject by the Electoral College at the election of Joseph II. in which it was represented " how necessary it was " to check the encroachments on the liberties of the church of Germany, and fuffer them no longer: " that they had not the smallest doubt of the personal " disposition of the Pope, but had more reason on " that account to complain of the Court of Rome in general, and its Tribunals; particularly of the " appeals which were admitted there, and the citase tions which they issued, and to request him not " to allow of fuch Tribunals which were not autho-" rifed by custom, but to expedite the negociations, which were promifed to be entered into with that " view, at the Diet at Augsburg in 1530, and to en-" force the Resolution made by the Empire, so late " as the year 1719 (a)."

This

(a) The Emperor Charles V. had already promifed in the Recess of 1530, § 132, to attend particularly to the complaints which had been made at several Diets, by the people of Germany against the See of Rome, in order to procure a redress of their grievances, and grant their just request (Collection of Recesses of the Empire, Part II. p. 326). This negociation with the Papal Chair, which has not yet attained its end, was recommended again, in the memorial from the Electors mentioned above. Since that the Emperor Joseph has iffued several orders to the Officials at Liege, Cologne, Paderborn, and Munster, September 5, 1707, not to allow of any appeals to, or citations in secular affairs from, the Court of Rome, or the Pope's Nuncios. (These orders likewise are added as an appendix to the Emperor's Commissional Decree of the 24th of May, 1719, Numb.

BOOK This memorial from the Electors had fuch effect, , that the Court of Rome immediately yielded in the affair of Spire. The Dean was restored to his office. and the trial of the cause referred even to the Court of Mentz (a). All this, however, appeared only as a prelude to events of much greater consequence.

> 5-13 in PACHNER DE EGGENSTORF'S collection of the Decrees of the Empire. Part IV. p. 84-91). These ordinances were inferted by Charles VI. in reference to the Report of the Vifitation of the Chamber of 1713, respecting illegal appeals and citations, in higher ecclefiastical Courts of Judicature, in the Commifforial Decree of May 24, 1719, by which he declared his intention to the States to use his endeavours in favour of the Chamber, if that Court was directed to comply with the abovementioned ordinances. (Collection, &c. part IV. p. 342 SCHMAUSS, Corp. Jur. Publ. p, 1285). Nothing further was mentioned, however, on the subject in the Resolution of the Diet, December 15, 1719, except " that the Diet, after a further deliberation, would submit the Resolution mentioned in the Commissorial Decree to his Imperial Majesty." (Collection, &c. part IV. p. 347, SCHMAUSS. p. 1293). This is the Refolution therefore, the observance of which is recommended in the Collegiate Memorial, and which is still to be expected. The present period, 1786, appears particularly adapted to this, as it is now in agitation to fend a Nuncio to Bavaria; and Joseph II. to quiet the Catholic part of Germany, has declared, that the Papal Nuncios shall not be allowed any jurisdiction, nor be suffered to infringe the rights of the Archbishops and Bishops. It would be well worth while to confirm this by a Decree of the Empire. The abovementioned Collegiate Memorial of March 19, 1764, occurs likewife in the Journal of the Proceedings at the Election of Joseph II. p. 68 and 87; and with the Electoral Votes in Moser's Religious Government, p. 742-749, as well as HEN. FERD. CHRIST. DE LYNKER'S Journal of the fame proceedings, with the Protocols annexed, &c. Amst. 1783, p. 184-305.

which feem likely to take place with respect to the CHAP. Courts of Rome and Germany at some future period.

It had been observable for some time, in the literature of the Catholic part of Germany, that the pretended Decretals of Isidorus (a) were no longer in in fuch estimation as formerly; of course, therefore, that different ideas prevailed, with respect to the relation of the Archbishops and Bishops of Germany to the Papal See, the immunities of the Clergy, and a monastic life, at least the Catholic authors were no longer fo reserved upon the subject. Even the lawfuit, in which the Dean of Spire was engaged, contributed in no fmall degree, perhaps, in the year 1763, to the publication of a new and perfect edition of the Concordate, between the Holy See and the Germanic Empire, in which the original instrument of acceptance of the Decrees of the Council of Bafil was printed for the first time, by which it appeared, that the real Concordate did not merely confift of what the Pope had given his confent to, at Aschaffenburg in 1447, but of feveral Bulls likewife, which were granted in 1747, and gave the Catholic part of Germany a great advantage over the Holy See (b). A book like-

<sup>(</sup>a) The Pope's Decree of September 4, 1764, is printed in PUTTER's Cases of Law, Book I, part II, p. 316. The Convention which was entered into afterwards on the affair itself is in "CRAMER'S Leifure Hours at Wetzlar," Part LXVIII, p. 100.

<sup>(</sup>a) Vol. I. p. 96-101.

<sup>(</sup>b) Vol. I. p. 336-338; and Pütter's Literature of the Public Law of Germany. Part II. p. 486.

BOOK wife was published in the year 1763, on the real state of the church, and the lawful power of the Pope, under the affumed name of Justinus Febronius (a), by John Nicholas de Hontheim, the acting or Vice Bishop of Treves, a book which made a great alarm throughout Europe, and which must have been in the highest degree obnoxious to the See of Rome. as it reduced the Papal power to much narrower limits by fubstantial and learned arguments (b).

> But a circumstance which had apparently a much greater effect than this, was, that the perfons who were authorized by the three Spiritual Electors to act, of whom Baron Hontheim was one, met at Coblenz, and drew up thirty one articles (c), which were prefented to the Imperial Court, with the view of reftoring freedom to the church of Germany, and destroying the usurpations of the church of Rome. The storm.

> (a) JUSTINI FEBRONII de ftatu ecclefice et legitima poteftate Romani pontificis, liber singularis ad reuniendos distidentes in religione Christianos compositus. Bullion. 1763.

<sup>(</sup>b) Baron Hontheim was obliged, Nov. 1, 1778, to retract some positions in his book that were offensive to the Papal Court, which Pius VI. publicly announced to the College of Cardinals on Christmas day, 1778. But whether the impression made by the arguments, contained in Febronius, and particularly the idea of the invalidity of the Isidorian Decretals, which was diffused among the Catholics, was removed thereby, is another question. WALCH's History of Religion at the latest periods, Part VII. p. 195 and 455. HONTHEIM commentarius in fuam retractionem. Frankfort, 1781.

<sup>(</sup>c) LE BRET's Magazine for State and Church History. Part VIII. Ulm. 1783, p. 1-21.

however, which feemed now to gather round the Holy. CHAP. See, was dispersed by a declaration from Vienna, "that "his Imperial Majesty could not on this occasion in-"terfere in the grievances complained of; but ad-"vised each of the Archbishops to make immediate application to the Pope himself, and lay his griev-"ances before him (a)." A few years afterwards another event occurred, which paved the way for great revolutions in the Catholic church in general.

Dark clouds had been collecting for many years about the Jesuits, in several Catholic countries; but that their dissolution was so near, that a Bull should be suddenly issued by Pope Clement XIV. July 21, 1773, to abolish the order entirely, after the attempt had already been made in several particular countries, and the order had made itself absolutely necessary to the See of Rome, as the greatest support of the Catholic Hierarchy in general was scarcely to be expected; but so it happened: neither did the bull merely make its appearance; it was punctually complied with in almost every Catholic country. Their landed property wasin most places consistented by the government, or else the revenues of their estates were applied to charitable purposes, as the support of hospitals, churches, or schools.

It was difficult to supply their places in the schools, which the Jesuits superintended, though applications were made for the vacant offices, by the clergy of other religious orders, or parochial ministers; but, in order to

BOOK XIII. remedy this difficulty, feminaries were inflituted, that there might be no scarcity of able men in future. This plan was evidently attended with good effects, and the system of education was in many places considerably improved. Every one viewed the prospect of the disfusion of more enlightened sentiments with pleasure. Exaggerated ideas of the power of the Pope, a superstitious attachment to a monastic life, false pretensions to devotion, prejudices against the religious persuasions of others, and the spirit of intoleration and persecution, which had so long prevailed, visibly declined (a).

The Empress Maria Therefia herself, approved even of many of the steps now taken, which but a few years ago would scarcely have been thought of; and yet these were but faint preludes to the gigantic strides of her great successor, which not even the visit of Pope Pius VI. to Vienna, in the year 1782, was able to pervert.

The Ex-Jesuits, notwithstanding this, continued in many places to preserve their former system, habited in other dresses, and under seigned names, in the character of parochial clergy. Many individuals among them continued in the possession of the confessionals of persons of distinction, and the pulpits

<sup>(</sup>a) Many remains of Jesuitism are pointed out with great ability and plainness in a book, which I have often quoted, called, Letters of a Layman, on the weeds scattered during the epoch of the Jesuits, written by a Catholick." Frankfort and Leipsic, 1785.

of the most frequented churches; others became CHAP. professors in universities, superintendants of schools, private tutors, travelling companions, authors, editors of periodical publications, or had recourse to other means of employing their talents, and exerting the same influence as formerly, in the affairs of distinguished Courts (a).

Their number annually decreased by the death of individuals, which, in all probability would soon have totally extinguished the order; but, since the year 1779, this society seems to have acquired a kind of immortality, by the conduct of Catharine of Russia, who not only opposed their dispersion in that part of Poland which fell to her share, but gave them an opportunity of perpetuating the rules of their order, by permitting them to admit novices, under the command of a Vicar General, who was newly elected, and invested with the full power of a Commander in Chief (b).

(a) An account of the attempts, made by fecret focieties, under the direction of private leaders, to keep up the spirit of a Jesuitical connection, and encourage it wherever it was possible, even among Protestants, which have been exposed in the Berlin Journal, in a Book called ANTINICAISE, and several others, has been given in a late anonymous publication, entituled, "A "full Account of Jesuitism, as it exists at present, the Principles of the Rosserusians, the Rage to make Proselytes, presume a Union of Religions," &c. Germany, 1786—8.

(b) When Poland was divided, in 1773, and fix Colleges of Jefuits, and houses for Missionaries, which belonged to

BOOK XIII.

the Province of Masuren, became subject to Russia, soon after which the order was abolished, the Provincial of Masuren appointed Staniflaus, Czerniewicz, the Rector at Polozk, Vice-Provincial in his flead, in White Russia. This person was born of a good family, August 15, 1728, in the Great Dutchy of Lithuania, and entered into the order in his fifteenth year, at Wil-After this he refided many years at Rome, with Laurence Ricci, the last general, fome part of the time in the capacity of Substitute, and the rest as Procurator General of the Polish quarter: and in 1770 he was made Rector of the Jesuits College at Polozk. At this place permission was given by Pope Pius VI. August 15, 1778, with the fanction of the Empress of Russia, and by the Archbishop of Mohilow, June 28, 1779, to open a house for the reception of Novices. The Jefuits of White Russia held a general meeting, July 4, 1782, at Polozk, and elected their Vice Provincial, Vicar General, with the full power of a General of the Tesuits, October 17, 1782. After his death, which happened July 18, 1785, Gabriel Lemkiewicz, the Rector, and first affiftant, fucceeded to his office. This account is taken from the Berlin Journal, called the Monatscrift, of November, 1785, p. 418, and the newspapers of Warfaw .- It occurs likewise in the account of Jesuitism, &c. mentioned above, p. 183-196.

CHAP. VI.

## CHAPTER VI.

Extinction of the House of Bavaria; and the War occacassoned by that Circumstance, which was terminated by the Peace of Teschen.

The Elector Palatine afferts his right of succession to the dominions of the Elector of Bavaria, on the extinction of that House-Austria lays claim to Lower Bavaria, - and to the vacant fiefs of the Empire and the Crown of Bohemia. - The claims are opposed by the Duke of Deuxponts.-The King of Pruffia supports him as well as the claims of the Electoral House of Saxony and the Duke of Mecklenburg .- The dispute occasions a war.-Memorial of the Ruffian Court of great weight-fo that a peace was concluded at Teschen through the mediation of Russia and France-by virtue of which, Austria acquires a district of land between the rivers Danube, the Inn, and the Salze.-The Elector of Saxony compensates for the personal inheritance, for fix million of Florins - the expectation of the privilege de non appellando, granted to the Duke of Mecklenburg-The temporary opposition to the future reunion of the Brandenburg Principalities, in Franconia, to the Electoral House totally removed-The Peace of Teschen not only guaranteed by France and Ruffia-but confirmed by the Diet -only with the refervation of other evident rights-which feveral States of the Empire had already claimed at Teschen, and at Ratifbon-Thofe which respected Salzburg, and Donawerth in particular, fettled by feparate Treaties .- The confent which was required of the two fuperior Colleges, refpecting the vacant fiefs, granted-to which the Emperor affents-The peace not only drawn up in French, but fubmitted to the Diet without any translation.

BOOK NO political event, which occurred in the reign of Joseph II. was of more consequence to Germany than the death of Maximilian Joseph, the Elector of Bavaria, December 30, 1777, by which the male line of that House became totally extinct.-The Palatine House had long afferted the right of succession, in case of this event, as the nearest related, because Duke Lewis, furnamed the Severe, who died in the year 1294, was the common ancestor of both fami-This pretention, moreover, was not only grounded on the Family-Compact, which was made in the year 1329 at Pavia, but was confirmed also by other Treaties, concluded in the years 1766, 1771, and 1774; and, that the Bavarian dominions might be immediately taken possession of, the necessary instruments were previously prepared, and executed the very day the Elector died, at Munich.

> But in the year 1329, when Lewis concluded the Treaty of Pavia with his nephews the Counts Palatine of the Rhine, he was only in possession of Upper Bavaria. A collateral branch, descended from his father, Lewis the Severe's brother, was then in poffession of Lower Bavaria, which was first united with the other territorities in the year 1340, when this branch was extinct, and therefore could not be included in the Treaty of Pavia. After that period another division took place, in 1353, among the fons of Lewis, by virtue of which, Lower was again feparated from Upper Bavaria; and Albert IV. one

of Lewis's fons, founded a new Lower Bavarian line CHAP. at Straubingen. It was maintained at Vienna, in 1778, that this division was perpetual, or a Tob-THEILUNG, and that as the line of Straubingen became extinct in 1425, in the person of John, the son of Albert, the Bavarian relations had in fact no right. of succession; but that Albert of Austria, the nephew of the last Duke John by his fister, had a legal claim to Lower Bavaria on one part, and that the Emperor Sigismund had already considered it as a reverted fief, and in the capacity of Lord paramount had invested the house of Austria with it, in the person of his own fon-in-law, who was the same Albert already mentioned. Notwithstanding this, the line of Upper Bavaria at that time acquired the poffession of the dominions in question; but it was pretended now, that that line also was extinet, that the right of the House of Austria revived, and the Palatine House had no legal claims whatever,

It was denied on the other fide, that the division which was made in 1353, was perpetual, and with fufficient reason. The Emperor himself even-issued a Decree in favour of the relations of the Bavarian House, in the year 1429. Albert of Austria, moreover, had renounced his claims, neither did the prefent House of Austria descend from him.

At Vienna, however, that part of Bavaria, and the Upper Palatinate, which the Bavarian house had been invested with as fiefs from the Empire, and BOOK XIII.

the crown of Bohemia, were now confidered as vacant fiers, which Joseph II. in the quality of Emperor, and Maria Therefia, as Queen of Bohemia, thought themselves entitled to take possession of.

All these claims were acknowledged to be just, in a Convention which was signed by Baron Ritter, the Palatine Ambassador at Vienna, January 3, 1778.—The Austrian army was ready to march into Bavaria, as soon as that country was taken possession of at Munich, in the name of the Elector Palatine; but the Elector made no scruple of ratifying the Convention, and quietly suffered possession to be taken in the name of the Emperor, the crown of Bohemia, and the House of Austria.

The Duke of Deuxponts, on the contrary, opposed the whole of these proceedings, as the nearest relation of the Palatine House; and no Treaty in an affair of this nature could have any legal force without his confent. The Electoral House of Saxony, likewise, laid claim to all the personal and allodial inheritance, as the property of the Dowager Electorefs, who was fifter to the last Elector of Bavaria, and transferred her claims, which were valued at Dresden at forty seven millions of florins, to her son. The Duke of Mecklenburg also was in expectation that he should now be put in possession of the Landgraviate of Leuchtenberg, the reversion of which had been promised to his House in 1 502, and which he had been disappointed of in 1647. These three Courts

Courts applied to the King of Prussia to Support CHAP. their claims; and that Monarch more willingly complied with their request, because he considered the conduct of the Imperial Court as unconstitutional in the whole transaction. He did not think that fuch measures could be legally adopted, without a previous confultation with the States of the Empire, or at least with the Electors; and he thought himself entitled, therefore, as an Elector, and a party concerned in the Peace of Westphalia, to exert himself on this occasion, to preserve the constitution from infringement.

The spirited negociations which were carried on for fome time, between the Courts of Vienna and Berlin, were fruitless. A war actually broke out \*, though, fortunately for Germany, it lasted but one campaign, and was concluded without any decifive battle.

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\* The King of Pruffia, after a review of that part of his army which lay in the neighbourhood of Berlin, and which was then, as well as himself, on the point of setting out for Silesia, made a speech to his general officers, including his brothers, which, as it was ftrongly marked with the proper character of the veteran hero by whom it was delivered, was not less adapted to that of the veteran chiefs to whom it was addreffed.

He observed, " that most of them, and himself, had " ferved together from their earliest days, and were grown grey in the fervice of their country; that they confequently 46 knew each other perfectly well; that they had been parta-

66 kers

BOOK A circumstance, which had on this occasion the greatest weight, was a remarkable Memorial from the Russian Court, in December, 1778, the contents of which were nearly as follow: " As the point in 66 dispute is now left to be decided by the fate of war, the Empress of Russia can no longer consider it " merely in the light of a misunderstanding, which, 66 she had entertained hopes, might have been accommodated in an amicable manner. The fituation and power of Germany, renders that country the centre of politicks, and the concerns of Europe in general; it must certainly be interesting in the 66 highest degree, therefore, to all the other states, whe-66 ther its form of government be duly preserved, or

> " kers of the fame dangers, toils, and glories. He made no 66 doubt that they were all equally averse with himself to the 66 shedding of blood; but the dangers, which now threatened 66 their country, not only rendered it a duty, but placed 66 them under a necessity of using the most speedy and efficacious ee measures, for the timely dispersion of the storm, which threatened to burst so heavily upon them. He relied on 66 their zeal, and would, with heartfelt fatisfaction, for ever acknowledge their fervices. He urged, in the most pressing " terms, humanity, in every fituation, to the enemy; and, " with the fame energy, an unremitting attention to the ftrictest discipline among their own troops." He concluded, by observing, "that he did not wish to travel like a King; " rich and gaudy equipages had no charms for him; but his " infirmities rendered him incapable of travelling as he had done in the vigour of his youth, and obliged him to use a carriage, but they should see him on horseback in the day of " battle." Annual Register, 1778.

ss suffer

"fuffer any revolution, and whether it continues to CHAP.
"enjoy the advantages of peace, or was diffracted by
"war. This must, particularly, be of great concern
to fuch states as Russia, which, besides the common interest, and the connection, which one power
has with another, and the amicable footing, which
she is on with most of the princes of the Empire, cannot but consider the particular alliance
with that power, which has taken arms to oppose
the hostile proceedings of the Imperial Court.
"The Empress, therefore, cannot any longer remain indifferent with respect to the enquiries into
the claims which are made upon the Court of Bavaria, as at the commencement of the dispute;
but feels it her duty to take an active part."

"The Empress, without interfering with the " public laws of Germany, but acting according "to natural equity, and upon the principles "which are the bafis of every fociety; according "to which, she finds, that the present dispute, "which has produced fuch commotion throughout " the Empire, owes its origin to the attempts of the "Court of Vienna to enforce ancient claims, which "have been buried in oblivion for centuries, and ff are not even mentioned in the Peace of Westphalia, which is the very basis and bulwark of the consti-"tution of the Empire. She finds, moreover, that "the manner in which these claims are enforced " is still more repugnant to this public and facred "Treaty; and lastly, that the whole constitution of es the BOOK "the Empire is evidently exposed to the greatest XIII."
"danger by the war which the Court of Vienna has "begun, to support its claims, which must of course be a violent shock to all the bordering "states, a subversion of order, and the destruction of the balance of all Europe. Should such events take place, however distant the period may be, the Russian Empire might be endangered,

"which a wife and good Sovereign ought to forefee,
and in which respect the Russian Court can adopt

" no other principles and maxims, than the Imperial

" Court would observe in fimilar cases.

"The Ruffian Empress, therefore, requests the 66 Empress Queen, and the Emperor, to put an end " to the prefent commotions in Germany, in a man-" ner confiftent with all the principles of equity, and " fentiments of humanity, which are fo natural " to them, and to accommodate the affair with the "King of Pruffia, and the other parties concerned " in the fuccession to Bavaria, agreeably to the laws " and constitution of Germany, in a legal and " amicable manner. Otherwife, it gives the Empress " of Russia the greatest pain, to declare, that she can no longer confider the war which has broken " out in Germany, both on account of its object, " the circumstances connected with it, and the con-" fequences likely to follow, with indifference; but " she confiders herself obliged to take such measures into her ferious confideration, as are confiftent with the interest of the Empire, the interest of the Princes 66 who

who are her friends, and who have applied to her CHAP.
for aid, and above all, with the duties she owes to VI.
her allies."

This Memorial from Russia was not yet presented at Vienna, before the Ambassador from that Court to Petersburg proposed the mediation of Russia, in conjunction with that of France. Both Courts, as well as Prussia, were agreeable to this proposal, and after a short meeting of the Congress at Teschen, first an armistice was published, and afterwards a Peace finally concluded, May 13, 1779. The principal articles were, that Austria should retain a part of the Bavarian territories, between the Danube, and the rivers Inn, and Salza. All the other territories were to continue, as before, annexed to Bavaria; for which purpose, the Empress agreed, not only to re-invest the Palatine House with the fiefs of Bohemia, in her regal capacity, but to procure the fiefs of the Empire likewise, for that House, from his Imperial Majesty .- In this respect, therefore, the Convention of January 3, 1778, was annulled. The family-Compacts of 1766, 1771, and 1774, on the contrary, between the Palatine Electoral House, and Palatine Deuxponts were renewed, confirmed, and guaranteed, to the whole Palatine House, including the line of Birkenfeld (a), by the parties concerned,

<sup>(</sup>a) An objection might have been made to the line of Birkenfeld, that it descended from the unequal marriage of John Charles,

BOOK and the mediating powers, so far as they were not repugnant to the Peace of Westphalia, and not altered by the articles of the Peace in question.

The Elector Palatine promifed to pay to the Court of Saxony, as a compensation for the allodial estates, and other claims, the sum of six million of storins, to be paid in the course of twelve years by stipulated half-yearly payments, according to the standard of twenty-four florins in a mark of silver. The rights likewise hitherto exercised by the Crown of Bohemia in the Seignories of Glaucha, Waldenburg, and Lichtenstein, which belonged to the Counts of Schönberg, in the Saxon territories, were ceded to that Elector.

With respect to the House of Mecklenburg, the Empress and the King of Prussia jointly promised to use their endeavours with the Emperor, to procure an unlimited exemption from appeal. A protest was made against this in the Aulic Coun-

Charles, Count Palatine of Geinhausen, (who was born 1637, and died 1704,) with Maria Esther de Witzleben, (born 1696, died 1725) The objection, however, might be more easily passed over, as this line cannot have any hopes of succession before all the others are extinct, so that none of them can ever pretend, that the succession of the line of Birkenfeld can be to their prejudice. If there had been any other younger branch besides that of Birkenfeld, by a suitable marriage, the case would have been very different,

cil, in the name of the Provincial flates of Meck; CHAP. lenburg, and particularly by the city of Rostock, upon the pretence that it was repugnant to the rights granted them by Treaty, if there was no appeal allowed in future from the Courts of Judicature in Mecklenburg to the fupreme Tribunals of the Empire, as the last refort. The Aulic Council, however, rejected their fuit in a Decree which was paffed April 11, 1781, with the Emperor's confent. His Imperial Majesty, therefore, agreed to invest the Dukes of Mecklenburg with the privilege de non appellando: but before the inftrument was executed, a Convention was entered into with the Provincial flates respecting the appointment of the members of the high Court of Appeal, which was to be instituted, and certain flatutes, agreeably to the conflitution of the country. It was agreed likewife, that refort might be had to the Tribunals of the Empire in the following cases; First, in all causes concerning the Exchequer, and fuch as the Duke himfelf was particularly interested in, particularly likewise when the Duke brought any fuit against one or more burghers, and inhabitants of Rostock, before the Senate of that city, and they were diffatisfied with the fentence pronounced. Secondly, in actions to annul a procefs, or cases in which the new High Court of Appeal refused to administer justice, or delayed it to the prejudice of the party engaged in the fuit; and, thirdly, when the conduct of the Duke was either mediately or immediately repugnant to the Hereditary Compact of the year 1755, or other Treaties; and

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and he either refused to remedy the grievances complained of at the Provincial Diet, or adjust such doubts and mifunderstandings which might arise respecting the Compacts according to the prescription of the States of the country, or occasion the inhabitants to have recourse by any othermeans to extra-judicial complaints; and fuch fuits as did not come within the cognizance of their own Courts of Iudicature. The Provincial states, as well as the city of Rostock, were still disflatisfied with this Deeree, and had recourse to other measures to prevent its execution; but their opposition was fruitless, and and their fuit was rejected(a), although the Decree has not yet been executed, because no agreement has hitherto been made respecting the appointment of the members, and the statutes of the High Court of Appeal.

The negociations of Peace at Teschen were very much facilitated by the King of Prussia's requiring neither any indemnification for the expences attending his military preparations, nor any other advantage for himself. It was once mentioned in the course of the negociations, that the Court of Vienna

<sup>(</sup>a) A Decree was passed by the Aulic Council, Feb. 12, 1785, with respect to the revision applied for by the Mecklenburg nobility and the city of Rostock; the contents of which were, "Fiat fententia conclust de 11 Apr. 1781, confirmatoria cum condemnation in expensas:" and "Distribuantur sportulæ." These sportulæ, or costs of suit, amounted to 6000 florins for the nobility, and 2000 for the city of Rostock.

was willing to reftore the territories, which the CHAP. Emperor had taken possession of in Bavaria, provided the King of Prussia would consent that Anspach and Baireuth should not be re-united to the Electoral House, but left as usual to two younger Princes. It was pretended at Vienna, that this was absolutely necessary, according to the Family Compacts of the House of Brandenburg. The King of Prussia, on the contrary, confidered it as an unreasonable demand, because in such circumstances as occurred at present, Family Compacts which were of still more ancient date, might be altered. He infifted therefore, that the Empress Queen, and her succeffors, would not oppose the Court of Berlin again, in cafe his Pruffian Majesty thought proper to unite the two Principalities in Franconia with the Electoral dominions, according to the right of promogeniture, after the extinction of the Houses of the present Margraves.

The Peace, as well as all the Conventions annexed to it, was not only guaranteed by Ruffia and France, but the Emperor and Empire likewise were applied to for their approbation. This met with fome difficulty, because several other States advanced a variety of claims, both at Teschen, and afterwards at Ratifbon upon the Bavarian inheritance, none of which were mentioned in the Peace. At last, however, the Empire acceded, and a Resolution was formed, Feb. 28, 1780, in which the Diet ratified the Peace with all the Conventions which had

BOOK had been submitted to the approbation of the States; but with the express proviso, that none of the articles of the Peace of Teschen should in any respect infringe the rights of the Empire, the Peace of Westphalia, and other fundamental laws, or prejudice in any respect any private rights, which might be claimed at a proper time and place, either now or hereafter.

> Among others, the Archbishop of Salzburg made feveral feparate demands, to the amount of eleven million of dollars, which were compromifed in the year 1780, for four hundred and thirty thousand. The Circle of Swabia advanced fome claim in favour of the city of Donawerth; but renounced it in a Treaty, figned June 18, 1782 (a). Other claims, which to the best of my knowledge have not yet been adjusted, were from the House of Würtenberg, on a part of the personal property of the House of Bavaria, according to the principles of regreffive inheritance. Other claims were made also by the Bishoprick of Augsburg, upon the Seigniories of Mindelheim, Schwabel, Hohenschangau, the Lechrine, and the city of Schongau by the Abbey of Kempten, upon a fum of money due for compensation fince the year 1700, to the amount of 69727 florins, by a

<sup>(</sup>a) This Treaty was confirmed by a Refolution of the Empire, Jan. 17, 1785, which received the Emperor's affent, February 11, the fame year. REUSS'S State Chancery, vol. X, p. 1-83.

Count of Rechtern, upon the reversion of the fiefs of CHAP. the Empire, held by the Counts of Wolfstein, and by the Counts of Schönburg, on account of their mefne fiefs (a).

In order to render the Peace of Teschen complete, it was necessary that both the superior Colleges of the Empire should give their consent to it, as prefcribed in the Capitulation of the Emperor, and that a new grant of the Imperial fiefs, which were become vacant by the death of the last Elector of Bavaria, should be made to the Elector of the whole Palatine House. This investiture was granted by a particular Refolution of both the superior Colleges, Feb. 29, 1780. The College of Imperial Cities was of opinion, that the consent of the Empire in general ought to have been obtained likewise, as this affair was an object of the Peace; but as the Capitulation required merely the confent of the two fuperior Colleges for the disposal of Electoral and Princely fiefs, no alteration was made. This last Resolution, therefore, as well as the former one, re-

(a) An Imperial Rescript was fent March 24, 1783, to the Elector of Saxony, in confequence of a Decree of the Aulic Council, which received the Emperor's affent, to remind him that the Seigniories of Glaucha, Waldenburg, and Lichtenstein, which belonged to the Counts of Schönberg, were mefne fiefs of the Empire, as they were always acknowledged by the crown of Bohemia. REUSS. Part II. p. 136.

BOOK specting the Peace in general, received the Emperor's AIII. affent, March 8, 1780.

It must be observed, that the instrument of Peace was drawn up in the French language (a), as the articles of the Peace of Breslaw in the year 1742, of Dresden in 1745, and Hubertsberg in 1763, had been before. But in all these instances it was customary to annex a German translation, which might be confidered equally authentic, as it was acknowledged by the parties concerned. On the prefent occasion this was neglected; on the contrary, there were two different translations; one at Vienna, and the other at Berlin, by different hands, and by no means confiftent with each other. This was probably the reason for the articles of Peace being submitted to the inspection of the Diet only in French, although it was established, both by law and custom, that no other language should be used in the concerns of the Empire than German or Latin, or else that there

(a) Articles of Peace were formerly drawn up among such Powers, which had not the same language, in Latin, as we find even in the present century; the Treaty of Baden was, in 1714, and of Vienna in 1725 and 1738; but in the Treaty of Rastadt the French, which seems was to have taken place of the Latin, as the common language of all political concerns, was made use of searly as 1714, at Vienna in 1735, and Belgrade in 1739.

should

should always be a copy in one of these two lan- CHAP. guages, accompanying the original (a).

(a) By virtue of the Capitulation of 1519, Art. XXIII. § 3. the Emperor ought to use no other language in the public writings, and negociations of the Empire, than German and Latin. Foreign powers even sometimes write to the Diet of Germany in Latin, as Great Britain, and Russia, or else it is expected that there should be either a German or Latin transfation.

BOOK, XIII.

## CHAPTER VII.

Latest Events after the Peace of Teschen. Death of the Empress Maria Theresia. League of the Princes 1785. End of the Age of Frederick II.

Commencement of the reign of Joseph II. and his useful regulations in his hereditary dominions .- Difpute with the United Provinces concerning the opening of the Scheld .- Apprehenfions refpecting certain principles discovered on this occafion,-feveral attempts to the prejudice of the Bishoprick of Salfburg, as well as the revival of fome Imperial prerogatives in the affairs of the Empire, grounded on the cuttoms of antiquity .- The PANISBRIEFE as they are called, and alarming conduct of the Austrian Directorial Ambassador at Ratisbon, in feveral inflances-injurious proceedings against weaker neighbouring States-the proposal to the Duke of Deuxponts, to exchange Bavaria for the Austrian Netherlands, upon condition of his enjoying the title of King of Burgundy .- The defign confidered at Berlin as repugnant to the Peace of Teschen .- League of the Princes formed in opposition to it. - One of the last acts of Frederick II. whose age, on that account, forms a remarka le æra in History .- Hope and wish, that the constitution of the Empire developed in the preceding pages may be confirmed by this measure for ever!

A. C. 1783. MARIA Therefia did not long furvive the Peace of Teschen. She died November 29, 1780; and Joseph II. appeared now not only in the character of Empeared.

peror, but as the reigning Monarch of all the he3 CHAP. reditary Dominions of the House of Austria. I have already mentioned the measures he has adopted fince that period, in his latter capacity, with respect to religion, and the church in general. His proceedings respecting the internal constitution of Hungary, and the other dominions, which he now fucceeded to the poffession of, as Arch Duke of Austria; the measures he adopted in support of the claims of Ruffia upon the Turks; his conduct relative to annulling the Barrier Treaty, and opening the Scheld; the pretenfions which he revived to Maestricht, and other claims upon the United Provinces, which were adjusted in the Peace concluded with that power, upon the payment of ten millions of florins; all belong to another province of history.

It occasioned some alarm in Germany, indeed, that the principles seemed to be encouraged at Vienna; as if the articles of Peace, which were signed at Munster, in January 1648, and stipulated that the Scheld should be shut, with respect to the Austrian Netherlands (a), were no longer obligatory; and the apprehension lest these principles should be extended at some suture period to the affairs of Germany, to the injury of the constitution, seemed, if one may judge from certain events, which occurred at this period, not to be wholly without foundation.

(a) Vol. II, p. 57. P 4 BOOK XIII. It had, no doubt, been long in contemplation to render the Austrian church independent of every other spiritual power, except the primacy of Rome, which is effential to, and inseparable from, the Catholic Church. This defign, if we confider it according to the general principles of policy, was highly meritorious. The principles, that no religious order should be allowed to be dependent upon any foreign fuperior, nor subject to the supreme power of the country where that order is tolerated; that no prelate should bind himself by oath to any foreign power, contrary to the duty he owes as a fubject; that no spiritual legislation, or other ecclefiaftical rights of supremacy, should exercised without the cognizance and approbation of the governing power of the country; are certainly perfectly confistent with the public laws of Church and State, and agreeable to the principles of found policy in general. But when the application of fuch principles as these, by a secular Catholic State, comes in collision with the acknowledged prerogatives of a spiritual Catholic State; whether such an arbitrary change can be made to the prejudice of the latter, without injuring the conflitution of the Empire in general? is a different question.

Thus, in the year 1783, after the death of the Bishop of Passau, the diocesan rights of that Bishoprick were not only disallowed in the Austrian dominions, but the estates, likewise, belonging to the Bishop and Chapter in that country, were seized in a very arbitrary

arbitrary manner, until they were redeemed by the payment of four hundred thousand florins, and all diocesan rights in Austria entirely renounced (a). An usurpation of this kind was talked of, likewise, with respect to the Archbishoprick of Salzburg, which was settled as far as it could be, by a memorial from that See to the Court of Vienna, in the year 1767, in which no less than twenty-nine grievances were complained of (b). In 1775, certain districts of land in Stiria and Carinthia were ceded to the Bishops of Guck and Seckau(c); and so late as 1782, a part of the district of Vienna Neustadt, which belonged to the Archiepiscopal Diocese of Salzburg, was ceded to the Bishop of Vienna Neustadt, with the Pope's consent (d).

It was observable, on several occasions, that those persons who were consulted or employed in the affairs of the Empire, entertained an opinion, that wherever there was any trace of an Imperial prerogative in any ancient laws or customs, that prerogative

<sup>(</sup>a) DOHM, on the League of the Germanic Princes, p. 21, &c. Some authentic documents are to be met with in REUSS'S State Chancery, vol. II. p. 250, vol. III. p. 415, vol IV. p. 253.

<sup>(</sup>b) Account of Iuvavia, and the present Archbishoprick of Salzburg. P. 178.

<sup>(</sup>c) Ibid. p. 179.

<sup>(</sup>d, Ibid. p. 186.

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was equally valid now (a); a principle, which in an Empire of so complex a government, and which, in every century almost, has undergone such a variety of revolutions as Germany, is certainly of the greatest moment. If a law or custom of the fixteenth century could be considered as valid now, without paying any regard to later laws, new customs, and changes which the constitution of the Empire has since undergone, the apprehension might naturally arise of a law which was contained in the Capitulars of Charlemagne, or an ancient custom which prevailed in the time of the Othos, being suddenly revived; and a right which had long been buried in oblivion, and which perhaps had never been thoroughly in exercise, being re-established.

Thus it might have happened, feveral centuries ago perhaps, that an Emperor, when one of his guards, or any other person, was grown old and infirm in his service, recommended him to some convent, or other religious soundation, to be provided for, during the remainder of his life. The letters of recommendation made use of on this occasion, were denominated Panisbriefe; and it is probable that many soundations and convents in Germany made no objection to them; but a universal right, cannot, on that account be said to have been established, because it is not authorized by any law of the Empire, nor by any general custom, and it had even been found, upon enquiry, that in many places it never was the custom at all. There had not been

a fingle instance, moreover, of any such recommen- CHAP. dation from the Emperor, for feveral centuries, the circumstance therefore, of a number of such recommendations fuddenly making their appearance in every part of Germany, and the charitable foundations and convents being ordered to provide for persons of both sexes, either with pensions, or by other means, could not fail of caufing a general alarm. The circumstance appears to be of greater moment, as it could not be argued that the exercise of this right tended in any respect to promote the general welfare of the Empire, which ought certainly to be the grand object of all the prerogatives peculiar to the Emperor. The only object which appears to have been in view was, to provide the fubjects of the Emperor's hereditary dominions with penfions. at the expence of the territories of other States; and it must necessarily occur to the States, that there would in all probability be perfons enough to provide for in their own countries, on whom it was their duty to confer fuch penfions as thefe, in preference to any foreigners.

Many have observed, with surprize, that the proceedings at the Diet have lately differed very much from their usual manner. It appears, from several circumstances, that an attempt, for instance, has been made, to place the house of Austria upon a perfect equality \* with the Electors, and allow the

<sup>\*</sup> This is called at the Diet Eine Oesterreichische Pari-Fication.

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BOOK Ministers from that Court the same precedency over all the other Princes. Inftances have occurred, even of attempts to pass a Decree without taking the regular votes of the States of the Empire. When the Directorial office became vacant, by the death of the Ambassador from Mentz, it was occupied for some time by the Electoral Minister from Bohemia. In another instance the Austrian Directorial Ambassador undertook the fole direction of the Diet during the illness of the Minister from Mentz, and threw difficulties in the way of the Decrees which were paffed by a majority of the votes of the Body of the Catholic States, in the affair of the Counts; a circumstance which was confidered by many of greater importance, because it tended to prolong the cessation of the proceedings of the Diet in general. In short, the conduct of the Austrian Directorial Ambassador has been very alarming on feveral occasions; although the Chancery of Vienna published a particular defence of him, to acquit him of all that has been laid to his charge (a), and he distinguished himself likewife many years ago, and particularly at the time of the Visitation of the Chamber, by several important and learned political publications (b).

<sup>(</sup>a) REUSS's State Chancery, part IV. p. 331. See p. 167 of this vol. note a.

<sup>(</sup>b) PUTTER'S Literature of the Public Law of Germany, part II. p. 163.

Another circumstance which has made no small im- CHAP. pression, is the conduct of the Court of Austria, on several occasions, with respect to its weaker neighbours, which was observable even in the preceding reign. A family of the name of Zedtwitz, which, though it held the Seigniory of Asch, as a fief of the Crown of Bohemia, and acknowledged certain rights claimed by that State, yet was in other respects undoubtedly in possession of its immediacy, was at last reduced to the necessity of entirely submitting to the Bohemian Territorial Sovereignty, after a body of thirty men had been kept for eight years in the country. Many States. and immediate members of the Empire, whose lands were encircled by the territories of Anterior Austria. have been obliged to pay a tax to the government called the Dominical Steven; the fame as the proprietors of the estates in Austria. Several members of the Circle of Swabia, and the Free Nobility or Knighthood of the Empire in particular, whose estates are contiguous to the Margraviate of Burgan, have not been able to escape from the exercise of the territorial rights claimed by the civil officers of that district, and the Austrian government at Innspruck. although their rights were acknowledged by the Aulic Council in the year 1740. Memorials have been published on all these subjects, both by the Court of Vienna, and its antagonists; but there has been no third impartial judge to decide which party has justice on its side.

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BOOK But a circumstance which attracted the attention of the public, far more than any of those which I have already mentioned, was the intelligence, that it was in agitation to exchange the whole country of Bavaria for the Austrian Netherlands, excepting Namur and Luxenburg, with the title of King of Burgundy; and that the Ruffian Ambaffador had proposed the consent of his Court to the Duke of Deuxponts, and defired him to give his final answer in eight days time, with the verbal declaration, that the plan would at all events be put in execution, whether he gave his confent or not.

> The Court of Berlin was of opinion, that the union of Bayaria with Austria could not come in question again, according to the Peace of Teschen, because the exchange had at that time been finally rejected, and the grand object of the war which broke out on the score of the succession in Bavaria, was, that the balance hitherto preferved among the States of Germany might not be wholly destroyed by fo great an aggrandizement of the hereditary dominions of the House of Austria. As the Peace of Teschen had decided that Austria should be fatisfied with the acquifition of the district of land called the Innviertel, which was guaranteed not only by the Germanic body, but by the mediating powers of Russia and France; the Prusfian Court could not but confider any new attempt to unite Austria and Bavaria as repugnant to that Peace; much less could fuch an exchange be allowed.

allowed, without the consent of the relations of the CHAP. House entitled to succession, or such a consent be expected from a Prince of the Germanic Empire, as was proposed to the Duke of Deuxponts.

In this fituation of affairs, the three Electoral Courts of Saxony, Brandenburg, and Hanover, entered into a defensive League(a) for the sole purpose of preserving the constitution of the Empire; and it has fince been joined by the Flectoral Court of Mentz, and several other distinguished Princes. As this League \* has only the prefervation of the constitution for its object, which ought to be held facred, not only by the supreme Head, but by every individual Member of the Empire: and it is supported by the foreign Powers, which are the guarantees of the Peace of Westphalia, and by all the other parties concerned in it; it is to be hoped and wished, that the bond of union between the Head and Members, which Divine Providence has fo happily preserved, through fo many revolutions, may be confirmed by this measure, and preserved to the latest period; and how can I conclude this Historical Developement of the present Constitution of the Germanic

<sup>(</sup>a) This League was figned at Berlin, July 23, and the [Ratifications exchanged by the Courts concerned in it, August 21, 1785. REUSS's State Chancery, part ii. p. 383. To the best of my knowledge, it has not yet been printed.

<sup>\*</sup> See a publication on this fubject, by Müller.

BOOK Empire better, than with this League, which, while it was defigned for its further prefervation, was one of the last brilliant acts, with which Frederick II. \*, whose magnanimity and great achievements will never cease to be the admiration of posterity to the latest period, concluded a course of forty-fix years; which, like the age of Lewis XIV. merits, and with, equal justice, to be called the age of Frederick! A few additional observations, however, which may throw fome light upon the Constitution of Germany, as it exists at present, will not, I hope, be altogether superfluous; as there are many circumstances which could not well be introduced in the order of time.

> \* Frederick II. or, as he is now diffinguished by the name of Frederick the Great, the pride of Germany, and the wonder of his age, concluded his reign, which was crowded with the most glorious actions, August 17, 1786. For the particulars of his life fee his posthumous works, published in French and German at Berlin, and translated into English by Holcroft, 1789; the Academical Difcourfes of Mr. de Hertzberg; the publications of Busching and Zimmerman, in Germany; the admirable comparison of Frederick II. with Philip of Macedon, by Dr. Gillies, and his life by Dr. Towers, published at

## BOOK XIV.

GENERAL OBSERVATIONS ON THE CONSTITUTION OF THE GERMANIC EMPIRE, AS IT EXISTS AT PRESENT.

## CHAP. I.

Remarks on the three Places, where the form of Government is most conspicuous, viz. Vienna, Ratisbon, and Wetzlar.

Perpetual unity of the Empire, as it is particularly visible at Vienna, Ratisbon, and Wetzlar-The immediate affairs of the Empire very much obscured by the greater weight of the Emperor's hereditary dominions-Agents of the Aulic Council, or Ministers fent by the States, employed to transact business with the Emperor at Vienna, or else Imperial Ministers fent to other parts of the Empire-The union between the Head and members of the Empire most evident, in the public investiture of Fiefs-particularly Throne-Fiefs-Scruples respecting the perfons invested, not perfonally appearing-concerning fines, and Laudimia or fees-The Diet more conspicuous at Ratisbon, though the number of Ministers from the States is evidently decreafed-Not fo much energy in the deliberations as formerly-The Chamber of Wetzlar in constant exercisethough only in the concerns of law-except when any point is disputed respecting the constitution, or form of the proceedings of the Chamber itself.

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FROM the attempts which I have already made to develope the constitution of the Germanic Empire in an historical method, it appears, that it remains at prefent, with respect to its principal features, in the same form as I have described it, from the time of the Peace of Weftphalia. In many respects its foundation, fince that period, has been more strengthened, although it has occasionally likewise received such violent shocks, that there has been great reason to be apprehensive for its fafety; an apprehension to which no patriotic German can ever be indifferent. The whole Germanic Empire is still united under one common supreme Head; but the other confideration, of its confifting of many diftinct and separate States, which stand almost in the fame relation to each other, as the different States of Europe, has acquired weight with the years that have elapfed fince the Peace of Westphalia. This circumstance even now frequently renders it difficult, to observe the unity of the Empire, which ftill continues. This unity is in reality only immediately obvious at the Emperor's Court, the Diet, and the Imperial Chamber; at Vienna, therefore, Ratifbon, and Wetzlar: on which account a few observations, tending to a further knowledge of thefe particular places, may throw fome light, perhaps, upon the present constitution of the Empire in general.

In the Emperor's Court the Aulic Council is the only College immediately concerned in the affairs of

the Empire (a), and the Vice Chancellor, the only CHAP. person occupying the office of a real Minister of State, in the service of the Emperor, in his Imperial

(a) The Aulic Council ought properly to confift of eighteen perfons, including the Prefident and Vice Prefident, fo that there are fixteen Counsellors. If there is even a greater number of the latter, the fupernumerary ones have no share in the perquifites, which are always divided into nineteen parts, and the Prefident has two of them. The Aulic Council is divided into two Benches. Those of high Nobility, or of Counts families, fit on the noble Bench on the right hand fide of the Prefident; the others constitute the learned Bench, and fit on his left. The College meets four days in the week, and the members always fit together. The fuits depending must be in writing. The Referendaries deliver the fubject verbally, and when the Opinion or decision is sent to the Emperor, this officer may supply the place of a written relation. One of the members of the noble and one of the learned Bench acts as Referendary in each fession every week alternately. In most causes a Conreferendary is appointed, whose office is likewise to read the proceedings. The other votes are first delivered by the members of the learned, and afterwards by the members of the noble Bench. When the numbers are equal, the Prefident has the decifive vote. The members of the Aulic Council are all appointed and paid by the Emperor, and they are not to be subjects of his hereditary dominions alone; but are generally from the Empire in general. The number of Protestant Counsellors is only fix, and when they are united in their opinion, the majority of the Catholic votes is of no avail; but if only one Protestant Counsellor differs from the rest, then the majority is valid. There has not been any inflance yet, either of a cause being referred to the Diet by the Aulic Council, as in the case of the division of the two religious parties, or any application being made for an authentic explanation of any dubious paffage in the laws of the Empire.

BOOK capacity (a), under whose direction a Referendary is employed to transact the public business; besides whom, there are no other public officers, except those employed in the affairs of Chancery and the Archives, who are appointed to their respective offices by the Elector of Mentz. But although the number of perfons thus employed is far from being inconfiderable, what is it in comparison with the multitude of offices, in the hereditary dominions of Austria, and the persons employed either in the affairs of State about the Court, or in the concerns of the different provinces, who are all affembled at Vienna! Those who are personally connected with the Imperial dignity are fo loft at the Emperor's Court, in the crowd of civil officers dependent upon his hereditary dominions, that a stranger, who does not make it his particular bufiness to enquire, might reside for a considerable time at Vienna without knowing scarcely that there was an Aulic Council, or a Chancery of the Empire, existing. It is fo natural for a reigning Emperor, confidering the great difference of the relation in which he stands towards the Germanic Empire, and his own hereditary dominions, to have the concerns of the former much less at heart than those of the latter, that it is not by any means furprizing, that fometimes the personal convenience of those who are employed at the Emperor's Court in the affairs of the Empire, should have some degree of influence on their conduct.

In the Aulic Council there are about thirty CHAP. poents appointed by the President of that Court, to undertake the business of the parties at law, as their attornies, either in the Aulic Council, or at the Emperor's Court in general. There are but few States who do not employ one of these agents; although the States, if they please, which is sometimes the case, may send agents to the Emperor's Court themselves. Some of the most distinguished of them fend Ambassadors even to the Emperor with formal credentials; or if any of the States of the Empire, or only members of the free Imperial Nobility, or Knighthood, personally attend at the Emperor's Court, they can demand an audience, which he is obliged to grant by virtue of his Capitulation (a). Every State, moreover, is at liberty to fend any writing fealed to the Emperor, either immediately by the Post to Vienna, or else his refident agent, or Minister, may deliver it in the Aulic Council, or in the private Court of Chancery. The Emperor himself sends a particular Ambassador to most of the Circles, and often has one likewise refident at fome of the principal German Courts, by which means a communication is preferved between the Imperial Court and the individual members of the Empire, and the constitution is evidently preferved in its proper vigour.

> (a) Capitulation, 1642. Art. 23, § 2. Q3

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One of the most public occasions, on which the union of the numerous members of the Empire under one supreme Head is most conspicuous at Vienna. is when an investiture is conferred, which every possession of an Imperial Fief is obliged to receive. and take the feudal oaths, at the accession of another Emperor to the throne, and as often as the Fief paffes from one person to another (a). A great distinction is observed in the mode of investing with Throne-Fiefs, as they are termed, and others. The former are fuch, at the investiture of which the vassal does homage to his Imperial Majetty in person, while the possessors of the latter only take the oaths in the Aulic Council. According to the original feudal fystem, every vassal ought to do homage personally; but it has become customary of late, for the oaths to be taken before the Emperor's throne, as well as in the Aulic Council, by Plenipotentiaries; though, if the person invested happens to be present himself at Vienna, it

would

<sup>(</sup>a) When a Prince does homage to the Emperor he fwears, "that he will be true, faithful, and obedient to him "and the Holy Roman Empire; that he will never to his know-"ledge act or join in council, in any thing derogatory to the persection, honour, dignity, and rank, of his Imperial Majesty; or give his confent, or by any means connive at any thing of the kind, against the person of the Emperor, or the Holy Emsergine; but continue true, and warn him of such designs without delay, and faithfully perform every duty towards his Imperial "Majesty, and the Holy Empire, that is consistent either with law or custom, as becomes an obedient Prince, and faithful vassal, without any evasion or deceit." Lunis's Corp. Jur. Feud. Tom. I. p. 95. Newman's Formulary of the Law Proceedings of the Empire, p. 401.

would certainly be required that he should attend in CHAP. person (a).

Only Electorates and Principalities are THRONE-FIEFS. It is customary to apply for the investiture of these by means of two Plenipotentiaries, who are generally an Ambassador appointed on purpose, and an Aulic Council Agent; or elfe, if the Court, which applies for the investiture, thinks proper, two Ambaffadors. As foon as every thing is fettled respecting the credentials, according to the Opinion, or Refolution, of the Aulic Council, and the Emperor has appointed the time for the Plenipotentiaries to attend, they go in public procession to the Palace \*. His Majesty receives them sitting on his throne in the hall, where the ceremony is usually performed. On one fide of him flands the Vice Chancellor of the Empire, and on the other the principal officers of his Court. A number of Chamberlains form a half circle before him; behind them stand a body of life-guards, and the remaining space is occupied by spectators.

<sup>(</sup>a) Thus, for inflance, a Count of Weißenwolf perfonally took the feudal oaths in the Aulic Council, November 20, 1766, when he received the right of criminal jurisdiction in the seigniory of Erlach. Moser on the Feudal System, p. 252. It was required likewise of the Prince of Lobkowitz, August 18, 1766, that he should receive the Paulsdorf Fief's, in the Aulic Council, in person. Moser, p. 251.

<sup>\*</sup> This Palace is called at Vienna the Kaiserliche Burg, or Imperial Citadel, where the Treasury, Chancery, and other public offices, are kept.

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As foon as the Ambassadors, who are appointed to receive the investiture, enter the hall, they fall upon their knees, and then passing through the circle which opens to admit them, they bend their knee twice again, as they approach the Emperor's throne. Here the first Ambassador addresses his Imperial Majesty in a formal speech upon his knees, and begs permiffion to take the feudal oaths. The Vice Chancellor advances towards the Emperor to know his answer, which he repeats, in a short speech to the Ambassador. The Emperor then takes off his hat, and gives it to his Grand Chamberlain, who prefents him with a book of the Gospels, which he places on his knee. The Ambaffadors, that they may lay their fingers with greater convenience on the book, advance a few steps nearer to the throne, and repeat the words of the oath, after the Vice Chancellor, kneeling. The Emperor then puts on his hat again, and instead of the Gospels, he is presented with a naked sword, which the Ambaffadors kifs the hilt of, and return to their former places. The fecond Ambassador then makes a speech of thanks, at the end of which they both rife, and bending their knees three times again, retire from the Emperor's presence, who immediately leaves his throne, and the whole ceremony is finished.

It has hitherto always been customary, to make an apology in the speech of the first Ambassador, as well as in the previous petition for the investiture, for the Princes not attending in person; in answer to which, the Vice Chancellor always says, "that for this time

the Emperor will excuse it." But those States, that are at the same time in the possession of crowns, have omitted this apology entirely (a). It is probable, likewise, that a Treaty was entered into by some of the principal Courts (b), to procure several alterations

I.

in

- (a) In the year 1754, when the investiture of the King of Sweden with his German territories was in agitation, the Aulic Council mentioned in the Opinion sent to the Emperor, the omission of the excuse for not attending in person, as well as the usual certificate of the death of the last proprietor. They proposed on that account that the investiture should be delayed, and the Ambassador desired to produce whatever was requisite on such occasions. The Emperor's answer was, that he would six a day for the purpose, after which he left the room. The Aulic Council took the same measure, when the investiture was in agitation, of the present King Gustavus, November 18, 1773. Moser, on the Feudal System, p. 893, &c. This last investiture was received afterwards, November 24, the same year, by two Swedish Ambassadors, Count de Bork, and a Count of Oxenstiern. Moser, p. 894.
- (b) A publication at Ratifbon, dated March 23, 1730, contained the following paffage. "The Electoral Court of Saxony has informed the Court of Vienna, what the effential and incidental duties of a vaffal are; among the latter of which are reckoned the usual ceremonies. In the years 1741 and 1745, confent was not only obtained for moderating the ceremonials, but the Court of Vienna spoke about them in quite a different tone; and, as his Imperial Majesty Charles VII. had consented to grant a moderation of the ceremonials to Great Britain and Prussia, as well as to the King of Poland, they requested, that the present reigning Emperor would "consistent"

BOOK in the ceremonies during the reign of Charles VII.; on which account, the ancient Princely Houses seemed particularly anxious to wait for feveral Royal and Electoral Courts, to afford them a precedent, before they would apply for the investiture of their Fiefs; fo that the ceremony of investing many of the Princes with Throne Fiefs has never been performed from that period until now.

> To this, another circumstance may be added, which has occasioned some difficulty in the business; that if a Fief does not pass from father to son, but to collateral relations, or by reversion, or any other means, to some other persons not descended from the original proprietor, it is usual for those, who have had any trouble in transacting the business of conveyance in the Feudal Courts, to receive a certain pecuniary acknowledgement called LAUDEMIEN\*. With refpect to this money, the Aulic Chancery of the Empire, or the Aulic Council at the Imperial Court, come into collision with each other, as in such cases the former demands a fine called ANFALLS

> confirm the proceedings of his predecessors." Moser. p. 310.

<sup>\*</sup> LAUDEMIEN OF Laudimia proconvento promissoque, (Voss. in the civillaw) are the fiftieth part of thevalue of the land or houses, which in ancient times the proprietor paid to the new tenant, as an acknowledgement upon investiture, or for being put into possession. Bally. In Germany it means the fees of office paid at the investiture of a Fief in general,

demands are of the fame nature, they cannot both be confishently required. Those States, moreover, who have been included in the investiture of a Fief already, do not confider themselves under any obligation to pay them; much less will they submit to any demand which is not authorized by custom, or pay the dues for more than a single investiture, although several Fiess perhaps may be included. The investitures are already so numerous without, that the officers employed about the Court, and even the common fervants, receive very considerable sums (b). There have

\* Anfallsgelder. The word Anfall in the German language fignifies an inheritance in general, and Anfallsgelder the taxes or fees paid to the offices of Chancery, &c.

(a) In the year 1664, when the King of Sweden was invested with his German territories, the Imperial Court of Chancery demanded (according to certain written accounts) 149,000 florins, and the Aulic Council, 24,000 rix dollars; for which the latter was offered 10,000 dollars, and the former 20,000. When the exchange took place of Oldenburg and Delmenhorst, in 1773, the Chancery at Vienna received a present from the Courts of Petersburg and Copenhagen of 100,000 dollars. Upon this the Aulic Council made a demand of 150,000 florins for the Laudemia; but they found that the sum formerly paid on account of Oldenburg and Delmenhorst, for that purpose, did not exceed 18,000 florins. The demand was on this occasion, with some difficulty, reduced to the sum of 75,000 florins, exactly one half. Moser's Continuation of his Public Law of Germany, part II. p. 181.

(b) At the investiture of a Throne-Fief, the Swifs guards, who do duty at the door, receive 2 dollars; the doorkeepers

BOOK been various regulations made to prevent this in the perpetual Capitulation, as well as both the Capitulations of Charles VI. and VII(a); but all attempts to re-

medy

of the Knights Chamber 4; the Halbertiers 6; the Trabans 6; the Harbingers 6; the Tapiffiers, who furnish the rooms with hangings, 6; the perfons employed to heat the stoves 2: the Trabans of the Chamber 4; the door-keepers of the Antichamber 8; the fenior page in waiting, who holds the book of the gospels, 6; the servants in waiting 4; trumpeters and kettle drummers, 13; Harbingers of the Court, 6; Heralds 6; Door-keepers of the Aulic Council 6; Door keepers of the Privy Council 4; total, 86 dollars, or 129 florins. Befides thefe fums, the investiture of a Prince, the Grand Maitre de la Cour, Grand Chamberlain, Imperial Vice Chancellor, Mareschal of the Court, hereditary Treasurer, hereditary Cupbearer, hereditary Sewer, and the Mareschal of the Court for his horse, each 80 dollars, or 120 florins; the Secretaries each 48 florins; the Receivers of the Taxes 23; the Registers 20; Clerks of the Chancery 30; total, 1081 florins. The Electors are exempted from the charge of the Hereditary and Court officers. The officers of the Court demanded of the Crown of Sweden, in 1664, for the four Principalities of Bremen, Verden, Pomerania, and Rugen, viz. for four inveftitures, 14,000 dollars; but they received only 6000.

(a) Capitulation, (1711) Art. II. & 2. 66 much less infists upon the disputed taxes at the investiture of Fiefs (add. 1742, or LAUDEMIENGELDER, &c.)" Art. XVII, § 18, (1711). "With respect to the taxes paid on the investiture of Fiefs, we will abide by the Ordinances of the Golden Bull, and not infift upon the payment of more at an investiture, when several Fiefs are received at the same time, than when there is only one; neither

medy the evil have hitherto been fruitless (a), especially CHAP. as these fees, or LAUDEMIALGELDER, are divided in

neither will we raife the fum, or establish any new custom of that kind, without the confent of the States." Art. XVII, & 1.9. (1711) "much less impose the payment of (1742 LAUDEMIEN " and ANFALLSGELDERN, or feudal dues, for fuch fiefs as they " are already invested with, or burthen them with any new " demands, not authorized by custom."

(a) A Decree was iffued by the Aulic Council, August 13. 1749, concerning Throne-Fiefs in general, in which the term of three months was fixed for their investiture, and, at the fame time, "the reasons" were circulated "why the Princes 41 and States, who were not already invested with their Throne-" Fiefs, should comply with this injunction." But these reafons had very little weight. (Moser on the Feudal System. p. 305-311). In the year 1767 each of the secular ancient Princely Houses sent a Memorial to Vienna, in which they declared they were willing to receive the investment of their Fiefs, if they were only to pay the usual taxes and presents once, and not be subject to the payment of greater demands, contrary to the Capitulation, and when they faw that fome of the spiritual and secular Electors set them the example, as a precedent. (Moser, p. 296.) One of the answers to these memorials from the Vice Chancellor, contained the following passage: "The dues called the LAUDEMIEN and ANFALLSGEL-66 DER are paid as an acknowledgement properly belonging to the 66 Emperor, whose ancestors first granted the former as a per-46 quifite to the Aulic Council, and the latter to the Chancery 66 they must be considered therefore as Imperial prerogatives, " and it is in his Majesty's power to appropriate them again 66 to his own use." Moser, p. 297, &c.

BOOK nineteen shares among the members of the Aulic Council, and are confidered by them as a part of their falary (a). The investiture of the Throne-Fiefs of Brandenburg-

> (a) In Moser's continuation of the Public Law, p. 166-173, there is an account of the money paid as LAUDEMIENGELD in the reign of Joseph I. Francis I. and in two years and three months of the reign of Joseph II. According to this account. the share of each member of the Aulic Council, amounted, one year with another, in the reign of Joseph I. to 1068 florins, 18 cruitzers ; Francis I. 1068 florins, 53 cruitzers ; Joseph II. to 1140 floris, 34 cruitzers. The fum paid by Savoy alone. in the reign of Francis, amounted to 85,000 florins; Joseph I. to 36,000, from Mirandola in the reign of Joseph I. 32,000. Holstein-Ploen, under Francis, 27,000; Saxe-Weimar, 20,000; Fürstenberg, 14,000; Baden-Baden, 12,375; Denmark, for the toll on the Wefer, 12000; Mörs, 12,000: Wurtenberg, 10,000, &c. An Opinion given on this matter by the government of a Princely Court, which is well worth reading, occurs in Moser's Feudal System, p. 288-295; at the end of which it is doubted, whether it would be practicable to make any alteration in the custom of paying the LAUDEMIENGELD, or prevail upon the Aulic Council to refign what Custom has fo long established in their favour. "Even it" (fays the Opinion) " one could not only infift upon it, in puncto juris, " but had hopes of succeeding, it is still a question whether it would be advisable; fince it is much to be apprehended, that, if the members of the Aulic Council were deprived of " these perquisites, they would be so disgusted, that they might " even do a great and irreparable injury to fome important 66 causes which your Serene Highness has now depending, " and others which are likely to be tried in the Imperial & Aulie Council in future."

Culmbach,

Culmbach (a), and the Dutchy of Holstein, on the CHAP. part of the King of Denmark (b), was talked of even in the year 1786; but has not yet been accomplished.

The perpetual bond of union of the States of Germany is most conspicuous in the Diet at Ratisbon, because the personal quality of the persons em-

- (a) In confequence of an application from the Margrave of Anspach, which was made at Vienna, January 17, 1770, respecting the Fief of the Margraviate of Brandenburg-Culmbach (or Baircuth), which devolved to that Prince; a Decree was first iffued by the Aulic Council, April 25, 1786, in which two months was the time limited for the Margrave to fend the necesfary certificates, &c. and ad præstandum præstanda. Reuss's State Chancery, part XIII. p. 411.
- (b) The King of Denmark, as Duke of Holstein, fent a Refeript to the Emperor, dated February 3, 1786; which was presented May 1, requiring the further investiture of his part of the Dutchy of Holstein, and requesting his Imperial Majesty to appoint a time for him to receive it. The Emperor's answer to the opinion fent to him by the Aulic Council, May 26, was, 66 that if the King of Denmark would bring the requisita inves-" tituræ in termino duorum mensium, on account of Gluck-" fladt, Gottorp,, and Ploen, and did the necessary suit a se fervice, or the prastanda, on account of Gottorp, within the time mentioned, his Imperial Majesty would issue 66 further orders respecting the investiture in general, as well 66 as the fimple investiture, which was defired of the Dutchy 96 of Holstein. Reuss's State Chancery, part XIII. p. 410. employed



ployed in the service of the Empire there is permanent, and not lost in a multitude of other offices, as at Vienna. In this place the Germanic constitution, in comparison with former times, appears at present to have a great advantage, because a Diet was held then only occasionally, and was of short duration, instead of which it is now become perpetual. But, on the other fide, it must be confessed, that the Diet has by these means confiderably loft, both in its fplendour and in the energy of its proceedings; because it was customary formerly for the Electoral Princes and Counts. as well as his Imperial Majesty himself, to attend and deliver their opinions personally; whereas, at present, there are only Plenipotentiaries, who can do nothing of themselves, but are obliged on every occasion to apply to their principals for instruction, either personally or otherwise, and punctually comply with it. Besides this, not only those States, who have more votes than one, generally deliver them by means of a fingle Envoy; but it often happens that an Envoy is entrusted with the delivery of the votes of feveral Courts at once, fo that the whole Diet is by degrees become so contracted in the number of its members, that in the College of the Princes there are fcarcely twenty-four Envoys for a hundred votes. The College of Imperial Cities is composed in a great measure of a few senators of Ratisbon, each of whom deliver the votes of feveral. Although the Electors, therefore, fend feparate Ambassadors, yet the whole Diet at present scarcely confists of more than thirty Ministers, or Comitial Envoys.

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not

The objects of confideration at this place are cer- CHAP. tainly of great importance to all Germany. It is here where all the rights of fovereignty, which do not particularly belong to the Emperor, are exercised in the joint name of the Emperor and Empire; particularly when the question in agitation is, to make new laws for the Empire in general, to determine ona war or peace, to levy taxes, or decide in the important concerns of any individual State. But even in affairs of this nature the actual deliberations of the Diet are much less frequent than formerly. Ratisbon is certainly the place where the votes of the States are delivered, in order to pals a Decree of the Empire; and it fometimes happens, that, as several of the Envoys previously confer together on the subject, the States may be influenced, perhaps, and their votes in some measure biaffed; but, notwirhstanding this, when any bufiness is to be settled, it depends folely on the prescription of the Courts themfelves how the vote is to be delivered, and upon the orders given for that purpose to the Envoy. Forthis reason, the spirit of such negociations depends more at present upon the immediate communication between those Courts which can place confidence in each other, than upon the Envoys. This circumstance may be attended with a great difadvantage, because it is very easy for some occurrence at Ratishon to put a stop to the proceedings of the Diet for a confiderable length of time; or, if that does not happen, still there is very often a des ficiency of business ready for deliberation, so that it is Vol. III.

BOOK not unufual for years even to elapse without any Seffion, of course without any proceedings, either of the Diet in general, or of either of the three Colleges. It is not at all surprizing, therefore, that there should be more frequent and longer holydays at Ratifbon than at any other place.

> On this account it must be acknowledged, that the Germanic Constitution appears in a much more lively manner, in the constant and unremitting activity of the Imperial Chamber at Wetzlar. The persons employed there in official capacities, are not only difguished more than any of the inhabitants of the place, which in other respects is only a small Imperial City; but, excepting a few fixed holydays, the whole machine is from year to year in perpetual motion. The objects of its motion, indeed, are only fingle lawfuits; and the number of those which belong to private persons is considerably greater than of fuch as concern the States, which may in some measure be considered as affairs of a public nature. Since the Peace of Westphalia has attributed the quality of a Tribunal of justice to the Aulic Council, and the Courts of the Princes exist no more, the Aulic Council has acquired a private jurifdiction in causes which concern whole Principalities; and in cases where the plaintiff is allowed his choice, causes of importance are much more frequently retained at Vienna than at Wetzlar.

Befides the law-suits which are retained for trial in CHAP. the Imperial Chamber, that Court has another business, in which the constitution of the Empire is more immediately concerned, as it often happens that things occur relative to the constitution of the Chamber itself, which are either left to the judgment of its members, or else referred to a provisional legislative decision. There are very often, likewise, intricate questions, concerning which sometimes the Emperor and the States in general, sometimes the Electors and Princes, and sometimes even the members of the Imperial Chamber, entertain different principles; and which, at last, must be left to the decision of the Diet, and even there they are always not successful.

BOOK XIV.

## CHAPTER IL

The Security and Welfare of the Constitution, an object of the first Importance, still preserved by the Decrees of the Imperial Courts of Judicature.

Great advantage of the Germanic conflitution, that a legal refort is open against every member of the Empire—even in favour of the subject against his territorial lord—the creditor against any of the States who are his debtors—particularly in the so denominated Debtrommission—though it is to be wished that some regulation was made by the Legislature, respecting the appeals to the Diet against unsavourable Decrees of the Courts of Judicature—which would be attended with some difficulty—Eut until some regulation is made, the result of every appeal depends upon the majority of votes in the three Colleges of the Empire.

HE general bond which still unites the Germanic Empire in the manner hitherto described, under the Emperor and Empire, and the supreme Tribunals, notwithstanding its division into so many separate territories, is considerably strengthened, and a grand object of the whole constitution obtained, by the circumstance, that, notwithstanding the variety of States and members of the Empire, amongst whom the right of self-defence would soon give the strongest power the advantage, no self-defence is permitted; but the way is open to every individual, without distinction, to procure his right

by legal means, and obtain justice, when he finds CHAP. himself aggrieved.

Thus the disputes which one State may have with another, and which, among independent powers, can only be decided by recourse to arms, are adjusted by the fentence of a Court of Judicature. The fecurity of the subjects of an independent State depends entirely upon the justice they procure in their own country; whereas in the Germanic constitution there are means open to the subjects themselves, to seek protection from the oppressive power of their Sovereign, in a superior Judge; whether they have recourse to appeals in private law-suits (where they are not restricted by particular privileges granted by the Emperor), plead the invalidity of proceedings, complain of the delay of justice, or bring their action immediately against the Sovereign himself, which they are at liberty to do, in all cases of an abuse of his territorial power; whereas in independent States there is no alternative but patience and obedience to avoid the greater evils of rebellion and civil war.

In this point of view, the instances of States of the Empire, who abuse their territorial privileges, being made to feel that they are not independent by a fuperior power, may be confidered as peculiar to the constitution of Germany. Both the supreme Tribunals of the Empire have frequently iffued Decrees in the fuits of whole

BOOK countries, the fole object of which has been to refrain the exercise of the power of the Sovereign within certain limits, as in the instance of the Decree of the Aulic Council against Mecklenburg and Wirtenburg; and of the Imperial Chamber against Naffau-Weilburg, and Lippe-Detmold. Imperial Decrees were iffued fo late as the years 1770 (a).

1775,

(a) An Imperial Rescript was issued, August 22, 1770. agreeably to an Opinion of the Aulic Council, against Frederick the reigning Count of Leiningen-Guntersblum, in consequence of a report which was made to the Emperor of his scandalous conduct, by the Electors of Mentz, and the Palatinate, the fummoning Princes of the Circle of the Upper Rhine; the contents of which were as follow:

"His Imperial Majesty cannot but observe the aboof minable crimes and shameful conduct of which the Count Frederick of Leiningen-Gunterfolum has been accufed, and which have been humbly represented to him, with great displeasure. It is impossible for his Majesty to " fuffer any conduct of fo fcandalous a nature, and fo unworthy a State of the Empire, to pass unpunished by the 66 fupreme Judiciary Power. He finds himself under the necoffity therefore, of ordering a strict enquiry into the af-46 fair, and as he places the greatest confidence in your Se-44 rene Highnesses, as summoning Princes of the Circle, he et graciously and seriously commands you immediately to take "the Count into custody, but considering his dignity as a State of the Empire, to fecure his perion for the present in his own house at Guntersblum, and place a guard over him of the troops of the Circle, to prevent his escape. He comet mands you, moreover, to provide him with every thing or necessary for his support, and to proceed in the above ac-

1775 (a), and 1778 (b), after a previous Resolu- CHAP. tion of the Aulic Council, against three reigning Counts

"tion with the usual forms of law, by instituting an in-" quiry into the various crimes which have been alledged "against him, fuch as horrid blasphemy, homicide, poi-" foning, bigamy, high treason, oppression of his subjects, and "ill-treating strangers, and the clergy; and admitting such " evidence upon oath as may tend to furnish legal grounds for the trial of the delinquent; after which you shall fend the " proceedings, with your opinion, to his Imperial Majesty, that " other measures may be adopted in puncto inquisitionis. You " are hereby directed, moreover, to appoint a proper person " from the nearest relations of his House to administer the affairs " of his country provisionally, tam quo ad camerale quam quo ad " jurisdictionalia auxoritate commissionis Casarea; but in such " manner that all the necessary ordinances shall not be ex-" ecuted in the name of the Administrator, but in the name " of the Prisoner; and lastly, the faid Administrator shall decoliver an exact account of the affairs committed to his " care, as occasion requires, to his Imperial Majesty. When " your Serene Electoral Highnesses have duly executed this " commission, his Imperial Majesty will expect a report of " your proceedings." The Count himself died September 22, 1774, and was the last of his House.

(a) In confequence of an Opinion of the Aulic Council, fentence was pronounced by the Emperor July 21, 1775, against Charles Magnus, Count of Rheingrafenstein, the contents of which were as follow:

"That on account of his scandalous deceptions, which he 66 has confessed, the unjustifiable abuse of his territorial of power, and the repeated frauds practifed by his order and of permission, he shall be confined for the term of ten years

66 in

BOOK XIV.

Counts fucceffively; by virtue of which they were even put in personal arrest for abusing their territorial power, and for other misdemeanors, although it is expressly ordered, in the Emperor's Capitulation, that no States of the Empire who are ensitled by

"in a fortress within the Empire, be entirely deprived of the conjoyment of his former competency, and only be allowed hat is absolutely necessary for his support from the revesual salience of the his creditors." Remarkable occurrences at Ratisson, 1775, vol. II. p. 243. Moser's Continuation of his Public Law of Germany, part II. p. 455. He was ordered to be confined afterwards in the fortress of Konigstein; but, in consequence of several intercessions, three years and nine months of the time of his imprisonment were remitted by a Decree of the Aulic Council, November 18, 1782. Reuss's State Chancery, part III. p. 431. By his confort, who died March 13, 1780, he only had daughters.

(b) The fentence pronounced by the Emperor, after an Opinion of the Aulic Council, Feb. 13, 1778, against the hereditary Sewer of the Empire, Gebhard Xavier, Count of Wolfegg-Waldsee (born 1727), on account of some crime he was accused of was, " that the Prince of Fürstenburg should 66 be commissioned to reprimand him severely for his very " reprobate conduct, and as a merited punishment for the 66 same, keep him for two years in confinement at Wald-" burg, and to take the necessary measures, for the fe-66 curity of his person; but that before he undertook 66 to execute his Imperial Majesty's commands, which 66 should be done with the utmost fecrefy, for which he was 64 particularly diffinguished, he should hold a confidential con-56 ference respecting the whole proceedings with the Count of " Wolfegg-Wolfegg, the Imperial Administrator and Curator." Moser, part II. p. 460.

prescription to a seat and voice at the Diet, shall be CHAP. suspended, excluded, or be deprived of their government provisionally, or in any other manner, without the previous consent of the Electors, Princes, and States in general (a).

There is another species of Imperial Decree, by virtue of which a DEBITCOMMISSION, as it is called, may be appointed to inspect the affairs of those States who are involved in their finances, to enquire into the state of their debts, and adopt proper meafures to discharge them, by appropriating the revenues of the country to fatisfy the creditors by stipulated payments, after a meeting held for the purpose, and allowing the State himself only a competency for his support (b). A commission of this kind is generally given to another State, and fometimes to a relation of the House, in which case the insolvent State continues in poffession of the government; but the other has the inspection of the revenues and expenditure, and takes the Counsellors of the Exchequer, and persons employed in the Offices of Accompts, into the service of the Emperor. In this manner those creditors who have advanced money to a Prince of Germany, have a prospect of being satisfied, however enormous the debt is; and the only difference between this expedient and the measures adopted with

<sup>(</sup>a) Capitulation, Art. I. § 3, 4.

<sup>(</sup>b) We have an illustrious example of a copious work on this fubject in the two quarto Volumes of Moser on the Debts of the States of the Empire. Frankfort and Leiplic, 1774-1775.

BOOK others is, that in the latter case the estates themselves are seized, and applied as far as they will go to the payment of all the debts immediately; whereas, when a commission is issued for settling the affairs of an infolvent Prince of Germany, the debts are only paid from his annual revenues.

> It may be objected to this, that a hundred and more years may elapse before the creditors, or rather their heirs, recover their property; and, on the other fide, before the descendants of the House succeed to the real enjoyment of the revenues of their country, which were certainly as much defigned for them, by the first proprietor, as for their predecessors. But, would it not be much better for both parties, if the reigning States of Germany, (except in cases of necessity, when the relations of the House and Provincial States give their consent), had no creditors? At all events, it is a fortunate circumstance, that there is a superior Judge to decide in cases of dispute.

The only objection which can ever be made to the Judicial Decrees, to which the States of the Empire are subject, is, that difficulties often attend the actual execution of the sentences, and not merely because some of the States imagine, perhaps, that they have power sufficient to resist them, and trust to the event; but from this very different reason, that it is almost imperceptibly become a fort of custom for a State, against whom an unfavourable sentence has been decreed, either at Vienna or Wetzlar, to appeal to the Diet, in order to obtain, by some means or other, a remedy, and rescue himself from the impending evil (a). In this respect it is certainly to be wished, that the cases, in which an appeal to the Diet may be allowed (b), were particularly specified by a new legislative act of the Empire, the necessity of which has been already acknowledged in the Capitulation.

But here likewise other difficulties arise, partly from the nature of the Tribunals themselves, as they exist at present, and partly from the peculiarity of the Germanic constitution in general. If all the laws respecting the Imperial Chamber were actually in force, and particularly those which immediately concern the annual Vifitation, and the means provided thereby for a revision of the causes, appeals from the fentences pronounced by the Chamber would fcarcely ever be thought of; at least, their number would be exceedingly limited. But the circumstance of the Visitations, and the revision of the causes connected with them, having ceased for two hundred years, must certainly be often urged as a pretence, and exculpate the States for taking refuge in the fource of legislation and the supreme power of the Empire, fo long as the refort above mentioned is wanting. With respect to the Aulic Council, the affair is of greater moment, because in the revision of the causes of which that Court takes cognizance, it

<sup>(</sup>a) See p. 49, &c.

<sup>(</sup>b) See p. 53.

BOOK judges for itself (a). On this account, therefore, the Imperial Court will always endeavour to limit the number of appeals as much as possible; but it cannot be supposed that the States will very willingly contribute to a measure which would be attended with fuch important confequences, if they themselves should happen to have substantial reasons for complaining of either of the supreme Tribunals.

> The circumstance ought to be particularly confidered, that the causes, which are taken cognizance of by the supreme Tribunals of Germany, may be very different from those in other countries. In the Courts of Judicature of other countries, the causes brought for trial only relate to the real or personal property, or rights, of private individuals; whereas tuits may be carried on in the Judiciary Courts of Germany which immediately concern whole territories, and even their forms of government. The States of the Empire, like other parties involved in law, must fubmit to the decision of a superior Judge; but other parties may be only private individuals; whereas the persons whose causes depend in the judiciary Courts of Germany, are reigning Sovereigns perhaps of confiderable territories, and in that quality are themselves entitled to a share in the government of the whole Empire: for it certainly cannot possibly be denied, that the grievances which may be laid to the charge of a State of the Empire, by either of the supreme Tribunals,

<sup>(</sup>a) See vol. II. p. 110.

stand in a very different relation to the Supreme Le, CHAP. gislative Power and Government in Germany than in any other country.

Although it is fo much to be wished, therefore, that some rule was established with respect to appeals; yet at present, there appears to be but little hope of it. Perhaps the period would not be very distant, if it were possible to destroy the sources from which most of the grand arguments in favour of appeals have hitherto proceeded. According to the present practice, it depends upon the confent of the votes at the Diet, and particularly of the two Superior Colleges, whether an appeal can be admitted. Hitherto very few have fucceeded; and if a hope could be entertained, that every State would fuffer his vote to be delivered in appeals, without any partial or finister consideration, after a fair examination of the case, there would not be so much reason, upon the whole, to apprehend any ill consequences arising from them to the prejudice of justice. But it is to be feared, that there are instances to be met with of some of the votes being biaffed more by political than legal arguments, and that many of the States, in order to procure the votes in their favour, have promifed to support the appeals of other States in return (a). In this point of view. the prospect of an impartial administration of justice would be very bad for the constitution of the Germanic Empire, if fuch reciprocal supports of appeals were to come into general practice.

BOOK XIV.

## CHAPTER III.

Further Remarks on Electoral Congresses.—Diets of the Circles, and Separation of the two Parties of Religion, or Jus eundi in partes.

Besides the three places, Vienna, Ratisbon, and Wetzlar, where the constitution of Germany is always conspicuous, it occafionally appears at an election of a King of the Romans, or Emperor-in the Deputations of the Empire, and particularly the Visitation of the Chamber. - Separate Collegiate meetings may be held likewise, as has been frequently the case with the Electors and Imperial cities, -particularly with the ancient fecular Princes, Prelates, and Counts. - The Diets likewife of the Circles, connected with the constitution of the Empire, especially those of Swabia, Franconia, Bavaria, and the Circles of the Rhine, -as well as the feparate deliberations of each party of religion,-which the Protestant body has had the greatest reason to have recourse to, on account of the majority of votes of their antagonists, and their intolerant principles .- Although the enlightened Catholics are of a different persuasion, yet the sources of intoleration are not entirely destroyed,-of which the effects hitherto produced, and the apprehension of them in future, are unavoidable.-Notwithstanding this, a hope still arises, that the Germanic Empire may afford an example to other nations of the harmony which may fubfift between adherents to different religious perfuafions in the fame country.

ALTHOUGH the form of government established in Germany appears in its greatest vigour, as I have already described it, at Vienna, Ratisbon, and Wetzlar; there are some particular events, which occasionally occur, in which it is equally conspicuous.

Among these may be particularly reckoned the appointment of a fucceffor to the throne, which is necessary on every vacancy in an elective Empire; although an election takes place in Germany, either when the throne is actually vacant, or when a King of the Romans is appointed during the reigning Emperor's life. In both these instances, although the whole business is transacted by the Electoral College, yet it is in fact, in the name of the whole Empire; and the business of the election itself, as well as the Capitulation which is proposed on that occasion, has evidently fuch a relation to the Empire, that it may certainly be confidered as one of the most important points in the whole constitution. Even the influence which the electors usually have in the affairs of the Imperial Court at the Diet, and at other Courts, and which they are able to make a previous use of, by means of a Collegiate Rescript at the election of an Emperor, or a King of the Romans (a), frequently gives rife to a variety of circumstances, which so far from having any immediate connection with the election, feem to be entirely foreign to the bufiness. The brilliancy of the Electoral Congress is very much increafed, likewife, by the attendance of feveral Ministers

BOOK from each of the Electoral Courts, who are collectively and individually qualified as Ambaffadors of the first rank, and among whom it is not uncommon to fee real Ministers of State. It has hitherto been customary also for some of the Electors to attend in person. as at the election of Joseph II. when all the three Spiritual Electors were present; and the Elector Palatine himself, although he was not at the actual Election, attended immediately afterwards.

> Another kind of meeting, in which the Germanic constitution appears with its usual activity, is that of the Deputations of the Empire, as they ought to be appointed by law, particularly at a Visitation of the Chamber, negociations of Peace, and on any other extraordinary business. These occasional meetings have already met with great obstacles, which it is absolutely necessary to remove, before the laudable defign of their institution can be answered (a), of which the history of the last Visitation affords a sufficient instance. (b).

There are particular meetings, likewife, which are held only by a certain class of States of the Empire, who are in connection with each other. These, although they do not represent the Empire, or pass Decrees which are obligatory for Germany in general, are so interwoven with the constitution, that their activity has an evident influence upon the country in general. The most distinguished meetings of this kind are those that are held for the purpose of

<sup>(</sup>a) See Vol. II. P. 134-139. (b) Above, p. 154. Collegiate

Collegiate deliberations, by the Electors, Princes, Prelates, Counts, and the representatives of the Imperial cities. The present permanency of the Diet affords an opportunity for the Electors, Princes, and cities, as they are already divided into three separate Colleges, to enter into Collegiate deliberations among themselves, without appointing any separate meetings; although they are not prevented from holding them; as the Electors and cities frequently met formerly, when there was no perpetual Diet, and as the Electors continue to affemble at present at the Election of an Emperor, or a King of the Romans.

The College of the Princes, as it fits at the Diet, including the Prelates and Counts, has never yet held any feparate meeting; but there have occasionally been particular Diets of the ancient Princely Houses alone, or in conjunction with one or more Spiritual Princes, as in the year 1741, at Offenbach. Besides this, they have it in their power likewise to hold conferences at Ratisbon, by means of their Envoys, in any manner, and at any time they please. The Prelates of the Empire and Counts are differently circumstanced with respect to their Collegiate deliberations, because each of the two Benches of the Prelates, and each of the four Colleges of Counts at Ratisbon, has only one person to deliver the vote; fo that they are no opportunies for deliberations, in which each Prelate or Count can give his vote indivi-Vol. III.

BOOK individually; of courfe, therefore, they have no refource but to appoint a collegiate meeting themfelves, or else form a Resolution, by communicating their sentiments to each other in writing.

Besides these Collegiate deliberations, the States of the Empire may appoint other meetings, and enter into deliberations, according to the division of the Circles, which are usual in the Circles of Swabia, Franconia, the Upper and Lower Rhine, and Bavaria. At these meetings such matters are chiefly adjusted as immediately concern the internal constitution, or affairs of the Circles in general; although a fort of previous deliberation may take place on some matters which are to be finally determined by the Emperor and Empire; or, rather, the question may be discussed in what manner a Resolution may be made at the Diet.

Another of the most important kinds of deliberation, is occasioned by the separation of the two parties of religion, each of which has undoubtedly the right of assembling when and where they please, as the Catholic States have frequently done in former times, particularly at Dessau and Würtzburg, and the Protestants at Schmalkalde, and other places. As the two parties of religion have of course always assembled together since the Diet became perpetual, they have an opportunity now of holding separate conferences, by means of their En-

voys, when they please, without any particular Cre- CHAP. dentials, or other ceremonies, being requifite.

The Protestant Body, in particular, has reason to adopt this measure, as a safeguard to prevent any point being carried to their prejudice, by means of the majority of votes of the Catholics, in both the superior Colleges; as well as to enable them to prevent or remedy any grievances, which the adherents to their perfuafion must be individually exposed to, by affording their joint aid, and acting with unanimity among themselves. The preceding history, alas! has but too plainly discovered the consequences of those principles, which the Papal See with the powerful cooperation of all the monastic orders, and particularly the Jesuits, has contrived to establish among the Catholics; as if there was no falvation to be expected out of the Romish Church, and that it is the duty of every Christian, therefore, to place implicit confidence in what the Church believes, or in other words in what he is commanded to believe by the Bishop of Rome, and those who are inspired with the fame fentiments; that every deviation from them is a fin, which, under the hateful name of herefy, cannot be fufficiently persecuted, and revenged; that it is unlawful even to show any degree of toleration to those who do not uniformly think with the Romish Church, or even to allow them the enjoyment of any civil rights and liberties; on the contrary, that it is a duty to use the most violent and coercive means, XIV.

BOOK to recover every one who differs in opinion (a); that fuch a measure is an act of benevolence, to prevent their final destruction; and that if there is no posfibility of bringing them back to the bosom of the church, the only alternative is to pity, if not to hate them, at least to take every opportutunity of injuring them as much as possible, by depriving them of schools and churches, and preventing their enjoyment of the estates, and other revenues annexed to fuch inflitutions; and that all this cannot fail of being well pleafing to God, and ought to be confidered as a work meriting eternal falvation.

> The application of these principles in Germany ought now certainly to be deprived of all its force.

> (a) The following instance may serve as a remarkable proof of the principles of the right of Catholic Sovereigns to compel Protestant subjects to embrace the Catholic religion, prevailing even after the Peace of Westphalia, more than before. In an agreement made by the Bishop of Basil, in the year 1579, with the Seven Catholic Swifs Cantons, it was refolved "to " keep the subjects, who were still true to the faith, from 46 deferting the Catholic church, and adopting the most 66 fuitable means of restoring the apostates in time to their an-66 cient Christian obedience;" but, by virtue of a new league which the Bishop John Francis entered into with the Catholic Cantons, they agreed to affift the Bishop in compelling his apostate subjects to return to the Catholic faith and obedience

as every method has been adopted in the Peace of CHAP. Westphalia, and in all the most facred fundamental laws of the Empire, to prevent the Protestant religion from being confidered as heretical; but, according to the doctrines of the church of Rome, as they have been supported by the Jesuits in particular, who have endeavoured to infuse the same principles, and confirm them in the minds of their disciples, these laws can have no validity, to the prejudice of the church (a): and granting even that a representation of the obligatory power of fuch public laws, and the folemn oath that is taken to observe them, might raise some fcruples of conscience perhaps against the doctrine, ffill, according to the Catholic system, the Pope, by virtue of his absolute power, as God's Vicegerent. can diffolve the obligation of the most folemn oaths, as in the instance of Pope Paul IV, who released Philip, King of Spain, from the oath, which he had made to the inhabitants of the Netherland Provinces, to preserve their liberty and religion from violation, that he might be able to perfecute the Protestants without remorfe.

Berlin, Monathschrift, August, 1786, p. 119.

<sup>(</sup>a) Thus, in the year 1782, when application was made to the Papal Court, to procure the abolition of the Diocefan rights of the Archbishop of Cologne, in the Dutchy of Cleve, by virtue of the Peace of Westphalia, Art. V, § 48, the answer was: "Non puo valutarsi—l'Art. V. della pace Westfalica, if giacche é noto che la santa sede non ha mai riconosciuta questa pace, contro di cui Innocenzo X. si protesto."

BOOK It must, however, be observed, for the honour of humanity, that there have always been fome among the Catholics fufficiently enlightened to fee the invalidity of fuch intolerant principles, and honest enough to profess their detestation of the sentiments fuch principles give birth to. But in what proportion is the number of these, to the innumerable multitudes of fuch as are incapable of reflecting on the fubject, and unable to divest themselves of the prejudices imbibed in their infancy, by which these principles have taken fuch deep root in their minds? What obstacles have, for this reason, been laid in the way of the very means, by which their ideas might be more enlarged! How cautiously are they prevented from reading any books which are likely to throw the smallest glimpse of light upon the subject, and how studiously do they labour to prevent their frequenting Protestant Universities and schools, and deter them from a confidential intercourse with persons of that persuasion, by representing it as not only fuspicious, but extremely dangerous! And, if there should be a few enlightened Catholics, perhaps, of a different opinion, they dare not hazard the smallest appearance of their fentiments, without expofing themselves to the most violent persecution, or to the exertions of the Jesuits, and persons of similar fentiments, to make their parents, their relations, either by blood or marriage, their friends, their patrons, and superiors, who think differently, their enemies; in short, to set all the world against them.

That these circumstances have frequently oc- CHAP. curred in Germany, may be proved by a thousand facts in history, particularly when the order of Jefuits was in its flourishing condition. Since the abolition of that fociety, much more tolerant fentiments have been diffused in the Catholic dominions. But it is still a question whether the sources are totally destroyed, so long as it remains a difficulty to eradicate the prejudices from the minds of those who were formerly their pupils; fo long as the Ex-Jefuits have not entirely loft their activity in supporting and diffufing fuch principles; in a word, fo long as Rome has any effectual influence in preventing the distinction between a Christian Catholic religion, and a dependence on the Pope, from being more generally acknowledged.

In these circumstances, and considering the complicated relation in which the adherents to the different religious persuasions stand towards each other in Germany, one cannot be surprised at the variety of instances which have occurred, and which in some measure occur at present, of Protestant subjects having reason to complain of Catholic Sovereigns; and that, among Protestants who have causes depending in Catholic Courts of judicature, among members of the same family, in a Town, a congregation, a Provincial Diet, a meeting of the States of the Empire, the majority of whom are Catholics, the smaller number of Protestants should suffer the greatest grievances. In what lightmust every impartial per-

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fon view the importance of those ordinances, which the Peace of Westphalia has so wisely made, for the preservation of an equality of votes in the Tribunals, Deputations, and Commissions of the Empire; and to prevent the validity of a majority of votes in those cases where the religious parties discover opposite opinions at the Diet? How little, therefore, can any attempt to prevent these ordinances from having their full efficacy, merit approbation?

The influence, which all this must have on the conftitution in general, and the difficulty in preventing a reciprocal want of confidence, which must be frequently an obstacle in affairs of general utility, and prevent the execution of the best defigns, need not be further enlarged upon, if we only take an unprejudiced view of the internal history of the Germanic Empire. It cannot eafily have escaped the observation of any one, that the idea has been industriously circulated, on several occasions, that to be a well-wisher to the Catholic religion and the Emperor are as inseparable as that every Protestant must be considered inimical to the Emperor's supremacy; so that the interest of all the Catholics requires the most zealous support of the Emperors prerogatives, whenever an attempt is made to extend them, and that the imperial Court has every reason to oppose, with equal ardour, whatever the religious system of the Protestants inculcates the preservation of.

Happy would it be for Germany, if all fuch pre; CHAP. judices as these were totally destroyed; if it were universally acknowledged, that the integrity, without which no genuine religion can exist, requires us to leave every one his right, without respect to his religion; and that members of the fame State, although their articles of faith may differ, may yet live in harmony, as bretheren! It cannot be denied, that a country, in which the head and members profess the fame religion, has certain advantages over those where different religions prevail, which must naturally be the cause of jealousies, and be attended with other evil consequences. A question might here arise, indeed, whether it be advisable to admit the adherents to other religious persuasions, in a country where they have not been before? But, where a difference of religion arises, merely in consequence of a revolution in the country itself, and where different religions are once established; in fuch cases there is no other method to be adopted, than to leave every one to his own convictions .--If these sentiments were become more general, and there is every reason to hope, from the sublime example of the Monarch, whom Germany now honours as its fupreme Head, that they will be embraced by every member of the Empire, Germany even may afford an example of the possibility of such a compound body of States, notwithstanding their different religions, perfectly accomplishing the grand object of all government, by promoting the general fecurity and welfare.

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## CHAPTER IV.

Remarks on the Ordinances enacted by the Diet or the Imperial Court, how far they are necessary at prefent in the Government of the particular States of Germany, and the Effects which they produce.

Almost all the German territories are individually governed according to their own convenience, and not with any uniformity with the government of the Empire in general .- At furthest some regard may be paid to the neighbouring States, or constitution of the Circles .- General Decrees of the Empire on fubjects which immediately concern the internal constitution of the particular States, much less frequent, and more difficult to accomplish.-This circumstance occasions the distinction between the different territories, constantly to increase-from which very fortunately a great advantage may be derived .-Certain referved rights of the Emperor, which still come into confideration here—as the Emperor's right of conferring titles of honour throughout Germany,-the right of appointing Counts Palatine of his Court and Notaries .- The tolls no longer his; but no State can establish them without his confent, -as well as the right of coinage, -founding Univerfities .- Some rights disputed, or subject to certain regulations, -as the establishment of annual fairs or markets, -municipalities, and guilds-granting letters of respite.-In some cases a concurrence of certain Imperial and territorial rights of fovereignty, -as in declaring infants out of their minority, and legitimating natural children .- An Imperial grant to all Germany, can have no effect in the countries of particular States .- Particular circumstances respecting the privilege of printing. - A determinate line drawn between the referved rights of the Emperor and territorial rights of the States,-The States of Germany confidered confidered almost upon an equality with the other States of Europe, with respect to their rights of government—as of making war, leagues, reprisals, and reciprocal Treaties of every kind.

The particular States of Germany on this account not to be omitted in the list of European powers.—Offices of state more numerous, and from other causes, than among other powers.

Even laws of the Empire may establish certain restrictions of territorial sovereignty.—Singular remains of the aucient rights of Advocy in some of the Ecclesiastical countries,—and in some Imperial cities.

WITH respect to the different States of Germany as they are governed now, it may be confidered as a rule, that every individual land, every Imperial city. every territory, however small it may be, that forms a separate State, consults its own convenience as much as possible, without considering the connection in which all the States of Germany stand to each other as members of the same Empire, any further than abfolute necessity and its own interest require. Although many things, fuch as the administration of justice, regulation of the police, coinage, &c. must be confidered as objects which might be best settled in each particular country, if they were submitted to the common deliberation of the Diet; yet, notwithstanding this, in concerns of this nature, every government almost adopts its own plan of proceeding. The effects, indeed, which some instances of good acts of legislation, or other regulations in one country, are likely to have in another, or the inducements of neighbourhood, family connections, equality

BOOK of rank and fimilarity of religion, or other circumstances, to act upon the same principles, may occafion feveral of the States, perhaps, to have each other's country in view, in the plans which they adopt, and in their different institutions. The conflitution of the Circles, likewise, where it is still preserved in its proper vigour, may occasion a reciprocal communication of the measures pursued among the members of the same, or several adjacent Circles, and occasion them to make such Resolutions as are consistent with their common welfare.

> General Decrees of the whole Empire, which refpect the internal constitution of any particular country or city, are much less frequent than formerly, They are scarcely ever made, indeed, except when other States are likely to be injured, if a particular ordinance were enacted merely in one territory, as in the instance of the abuses which prevailed among the lower orders of tradefmen \*. There is no doubt, but that every State is at liberty to enact any ordinance he pleases on a subject of this kind; but he must, at the same time, take care that he does not prevent his territory from being frequented by apprentices, who travel to different countries to learn their work +, which would certainly be the case, if they

<sup>\*</sup> See vol. II. p. 484.

<sup>+</sup> It is a circumstance almost peculiar to Germany, for apprentices to travel into different countries, to learn the newimprovements

they were under greater restrictions there than in other places. The motive may be easily conceived, therefore, which induced the Court of Berlin, in the year 1771, to procure a Decree of the Empire for the abolition of the custom among the tradesmen of keeping Blue-monday (a) \*. This instance, however, is a proof of the difficulty attending the actual execution of general Decrees of this kind in all the different territories. In many places a variety of particular circumstances occur to prevent it, and if a State does not choose to exert his power to enforce them, although he may have no particular reasons for his neglect, what method can

improvements in their particular trades. Some of them work for a year or two in London, Paris, and even in Petersburg. The time generally allowed is three years, and in the different territories in Germany, a fund is often raised for their support.

(a) Thus we find, that two Refolutions were made at the Diet, July 15, 1731, to render the Decrees respecting the abolition of Blue-monday, more efficacious. See vol. II. p. 484. And a Decree was passed, Februry 3, 1772, respecting the SCHINDER, or persons employed in taking the skins off dead animals, that their children might not become infamous by the profession of their fathers, and respecting the better observance of the Decrees concerning the abuses prevalent among the tradesmen. The Emperor gave his affent to both, April 30, 1772.

<sup>\*</sup> See vol. II. p. 130. Note.

BOOK be adopted to make the effect which ought to be produced general? It is not probable that the Emperor and Empire, in cases of this kind, would take any measures officially; for very particular circumstances indeed must occur, to make any State apprehensive of the Fiscal of the Empire being induced to proceed against him by law; and even if he did, what would in all probability, be the refult of it (a)?

> The natural confequence of all this is, that it is fcarcely possible to conceive a greater difference in the internal constitutions of any countries whatever. than there actually is between the various States of Germany. Every territory, every Imperial city, nay, almost every estate of the free nobility, or knighthood, has some quality peculiar to itself. They vary not only in their forms of government, (as the conftitution of Imperial cities differs from that of territories, as much as Republics from Monarchies, and is either aristocratical or democratical, and more or

> (a) The order of the last Recess, though so consistent with the very equitable principles of the theory of legal proceedings, that the defendant should introduce the principal transactions in the dilatory process, is in many places, and even at Hamburg, so little in practice, that the defendant seldom comes to the point before a particular correspondence has been carried on respecting his delay, and perhaps not before sentence has been passed in more than one refort! not to mention how little the Decrees of the Empire and the Circles have been enforced respecting the coinage.

lefs limited or unlimited; and every country, when ther it be ecclefiaftical, and its government elective, or fecular, and the government hereditary, has its own Sovereign either with or without Provincial States), but, in almost every object of government as in the mode of administering justice, punishing offences, regulations of the police, taxation, military affairs, coinage, &c.

It is certainly no misfortune for a State to be in this manner at liberty to promote the welfare of his own country, according to his own particular circumftances, without being under the apprehension of any opposition; as one of the principal advantages attending the independence of the European Powers in general is certainly that of being able to make any internal regulations as suit their own convenience, without any limits being prescribed by others. There are a few cases, however, in which the Emperor's Refervata, as they are called, are still in force, by which the Emperor alone is allowed to exercise certain rights of supremacy throughout Germany, or a State of the Empire is prevented exercising them, without a particular grant for that purpose.

A right of this kind which is referved by the Emperor at prefent, is that of conferring a superior degree of rank. The patents for creating Princes, Counts, Barons, and inferior nobility, are still granted by the Emperor, and not by virtue of the territorial

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power of the States; although there are States, and others, who have been appointed Counts Palatine of the Emperor's Court, and invested with the power of conferring them. Other dignities, which have never yet been conferred, except by the Emperor's power, are no longer applied for to him in person, but to the Counts Palatine of his Court, who are commissioned or invested with a committive, as it is called, to confer them, such as the title of Imperial notary, &c. The frequent abuse of this power (a), has even occasioned patents not to be admitted in some countries, without the approbation of the sovereign being previously obtained, and a due examination of the candidate (b).

(a) A Baron Vöhlin, by virtue of a patent granted to his ancessors by the Emperor Sigisfmund, in 1417, appointed a furgeon at Augsburg, Count Palatine of the Emperors Court, with authority to confer the Degree of Doctor.

Schlözer's Correspondence, vol. X, p. 258.

(b) At Dresden a butcher was made a notary, in consequence of which a general order was issued by the Elector, February 19, 1721, to prohibit the admission of any notaries, in his courts of judicature, who had not a certificate of their abilities from a Faculty of law in the Electorate, and were matriculated by the government.—Improved Statutes of Process for the Electorate of Saxony, Append. p. 69.—The same order was made in the statutes of the High Court of appeal, in the Electorate of Brunswick, 1713.—Willich's Laws of the Electorate of Brunswick, vol. II. p. 833.

. Several rights of sovereignty, which formerly be- CHAP. longed to the Emperor alone throughout Germany, are only fo far his at present, that they are exercifed by the States, not by virtue of their general territorial power, but by a particular grant from him. Thus, for inftance, the Emperor has no longer any tolls upon the rivers, in his Imperial capacity, and yet there are very few of the States who have not one, and fometimes more. Notwithstanding this, the right of establishing tolls is even now no part of the territorial fovereignty, fo that a State may establish them at pleasure; but a particular grant must be procured for that purpose from the Emperor; neither can the demand be raised, or any alteration be made in them without his particular consent; and even this is not fufficient, but the confent likewife must be obtained of all the Electors (a). (The House of Brandenburg alone afferts a right, founded on a particular grant of the Emperor Frederick III. of establishing tolls in its territories at pleasure). The right of coinage, which is no longer peculiar to the Emperor, but exercised at present by almost every State, is of a fimilar nature. It does not legally belong to any State, unless he has obtained a particular grant for that purpose from the Emperor, which must have the consent likewise of the Electors (b).

<sup>(</sup>a) Capitulation, Art. 8.

<sup>(</sup>b) Recess, 1570, § 132. Capitulation, Art. IX. § 6, 7.

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Every State has the right of founding Universities. public Schools, and learned Societies of all kinds in his dominions as far as relates to the appointment and falary of the persons belonging to them, and indulging them with peculiar privileges; but the right of conferring Academical Honours, according to the division of the Four Faculties, as they are called, of Divinity, Law, Physic, and Philosophy, by which the Univerfities of Germany are particularly diffinguished, can only be obtained by a privilege granted by the Emperor, as in the instances of the Universities lately founded at Göttingen in 1733, at Erlangen in 1742, and at Stuttgard in 1781; although the last of these has no Theological Faculty, and is under this restriction, that Academical Honours can only be conferred on those who have studied in the place.

With respect to some rights, a doubt still remains whether, and how far, they may be exercised by the territorial power of a State, or whether they must be granted by the Emperor. It was the custom formerly to procure a privilege from the Emperor for the municipal rights of trading companies, the establishment of annual fairs, and even for weekly markets; but as the States are not prevented by any laws or particular obligation, from making what regulations they please of this kind, in their own countries, they are now left fully at liberty; although the regular fairs, or Messen as they are called, such as are held at Frankfort on the Mayn, and on the

Oder, at Leipfic, Naumburg, and Brunswick, have all been established hitherto in consequence of privileges granted by the Emperor; and there have always been substantial reasons for the distinction between Messen, or great fairs, and the others which are called Jahrmarkten, or annual fairs of an inferior kind (a).

Inflances

(a) The defign of the JAHRMARKTEN, or annual fairs, was, that the inhabitants of a place should not be absolutely bound to purchase merely of their own shopkeepers and trading companies; because they refused, on accout of their municipal privileges, to fuffer any wares which they imported, or manufactured, to be bought of strangers. When this exclusive right had no exception, the inhabitants were often deprived of many necessary articles which their own merchants or tradefmen had not in their stock, or they were not of fo good a quality, or elfe the price was raifed even for goods of an inferior fort, as they pleased. In order to remedy this evil, tradefinen from other places were allowed to expose their goods to fale at an annual fair, that the inhabitants of that place, and the adjacent country, might have their choice of fuch foreign, as well as domestic articles, which they might stand in need of, and that the tradefmen might fell their goods by a fmall measure, or by weight, as the purchasers required. The regulations necessary to be made for this purpose are certainly in the power of every State by virtue of his territorial Sovereignty. He can oblige the Guilds and incorporated Companies to make this exception to their rights, which may be otherwise exclusive; he may determine when fairs shall be held, and how far their privileges fliall extend; and he will always have the necessary means in his power to preferve tranquillity and order. With

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Instances have occurred in the middle ages of Provincial cities even obtaining their municipal rights from the Emperor, as the city of Schweinsberg in Hesse, from Lewis of Bavaria. But in the present day, every State can certainly confer all the rights which distinguish cities from small towns and villages, by virtue of his own territorial power; whether a new city be built from the ground, or a small town or village be converted into one, by paving the streets, surrounding them with walls and gates, by appointing a Senate, incorporating trading companies, establishing annual fairs or markets, or breweries, and other branches of trade

respect to the Messen, as they are called, or the superior kind of fairs, they are of a different nature, and not established merelyto afford an opportunity to the inhabitants of a town and the adjacent country to purchase necessary commodities; but to carry on a wholefale trade, to which not only private perfons, but merchants and extensive dealers are invited from other countries, who purchase to sell again. It is not expected that a person will buy there by the ell, or by any inconsiderable weight and measure; but the articles are disposed of in whole pieces, by dozens, by the grofs, or in casks, bails, by the hundred weight, &c. and the purchasers not only lay in a stock for their own confumption, but take large quantities to fell again. The frequenters of both kinds of fairs wish, no doubt, to draw as great a number of dealers, and to procure as many articles of trade as possible from all quarters, both far and near. Hence it may be eafily conceived, that charters and privileges, which a State of the Empire can only grant within the limits of his own dominions, cannot have the fame effect as a privilege granted by the Emperor, which is valid throughout Germany.

for the subfistence of the inhabitants. Nothing CHAP. of this kind can be done by virtue of the Emperor's power alone, without infringing the rights of the States.

The circumstance is very different when a State can produce any Imperial privilege, a Treaty, or any other fubstantial legal reason, to prevent a new city from being founded in his neighbourhood within a certain distance, as in the case of the Imperial city of Frankfort on the Mayn, the government of which will not confent that Offenbach, a place in the adjacent territory of the Prince of Isenburg, should be made a city. In the fame manner likewise the city of Hamburg protested against a charter of this kind being granted to Altona, in Danish Holstein. On fuch occasions as these an expression has been inferted of late in the Emperor's Patents, implying that no city can be erected without a particular grant for that purpose (a); but this is more a form

(a) Thus Maximilian I. wrote to Albert Count of Mansfeld, February 6, 1514, when he was about to grant municipal rights to the village of Eisleben: "Since you nor no others are allowed to confer municipal or any other rights "dependent on the supreme power, without particular per-" mission, &c." Stephani de Jurisd. part II. p. 54, n. 115. Leopold likewife wrote in the same style to King Frederick III. of Denmark, November 14, 1664, on a complaint from Hamburg respecting Altona: "Since it is one of our Im-" perial and referved rights, that no State shall convert any st place into a city, or confer municipal rights without our 66 confent." Preffinger ad Vitriar, tom. III. p. 144-164. BOOK of Chancery, than a proof of what is fo directly contrary to the analogy of the present constitution and the customs prevalent in Germany.

Another kind of privilege which was frequently applied for, and obtained in former times, even by the mediate members of the Empire, was the Letters of Respite or Moratorien as they are called, by which a debtor is fecured for a certain number of years from the legal measures which his creditors might otherwise have recourse to. These appear even now to be very fuitable to the particular circumstances of a person being indebted, not only to his own countrymen, but to foreigners, to whose prejudice it does not appear to be in the power of a third State to grant his fubjects Letters of Grace. The defign of the MORATORIEN feems to be, that every one who has a claim upon any other person, should bring the action against him in the Court of Judicature of his country, and fubmit to the fentence paffed according to the laws of that place; of courfe, therefore, a creditor who is the plaintiff, must not only fubmit to the laws of the country where he brings his action, but to the fentence of the supreme power to which the debtor is subject; and if the fupreme power of that country thinks it most conducive to the public welfare to direct the Court of Judicature to delay execution, and allow the debtor, who may be reduced perhaps to unfortunate circumstances without any fault of his own,

a certain time to recover himself, the creditor of another country must submit. If another State thinks himself injured by an act of this kind, he may certainly retaliate in similar circumstances; or else, which is a very natural consequence, if these Letters of Respite are abused, and improperly conferred by any particular State, strangers of other countries will avoid giving any further credit to his subjects. So far, however, as the question only relates to the right of the supreme power, the principle cannot be doubted; according to which, the Letters of Respite, granted by a State of Germany, ought to be as much respected, even by foreigners, as those of any independent Power.

Upon this principle it is at least a superfluous caution for mediate members of the Empire not to rest satisfied with the Letters of Respite granted by the government of their own country, but to make surther application to the Emperor. In case, however, any subject should make such an application to the Emperor, and neglect his own government in suture, the late laws of the Empire have made ample provision to prevent such Letters of Respite being granted to mediate subjects before a report is procured from their own government (a). What inducement, therefore, can any one have not to make immediate application in his own country first, since the Emperor

(a) Recess, 1654. § 175.

BOOK XIV. himself, without a previous and favourable report, will not attend to his request?

There are a few inflances of the ancient univerfal concurrent jurisdictions of the Emperor and the territorial Sovereign still remaining, such as the power of dispensing with some of the years of an infant's minority\*, and legitimating natural children. The right of conferring these privileges belongs to every State in his own country, and yet application is often made for them, and obtained from the Counts Palatine of the Emperor's Court; but even then, a certificate may be required by the government of the country where such privileges are made use of; and if they are not approved of, proper measures may be adopted to prevent their validity.

All other grants which give the persons who receive them any exclusive right, or lay any obligation upon other persons with respect to them, may be conferred by any of the States in their own territories. Sometimes an Imperial Privilege, or Patent, is granted to enable a person to dispose of certain medicines, distilled waters, &c. under the Emperor's protection throughout Germany; but this can lay no obligation upon a State to suffer the sale of such articles in his territories against his will. When a Pa-

<sup>\*</sup> Allowing an infant all the advantages of full age, which in Germany he would not otherwise enjoy before he is twenty-five.

tent of this kind is general throughout the Empire, it is always previously understood, so far as no State has any objection to allow it in his particular territory (a), much less can the Emperor grant any exclusive trade or monopoly. If this was not the case, and Patents could be procured from the Emperor by any individual for the exclusive sale of such articles as falt, tobacco, cards, and other things of that nature, throughout Germany, they would be almost invaluable.

The exclusive privilege which may be granted by the Emperor for the fale of books throughout the Empire, appears to be a very fingular circumstance; but in fact the real cause of it is only to make an exception to the privileges granted to the booksellers at the fair of Frankfort on the Mayn, and prevent their re-printing fuch books as are indulged with this right. With respect to the sale of books at Leipsic. which is much greater than that at Frankfort, the privileges granted there by the Elector of Saxony are allowed to be of equal validity with those granted by the Emperor; for which reason they are now much more frequent. Only fuch books are privileged in general, in which the authors themselves, or publishers, have any property likely to be injured by their republication in another place, that the fale of spurious editions of them at the Frankfort

BOOK fair may be prevented, and the offenders made liable to punishment. An exclusive privilege, entitling any individual to print and fell a book, which is equally the property of others, can only be granted by the territorial power of a State in his own country, which is frequently the cafe with Almanacks, Bibles of different fizes, Hymn books, Latin and other ancient Authors, School books, &c. An exclusive right of felling books of this kind throughout Germany cannot be granted by any privilege from the Emperor.

> The observations I have made on this subject are fufficient to mark the line between the Imperial and territorial rights, agreeably to the constitution of Germany. It is evident that the Emperor has certain rights throughout the Empire, which are termed his Refervata; but they always owe their origin to particular causes, which generally concern such objects as lay no restraint upon the territories of a State, and which existed in early times, before the territorial Sovereignty was perfectly established. The effects legally produced within the limits of the territory of a State are included in his Sovereignty; all the rights of which it is univerfally understood, may be exercised in his own country, without any restriction from the Emperor whatever (a).

> > Every

as ment

<sup>(</sup>a) The Emperor promises in his Capitulation, Art I. § 8. not to fuffer the States to be prevented in, or any encroach-

Every State of Germany, therefore, is actually en-, CHAP. titled, as much as any other independent Power, to take fuch precautions, make fuch regulations, and adopt fuch measures, as the welfare of his country requires. In the same manner likewise, as several of the European Powers observe, in many respects, a reciprocal equality, the same is allowed to a State of Germany: as in the right of fending Ministers to other Courts, except those of the first rank, which, I have already observed, are peculiar to Electors (a), and even a reciprocal acknowledgment of different degrees of rank, and particularly in the army, which are acknowledged throughout Europe. In this last respect the rank of a Lieutenant General, for instance, in the Saxon, Brunswick, or Hessian fervice, would not be disputed by officers of the fame standing in the service of Kings. This circumstance certainly makes it appear very fingular, that a German Prince cannot in the same manner, by his own territorial power, confer Nobility or Academical Degrees, as the titles of Doctor or Mafter; but this difficulty is eafily folved by the recollection, that the present military regulations were made after the States acquired their territorial fovereignty, which includes all fubsequent rights;

<sup>&</sup>quot; ment to be made on, the rights exercised within their own

<sup>&</sup>quot; territories, either in matters of religion, politics, the admi-

<sup>&</sup>quot; nistration of justice, concerns of the revenue, or criminal jurisdiction, under any pretext whatever,"

januarion, ander any pro

<sup>(</sup>a) See Vol. II. p. 200.

BOOK whereas the rights which were prior to this, and which it was customary for the Emperor to exercise throughout Germany, have remained peculiar to him as his Refervata.

> Neither can it be doubted, that a State of the Germanic Empire may be involved in a war with another Power, and increase his strength by a foreign alliance; as in the case of Bishop Bernard of Munster, who when he was attacked by the Dutch, was in alliance with the English. As independent Powers have recourse, likewise, in cases of necessity, to reprifals, fo the Margrave of Baden did not hefitate in the year 1772, when a veffel belonging to Kehl was detained at Strasburg, to detain one also belonging to that city, till it was reflored. Reciprocal Treaties likewife of every kind, which are made between independent nations, are common not only among the States themselves, but with other European Powers; as the Crown of France, when the boundaries were determined between that country and Germany, in the year 1766, concluded a formal Treaty with the Bishops of Liege and Basil, the Princes of Naffau Saarbruck, and the Counts de la Lippe, in the same manner as with the House of Austria; Treaties of the same kind likewise have been concluded with feveral States, respecting the abolition of the Droit d' Aubaine.

> Confidering all these circumstances, a list of the European Powers, as they exist at present, would

be imperfect if the States of the Germanic Empire CHAP. were omitted. Although the Electors and Princes are not entirely independent, yet they are certainly entitled by their military forces, and the use they are able to make of them, to confider themselves in the number of the European Powers with as much. if not a greater right than the Principalities which are not independent in Lombardy, or the Dutchy of Courland are reckoned among States; and although all the States of Germany are not in poffeffion of the same degree of power, or are not of the fame importance; yet the quality of the right in question cannot be changed, any more than Ragusa, San Marino, and Gersau, can be excluded from the number of free States, because they are not so powerful as others. Some restriction, indeed, of the territorial power of the States may arise from the STAATSDIENSTBARKEITEN, as they are called, or fervitutes juris publici; by virtue of which the natural liberty of one State is in some respects restrained in favour of another from doing fomething which he might otherwise do, or else he may be obliged to fuffer what he would not in other circumstances. It is possible that these services may exist indeed among other independent Powers; but not eafily, except in consequence of particular articles of Peace or Treaties, by which one Power fubmits in these respects, though very unwillingly, to another; of courfe, therefore, very feldom. Such instances are more frequent in Germany, on account of the variety of relations in which the States stand to each

BOOK other; or they may arise, through length of time, XIV. from the privileges formerly granted by the Emperors, from Treaties, or else by virtue of the common rights, which serve as fixed rules for all the members of the Empire.

Thus it is by no means unufual for a State to have one, and fometimes feveral posts, a toll, a right of pasfage, the criminal jurisdiction, right of keeping a garrison, patronage, &c. in the territories of another; or an appeal may be allowed from a court of judicature of one state to that of another; as in the case of the Imperial city of Worms, from which an appeal may be made to the Bishop of the Diocese. Many States likewise are prohibited, for the advantage of another, from doing certain things in their own country, as building fortreffes, founding cities, establishing fairs, &c. or else a staple right, as it is called, allows either a State or a city the privilege, that no articles of merchandize can be carried by, within a certain distance; as in the case of the city of Leipsic, which has arisen to its present flourishing condition, from the circumftance, that all perfons carrying any merchandize within the distance of fifteen German miles. are obliged to pass through the city, and first offer their goods for fale to the merchants there. It is the privilege of fome cities, fituated on rivers, that no veffels of other places can pass by them; but they must be unloaded, and the goods conveyed further in vessels belonging to them. The cities of Spire, Spire, Mentz, and Cologne, enjoy this right upon CHAP. the Rhine; Ratifbon, Ingoldstadt, and Passau, on the Danube; Magdeburg, and Hamburg, on the Elbe; Münden, and Bremen, on the Weser; and Breslau. and Frankfort, on the Oder.

There may be some restrictions arising even from the laws of the Empire, or from the general connection in which all the States stand towards each other. which are unknown among independent Powers: as that no State, for instance, can lay any obstacle in the way of a river being made navigable (a); that no league can be entered into by the States, to the detriment of the public peace, or contrary to their duty towards the Emperor and Empire (b); that certain rights of fovereignty, which independent Powers may exercise over their fubjects without restraint, perhaps in matters of religion, and over convents, or other religious foundations, are confined to certain limits, with respect to the States of the Empire, by the Peace of Westphalia, &cc. (c).

In former times each of the ecclefiaffical foundations had its own Advocate \*, or Protector, who took upon him the care of all the fecular concerns. It is probable, that the territorial power over

<sup>(</sup>a) Capitulation, Art. VIII. § 7.

<sup>(</sup>b) Peace of Ofnabruck, Art. VIII. § 2. Capitulation, Art. VI. & 4.

<sup>(</sup>c) See Vol. II. p. 76.

<sup>\*</sup> VOGT OF SCHUZHERR.

BOOK mediate foundations often originated from the rights of jurisdiction claimed by these Protectors. The Archbishopricks, Bishopricks, and Abbeys, which are now immediate, have had recourse to all kinds of means in order to get rid of them, although they have not all succeeded; as the House of Brandenburg still exercises an hereditary right of this kind over the Princely Abbeys of Quedlinburg and Effen.

> Imperial cities, likewife, had their advocates formerly, who were appointed by the Emperor to excercife certain rights of Sovereignty in his name. Most of them however have recovered the possession of these rights themselves, either by the particular indulgence of the Emperors, or by mortgage, and have united them to the government exercised by their own magistrates; although there are some Imperial cities, in which neighbouring States still continue to enjoy them, as at Aix la Chapelle, where the Palatine House exercises them in behalf of the Duchy of Juliers, the House of Hesse-Darmstadt at Wetzlar, the House of Brunswick at Goslar, &c. The extent or limitation of these rights must be determined by the Treaties and customs of the different places; but those which are generally claimed, are the appointment of particular civil officers, keeping a garrison, levying certain imposts, &c.

CHAP.

## CHAPTER V.

## Particular fources of the great variety among the States of Germany.

Frequent instances of several States devolving by different means to one Sovereign-which has had a confiderable influence on the increase of power of several Houses; as well as upon the constitution of the countries themselves-particularly in those where the Sovereigns are not refident-Several ecclefiaffical territories frequently united under one Sovereign, by accident, and only during his life. The fame circumstance likely to occur fometimes in fecular countries, in the case of the appointment of a guardian, or a DEBITCOMMISSION-Younger children who enjoy appenages, and widows, or heirestes, may undertake the government-Many countries on the contrary have feveral Sovereigns who are jointly in poffession of the government, or enjoy it alternately-Singular regulation of fome countries being in the possession of the vounger branches of a House who are subject in certain respects to the elder-Another kind of dependence of the territories of individuals among the Free Nobility, or Knights of the Empire, upon whole Cantons or Circles-of the countries of the States on the Collegiate measures, or Decrees of the Circle-Disputes sometimes concerning the state of immediacy and freedom of certain members of the Empire-or EXEMTIONSSTREITIGKEI-TEN as they are called-by which many who confider themfelves as immediate, become mediate-In fome cases different degrees of freedom, or fubjection, determined by 'Treaties-Among fo great a number of different States, there must naturally be a great variety of more or less fortunate countriesBOOK XIV. eas well as territories of the Free Nobility—and Imperial Cities—Upon the whole, many advantages evidently in favour of the Germanic Constitution—A circumstance which may animate every German, by affording him chearful prospects for futurity.

A CIRCUMSTANCE, without which it is impossible to form a just idea of the Germanic Empire, and the particular States of which it is composed at present, is, that a number of countries, each of which had formerly its own particular Sovereign, have devolved in latter times to one territorial Lord. confiderable number was included, by the Peace of Westphalia, among the secularized territories ceded to Sweden, and the Houses of Brandenburg, Mecklenberg, and Heffe (a); after which the Bishopricks likewise in the Circle of Upper Saxony remained in the poffession of the Houses of Saxony and Brandenburg (b). But the chief cause of the reigning Houses becoming extinct at present much more frequently than formerly, must be attributed to the right of primogeniture, which has lately been fo generally introduced, according to which it usually happens that only the eldest son of a House can marry fuitably to his rank, and perpetuate his family, while the younger fons have no refource but to pass their lives either in the army or in religious foundations. Several branches into which the Houses of the States of the Empire were formerly divided, have, owing to this circumstance, gradually become

<sup>(</sup>a) See Vol. II. p. 63, 65, 67. (b) Ibid, p. 76.

extinct, and their territories have devolved either by CHAP. means of Pacts of confraternity, reversion, the confolidation of Fiefs, or from some other cause, to other States.

Many of the States have in this manner gradually acquired fuch an increase of territory, that there is no comparison between the power, which most of them enjoy at prefent, and that which individuals could boast of formerly, at least at the time of Henry the Lion (a). This has generally had a confiderable influence upon the constitution of the countries themselves. Many Counties or Seigniories, which were formerly immediate, are now incorporated with more extensive countries, and there are fcarcely any traces left of their having originally been separate territories, subject to their own Lords. There are fome inflances of two or even feveral countries, which were originally totally independent of each other, being united; like England and Scotland, in Great Britain; as Juliers and Berg; the different countries which now compose the Electorate of Saxony; and several others. Some countries, although they have devolved to other States, have nevertheless preferved their own offices of government, and Courts of justice, their Provincial States, mode of taxation, laws, &c. and the only difference is, that the Sovereign himself is no longer resident; but that they are subject to a Prince at some distant place, as in the many inflances which have lately occurred

> (a) See Vol. I. p. 207. U2

BOOK with respect to the extinct Houses of Saxe-Eisenach Oftfriefland, Brandenburg-Bayreuth, Baden-Baden, and others. It has frequently happened likewife, that a State, upon fucceeding to a more extensive territory, has left his former refidence, and fixed his Court in the newly acquired capital; as in the late inflances of the removal of the Court of Palatine Bayaria from Manheim to Munich, and the Court of Hesse from Hanau to Caffel.

> The confequence of this is an evident difference between those countries, in which the Sovereigns are refident, and others. The latter are not only deprived of the advantages usually resulting from the neighbourhood of a Court, with respect to the subfistence of the people; but it often happens, that they are left to their own Colleges of government or a Stadtholder, though always in a flate of dependence on their distant Sovereign, or those who are near his person. The Sovereigns of many countries reside even out of the borders of Germany, as in the cases of Swedish Pomerania, the territories of the Electoral House of Brunswick, and the Prince of Nassau Orange. The inflances, however, are much more numerous at present, of the most distinguished States of the Empire having countries to govern at a distance, which formerly had their own particular Sovereigns, although they themselves reside in Germany. There are some instances even of ecclesiastical Princes being in the same predicament; as the Elector of Mentz is Sovereign of Eichsfeld and the

city of Erfurt; and the Elector of Cologne is in CHAP. like manner in possession of the Dutchy of West-v.

In the ecclefiaftical countries, there is another particular kind of union, which is merely accidental, and frequently only during the life of the Sovereign. This is often the cafe, when feveral Sees or other ecclefiaffical foundations come into the hands of the fame person. It is certainly by no means confistent with the original conftitution of the Church, that more than one Archbishoprick, or Bishoprick, should be held by the fame person, and in other Catholic countries, there has never been an instance of the kind; but as the See of Rome, by giving its fanction, can jultify any exception to the rules prescribed by the ecclesiaffical law, however great it may be, provided it apparently promotes the interest of the Papal Court; fo the custom has been long established in Germany for an Archbishop or Bishop to be recommended to feveral Sees, and authorized to be elected by the Pope (a). At the commencement

(a) During the negociations of the Peace of Westphalia, the Protestants declared (February 1646,) "that as the Archbishopricks, Bishopricks, Prelacies, and other Benefices in the Empire, were founded by Princes, Counts, Nobles, and others of the country, that their posterity of the same rank should be supported from them; it was quite contrary to the intention of the founders for one person to posses, as was often the case, two, three, four, sive, and more of these foundations; by which the posterity of the founders were almost excluded from the most distinguished of them, and they came into

BOOK of the fixteenth century, a Prince of the House of Brandenburg, united even in his own person the two Archbishopricks of Mentz and Magdeburg (a). There has not been an instance yet, however, of one person possessing two spiritual Electorates (b); as it would not be confistent with the Germanic constitution, for the same person to be in the possession of two Electorates, either spiritual or secular, although there is no law existing on the subject. But the other inflances are very frequent, fo much fo, that with fome Sees it is almost established as a custom; particularly with Bamberg and Wurtzburg, and Cologne and Munster, which have so repeatedly had the fame Sovereigns, though both these Chapters affert an independent right of electing Bishops for themselves. Other instances of the same Princes being in posfession of different Sees, as Mentz and Worms. Treves and Augsburg, Hildesheim and Paderborn. are merely accidental and not fo frequent.

> the poffession of others, whose ancestors had contributed nothing towards them; that an ordinance should be enacted therefore, for every Archbishop, Bishop, Prelate, or Canon, to be satisffied with his preferment;" but this the Catholics would not consent to. Moser's Public Law of Germany, Part II. pp. 350. 358.

(a) See Vol. II. p. 376.

(b) When Lotharius Francis de Schönborn was Elector of Mentz, Francis Lewis Count Palatine of Newburg became his Coadjutor in the year 1710, and in 1716 he was Elector of Treves. After the death of the former, in 1716, he became Elector of Mentz, but refigned his Archbishoprick of Treves, and Francis George de Schönborn was elected in his stead.

Such

Such instances as these, of several countries being CHAP. united only during the life of a fecular Prince, are not fo likely to happen; but even this is not impossible, when a reigning Prince has the adminifiration of the government of another territory in the quality of guardian; as the Duke of Gotha in this manner undertook the government of the Dutchy of Eisenach for some time in the year 1749; and the Duke of Coburg, the Dutchy of Weimar (a); and as the Bishop of Lubeck likewise is at present, Administrator of the Dutchy of Oldenburg. The cases likewise may in some measure be reckoned also, when one State has a commission from the Emperor to fettle the affairs of another, who is involved in debt, by which that part of the government is committed to his care, which immediately concerns the public revenues and expenditure. These commissions and guardianships may be entrusted to persons who are not reigning Sovereigns, as in the instance of Prince Joseph of Saxe-Hildburghausen, who had the commission for fettling the affairs of that country; and as Prince Xavier of Saxony, by being the guardian of the present Elector, during his minority, was Administrator of that Electorate. the fame manner, likewife, the government of a country may be entrusted to the widow of a Prince, as the guardian of her fons, instances of which have lately occurred in Weimar and Meinungen; or

<sup>(</sup>a) PUTTER's Manual of the History of the Germanic Empire, p. 1219.

BOOK XIV. to younger branches of the House, and sometimes to females, who are entitled also to succeed, when they happen to be the surviving heirestes of Houses in which the male line is totally extinct, as in the illustrious instance of the reign of forty years of Maria Theressia in the hereditary dominions of the House of Austria.

As it is evident from the preceding instances how frequently, and by what a variety of means, a State of the Germanic Empire may be the Sovereign of more than one territory at once; fo likewise on the contrary the instances are by no means rare of one territory having feveral Sovereigns. This may either happen by feveral persons having joint possession of the government of a whole country, which confifts of various Seignories; as two brothers, but a short time fince, had a joint share in the government of Saxe-Meinungen; five brothers of Solms Braunfels; and a number of the heirs to the allodial territories of the House of Limburg, Princes as well as Counts had the government of those places in common: or it may happen that two or more branches of a House, who have divided their territories among them, may referve the community of certain parts of them; as the Ducal Houses of Saxony have a joint share in the University, and Aulic Court of Judicature at Jena; and the Houses of Hanover and Brunswick-Wolfenbuttel, jointly possess a part of the Hartz forest; or it may even happen, that some Scates who have otherwise no connection with each other, may have certain places, or districts of land in common; CHAP. as the Elector of Mentz, the Elector of Saxony, and the Houses of Hesse have joint possession of the bailiwick of Trefurt; the Elector of Brandenburg, and the Count of Lippe Detmold, of the city of Lippstadt; the Flector of Treves, and the Prince of Nassau-Orange, of the city of Camberg; not to mention the Ganerbehaften, as they are called, or co-heritages, to which several families may be entitled, either from the circumstance of a conquest having been jointly obtained in former times, or from a fort of foundation for noble families for several generations, as the Ganerbeachaft Gelnhausen, and Staden were, and the foundation of this kind which still exists in the castle of Friedberg in Wetteravia (a).

There

(a) The Burg or Castle of Friedberg takes its name from an Imperial city in Wetteravia, and confifts of an unlimited number of noble BURGMANNER or Castellains of both religions. The Provincial commander of the Teutonic Order at Marburg is the first, and the Commander at Frankfort on the Mayn the fecond. Besides these, any one who is descended from a Castellain only on his mother's fide, and can prove his noble descent, can claim his admission on the foundation. Twelve of these - Castellains of both religions, called REGIMENTSBURGMAN-NER, or governing Castellains, are elected, from whom two BAUMEISTER or Architects are appointed every three years, and the Burggraf or Count of the Castle is elected for life, and confirmed by the Emperor. The revenues of the Callle are valued at twenty-thousand florins, of which the Burggraf has fixthousand, besides the rights of the chace, and other privileges. In the year 1769, this foundation was honoured with an Order by the Emperor, the infignia of which hang on a blue ribbon with a

POOK XIV. There are other instances of several branches of the House of a State of the Empire entering into an agreement sometimes respecting an alternative government, or Mutschierung, as it is called; by virtue of which, several persons successively enjoy the government for one year, six years, or any other determined period. In this manner two branches of the House of the Counts of Leiningen-Grünstadt are alternately in possession of the government for one year. The government likewise of the Bishoprick of Osnabruck is another kind of alternative, as it was established by the Peace of Westphalia (b).

A very fingular kind of government is occasioned by the relation in which certain younger sons of Princes or Counts stand to the elder reigning branch of the House with respect to the territories allotted for their residence and maintenance; as the line of Hesse-Rothenburg to Hesse-Cassel, Homburg on the Hohe to Hesse-Darmstadt, Alhalt-Hoym to Anhalt-Bernburg, Isenburg-Philippseich to Isenburg-Birstein, the Counts of Waldeck to the Prince of Waldeck, &c. In all these instances, by virtue of the right of primogeniture, there is only one reigning Sovereign, whose supremacy extends itself over those territories likewise, which are in the possession of the younger

black border, and have the mottos, Virtutis ævitæ æmuli, and imperatoris auspiciis lege imperii. The Burg or castle itself is reckoned among the immediate members of the Empire.

<sup>(</sup>b) See Vol. II. p. 65.

branches; and yet notwithstanding this, the younger fon is the real Lord of his own territories, except in some particular rights of supremacy, which are reserved for the elder reigning Sovereign. In all other respects he exercises a dominion without restriction, and remains in his own person, as well as with respect to his family, an immediate member of the Empire, although he may take no part perhaps in the seat and voice either in the general Diet or the Diets of the Circles. This is a singular kind of a dependent form of government, which is generally settled by particular Treaties of the different Houses; and is the occasion of frequent misunderstandings (a).

If a possibility can be conceived, moreover, of several States entering into a perpetual union, and appointing certain representatives to undertake the care of their joint concerns; the Free Imperial Nobility or Knighthood of the Empire may afford an instance of it; for although each individual Knight may be considered as the Sovereign of his small territory, yet their general concerns are entrusted to the Captain, as he is called, and the Counfellors of each Circle, and the concerns of several Cantons are under the direction again of one of the three Circles into which they are all divided. To this may in some measure be compared the con-

<sup>(</sup>a) An instance of a dispute of this kind between Isinburg-Birstein and Philippseich occurs in Putter's Cases of Law, Vol. II. part II. p. 488—509.

BOOK stitution of the four Colleges of the Counts of the Empire, and the two benches of Prelates; and another particular form of government of this kind appears in the constitutional Diets of the Circles which occasionally meet, particularly in Swabia. Franconia, and the Upper Rhine.

> In the latter case it is frequently a disputed point, how far the Decree of a Circle can be a law to the individual members of it, or the Collegiate De. cree of the Counts or Prelates, to individuals of their order; or, lastly, the Decree of a Canton or Circle of Free Nobility, to individual Knights in their respective territories; nearly in the same manner as disputes may arise between the States General and fingle Provinces in the united Netherlands. The making of Chaufées\*, or public roads, for instance, has occasioned the question to arise, Whether they shall be left to every proprietor in his own territory, or the necessary regulations be made by a general Collegiate Decree? Another question likewise has arisen. Whether the rights of confiscation are to be allowed to a whole Canton or Circle of Free No. bility, &c. ?

> But disputes have even frequently arisen concerning their immediacy and feeedom in general, which in some respects still continue; as the proprietor of a noble estate often pretends to be

> \* The best public roads in Germany, where the soil is not sufficiently hard, are paved for many miles. In the Hanoverian dominions his Majetly has expended many thousands in this among other works of public benefit. The road from Hanover to Heffe-Cassel, a distance of 80 English miles, is a causey which would have done honour to the ancient Romans,

an immediate member of the Empire, when he is CHAP. claimed by some State as his subject; or else a City, a County, a Principality, a Prelacy, a Commanderv, and fometimes even a Village, pretends to be immediate, and a neighbouring State afferts his right to it as a part of his dominions. Several cities and territories have formerly been in the actual possession of their immediacy, or at least of almost an equal degree of liberty and independence; but have had the misfortune to be under the necessity of submitting to the territorial fovereignty of fome other State. This has been the fate of the cities of Mentz. Treves, Munster, Paderborn, Donawerth, and Erfurs and even with whole territories; as the Seigniory of Asch, whose proprietors, the Barons of Zedtwitz, were formerly in possession of their immediacy, but have been obliged for some years past to acknowledge the fupremacy of Bohemia (a).

This conversion of an immediate member of the Empire into a mediate one, is called in the language of the laws of Germany an Exemplon. It is said, for instance, that the House of Bavaria exempted the city of Donawerth, or dissolved its immediate connection with the Empire; and either cum vel sine onere, that is, whether the State becomes answerable for the contributions formerly paid by the exempted district, or not. It is natural to suppose, that a transaction of this kind cannot legally take place merely by arbitrary power; and the question

<sup>(</sup>a) See p. 230, Putter's Cafes of Law, Vol. II. part IV. p. 829-964.

BOOK is frequently disputed on both sides, either with he Fiscal of the Empire, or with the Circle, whether fuch an exemption be well grounded, or, which is the fame thing, whether the place has any legal claim to immediacy; as in the instance of the city of Treves in the year 1580, when its immediacy was difallowed by a Decree of the Emperor, with the concurrence of the Electors (a).

> Some of these disputes respecting exemptions have been adjusted by Treaty; fometimes by allowing the immediacy in the fullest manner; as the King of Denmark acknowledged Hamburg, in the year 1768. to be a perfectly free Imperial City, on account of the Dutchy of Holstein (b); and the Abbot of Nerefheim was acknowledged by the House of Oettingen-Wallerstein, in 1763, as an immediate Prelate of the Empire. On fome occasions, Treaties of this kind have produced a certain restriction of freedom, or different degrees of fubjection. Thus the Princes of Schwarzburg and the Counts of Stollberg, who although they are Princes and Counts of the Empire, yet the former are in some respects subject to the different Houses of Saxony, and the latter to the Houses of Saxony, Brandenburg, and Brunfwick, particularly with respect to appeals and the supreme legislative power. On the other fide, although the Prelacy of Ebrach in Franconia acknowledges the

<sup>(</sup>a) See Vol. II. p. 118.

<sup>(</sup>b) Buscu's Affairs of the World in modern Times, 2d edit. 1783, P. 371.

territorial supremacy of the Bishop of Wurtzburg, CHAP. yet it is only in certain cases, which are particularly expressed, beyond which the exercise of the territorial fupremacy is not admitted (a). The Princes of Hohenlohe, as proprietors of the Seigniory of Gleichen, are subject to the territorial supremacy of the Duke of Gotha; notwithstanding which, they enjoy certain privileges, fuch as their own chancery, a particular confiftory, &c. which the other Vaffals, and Provincial States of Gotha, are not allowed. The city of Hildesheim is under the supremacy of the Bishop of that Diocese, and yet it is exempted from almost all his territorial rights. The city of Essen likewise became subject to the supremacy of the Abbess of the foundation there, by virtue of a Decree of the Imperial Chamber in 1670, and yet it is not obliged to do homage, is exempt from the payment of taxes, and has its own criminal jurisdiction; although when a capital convict is condemned, the fentence must be enforced by the executioner in the service of the Princess with a particular sword \*, which is usually hung up naked in the Senate-House. That city likewise has still the right of appeal to the fupreme Tribunals of the Empire. In ecclefiaftical countries the members of the Chapters, except during a vacancy of the See, are mediate; yet they

<sup>(</sup>a) PUTTER's Cases of Law, Vol. I. Part II. pp. 317. 347.

<sup>\*</sup> The usual punishment in Germany for capital offences is beheading with a broad fword. The criminal is obliged to kneel, and the executioner feldom fails to perform his office with a fingle blow.

BOOK are often in possession of whole territories, with such privileges that the exercise of the territorial power of the government can scarcely be observed (a).

> Confidering all these circumstances, and the great variety produced by them in the different States and territories of Germany, it is natural to imagine from the freedom they enjoy, that they have not all are rived to an equal degree of perfection. We may in this respect observe such a prodigious difference. that perhaps a greater variety of fortunate and less fortunate States cannot be conceived than may be met with in the Germanic Empire. There are certainly inflances of States having subjects to govern, who answer the defign of their situation by making the welfare of their countries the grand object of their wishes and most zealous labours: and how happy is the lot of those countries, whose rulers are fortunate in the choice of their Counsellors and Ministers; and when the Sovereign, and those who are in office under him, discover an equal zeal in the due administration of justice, in the appointment of able men to fulfil the duties of the church, and

<sup>(</sup>a) Thus the Chapter of Mentz are the proprietors of the city of Bingen and feveral villages, the market-towns of Hocheim and Flörsheim, and the villages of Mombach and Astheim, and there are feveral villages belonging to the Deanery. The Chapter of Hildesheim possesses the bailiwick of Steinbruck and Wiedeloh; and a part of the city of Hildesheim called the NEUSTADT does homage to the Dean as its fuperior Lord.

schools; in the improvement and preservation of the CHAP. public roads, in paying due attention to the state of coinage, and the regulations of the police; in promoting the means of subfishence of the subjects; encouraging and rewarding merit; and in every other duty which may be confidered as the object of a good government. It cannot be supposed but that obstacles which cannot be eafily removed, should sometimes prevent the execution of the laudable defigns of the best Sovereigns. The foil of the different countries may not be equally fertile; they may not be favoured with the same advantages by nature and situation; errors may be deeply rooted in the constitution, and particularly with respect to an unequal division of the taxes; heavy debts may have been left by the predeceffors in the government, or have been occasioned by a war; or elfe fome other circumstances may have had their influence, and have been productive of a greater or less degree of prosperity. But some confolation may always be derived from the idea that we cannot expect to meet with any thing in this world entirely without defect.

The condition of those countries is much more lamentable, where the evil depends solely on the disposition of the Sovereigns. When they imagine that the territories over which they govern are merely for their use, and that as territorial Lords they have a right to tyrannize over and dispose of their subjects, as much as the proprietor of a private estate is entitled to act with his property, and with

VOL. III.

BOOK the flaves attached to the foil, at pleafure; -when they only confult the gratification of their personal inclinations and paffions, without confidering whether their fubjects are fufferers or not; -when they are defirous of having persons about them, who contribute only to their pleafures; -when they remain wilfully ignorant of their duty to confult the welfare of their country. or at most only assume the appearance of doing it; when instead of this, they devote their time to the chase, indulge a rage for military discipline, or make any other favourite pursuit their principal concern ;when the Sovereigns do not regulate their expences according to their revenues, but confider the relation in which they stand to their territories only as they are enabled to extort greater fums of money from their fubjects: when this is the case, it certainly cannot be a matter of furprize that there are some countries, in which the fubjects are oppressed with an enormous weight of taxes, and compelled to perform almost intolerable fervices; -where nothing can be obtained either from the Sovereigns or their Ministers without money ;-in fhort, where everything is venal :- that as even offices and privileges must be purchased in such countries, it feldom happens that proper persons procure them; -that the appointment of proper clergy to the churches, the prosperity of the schools, making and maintaining good roads, and promoting the means of subfistence of the subjects are scarcely thought of; and that the administration of justice, and the regulations of the state of coinage and police are in the greatest disorder. Thefe

These observations are applicable even to every individual member of the Free Imperial Nobility, as it is in the power of each of them to render the small territory of which he is proprietor either happy or miserable. The members of this body have so far a great advantage over the nobility whose estates are situated in other territories, that they need not be under any apprehension when they abuse their rights of a superior territorial power; but the happiness of their subjects chiefly depends upon their own dispositions, and sometimes even upon the persons employed in office under them; although the general constitution of the Free Nobility, and their division into Cantons and Circles, may certainly occasionally have their influence.

Laftly, among the Imperial cities there appears also such a variety of instances of governments, which are more or less happy than others; that although we may meet with one perhaps in a flourishing condition, where the magistrates and citizens live together in harmony; in another, nothing is to be observed but poverty and decay, missunderstandings and complaints;—in one, population increases; in another, a number of houses remain unoccupied, and the ground lies desolate and waste;—in one city a spirit of industry prevails, and an increase of trade and commerce; in another, indolence, or else the inhabitants like villagers follow only the business of agriculture, or attend to the breed of cattle.

BOOK XIV. • Upon the whole, however, we must do the constitution of the Germanic Empire the justice to confess that it is not the most imperfect, but in comparison with other countries, has certain advantages in its favour; at least it is not to be attributed to the constitution that the different parts of Germany do not enjoy an equal degree of prosperity. Where there are defects and obstacles remaining, let us hope that the same Providence, which hath hitherto evidently watched over the country, will continue to protect it; and why should we not entertain the most chearful prospects, when such sublime examples of activity, justice, and philanthropy promise to adorn the approaching age, as Joseph, George, and Frederick William?

A

## VIEW

OFTHE

# PRESENT STATE

OF THE

POPULATION, REVENUES, MILITARY ESTABLISHMENTS, &c.

OF THE

# PRINCIPAL TERRITORIES

IN THE

## GERMANIC EMPIRE.

FROM

The STATISTICAL TABLES, lately published at Berlin, and other Authorities.

Vol. III.

	Sandy Talk			N. C.
Principal Divisions.	Square Miles	Population.	Rate per Mile.	
GERMANY	12,000 Germ.	26,000,000	2166	
From 20° 5′ to 36° 40′ W. Long. 45° 12′ to 55° N. Lat.	Middle Cal- culation.	Most probable and usual Calculation.  According to Crome (1785) 27,401,579 Busching 25,000,000 Gatterer 24,000,000	135	In a war of the Em-
CIRCLES,	1790,	Gattere, 243003000		pire the fum contri- buted by the Circles, amounts to 1 million of Dollars, or 1½ mil- lion Florins, in the following proportion, as fixed in 1708.
y. Austria	Ger. Miles	4,182,000	1949	306,369Fl. 20Cr.
2. Burgundy	469	1,880,000	4008	156,360 - 15.
4. Bavaria	1020	1,600,000	1570	91,261 — 5-
4. Franconia	(Busching.)	1,000,000	2066	113,481 - 25-
5. Swabia	729	1,800,000	2469	156,360 - 15-
6. Lower Rhine	458	1,100,000	2401	105,654 - 5-
7. Upper Rhine	500	1,000,000	2000	101,411 — 30 —
8. Westphalia	1250 (Busching.)	2,300,000	1840	156,360 — 15-
9. Lower Saxony	1280 (Crome.)	2,100,000	1640	156,360 — 15 —
to. Upper Saxony	2000 (Mid. Cal.)	3,700,000	1850	156,360 — 15-
11. Bohemia	961 (See the fol. Tab.)	2,265,000	2358	1,500,000 Florins,
12. Moravia	396	1,137,000	2871_	
13. Silefia, Pruffia, and Auftria	720	1,800,000	2500	
14. Lusatia	180	400,000	2222	
	12,592	26,265,000	2085	
N. B. In Germany to miles to a degree, for man mile is somewhat renglish; but in many computed miles are at ic	that a Ger- nore than 4 parts the	Free States of the Empire, nearly 300 Cities, more than 2300 Among which the number of Free Imperial Cities is 61 Market Towns, about 3000 Villages, more than 82,000		

### Germanic Empire.

	Data to afcertain the probable Sta	ate of Boulaini G	-
1	Data to accream the probable Sta		ermany.
Page.	Names of the Countries.	According to the fol- lowing Tables.	According to Busching, 1784.
	Dominions of the House of Austria.		***
P. 4 - 5 - 6	Archdutchy, or Lower Auftria Inner Auftria Upper Auftria Anterior Auftria	1,685,000 1,585,000 625,000 287,000	
	Whole Circle of Austria	4,182,000	4,150,000
- 7 - 7 - 7	Bohemia Moravia Part of Silefia	2,266,000 1,137,000 200,000	2,100,000 1,000,000 200,000
		3,603,000	3,300,000
_ 8	Circle of Burgundy	1,880,000	1,600,000
		9,665,000	9,050,000
	House of Brandeneurg.		
16	The Mark Brandenburg	1,057,000	1,007,232 without the army (1782)
- 15 - 17 - 18 - 18	Pomerania	465,000 280,000 132,000 590,000	462,970 271,461 130,761 550,699
<del>-</del> 20	Silefia	2,524,000	2,423,123
		4,106,000	
	House of Palatine-Bavaria.		
- 22 - 24 - 24	Bavarian Territories Lower Palatinate Juliers and Berg	1,300,000 400,000 About 400,000	1,148,438 (1771) 298,700 (1779) 260,000
*		2,100,000	1,707,138
	Electoral House of Saxony.		
- 26 - 29	Upper Saxony, and Franconia Lufatia	1,470,000	1,326,000 (1775)
		1,870,000	1,706,000 (1756)
- 30	- Brunfwick-Luneburg	850,000	750,000

Aaa2

	Data to afcertain the probable S	tate of Population in	Germany.
Page.	Names of the Countries.	According to the fol- lowing Tables.	According to Busching.
P. 34	Electorate of Mentz	320,000	314,000
- 36,	Treves	-	
- 38	Cologne and Bishoprick of Munster	550,000	Munster - 130,000
- 48	Deux-Ponts		
- 40	Weimar, without Eisenach	65,000	
- 40	Gotha and Altenburg	156,000	Gotha alone - 77,898
- 42	Saalfeld, with part of Coburg	25,000	(1780).
- 42	Meinungen ——— Coburg	13,000	
- 44	Bayreuth, without Anspach	155,000	
- 44	Brunfwick-Wolfenbuttel - '-	185,000	166,340 (1775), without the army.
<del>- 46</del>	Mecklenburg	300,000	220,000
- 66	Holftein	310,000	300,000
- 66	Swedish Pomerania + -	100,550	100,550 (1781).
- 48	Würtenberg	585,000	565,890 (1782).
	Montbelliard	50,000	
<del>-</del> 50	Hesse-Cassel and Hanau	450,000	7
- 50	Heffe-Darmstadt	300,000	\$ 700,000
<del>-</del> 52	Baden	200,000	
- 52	Oldenburg	85,000	79,000 (1769)
- 54	Anhalt	100,000	
<b>—</b> 56	Nassau-Diez-Dillenburg, &c	130,000	74,000
- 56	Naffau-Saabruck-Ufingen	35,000	
- 56	Schwarzburg	100,000	100,000
- 56	Pyrmont	4351	
- 58	Lippe	64,500	
- 58	Reuss-Lobenstein	12,840	
- 58	Wernigerode	12,500	
			1

2	Data to afcertain the probable S	tate of Population in	Germany.
Page.	Names of the Countries.	According to the fol- lowing Tables.	According to Busching.
P. 60	Salzburg	250,000	250,000
- 60	Bamberg	180,000	7
- 60	Wurtzburg	200,000	400,000
- 64	Ofnabruck -	120,000	116,667 (1772)
- 64	Liege	200,000	
- 64	Fulda	80,000	70,000
			epinole
	IMPERIAL CITIES.	1 70	
- 67	Aughburg	32,500	
- 67	Ulm	15,000	
- 67	Hall, in Swabia	6000	
- 67	Reutlingen -	8000	
- 67	Heilbron	8000	
- 67	Memmingen	7000	
- 67	Kempten	3650	
- 68	Kaufbeuern	5400	
- 68	Ravensburg	3500	
<b>—</b> 68	Biberach	6000	
68	Weil	1500	The state of the s
- 68	Ratisbon	35,000	
- 68	Worms	6500	19
- 68	Spire	7000	1.7.2
- 68	Frankfort on the Main -	36,000	
, - 69	Wetzlar	8000	
- 69	Nurenberg, and territory	50,000	70,000
- 69	Rothenburg	8000	
- 69	Windsheim	4,500	
			1

Data to afcertain the probable State of Population in Germany.							
Page.	Names of the Cities.		According to the fol- lowing Tables.	*			
P. 69	Cologne	-	40,000	7			
- 70	Aix la Chapelle	-	25,000				
- 70	Dortmund		4000				
- 70	Mühlhausen, and territory -		13,000	13,000			
- 70	Nordhaufen	-	9000				
- 70	Goffar	-	8500				
- 70	Bremen -		40,000				
- 7I	Lübeck	-	30,000				
- 7x	Hamburg -	-	100,000	100,000			

# DOMINIONS

OF THE

HOUSE OF AUSTRIA.

100 100	15 15		
Principal Divisions.	Square Miles.	Population.	Rate per Mile.
AUSTRIAN TERRITORIES.  1. Hereditary Dominions in	11,281 Germ. 180,000 Eng.	About 20,000,000, Reckoning the increase of population since the following calculation.	1772
Germany.  Circle of Austria - Kingdom of Bohemia - Margraviate of Moravia - Part of Silesia - Austrian Netherlands -	2145 961 396 81 469	4,182,000 2,266,000 1,137,000 200,000 1,880,000	1949 2358 2871 2469 4008
	4052	9,665,000	2385
2. Dominions out of Germany.  Lombardy Hungary Illyricum Tranfylvania Buckowina Gallicia, and Lodomiria -	192 3721 808 1050 178 1280	1,324,000 3,170,000 620,000 1,250,000 1,30,000 2,\$00,000	6895 852 769 1189 730 2187
Austria is well cultivated; produces corn, oil, wine, cotton, fruits, abundance of falt, and various minerals.	7229	9,294,000	1285
Bohemia is not fo highly cul- tivated; but produces many mi- nerals, abundance of flax and hemp, and various mineral wa- ters.	10,320	Variations.  Busching - 18,000,000 Felbiger and Hermann - 18,850,000 Crome, 1785, Tab. XII. 21,000,000 without the new acquisitions in Hungary.	1744 1806 2057
Silefia furnishes excellent flax, and exports great quantities of linen.	11,800	According to the modern Politicians of Austria, who include Tuscany, more than 22,000,000	1865
The Netherlands raise abundance of corn, madder, and flax; and are samous for their fisheries, and thread-lace.  The foil of Lombardy is excellent, and richly cultivated. The		Convents in the Auftrian Dominions before the Reduction.  Monafteries - 1443 Nunneries - 603 - 2046 Since the laft reduction - 1143 Reckoning 24 perfons to each, the number of Monks and	
products are chiefly filk, corn, and linen.  Hungary produces wines, to-bacco, hemp, barilla, cotton, and has rich filver mines.		Nuns amounts to (Schlözer.)  According to later accounts of De Luca, the number of Convents suppressed in Austria, Lombardy, the Netherlands, and Transylvania, from May 1782, to October 1784, did not exceed 204,	
		which contained 5276 perfons.  Jews, upwards of / 223,000  Protestants in the German hereditary dominions - 80,000	

#### Finances.

#### ANNUAL REVENUE.

According to Büsching, the hereditary dominions produced in 1770, 90,398,000 Imperial florins.

To this must be added the acquisitions from Gallicia, Lodomiria, Buckowina, &c. so that the present amount, according to this calculation, is at least 115 million Fl. or about 12,000,000l. sterling.

The revenue in general exceeds the expenditure 18,000,000 livres.

Schlettrvein, Ephem. April, 1784.

Schlözer makes the annual revenue, including the late acquifitions, amount to  $84\frac{1}{8}$  millions of florins; Baron Rifbeck, R. I. Let. 35. to 8z millions.

Many politicians doubt the accuracy of the account given by Busching.

#### Revenues of the different Countries.

		Schlözer.	Bufching.
Lower Auftria	-	13,050,000 -	17,980,938
Upper Austria	-	2,510,000 -	5,023,338
Stiria -	-	3,250,000 -	5,889,221
Carinthia	-	1,250,000 -	2,386,884
Carniola -	-	1,650,000 -	2,089,952
Friaul -	u 1 -	700,000 -	357,368
Tyrol -	-	3,600,000 -	3,658,712
Anterior Auffr	ia	700,000 -	2,876,177
Inn-Viertel	-	500,000 -	-
Bohemia	4	11,850,000 -	15,736,069
Moravia	-	4,000,000 -	5,793,120
Silefia -	-	600,000 -	557,209
Netherlands	-	6,000,000 -	3,184,135
Lombardy	-	3,000,000 -	2,909,171
Hungary		16,000,000 -	18,004,153
Tranfylvania	-	2,309,000 -	3,909,171
Illyricum	-	1,000,000 -	1
Buckowina	-	300,000 -	
Gallicia & Lode	miri	a 12,000,000 -	

Public Debt.
160,000,000 florins .- Rifbeck's Trav.

According to others, 200 millions; and fince the commencement of the prefent war, the debt has accumulated prodigiously.

#### Military Establishment.

276,000 Men. (1783.) viz. 205,550 Infantry. 48,393 Cavalry. 8,958 Artillery. 12,749 Pontoniers, Miners, &c. Hillor. Portef. B. XI. P. 100.

Near 300,000. (1783.)

Millit. Bibl. 2. St.

viz.

170,000 Inf.
50,000 Caval.
60,000 Troops in Garrifon, and on the Frontiers.

364.000. (1784.) viz. 301,991 Inf.; 50,905 Caval. 8,200 Artil. 1,274 Gar. Artil. 1,085 Miners, &c. 2,000 Referved Troops, &c.

Hift. Portef.

The last account appears to be exaggerated.

Division of the Regiments fince 1784.

Total 126

1 N17				
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.
I. *				
THEARCHDUTCHY,	14			
or Lower Aus-	German			
TRIA, contains	63%	1,685,000	2645	
	(Herm.)	(Felbiger and Hermann.)		
I. The country on		Middle Calculation.	Principal Cities.	
this fide the river	407	Cities 36	1 rincipus Girics	
Ens	16119	Market Towns - 256	Vienna	5392 206,000
		Villages and fingle places 4305	Vienna 48° 12′ 32″ N. L.	(Nicolai, and Politi-
		Provincial Courts 242		cal fournal, 1783.)
		Caftles, and Seats of the		(0.)
	51 - 34	Nobility 606 Parishes 665		(1784) 5378 254,230
	55.7	Local Chaplaincies - 147		(including the mi-
				litary and strangers.
	Tambi all	Convents before the	TT. NT. C. 1.	-De Luca.)
	1		Vienna Neustadt	500 5,000
	140	in 1782 - 111		
		of 38 Convents in Vi-		
1.7		enna, there remained 26	Crems	
		(De Luca.)		
		Protestants at Vienna	TT 1 0 - NT - 1	-0
2. The country be-	*		Klofter Neuburg Baden	385
yond the Ens, or		Deaths annually 1 in 20. (Nicolai's Travels.)	Daden	
Upper Austria	230			
	PERM	Cities 14	Linz	15,200
			480 49'	(1783) Nicolai.
		Houses 64,412		(-/-3/
		Parishes and Benefices 297		
	100	Hospitals and Orphan-	TTT 1	
	PANE.		Wels	
	-	Convents (1783) - 40 Clergy 2000	17 no	
		Clergy 2000 Among whom are 1400	5113	
		Monks		
			Steyr	365 1708
		Protestants born		
eet1 11 1		(1783) 279		
The country called the Inn-Viertel, or		Communicants 12,908 (Waldau.)		
the part taken		(Prataau.)		The second second
from Bayaria	38	116,000	3028	No.
			Braunau.	
	1	Market Towns - 7		
	Te line	Caftles 68		
	10.158		Ried	
	1280	Parishes - 36		
		Cloifter Diftricts - 12		
		Capuchin Convents 3		
-	1	Clergy 333		
ALCO AND	T. T.	Peafants 7672 Houses 20,022		1
	1	(De Luca.)		The state of the s
	1	Jews in Lower Austria 570	A STATE	3 1
		3/9		

		1	Jan 19		
Countries.	Square Miles.	Population.		Rate per Mile.	Cities. Houses. Inhabit.
II.			ayerd of		
INNER AUSTRIA.	951	1,585,000 Births in 1784	52,961	1732	• # 1
1. Dutchy of Stiria	441	760,000		1723	
		Cities Market Towns -	20 97	Principal Cities	
	1	Villages, &c -		A THE PARTY OF THE	
		Settlements in general Churches and Chapels		47° 4′ 18″	2,150 35,000 (Kindermann.)
	No. of	Noblemen's Estates -	290		(12macrimanis)
	1	Ecclefiaffical Effates Convents before the	300	Judenburg	
		reduction	60	Eifenerz	
		Places of Pilgrimage	30		
		Clergy	2,000		
		Local Chaplaincies	156		
		Parochial Chaplain-			
		(Kindermann, 178	98		
		(11.11.11.11.11.11.11.11.11.11.11.11.11.	0.)		
2. Carinthia	190	290,000		1526	
	1	Cities (1777) Market Towns		Clagenfurth	7,000
			28,000	Villach	
		Houses	49,000		
	1	Convents	1,010	S. Veit	
	1	Nobles		Gurk	
		Burghers and Trades-		9	
	1000	men Peafants	4,753		
	13700	Herds of Oxen -	45,38		
N 1	1	(Schlözer.)		2	
		Protestants (1784)	17,000		
	1	with Upper Stiria	334		
		(Waldau.)			
3. Carniola	214	400,000		1869	
		Cities	2	Laybach	755 9,500
		Market Towns - Caftles	200		
		Villages, and other	200		1
	The same	Settlements -	4,000		
	1	Convents	134		The state of the s
	1	Honfes inhabited -	66,200		A CONTRACTOR
	-	Houses uninhabited	6,27		A STATE OF THE STA
ALC: NO STATE OF THE PARTY OF T	-	Families (1778) - Clergy	75,781		
Carle Contract Contra	1	Nobles	40		THE REST
1	139	Burghers and Trades-			To the second
	1	men Peafants	48,60		A CONTRACTOR OF THE PARTY OF TH
	1.00	(Schlözer compared			The state of the
	1.00	mann.)			LE SECTION

TYROL, ANTERIOR AUSTRIA	AUSTRIA.
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				The second secon
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.
4. Austrian Friaul	60	115,000	1917	
T. T. T. C. C.		(Hermann, p 49.)	Principal Cities.	
		Jews 400	Görz Gradifka	9,000
Company of the second			Idria	300 1,900
5. Territories of Trief	9	21,000	2333	
		(Ibid.)	Capital included.	
			45° 40′ 15″	14,000
			Fiume	6,000
			Aquileja	2,815
III. Upper Austria.	481	625,000	1299	
Princely County of	-	560,000	1314	
with the Seignio-	426	(De Luca St. Anz. 8.)	*3.4	
ries before the	55	65,000	1181	
8	23	(Polit. Journal, 1782, No. 5.) Cities - 17		
		Market Towns - 11		
	*	Villages 894 Seigniories 142	Infpruck	574 8,205 (without the Gar-
		Caltles 355	(T-I)	rifon.)
		Churches 1240 Parishes 207		4,165
		(Busebing.) Convents 91	Bolzen	7,000
		reduced (1782) 10	Roveredo	6,000
		Jews in Tyrol and An-	Bregenz	300
	,	terior Austria - 1530	Trient	0
			Brixen	8,000 3,800
IV.	10		STACE OF THE STATE	3,000
ANTERIOR AUSTRIA	112	287,000	2562	
Without the Seig- niories before the			866 3 183	
Arlberg.			0	
The Breifgau Austrian Territories in	54	150,000	2778	
Swabia Hohenembs	46	3,700	2543 1057	
Falkenstein	3½ 2½	4,000	1600	
Langenargen and Tet-	6	12,800	2133	
A CONTRACTOR OF THE PARTY OF TH	1. 3	A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		6.400
		Prelacies 8	Freyburg	6,400
100,000		Abbies for Ladies - 6 Monafteries - 59		
1		Numeries - 47	2 0	2
	17/4	reduced in 1782 23	Constance	800 6,600

I. Austria.
Bohemia, Moravia, Sii

BOHEMIA, MORAVIA, SILESIA.						
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.		
V. Kingdom of Bohemia	961	2,266,000	2,358			
		Market Fowns - 303	Principal Cities. Prague, 50° 5' Königfgrätz Eger Leutmeritz Töplitz Elnbogen Carlfbad	3674 80,000 2,000 241 381		
		duced - 61 1105 perfons, Remained in 1785 - 60 Preachers of the Swifs Confeffion - 31 Adherents to that Perfuafion - 25,110 Lutheran Preachers & Churches - 11 Adherents to that Perfuafion (1784) - 9,050 (Schaller, Hift. Portef. 1785.)	Joachimsthal Schlackenwald Asch	617 — 456 — 420 —		
VI. Margraviate of Mo	396	I,137,000 (Hermann, p. 227.)	2,871	Con a		
		Market Towns -   99		11,000		
	C	Nunneries, 9fuppreffed - 7 ed - 7 Parochial and Mona- ftic Clergy - 3,653 (1782, De Luca.)		819 6,000		
VII. Auftrian SILESIA.	81	Jews 24,000  200,000  Middle Calculation, according to Hermann, 247,000 Cities - 24  Places in general - 500	2,469 Troppau	8,000		
		(Busching.)	Tefchen	233		

### NETHERLANDS.

	3 14	IVETHERLANDS.	1	
Countries.	Square Miles.	Population.	Rate per Mile.	Houses. Inhabit.
VIII. AUSTRIAN NE- THERLANDS -	469 Herm.	1,880,000 (Middle Calculation) Accords to Hermann 2,000,000 Later Calculation 1,900,000 Bufelings or Felbiger 1,600,000		
1. Part of the Dutchy of Brabant, with Antwerp & Mechlin	116	Convents in 1783 365		
Antworpervicement		Walled Cities 19 Many more Market Towns		80,000 40,000 40,000 20,000
2. Part of the County of Flanders	115	County 62	4,956 Ghent Bruges Tournay	40,000 —————————————————————————————————
3. Part of the County		Seigniories 250 (Busching)	Oftend	12,000
of Hainalt		200,000 Cities in the whole County - 24 Villages - 600 Auftrian Monafteries - 16 Chapters - 12 (Bufching)	4,762 Mons	1,500 10,000
4. Part of the County of Namur	20	94,000 Cities in the whole County - 5 Villages - 158	4,700 Namur	
5. Part of the Dutchy of Luxemburg -	158	380,000  Cities in the whole  Dutchy - 24  Villages - 1,170  (Busching)	2,405 Luxemburg	8,000
6. Part of the Dutchy of Limburg	10		4,800 Limburg Eupen	9,000
7. Part of the Dutchy of Guelderland -	8	28,000 With the above, compare Crome's		8,000
		Statistic Geographical De- feription of the Austrian Ne-		

LOMBARD	Y, F	LUNGARY.	, ILL	YRICUM.
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	LOMB	ARDY, HUNGARY	, ILI	YRICUM.	
Countries.	Square	Population.		-	Cities.
Countries.	Miles.	Population.		Rate per Mile.	Houses. Inhabit.
IX.					
LOMBARDY	Busch.	1,324,160 Monasteries (1780) -	3	6,896	
	fays	Nunneries (1780) -	270		10000
	210	The state of the s	197		
1. Dutchy of Milan	152	1,116,850		7,347	
		1,116,850 (De Luca, 1774) Births (1774)		Principal Cities.	The same of the sa
	J. Carrie	Births (1774) 2 Deaths 2 Clergy 2	14,986	Milan, 45° 28' 10"	132,360
	Ba-Sa	Clergy	10,134	Cremona	27,600
		Monasteries reduced in	,.,.	Lodi	25,300
	193	Monasteries reduced in 1770 and 1780	66	Corno	13,620
		Nunneries (1783) -	45	Cafal. Maggiore	4,830
2. Dutchy of Mantua	40	207,300		5,182	
	100	(De Luca, 1770)			
	1	Births Deaths	9,707	Mantua	City - 23,570
	1	Parochial Clergy (1780)	9,692		Suburbs 8,475
		Monks	786		(1779)
	2	Nuns	786		
		Ecclesiastics in general	3,287	TOUR THE REAL PROPERTY.	
X.	17/5	Jews	2,660		
Kingdom of Hun-	2.721	3,170,000		852	
Between44&50°N L.	3,1-1	Cities (in A2 miles		Ofen	-(1780) 21,000
		only one) Market Towns -	65	Prefburg	27,000
	1000	Market Towns -	376	Therefienstadt	15,000
	1 3 3	v mages	8,550	Oedenburg	11,000
	1000	Not united	1,991	Pefth Zambor	13,500
	1	Reformed or Calvi-	-,-,-	Debreczin	25,000
		niftical	1,01	Schemnitz	- 8,000
	100	Lutheran - Convents in 1780 - New Lutheran Churches allowed by the	180	Kafchau	5,800
		New Lutheran Chur-	150	1 yrnau 48° 22′ 20″	7,300
	1	ches allowed by the		48° 23′ 30″ Gran	4,950
		edict of toleration		Komorn	5,000
		of which 20 are not		Neufohl	4,990
		finished Gipfies	200		(v. Windisch)
			3-,		
Bannate of Temefwar	443	450,000		1,015	C. Carrier St.
		Cities		Temeswar, or	TO THE REAL PROPERTY.
		Market Towns - Villages	46	Temefia	7,000
		Prædialifts, or Proprie-	-		
		tors of Ecclefiaftical	1	-	
	1	Estates	4		THE PARTY NAMED IN
XI.	0-0	620,000	g	767	
ILLYRICUM	808	(Hermann)	Sear .	101	The Part of the Pa
Dalmatia and Croatia	477	367,000		770	The same of
	1	ISSUED THE THE		Warafdin	
				Zagrab Carlstadt	
Sclavonia	331	253,000		764	
	332	Convents in Illyricum		Effek	
		(1780) = -	4:	Peterwardein	

TRANSYLVANIA, BUKOWINA, GALLICIA.

TF	LANSY	LVANIA, BUKOWINA,	GALLICIA.	
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inbabit.
XII. TRANSYLVANIA.	1,050	1,250,000 Settlements - 2351 Rom. Catholics(1766) 91,235	The State of the S	
		Calvinists 140,000 Lutherans 130,000	Hermanstadt	15,000
		Arians and Socinians 80,000 (Busching) United Walachians 120,000	Kronstadt	20,000
	2110	Not united 700,000 (Hist. Portef. 1784)		
Province of Buko-		Convents 34		
WINA	178	130,000 Cities 5 Villages 255	731 Czernowitz	
1	110	Villages 255 Convents 28		
		Villages	Suczova	300
		Hermitages - 26 Nobles - 127 Popen or Priefts - 382		
		Merchants - 113 Peafants Families - 23,385		
		Jewish Families - 1,106 Gipfies 1,647		
,	No.	Total number in Hungary, Illy- ricum, Tranfylvania, and Bu-		
XIV. Kingdoms of GALLI-		kowina, 5,757 — 5,17,000 —898.		* The state of
CIA and LODOMI-	1,280	2,800,000	2,187	
			Lemberg	20,364
		Villages 5,575 Houfes 408,442	Brody	15,000
	5	Jews (1780) 151,302		
· ·		Monks 2,722		
		Nuns 678 Nobles 29,911 Burghers 105,414		
		Peafants and Villagers 446,703	The same of the sa	A second
		So that every 18th man is a Jew, the 93d a Nobleman, the 156th a Burgher, the		
		322d a Clergyman. Catholic Churches - 1,066	The state of the state of	
		Greek 2,955 Synagogues - 294 Monaferies - 188		
	1	Numperies - 28	1.	
		Parishes 2,410		
	- 1	Horses 286,965 Oxen 305,016 (Busching's Weekly Journ. 1785)		A Control of
	( and 10	Jews, according to a calculation in 1785 157,000		

### DOMINIONS

OF THE

KING OF PRUSSIA,

OR

ELECTORAL HOUSE OF BRANDENBURG.

12	11.	Prujia.	
Countries	Square Miles.	Population, &c.	Rate per Mile.
Prussian Dominions.	3,600 60,000 Eng.	6,000,000 (Civil and Military included. Hertzberg.)	1667 104 Eng
t. Independent Hereditary Do-	N The state of the	Probable Proportion.	
Kingdom of Prussia Dutchy of Silesia and County	1384	1,500,000	1084
of Glatz Principality of Neufchatel and	640	1,582,000	2472
Valengin -	15	40,000	2700
2. Hereditary Dominions in Ger-	2039	3,122,500	
The Mark Brandenburg	664	1,057,000	Tron
Dutchy of Pomerania	507	465,000	928
Dutchy of Magdeburg -	104	280,000	2692
Principality of Halberstadt -	42	132,000	3142
Territories in Westphalia -	- 244	590,000	2418
/	1561	2,524,000	
Total	3600	5,646,500 (1784)	
		5,735,000 (1785)	
		6,000,000 (Acad. Difc.)	
	Mary Mary	Births (in 1784) 211,113 (1785) 210,732 Deaths 152,040 157,606	
		Marriages - 43,436 43,439	
	1	Increase of Births, without the Mili-	
		tary 59,162 53,126 Increase of Births, exclusive of the Military	
		Ann. 1774 50,136	
		1775 - 36,087	
		1776 28,679	
		1777 28,837 1778 23,708	- X
THE RESERVE AND DESCRIPTION OF		1779 - 37,567	
		1780 - 72,473	
		1781 30,367	
		1782 - 34,302	
	- 100	1783 45,436	
		1784 59,162 1785 53,126	
	and the second	Increase of Births in the last	
The state of the s		12 Years - 498,883	
		(Busching's Weekly Journal.)	
CF and the second second		Increase of Population. Number of Inhabitants, Civil and	
		Military, in 1740 2,240,000	
		Military, in 1740 2,240,000 Increase of Population in the	
		original Provinces in 1784 1,760,000	Tell A
		11 of the whole Nation.	
· · · · · · · · · · · · · · · · · · ·		Acquisitions of Silesia, East	
		Friefland, and West Prussia 2,000,000	
		Computed in the Academical	
		Difcouries - 6.000,000	
A ALLEY TO SEE THE SECOND		Cities 570	
The state of the s	1	New Villages, and other Settle-	
	1 5	ments fince 1740, 800, which	
	Parallel In Color In	may contain 45,000 Fami-	

	II. Frujia.	1
State of Finances.	Military Establishment.	
National Revenue.	224,431 Men.	N. San A.
More than 22,000,000 rix-dol- lars, or 34,000,000 florins,	In 1783.	
about 3,850,000 l. sterling.		16.00
	In the Mark	Cavalry.
Some politicians estimate the present revenues higher.	Pruffia - 22 047	4187
present revenues ingher.	romerania - 12.670	8430
The Provinces are supposed to	Magdeburg - 16,907	3795
contribute in the following	Silefia - 13,990 40,168	70.960
proportion: The Mark Brandenburg 61 mil.	40,100	13,860
Pruffia - $4\frac{1}{2}$	181,950	42,501
Pomerania - 2		
Magdeburg & Halberstadt 2 Westphalia - 2	In 1785, 192,377 effective Men.	
Silefia 6	Viz. Artillery - 11,582 Pontoneers - 70	_
	7 1 35 1	-
A new branch of the revenue	Profile	4930
confifts in the production of the mines, in the provinces in	Pomerania 10,582	7669
general, which is estimated at	W-2-1-1: 14,797	3436
more than 5 millions of dol-	Silefia - 11,909	12,143
lars, and employ 88,024 fami- lies. The public Treasury re-	3333-	12,143
ceives at prefent 779,000 dol-	152,829	39,548
lars annually, and particular	(State of the Pruffian Army, 1785 Breflau, 1786	. P. 37-)
funds 493,000 rix-dollars. 'Mémoire sur les Produits du Règne		
Minéral de la Monarchie Prus-	Division according to the above.	
stenne. 1786.)	Infantry.	
	Grenadiers 7 Battalions, each 4 Comp.	
Prussia has no national debt; but the late King increased his	2 5 Comp.	
paternal treasure, besides ex-	25 Battalions in case of War.	
pending more than 2,000,000	2 fingle Comp. in the Life Guards.	with 3 Bat.
annually in national improve-		- 2 -
ments, to a prodigious fum.		- T -
in the year 1784 the extraordi-	Fufileers 42 — 210 Comp. 21 — 6 Comp.	_ 2 _
nary expences amounted to		th 13 Comp.
2,236,156 rix-dollars.		10 -
in 1785 to 2,901,756 rix-dol. besides a variety of expences	Garrison Artill. 1 - and 6 fingle Comp.	with a Rot
unknown.	Garrison Reg. 36 - 160 Comp. 8 Reg. v 4 fingle H	Bat.
	Miners - 3 Comp.	
The Jums expended in rewards,	Pontoneers - I Compo	
prizes, and acts of benevolence, from 1783 to 1784.	Cadets - 5 Comp.	ith 7 Comp.
Rix-dol.		5 -
n the Electoral Mark 2,674,000		
The New Mark - 3,002,000 Comerania 4,828,000	Cavalry.	
omerania - 4,828,000 iilefia - 6,200,000	Cuirassiers 63 Squadrons - 13 Regim	ents
West Prussia, fince the	Dragoons 70 — — 12 Hu[]ars 90 — — 9	
acquifition of it - 3,000,000	Bolniacks 10 - 1	
The state of the s		
VIII CONTRACTOR OF THE PARTY OF	233 Squadrons or 35 Regin Befides the Corps of FELD JAGERS, or Horse Ch	affeurs.
	adiace the Corps of PERD JAGERS, of Motte Ch	/ 20 11 38

### PRUSSIA.

	Square	HELANDE THE	The same of the sa	Cir
Countries.	Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit
6			- The latest	2 moutil
I.				
Kingdom of PRUSSIA.	1384	1,500,000	1084	
521 and 561 N. Lat.		including the Military, Chil-		
	A STATE OF	dren, &c.		
		1,410,000 without the Mil.		The second
T. East Prussia,	753	940,000	- 1248	
Produces corn, timber,	100	855,000, without the Military.		
hemp, flax, and va-			Principal Cities.	(1783)
rious Minerals.		Cities - 69	Konigiberg	4310 54.000
The inhabitants export		Royal Domains - 124 Royal Buildings - 287	54° 43′ N. Lat.	(with the Gar-
vast quantities of pine-trees for masts,	974	Royal Buildings - 287 Villages - 7260	Pillar	rifon 62,600)
deal boards, tar,		of which 830 belong to the		115(without) 1320
wood-ash and pot-		Nobility.	Prufs. Eylau	190 1500
ash, elk-skins, lea-	1	Hearths in the Coun-	Bartenstein	310 2780
ther, furs, amber,		try 92,000	Raftenburg	312 2150
wax, linfeed - oil,		Lutheran Churches - 397	Braunfberg	625 5285
yarn, hogs briftles, ftags horns, and		including the Seigniories Tauroggen and Serrei in		350 2160
elks hoofs, dried		Lithuania.	Heilfberg	390 2450
fish, tallow, &c.		Births in 1784, without	Prufs. Holland	375 3110
		the Military - 37,174		265 2000
		Deaths 22,131	Tilfit	600 8060
		Marriages 7240	Gumbinnen	274 4870
		More births than deaths 15,043		428 4950
		(Hertzberg. 1785.)	Goldap Stallupöhnen	328 3020 162 2565
			Memel	
2. West Prussia, and	* hand		Angerburg	525 238 2549
District of Netz,	631	560,000	887	37.
Produce nearly the		with the Military.		
fame articles.		525,000 without.	832	(1782)
		In 1775, 416,296.	Suburbs of Danzig	0
		Cirio and Market Tames	Elbing	1800 14,400
TO A STATE OF THE PARTY OF THE	Tall I	Cities and Market Towns, without Netz - 44		(with the Gar- rifon 15,768
The state of the s	A PROPERTY.	Villages in the Domains of	Marienburg	(1783) 5400
			Marienwerder	400 3250
A Committee of the Comm		Villages belonging to No-	Dirfchau	1450
The state of the s		bility 1311	Graudenz	5200
		Villages in the Bailiwicks 4300		
			Culm	3050
The state of the s	TO NO.	Hearths in the Country 56,000	Christburg	1600
The state of the s		Protestant Churches - 68	Riefenburg	
		(Bock's Natural History of Pruf-	Coniz	2050
			Stargard	
		T WAR S	Schwetz	1750
	A COLOR	In West Prussia and Netz.	The Cart of the	1 1 2 Test 1 1
1 +8 1 1 = 11 -	Maria Company	Communicating Catho-		
The Sales of		- Protestants - 78,648		Marketing land
	-	- Menonites - 5025		
	2	- Calvinifts - 258		1 4
The state of the state of	1	(Busebing's Weekly Journal.)	1 10 12 12 10 10	-107 5,200
	Carried States			
		Births in 1784, - 27,134		
	- Sugar	Deaths - 15,669	1	

D	ISTRICT	OF	NETZ,	POMERANIA.
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DISTRICT OF NETZ, POMERANIA.				
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.
piffrict of Netz.	170	160,000	941	
II. Dutchy of POMERA- NIA.  The foil in fome part fandy, but in mof pretty good. The inhabitants expor wheat, rye, barley and oats. The lake and rivers abount in fifth. The manufactures an fabricks are ver confiderable, part cularly at Stettin Solong ago as 1756 no lefs than 1757 veffels carried i goods in the courf of the year to a parts of Europe, be fides 97 which wen away in ballaft. The principal good exported are, anti mony, lapis calami naris, glafs, timbe for building, boarde mafts, planks, fih	507.	Cities and Market Towns 47 Protestant Churches 20  465,000 (1784) Without the Military 428,45: Cities 3 Market Towns 11 Villages 223: Buildings for the purpose of agriculture 245. New Settlements fince the year 1740, above 10 Churches 10,000 Churches 103 Hearths in the Country 65,91 — in the Towns 16,000 Nobility 660 Clergy 59 Colonists, from 1740 to 1775 15,62 Jews 117 (Brüggemann & Busching) Births (1784) 15,63 Deaths 12,13	Principal Cities. Bromberg Fordon Deutsch Crone Flatow Märkich Friedland Flichn Jastrow Schneidemühl Schönlanke Zempelburg Chodzesen Czarnikow Inpwraciow Margonin  928  Stettin 53° 22′ 10″ Gatz Damm 8 Anklam Pasewalk Gollnow Demmin Wollin 1 Schwinemünde 7 Stargard O Pyritz 2 Belgard 2 Greffenberg Greifenhagen Treptow on the Rega Colberg Camin 1 Stolpe 1 Stolpe 1 Stolpe 1 Lauenburg 17	1500   2020   1650   2020   1650   1850   1450   1450   1450   1450   1660   1800   15485   2000   223   1660   562   3185   507   3006   383   2090   345   2335   236   1980   287   1033   5910   412   2135   342   1670   3443   1905   450   2800   2800   2800   1905   3443   1905   345   2800   2000   2800   2800   2000   2800   2800   2000   2800   2800   2800   2000   2800   2800   2000   2800   2800   2800   2000   2800   2800   2800   2800   2800   2800   2000   2800   2800   2000   2800   2800   2800   2000   2000   2800   2800   200
timber, pipe staves pot - ash, madder foap, and tobacco.	,	Marriages - 310 More Births than Deaths 460	7	

### MARK BRANDENBURG.

1	Com		1	C
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.
The Mark Posses				
The Mark BRAN-	664	1,057,000	1592	THE REAL PROPERTY.
	1	including Military, &c. 1784.	,	The state of the
1. The Electoral Mark.	444	795,000	1790	1000
	123	In the year 1617, 329,660	Company of the second	
The manufactures are numerous and ex-	1	1740, 475,991		EN THE SERVICE
tenfive, particularly		Cities, 84. Market Towns, 19.	A. C.	
those of linen, wool-	*	Bailiwicks, 63. New Establish-		THE PERSON NAMED IN
len, cotton, filk, and leather.	100	ments fince 1740, upwards of 220. Royal Farms 172	A Part of the last	The second
	*	Noble ditto (1774) 708		
	100	Royal Villages (1774) 655		- 11-
		Noble ditto 1262. Domains 53 Ancient Villages ingeneral 2027		
	TO THE	Hides of Land liable to		
and the state of		Taxes 44,749		
	137	Hearths in the Towns 26,000		The state of the s
	100	in the Country 68,000		Castrick As
	DOSE	Lutheran Churchesin 1971 Vil-	1 1	
MARKET AND STREET		lages, 1662, with \$58 Clergy German Calvinifical Churches		
		in the Mark - 80		
		(Busching's Geography.)		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
		Births (1784. Civil) 22,755		
	TO SE	Deaths 18,349 Marriages 5020		
Division.		More Births than Deaths 4406	WHILE THE	The second
a) Middle Mark.	250	- 520,000	2080	(100-)
	-	with the Military.	Principal Cities. Berlin	(1783)
The principal manu- facture of Berlin is	1	Cities 48 Hides of Land taxable 24,901	520 31' 30"	Garrison 34,000
porcelain.	70	Estates in the possession of		145,136
			Charlottenburg	310 (Civil) 1950
		Free Barons - 6	Potfdam	2000 20,000 with Gar. 28,500
			Spandau	525 3800
The state of the s		Befides the possessions of the		with Gar. 6000
TERM AND THE		Royal Princes, the Chapter,		440 2250
	1 15	the Order of St. John, the Church, and Towns.	Diandenburg	1455 9200 with Gar. 11490
6			Rathenau	600 4000
	AND E	Confumption of Grain in Berlin		545 2500
		in the Year. Bush. June 1,71770-1771, 38,257	Luckenwalde	300 2800 740 4100
		till \1780-1781, 48,805		740 4100
	2.0	May 31. 1784-1785, 46,032	Reinsberg	190 1500
	No.		Cremmen	255 1600
7 1 1 1 1 1	1 100		Strausberg Wriezen	250 1970 430 3260
	7 3 3		Bernau	312 1530
	-		N. Eberswalde	300 3450
	-		Freyenwalde Frankfurth	1320 10,000
	- 10		Fürstenwalde	1320 10,000 380 2400
100	4		Beefkow	360 1950
b) Uker Mark.	63	95,000	1399	22
		Towns 13 Hides of Land that are	Prenzlow	885 6300
		Trides of Land that are	Schwedt	580 2900

# MARK BRANDENBURG, DUTCHY OF MAGDEBURG.

Countries.	Square	As a second		r.G.	The same
Countries	Miles.	Population.	Rate per Mile.	Citie	
				Houses.	Inhabit.
c) The Old Mark.	65	105,000		3	-
	THE COURSE	Cities	1615		
	1	Hides of Land that pay	Principal Cities. Stendal		
			Salzwedel	912	4350
		The second second	Gardeleben	521	4150
		THE PERSON NAMED IN COLUMN	Seehaufen	265	2300
d) Priegnitz.	61	75,000	Tangermünde	566	2700
		Cities	Perleberg -		
	Carried States	Hides of Land that pay	Wittflock	380	2350
	W. In		Kyriz	550	3050
	7 1973	The second second	Havelberg	360	1960
			Lenzen	235	1900
2. The New Mark.	220	262,000		Busch	oing)
			Cüftrin 1190	(1783.	Civil)
	40	Cities - 00	T 10	440	4400
		treating in the lowns 11,000	Königsberg	600	6000
	1000	- mages 575	Croffen	425 550	2600
		New Establishments fince	Züllichau	775	3500
		Bailiwicks 19. Villages	Cottbus	500	5800
	The said	annexed 221		(with the	Houses
	La Cart	Appendages to the Bailiwicks or			the Bai-
		Villages on the Domains 68		liwick H	oule 800
	1304	Annexed Buildings - 24			
		Private Effates - 513			
		Hides of Land taxable 16,738		61,00	
		Estates - 8,455,314 Dol.			
		Births (1784) without the			10
	1	Military 8836			
		Deaths 6235			
IV.	D.	Warriages - 7860			
Dutchy of MAGDE-	104	More Births than Deaths 2601	· (4)		
BURG.	104	280,000	2692		
The principal manu-		with the Military, Women,	Magdeburg	3515	26,300
factures are cloth,		and Children. In the Towns, without	52° 13′ 54″	with Gar	. 36,000
ftuffs, ftockings, li-		the Military - 90,840	Burg .	107.5	5050
nen, oil-skins, lea-		In the Country - 168,760	Schöneheck	551	3350
ther, parchment,	-	Tews 82. Settlements 880	Ca Salas	465	4300
and more particu-	144	Cities 29. Market Towns 7	Wanzleben	268	1430
larly starch, which,	13 15 10	Royal Villages in 35 Baili-	Neu Haldenfleben		2510
with the fine flour and all forts of grain,		Professor of poble Education	Sechausen	256	1300
are exported in large	Sec.	Possession of noble Estates 103 New Establishments with		442	2020
quantities by means	1 - N		Stasfurth Egeln	160	1420
of the river Elbe.			Lohburg	320	1350
			Sandau	286	1400
71.10		Marriages 1902	Ziefar	263	1620
Division.		More Births than Deaths 1820	Genthin	185	1030
Circle of the Saal. County of Mansfeld.	12	48,000		1 20 1	
Halle is one of the	8	26,000	3250		4 . 2
most celebrated Uni-	Us. Table		Halle 510 34' Wettin	2214	20,000
verfities in Germany,	200		Löbejün	257	1350
and very much fre-			Cönnern	353	1500
quented. The falt	ED ES		Mansfeld	202	1080
works there, are ex-	1100		Gerbeedt	-60	CHECKSON.

	HALBERSTADT,	WESTPHALIA.
--	--------------	-------------

TIME DECIMENTS OF DESTRIBLIA.					
Countries	Square Miles.		Rate per Mile.	Houses.	ties. Inhabit.
V.					2
Principality of HAL-	The same		The Part of the Land		
BERSTADT,	42	130,000	3142	1 3 1	
and part of the County	1	Military, &c. included.	196 Eng.	1 1000	
of Hohenstein. Lutheran Religion.	Eng.	Reckoned in 1783, Civil, 126,000	1	1	
Lutheran Rengions	ATE TO	Cities - 13	3000 Principal Cities.		
Produces corn and flas	100		Halberstadt	1802	11,200
in abundance.	1	Hearths in the Towns 9550			,=00
	5612	Catholic Convents - 11	Aschersleben	1085	6500
	A STREET	Places in Hohenstein - 71		1	
		Births in 1784, without the Military, in the	Ofchersleben	460	2300
		Country of Halberstadt 2878	Gröningen	342	2000
		Deaths 2328		244	2000
	-1-		Ofterwick	440	3000
	1500	More Births than Deaths 550			
			Hornburg	446	1850
		Deaths 516 Marriages 162	Dornburg	255	TOTO
		More Births than Deaths 232	5	355	1950
Take and the		Births in the District be-	Croppenstedt	335	1450
		longing to the Abbey of			
	20		Ellrich	438	2150
In the County of Ho-		Deaths 378	Wanalanada		,
henstein in particu-		Marriages 70	Wernigerode	711	6500
VI.	4	24,000	Quedlinburg	1561	11,500
Territories in the Cir-					,3
cleofWestPhalia.	244	590,000	2418		
I. Principality of Min-		with the Military, &c.		The state of	
den, and County of		without the Military 565,000	2315	10000	
Ravensberg -	51	130,000	2549	10年4	
N.B. In 1783 it was		Cities 6 Market Towns - 8	Minden	1050	5178
the Principality of		Villages 255			3-10
Minden, an area of		Royal Bailiwicks - 15	Lübbecke	252	1125
24 fq. miles, there		Noble Estates - 84			
were 57,117 inha-		In Minden alone - 40	Petershagen	261	1095
bitants, without the Military; 2380 in-		Did in a case was	D: 1 C11	707	2000
habitants therefore			Bielefeld	707	2900
on each square mile.			Herrford	787	2667
In the County of Ra-	-	More Births than Deaths 586			100
vensberg, 18 sq.		300	Vlotho	240	1365
miles, 71,360 in-		The state of the s			
habitants; 3964 on each square mile.	HOL				
Produce, linen, large				9 20 0	
quantities of which					
are exported by the	Div			Tribe.	
way of Bremen to	-				May mily
Holland.	THE PROPERTY	The state of the s	The state of the state of		3-1
2. Counties of Teck- lenburg -	-		1		Hat-
and Lingen	53	45,000	3461		
	a	Cities 4			To the last
			Tecklenburg	145	750
The second second	Situation.	Births - 1283	Linna	200	1800

WESTPHALIA, Principalities of Neufchatel and Valengin.

		incipalities of N	-51-61	TATEL and V	ALENGI	N.
Countries.	Square Miles.	Population.		Rate per Mile.	Cities. Houses.	Inhabit.
3. Principality of East		About			•	100
Friefland	54	Cities About 103,000	4	1,907	-	
		Market Towns -	7	Principal Cities.	THE REAL PROPERTY.	
		Hearths in the Cities -	2 000			
		Bailiwicks Noble Eftates	12	Anrich	2250 (Civi	1) 7900
		Jews	269	Leer Norden	250 745	4,500
		Births in 1784 -	125	Norden	675	3,050
		Deaths	3,128			
ARIES TO BE		Marriages	815		The same	
Surpering to the second		The state of the s			1	
4. Dutchy of Cleve -	40	95,000		2,375		
		Cities Noble Estates	24	Class	910	5,300
		Births (1784) in Cleve	93	Wefel Emmerich	1,450	4,600
		and Mark	7,802	Dutiburg	680	2,900
		Deaths Marriages	6,284	Goch Xanten	460	2,200
		More Births than Deaths	1,518	Calcar	455	1,800
				Rees	4.65	1,800
5. County of the Mark	56	125,000		2,232	100	
	4	(1783)		Soeft	1204(178	2) 5020
				Hamm	518	2,000
		Protestant Churches -	450	Lippstadt Unna	511 494	2,695
	AT.	Calviniffical	46	Iferlohe	737	5,000
		Catholie	37	Altena	603	2,900
The state of the s		The second secon	26,000			
c D : 1 15 - 15 - 16	Post					
6. Principality of	6	17,000		2,833		
Mala a Market		Cities	2	Moeurs	155	1,500
		Births (1784)	722	Crefeld	795	5,800
		Deaths	201		100000	
		More Births than Deaths				1
7. Dutchy of Guelder-	1			2,083	1	
land -	24	About 50,000		2,003	150	3
		(1782)		Gelder	350 (1782	2) 2,033
	P	Cities	3		THE PROPERTY.	
	14	Noble Effates	5	5		
	1	Bailiwicks	1		The state of	
VII.		Protestant Churches -			1	
Principality of Neur-		The state of the s			1	1
LENGIN -	15	40,500		2,700		
Contract Section	1. 19	(1784) Cities	-	Neufchatel	1	6,000
	- 1	Market Towns and Vil-	1 -6	100	1000	*3
	1	lages	. 11		7	
	1.3	Parishes	7,33		1	
	1	The state of the s	1733	1	1	
Vor III	A -	Ddd	-		-	-

# SILESIA and GLATZ.

Countries.	Square Miles.	Population.	Rate per Mile.	Houses.	ities. Inhabit.
-0			1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		
VIII. The Dutchy of SILE-					4
sia and County of		The state of the s			
GLATZ	640	1,582,000	2,472	N.I.V	
Produce flax in abun-		(Without the Military, accord-		Mag-	
dance. The linen		ing to Schlef. 1,481,000 In the Cities 274,461	2,314	-	
manufactory is very flourishing; & large		In the Country 1,206,471	Principal Cities.	1000	
quantities of the Si-		In the year 1755 were 1, 162,355		-	
lefian linens are fent		1774 1,372,784	lau.		
to Holland to be		(Busching's Geog.)	Breflau, -510 6' 30"	3,050	51,000
Haarlem Meer, and		Protestants 800,000	Brieg	558	1783—84)
from thence to Eng-			Frankenstein	534	3,250
land.		Calvinists & Huslites 6,000		680	4,250
			Habelschwerdt	325	2,350
Madderlikewifeiscul-		Tews TI-000	Landshut Neustadt	450	3,900
tivated with much	6 30	In Lower Silefia and Glatz,	Neiss	530	3,350
Inccess.		Frotestants and Catholics.	Oels	434	3,175
The increase of trade,		In Upper Silefia, the number of		265	2,090
fince the King of		Catholics and Protestants are 18 to 1.	Pless	323	2,780
Pruffia's conquest,		Cities, 53 immediate	Ratibor'	405	2,860
is prodigious.		and 108 mediate - 161	Reichenbach	390	2,870
(Busching.)			Schweidnitz	648	6,250
			Strehlen Striegau	370	2,175
1 - E - E - E - E - E - E - E - E - E -	-	fince 1742 300	31110844	3	- 13/20
			b) Department of		
		Princely - 46	Glogau.		
			Bunzlau Beuthen	360 355	2,850
				470	2,640
West of the Control			Glogau	675	6,650
				670	5,000
				890 885	6,050
			Jauer	54.0	3,520
The state of the s		Convents 91	Liegnitz, 510 13'	750	4,810
		Protestant Churches - 605			
	100	Hearths in the Cities 39,000			
		Births in 1784 (Civil) 65,348 Deaths - 48,458			
		Marriages 12,809			
		More Births than Mar-			
		riages 16,890			
		Births in 1785 66,735			
		Deaths 49,867 Marriages 12,800	1		
		More Birthsthan Mar-			
County of Glatz in	254	riages 16,368			
particular	25	Cities 8			
		Villages 217	agan n	415	3,900
		among which are 5 Royal Ci-	Schmiedeberg	545	3,530
		ties and 15 Royal Villages	Schwibus	255	2,300
* * *	1	Value of the Estates in Silesia		250	2,050
	T	So,000,000 rix-dol. S'roduce, at a middle calcula-		260	1,810
	A STATE OF THE PARTY OF THE PAR	roduce, at a middle calcula-	TY OHIAU	200	1,050

PALATINE - BAVARIA,

ELECTORATE OF SAXONY,

AND

OTHER TERRITORIES.

22 . III. Palatine-Bavaria.					
Countries.	Square Miles.	Population.		Rate per Mile.	Cities. Houses. Inbabit.
PALATINE BAVA- RIA	1,064 16,816 Eng.	2,000,000 Cities	128	1,973	
Neuburg, and Sulz- bach -	784	1,300,000 according to others, 14, Convents, Hospitals, and Alms-houses - Parochial Clergy 3765 Monks and Nuns 3560	178		
a) Dutchy of Bavaria Produces corn, cattle,	576	(1779) 990,000	7,325	1,719	
wood, and falt. Its iron mines form an important object, and furnish employ-		Cities	34	Principal Cities. Munich, 48° 10'	1,700 37,840
ment to numbers.		Market Towns Villages and Hamlets Taxable Farms - Solitary Houfes - Uninhabited Farm-Houfes	12,000		(1780. Westerrieder. More accurate, according to Nicolai, 37,150.)
		Hearths 1 Churches Chapels Parithes Collegiate Foundations	3,050 548 908	Landshut  Donawerth  Burghausen	3,000
Seigniory of Minhel- heim and Wiefen-		Convents	142		
staig in Swabia -  6) Upper Palatinate	10	Cities	2	1,346	
and Landgraviate of Leuchtenberg	130	175,000 (Westenrieder.)			
		Cities	40	Amberg Auerbach	1,010 4,463 (1782) 1,340
		Convents		Neumarkt -	2,445
* 1		Affiftant Churches - Parifhes Curates Monaftics	195 150 128 282		٥
		Nunneries	37 5,353	.7	
		Souls	7,300 1 3 75		

Finances.

Military Establishment.

#### ANNUAL REVENUE.

10,000,000 Florins (£.1,031,250 fterling).

Of which, Bavaria and the Upper Palatinate pay about 7,000,000.

DEBT
Of Bavaria and the Upper Palatinate (1778).

24,000,000 Fl. old Debt.

10,000,000 undertaken to be paid by an article in the Peace of Tefchen.

1,500,000 Debt of the Court.

The Debts of longer standing, which amount to near 100,000,000 Fl. are in the hands of the Provincial States, and in a state of liquidation.

The Expenditure of Bavaria, from 1763 to 1772 inclusive, omitting fome inconfiderable amounts, was computed at 35,287,597 Fl.

The nett Income only - 31,104,289

Of course, the Debt increased in ten years

4,183,307

The proportion of Taxes in Bayaria to those in the Palatinate on the Rhine, is -  $\frac{1}{1}$  to 2. To those in the Austrian Territories -  $\frac{1}{1}$  to  $\frac{5}{5}$ !!

The receipt of the general Cheft 4,418,673 Fl. (not quite certain)
Expenditure - 4,548,454

Expenditure more than the Revenue 129,781 Fl.

24,000 Men.

The actual Establishment of Bavaria at present is only

5,000 Infantry

1,500 Cavalry

200 Artillery,

though there are Staff-officers enough for 20,000.

A plan is on foot now, to increase the Military to 10,000 Infantry, & 3,000 Cavalry.

# PALATINATE, JULIERS, and BERG.

Countries.	Square Miles.	Population.		Rate per Mile.	Cities. Houses. Inhabit.
c) Principality of Neuburg	52	92,000 Cities		1769 Principal Cities.	
ND: Yes foots		Churches Parifhes Hearths	354 90 17,233	Neuburg	-5,300
d) Principality of Sulz- bach -	26	43,000 Cities Lutheran Parishes -	30	1654 Sulzbach Weyden	3,000
2. Lower, or Palati- tinate on the Rhine	150	Catholic 400,000, Middle Cal			
Produces corn, wine, fruit, hemp, flax, &		(Schlözer reckons 500, fore 1778.) Births (1782) -	11.015	Manheim 49° 21' 28"	1,548 22,000
tobacco		Marriages	2,695	Heidelberg	(in January 1779, 24,179.) 800 10,550
	9,	Villages	838 122 705	Frankenthal Kaiferflautern Kreutznach	3,590
		Calvinifical Clergy - Churches	50,570	Newitadt	3,000
3. Dutchy of Juliers		Catholic Clergy Lutheran Inhabitants Parifhes 398,600		3066	
and Berg		Births (Middle Calcul.) Deaths	3,794		
Dutchy of Juliers in particular	and a	Lutheran Inhabitants 196,400 Persons without pro-	85	2618 Juliers -	671 (1780) 2,284
1	- ,	Cities Hearths (1780) -	40,442	Düren Mönstereifel	549 317 2,998
		Buildings Churches	371		
Dutchy of Berg -		202,160 Births		3110 Düffeldorf Elberfeld	2225 (1780) 8002 1,095 8,692
nufacturers in both countries are com- puted to be about		Marriages Perfons without pro- perty	2,134	Solingen Lennep	8,000 284 2,859 449 2,402
reckoning the Mar- graviate of Bergen		Lutherans Catholics, Duffeldorf	36,807	Ronfdorf Kaiferfwerth Ratingen	324 2,323 304 1,022 245 1,835
op Zoom, and the Seigniory of Raven- flein, which are in- confiderable.	1 3	Diffrict	14,133 1,300 9		*
		Hearths Buildings	25.042		
	RELEGI	Parochial Clergy -	197		

III. Palati	ne-Bavaria.
Finances.	Military Establishment.
Revenues	
Of all the Territories in the Palatine-Electorate more than 3,500,000 Rhenish Florins.	the Military Establishme
a) Amount of the Taxes in the Lower Palat tinate, about 895,00	
b) Amount of the Taxes in Juliers and Berg 950,00	The actual Establishment,
c) Amount of the Taxes in Sulzbach and Neuburg 280.00	5,500 Men.
	(Militair. Bibliotb.)
The Domains which conflitute the greatest part of the Palatinate, the Seigniories in the Netherlands, Tolls on the Rhine, Regalia, and many Monopolies, raise	oc .
Of which, the Margraviate of Bergen op Zoom raifes about - 83,000	
Ravenstein 45,000	
But the former is much in debt.	
(Busching's Geography.)	
A STATE OF THE STA	
	The same
A CONTRACTOR OF THE PARTY OF TH	

latine Territories, tary Establishment o be

l Establishment, at prefent,

26		IV. Electorate of Sc	ixony.	
Countries.	Square	Population.	Rate per Mile.	Cities 2
- Committee	Wiles.			Houses. Inhabit.
IV. Electoral Domi-				
NIONS	736	1,870,000	2540	
The foil is excellent,	11,680	Births in all the Countries	150	
and well cultivated.	Eng.	(1783) 70,648 (1784) 71,839		
The principal products are corn, oil, wine, and		Deaths 56,7335(1784) 51,921 More Births than Deaths,		
fruits; alfohemp, flax,		from 1764 to 1783 275,000		3.754
tobacco, hops, faffron,		Annual increase, ac-		
&c. The forests furnish fufficient timber and		cording to a middle calculation, for 19		
wood, and the mines		years 17,153		
yield large quantities	- 4	The proportion a-		
of iron, copper, filver,		bout - 125\frac{1}{3} to 100		
lead, &c. and the cele- brated Saxon cohalt,		Still-born Children 1 to 23 The dreadful Famine in 1772		
whence the beautiful		and 1773 destroyed 65,844		Sty Golden
fmalt blue is formed.		fouls; but in 1777, there was	THE RESERVE	Service Control of the Control of th
The china manufactu- red at Drefden, is a great		an increase of 17,245 Marriages in 1783 - 15,476		
article of commerce.		1784 - 14,859		
There are three				
univerfities, of which		Cities in the whole		
Leipfic is the principal. At the fair, 5000 vo-		country 251 Villages 5,185		
lumes are published		(Busching.)		
upon an average, an-		With other Settlements 7,015		
nually, and dispersed throughout Germany.		Clergy - 33,350		
ELECTORATE alone,				
without Lufatia -	556	1,470,000	2643	
The Electorate pro-	23	Cities in the Electorate,		
duces almost all the dif-		without the incor- porated Lands - 210		
ferent species of pre- cious stones; as dia-	9/17/	Market Towns - 61		
monds, topazes, hya-	0	Villages 3,157		
cinths, rubies, granates,		Noblemen's Effates &		
amethyfts, fapphires,	His	Villages 1,591		
and opals: different fpecies of agates; as	SHOW	Total number of Vil-		
chalcedonies and cor-	100	lages 4,748		
nelian, jaiper, &c.		Out-buildings 196		A THE RESIDENCE OF THE PARTY OF
	A STATE	Parish Churches in the Towns 240		
	DIE!	Parish Churches in the		CALL THE STATE OF
	The state of	Villages 2,218		
		Births (mid. cal.) - 50,815 Deaths 41,361	The state of the s	
	7/5	Deaths 41,361 Marriages 11,228	CONTRACTOR OF THE	
1. The Electoral	1	Fight Services	Principal Cities.	
Circle	64 <u>I</u>	116,491 (1755)	1177	
		Cities 24 Market Towns - 3	Wittenberg	468 6,350
	100	Villages 494		
		Noblemen's Seats - 164	Hertzberg	300 1,400
	FEE	Parishes 156		
		Bailiwicks 11	Belzig	190 900
	18 1	age, for the last 19		A CONTRACTOR OF
		years 4,246		
		Deaths 3,237		Far State of the same
THE PROPERTY OF		Itviarriages - 997		A secretary control of

	And the second second second
Finances.	Military Establishment.
REVENUE (1778). 6,800,000 Rix-dollars.	26,189 Men (1782). (Pol. Journal, 1782).
Land-tax 1,753,000 Taxes on Manufactures, &c. 1,753,000 Taxes on Manufactures, &c. 1,187,000 Articles of Commerce 2,115,000 Domains and Regalia 1,669,000 Mifcellaneous Branches of Revenue 55,000	(According to the Author of The Present State of the Saxon Army.)
Public Expenditure. 6,634,000. For the Army and State 2,017,116 Salaries of the Officers of Justice and	viz. Cavalry 5112 Men, 8 Reg. or 32 Squad.
Finance - 702,729 Other Penfions, &c. 349,749	or 26 Bat.
Debt - 1,910,899 Court Expences - 679,823 Appenages, or Sums appropriated to the Support of the Princes of the House Extraordinary Expences - 560,000	SmallerCorps 1062
Public Debt. (1774)  Money borrowed on Taxes - 25,000,000  Due from the Chamber of Revenue 6,000,000  Debts of the Court - 6,000,000  6,000,000	· · · · · · · · · · · · · · · · · · ·
(Busching.) 37,000,000	
In 1781, the public Debt was reckoned by fome only at 26,000,000. 1,400,000 Dollárs are líquidated annually; and a confiderable Sum is referved for unforeseen Expences.	
Half of the Capital borrowed from foreign Countries was paid between the year 1763 and 1784, although the inland Debt was not reduced one third.	
A STATE OF THE STA	

Countries	Square Miles.	Population.	Rate per Mile-	IJ.	Cities.
2. Circle of Thuringia.	36	156,938	Principal Cities.	Houses.	Inhabit.
prenete of a numigra.	30	Cities 19	Weislenfels		5500
	3500	Market Towns - 6	Sangerhausen	700	4300
		Villages 494	Langelfalza	900	5300
	4-12	Noblemen's Seats - 154 Parifies 315	Tennstedt	500	3209
		Amts, or Bailiwicks - 13			
		Births, upon an average 4382			
		Deaths 3604		1000	
	1	Marriages 1184		A NE	
3. Mifnia,	683	280.218		199	
	-	Cities 39	Drefden	2500	47-50,000
		Market Towns - 4	51 2 54	1000	
With the second	Control of	Villages 7 - 1223	Meissen Torgau	500	5000
		Noble Estates - 314 Bailiwicks - 17	Pirna		4000 3000
		Births - 11,497	Groffen Hayn	-	4000
		Deaths 9055		O DV	
		100 Deaths to 125 Births.			
	46	Marriages 2710			
The city of Leipsic is	40	©ities - 32	Leipfic	1400	50.00-
one of the greatest		Villages - TOE6	CI 10' 14"	1400	30,000
marts in Germany.		Immediate Vaffals - 214	Grimma	410	3000
The fairs at Easter,	Trien Comme	Pailingials TO	Eulenburg Wurzen	310	2500
Michaelmas, and the		Bailiwicks 13	Delitfch	330	3000
New Year, are fre- quented by merchants		Births, upon an average 7378 Deaths 6389			3000
of all nations The		100 Deaths to 116 Births.			
University is celebra-		Marriages 1808			
ted, and much re-					
forted to.	of Samuel				
A STATE OF THE STATE OF		C. C. C.		7.1	
7	0.			1 3 - 5	
5. Erzgebirg.	84	Cities 54	Freyberg	1500	9000
			Chemniz	860	8000
			Zwickau	600	5300
			Annaberg	490	3500
			Frankenberg	380	2000
		County of Schönburg 15 Births, 13,748. Deaths, 9981.	Joh. Georgenstadt Schneeberg	570.	3000
		100 Deaths to 135 Births.		3	4799
6 Walasland		Marriages 2624			to the same
6. Voigtland.	21	(include the Circle of N = 0 14)	1915	1	
		(include the Circle of Neuftadt) Cities To	Plauen		5000
		Villages 323	Oelfniz	320	2600
		Noble Estates - 155	Reichenbach	450	
		Bailwicks - 3			
		Births   without   3299 Deaths   Neuftadt   2414			100
		100 Deaths to 1334 Births.			
g Nandala	- 3	Marriages - 750			100
7. Neuftidt.	123				
		Cities - 7 Market Towns - 2	Neustadt		
		37:11	A PORT OF	15 7 11	1
		Births 1188		13.0	
		Deaths 007			
Hpm.	7 - 4 - 4	100 Deaths to 130 Births.		1	

IV. Electorate of Saxony. 29					
Countries.	Square Miles.	Population.	Rate per Mile.	Citie Houses.	s. Inbabit.
Interporated Provinces. S. Bishoprick of Merfeburg.	1112	65,433 including Naumburg and Zeiz. Cities - 7 Market Towns - 1			
		Villages - 212 Noble Eftates - 78 Bailwicks - 78 Briths - 1525 Deaths in Merfeburgalone 1330 100 Deaths to 113½ Births.	Merseburg		5700
9. Naumburg and Zeiz.	10	Marriages - 354 Cities - 2	Naumburg		7700
	1	Villages - 140 Births - 1188 Deaths - 1010	Zeiz	* 1.	6900
to. Principality of Querfurth.	-	100 Deaths to 116 Births. Marriages - 287 Cities - 2	Querfuith	450	3000
		Births - 488 Deaths - 419 100 Deaths to 116 Births.			
11. Part of the County of Henneberg.	84	Marriages - 122 20,000 (1782) Cities - 2	Suhla	13,	
		Births 748	Schleufingen		_
12. Part of the County	8 <u>1</u>	Deaths - 583 100 Deaths to 127 Births. Marriages - 186			
Of Manager	2	Cities, 5. Villages, 42. Acres of Arable and Wood Land - 40,000		900	4500
13. County of Barby		Births, 687. Deaths, 580. 100 Deaths to 118 Births. Marriages = 157	Barby		
and Gommern.  14. Lufatia.  2) Upper Lufatia.	4 <sup>1</sup> / <sub>2</sub> 180	400,000 (1784)	Gommern 2222 2850		-
		(Hunger, and Church Registers.) Cities, 6. Market Towns, 23. Wendish or Venedic Vil-	Camenz Görliz	700	7500 5500 7800
		- with Churches 62 - Prorestant 54 - Catholic = 8	Zittau Lauban Löbau Herrenhuth	7000 500 250	10,000 6400 2100 1450
		Births, according to the above Calculation 11,523 Deaths - 9342 100 Deaths to 123 Births.			
) Lower Lufatia.	80	Marriages 2678 115,000 Cities, 4. Market Towns, 17.		337	
		Births, 4057. Deaths, 3012. 100 Deaths to 134 Births. Marriages - 1051	Guben Lübben Sorau		1.37

the former in

Finances.	Military Establishment.
ANNUAL REVENUE. 5,500,000 Rix-dollars.  According to Rifbeck's Letters, 480,000 Rheniff Florins; and the Statistical Tables lately published in London, 820,0001 sterling.  Domains and Regalia - 3,000,000	
The Hartz Mines produce a Million of Rhening Florins, or, deducting all the Expences, a Sur	Garrifon ditto - 2584 (Pol. Fourn. 1785.)  Actual State.  19 to 20,000 effective Men.
Dollars.   Marien Groscher	10
Calenberg - 40,743 24  Lüneburg - 40,743 24  Grubenhagen - 54,56 15  Lauenburg - 3094 —  County of Hoya - 81,43 1  Diepholz - 1500 —  The Separated Places, as they are called - 300  The Catholic Convent of	
Marienrode - 14	

In part of the Brunfwick territories there are extensive heaths, and some of the lands are marshy; but in other parts they are very rich, and highly cultivated. The soil in general produces abundance of corn, fruits, hemp, slax, tobacco, and madder. The salt springs are numerous, and very productive. The inhabitants breed a number of excellent horse, of which there are many in the royal stables at London. There are most metals and minerals; and the forests produce large quantities of timber. The manufactures, which are chiefly linen, oil-skins, articles of cotton, &c. are exported from Bremen and Haarburg, a town admirably situated for commerce on the Elbe. No country can have greater opportunities for trade than this; which is evident from the source from the superior of the adjacent cities, Hamburg and Bremen.

(Busching.)

The Univerfity of Gottingen, called Georgia Augusta, is defervedly celebrated as one of the best in Europe. It was founded by King George II, in the year 1734. The number of students, of different nations, is generally about 800; and there are upwards of 60 professors, teachers of languages, &c. who read half-yearly courses of lectures on every science, and are justly distinguished for their great learning and liberality of sentiment. It has at present the honour of educating the three Princes, Ernest Augustus, Augustus Frederick, and Adolphus Frederick, of England. The library contains upwards of 130,000 volumes.

The Hartz Forest, or Sylva Hercynia, mentioned by Caesar, is very extensive and romantic. The mountains, except one called the Brocken, which is the highest in the northern part of Germany, are covered with pines and beach, and abound with rich silver, copper, iron and lead mines.

32 0	1401	v. Brunjwick-Lune	ourg.	
Countries.	Squa Miles		Rate per Mile.	Cities. Houses. Inhabit.
3. Principality of Luneburg, or Celle with the County of Dannenberg.	- 210	200,000  Cities II  Market Towns - I3  Parochial Churches, with	A CONTRACTOR OF THE PARTY OF TH	1300 8500
		two Calviniffical ditto 200 Taxable Hearths, and in the County of Dannen-		1130 8000
			Haarburg	500 3500
4. Dutchy of Lauen- burg.	40	45,000	Uelzen 1125	330 1600
			Lauenburg	250 1800
		Noble Villages - 27 Taxable Hearths - 3532	Ratzeburg	121
			Möllen	228
5. Dutchy of Bremen.	150	152,000	1013	
		den, upon an average 5616	Stade 53° 36′ 5″ Buxtehude	770 4600
		Cities - 2	charmbeck	355 1800 260 1200
6. Principality of Ver- den.	35	30,000	857	
9,1		Cities - IV Market Towns - I Villages, and Domain Farms - 220 Taxable Hearths - 2231	Terden	470 4000 Pol. Journal, 1785. P. 107.
7. Land-Hadeln.	12	17,900 (Schlözer.)	1416	
		Taxable Hearths - 3075 O	tterndorf	352 2600

V. Brunswick-Luneburg.				
Countries.	Square Miles.	Population. Rate	per Mile.	Cities. Houses. Inbabit.
8. County of Hoya.	38	Market T	1052 cipal Cities.	
g.County of Diepholz.	15	Cities - I Diepl Market Towns - 4 Parithes (one Catholic) 10 Hearths - 2099	800	
yo. County of Bentheim. Mortgaged to the House of Hanover, and not yet redeemed.	22	20,000 Cities - 3 Benth Market Towns 1 Nienl Hearths (1776) 5432 (Schläzer, and Polit. Journ. 1782.)		= =
31. County of Hohen- flein,		Hearths - 1365 Ihlef	eldt	71 -
		At Ihlefeldt is a celebrated pædagogium, or public fehool, under the inspection of Profession of Honor Heyne, of Gottingen, an account of which was given some time since in England, in the late Mr. Maty's Review. It was founded as a convent of Premontratensian Monks in		

1190, and converted into a school in 1550. The revenues are very confiderable, chiefly arifing from the timber in the adjacent forests. The profesfors are fix in number; and the exhibitions are at the difpofal of the Government of Hanover, and Counts of Stollberg. Four of the fludents on the foundation must be natives of the Principality of Schwartzburg-Sondershausen. Out of the revenues, twenty-four fludents are maintained at the Univerfity of Gottingen, of whom the Counts of Stollberg nominate eight.

34 VI. Mentz.				
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhab.
Division.  1. The Archbishoprick, which abounds with the finest wines on the beautiful banks of the Rhine: the best, called hin England Old Hock, grow in the neighbourhood of Hochheim, Johannesberg, and Rüdesheim. The Dutch	175 2800 Eng.	320,000  Cities - 54  Villages - 748  Caffles - 22  Bailiwicks - 50  Monks and Nuns - 14,00  Other Clergy - 14,38  Perfons in Service - 5100  (Dobys and Bufching.)  208,100 (177,6)  Cities - 41  Market Towns - 21  Chaplaincies and Parifhes 556  Clergy in general, about 24,00  The Archchapter of Mentz  confifts of twenty-four per-  fons, viz. five Prelates and  nineteen Capitulars. Thel	Mentz 49° 54' Bingen	— 27,000 (Dokm.) — 4500
merchants fometimes pay a ducat for a fingle vine- flock before the vintage.		former have the privilege of the wearing a mitte. The Domi-I celli must be born in the Rhenish Province, and produce fix noble ancestors.	Töchst Rüdesheim Hochheim	350 1900 2500 2600
2. Territories in Thuringia. The country is remarkably fertile: the greatest part of the inhabitants are Protestants, except in five villages; and in the city of Erfurt is an university and a Catholic monastery for natives of Scotland.		Market Towns - 1	1750 exclusive of the Capital.) Erfurt 51° 6'	2851 15,000
3. Eichsfeld. The foil is not very fruit ful, and the inhabitants are poor: the principal and only manufactures are ferge and linen. Tobacco and flax are cultivated; and at Du- derfladt, the greatest means of fublishing is beer-brew- ing.			1850 Jeiligenftadt Ouderftadt	=
4. Bishoprick of Worms.  The country is, for the most part, mountainous and woody; but has fome arable lands, meadows, and wine, the best of which, which grows on the Rhine, is, for its delicious slavour, called Our Lady's Milk. The archiepiscopal cathedral is in the Imperial city; the Chapter consists of thirteen Capitulars, and nine Domicelli.  (Busching.)	- 1	Cities - IN Market Towns - I Scattered Places - 20 (Busching.)	eu Leiningen	

1 No.	C. C. S. C. Bally	. 35
Finances.	Military Establishment.	
		•
Annual Revenue.		
1,500,000 Florins. (Dobm.)	10,000 Men. (Milit. Bibl.)	
Or 1,700,000. (Rifbeck's Letters:)	Real Establishment at present, only	
	2,200 Men.	1
the Tax on Wine alone, produces more than 110,000 Rix-dollars.	(Risbeck's Letters.)	ALT POWER
(Busching:)		
		-
	A STATE OF THE STA	
	The second	
	1	
		- Louisian -
Vol. Iff. Fff		

				777 S. C. S. S. S. S. S.
	Square			Cities.
Countries.	Miles.	Population.	Rate per Mile.	Houses. Inbabit.
VII.	The same			
Dominions of the				
ELECTOR of	1,600			
TREVES -	151		1	
Division.		Terra incognita.	THE REPORT OF STREET	
1. Archbishoprick of	To a second		Principal Cities.	
Treves	110			
The country is moun-				
tainous and woody,	11000	Cities and small Towns 29	Treves	
contains good paf- turage for cattle, &		The Pass Mabilian on Knight	3 Collegiate and 5 Parish Churches	
in many places fruit-	1	The Free Nobility, or Knight- hood of the Empire, possess		
ful arable land; yet			Coblenz	12,000
flands in need of		(Busching.)		
the importation of				
corn. The growth		The Chapter confifts of forty		
of wine on the Mo-		Canons; among whom are		
fel, is very confider-	1000	fixteen Capitulars, and twen-		
able; and among the		ty - four Domicelli. They		1/2011
Mofel wines, those that grow at Zeltin-		must at least be descended of ancient noble families, and		
gen, Wehlen, Krag,		have it in their power to ex-	,	A STATE OF THE STA
Duffemund, and	in the	hibit fixteen ancestors ca-		
Chus, are in great		pable of being admitted to		
efteem. There are		tournaments.		
mines of stone-coal,				
calamy, iron, cop-				
per, lead, tin, and fome filver.	· v			
The ancient inhabi-				
tants were called				
Treviri, from whom				
the country and				
principal city take				
their names.				
(Busching.)	71			
The waters of Selters, a village on the Emf-	2			3.640.
bach, are very cele-				
brated, and profit-	Marie S			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
able to the Elector.				
			AT CARD OF THE REAL PROPERTY.	F & Designation
710 11				A A A A A A A A A A A A A A A A A A A
2. Bishoprick of Augs-				
burg The Diocess takes its	34			The state of the s
name from the Im-			Dillingen	-
perial city.	E S	Small Towns II		
		(Busching.)		
	7	The Chapter confifts of fortyPer-		
		fons. A Prebendary brings		
		in about 1700 florins; but		
TARREST ASSESSED		this depends on the plenty or	N. P. C.	
	1100	fearcity of corn.		
g. Princely Priory of	31-2		No. of London	
Ellwangen	-			
	7	Cities 7	D.L.	
The state of the s		Small Towns - 6	Elwangen	
1 1 1	1	(Busching.)		**
	THE REAL PROPERTY.	(-3,500)		

Finances.	Military Establishment.	
ANNUAL REVENUE. 780,000 Florins.	7,000 Men. (Milit. B;bl.)	•
viz.  Treves - 500,000 Florins	Actual Number, 1200 Men, troops of the	
Aug/burg 100,000	Circle 40 Life-Guards.	
Ellwangen 80,000		
(Rifbeck's Letters.)		
	1313	
		1 100
F	ff 2	

0				
Countries.	Square Miles.		Rate per Mile.	Cities. Houses. Inhabit.
VIII.  Dominions of the ELECTOR of Co- LOGNE.	360	Cities 550,000 Cities - 600 Small Towns - 27		*
The Electorate	130	(Most probable Calculation.)	1538	
Division.  1. The Archbifoptick Some part of the country is mountainous and woody; another fandy; and a third, very fruitful. The wine called Bleichert, on the Rhine, is tolerably good.  The cathedral church is in the Imperial city of Cologne; and the Chapter confifts of twenty-five Canons, and a number of Domicelli.  2. County of Recklingthausen.	60	Domains	Principal Cities. Bonn Andernach Neufs	11,000
3. Dutchy of West-phalia - Abounds with iron ore, calamy, lead, copper, and fome silver. The foil is not very fruitful, but there are fine woods & meadows.	55	Liberties - 41 Villages - 7 Scattered Peafants Houses - 3,000 Convents - 5 (Polit, Journ.)  100,000 Cities 25 B Small Towns 12 A	Recklingshausen  1818 Brilon Arensberg tadtberg	
II. Bishoprick of Mün- STER The country in gene- ral is level, and the is heaths very exten- five. There are forme fruitful plains, fine 2 woods, and turf; together with good quarries of stone; & the rivers abound with fish,	vated S	mall Towns - 12 M	1521 lünfter leppen rechte	

Finances.

ANNUAL REVENUE.

Rhenish Florins from the Archbishoprick.

The present Elector is expected to be elected Bishop of Paderborn, the income of which See is worth One Regiment of Infantry, of 600,000 florins; fo that, with the Revenues of Münster, and his Commandery of the Teutonic Order, which is valued at 400,000, it is faid his income will be at least 4,400,000 florins.

(Rifbeck's Letters.)

Münfter.

1 200,000 Florins.

Of which the greatest part is received by the Provincial States.

The Contribution from the Parishes produces, monthly

> Public Debt. More than 2,000,000 Dollars.

> > (Polit. Fourn. 1784.)

Military Establishment.

бооо Меп. (Milit. Bibl.)

In the Archbishoprick and Dutchy of Westphalia.

14 Companies, 1006 men; of which, 11 Companies are stationed at Bonn, and the rest in the different Cities.

I Company of Huffars

I Ditto Life Guards (50 Men)

(Materials for an ecclefiastical) and secular Statistical Account of Cologne compared with the Polit. Journ. of 1784, p. 565.)

4 Regiments of Infantry

1 Regiment of Cavalry

A Troop of Horfe Guards

And a Corp of Artillery, 30,000 Rix-dollars Maintained by the Chapter.

Schlözer and Polit. Fourn. 1784.)

X. Saxe-Gotha.

	-	1		
Countries.	Square Miles.	Population.	Rate per Mile.	Gities.
	IVIIIes.			Houses. Inhabit.
IX.	SALE OF SALE			-
Dominions of the				
DUKE OF WEIMAR	42			
	T			
Division.			AND THE PARTY OF	
3. Principality of	26	6	2400	
Weimar Mountainous and	20	65,000 Cities and Small Towns 15	Principal Cities.	
woody, grain not		Births, upon an average, 2,050	Weimar	725 7,000
very plentiful.		Deaths 1,820	Jena, 50° 57'	816 5,300
At Jenais an univerfity		(Gruner's Almanack, 1784.)	A==11=	(Nicolai, 1785.)
which is very much			Apolda Buttstedt	480 4,000
frequented, and has produced manyemi-			Altstedt	380
nent scholars.				2/0
			A STATE OF THE REAL PROPERTY.	
2. Principality of Eife-				
nach	12	Cities and Small Towns 6	Eifenach, 51°	1400 6,000
there are mines of			Ruhla	256
copper and iron, to-			Berka	171
gether with fome			Markfuhl	156
allum and vitriol, &	1			
fome falt springs.				
3. Henneberg & Baili-				
wicks of Ilmenau,				
Kalt-Nordheim, &	2 3 3	ALCOHOLDS IN A STATE OF		
Oftheim.	4	Cities 2]	Ilmenau	100
		Small Towns - 2	Oftheim	468
x.				
Dominions of the				
Duke of Gotha -	55	156,000	2838	
D: 16	The state of			
Division.  1. Principality of	5			
Gotha	30	(1779) 77,898	2596	(1779)
The foil is very fertile,	10	Cities 6 (		1,274 11,280
and the inhabitants		small Towns - 6	Ohrdruf	755 4,150
of the Capital carry			Ruhla	500 1,708 250 1,309
on a confiderable		Filials, or Chapels of	Cranichfeld	230 2,308
manufactures, por-	1	Eafe 58	18	
celain, &c.		Bailiwicks 9		
		Houses 17,776		
2. The greatest part of the Principality of		Galetti's Hift. of Gotha, 1781.)		
Altenburg	25	78,000	3120	
The foil is fertile in	2	In the whole Principality.	3	
corn, and abounds		Cities 13	Altenburg	7,000
in good pasturage. There are extensive	-		Lucca	
woods; and the	1		Ronneburg Orlamünda	
mines yield copper	1	Births (1782) 3,301	o i i a i i u i u i u i	
and cobalt, together		Deaths 2,512	The state of the state of	
with vitriol, and		Marriages 870		
other minerals,	1	(Gotha Almanack, 1784.)		

A. Saxe-Gotha.					
Finances.	Military Establishment.				
Annual Revenue.  600,000 Rhenish Florins.  (Riffeck's Letters.)	The Military was reduced, in 1783, to a Company of 80 Guards.				
According to others, 600,000 Dollars.					
Can one PL id PL					
\$00,000 Rhenish Florins.  According to others, more than 700,000 Dol  (Busching, &c.)	Two Provincial Regiments, or Militia, each 800 Men. One Company of Guards, 160 Men. And a Corps of Artillery. (Busching.)	13			
A THE RESERVE OF THE PARTY OF T	(2.3.2.8.1	1			

#### XI. Saxe-Coburg-Saalfeld. XII. Saxe-Hilburgbausen. XIII. Saxe-Meinungen.

		o contract of the contract of		761
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.
XI.  Dominions of the DUKE OF SAXE- SAALFELD - E. Part of the Principality of Coburg The foil is fertile, and there are fine pafture grounds. There are filver, copper, and iron mines; good pit-coal, alabather, and marble. The moft ufual exports are wool, fatted fheep, and black cattle. At Coburg is a porcelain ma- nufactory, &cc. 2. Part of the Principality of Altenburg  XII.  Dominions of the DUKE OF SAXE- HILBURGRAUSEN	16 6	Churches 50 Births (1783) - 838 Deaths - 648 The whole Principality of Coburg contains 23 fquare miles, 65,000 fouls, 10 cities, 7 market-towns, 332 villages, 97 mother-churches, 20 filials or chapels of eafe, 48 noblemen's feats.	Coburg Rodach	745 709 (Gruner compared with Nicolai.) 273 1290 196 (Gruner.)
2. Part of the Principality of Coburg  2. Part of the County of Henneberg	12	Small Towns - 2 Villages - 117	Hilburghaufen Behrungen	
XIII. Dominious of the Duke of SAXE- MEINUNGEN T. Greated part of the Princely County of Henneberg -	22½	Cities - 3 Small Towns - 2 Bailiwicks - 6 Places in general - 250 (Busching.)	Meinungen	
pality of Coburg - pality of Coburg - 2 Forest Arable Land and Pasturage.	41/2	Small Towns - 4		248 1757 117 638

XII. Saxe-Hilburghausen.

, XIII. Saxe-Meinungen.

Finances.

Military Establishment.

Annual Revenue of Coburg. 86,000 Rix-dollars.

Debt (1773).

1,075,068

(Schlözer.)

60,000 (Busching's Geogr.)

Annual Revenue.

80,000 Dollars. (Bufching.)
71,827 Florins. (Schlözer.)

Part of Coburg.

Annual Revenue.

From the Forests alone, 60,000 Florins.

The contingent to the Circle, of 84 men, is maintained in the time of peace at Coburg, as a guard, and increased to 133 Grenadiers and Musqueteers.

The Militia confifts of a Battalion of 3 Companies, of 120 Men.
(Nicolai.)

XV. Brunswick-Wolfenbuttel.

Sept March 1981	Square	Bearing to the		Citias
Countries.	Miles.	Population.	Rate per Mile.	Houses. Inbab
0	100			
XIV.				
Dominions of the MARGRAVE of BAYREUTH-ANSPACH.	1	PARTY DESCRIPTION		
1. Principality of Bayreuth.	65	185,000	2846	
The country is partly moun-		Births (1776) 7195	Paint of China	
There are mines which pro-		Deaths 5469 Marriages 1694	Principal Cities.	The same of the last
duce iron, vitriol, antimony,	16 3 3	Cities 18	Bayreuth	900 10,000
copper, and lead. There are		Market Towns - 36	Felangon	(Gerken.)
fine crystals likewise, and mar- ble of all colours. Some of		Parishes 196 Noblemen's Seats - 250	Erlangen	(Nicolai.)
the mountains are covered		_	Culmbach	402 2665
with pines. At Erlangen there		Births (1783) - 6929	Hoff on the	(Gerken.)
is an University. The French refugees manufacture stockings		Deaths 5884	Saale	600 5000
and hats there; and the other				(Gerken.)
manufactures are porcelain,				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
and woollen cloths, of which large quantities are exported.	1 3 13			(1774)
2. Principality of Anspach.	80	The state of Population is		900 10,200
The foil is better than Bay- reuth. On the Mayn is a good		unknown.	49° 19′ Schwabach	(Nicolai.) - 6000
product of wine, and the breed		Market Towns - 17		0008
of cattle is excellent. There		(Busching.)	Fürth	
are iron mines, and fome mar- ble. At Schwabach the ma-			Gunzenhaufen	
nufactures are very numerous,				
and in high repute, particu-				
larly gold and filver lace. 3. Part of the County of				
Limburg, and the County				
of Sayn-Altkirchen. The latter devolves, on the	_			
death of the present Mar-				
grave, to the House of Ha-				
nover.				
XV.				
Dominions of the DUKE of BRUNSWICK - WOLVEN-				
BUTTEL.	94	185,000	1968	
	The state of	(Probable Calculation.)		
		the Military, viz.		
District of Wolfenbuttel	-	71,619		
Schöning	-	31,364		
the Hartz Forest -		26,888		10 20 20 3
Principality of Blankenburg -	-	12,646	No. of the last	279
Bailiwick of Thedinghausen, in Westphalia		2688		1
The country abounds with	1	(Schlözer.)	1	
woods and rich mines : the		Cities 10	Brunfwick	- 22,40
manufactures are numerous, the most famous of which are		Market Towns - 8 Convents, and other re-	3	(1780
of looking-glass and porcelain.	100	ligious Foundations 17	Wolfenbuttel	773 500
There are iron works and falt		Villages 386	Helmstadt	4000
works. Near Blankenburg are marbles of every colour. From		(Busching.)	Holzmünden	
Brunfwick they export large			LIOIZIIIUIIUEH	

Finances.

Military Establishment.

Annual Revenue.

2,000,000 Florins.

viz.

Bayreuth 900,000 Fl. Anspach, more than 1,000,000 -

Public Debt.

1769 Bayreuth 2,400,000 Fl. -1757 Anfpach 2,300,000 -

Two millions of which were liquidated by prudent management in 1780. 151,000 dollars were expended in the purchase of estates and valuable prerogatives; and 824,000 dollars laid out in the improvement of the country.

In 1784 the whole debt was liquidated, except a fmall capital, which it was not thought advisable to pay fome individuals, who live on the interest of their money, all at once, or elfe money belonging to churches and charitable foundations. Besides this, a confiderable and almost a fifth part of the arrears of the taxes was granted to the subjects.

Revenue in 1780.

Above 1,500,000 Rix-dollars. (Polit. Journ. 1781.)

Public Debt.

In the year 1770 it amounted to 7,000,000 of dollars, and the credit of the country began to decline, owing to the great expences of the last Duke; but through the prudent management of the prefent Sovereign, more than two millions were paid off in 1779; and it was calculated, that by means of the present wise regulations, the whole debt would be The Duke at present com-(Polit. Fourn. 1781.) paid before 1790.

At Helmstadt is a celebrated University, founded in 1576. Before Gottingen was founded, it was common to all the Brunfwick dominions. Holzmunden is conveniently fituated for trade on the

3 Regiments of Infantry.

I Corps of Huffars.

I Troop of Horse Guards. (Busching.)

> 5500 Men (1775).

The prefent establishment is reduced to 2 Regiments of Infantry and I of Dragoons.

In the war of 1757, the number of troops amounted to 12,000 men.

mands a Regiment in the Pruffian fervice, which is generally quartered at Halberstadt in time of peace, near his own territories.

Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhab.
XVI. Dominions of the DUKES of MECKLENBURG. The foil is fandy, and the heaths very extensive, with moors, woods, fens, and quarries: of late, however, the country has been much improved. There are falt-fprings, alum, iron, and	300	300,000 (Rifbeck's Letters.) According to Bufching, only 220,000. Cities and Towns - 45 Hufen or Hides of Land 12,545 Noble Families fettled in		
fome copper. The lakes are very numerous, and from one to three German miles in length; but in many places, the eminences covered with woods, interperfed with corn lands, and the vallies with patturage and water, give the country a very agreeable appearance.		the Country - 112 Noble Effaces - 594 Peafants Farms - 2500 (Bufching and Polit, Journ.)		
Division. 3. Mecklenburg-Schwerin. Roftock is conveniently fituated for trade, and exports from the haven of Warnemundey, various commercial articles, particularly wood and leather. There is an University there.		Noble Effates and Farms 1100 Ducal Effates farmed out 316 — Villages - 550 Lutheran Convents for Ladies - 3 (Schlözer.)	Güstrow Parchim Eützow	(1784) 950 9950 (Geogr. Mag.) 1650 8000 
2. Mecklenburg - Strelitz, with the Principality of Ratzeburg.	and the same	60,000 Cities in the country of Strelitz	Boitzenburg Ludwigslust 1000 Neu-Strelitz Alt-Strelitz	3500 1900 2500
	F	Villages, more than - 150 Ducal Domains and Farms, including Ratzeburg, more than - 2001 Births, intheformer (1783) 1563 Deaths - 1074 Aarriages - 386 (Palitical Journal, 1785.)	burg	
Principality of Ratzeburg.	B	mail Towns 2  fillages, and Buildings for the purpose of Agriculture 90  firths (1784) - 259  eaths - 217  larriages - 86  (Folitical Journal, 1785.)		

XVI. Mecklenburg. Finances. Military Establishment. Annual Revenue. The income of the whole country would be 4,500,000 dollars, if the noble effates were valued at 20,700,000, and the revenues at 1,035,000; but in this calculation are reckoned the revenues of the cities, and the other estates. (Nugent's Travels.) The Public Debt is confiderable. SCHWERIN. SCHWERIN-Revenues of the Duke, more than 700,000 Dol- I Squadron of Guards 60 Men. the large Domains. (Schlözer.) I Reg. of Infantry, of 5 Comp. 1 --- Grenadiers, 5 Comp. Contribution from the Nobility throughout the Not 1500 Men in all. 40,000 Dol. (Schlözer.) - from the Cities, more than 100,000 -The Tolls on the Elbe formerly produced 100,000 --at prefent fearcely 30,000 . (Schlözer.) The Bailiwicks in general 390,000 -The Forests 4521 Contributions and Excise 200,000 The Posts, about 18,000 (Polit. Fourn. 1785, according to which the revenues of 1770 only amounted to 534,101 Dol.) STRELITZ. STPELITZ. Annual Revenue. Formerly 5 Comp. Infant. I - Life Guards, Viz, From the Seigniory of Stargard 50,000 Dol. and a few Huffars. At prefent not more than 50 Men. Principality of Ratzeburg 92,000 -(Nugent.) Toll on the Elbe at Boi-9000 -Forests 8000 -(Polit. Fourn. 1785.) In order to provide for other necessary expences, the following fums are raifed as a provincial fund, a part of which is applied to pay off the public debt. From the Domains of Schwerin -6000 Dol. 1000 ---- Strelitz -Nobility, Estates of the Cities 7380 -

> Total 23,460 Dol. (Schlözer, compared with Hausen.)

6180 -

900 -

2000 -

and Convents

Cities of Schwerin

-City of Rostock

--- Strelitz

XVII. Wirtenberg. XVIII. Palatine Deux-Ponts.

Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.
XVII. c Dominions of the DUKE of WIRTENBERG. The country is very fertile, and the climate one of the best and warmest in all Ger- many. Grain is so plen- tiful, that large quan- tities are exported, par- ticularly spelt. There are abundance of or- chards and vineyards. The mines produce filver and copper, and some iron. The figil- lata here is reckoned preferable to that of Malta. The marbles are finely variegated, and there are agate crystalline pebbles which cut glass. The chief manusacures are filk,	200	Vacant Bailiwicks - 135 Lutheran Parishes - 555 ——— Filials, or Chapels of Ease - 829	Stuttgard 48° 52' Ludwigfburg	20,000 — (1782) 6750 — 1200 460 358 (1784) 2952 (Geogr. Mag.)
Princely County of Monbelliard.  This County does not belong to any of the Circles.  XVIII. Dominions of the Duke	-	Jews - 426 (Busching, and Polits, Journ.)  50,000  including the nine incorporated Scigniories in Franche Comté and Alface. In the County, Cities - 1 Villages - 50 — Parochial - 16 In the Seigniories, Cities - 4 Parochial Villages - 17 (Hist. of Mombelliard, in Meusel's Hist. Litter. Mag.)	Monbelliard	— (Ibid.) 5000
The Duke is the first in rank among the Princes of the Em- pire on the secular Bench,	92	wicks, which compose the whole Dutchy - 12 (Bachmann,)	Zweybrücken, or Deux-Ponts Homburg Lichtenberg Meisenheim	520 <b>0</b>
			Trarbach Allenbach Kaftellaun Anweijer Bischweiler	252 (Busching.)

	- Down I ones.
Finances.	Military Establishment.
Annual Revenue.	6000 Men.
2,000,000 Florins.	(1783 Milit. Bibl.)
viz.  Domains 800,000 Fl.  Raifed from the Provinces - 1,200,000 — (Busching.)	During the war in 1759, the Military confifted of 14,000 Men.
According to others, almost 3,000,000.	
The Public Debt.	
During the time of the first splendid government amounted to 16,000,000 Florins; but by the	
time it is nearly liquidated.	n,
Annual Revenue.	A Company of Foot Life-
800,000 Florins.	Guards, and a Corps of Huffars, befides a Com- pany of disciplined Militia,
(Risbeck's Letters.)	in each of the fuperior
	Bailiwicks. (Bachmann.)
The state of the s	(Duraman)

# XIX. Hesse-Cassel. XX. Hesse-Darmstadt.

		2	1	The same of
Countries	Square	Population.	Rate per Mile.	Cities.
Countries	Miles.	Lopaintons	The per aratics	Houses. Inhabit.
and the same of th				
XIX.				
Dominions of the	1			
LANDGRAVE of	95 3		ACCUPATE TOTAL	
HESSE-CASSEL.	260	450,000	1730	
50-520 N. Lat.				
	2	CONTRACTOR OF THE CONTRACTOR		
Division.				THE RESERVE OF THE PERSON OF T
1. Heffe-Caffel.	208			
2. Part of the County	TOTAL BUT			
of Henneberg.	4	350,000	1576	The Assessment of the
3. County of Hersfeld.	10	)	Principal Cities.	THE PARTY OF THE P
For the most part		Cities 43	Caffel	1390, more than
hilly and woody, though		Castles 31	510 10	20,000
not without good corn	N. T.	Taxable Houses - 55,000	Hofgeismar	390 2500
lands and pafturage.	-	Churches - = 1215	Eschwege	615 3500
There are filver, copper,			Ziegenhain	300 1800
lead, and iron mines :	13000	Ecclefiaftical Foundations 484		
alum, vitriol, pit-coal,		(Busching's Geogr. Engelbard,	50° 49	The state of the s
falt fprings, &c.	The same	1778.)	Langenschwal-	
At Cassel are manu-	Windle or		bach	250 1500
factories of filk, cloth,	The same		Hersfeld	500 3000
gold lace, &c.	100		Schmalkalden	
At Marburg and Rin-			THE PERSON OF	
teln are Univerfities.	- 1			
4. Part of the County		A STATE OF THE PARTY OF THE PAR		
of Schauenburg.	16	30,000	1875	
			Rinteln	
		Market Towns - 1	*	
		Villages 89		
The state of the s		(Busching.)	The state of the s	
5. County of Hanau.	22	70,000	3182	
				1200 9000
		Market Towns - 15	50° 71'	According to
The second		Villages 66		others 12,000
			Babenhausen	183 (1780) 1106
	(	Geograph. and Hist. Descrip of		
XX.	100	of the County of Hanau Mun-		
Dominions of the		zenberg.)	12-11-12	
LANDGRAVE of	15 -		THE PARTY OF THE P	
HESSE - DARM-				
STADT.	100	300,000	3000	
0	(	Probable Calculation according to		
	1	Busching.)		
Division.			7	
1. Upper County of	-			
Katzenellenbogen.	-	1-1-	Darmstadt	520 9500
			Ems	9300
2. Upper Heffe.	-		Gieffen	705 4500
	-		Butzbach .	2250
3. Seigniory of Hanau-	r			1 30
Lichtenberg in Up-		Control of the second	THE RESERVED TO	
per Alface.	-	-	Pirmafens .	9000
tru .	-			(Geogr. Mag.)
The country is very	758		Buchfweiler .	(-8, -128,)
fertile in corn and wine.	1111			
1. 0:	1000			
At Gieffen is an	36	THE PERSON NAMED IN COLUMN		
University.	1000			

Finances.	Military Establishment.
ANNUAL REVENUE.	Phonesis .
1,600,000 Dollars, besides 500,000 from Hanau.	12,000 Men,
The Landgrave has a very confiderable treasure The last Landgrave left 56,000,000 florins.	2500 Cavalry, 7500 Infantry, befides the Artillery, Chaf-
Large fums have been received from the British Government for troops; not to mention the degacy of the late Princes Amelia.	Engineers, &c.
action of the same	(Milit. Bibl.)
	3000 Men in Hanau.
	\$2,000 Men are now in British Pay.
2052	Insurance of the contract of t
The second secon	
AND THE STREET	
sent and the second of the second	COLUMN CALLAND AND AND AND AND AND AND AND AND AND
1,150,000 Florine.	4000 Men.
The old Debt will foon be liquidated.	(Milit. Bibl.)
(Rifbeck's Letters.)	
Vol. III. H	hh

### XXI. Baden. XXII. Oldenburg.

Countries.	Square Miles.	Population.	Rate per Mile,	Cities. Houses. Inhabit.
c	27211031			Inbabit.
XXI. Dominions of the MARGRAVE of BADEN Thewhole Margraviate is a good country, a- bounding with corn, wine, hemp, flax, and wood. Manufactures are very much encouraged by the prefent patriotic Prince; & the country in general is in a very flourishing condition, notwith flanding the devaftations of war before the Prace of Raftadt.	52	200,000 (Bufebing and General Calculat.) Cities, about - 20 Several Market Towns	Carlsruhe	400 (Gerken's Trav.) 650
XXII.  Dominions of the Duke of Oldenburg and Delmenhorft - This country has excellent pafturage, and produces a remarkably good breed of horned cattle and horses.  Dishoprick of Eutin -	45	Other Buildings - 9,340.1 Bufshing, compared with the Geo- graphical Defeription of Olden- burg and Delmenborsh in 1769.)	1888 Oldenburg Oelmenhorst	484 500a 237 1400

XXII. O	ldeni
Finances.	M
Annual Revenue.	
The Debts of the preceding Government are almost wholly liquidated.	
(Rifbeck's Letters.).	
The second secon	
350,000 Florins. (Schlözer.)	
	- 3
	1

3000 Men, among whom are 300 Cavalry.

lilitary Establishment.

54 XXIII. Anhalt.					
Countries.	Square Miles.	Populat	ion.	Rate per Mile.	Cities. Houses. Inbabit.
XXIII.		THE REST		ALUE DE SERVE	
Dominions of the					
PRINCES OF ANHALT	50	(Lobethan,		2000	
	1	Births, for ten	years,		MARKET !
	9	on an average .	- 3150		
Division.	100	Deaths - Marriages -	- 2847 - 821		EA CASH
A Drogione	Jan Ja	Cities	- 20	the state of the s	
T. Principality of An-	and the	Market Towns	- 2	esia i Aldrinoa	
halt-Deffau	12	30,70		2559	
Part of the country is		Births (Lobetha	n.)	Principal Cities.	
fertile in barley and	ALE DE	Deaths -	- 936	1 rinoipat Gittes.	
wheat; and there		Marriages -		Deffau	800 (1784) 8000
are woods of oak, beach, poplar, elm,		Cities - Market Towns	- 5	Wörliz	
&c. There are like-		Villages and O		VV OFFIZ	
wife hop-grounds.	4	buildings -	- 60		
		Besides several Es Prussia, between			
		and Wehlau, w			
	10.00	about 4½ miles	in length,		
		and from half to	breadth		
		(Goldbeck and B		the second	
2. Principality of An-					
halt-Cöthen	-	23,300		-	
The foil of this coun-		Births -	- 721	011.1	
The principal manu-		Deaths - Marriages -	- 191	Cöthen	700 5000
facture at Cothen is	(	Cities -	- 3		
gold and filver.			ind		
		Villages - A collateral line is	in possession		
		of the free Seign	iory of Pless	100	
		in Upper Silefia,	as a fief; a	1 - 1 - 1 - 1 - 1	
		district of 25 fq containing 4 citie			27.70
		ings, for the pur	oofe of agri-		Section 1
		culture; 55 vill	ages. The	The state of	
C D : II. C	-	city of Pless in 17 houses and 1845i	nhahitants	1.372	
3. Principality of An- halt-Bernburg	_				
In this country there	B	irths - 22,900	- 711 B	ernburg	600 4000
are fome profitable	D	eaths -	- 654 B	allenftedt	200 1800
mines of filver, lead, copper, &c.		farriages -	- 194 H	Iartzgerode	500 2500
		ailiwicks -	- 6 G	ernrode	300 1200
4. Principality of An- halt-Zerbst -	13	20,750			
The manufacture of	B	irths -	- 640 Z	erbst 1596	500 6700
gold and filver, at Zerbst, is very pro-		eaths -	- 593 C		1800
fitable.	C	larriages -	- 166	A STATE OF THE STA	
	. B:	ailiwicks -	- 4	1	三 (市场生活)
	M	larket Towns ar			
	N	Villages - oble Estates	- 72	10000	
	miles .		- 8		
Ic	ng & Pa	rifhes -	× 19/Je		fore than
			- Control of the last		

Finances. Military Establishment. ANNUAL REVENUE. More than 650,000 Dollars. The Revenues of the Princes of Anhalt-Deffau, which are the most considerable, are said to exceed 300,000. Those of Anhalt-Bernburg, are about 140,000. Anhalt-Zerbst, 120,000. Anhalt-Cöthen, more than 90,000. The Prince of Anhalt-Zerbst has two Regiments; and during the last American War had 800 men in British pay. The Annual Revenue of JEVER, 60,000 Dollars. (Busching.)

# XXIV. Nassau.

XXV. Schwartzburg. XXVI. Waldeck.

-			The second second	
Countries.	Square Miles.	Population.	Rate per Mile.	Gities.
	IVIIIES.		The state of the s	Houses. Inhabite
XXIV.		OF THE SECTION ASSESSED.	-	
Dominions of the	1			
PRINCES of NASSAU	TO COL		TUAN THE BEAUTIES	
The House of Orange	1	And the second	S. M. Borne S. M. S. M.	
The House of Orange, or Nasiau - Diez-	THE IS		AND ASSESSED IN THE REAL PROPERTY.	
Dillingburg; and				Work To Live
Nassau-Siegen, with the County of Spie-				
gelberg	48	130,000	2709	
The country is woody		Cities 7	Principal Cities.	Section To Section
and mountainous; but has fome arable			Diez Dillenburg	
and meadow land.		Villages, more than 300	Siegen	_ =
Naffau - Saarbrück-	-		Herborn	1500
Ufingen A good wine country.		35,000 (Schlözer.)	Ufingen	(Schlözer.)
	1	Births - = 1211	Idstein	
xxv.	119 31		Wifbaden Lahn	
Dominions of the		(Busching.)		
PRINCES of				
SCHWARTZBURG	40	100,000 (Rulching )	2499	
diameter and the	11 41	(Busching.)	TENGRALE.	
		Market Towns - 10		
1. The Northern or		Caftles - 15		100
Lower County of				
Schwartzburg - Princely Line of	-	Cities	Arnstadt	
Schwartzburg -			Sondershausen	480
Sondershausen.	No sign	Market Towns - 17	AL FILE	(Schlözer.)
2. The Southern or				-
Upper County of				
Schwartzburg -	-	Other		
Princely Line of Schwartzburg-Ru-			Rudolítadt Frankénhaufen	
dolftadt.	The state of	31		
-	0 0			
WWIII				
Dominions of the				
PRINCE of WAL-				
DECK	39			
1. County of Waldeck	37			
Mountainous and	500	Cities - 13	Corbach	
woody.	10	Small Towns - 1	Arolfen	-
		(Busching's Geography.)	Nieder-Wildun-	
2. County of Pyrmont	2	4153	gen 2076	
		(Marguard's Description of Par-		
The state of the state of		mont, and Geog. Mag. 1779.) Towns	Pyrmont	100
	111	Villages - 10	yimont	300

XXIV. Nassau, XXV. Oldenburg. XXVI. Waldeck.

Finances. Military Establishment. ANNUAL REVENUE. 400,000 Florins. (Busching.) 150,000 Florins, (Ibid.) The country of Schwartzburg has feveral very beautiful and fertile parts. The forests abound in timber, deer, wild boars, &c. There are a few mines of filver and copper; and at Frankenhausen, profitable falt works. Three Companies of the Waldeck. finest Men, besides two More than 150,000 Dollars, Companies, his contingent to the Empire. Pyrmont.

55,000 Dollars,

Of which, the Mineral Waters, which are celebrated throughout Europe, produce 30,000.

# XXVII. Lippe-Shauenburg. XXVIII. Reuss.

XXIX. Wernigerode.

Countries	Square Miles		Population.		Rate per Mile.	Cities. Houses. 1	nbab.
XXVII.  Dominions of the COUNTS de la LIPPE  3. County of Lippe.  Very mountainous.  The cultivation of flux is muchencouraged; and both the men and women fpin and weave the linen, which is the chiefmanufacture.  2. Part of the County	1	67, Births Deaths Cities Market T Peafantrie	owns -	2299 5 4 152	Principal Cities. Detmold Lemgow Horn Ufehln Blomberg Lippftadt jointly with Pruffia.	287 — (1784) — 511	1950 3000 2600 1200 1600 2695
of Schauenburg -	71	• • •	•		Stadthagen Bückeburg		11
Pominions of the PRINCE and COUNTS of REUS. All the Territories Hilly but not unfruitful. Some minerals.	20 <u>1</u>	Cities Market T		9 3			
Division.  3. Ancient Princely and Principal Branch of the House		Villages Domain Ef Noble Efta  Cities		231 38 75	Graiz	450	4500
2. Younger Branch, or Counts. a) Line of Gera -	4½	Market To Villages Cities Villages, an	d Buildings	79	Zeulenrode Gera before the	350	2300
b) Line of Scleiz -		for Agri Cities Market To Villages Places	owns - and other		Brande Scleiz	700	8000
XXIX. Dominions of the		Cities Villages, Places	12,840 and other		Lobenstein Ebersdorff	400	2245
Counts of Wer- NIGERODE  There are fine woods in this country, good pasturage and corn lands; & rich mines	fquare rods,	Cities Noble Esta Inhabitants	of the	1	Wernigerode	711	6500
iron, and other mi-	of found and	Villages	(1781.)	6000			

XXVII. Lippe-Schauenburg. XXVIII. Reuss.

XXIX. Wernigerode.

Finances.

Military Establishment.

Annual Revenue.

Lippe and Schauenburg together, 200,000 Dollars.

The whole amount of the Counts Revenues, 200,000 Dollars.

To which

The County of Wernigerode contributes 150,000
County of Schwarzau in Franconia -

The Seigniories of Kreppelholz, Jannowitz,

and Peterswalde in Silesia - - 24,000

Some places in common with Stollberg, &c. -

Vol. III.

Iii

XXX. Archbishoprick of Salzburg.
XXXI. Bishoprick of Passau.

XXXII. Bishoprick of Bamberg.

X	XXIII.	Bishoprick of Wurt	zburg.	
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inbau.
XXX.  Dominions of the Archeristop of Salzburg. 46° 40°—48° 2′	240 (Westenrieder, 1784.)		1042 Principal Cities. Salzburg 470 46' Lat.	14,00 (Rißeck's L
XXXI.				
Bishoprick of Passau.	15		Paffau 48° 32'	789
			- 100	
XXXII. Bishoprick of BAM-	65	180,000	2769	
BERG.		Cities 18	Bamberg 49° 57' Forchheim	
			Kronach	
XXXIII.  Bishoprick of WURTZ-BURG.	95	200,000	2105	
		1	Wurtzburg Kissingen	_ 16,000
		Taxable Subjects, or Families - 32,705 Lutheran Parishes - 25		
			1	

XXX. Archbishoprick of Salzburg. XXXI. Bishoprick of Passau. XXXII. Bishoprick of Bamberg. XXXIII. Bishoprick of Würtzburg.

Finances.

Military Establishment.

Annual Revenue.

1,500,000 Florins.

(Rifbeck's Letters.)

This country confifts entirely of mountains and valles. Scarcely any grain is fown; but the grafs of a peculiar goodness, and feeds excellent cattle. The falt works are celebrated, and very productive. There are mines of gold, filver, copper, lead, iron, and lapis calaminaris. The steel and brafs manufactures are in high repute.

### 200,000

Some part of the Bishoprick of Passau is mountainous, and another marshy. Manufactures are not much encouraged.

700,000

(Rifbeck's Letters.)

The foil of Bamberg is good, and produces all forts of grain, fruits, and wine. In the neighbourhood of the capital, are fuch numbers of laurel, fig, lemon, and orange trees, that this fpot is by fome called the little Italy of Germany.

800,000

(Rifbeck's Letters.)

The country is very fertile in corn, and wine, which is very finely flavoured.

- 1 Regiment of 1000 Men.
- 50 Halberdeers, and
- 50 Yeomen Guards.

(Busching.)

62	XX	XIV. I	Bishoprick of	Spire.	
0		XV.	THE REAL PROPERTY AND ADDRESS OF THE PERSON	Hildesheim.	
		XVI		- Paderborn.	
Gountries.	Square Miles.	Po	pulation.	Rate per Mile,	Cities. Houses. Inbabit.
XXXIV.  Dominions of the BISHOP of SPIRE.	28				
The country is mostly woody and mountainous; but in some parts are good arabic lands, wine, chefnuts, and almonds.		Cities  Market Tow  Bailiwicks  Villages, mor	- 10	Bruchfal Philipfburg Rheinzabern	145 Gercken.)
		(Busching	and Bernoulli.)		
XXXV.					
Bishoprick of Hil- DESHEIM.	54	-		* January Ser	1, 3 2 -
The greatest part of this Diocess has a good soil, and is well cultivated. The woods are extensive, and large quantities		Cities Market Town Baillwicks	8 18 4 16	Hildesheim Peine	2500 12,500 (Geogr. Mag.)
of timber are ex- ported for fhipping by the way of Bre- men. There are like- wife iron works.	7	Places in gene Noble Estates (Bu	eral - 234 - 74 (Sching.)	122.00	
XXXVI.					
Bishoprick of PADER- BORN.  There are extensive	55	Cities	1	+	
heaths; but for the most part the coun- try is fertile, and has a good breed of cattle. There are		Market Town	- 136	Paderborn Warburg Brakel	
iron mines and falt fprings.		Other fingle p	Churches 95		
		(Bu)	(ching.)	1	

XXXIV. Bifton	prick of Spire.	63
XXXV.	Hildesbeim.	
XXXVI.	Paderborn.	
	- macroorns	
Finances.		Anna Maria
The same of the sa		
Annual Revenue.		
300,000 Florins.		W N S I S I
(Rifbeck's Letters, and Gercken's Travels.)	Company of the second	
	( - ) - ( - ) - ) - (	
		Manager .
259,404 Dollars.		
(1782.)		
		TATE OF THE PARTY
Contribution in 1782 - 86,938 Dol.		
Public Debt.		
In 1772, more than 2,000,000, but reduced	in	
1779 to 1,993,477.		
		- 1 - B
600,000 Florins.	A THE REAL PROPERTY.	
Coo, Coo Figures.		
(Rifbeck's Letters.)	The state of	

Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.
XXXVII.  Dominions of the BISHOP of OSNABRUCK.  The principal produce of this country is tye and flax. The linens are very famous, and exported from Holland. It is faid, they bring a million of dollars into the country annually.		120,000  More accurate calculation in 1772 - 116,664  Cities - 4  Market Towns - 3  Hearths - 20,000  (Bufching and Schlözer.)	2143  Principal Cities.  Offisbruck 52° 38'  Fürftenau	1250 9500
XXXVIII.  Bishoprick of Liege.  The foil of this Dioces		200,000 (ufual calculation.)	1943	
is fertile in corn and pafturage. There are large forefts, and mines of copper, lead, iron, and ftone coal. The mineral waters of Spa are too well known, to the English in par- ticular, to require a		Cities 26 Villages 1400 ( <i>Bufching</i> .)	50° 39' Hui Dinant Spa	350
defcription. The manufacture of fire- arms at Liege was formerly very fa- mous.  XXXIX. Bishoprick of Fulda.  This country is in general mountainous and woody; but has fome arable lands and falt springs.	48 (Voigi•)	80,000 - (Weickart, 1781.)  Cities - 8 Market Towns - 2 Bailwicks - 20 Parifh Churches - 60 Filial - 94	1666  Fulda 50° 36'	
		among which are 15 Lutheran.		

XXXVII. Bishoprick of Osnabruck.

XXXVIII. Liege.

XXXIX. Fulds

Finances.

Military Establishment.

Annual Revenue.

180,000 Rhenish Florins.

(Rifbeck's Letters.)

According to Busching, the common revenue of the country is 130,000 dollars; but this sum is often increased.

The Episcopal Domains produce upon an average 40,000 dollars.

1,200,000

A great part of which is funded by the Provincial States. The Bishop has 800,000 florins.

(Rifbeck's Letters.)

The number of persons bearing arms at present, is very uncertain.

300,000

(Rifbeck's Letters.)

# XL. Danish Holstein.

XLI.	Swedish	Pomerania.
------	---------	------------

	1000			The state of the state of
Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses. Inhabit.
XLI.  Dominions of the				
King of Den- mark in Ger- many.				
Dutchy of Holstein.  Chiefly marshy lands;	175	310,000 (Gottingen Mag. and Pol. Journ. 1785.)	1771 Principal Cities.	
but grain of all kinds is plentiful. The horses are famous.		Births (1780) - 10,479	Gluckstadt	
At Altona, trade is in a very flourishing			Rendsburg	600 3000
condition, and the exports of all kinds daily increasing.		Small Towns - 18 Villages - 2500 (Busching.)	Kiel 54° 21',	800 4500
daily inclouding.			Altona	3150 24,500
XLII.				
Dominions of the King of Sweden				
in Germany.  1. Part of Pomerania.	90	100,550 1781, without the Military.)	1117	(-0.)
The country is level, and in some parts				(1781)
There are fome fo-	0	Cities - 14	Greifswald 50° 6' 4" Volgast	4970
refts, and turf for fuel. The lakes are numerous and large.		states, Villages, and Farms 1080 B		3228 3239 1172
Large quantities of corn, and other com-	R	Wifmar - 249,000 dol. L	ribfees	- 1032 - 1127
mercial articles, are exported from Stral-	E	xpended in Pc- D	amgarten -	- 580 - 938
fund, where there are many wealthy		(Busching.) F	ranzburg ergenintheIsland	397
merchants.			of Rugen	(Reichenbach.)
Divis Chic				
2. Diffrict of Wifmar.		bailiwicks - + 2 Willages 32	Vilmar 53° 55'	(Thomas.)

No.		ALII. Imper	ral Cr	ties. 67
Countries.	Square Miles.	Population.		
In the Circle of SWABIA.	,	4.0	1	9
1, Aughurg 48° 23' 35"	-	Villages belonging to the City Clergy (1782) - Houses in the City - Inhabitants -	517 5000 32,500	and filver. Its trade is confiderable. The Magistracy confists of forty-five persons; thirty-one of whom are Patricians, four find as
				have married Patricians daugh- ters, five merchants, and five of the commonalty.
, Ulm = -	17	Inhabitants in the City Houses Town in the Territory	15,000	
Hall	6	Scattered Places In the Circle of Franconia Inhabitants in the City Burghers	99 6000 1500	men. The falt-works are very famous.
Reutlingen -	2/37	Inhabitants in the City Parochial Villages be- longing to it Hamlet	8000	
, Nordlingen		In the City - Houfes Inhabitants	750 8000	
. Heilbron		Houses - Inhabitants - Adjacent parochial Villages - A Commandery of the	8000	
	17	Teutonic Order		
. Rothweil -				In this place the Emperor has a
The state of the s	# 1		CAR	Tribunal, which extends its jurif- diction over the Circles of Swabia,
Gemünd -	3	Parochial Villages -	. 13	Franconia, and the Rhine.
Memmingen -		Scattered Places be- longing to the City Inhabitants in the City	21 7000	A good trade with Swifferland and Italy, in falt, linen, hops, grain, &cc.
1		Houfes	1800	
Vol. III.		Kkk		

68		ALII. Imperiai Ci	ites.
Countries.	Square Miles.		
To. Kemptes	-	No Villages, but many Effates and a confiderable annua revenue arifing from rentals, the interest of money, &c. Houses in the City 420	
11. Kaufbeuren	- II	Inhabitants (1783) - 3650  Houfes - 470 Inhabitants - 5400 Parochial Villages belonging to the City	
12. Ravensburg	2 1/2	Houses - 700 Inhabitants - 3500 (Gerken.)	
13. Biberach	2	Houses - Soc Inhabitants - 6000 Burghers - 900	
14. Lindau -	-	Houses - 700	This city is fituated on an island in the Lake of Constanz, and from that circumstance has been called the Venice of Swabia.
In the Circle of		Inhabitants 1500 (Schlözer.)	
BAVARIA,  16. Ratifbon - 48° 59′	Islands on the	Houses, more than - 2000 Inhabitants 21,500 without the four religious	The Diet brings a great deal of mo- ney to this place, and its trade to Vienna in corn, wood, and all forts of provisions, is very con- siderable.
In the Circles of the UPPER and LOWER RHINE 17. Worms -		Foundations (Nicolai and Gerken.)	
	circum-	Inhabitants 6500	
19. Frankfort on the Mayn -		Inhabitants - 7000 (Bernoulli.)	The convenient fituation of Frank
500 6'		Different Places in the Territory - 43 Revenue - 600,000 Fl. (Riffeck.) Houses in the City - 3000 Inhabitants - 36,000 Jews - 7000	fort, and the two celebrated far annually held here, render it on of the principal places in all Ge- many. The manufactures of filk tobacco, porcelain, &c. are ver confiderable. There are man noble families here.
	1 1	[Busching and Rispeck.]	

Countries .	Square Miles.	Population.	The state of the s
20. Wetzlar -	-	Houses in the City - 700 Inhabitants - 8000	
In the Circle of FRANCONIA.	4		
21. Nurenberg - 49° 27′ 17″	30	50,000 (including the City.)  Houses in the City - 8000 Inhabitants - 29,000 Towns in the adjacent Territory - 7 Small Towns - 70 Other Places, about - 70 (Nicolai.)  Revenue, 20,000,000 Florins. (Busching and Gerken.)	A very flourithing city. The arts of painting and engraving are particularly encouraged; and the number of mechanics employed in making toys, &c. of ivory and wood, which are fent to France and England, and known here by the name of Dutch toys, is prodigious. The Senators confift of thirty-four patricians and eight of the commonalty.
22. Rothenburg -	5	Places belonging to the City 28 Houses within the walls 1200 Inhabitants - 8000	
23. Schweinfurth -	11/2	Villages belonging to the City, 3	
24. Windsheim	Near two Miles in circumfe- rence.	Houses in the City - 750 Inhabitants - 4500 Villages - 4 1 Divided Village, and 1 Hamlet	
In the Circle of WESTPHALIA.			
25. Colugne 50° 55'	No Territory.	Houses	

70	XL	II. Imperial Cities	
Countries.	Square Miles.	Population.	
26. Aix-la-Chapelle	3½ în cir- cumference.	Villages in the Territory  Acres of arable and meadow land - 20,00 Houfes in the City - 300 Inhabitants - 25,00	which render the city very
27. Dortmund	_	Houses in the City - 12c	
In the Circle of Lower Saxony.			
28. Mühlhaufen		In the whole Territory 13,00 (1776) Villages - 2 Inhabitants in the City 8000 (Schlöner.)	1
29. Nordhaufen -	12 E	Houses in the City - 1500 nhabitants - 9000	At Nordhaufen the inhabitants fupport themfelves chiefly by diffilling brandy, and brewing.
30 Goflar -	- 1	nhabitants in the City 8500 (Probable Calculation.)	The inhabitants chiefly derive their subsistence from the the Ramessherg mines in the Hartz forest, and supplying the Brunswick mine-towns with provisions.
gr. Bremen -	3 H	foures in the City - 5350 habitants - 40,000	

Countries.	Square Miles.	Population.	
32, Lubeck 53° 50′ 21″	3½	Inhabitants in the City, 30,000	A Hanse town, with many manu- factories and a very flourishing trade.
53° Hamburg 53° 36′  Territories belonging to Hamburg and Lubeck in common		Houses in the City - 17,800 Inhabitants - 100,000 Catholics and Menonites 2000 Jews - 4000 Births (1785) - 3003 Deaths - 3127 Marriages - 955 Communicants - 62,457 N. B. Among the Births, the Calvinits, Catholics and Jews, are not reckoned.  The Revenues amount to near 3 Millions of Marks.	places in Europe. It is of fuch confequence, that many foreign Powers have refidents there. The English Company has particular privileges, and a very extensive trade. Every branch of commerce is encouraged. The regulations of the police are excellent; and the wealthy merchants fupply almost all the northern parts of Germany with the commodities and luxuries of other countries.

N. B. Besides the above territories and Imperial cities, which are the most distinguished, there are innumerable independent Seigniories, Imperial cities, and estates of the Free Nobility.—
For a particular account of which, the reader is referred to Busteling's Geography, and a valuable work lately published on that subject by Professor Grellman of Gottingen.

## RRATA.

#### VOLUME I.

Preface, Page 12, Note, line 5, for Hertsberg read Hertzberg. 5, for Everhard read Eberhard. 14, for Höltz read Hoelty.

Page 3, line 3, for Mechlenburg read Mecklenburg.

Page 6 and 7, Ibid. 37, Ibid.

Page 7, Note, for Hartsberg read Hertzberg.

Page 32, line 20, for Austria read Austrafia.

Page 35, line 9, for "there is still less doubt that they had any pretentions, &c." read " it is certain that they had no pretenfions."

Page 153, Note, for GEFURSTETEGRASSCHAFT read GEFURSTETEGRAFSCHAFT.

Page 197, line 19, for than in, read from that in.

Page 487, line 2, for "Though it was more mechanical and superficial than with genuine "taste, &c." read "than consistent with genuine taste, &c."

Page 492, line 4, for "allowed the Jesuits individually to have no idea of wealth," read "not 66 to have any idea of wealth."

# VOLUME II.

Page 7, line 8, Note, for mariata read maritata.

Page 29, line 9, for Imperial read Supreme.

Page 189, line 22, for Pallium-money (fervitium), and other pecuniary aids, read Pallium-money, and (fervitium) other pecuniary aids.

Page 402, line 20, for Clement II. read Clement XI.

### VOLUME III.

Page 33, line 10, for envalion read invalion. Page 221, line 20, for Burgan read Burgau.

Page 224, Note, for M. de Kertzberg read Hertzberg.

PALATINE-BAVARIA,

ELECTORATE OF SAXONY,

AND

OTHER TERRITORIES.

-	1		7	
Countries	Square	Population.	Rate per Mile.	Cities.
The substitute of	Miles.		1	Houses. Inhabit.
III.				
PALATINE BAVA-	1,064	2,000,000	1973	
RIA	16,816	2,000,000	19/3	
z. Bavaria, with the		Cities 128		
Upper Palatinate,			The state of	The second second
Neuburg, and Sulz-			1,658	
bach	784	1,300,000 according to others, 1,400,000		
	NOTE !	Convents, Hospitals,		
		and Alms-houses - 178		
		Parochial Clergy, 3765	With the second	
		Monks and Nuns, 3560		
		7,323		
e) Dutchy of Bavaria	576	(1779) 990,000	1,719	
Produces corn, cattle,	ALFE VA			
wood, and falt. Its	E STATE	- All the latter of the	Principal Cities.	4 44 44
important object,			Crimeryar Christ	
and furnish employ-			Munich, 480 10'	1,700 37,840
ment to numbers.		Market Towns - 80		(1780. Westenrie-
* 1 1 1 7 TO 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Villages and Hamlets 8,000 Taxable Farms - 39,949		der. More accu-
		Taxable Farms - 39,949 Solitary Houses - 12,000		Nicolai, 37,150.)
A SECTION OF			Straubingen	8,790
		Houses 6,000		
Carlo Maria		Hearths 180,000 Churches 3,050	Landihut	5,700
	1		Donawerth	3,000
		Parishes - 908		3
46 E 16 A	The state of	Collegiate Foundations 12	Burghaufen	3,500
		Convents 142		
Seigniory of Minhel-				State of the state of
heim and Wiefen-	40			
Raig in Swabia -	10	Cities 2	1,346	
	1000	The state of the s		
b) Upper Palatinate and Landgraviate of	496 505			
Leuchtenberg -	130	175,000	and the second	
		(Westenrieder.)		
	PAGE 1		Amberg	1,010 4,463
The state of the s	111111	Market Towns - 40 Country Markets - 205	Auerbach	(1782) 1,340
c	1120	Villages - 1,619	Tac. Daois	-,,,40
		uninhabited - 606	Neumarkt	2,445
	*	Convents 18	The second	
		Parish Churches - 117	Charles and the Land	
	The same	Affiftant Churches - 195 Parifhes 150	130	
	X 11	Curates 128		
		Monastics 282		ACTUAL PROPERTY.
		Nunneries 37		
	1	Burghers 5,353		
The state of the state of		Landgraviate of Leuchtenberg.		
		Souls 7,300		
		Cities I		
		Market Towns - 3 Villages - 75	-art age -	

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