Ordinatio regiminis et judiciorum in Districtu Piltensi, Ducatus Curlandiae et Semigalliae.

Nos Joannes Kucborski, Dei et Apostolicae sedis gratia Episcopus Culmensis et Pomesaniae, Adamus Talwois, Samogitiae, Maximilianus Przerebski, Zawichostensis, Castellani, Capitaneus Petricoviensis, Guilhelmus Kochanski, Sacrae Regiae Majestatis Secretarius, Serenissimi et potentissimi Principis et domini, domini Sigismundi III, Dei gratia Regis Poloniae, Magni Ducis Litvaniae, Russiae, Prussiae, Masoviae, Samogitiae, Livoniaeque etc, nec non Suecorum, Gottorum, Vandalorumque haereditarii Regis, domini Nostri clementissimi, ordinumque Regni Poloniae ac Magni Ducatus Litvaniae in Ducatum Curlandiae et Semigalliae, Districtumque Piltensem plena cum potestate ablegati Commissarii.

Significamus praesentibus literis Nostris, quorum interest universis et singulis. Quod cum commissione Sacrae Regiae Majestatis, domini Nostri clementissimi, injunctum Nobis esset, ut in Districtum Piltensem Nos conferremus, ibidemque indicto et publicato conventu statum Districtus illius inspiceremus, judices et judicia constitueremus, in rebelles et contumaces, mandatisque Sacrae Regiae Majestatis minus obsequentes, ordinationumque ejusdem Sacrae Regiae Majestatis suppressores et detentores animadverteremus, gravioris momenti causas et controversias nobilium cognosceremus, appellationum ad Sacram Regiam Majestatem interponendarum modum praescriberemus, Praefectum Piltensem constitueremus, eumque Sacrae Regiae Majestati et Reipublicae fidei juramento obstringeremus, decreta Sacrae Regiae Majestatis executioni demandaremus, liberum Catholicae Romanae religionis exercitium, novumque Calendarium promulgaremus, aliaque ex praescripto mandatorum Sacrae Regiae Majestatis perageremus, — ea omnia Nos in conventu Nobilitatis, ad diem 27. mensis Martii Hasenpoti a Nobis indicto habitoque, jurisdictione Nostra commissoriali ibidem promulgata, pro fide et

The regulation of the government and the courts in the District of Pilten, Duchy of Courland and Semigallia.

We Jan Kucborski, by the grace of God and the Apostolic see, Bishop of Culm and Pomesania, Adam Talwoisz, of Samogitia, Maximilian Przerebski, of Zawichost, Castellans, Captain of Petrikow, Wilhelm Kochanski, Secretary of His Sacred Royal Majesty, to the Most Serene and most powerful Prince and lord, lord Sigismund III, by the grace of God, the King of Poland, the Grand Duke of Lithuania, Russia, Prussia, Masovia, Samogitia, Livonia, etc., and the hereditary King of the Swedes, Goths, and Vandals, Our most gracious lord, and the order of the Kingdom of Poland and the Grand Duchy of Lithuania into the Duchy of Courland and Semigallia, the District of Pilten with the full power of Commissioners.

We signify by Our present letters, which are of interest to all and every one. That with the commission of the Sacred Royal Majesty, Our most gracious lord, it was enjoined upon Us, that We should be brought into the District of Pilten, and there, by an appointed and published meeting, examine the state of that District, appoint judges and magistrates, for those who are rebellious and disobedient, and non compliant to the commands of the Sacred Royal Majesty, and notice the suppressors and detainers of the same Sacred Royal Majesty, we would prescribe the method of submitting appeals to the Sacred Royal Majesty, we would appoint a Governor of Pilten, and bind him to the oath of allegiance to the Sacred Royal Majesty and the Republic, we would demand the execution of the decrees of the Sacred Royal Majesty, the free Roman Catholic religious exercise, and we would promulgate a new Calendar, and carry out other prescribed commands of His Sacred Royal Majesty, - all these things We in the assembly of Nobility, on the 27th day of the month of March in Hasenpoth, announced and held by Us, and promulgated by Our commissary jurisdiction there, on behalf of Our faith and office, the matter communicated with the Nobility, in

officio Nostro, re cum Nobilitate communicata, ad praescriptum mandatorum Sacrae Regiae Majestatis sequentem in modum constituisse et sanxisse, prout constituimus, sancimus et promulgamus praesentibus literis Nostris.

accordance with the provisions of the instructions of His Sacred Royal Majesty, and to have sanctioned, as we have decided, we sanction and promulgate in Our present letters.

Inprimis ne in posterum a quoquam in colenda libere Catholica Romana religione metus praetendi posset, authoritate Sacrae Regiae Majestatis, consensuque universae Districtus hujus Nobilitatis, hoc in vim legis perpetuae sancimus, ut nimirum liberum sit incolis hujus Districtus, cujuseunque status et conditionis hominibus, religionem Catholicam profitentibus, vel eam profiteri volentibus, juxta praescriptum Romanae ejusdemque universalis ecclesiae, sacella, templa et scholas aedificare, vel antiqua in bonis suis accommodare, sacerdotes Catholicos quoscunque accersere, eorumque ministerio in sacris pro se, familia, subditisque suis uti, magistratus vero politicus ut ex officio et sub gravi indignatione Sacrae Regiae Majestatis teneatur tueri et defendere ab omni vi et injuria loca sacra, hominesque religionem Catholicam Romanam profitentes, vel eam docentes, rudesque Catholica fide imbuentes. Ad munia quoque publica Catholicis, qui ex iis in Districtu hoc idonei fuerint, liber aditus esse debebit.

In the first place, that in future no one should be afraid of the free worship of the Roman Catholic religion, by the authority of His Sacred Royal Majesty, and the consent of the whole District of this Nobility, we sanction this with the force of a perpetual law, so that the inhabitants of this District may be free, for people of every state and condition, who profess the Catholic religion, or who wish to profess it, according to the prescriptions of the Roman and the same universal church, to build chapels, temples, and schools, or to adapt the ancient ones in their possessions, to appoint any Catholic priests, and to minister to them in sacred places for themselves, family, and for their subjects, but the political magistrates to be bound by duty and under the grave indignation of His Sacred Royal Majesty to protect and defend from all force and injury the sacred places and men professing the Roman Catholic religion, or teaching of it, and imbuing them with the Catholic faith. There must also be free access to public duties for Catholics who are qualified for this in the District.

Calendarium novum, in omnibus Imperio Sacrae Regiae Majestatis subjectis provinciis receptum, Nobilitas quoque hujus Districtus universa ad requisitionem Nostram, Sacrae Regiae Majestatis nomine factam, alacri animo recepit, quod ut ad festum S. Joannis Baptistae praesentis anni millesimi sexcentesimi decimi septimi publice etiam per Consiliarios introducatur, promulgeturque, per ministros etiam ecclesiarum ad notitiam omnium deducatur, ac deinceps ab omnibus constanter observetur, authoritate Nostra commissoriali sub gravi Sacrae Regiae Majestatis indignatione constituimus edicimusque.

The new Calendar, having been received in all the provinces subject to the dominion of His Sacred Royal Majesty, all the Nobility of this District at Our request, made in the name of His Sacred Royal Majesty, which, as for the feast of St. John the Baptist of the present year one thousand six hundred and seventeen it should also be introduced and promulgated by the Councilors, it should also be brought to the notice of all by the ministers of the churches, and henceforth it should be constantly observed by all, by Our commissary authority, under the grave indignation of His Sacred Royal Majesty, we have established and published.

Judicia in posterum secundum leges et ordinationem Sacrae Regiae Majestatis, anno 1611 Districtui huic concessam, moderatione tamen, quam nonnullis in punctis hac fecimus ordinatione, observata exerceantur. Si quid tamen ex legibus in Curlandiae et Semigalliae Ducatu, authoritate Nostra commissoriaii

The judgments in the future according to the laws and regulation of His Sacred Royal Majesty, granted to this District in the year 1611, are to be exercised, however, with the moderation which we have made in some points in this regulation. However, the laws of the Duchy of Courland and Semigallia, promulgated by the authority of Our

promulgatis, Nobilitati Districtus Piltensis usui esse possit, id quantum ratio status Districtus ejusdem patitur, ut in usum suum quoque Nobilitas referat, potestatem illi facimus.

commission, can be used by the Nobility of the District of Pilten, in so far as the reason of the state of the District permits the same, they may be brought by the Nobility into own use, we give the power.

Judices et Consiliarios terrestres constituimus hos septem, generosos nimirum Reinholdum Brakel, Hermannum Maydel, Sacrae Regiae Majestatis Cubiculi familiares, Vernerum Behr, Illustrissimi Principis Electoris Consiliarium, Archimareschalcum Verdensem, Fabianum a Rosen, Alexandrum a Sacken, Fridericum Brunnau et Magnum a Brynken, in posterumque totidem numero sint, qui a Nobilitate, Sacrae Regiae Majestatis confirmatione accedente, eligentur, qui juramentum de officio fideliter administrando jurcque dicendo praestabunt, ea forma, quae in ordinatione Sacrae Regiae Majestatis praescribitur.

We appointed these seven land Judges and Councilors, the gentlemen Reinhold Brakel, Hermann Maydel, members of the Chamber of His Sacred Royal Majesty, Werner Behr, Councilor of the Most Illustrious Prince Elector, Archmarshal of Verden, Fabian von Rosen, Alexander von Sacken, Friedrich von Brunnau and Magnus von Brynken, and in posterity let them be of the same number as those who, coming from the Nobility, with the confirmation of His Sacred Royal Majesty, are chosen who will perform the oath of office faithfully administering and swearing, in that form which is prescribed in the regulation of the Sacred Royal Majesty.

Notarium terrestrem judicii et Districtus Piltensis creamus generosum Engelbertum a Mengden, qui jus dicendae sententiae in judicio habebit. Neque vero eidem officio in posterum etiam nisi nobilis electione judicii praeficietur.

We appoint the gentleman Engelbert von Mengden as the land Notary of the court and District of Pilten, who will have the right to pronounce the sentence in the trial. The same office is for no posterity, except to be chosen by noble judges.

Judicium illud in Districtu hoc nobilitare sit unicum, judicio inferiore, quod rationibus Districtus hujus minus commodum asseritur, sublato.

The judgment in this District should be the one to be honored, but the lower judgment in this District, which is said to be less assertive to the reasons, to be revoked.

Quo ambages et protelationes judiciorum causarumque in posterum vitentur, disceptationes et controversiae partium non in scriptis, sed oretenus et summarie proponantur, meritaque causarum sententiis et decretis inserantur.

In order that the entanglements and procrastinations of judgments and causes are avoided for posterity, the debates and controversies of the parties are not in writing, but are set forth orally and summarily, and the merits of the cases are inserted in the judgments and decisions.

Citationes et mandata solus Praeses judicii, requisitus a partibus, subscribat, atque sub sigillo publico edat.

The President of the court alone signs the citations and orders, when requested by the parties, and issues them under the public seal.

Appellationes omnes in causis, quae summam quadringentorum florenorum excesserint, ad judicium Sacrae Regiae Majestatis devolvantur, habebuntque terminum in judicio Sacrae Regiae Majestatis proximos quosque menses Martium et Octobrem cujuscunque anni.

All appeals in cases which have exceeded the sum of four hundred florins shall be transferred to the judgment of His Sacred Royal Majesty, and shall have a deadline for the judgment of His Sacred Royal Majesty in the following months of March and October of any year.

In causis criminalibus, honoremque tangentibus libera cuique sit ad Sacram Regiam Majestatem appellatio, exceptis causis criminum recentium, invasionum, spolii, deflorationis et raptus foeminarum, depraedationum, homicidiorum dolo atque ex insidiis factorum.

In criminal cases, touching honor, everyone should be free to appeal to His Sacred Royal Majesty, except in cases of recent crimes, invasions, plunder, defloration and abduction of women, depredations, murders by deceit and by ambush.

In causis mere civilibus appellans impossessionatus, priusquam appellatio illi concedatur, appellato in casum succubitionis de damnis et expensis resarciendis cavebit, eaque praestabit, si appellationem temere interpositam fuisse decreto Sacrae Regiae Majestatis judicatum fuerit.

In purely civil cases, the appellant, who is dispossessed, before the appeal is granted to him, shall indemnify the appellee against damages and expenses in case of defeat, and shall pay them, if the appeal is judged interfering by the decree of His Sacred Royal Majesty.

Si quis Consiliarios et judices Piltenses citationibus temere ad judicium Sacrae Regiae Majestatis evocaverit, damna et impensas eam in rem a judicibus factas refundat.

If any one brings the Councilors and judges of Pilten to the judgment of His Sacred Royal Majesty by arbitrary complaints, he shall reimburse for the damages and expenses incurred by the judges in the case.

In executione decretorum facienda, si ii, quorum id muneris erit, negligentes fuerint, poena triginta Hungaricalium mulctentur, partique gravatae damna omnia refundant.

In the execution of the decrees, those who are negligent in their duties, shall be fined a penalty of thirty Hungarian florins, and they shall refund all the damages which have been incurred in their part.

Mandata adversus executionem impetrata impedimento non erunt, quominus executio fiat, mandataque ejusmodi impetrans mulcta viginti quinque Hungaricalium afficiatur.

Mandates obtained against the execution shall not be an obstacle to the execution from taking place, and the fine of twenty-five Hungarian florins shall be applied for obtaining such orders.

Quod si ea potentia, aut contumacia jure victae partis fuerit, ut Consiliarii seu judices pares executioni faciendae non sint, tum universa Nobilitas auxilio eis in executione facienda sit, a quo officio neque sanguinis cognatio, neque necessitudo aut amicitia ulla quenquam excusabit, sub poena centum Hungaricalium cuivis inobedienti irroganda, pro qua cuilibet liberum erit, contravenientem ad judicium ordinarium citare.

But if that power is overcome, or there is defiance of law, by a party, the Councilors or judges should not be required to the execution, and that all the Nobility should be made to assist in the execution, from which office neither blood relation, nor friendship whatsoever will excuse, under the penalty of one hundred Hungarian florins to be imposed on any disobedient person, for which anyone will be free to bring the offender to the ordinary judgment.

Servitium Nobilitatis equestre, Sacrae Regiae Majestatiet Reipublicae debitum, constituimus, ut in posterum non minus sit octuaginta equitura, armis omnique apparatu bellico bene instructorum. Qui quidem equites proportione et qualitate cujusque nobilis bonorum, ex assignatione et distributione quatuor Consiliariorum terrestrium, totidemque ex Nobilitate ad actum praestabuntur, sub poena

The cavalry service of the Nobility, due to the Sacred Royal Majesty and the Republic, we have established, so that in the future there should be no less than eighty cavalry, well trained in arms and all the equipment of war. Noblemen act in proportion and according to the quality of each nobleman's property, by the assignment and distribution of four land Councillors and as many from the Nobility, under penalty confiscation of

confiscationis bonorum, unicuique contravenienti irroganda.

property, to be imposed on every person who transgresses.

Praefectos militares tota Nobilitas una cum Consiliariis, cum confirmatione tamen Sacrae Regiae Majestatis, constituet, quibus ab omnibus, qui signa eorum sequentur, honor et obedientia debita praestabitur, praefectisque in delinquentes ratione qualitatis delicti, secundum disciplinae militaris usum durante expeditione bellica libera sit animadversio.

All the Nobility, together with the Councillors, shall appoint military commanders, with the confirmation of the Sacred Royal Majesty, to whom due honor and obedience shall be guaranteed by all who follow their standards, and the offenders shall be treated according to the quality of the offence, secondly, the military discipline during a military campaign should be noted.

Aerarium provinciale publicum Nobilitati constituendi potestas sit, ad quod omnes mulctae, contributionesque publicae et collationes spontaneae conferantur, cujus aerarii administratio penes duos Consiliarios seniores et duos ex Nobilitate, ad hoc deputatos, sit.

It shall be the power of the Nobility to establish a provincial public treasury, to which all fines, public contributions, and voluntary contributions shall be brought, the administration of which treasury shall be under two senior Councilors and two of the Nobility, appointed for this purpose.

Arcis Piltensis Praefectum authoritate Sacrae Regiae Majestatis ad praesentationem Illustris Sophiae Ducis Anspachianensis, uti jure contra Ducem Vilhelmum in judicio Nostro commissoriali vincentis, illiusque Illustritatis fratris et tutoris, Illustris Principis domini Christiani, Episcopi Mindensis et Brunsvicensis ac Luneburgensis Ducis, constituimus generosum Jacobum Godemannum, S. R. Majestatis Secretarium, isque juramentum fidei Sacrae Regiae Majestati et Reipublicae coram Nobis praestabit hac forma:

The Governor of the Castle of Pilten, by the authority of His Sacred Royal Majesty, by the presentation of the Illustrious Sophie, Duchess of Ansbach, with a victorious right against Duke Wilhelm in the judgment of Our commission, and of that Illustrious brother and guardian, the Illustrious Prince lord Christian, Bishop of Minden and Duke of Brunswick-Lüneburg, we appoint the gentleman Jakob Godemann, Secretary of His Sacred Royal Majesty, and he shall take the oath of allegiance to the Sacred Royal Majesty and the Republic before Us in this form:

Ego N. juro, quod Serenissimo et potentissimo Principi et domino, domino Sigismundi III, Dei gratia Regi Poloniae etc, ejusque Majestatis Serenissimis successoribus Regibus Poloniae, et Reipublicae fidelis ero, arcem, praedia et bona Piltensia, cum in possessionem eorundem venero, inscia et invita Sacra Regia Majestate et Republica, ac Illustri Ducissa Anspachiana, durante jure ipsius, nemini tradam, si quid Sacrae Regiae Majestati et Reipublicae nocivum sciveio, illud pandam et pro posse meo avertam. Sic me Deus adjuvet et Sancta Christi Passio!

I N. swear that I will be faithful to the Most Serene and most powerful Prince and lord, lord Sigismund III, by the grace of God, the King of Poland, etc. and to his Majesty's Most Serene successors, the Kings of Poland, and I will be faithful to the Republic, regarding the castle, estates, and properties of Pilten, when I come into possession of them, wittingly and unwittingly to the Sacred Royal Majesty and the Republic, and to the Illustrious Duchess of Ansbach, during her right, I will not betray anyone. So help me God and the Holy Passion of Christ!

Idem aliique in posterum futuri Praefecti Piltenses in fide et obsequio Sacrae Regiae Majestatis et Reipublicae esse et permanere debebunt.

The same and others shall be and continue to be the future Governors of Pilten in the faith and obedience to the Sacred Royal Majesty and the Republic.

Quodsi modernum Praefectum mori, aut cedere ea Praefectura contigerit, Illustris Ducissa Anspachiana, successoresque Illustritatis ipsius, in hypotheca Piltensi alium Praefectum sine scitu et consensu Sacrae Regiae Majestatis non ordinabunt, neque alius ad hoc ipsum munus nisi indigena nobilis et in Districtu Piltensi bene possessionatus constituetur.

But if the present Governor should die, or give up that Governorship, the Illustrious Duchess of Ansbach, and the successors of her Honor, shall not appoint another Governor in the mortgage of Pilten without the knowledge and consent of the Sacred Royal Majesty, nor any other for this very office unless a native noble and established as well-possessed in the District of Pilten.

Haec Sacrae Regiae Majestatis authoritate et mandato ordinata sancitaque Nos suprascripti Commissarii manibus Nostris subscripsimus, sigillisque consignavimus. Datum in oppido Hasenpot, Districtus Piltensis, die nona Maji Anno Domini MDCXVII.

By the authority and command of His Sacred Royal Majesty, We, the above-mentioned Commissioners, have signed and sealed this with Our hands and seals. Given in the town of Hasenpoth, District of Pilten, on the ninth day of May in the year of the Lord MDCXVII.

Joannes Kucborski,
Episcopus Culmensis et Pomesaniae, manu sua, L. S. cera rubra super schedula espressi.

Jan Kucborski
The Bishop of Culm and Pomesania, with his own hand, L. S. expressed red wax on the document.

Adamus Talwois,
manu propria, L. S. similiter espressi.

Adam Talwoisz
with his own hand, L. S. similarly expressed.

Maximilian Przerebski,
Castellanus Zawichostensis, Capitaneus Petricoviensis, mpp. , L. S. similiter expressi.

Maximilian Przerebski
Castellan of Zawichost, Captain of Petrikow, mpp., L. S. similarly expressed.

Guilhelmus Kochanski,
S. R. Majestatis Secretarius, L. S. similiter expressi.

Wilhelm Kochanski
Sacred Royal Majesty's Secretary, L. S. similarly expressed.

Source: Die Quellen des Curländischen Landrechts: Acta Commissionis de anno 1617, Band I, Lief. 3, by Dr. Carl von Rummel, Dorpat, 1848