

DANUTA BOGDAN

The Warmian Dietine in the 16th-18th Centuries

The Warmian Bishopric shows hardly any similarities to other parts of the Kingdom of Poland. It was founded on the territory originally inhabited by the pagan Old Prussians, conquered in the 14th century by the Teutonic Order. The Bishopric constituted the third part (since 1254-76 square miles) of a 120-square-mile diocese. The remaining two-thirds of its area were ruled by the Order, which over successive centuries was persistent in its attempts to subdue the entire territory.¹

Although, initially, the Bishopric constituted a territorially separated unit within the Teutonic State, it was represented by the Grand Masters of the Teutonic Order. Moreover, Warmia participated in the wars led by the Order, the ordinances issued by the Grand Masters were in force within its boundaries and, since 1411, the Bishopric was represented in all-Prussian parliamentary bodies.²

What contributed then to the fact that the autonomy of the Warmian Bishopric stood out among the four Prussian Bishoprics to such an extent that until now historians have not reached an agreement on its being a duchy-bishopric? The specifics of the Warmian legal and political system brought it rather closer to secular duchies of the Reich (especially to the territory of Rhineland: Leodium/Liège, Cologne, Trier) than other Polish bishoprics.³ The most striking similarity was a territorial – administrative division between the two authorities of the Bishopric: the bishop and a sixteen-member Cathedral Chapter.

¹ Viktor Röhrich, 'Die Teilung der Diözese Ermland zwischen dem Deutschen Orden und den ermländischen Bischöfen', in: *Zeitschrift für die Geschichte und Altertumskunde Ermlands 1899*, Bd. 12, 217-266.

² Marian Biskup / Gerard Labuda, *Dzieje Zakonu Krzyżackiego w Prusach. Gospodarka – Społeczeństwo – Państwo – Ideologia* [The History of the Teutonic Order in Prussia. Economy – Society – State – Ideology], Gdańsk 1986, 278-287, 394-395.

³ Danuta Bogdan, *Sejmik warmiński w XVI i pierwszej połowie XVII wieku* [The Warmian Dietine in the 16th and the First Half of the 17th Century], Olsztyn 1994, 30-34.

They acted as co-rulers in the civic administration of the subdued territories, whereas the Chapter possessed the right to elect the bishop.⁴ An essential element of the Warmian independence within the Teutonic State was the fact that, contrary to the situation in other Prussian Bishoprics, the Cathedral Chapter was not incorporated into the Teutonic Order. The bishop controlled seven administrative districts (“Kammern”), the Chapter the remaining three.⁵ They were administered by burgraves while the supreme position in the civil administration was held by a “Landvogt,” the commander-in-chief of the Warmian armed forces, and a “Landrichter,” a supreme judge in penitentiary matters.⁶

Warmia, within the Teutonic State, functioned as a separate judicial area administered by the “Landrichter” as well as four to twelve elected land assessors (“Landschöffen”) originating from nobility, freemen (“Freie”) and village administrators. They were, in fact, the officials constituting the core of the estate representation of the Bishopric.⁷

The formation of the Warmian estate representation was a long-lasting process, however, it was the first quarter of the 15th century that marked its real beginning. After a defeat of the Order at Grunwald, the Teutonic State, seeking financial support, started to summon delegates from its territories to make them agree to impose taxes.⁸ It was not until 1412 that the Warmian estates appeared at all-Prussian representative forums.⁹ The first written mention of a purely Warmian estate assembly can be traced to the year 1425; however, the debate concerned matters of all the Teutonic States. It took place on the initiative of the Warmian bishop Franciszek Kuhschmalz and was thought to pass a tax to strengthen the value of the Prussian coin. The Warmian estates gave

⁴ Karol Górski, ‘Zagadnienie wpływów leodyjskich w kapitule warmińskiej w wiekach XV i XVI’ [The Problem of Leodian Influences on the Warmian Chapter in the 15th and 16th Centuries], in: Karol Górski, *Studia i szkice z dziejów państwa krzyżackiego* [Studies and Essays in the History of the Teutonic State], Olsztyn 1986, 159-168. Cf. Günter Christ, ‘Selbstverständnis und Rolle der Domkapitel in den geistlichen Territorien des alten Deutschen Reiches in der Frühneuzeit’, in: *Zeitschrift für Historische Forschung* 1989, Bd. 16, Heft 3, 257-328; Volker Press, ‘Formen des Ständewesens in den deutschen Territorialstaaten des 16. und 17. Jahrhunderts’, in: Peter Baumgart (ed.), *Ständetum und Staatsbildung in Brandenburg-Preussen*, Berlin 1981, 280-318.

⁵ Bruno Pottel, *Das Domkapitel von Ermland im Mittelalter. Ein Beitrag zur Verfassungs- und Verwaltungsgeschichte der deutschen Domkapitel, insbesondere des deutschen Ordensstaates in Preussen*, Borna – Leipzig 1911; Henryk Zins, ‘Kapituła fromborska w czasach Mikołaja Kopernika’ [The Frombork Chapter at the Time of Nicolaus Copernicus], in: *Komunikaty Mazursko-Warmińskie* 1959, no 4, 399-434.

⁶ Alojzy Szorc, *Dominiun Warmińskie 1243-1772. Przywilej i prawo chelmińskie na tle ustroju Warmii*, Olsztyn 1990 [The Warmian Dominion 1243-1772. The Charter and the Culm Law in the Context of the Forms of the Warmian Governing], 55-67.

⁷ Fritz Gause, ‘Geschichte der Landgerichte des Ordenslandes Preussen’, in: *Altpreussische Forschungen* 1926, Bd. 3/1, 43-48.

⁸ Biskup / Labuda, 393-395.

⁹ Marian Pelech, ‘Die hochmeisterlichen Räte vom Jahre 1412. Ein Beitrag zur Personengeschichte des Deutschordenslandes Preussen’, in: *Altpreussische Geschlechterkunde* 1983, Bd. 119, 343.

their consent under the condition that in the future Grand Masters would not be allowed to make similar demands on the bishop.¹⁰

The activity of the Warmian estates (nobility, burghers, freemen and commune leaders) increased in the consecutive years, when the territories of the Teutonic Order came under the sphere of influence of the Kingdom of Poland. It is within the period from the foundation of the Prussian Confederation (1440) to the Second Treaty of Toruń (1466), that Warmia, along with Royal Prussia, was incorporated into the Kingdom of Poland.¹¹ The remaining part of Teutonic Prussia, since 1525 Ducal Prussia, was until 1657 a fief of the Crown.

Since the time of bishop Hozjusz (1551-1578), the people placed on the Warmian throne, not necessarily Prussian indigenes, were closely related to the Polish court. The King's influence (since 1523) on the election of the members of the cathedral's prepositure accounted for Warmia's loyalty to the Polish King and the Crown.¹²

Since 1526, when the Dietine of Royal Prussia started its regular sessions, the Warmian dietines gathered usually after these debates. Dietines, understood as meetings of estate delegates convened by the ruler to consult and pass resolutions concerning current state issues, took place mostly after the bishop's arrival from a general Diet of Royal Prussia.¹³

Our knowledge about the gatherings of the Warmian dietines is based on "Recessen," which are the acts summarizing the whole debates, unfortunately excluding in this case the course of the discussion. Historians have also at their disposal complimentary sources: the correspondence of the bishops with members of the Cathedral Chapter and the major towns of Royal Prussia as well as the account books and documents of the Bishop's Curia. At present,

¹⁰ Max Toeppen (ed.), *Acten der Ständetage Preussens unter der Herrschaft des Deutschen Ordens I. October 1425, Ständetag zu Elbing*, Leipzig 1874, 443-444; Franz Buchholz, 'Zur Geschichte der ermländischen Landstände', in: *Zeitschrift für die Geschichte und Altertumskunde Ermlands* 1942, Bd. 28, 145-149; Karol Górski, 'Początki reprezentacji rycerstwa w stanach państwa krzyżackiego w Prusach w XV wieku' [The Beginnings of the Chivalry Representation in the Estates of the Teutonic State in Prussia in the 15th Century], in: Karol Górski, *Studia i szkice z dziejów państwa krzyżackiego* [Studies and Essays in the History of the Teutonic State], Olsztyn 1986, 193-209.

¹¹ Wojciech Hejnosz, 'Traktat toruński z 1466 r. i jego prawnohistoryczne znaczenie' [The Treaty of Toruń, Its Legal and Political Significance], in: *Zapiski historyczne* 1966, vol. 31, no 3, 98-100; Bogusław Leśnodorski, *Dominium warmińskie (1243-1569)* [The Warmian Dominion (1243-1569)], Poznań 1949, 21-63.

¹² Danuta Bogdan, 'Próba skategoryzowania pojęcia lojalności w aspekcie miejsca Warmii w Prusach i w Koronie w XVI wieku' [An Attempt at Categorising the Concept of Loyalty in the Context of the Position of Warmia in Prussia and the Crown in the 16th Century], in: *Panorama lojalności. Prusy Królewskie i Prusy Książęce w XVI wieku* [The Panorama of Loyalty. Royal and Ducal Prussia in the 16th Century], Warszawa 2001, 92-110.

¹³ Oswaldus Balzer (ed.), *Corpus Iuris Polonici*, Kraków 1906, vol. 3, 619-621; Kraków 1910, vol. 4, 285-286. The constitutions of 12 April 1521 introduced the fixed times and places of the assemblies. They were to take place twice a year on the feast day of St Stanislaus (8 May) in Malbork and on the feast day of St Michael (29 September) in Grudziądz. Other Prussian constitutions treated the assemblies of the Prussian estates and general dietines as equal and convoked those of the voivodship.

they are stored in the Archive of the Warmian Archdiocese in Olsztyn. Until the mid-17th century they were noted down in German, later on in Latin. The Warmian dietines mentioned in the sources bore different names, ranging from Latin “conventus” to German “Zusammenkunfft,” “Landtag” or “Tag-fart.”¹⁴ The estate assemblies in Warmia took on two forms: dietines of the entire Bishopric and the meetings of the Warmian towns. In the years 1491-1655, 121 Warmian dietines and seven town assemblies took place, whereas in the years 1660-1772, sixty-three estate dietines were documented, including eleven town congresses and a nobility one.

The accession of a new ruler to the bishop’s throne was always connected with a Warmian dietine of a special, solemn character, as the estates of the bishop’s part gathered at the assembly were obliged to pay homage.

There were no fixed terms of the Warmian dietines and they were convened when a necessity arose, especially to debate over defense or economic issues or, most commonly, to divide the taxes passed by the Crown Sejm and later on by the local Dietine of Royal Prussia. In spite of the fact that, since 1513, the Warmian bishops presided over the estate gatherings of Royal Prussia, they were not able to prevent their subjects from harsh financial burdens imposed on them.¹⁵

Initially, Warmia was sending its deputies to estate gatherings of Royal Prussia, however, in the end, until 1562, it was attended only by the most prosperous Warmian town—the Old Town Braniewo (Braunsberg).¹⁶ Later on, only the bishop, with the assistance of two canons, represented the Bishopric at the forum of the general dietines of Royal Prussia.

In that way the activity of the Warmian dietines was limited by the strong power of the bishop and the Chapter, whereas the weakness of the Warmian nobility and isolation of the Warmian estates from those of Royal Prussia and the Crown resulted in passive participation in the Warmian assemblies, which, in fact, meant giving consent to all the suggestions proposed by the rulers. The Warmian nobility was too weak in economic terms as, in the 16th century, their goods accounted for about 11.8% of the Bishopric’s territory, located under the Culm law properties of the freemen for 16.7%, while peasant acres made up 71.5% of the whole territory.¹⁷

The fixed place of the Warmian dietine assemblies (101 dietines until the mid-17th century) was bishop’s residence in Heilsberg (Lidzbark Warmiński), although the estate meetings were also convened in Dobre Miasto (Gutstadt),

¹⁴ The main part of the “Recessen” of the Warmian Dietine is preserved in the two volumes of the Bishop’s Archive (further referred to as: AB) stored presently in the Archive of the Warmian Archdiocese in Olsztyn (hereafter referred to as: AAWO); shelf numbers: H 183 and C 24.

¹⁵ Gottfried Lengnich, *Geschichte der preussischen Lande Königlich-Polnischen Antheils* VI, Danzig 1729, 16. Other historians move that date to 1508. Cf. Leśnodorski, 74.

¹⁶ Archive of the Warmian Archdiocese, Braniewo-Magistrat 46, 210-216, 224, 226-227; *Ibid.*, 13, 385-386.

¹⁷ Leśnodorski, 86.

Orneta (Wormditt), Jeziorany (Seeburg), Reszel (Roessel) and Braniewo (Braunsberg town dietine).

The date of the Warmian estate gatherings was always set by the bishop, or, in his absence, by the administrator of the Bishopric after prior consultations with the Chapter. The latter, residing in Frombork (Frauenburg), received a letter from the bishop, in which he pointed out the need to convene a dietine and suggested a particular date, which had to be approved by all the canons at a general assembly. Only after a common agreement of the two authorities of the Bishopric as to the date and time of the Warmian dietine, they were allowed to commission their burgraves and town councils to inform the subjects in districts and towns.¹⁸

Apart from the preliminary date, the Chapter was provided by the bishop in advance with articles for discussion. The broad scope of the issues being talked over included taxes, land ordinances (“Landesordnungen”) and their amendments, regulations of trade, prices for craft goods, servant salaries, beer brewing and its distribution in towns and villages, systems of weights and measures, monetary issues, forest and fish regulations, codification of the Culm law and, finally, the improvement of a defense system.¹⁹

The Warmian dietines were held throughout the year and lasted, depending on the number and importance of issues to consider, one, two or even three days. The delegates participating in dietine debates had been chosen earlier in each of the ten administrative districts. Unfortunately, there are no extant sources allowing us to reconstruct the course and frame of these assemblies. With all probability, they were presided by burgraves, and attended by the nobility and freemen of a given district as well as the commune leaders and aldermen. However, the poor Warmian estates were unwilling to participate, even if threatened with a fine of 6 fl (180 gr). In the end, the elected representatives of nobility and freemen were joined by town representatives—usually two provosts or councilmen.

The Warmian Bishop Martin Kromer (1579-1589) described the Warmian dietine in his work “Polonia,” whose first edition was issued in 1575: “They have joint dietines. Nobility, townspeople, villages administrators and [so called] freemen, when asked, send there two or even more assistants, that is, representatives of a given territory, in order to decide together with the bishop and the Chapter on the issues debated.”²⁰ The above note does not give any

¹⁸ The mandates calling to participate in the dietines in towns and *starosties* were sent 2-3 weeks in advance: AAWO, AB, A. 2, 80, Jeziorany 6 March 1550; *ibidem* A 7, Lidzbark 9 August 1606, 337; *ibidem*, A 10, Lidzbark, 22 March 1613, 218-219.

¹⁹ Bogdan, *Sejmik warmiński...* [The Warmian Dietine...], 87-160.

²⁰ Marcin Kromer, *Polska czyli o położeniu, ludności, obyczajach, urzędach i sprawach publicznych Królestwa Polskiego księgi dwie* [Poland, It Is about the Location, Inhabitants, Customs, Offices and Public Matters of the Polish Kingdom, in Two Volumes], Roman Marchwiński (ed.), Olsztyn 1977, 175-177.

hint whether or not the dietines were attended by two deputies of a given estate or only by two delegates of a respective district. It seems, however, that because of the fact that it was a duty of the entire district to send delegates to the dietine, a typical representation of one district comprised one or two noblemen as well as one deputy of the freemen and village administrators. In that way the complete dietine frame of ten districts, including two delegates of twelve Warmian towns, might have ranged from 44 to 54 people. If we add two delegates of the Chapter, the chancellor and the bishop's secretary, it will make a total number of 50-60 people.

The issue being most frequently discussed by historians is the matter of the participation of the peasant estates in the gatherings of the Warmian dietine, though some extant sources seem to prove the presence of commune leaders and councilmen, at least during pre-dietine debates. The assumption as to their limited activity in the assemblies seems to be supported by the fact that between the 16th and 18th centuries their names were not even mentioned among the deputies elected at dietines.

So far, the course of the Warmian dietine has remained unknown. There are so few extant sources and documents, which are, in turn, chronologically varied, that the only conclusion which may be drawn is of a highly general character. A distinctive element was a separate debate of town and noble circle, prior to the very dietine.

The "Recess" of the Lidzbark estate assembly of 1496 implies that the estate representatives gathered first at the Lidzbark town hall where they were joined by the Chapter deputies suggesting issues to be discussed. Later on, the canons headed for the castle, while the estates themselves carried on a debate. The answer was given to the bishop by a four-person delegacy, comprising only the representatives of the Warmian towns.²¹

A resolution of the estate debates was passed unanimously, whereas complex cases, where there was no agreement, were postponed until the next dietine. Of course, it was the aim of the bishop and the Chapter to persuade the subjects to give their consent, especially in the case of the most burning issues of taxes. Warmia, on one hand, agreed to the taxes intended for the needs of the whole Crown, whereas, on the other, there was also a land treasury collecting taxes entirely for the Bishopric's needs. Petitions submitted to the bishop and the Chapter during a dietine by respective estates were not examined during the assembly but the Warmian rulers usually investigated them after the meeting, replying with an answer of general character, noted down in "Recess," sent after all the debates to districts and towns.

At the beginning of the 17th century, when Warmia was suffering from numerous raids of the unpaid armies, so called "confederated soldiers," the

²¹ Marian Biskup, 'Reces zjazdu stanów warmińskich z 1496 roku' [The "Recess" of the Assembly of the Warmian Estates of 1496], in: *Rocznik Olsztynski* 1968, 177-186.

Warmian dietine was convened unusually often in order to collect money for sending the foreign armies off. At that time the Warmian estates were so strong that the Warmian rulers described the assemblies as “boisterous.” Nonetheless, there was always an option to follow the bishop and Chapter’s will: “We always have to be watchful”—wrote the provost of the Cathedral Chapter Paul Górnicki in his letter to the bishop Simon Rudnicki of 13 February 1608—“not to let them rule over us. Let’s make them enjoy the opportunity to talk as much as they wish, whereas we will adhere to the former rules.”²²

The activity of the Warmian dietines after 1660 could be described as the second, late stage of their functioning.²³ The irregularity of those gatherings in Royal Prussia resulted from the rarity of such meetings, usually shortened or broken. On the other hand, troublous times and numerous marches of armies demanding winter shelters in Warmia resulted in the passing of taxes to send them off, which in the course of the 18th century was, in fact, only a formality. Only the towns that thrived on trade and crafts were forced to convene assemblies more often in order to discuss current economic issues. A breakthrough in tax bills was the year 1717, when the Prussian dietine acknowledged the implementation of a regular army tax ordered by the Crown Sejm.²⁴ Since that time the taxes from Warmia were collected regularly in spring and summer without any need to convene the estates assemblies. Since 1733 no information may be found about joint dietines attended by representatives of the nobility and towns, as at that time only town assemblies were taking place.²⁵ The last estate gathering, however, in a considerably shortened form and after an eleven-year break, was a series of debates in 1766 concerning the land ordinance.²⁶

Until the mid-17th century the dietine discussions were focused mainly on making the subjects agree on taxes, whereas later on the assemblies dealt mainly with issues of their distribution among the bishop and Chapter’s subjects.

²² AAWO, AB, D 46, 48.

²³ Danuta Bogdan, ‘Sejmik warmiński w latach 1660-1772’ [The Warmian Dietine in the Years 1660-1772], in: Bogusław Dybaś / Dariusz Makiła (ed.), *Prusy i Inflanty między średniowieczem a nowożytnością. Państwo – Społeczeństwo – Kultura* [Prussia and Livonia between the Middle Ages and Early Modern Era. State – Society – Culture], Toruń 2003.

²⁴ Stanisław Achremczyk, *Życie sejmikowe Prus Królewskich w latach 1647-1772* [The Dietine Life of Royal Prussia in 1647-1772], Olsztyn 1999, 209.

²⁵ AAWO, AB, H 19, Rössel 29 XII 1733, 214-217v.

²⁶ *Ibidem*, 39-106v.; cf. Thomas Berg, *Landesordnungen in Preussen vom 16. bis 18. Jahrhundert*, Lüneburg 1998, 228.

