

Edmund Kizik

**SUMPTUARY LAWS IN ROYAL PRUSSIA
IN THE SECOND HALF OF THE SIXTEENTH
CENTURY TO THE EIGHTEENTH CENTURY¹**

The abbot of the Oliva Abbey, Dawid Konarski decided, in the law of the 28th of November 1616² for Cistercian rural estates, that

Any person, be they young or old in years, ... is to avoid attire and garments rich and stately, articles of velvet and costly silk, sable, martin, to ignore and not use under the threat of losing such clothing.

Justifying himself in his care for peasant property he prohibited lengthy ceremonial feasts for

it is clear to all that often the poor and wretched through their own excesses, those exercised at feasts themselves, fall into extreme poverty and want.

Therefore during engagement guests could be invited to a single table (i.e. 12 persons), for a wedding reception ('espousal') 24 persons could be entertained while on the following day only 12. The whole ceremony could not last longer than two days. If a peasant, despite everything, decided to organize a more sumptuous reception then he would have to reckon with the payment of a fine for each table laid up beyond the stipulated number, a money fine of 5 Prussian marks,

¹ The present publication has come about in connection with the research project undertaken by the author at the Institute of History of the Polish Academy of Sciences on *leges sumptuariae* in Royal Prussia in the sixteenth to the eighteenth century.

² *Wilkiez dla wsi klasztoru oliwskiego* (1616), in: *Polskie ustawy wiejskie XV–XVIII w.*, ed. Stanisław Kutrzeba and Alfons Mańkowski, in *Archiwum Komisji Prawniczej*, xi (Kraków, 1938), 67–76, available online: http://dir.icm.edu.pl/pl/Archiwum_Komisji_Prawniczej/Tom_11/68 (accessed on the 1st December 2009).

i.e. 100 *groschen*. And this was no mean sum, as is borne out by the recollection that in 1616 this was the equivalent in value to 10 suckling pigs. Abbot Konarski, in placing sumptuary regulations within the law for Oliva rural estates, was not exceptional by any means, he was basing himself on numerous regulations on clothing and dress that had been published at the turn of the seventeenth century in Royal Prussia, as well as on behaviour during the course of weddings, christenings and funerals.

Certain aspects regulating the forms of ceremonial and consumptive behaviour in Royal Prussia, which enjoyed within the framework of the Polish-Lithuanian Commonwealth significant legal autonomy, have become in recent years the subject of separate source studies.³ The problem area concerning *leges sumptuariae* has also appeared in studies by historians involved in other areas of the Polish-Lithuanian Commonwealth or neighbouring provinces,⁴ something that enables for a comparative study. However, acquaintance with the acts themselves, the aims of the legislators, the social consequences of their enforcement as equally the degree to which these sources are utilized by the Polish researcher of everyday and ceremonial culture,⁵ the

³ Edmund Kizik, 'Elbląska ordynacja weselna i odzieżowa z 1630 roku', *Zapiski Historyczne*, lxxi, 4 (2006), 115–24; *idem*, *Danziger Hochzeits-, Tauf- und Begräbnisordnungen vom 16. bis 18. Jahrhundert*, in Marek Andrzejewski (ed.), *Beiträge zum Alltagsleben. Danzig, Bremen und die Antike. Materialien des wissenschaftlichen Kolloquiums von 23. und 24. April 1999 an der Universität Gdańsk (Danzig)* (Gdańsk, 2000), 54–74. See Stanisław Salmonowicz's already classic articles: 'O reglamentacji obyczajowości mieszczańskiej w Toruniu w XVI–XVIII wieku (zarys problematyki)', *Zapiski Historyczne*, xli, 3 (1976), 87–103; *idem*, 'Osiemnastowieczne nieznane ordynacje toruńskie dla wsi miasta Torunia', *Lud*, 61 (1977), 227–38.

⁴ See the facsimiles of the Wrocław wedding ordinances for 1565 and 1640, published in Mirosława Czarnecka and Jolanta Szafarz (eds.), *Hochzeit als ritus und casus. Zu interkulturellen und multimedialen Präsentationsformen im Barock* (Wrocław, 2001), 227–68. Anna Michałowska, *Między demokracją a oligarchią: władze gmin żydowskich w Poznaniu i Swarzędzu (od połowy XVII do końca XVIII wieku)* (Warsaw, 2000). Generally on the subject of custom rationing in the urban legislation of Greater Poland, see Dorota Mazek, *Ku ozdobie i profitowi. Prawodawstwo miast prywatnych Wielkopolski 1660–1764* (Warsaw, 2003), 99–101.

⁵ For a review of works, see Edmund Kizik, *Die reglementierte Feier. Hochzeiten, Taufen und Begräbnisse in der frühneuzeitlichen Hansestadt* (Klio in Polen, 10, Osnabrück, 2008), 7–38. Review of the German literature of the last decade, see Stanisław Salmonowicz, 'Niemieckie ordynacje policyjne (XVI–XVIII wiek). Uwagi o sytuacji badawczej', *Czasy Nowożytne*, 23 (2010), 151–77.

creation of consumption attitudes⁶ as well as the forms of social discipline, still remain highly limited.⁷

The aim of the present article is to present information about the sumptuary regulations themselves, the circumstances that accompanied their creation as well as defining the range of encroachment

⁶ See comments on luxurious consumption: Adam Manikowski, 'Luksusowe nieporozumienia', in Antoni Mączak (ed.), *Europa i świat w początkach epoki nowożytnej*, i: *Spółczesność, kultura, ekspansja* (Warsaw, 1991), 103–124; Kizik, *Die reglementierte Feier*, 357–68.

⁷ To date anti-luxury acts in Royal Prussia have served German and Polish researchers first and foremost in a descriptive reconstruction of the ceremonial structures accompanying the everyday life of former burghers, sometimes in research into social stratification, Kizik, *Die reglementierte Feier*; *idem*, *Śmierć w mieście hanzeatyckim w XVI–XVIII wieku. Studium z nowożytnej kultury funeralnej* (Gdańsk, 1998); *idem*, "Ungehorsam, hochmut, frevel und bosheit des gesindes". Służba domowa w świetle gdańskich ustaw przeciwko zbytkowi z połowy XVI – XVII wieku', in Dorota Michaluk and Krzysztof Mikulski (eds.), *Miasta i mieszczaństwo w Europie Środkowowschodniej do połowy XIX w.* (Toruń, 2003), 347–70; *idem*, 'Kindelbier. Tauffeier in den Städten des Königlichen Preußens im 16.–18. Jh.', *Acta Poloniae Historica*, 79 (1999), 37–62; older works: Otto Günther, 'Danziger Hochzeits- und Kleiderordnungen', *Zeitschrift des Westpreußischen Geschichtsvereins*, 42 (1900), 184–237; Elly Schaumann, 'Beiträge zu einer Geschichte der Tracht in Danzig', *Zeitschrift des Westpreußischen Geschichtsvereins*, 73 (1937), 5–62; H. B. Meyer, 'Hochzeitbräuche in der Danziger Niederung', *Weichselland*, 36 (1937), 49–53; Maria Bogucka, *Życie w dawnym Gdańsku. Wiek XVII–XVIII* (Warsaw, 1997); Edmund Cieślak, in *idem* (ed.), *Historia Gdańska*, iii, 2 (Gdańsk, 1993), 651–6; Irena Rembowska, 'Ubiory bogatych mieszczan gdańskich w XVII i XVIII wieku na podstawie przepisów przeciw zbytkowi i spisów testamentowych', *Zeszyty Naukowe Wydziału Humanistycznego Uniwersytetu Gdańskiego*, 10, *Historia* (1980), 49–72; *eadem*, *Dom bogatego mieszczanina gdańskiego w II połowie XVII i w XVIII wieku* (Gdańsk, 1979); for Elbląg: Józef Włodarski, 'Stratifikacja mieszczaństwa elbląskiego na początku XVIII w. w świetle poprawionej ordynacji o ubiorach z 22 X 1708 r.', in Andrzej Groth (ed.), *W kręgu badań profesora Stanisława Gierszewskiego* (Gdańsk, 1995), 59–66; Edmund Kizik, 'Uroczystości rodzinne – wesela, chrzty i pogrzeby', in Andrzej Groth (ed.), *Historia Elbląga*, ii, 2 (1626–1772) (Gdańsk, 1997), 243–67; for Toruń: Romualda Uziembło, "Non omnis moriar". Zwyczaje pogrzebowe w XVII i XVIII-wiecznym Toruniu (Toruń, 2005), 4–10 as well as Małgorzata Grupa, *Ubiór mieszczan i szlachty z XVI–XVIII wieku z kościoła p.w. Wniebowzięcia Najświętszej Marii Panny w Toruniu* (Toruń, 2005). The basic comparative material, see: *Repertorium der Policeyordnungen der Frühen Neuzeit*, pt 2: *Brandenburg-Preussen mit Nebenterritorien (Kleve-Mark, Magdeburg und Halberstadt)*, pt 2.1–2.2, ed. Thomas Simon (Frankfurt a.M., 1998); see also Thomas Berg, *Landesordnungen in Preussen vom 16. bis zum 18. Jahrhundert* (Einzelschriften der Historischen Kommission für Ost- und Westpreußische Landesforschung, 17, Lüneburg, 1998).

in the freedom of choice in consumption. Besides the catalogue of activities or things covered by limitations in consumption, of importance is research into the actions of the authorities in enforcing the acts passed that regulated the public wearing of garments as well as the forms of consumption at engagement, wedding, christening and funeral gatherings and parties. All of these forms of consumption were legally regulated starting from the fairly general medieval laws,⁸ right up to the extremely detailed and wide-ranging records contained in separate police regulations of the modern era. In passing over the detailed questions of registers of banned things, both the aims and the forms of Prussian restrictions indicate many similarities between the Polish-Lithuanian Commonwealth and other modern societies of northern and central Europe. However, as a result of the weakness of centralized executive authorities within the Polish-Lithuanian Commonwealth as well as the preservation of extensive autonomy on the part of the large Prussian cities of Gdańsk (Danzig), Elbląg (Elbing) and Toruń (Thorn), the *Sejm* constitutions passed for the years 1613, 1620, 1629, 1659, 1683⁹ possessed only a limited scope for enforcement in Royal Prussia. The legal particularism that was characteristic for this province was to find its reflection both in the creation of separate sumptuary laws on the part of the individual cities as well as by institutional or private owners of rural estates. Although the laws created in various cities are similar to each other it is impossible to observe attempts at coordinating this type of legislative activity. This was to result in a situation whereby restrictions concerning certain circles in one city did not have their exact equivalents in other cities.

As a result of the specific ethnic nature of Royal Prussia the majority of urban regulations were issued in German, with Polish or bilingual versions being rather exceptional (the villages of the Oliva Abbey – 1616, Toruń – 1722¹⁰). The result of legislative work was at least dozen

⁸ Tadeusz Maciejewski, *Zbiory wilkierzy w miastach państwa zakonnego do 1454 r. i Prus Królewskich lokowanych na prawie chełmińskim* (Gdańsk, 1989).

⁹ *Volumina Legum*, ed. Jozafat Ohryzko (St Petersburg, 1859), iii, 89, 180, 297, iv, 236, 280; v, 321.

¹⁰ 'Reasumcyja Ordinacyey Szlachetnego Magistratu Miasta Thorunia o szatach, weselach, chrzcinach y Pogrzebach, Rewidowana y ogłoszona, (1) lipca 1722', ed. Kazimierz W. Wójcicki, *Obrazy starodawne*, 2 vols. (Warsaw, 1843), ii, 246–79; Zygmunt Mocarski, *Tygodnik Toruński* (1924), nos. 2–13.

regulations containing sumptuary articles. The most active legislator was Gdańsk – the largest and politically the most independent city of the province, where repeatedly laws on weddings were passed for the years 1564–1734.¹¹ In 1657 there was announced a law on reproachful excess at funerals.¹² In 1677, then in 1681, 1705 and 1734, the city council published amended ordinances on the conducting of burials, which were published together with the regulations on christening and funeral ceremonies.¹³ On the whole the rules regulating ceremonies for rites of passage equally contained the characteristics of permissible clothing and adornment in ceremonial situations, even though separate regulations had been created devoted only to clothing to be worn in public places for all inhabitants without exception¹⁴ as well as

¹¹ 'Köstenordnung belangend' (of 1564), publ. in Emil Sehling (ed.), *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts*, iv: *Das Herzogthum Preußen, Polen. Die ehemals polnischen Landestheile des Königreichs Preußen. Das Herzogthum Pommern* (Leipzig, 1911), 181–6. 'Die Köstenordnung [der Stadt Danzig 1590, 1595]', publ. *ibidem*, 193–7; *Hochzeit-Ordnung* (Danzig, 1628), Gdańsk, Archiwum Państwowe (hereafter: APGd.) 300, 93/52; *Revidirte Hochzeit Ordnung* (Danzig, 1642), Gdańsk, Biblioteka Gdańska PAN (hereafter: BGd.), Od. 5717; *Hochzeit-Ordnung der Stadt Dantzig* (Danzig, 1657), BGd., XVIII Cq 31 adl. 35; 5702, adl. 21 8°.

¹² *Begrebnuß Ordnung Der Stadt Dantzig* (Danzig, 1657), APGd. 300, R/Q, 5, pp. 249–52b; BGd., Od. 5702 8°, adl. 22; Od. 5717 8°, adl. 14.

¹³ *Hochzeit-, Tauff und Begräbnüß-Ordnung der Stadt Dantzig* (Danzig, 1677), APGd., 300, R/Q, 5, pp. 234–338; *Revidirte Hochzeit-, Tauff und Begräbnüß-Ordnung der Stadt Dantzig* (Danzig, 1681), APGd., 300, R/Q, 5, pp. 263–8; *Neuer Hochzeit-, Tauff und Begräbnüß-Ordnung der Stadt Dantzig* (Danzig, 1705), APGd., 300, R/Q, 8, pp. 607–51; 300, 10/62, pp. 402–15; APGd., 300, 93/59; *Neu-Revidirte Hochzeit-, Tauff und Begräbnüß-Ordnung der Stadt Dantzig* (Danzig, 1734), APGd., 300, 93/59; the last of the ordinances publ. in Edmund Kizik, *Wesele, kilka chrztów i pogrzebów. Uroczystości rodzinne w mieście hanzeatyckim w XVI–XVIII wieku* (Gdańsk, 2001), 369–83; *idem*, *Die reglementierte Feier*, 429–39.

¹⁴ *Ordnung und raetsame heilbare Gesezze der Koniglichen Stadt Danntzig, tzur Ehre Gedei und Wolfart derselbigen auff die Cleidunge und Tracht alle derselbigen Einwonere...* [Anno 1540], APGd., 300, R/Q 3 (copy from the beginning of the seventeenth century), publ. in Günther, 'Danziger Hochzeits- und Kleiderordnungen', 208–18; *Ordnung E.E. Rahts der Stadt Dantzig. Wie sich ein jeder nach sainem Stande in Kleidung verhalten soll*, 1642 (fragments published by Gotthilf Löschin, 'Alte und neue Zeit', *Gedana*, i, 1 [1815], 22–8); *Artickel Gehörend zu der Kleider Ordnung* (Danzig, 1642), BGd., XVIII Cq, 31. *Verordnung E. E. Rahts der Stadt Danzig wegen bevorstehenden Buss-, Bett- und Festtages, wie auch Verbot der uebermässigen Üppigkeit und Hoffart in Kleidung und anderen Wesen* (Danzig, 1672); see a review of acts in the collections of the Biblioteka Gdańska PAN,

the appearance of domestic staff. This question was addressed again in 1707 and 1756 during attempts to determine acts on ‘good order’;¹⁵ as well as in the detailed ordinances on domestic staff of 1634, 1705 and conclusively in 1734.¹⁶ The final editing of the ordinance on staff (*Gesindeordnung*), involving the question of the appearance of domestic servants, was added to the revised Gdańsk law in 1761.¹⁷ Sumptuary laws were in force until Gdańsk’s inclusion in Prussia in 1793 (as a result of the Second Partition of Poland) as well as for the years 1807–14 (during the period of the Napoleonic Free City of Danzig). On other territories besides Toruń, the turning point was the occupation of these lands by the Frederician monarchy in 1772.

Additionally the Gdańsk authorities passed separate regulations binding the peasants from the rural territory of Gdańsk, taking into consideration their administrative separateness and property differences: for Wyżyna (Danziger Höhe) in the year 1698,¹⁸ as equally for Szkarpa (Scharpausches Gebiet), Żuławka Gdańska (Danziger Werder) and Mierzeja Wiślana (Frische Nehrung) in the years 1654, 1683, 1707.¹⁹ There was also no absence of projects discussed by

Maria Babnis and Ewa Penkalla (eds.), *Katalog norm prawnych władz miasta Gdańska (XV–XVII wiek)* (Gdańsk, 2005).

¹⁵ Besondere Puncta und Articul zur Stiftung guter Ordnung im gemeinen Leben und Wandel eingerichtet (Danzig, 1707, 1756), BGd., Od. 5705, adl. 14.

¹⁶ *Rozporządzenie w sprawie służby najemnej wydane w Gdańsku 17 marca 1705 r.*, ed. Edmund Cieślak (Poznań, 1962, offprint from *Rocznik Gdański*, 19/20 [1961]).

¹⁷ ‘Von des Gesindes Kleidung’, in *Neu-revidirte Willkühr der Stadt Danzig, aus Schluß Sämtlicher Ordnungen publicirt Anno 1761, und mit Beugefügten Zusätzen und Erläuterungen...* (Danzig, 1783), 150–1.

¹⁸ For example, highly interesting is the content of the manuscript mentioned by John Muhl (*idem*, ‘Kirchen auf der Dantziger Höhe’, pt 2, *Mitteilungen des Westpreussischen Geschichtsvereins*, xxxv, 3 [1936], 72), though to date unknown on the regulation of weddings, christenings and funerals for the inhabitants of the rural territory of Wyżyna of 12 Sept. 1698: APGd., 300, 4/69, pp. 387–90.

¹⁹ For Żuławki Gdańskie (Danziger Werder), see: Eines Erbaren Rahts der Stadt Dantzig Ordnung, wie es hinfort in allen ihren Dorfschaften mit folgenden Sachen soll gehalten werden ([Danzig], 1591), BGd., Od. 5701 8°, adl 15, publ. in Sehling (ed.), *Die evangelischen Kirchenordnungen*, iv, 221–2. Eines Erbaren Rathes der Stadt Dantzig Ordnung, wie es hinfort in allen ihren Dorfschaften mit folgenden Sachen sol gehalten werden (Danzig, 1604), BGd., XVIII, C.q.adl. 41. Der Oberkeit Edict für Die Nerungsche und dazugehörige Unterthanen Publiciret von allen Kantzeln daselbsten im Anfang des Jahres 1654 (Danzig, 1654), BGd., Od. 5702 8°, adl. 31; Revidirte Edict für Die Nahringsche und dazu gehörige

the Gdańsk deputies to the City Assembly, and subsequently – for unknown reasons – put aside *ad acta*.²⁰ An analogical legislative action was undertaken in relation to the rural population by the authorities of the Crown land neighbouring Gdańsk (the Malbork Economy) on Great and Little Malbork Żuława (Gross und Klein Marienburger Werder) (1622,²¹ 1651, 1684 and 1701²²), or the possessions of the Cistercians of Oliva (1616).²³ Other crown property together with small towns was presumably subjected to *Sejm* legislation. Other towns within Royal Prussia displayed somewhat less involvement in legislative activity – Toruń (among others 1623, 1722)²⁴ and Elbląg (1630, 1708, 1709).²⁵ In turn besides the clothing act for Poznań (1621),²⁶ I know of no known urban sumptuary laws for the Crown

Unterthanen... (Danzig, 5 Dec. Anno 1683), BGd., Od. 5703, adl. 17; Verordnung des Nehring- und Scharpauischen Ambtes, nach welcher so wol die Herren Predigere und Schul-Meisters ... nicht nur allein bey denen Kirchen und Schulen, sondern auch sonst, insonderheit bey Verlöbnußen, Hochzeiten, Kindtauffen und Begräbnußen hinführo sich werden zu richten haben... (Danzig, 1707), BGd., Od. 5705 8°, adl. 12, 13; Od. 8637 8°.

²⁰ See the manuscript ‘concepts’ of the wedding ordinances of 2 Dec. 1661 and 1662 in APGd., 300, 93/59, pp. 83–94; 115–30.

²¹ Abraham Hartwich, *Geographisch-historische Landes-Beschreibung derer dreyen im Polnischen Preußen liegenden Werdern* (Königsberg, 1722), 323–34 (here: 331), the law was confirmed in 1776 by the King John III Sobieski.

²² More extensive fragments are cited by Hartwich, *Geographisch-historische*, 50–3.

²³ *Polskie ustawy wiejskie*, 67–76.

²⁴ Kirchenordnung, wie es zu Thorn in Preussen beide in der alten als neuen stadt mit lehr und ceremonien von neuen gehalten wird... Anno 1575, publ. in Sehling (ed.), *Die evangelischen Kirchenordnungen*, iv, 233–46. Königlicher Stadt Thorn Kleider-, Verlöbnuß-, Hochzeit-, KindTauf- und Begräbnis-Ordnung und Satzung ([Thorn], 1623), BGd., Oc 4479 8° (unique); Reasumcy Ordynacy. Cf. Rudolf Brohm, ‘Die Thorner Begräbnis-Ordnung und die Gebräuche bei Leichenbegräbnissen im 17. und 18. Jahrhundert’, *Neue Preußische Provinzialblätter*, 10 (68) (1865), 342–54; *idem*, ‘Die Thorner Taufordnung und die damit zusammenhängenden Gebräuche im 16. und 17. Jahrhundert’, *Neue Preußische Provinzialblätter*, 11 (69) (1866), 251–60, Zenon Guldon, ‘Artykuły wetowe miasta Torunia z 1634 roku’, *Zapiski Historyczne*, xxxviii, 3 (1977), 89–111.

²⁵ Hochzeit unnd Kleider Ordnung. Nach welcher sich alle der Stadt Elbingk Bürger ein und Beywohner, wie auch dei auff dem Lande zu richten und zu verhalten schuldig sein sollen ([Elbing], 1630), APGd. 492/525, publ. Kizik, ‘Elbląska ordynacja’: Revidirte Hochzeit- und Tauff-Ordnung der Stadt Elbing ([Elbing], 1709), APGd. 492/525.

²⁶ Laudum ku poskromieniu zbytków w częstowaniu i strojach i ordinantia z strony wesel, kolacy i pogrzebów, mieszczanom należąca. Burmistrz i z radą miasta

which could be compared to the Prussian legislation, even though we are dealing with various forms of limiting luxury consumption within Crown towns and cities.²⁷ However, one cannot complain about the lack of other complimentary and comparative materials for other Prussian towns and cities for example Königsberg,²⁸ or the northern German cities of Greifswald and Hamburg.²⁹

The regulations known from sources may be ordered according to several criteria:

- in relation to the legislator (state acts, urban, church or private);
- in relation to the social layers they concerned (burghers, peasants, domestic staff);
- in relation to the scope of the things or activities forbidden.

In the case of the final criteria one may differentiate three groups of bans within the sumptuary legislation:

- concerning appearance – bans on the wearing of certain textiles, furs, skins, accessories, jewellery made out of precious metals (as well

Poznań [2 Jan. 1621], publ. in Józef Łukaszewicz, *Obraz historyczno-statystyczny miasta Poznania w dawniejszych czasach*, 2 vols. (Poznań, 1838), i, 125; Witold Maisel (ed.), *Wilkierye poznańskie*, pt 1: *Administracja i sądownictwo* (Wrocław, 1966), 71–4 (the author gives 4 Jan. as the date the act was published), see also pp. 95–6, 115–17, 146.

²⁷ See Jerzy Malec, 'Policey im frühneuzeitlichen Polen: Gesetzgebung und Literatur', in Michael Stolleis, Karl Härter and Lothar Schilling (eds.), *Policey im Europa der Frühen Neuzeit* (Frankfurt a.M., 1996), 407–19 as well as the already classic text of Stanisław Grodziski, 'Uwagi o prawach przeciwko zbytkowi w dawnej Polsce. (Artykuł dyskusyjny)', *Zeszyty Naukowe Uniwersytetu Jagiellońskiego*, 20, *Prawo*, 5 (Cracow, 1958), 67–86.

²⁸ Verneuerte Ordnun[ng] und Reformation. Wie es hinfüro in der dreyen Städten, Alten Stadt, Kneiphof und Löbenicht Königsberg des Hertzoghtumbs Preussen und darzu gehörigen Vorstädten in Trachten und Kleydungen soll gehalten werden (Königsberg, 1598), BGd., Nl 13 8°, adl. 24; Friedrich A. Meckelburg, 'Kleider-, Hochzeit- und Kindtauf-Ordnung der drei Städte Königsberg. Aus den Jahren 1529–1553', *Neue Preußische Provinzialblätter*, vii (1855), 365–79.

²⁹ The literature on the subject is unusually extensive with regard to the Baltic coastal territories: Fritz Adler, 'Alte Verlobungs- und Hochzeitsbräuche in pommerschen Städten', pt 1–2, *Baltische Studien*, NF, 43 (1955), 47–64, no. 44 (1957), 95–118; Maria Bogucka, 'Marriage in Gdańsk in Early Modern Times', in Thomas Riis (ed.), *Tisch und Bett. Die Hochzeit im Ostseeraum seit dem 13. Jahrhundert* (Kieler Werkstücke. Reihe A: Beiträge zur schleswig-holsteinischen und skandinavischen Geschichte, 19, Frankfurt a.M., 1998), 51–8. Of the older ones that have maintained their cognitive value, see Julius Schwarten, 'Verordnungen gegen Luxus und Kleiderpracht in Hamburg', *Zeitschrift für Kulturgeschichte*, NF, vi (1899), 67–102, 170–90.

as imitations), garments of a certain cut, or general regulations on clothing (*Kleiderordnungen, Edicte wegen Trauer, Verordnungen ... wegen der uebermässigen Üppigkeit und Hoffart in Kleidung*);

– bans on excessively sumptuous food consumption (as well as all accompanying forms of behaviour) (*Köstenordnungen, Verlöbnissordnungen, Hochzeitsordnungen, Begräbnissordnungen, Tauffordnungen*);

– concerning the occasional giving of presents (of clothing, jewels, money, food) – acts on family celebrations, clothing regulations, on domestic staff.

The sumptuary regulations announced in towns as well as the rural laws in Royal Prussia were by means an exceptional phenomenon. The sumptuary regulations that were issued across the whole of pre-capitalist Europe during family celebrations were treated as being an appropriate measure for improving the unsatisfactory state of social order as well as a mechanism instigated from above for the regulation of the financial market. Undoubtedly the number of *leges sumptuariae* created in the modern period (from the sixteenth to the beginning of the nineteenth century) – regulations deeply penetrating the sphere of public food consumption, clothing, but also rights to utilize literary and musical services as well as the work of craftsmen – bears witness to the fairly widely held belief in the extreme effectiveness of legal instruments in the creation of positive consumptive attitudes (abstinence, thriftiness) as well as to social stratification. In the literature on the subject a few basic reasons are usually pointed to for the issuing of sumptuary regulations,³⁰ these I have signalled in my earlier articles on family ceremonies.³¹ Basing oneself on the existing research proposals as well as on analysis of the regulations' content, one may assume that the motives that lay at the sources for the creation of social rationing were:

1. Religious-moral; early modern era sumptuary regulations constituted a continuation of both the earlier urban sumptuary legislation, developing from the thirteenth century, and directed to cities as equally late medieval preaching and the moral warning of the wrath of God, condemning the burghers for the deadly sins of gluttony and drunkenness during family feasts, pride and greed.

³⁰ Michael Stolleis, *"Pecunia nervus rerum". Zur Staatsfinanzierung in der frühen Neuzeit* (Frankfurt a.M., 1983), *passim*.

³¹ Edmund Kizik, 'Gdańskie ordynacje o weselach, chrztach i pogrzebach w XVI–XVIII wieku', *Barok*, 7 (2000), 187 ff.

2. Social-legal; this was a desire to maintain a stable and clear social order as well as an attempt to prevent the crossing of borders between estates (corporations) under the pretext of accidental ceremonial ways of behaviour. Pressure was placed on maintaining (in up-bringing and disciplinary aims) clear consumptive borders reflecting local social stratification.

3. Administrative-regulatory (regulations on betrothal, wedding receptions, christenings and funerals coordinated the activity of the Church authorities, schools, determined the fees for conducting ceremonies and administrative costs).

4. Legal-economic (fiscal); regulations were designed to protect the property of the main organizer of the ceremony from excessive expenditure. The stipulating of the maximum consumption rates was to protect burghers and peasants from the pressure of relatives' and neighbours' expectations. Consumption limitations take place within a closed economy, one characterized by limited possibilities for growth, with limited credit possibilities, and are designed to support local production.

It is difficult to indicate unequivocally the most important of the above mentioned motives. In analyzing the regulations one may perceive a mixing of various motives. For example, Elbląg in the year the ordinance on clothing was published (1630) was grappling with the several year burden of supporting the Swedish army, which had occupied the city since 1626 (an economic motive). The Swedes squeezed out of the city, under the auspices of contribution, loans, obligatory supplies for the army, over a million florins.³² The Crown *Sejm* in Warsaw accusing the city of an unwillingness to defend itself and opening its gates to the armies of Gustavus Adolphus, imposed a ban on trade with Elbląg; in November 1628 a foray by citizens of Gdańsk against the neighbouring city ended with the destruction of the port equipment.³³ Elbląg's difficult economic situation, the losses incurred by the transfer to Gdańsk of the counting house of the Eastland Company, was further exacerbated by the occurrence of recurring outbreaks of plague for the years 1629–30. These experiences were referred to by the legislators: 'die allgemeine Schwer

³² Józef Włodarski, 'Losy polityczne (1626–1772)', in Groth (ed.), *Historia Elbląga*, ii, pt 2, pp. 19–20.

³³ Andrzej Groth, *Kryzys i regres handlu*, in *ibidem*, 97–8.

empfundenen Landtplagen'.³⁴ The city council clearly wanted a limitation on the consumption of imported luxury goods with the aim of keeping money in the city, stopping consumption competition, as well as not wishing to irritate the God-fearing inhabitants with sinful entertainments and attire ('damit nun der Verschwendungk und Mißbrauch der Gaben Gottes bei den Hochzeiten gewehret und das übrige Freudenwesen und Gepränge gemeßiget werden möge'). A certain correlation between economic crises, wars, plagues (e.g. the period of the Thirty Years War) as well as the creation of regulations limiting consumption may be perceived in the laws and regulations drawn up for various parts of the Empire.³⁵

We can also find in the Gdańsk ordinance on clothing of 1642 reference to the recent experiences of the war with Sweden as well as the plagues that had descended on the city and which were troubling the inhabitants.³⁶ Nevertheless, it is worth noting that this regulation differently to the wedding ordinance of 1628 was published not during the time of war nor directly after its conclusion but during the course of the armistice concluded at Altmark (1629), and subsequently extended at Stuhmsdorf (1635) for a further 20 years. The decades of the 1630s and 1640s were by all accounts favourable for the development of the city. A significant indicator of the economic situation in contemporary economic information is the data for construction. Equally in seventeenth-century Gdańsk there can be seen a clear post-war growth. In 1629 the Gdańsk Weta Court (*Weta, Wede, Wette, Wettegericht*) issued over double the number of construction concessions than a year earlier (53 concessions), in the subsequent year there were already to be 56.³⁷ The number of concessions for

³⁴ Only excerpts from the minutes of the sittings allow one to reconstruct the work on the acts regulating occasional consumption though merely in the most general terms, see APGd., 369, 1/109, p. 123, entry 'Hochzeiten'.

³⁵ Kizik, *Wesele, kilka chrztów, passim*.

³⁶ 'So haben wir doch verspüret und leider in der That erfahren, daß nicht allein die angehörte trewhertzige Vermahnunge[n], ja auch Gottes Väterliche Züchtigung, da er uns etliche Jahr her mit der Pestilentz und dem Land verderblichen Kriege heimgesuchet, und der Obrigkeit Gesetze wenig oder nichts verfangen und gefruchtet, sondern vielmehr in Vergeß und Verachtung gestellet, und auß unbußfertigen'.

³⁷ Edmund Kizik, 'Źródła do dziejów nowożytnego domu gdańskiego w materiałach Sądu Wetowego (XVII–XVIII w.)', *Kwartalnik Historii Kultury Materialnej*, lv, 2 (2007), 161–75.

building work for the period from 1636 to 1655 was to be the highest in the early modern history of the city – in the year of the armistice extension 127 concessions were issued, in 1640 – 97 while correspondingly 80 for 1641, 82 in 1642, 112 in 1643, 125 in 1644. Another type of data confirms the favourable economic situation. In 1640 as a result of sizeable supply there occurred a noticeable reduction in the price of grain, which was to be maintained at a relatively moderate level for the subsequent years; a jump in prices for grain was to occur during the five-year period prior to the outbreak of the Polish-Swedish war in 1655.³⁸ In 1642 2,052 ships entered the port of Gdańsk. For comparison in 1641 the number was 1,741, while in 1643 – 1,983,³⁹ while the value of trade turnover for these years was 45,022 (1641), 41,607 (1642) and 37,979 (1643) marks.⁴⁰ The burghers of Gdańsk were not affected by either plagues,⁴¹ or other calamities.⁴² Therefore the origin of the clothing ordinance cannot be sought in the direct political and economic events of the day. It cannot be excluded that the increase in consumption was so great that it started to arouse fears within conservative authority circles of an obliteration of the existing consumption barriers.

The Gdańsk legislators decided, within the clothing ordinance of 1642, to divide the inhabitants into five categories, establishing for each of which the highest acceptable value for individual clothing components – textiles, furs, leather, lace, trim as well as accessories of precious metals and stones. The regulations did not apply to the gentry or those temporarily resident in the city. The social categories distinguished did not correspond to the division into citizen and non-citizen in force within Gdańsk or into citizens themselves who were divided into those in possession of great urban rights (i.e. merchant rights), craftsmen rights and the lower workers' rights. One may see here a clear desire to divide the narrow circle of the top patriciate from individuals who possessed a similar income to mayors and councillors, yet did not directly participate in the conducting of authority in the city.

³⁸ Julian Pelc, *Ceny w Gdańsku w XVI i XVII wieku* (Lwów, 1937), 57 (introduction).

³⁹ Maria Bogucka, 'Gdańsk – największy port na Bałtyku', in Cieślak (ed.), *Historia Gdańska*, ii (Gdańsk, 1982), 469, Tab. 45.

⁴⁰ *Ibidem*, 472, Tab. 47.

⁴¹ See Jan Baszanowski, *Przemiany demograficzne w Gdańsku w latach 1601–1846 w świetle tabel ruchu naturalnego* (Gdańsk, 1995), 349, appendix.

⁴² Pelc, *Ceny w Gdańsku*, 57.

According to the ordinance, the right to wear the highest quality and most elaborate garments was held by the patriciate, i.e. the 48 individuals holding the chief offices (mayors, councillors and lay judges) in the Main Town (Rechtstadt) and Old Town (Altstadt). Together with the members of their immediate families (wives, children) this circle could not have exceeded 400 in number. The next classes covered accordingly:

- merchants and others of a similar material and social position (*dergleichen Standespersonen*);
- tailors, silk stallholders, spice stallholders, traders (of metal goods and hats), vintners, freelance artists, brewers, urban clerks;
- other craftsmen, brokers, skippers, boat captains, market stallholders, cheese sellers;
- workers, daily-paid workers, other hired labourers as well as domestic servants.

Affiliation to a relevant grouping determined the character of the clothes worn. However, the legislators did respect certain traditional garments worn by the Gdańsk female burghers in the late Middle Ages. One of which included silver belts, which by the seventeenth century were already not too much in vogue, and so in the clothing ordinance of 1642 a silver belt with chain was permissible attire for families holding petty town offices, tavern owners, porters, as well as cooks. Equally in the posthumous inventories of property there is no absence of mention of these embellishments. For example the servant woman Sophia Jendrzeyowa who died in 1656 had a silver belt (1 *Pantzergurtell*) of a weight of 61 scots, at 21 *groschen* a scot, i.e. of a value of 69 marks and 17 *groschen*,⁴³ which was quite a sum. Another mention is of a silver belt of 39 clasps and weighing 25 ½ scots, and worth 26 marks and 15 *groschen*,⁴⁴ another bequeathed

⁴³ APGd., 300, 1/80, p. 321. In Gdańsk accounting of the 16th–18th c. various current coins were converted, considered to be the value of a silver thalar, into legal tender: the mark and the florin. These units maintained a constant relationship: 1 florin (*złoty, gulden*) = 1 ½ mark = 30 *groschen* = 90 shillings = 540 denarius. However, one must understand the gradual change in the financial value of the florin (*złoty*). For example, the value of 1 florin measured in precious metal in the first half of the seventeenth century fell from 19.86 g of silver in 1601 to 8.1 g in 1630 maintaining this value until 1663 when it became cheaper at 8.01 g of silver, according to Pelc, *Ceny w Gdańsku*, Tab. 1, pp. 2–6.

⁴⁴ APGd., 300, 1/80, p. 322; see also 291.

belt was valued at 30 florins.⁴⁵ However, women from elite, patriciate circles (the fifth, the highest burgher category differentiated within the ordinance) had the right to wear on their neck or to adorn their clothes with chains, cords of gold and silver to a value equivalent to 60 ducats (360 florins).

One may observe that the division with regard to permissible attire appears to be rather unclear. It is unknown, for example, how wealthy merchants resident in the city were treated, yet ones not possessing citizenship. The enforced social division resulted naturally in misunderstandings and conflicts. Brewers particularly vocally voiced their opposition to the city council's position, viewing, not incorrectly, their position within the town hierarchy to be symbolically weakened, despite them holding so-called full citizenship.⁴⁶ Within the five-tiered citizen structure brewers did not qualify for the second class of inhabitants (merchants), but only for the third. The council argued their decision on the basis of them being accommodated within a structure that made their guild similar to others.⁴⁷ However, it follows to see within this degradation the ongoing collapse of this trade in Gdańsk.

In as far as five social groups were differentiated within Gdańsk, the earlier Elbląg ordinance of 1630 had proposed a more simplified hierarchization of society comprising three groupings. These were 'the most important', 'the most distinguished' (*die Vornembste*), i.e. the members of the city's secular and religious authority (councillors, lay judges, syndics and pastors); the craftsmen group (*Handtwerck-sleute* – masters and guild apprentices); workers and domestic staff (*Arbeitsleute und Dienstboten*). In turn there were differentiated within the Elbląg rural environment: the wealthiest peasants – the owners of hereditary holdings, village elders (*Schultz*), as well as other moneyed individuals as equally the remaining owners of peasant holdings including those hiring themselves out for agricultural labour. In the Toruń ordinance of 1722 – passed after the city had incurred noticeable losses during the Great Northern War – there was preserved

⁴⁵ *Ibidem*, 294 ('ein Pantzer Gürtel, steht versetzt vor 30 fl. '), 58 (a silver belt of a weight of 38 scots); APGd., 300, 5/71, fo. 803v (pawned silver belt of a weight of 40 scots, year 1631).

⁴⁶ Gotthilf Löschin, 'Die Danziger Brauerzunft', *Beiträge zur Geschichte Danzigs und seiner Umgebungen*, 3 (1837), 12–14.

⁴⁷ *Ibidem*, 14.

a fairly far reaching stratification, differentiating five main groups of consumers: 1. mayors and councillors, 2. lay judges and Lutheran clergymen, 3. merchants and brewers, 4. guild members, 5. inhabitants of the suburbs, domestics as well as hired workers.

There is no possibility to analyze here the actual contents of all the regulations. Therefore I shall limit myself simply to a characterization of the Elbląg ordinance on wedding receptions and clothing of 1630. Besides a general description of the nature of the compulsory attire for wedding guests (art. 19), the remaining articles of the ordinance concern questions directly related to the wedding ceremony; the nature of the betrothal feast (art. 1), the costs and types of allowable gifts for the betrothed (art. 2), the behaviour of the reception clerks (official city functionaries involved in, among other things, the distribution of invitations) (art. 3–4), the ban on music at betrothals as well as the type of permissible music for the wedding (art. 5), the hours and time envisaged for the ceremony (art. 6), the maximum number of guests (art. 7), the number of permissible dishes (art. 8), the quantity and type of alcohol (art. 9), the time for serving the repasts (art. 10), the type of dinner service (art. 11), the number of musicians and helpers and their range of obligations (art. 12), bans in force for the domestic staff (art. 13), for individuals serving on at the reception banquet (art. 14), the times and commencement of dances as well as appropriate behaviour (art. 15), the end of the feast and the escorting of the newly-weds to the wedding chamber (art. 16), the ban on follow up celebrations the next day and other forms of food and drink the day after the wedding night (art. 17), the date and means of presenting the report of the wedding proceedings at the Weta Court Office (art. 18),⁴⁸ and the application of fines on the basis of ordinance violations (art. 20). The fines were staggered depending on social status (the mentioned three-tier scale) – from 10, 20 to 30 thalers for forbidden gifts, for a subsequent prohibited table – 12 thalers (a thaler for each additional guest), an excessive number of dishes – 10 thalers, follow up celebrations the next day 20–30 thalers. The level of fines was draconian and significantly exceeded the possibilities of impoverished burghers or rural inhabitants. The value of a thaler was almost 90 *groschen*, i.e. 3 florins. An Elbląg apprentice of the time earned 22–23 *groschen* a week, while according to Gdańsk

⁴⁸ Unfortunately the Elbląg Weta material has not been preserved.

prices, which did not noticeably differ from those in force in Elbląg, an oxen could be purchased for 10 thalers.⁴⁹ As a result those who had broken the law, coming from amongst the less affluent individuals, like boisterous musicians or servants gate crashing others' wedding receptions, were threatened by the legislators with being sent to the tower. Equally for attempts to take out food those employed to serve at receptions, i.e. cooks, tavern owners, washers-up, reception clerks and others were threatened with either losing the fee owed or arrest. Unfortunately, as a result of a lack of sources, the enforcement of this act remains unknown.

A heated discussion on the theses expounded in Jürgen Schlumbohm's article⁵⁰ flared up a few years ago within German historiography. He, in a way similar to other researchers into the problem, had asked: why did the state waste so much energy when in effect it was not in a position to put into practice the legislation it had created? According to the author we are dealing with 'art for art's sake' for it fulfils first and foremost the functions of a symbolic demonstration of authority for those who created it.⁵¹ Michael Frank has followed the example of Schlumbohm, studying the occasional consumption of the rural population in northern Germany (Holstein, the bishopric of Münster and Paderborn, the county of Minden).⁵² The author comes in part to conclusions convergent with Schlumbohm cited above, and in principle denies the regulations' effectiveness in curbing luxury.⁵³ Martin Dinges referred to the problem, asking in the

⁴⁹ Andrzej Groth, *Wytwórczość*, in Groth (ed.), *Historia Elbląga*, ii, pt 2, p. 125, Tab. 2. Cf. Pelc, *Ceny w Gdańsku*, Tab. 21.

⁵⁰ Jürgen Schlumbohm, 'Gesetze, die nicht durchsetzen werden – ein Strukturmerkmal des frühneuzeitlichen Staates?', *Geschichte und Gesellschaft*, 23 (1997), 647–63.

⁵¹ Schlumbohm, 'Gesetze', 656, footnote 3.

⁵² Michael Frank, 'Exzeß oder Lustbarkeit? Die policeyliche Reglamentierung und Kontrolle von Festen in norddeutschen Territorien', in Karl Härter (ed.), *Policey und frühneuzeitliche Gesellschaft* (Frankfurt a.M., 2000), 149–78; state of research: 154–8.

⁵³ Frank is, however, less radical and does not reduce the role of the ordinances merely to the sphere of legal symbolism, *ibidem*, 178. See *idem*, 'Verbotener Luxus oder Was hat der Kaffe in der Mühle zu suchen? Aufwandsordnungen und deren Umsetzungen in der Frafchaft Lippe (1650–1800)', in Johannes Arndt and Peter Nitschke (eds.), *Kontinuität und Umbruch in Lippe. Sozialpolitische Verhältnisse zwischen Aufklärung und Restauration 1750–1820* (Detmold, 1994), 145–64.

very title of his postulating article: why were the norms concerning material culture as equally behaviour so often repeated and what significance did this have for the process of social disciplining?⁵⁴ Equally, Prussian rationing efforts were evaluated as a rule as ineffective by the historians.⁵⁵

It appears that the results of micro-historical studies into the execution of Gdańsk and Prussian legislation allows one to speculate on conclusions which could extrapolate on other areas. Otherwise it is known that sometimes sumptuary laws were very brutally brought into effect. We read about the execution of sumptuary regulations in Lubawa (1765) that:

The mayor ... ordered ... the town servants on attending the first mass [the earliest services were attended first and foremost by the domestic staff – E.K.] to remove from their hair ornaments when entering the convent church, this being especially directed to the simple folk (out of jealousy); those carrying out the orders pulled them off their heads at the cemetery gates, and here force was used. Others were beaten up.⁵⁶

However, an isolated incident has anecdotal value. Therefore let us move on to a review of the mass judicial sources which emerged from the execution of sumptuary regulations. Individuals accused of breaking sumptuary ordinances ended up in Gdańsk before the Weta Court or the Weta Court Office.⁵⁷ In the State Archive in Gdańsk

⁵⁴ Martin Dinges, 'Normsetzung als Praxis? Oder: warum werden die Normen zur Sachkultur und zum Verhalten so häufig wiederholt und was bedeutet dies für den Prozeß der „Sozialdisziplinierung“?', in Gerhard Jaritz (ed.), *Norm und Praxis im Alltag des Mittelalters und der Frühen Neuzeit. Internationales Rund-Table-Gespräch, Krems an der Donau. 7 Oktober 1996* (Wien, 1997), 39–53.

⁵⁵ Edmund Kotarski, *Gdańska poezja okolicznościowa XVIII wieku* (Gdańsk, 1997), 29; Rembowska, *Ubiory bogatych mieszczan*, 51; Janusz Sondel, 'Elementy romanistyczne w rewizjach prawa chełmińskiego: lidzbarskiej (Jus Culmense Correctum – 1566 r.), nowomiejskiej (Jus Culmense Emendatum – 1580 r.) oraz toruńskiej (Jus Culmense Revisium – 1594 r.)', in Zbigniew Zdrójkowski (ed.), *Studia culmensia historico-juridica czyli Księga pamiątkowa 750-lecia prawa chełmińskiego*, 2 vols. (Toruń, 1990, 1988), ii, 230.

⁵⁶ Quoted after *Kronika OO. Bernardynów Lubawskich*, ed. Alfons Mańkowski, *Zapiski Towarzystwa Naukowego w Toruniu*, ix, 1–2 (1932), 20.

⁵⁷ See Teresa Wesierska-Biernatowa, 'Gdański Urząd Wetowy', *Archeion*, 34 (1961), 105–22; Tadeusz Maciejewski, *Prawo sądowe w ustawodawstwie miasta Gdańska w XVIII wieku* (Wrocław, 1984), 66 ff. Cf. *Process Ordnung nach welcher*

there has luckily been preserved extensive documentation of this court, particularly abundant for the second half of the seventeenth and eighteenth centuries.⁵⁸ Already an initial examination of the incomes which came into the Gdańsk treasury of exceptional incomes as a result of fines imposed, shows both the sizeable scale of the phenomenon, while on the other hand constitutes subsequent evidence of the seriousness with which the Gdańsk authorities took their legislative activities.

According to the law of 1574, control over the Weta Court was exercised by the City Assembly through eight judges elected for tenure and directed to this court: two from the councillors, two from the lay judges as well as four representatives of the common burghers (of the Third Estate of Assembly), one for each of the city quarters. The court also possessed its own clerks. Besides the court-writer these were two or three instigators (*E. E. Wette Instigator*), who fulfilled an investigative-prosecutor function. The instigator on the basis of the usher's evidence (public plaint; we less often have examples of private plaints) would draw up an accusation and inform the head of the Court of the case. The lower rankings of Court employees included three to four overseers (*Aufseher*), who controlled *ex officio* the course of family celebrations on the ground. These were usually burghers holding practical competencies – they knew about alcoholic drinks, textiles, jewellery and other matters, the public consumption of which was forbidden by law for the lower urban strata. Not without influence on the observance of regulations was the share in court fines enjoyed by clerks. The awarded amounts were divided between Weta clerks according to a permanent relation of 7:12 for the Weta Lords, 1:12 for the court-writer and 4:12 for the instigator. For control purposes the help of ceremonial reception and funeral clerks (*Hochzeit- oder Leichenbitter*), who leased city offices belonging in the seventeenth and eighteenth century to the so called lesser offices,⁵⁹ was additionally

sich hinführo die Parte bey der E. Wette werden zu richten haben 1654, APGd., 300, 58/109, p. 3; the range of obligations and conduct of the Weta Office in relation to the Gdańsk Law of 1761: Neu-revidirte Willkuhr der Stadt Danzig, aus Schluß Sämtlicher Ordnungen publiciret Anno 1761 (Danzig, 1783), 115–24.

⁵⁸ APGd., 300, 58/1–30.

⁵⁹ The prints concerning the purchase of office – *Concordata Ordinum*, see APGd., 300, R/Bb, 6, pp. 819 ff.; (Liste der kleinen Lehne), pp. 822 ff.; cf. Edmund Cieślak, 'Sprzedawalność urzędów miejskich w Gdańsku w XVII i XVIII wieku', *Czasopismo*

used. For example, on the 23rd of December 1681 the Weta Lords,⁶⁰ obliged the reception clerks under threat of loss of employment that at every summons the overseers explained who the people invited to the ceremony were. Their obligations involved the exact designation of the relationship between all those present, 'whether they are fathers, mothers or other relations of the newly-weds'. In other Hanseatic towns masters representing the trades involved in the ceremony preparations were vigilant in observing the course of family festivities and the executing of the law. For example in Lübeck these were musicians' superiors – *Spielgraven* (musician overseers), in Hamburg and Brema – *Ratskuchenbäcker* (council cooks).⁶¹ The Lübeck office of overseeing musicians has origins going back at least to the last years of the fourteenth century, however, their primary obligations are known only from the content of the city council resolutions of 1404, 1467 and 1521.⁶² The council announced the final instruction in 1791, though the office itself was held right up until Napoleonic times – until 1811.⁶³ The wedding ordinance of 1487 even gave it the right to demand the opening of doors to rooms where unpermitted guests were suspected to be found.⁶⁴

Prawno-Historyczne, xxi, 2 (1969), 79, footnote 51, Tab. pp. 80–1; Kizik, *Śmierć w mieście hanzeatyckim*, 71–80; Hermann Dettmer, *Die Figur des Hochzeitsbitters. Untersuchungen zum hochzeitlichen Einladungsvorgang und zu Erscheinungsformen, Geschichte und Verbreitung einer Brauchgestalt* (Frankfurt a.M., 1976) (fundamental work).

⁶⁰ APGd., 300, 58/7, p. 609.

⁶¹ Their obligations included the admonishing, reminding and informing of offences to the Weta Court: Art. 9. 1: 'sie einen jeden vorher warnen und anweisen, sich nach den vorigen Gesetzen zu richten oder unausbleiblicher Strafe bey der Wette zu erwärtigen, allermaßen den auch zu mehrerer dessen Beobachtung und Vollstreckung der in vorigen Zeiten zu dem Ende von den Küchen und Speisemeistern abgestatteten Eid wieder eingeführet und selbige allemahl den zweyten Tag nach der Hochzeit dem ältesten Wette Herren anzuzeigen schuldig sein sollen der Ordnung zuwieder pecciret sein möge', in Hans-Joachim Bohnsack, *Hamburgs Weg zum Haushaltsplan. Quellen zur Entwicklung der Finanzwirtschaft der Stadt von den Anfängen bis zum Jahre 1880* (Cologne, 1993), 87. See for other towns Ruth-Elisabeth Mohrmann, *Volksleben in Wilster im 16. und 17. Jahrhundert* (Neumünster, 1977), 297–8; Karl-Sigismund Kramer, *Volksleben in Holstein (1550–1800)* (Kiel, 1987), 234.

⁶² Johann Hennings and Wilhelm Stahl, *Musikgeschichte Lübecks*, 2 vols. (Kassel and Basel, 1951–2), i: Johann Hennings, *Weltliche Musik*, 21.

⁶³ *Ibidem*, 28–9.

⁶⁴ *Ibidem*, 26.

Let us return to Gdańsk. The launch of a process before the Weta Court was convened *ex officio* on the basis of the instigator's report. On the day prior to a hearing, the court usher orally passed on to the accused the summons to the court's headquarters (in Gdańsk this was the Weta Chamber in the town hall of the Main Town). The hearing was convened by the instigator presenting the charges, the place and circumstances which accompanied the breaking of the ordinance, he would point to the legal basis, i.e. the relevant articles of the wedding, christening, funeral or clothing regulation, *etc.* Finally a punishment would be proposed: fines for the particular offences summed up and conveyed to the accused.

The accused (*Beklagte*) either admitted guilt and citing varied circumstances would ask for a more lenient sentence, or would present his/her own version of events, pointing to the unjustifiable nature of the accusations as a whole or in part, usually questioning particular charges. Often the explanation for contravening the law was ignorance of the local (Gdańsk) regulations, a lack of knowledge of an amendment to the law or simply a mistake or the ill will of the usher (an incorrect counting of the assembled guests, the inclusion of relatives as guests, inflated estimates of expenses incurred, *etc.*). If the defendant did not appear at the hearing without reason, then the judges could deem the defendant contumacious and pass a verdict by default.⁶⁵ The Weta Court tried to resolve matters within the course of a single sitting. But when defendants invoked new evidence (for example receipts for purchases made or for the services of a cook, lists of invited guests), witnesses or pointed to other legal circumstances disabling the search for truth, then the trial was adjourned. It could occur that the lawsuit could be extended for months, particularly when the accused burghers made use of leave, explaining a business trip for the subsequent postponement. This did not refer, however, to domestic staff.

On the 28th of May 1754 on the 'cause list' of the Gdańsk Weta Court there was heard the case of a servant, Catherine Wagnerin. A wench accused of contravening one of the regulations of the ordinance on servants of 1734 namely as determined she had been seen in a bonnet adorned with gold stripes and in an overcoat (*jupka*)⁶⁶

⁶⁵ Maciejewski, *Prawo sądowe*, 74 ff.

⁶⁶ An outer woman's coat with sleeves, a type of *kaftan*, see Irena Turnau, *Słownik ubiorów. Tkaniny, wyroby pozatkackie, skóry, broń i klejnoty oraz barwy znane w Polsce od średniowiecza do początku XIX w.* (Warsaw, 1999), 76.

of taffeta – a fine lustrous silk fabric with a crisp texture. The bonnet, after the unstitching of the confiscated gold adornment, was returned to the servant.⁶⁷ But for wearing an overcoat of a forbidden luxurious material, which according to the statements of the accused had cost 5 thalars, the servant was sentenced to a fine half the value of the clothing. On the very same day four other servants faced the judges: Constantina Agatha Teymanin – for gold adornment on her bonnet,⁶⁸ Elisabeth Hanowsche – for two bonnets decorated with gold and silver as well as an overcoat, Anna Maria Boin – for a green coat of damask lined with grey fur, Anna Maria Brosche – for gold adornment on her bonnet. Another of the accused Anna Margaretha Cornelsche did not appear at the designated time for the hearing.⁶⁹ When finally on the 11th of June she stood before the court, the court decided that the gold adornment was to be picked off her bonnet and – although marked down in the court minutes – her disobedience justified a prison sentence, but out of consideration for the fact that she was the only servant of a certain David Karweis, this was limited to a severe reprimand.⁷⁰

Although matters of domestic staff constitute only a margin of the cases dealt with in comparison to the serious charges brought against various esteemed burghers who did not conform to the wedding and funeral ordinances (about which I will write later), undoubtedly their research helps in the proper understanding of the means of creating, as well as maintaining, clear borders between servants and their employers.

At the basis of the current ascertainments – besides the texts of the ordinances themselves – have served the minutes of the Gdańsk Weta Court from those years directly after the issuing of the ordinance on servants in 1705,⁷¹ from the period before and after the amendments to the regulations in 1734,⁷² from the mid eighteenth century,⁷³

⁶⁷ APGd., 300, 58/26, fo. 10v.

⁶⁸ 'Mit Gold besetzte Kappe getragen' – *ibidem*.

⁶⁹ APGd., 300, 58/26, fo. 11r.

⁷⁰ *Ibidem*, fo. 13r.

⁷¹ APGd., 300, 58/15 (years 1704–7); 300, 58/17 (years 1712–17); 300, 58/18 (years 1717–23). The Weta materials for the years 1708–11 have not been preserved.

⁷² APGd., 300, 58/20 (years 1730–33); 300, 58/21 (years 1733–38); 300, 58/22 (years 1738–42).

⁷³ APGd., 300, 58/23 (years 1742–6); 300, 58/24 (years 1746–50); 300, 58/25 (years 1750–4); 300, 58/26 (years 1754–60); 300, 58/27 (years 1760–5).

as equally comprehensive registers of those punished for the years 1734 to approximately 1810/11.⁷⁴

The ordinances on servants (1705, 1734, 1761) forbade servants from wearing any adornment or accessories whatsoever made from silver or gold, as equally silver-plated or metal imitations (steel, pinchbeck); they were not allowed to wear silver and gold wedding rings, rings with genuine stones or imitation as well as silver chains and coral beads. The only permissible adornment to be worn on the neck of servants was a string of amber or agate beads – yet not exceeding a value of 3 florins, which according to the local prices of 1705 constituted the equivalent of a ram, a calf or a suckling pig.⁷⁵ The characteristic reference to amber being an adornment of the servant class meant that in the eighteenth century this Baltic fossil had become already highly plebeian.

The list of forbidden items is exceedingly long. Serving girls were forbidden to wear in their hair silver adornments; as equally adornments of the ear like ear rings or ear clips. The banning of buckles on ankle boots, buttons, cufflinks, and clips on aprons was not forgotten. Equally forbidden were hairpieces regardless of whether they were made from one's own hair or someone else's. As far as clothing went, servants had to give up on all forms of trim and ribbons with golden or silver thread, galloons adorning calpacs, bonnets and muffs as well as other costly finishes and hemming. As was the case in previous clothing regulations there was a ban on sable furs as equally sable tails, equally collar lace exceeding 20–36 *groschen* an ell. This amount was equivalent to the rate a worker received for a day's work.⁷⁶

It was forbidden to wear clothes of silk or partially silk materials, dyed dresses of carmine (*Karmazin*), crimson or a purple-red colouring (presumably through the use of kermes or cochineal), as equally other dyed dresses of a market value exceeding 3 to 4 florins per ell of material. From this regulation it follows to understand that the choice for dresses was limited to grey or black as colours and these of shoddy quality. It was equally forbidden to wear slippers and ankle boots with decorative stitching ('alle gestickte und bebrämte Schuhen und

⁷⁴ APGd., 300, 58/35 (years 1734–94, 1808–10).

⁷⁵ Tadeusz Furtak, *Ceny w Gdańsku w latach 1701–1815* (Lwów, 1935), 141–2 (Tab. 29–31).

⁷⁶ *Ibidem*, 224–5 (Tab. 104).

Korken'). Footwear could not be made from yuft and dresses could not be too short. Finally the servants could not powder their hair. To avoid misunderstanding the legislators decided that the means and circumstances whereby objects had been obtained in no way justified the wearing of prohibited articles, therefore the inheriting of jewellery or clothing, as equally its presentation by masters, for example to mark marriage, the death of an employer, a will legacy, *etc.*, in no way constituted mitigating circumstances. It is worth remembering that the bans on the occasional presenting of gifts to domestic staff was also repeatedly formulated in the Gdańsk funeral and wedding ordinances.

Three types of punishment were envisaged to enforce the regulation: fines, fines and forfeiture of the article in question, and as a last resort arrest (paragraph 3: 'Wie die hierwider handelnde Gesinde zu bestrafen'). In cases where doubts remained as to the nature of the offence punishment was limited to a caution and ban on wearing the adornment or article of clothing. However, from the court minutes it results that usually a first offence was punished by confiscation of the item or at least a fine to the value of a half of the incriminating object. In the case of recidivism, besides confiscation of the prohibited item, the individual concerned could be arrested as well as being fined from 3 to 6 florins. In order to visualise the scale of the severity of punishments designed to be meted out by the legislators it follows to compare them with the tariff earnings of servants, which, half yearly, i.e. the statutory period of employment, were: for a girl to 18 years of age – maximum 4 to 6 florins a young wench and nanny – 12 to 16; a cook without livery 16 to 20, a wet nurse 30 florins.

In the course of a six-week period from the announcement of the ordinance domestic staff were obliged to adapt their clothing to the requirements of the law. In order to avoid situations whereby ignorance was cited the city council required burghers to acquaint themselves with the letter of the ordinance and to inform their staff as to its content. The source examples quoted in the introduction explicitly prove that the town authorities treated the imposed limitations most seriously. Individuals caught offending were commanded to attend a designated sitting of the court together with the incriminating article of clothing. The judges after considering the case would establish the severity of punishment as well as the timeframe for its realization; they also possessed the right for the commutation of a fine. In the case of justified doubts they would conclude the

need for additional evidence to be presented and witnesses to be called for the benefit of the accused and the case would be adjourned to a subsequent sitting of the court.

A reading of the Weta Court records proves that there was no absence of criminal cases. On the 12th of May 1705, and therefore before the six-week *vacatio legis* envisaged in the ordinance, Maria Strahlsche had to explain herself before the court as a result of contravening paragraph 2 of the law on servants, i.e. the wearing of earrings. However, the accused explained that she had already taken them out and guaranteed that she would no longer wear them.⁷⁷ The judges accepted her explanation and did not punish the woman. Less fortunate was Euphrosina Kleiß, who on the same day was tried for wearing a short tight-fitting jacket of a semi-silk material. The accused, who admitted to the offence, was given a 2 florin fine.⁷⁸ Let us examine some other court cases. On the 14th of May 1705, Anna-Maria Blascowitsche, the servant of a certain Heinrich Ziehlke, was accused of wearing a bonnet with a plush calpac adorned with gold braid. The wench explained that her previous bonnet had been burnt in a house fire in the Old Town and that the said garment was worn as if under duress on the occasion of the wedding of the master of the house.⁷⁹ The judges accepted the explanation and restrained from punishment, reserving themselves to admonishing the servant as to the consequences of continuing to wear prohibited attire. On the 21st of July 1705 Anna Catharina Langsche stood before the court accused of wearing overly expensive garments. The accused admitted that shortly after Pentecost she had purchased material for the sum of 10 florins an ell to sew a dress from, but explained that the money she had received from her masters so as to be appropriately dressed for their wedding.⁸⁰ It was agreed that though Langsche had the right to wear clothes sewn from materials these could only be to a sum not exceeding 3 florins and 15 *groschen* an ell, consequently she was found guilty and fined 10 florins.⁸¹ Maria, a servant of Samuel Verch, a preacher at St Catherine's Church, paid on the 4th of March 1706

⁷⁷ APGd., 300, 58/15, fo. 144r.

⁷⁸ *Ibidem*.

⁷⁹ APGd., 300, 58/15, fo. 146r.

⁸⁰ APGd., 300, 58/15, fo. 168v.

⁸¹ *Ibidem*, fo. 171r.

a 2 florin fine for wearing a small jacket of a semi-silk material,⁸² in turn another of the accused showed the judges on this day that her attire was completely old, ragged and was subsequently cleared of the accusations against her regarding the clothing ordinance.⁸³ Less lucky was a servant of Johann Ötkey, who paraded around in a red dress, with a silver fastener in her hair and equally with a gold adorned brooch, for which she received a 5 thalar fine.⁸⁴ Three servants were fined on the 11th of January 1707 from 3 to 6 florins for wearing red dresses, a fourth 1½ florins for embellishing a dress with silk galloon lace as well as for a black plush calpac worn on a bonnet.⁸⁵

Unfortunately most often the notations on the reasons for punishing the women are highly laconic, containing information only on the number of women who paid a fine for unsuitable attire.⁸⁶

After a few years cases against domestics disappeared from the cause list of the Weta Court – in the minutes from 1713–16 I have found no mentions of cases conducted, although burghers were still punished for organizing masquerades and for dressing up as ‘negroes’ (a case from 1717).⁸⁷ This situation was to undergo significant change only following the passing of the amendments to the sumptuary regulations in 1734. On the 23rd of October, during discussion on the practical execution of the laws, watchmen were instructed not to physically apprehend those flouting the law on the streets, but to note the event and the persons in question with the aim of calling them before the court.⁸⁸ In the immediate months there occurred a veritable run of cases. On the 2nd of December three servants were charged,⁸⁹ while on the 16th of December 16 cases were examined.⁹⁰ All the women were found guilty and sentenced to fines of from 4 to 6 florins. The significant number of girls brought before the Weta Lords shows that the efforts were clearly directed to stamping out

⁸² APGd., 300, 58/15, fo. 238r.

⁸³ *Ibidem*.

⁸⁴ *Ibidem*, fo. 306r.

⁸⁵ *Ibidem*, fo. 342r.

⁸⁶ *Ibidem*, fo. 265r.

⁸⁷ APGd., 300, 58/17, fos. 370v–371r; 374.

⁸⁸ APGd., 300, 58/21, fo. 73r. See *ibidem*, fo. 77v. (division of income from fines).

⁸⁹ *Ibidem*, fos. 77v–80r.

⁹⁰ *Ibidem*, fo. 78v.

forbidden excesses.⁹¹ In 1738 cases involving servants on the cause list were for the 14th of January – eleven servants paid fines, two were summoned before the court,⁹² 29th of April – two persons, 13th of May – two, 26th of June – four, 21st of August – three, 16th of September – one, 11th of December – two;⁹³ in 1739 on the 8th of January – five persons, 5th of February, 13th of October and 15th of December single cases were heard.⁹⁴ But this does not represent the relinquishing of further trails. And so on the 11th and 21st of May 1740 for an unspecified offence against the ordinance two wenches were fined 6 florins 12 *groschen* and 13 florins 12 *groschen*,⁹⁵ in the August of the same year it was stipulated in somewhat more detail that the fined girls paid a combined fine of 26 florins 11 *groschen* for the prohibited wearing of gold and silver.

The number of cases gradually decreased after a few years in a similar way to the period after the publication of the previous ordinance:⁹⁶ on the 5th of June 1753 three wenches were fined 4 florins each for wearing silver on their bonnets.⁹⁷ On the 11th of June 1754 one servant was fined 7½ florins (eventually mitigated to 5 florins) for wearing a blue taffeta coat, a second – for a silver adorned bonnet as well as a blue coat – forfeited the silver and paid a fine to the value of a half of the clothes' value, i.e. 4 ½ florins, the third was cleared of the charge by admitting that her coat was of a semi-silk material. Equally another was acquitted as it turned out that the adornment on three bonnets was not of silver but of enamel.⁹⁸ On the 22nd of June 1757 eight wenches paid fines while on the same day relevant indictments were brought against a further five; on the 6th of July 1757 five servants were fined from 4 to 9 florins.⁹⁹

The bans in the ordinance only concerned the public wearing of prohibited materials and adornments, and not the matter of possessing

⁹¹ *Ibidem*, fos. 84r–86v, 87r–89r, 92v–93r, 102r–102v, 104r–104v.

⁹² *Ibidem*, fo. 257r.

⁹³ APGd., 300, 58/22, fos. 4v, 7r, 10v, 17v, 21v, 39v.

⁹⁴ *Ibidem*, fos. 40v, 46r, 94v, 118r.

⁹⁵ APGd., 300, 58/35.

⁹⁶ APGd., 300, 58/25, fo. 22r (4 cases – 9 July 1750), fo. 25r (8 cases – 30 July 1750), fo. 56r (4 cases – 27 Oct. 1750), fo. 60r (3 cases – 10 Oct. 1750), fo. 115r (11 cases – 25 May 1751), fo. 160r (13 cases – 20 April 1751).

⁹⁷ APGd., 300, 58/25, fo. 267r.

⁹⁸ APGd., 300, 58/26, fo. 13v.

⁹⁹ APGd., 300, 58, 25, fos. 126v, 170r.

or accumulating things, for example, with the idea of getting married. Therefore also in the posthumous registers of servant property, particularly from the end of the century, we can already find clothing made of better textiles. For example there was found as the property of Anna Frederin (d. 1785), who came from Puck (Putzig), coats and dresses made from materials which she could not show herself in on the street.¹⁰⁰ Similarly in the inventory after Anna Maria Wentin of 1787 we can find, among other things, dresses of camlet, silk coats of red and black as well as cordovan boots.¹⁰¹ Five strings of coral beads with a silver clasp (for 7 florins), a grey *kartun* overcoat and a green silk apron (5 florins) can be found in the belongings of Ewa Blohmen (1777).¹⁰² The wearing of such items was prohibited.

So much so for matters of domestic servants. The fact that poor inhabitants were prosecuted in no way meant that wealthy burghers possessing city rights could flout the sumptuary laws.¹⁰³ The direct control of ceremonies was the job of low ranking clerks of the Weta Court, who counted guests, the number of dishes and could examine the kitchens. Although their tasks must have aroused arguments and irritation, I have not found, however, in the Gdańsk source materials evidence of direct attacks on the overseers.

On the 28th of June 1682 a case was brought against Thomas Belentin.¹⁰⁴ At his wedding there were counted an additional 30 guests above the permitted number. The accused was aware of the offence yet maintained that for certain he had not entertained more than 20 persons. He consequently asked for a lenient sentence. The Weta Lords accepted that though the accused should have paid for 22 unpermitted guests, i.e. 44 florins, as a result of his clear repentance they would lower the punishment from 44 to 40 florins. On the same day judgement was passed on a certain Michael Lincke,¹⁰⁵ who had given a wedding feast on a Sunday at his house on Breitgasse (Large

¹⁰⁰ APGd., 300,1/164, pp. 1567–68.

¹⁰¹ APGd., 300, 1/170, p. 207; see the inventory of Elisabeth Wróblewska of 1784, APGd., 300, 1/ 164, pp. 357–361.

¹⁰² APGd., 300, 4/108¹⁰, pp. 29–31 (inventory and bill of sale).

¹⁰³ See Edmund Kizik, 'Übertretungen der Hochzeits-, Tauf- und Begräbnisordnungen vor dem Danziger Wettegericht im XVII. und XVIII. Jh.', *Acta Poloniae Historica*, 85 (2002), 129–66; *idem*, *Die reglementierte Feier*, 299–354.

¹⁰⁴ APGd., 300, 58/7, pp. 807–8.

¹⁰⁵ *Ibidem*, p. 807.

Street), breaking the regulation forbidding festivities on a sacred day. On the 17th of May 1685 the instigator Friedrich Holtznagel accused Issac Classen that at a wedding waited on by guild musicians he had exceeded by 12 the permitted (35 plus additional 16 close relatives and friends of the house) number of guests (charge from art. V of the ordinance of 1681).¹⁰⁶ The accused questioned the given number of guests and explained that the wedding overseer must have certainly recorded individuals friendly with or related to the groom. The court did not give credence to Classen's explanations and found him guilty of violating the law. He had imposed on him a fine of 3 thalers (10 florins and 24 *groschen*); meaning he was found guilty of having 11 guests illegally present.

On the 1st of June 1677 there was on the cause list a case against Reynier von Hemskerck. The groom was accused by the same instigator Friedrich Holtznagel that the wedding reception celebrations had lasted right until dawn (in the source it is stated: 'bis an den hellen lichten morgen getanzet'). This was a serious infringement of the regulation of article XVI of the 1677 ordinance, for the act stipulated that an event should have finished by midnight. It also happened that the servants had been luxuriously dressed,¹⁰⁷ in other words violating article VI, which had been in force since the April of that year amending the regulation on weddings as well as the relevant act on household staff. The accused cleverly explained that – in accordance with the law – they had stopped playing exactly at midnight. However, as a result of the cramped nature of his house (the guests invited to see the newly-weds to their chamber would not have fitted in), Hemskerck had decided for the *Collation* to be organized also in a wedding house (occasionally a tavern, the house of one of the parents or members of a befriended family). The musicians beguiled the time eating which – as was widely known – is not forbidden by law. Significantly article XVII talks about the participation of three musicians in this part of the feast. And as far as the matter concerned the rich attire of the servants, this – as von Hemskerck explained – had not been given to mark the wedding but had been in their possession earlier. As may be seen on the basis of this example

¹⁰⁶ APGd., 300, 58/9, p. 27. For other cases see APGd., 300, 58/5, pp. 916-17, 964-5, 970-1.

¹⁰⁷ APGd., 300, 58/5, pp. 700-1.

there was still maintained the traditional, patriarchal responsibility of the master of the house for his staff.

On the 12th of July 1678 Daniel Ernst Pulman justified himself in front of the Weta Lords.¹⁰⁸ In this case it turned out that the newly-weds and guests had been late and consequently the wedding had taken place later than the law envisaged. In addition, the wedding guests had arrived at the wedding house in wedding carriages. These were charges that brought with them 20 and 10 thalar fines respectively. The accused explained that this had not been his fault for it had been his father-in-law, Peter Westphal, who had hit on the idea of the ride. But this was not to be the end of the worries: at a subsequent sitting of the court (21 July) the caretaker, Niclas Kleiß, gave evidence. It resulted from his statements that the guests had only sat down at the table before two in the afternoon, and that trout was served and guild musicians had played at the event, *etc.*

Friedrich Holtznagel – a Gdańsk Weta instigator, was a persistent servant of the law: on the 16th of March 1683 on the basis of article V of the ordinance of 1681 he accused Daniel Hartusch,¹⁰⁹ that he had invited 10 guests too many to the wedding of his daughter. The groom was clearly apologetic, therefore the judges ordered the culprit to pay a mitigated (*moderiret*) fine of 4 thalars (the accused should have paid 10 florins). At the hearing of the 9th of February 1683 against Niclas Jaennet,¹¹⁰ evidence of violations was given by Dirck Hollender – the overseer present at the wedding. According to his testimony the tables, in contradiction of article VIII (1681), bent under the weight of the unpermitted quantity of food; in three servings, each of 20 dishes, not counting that which was to appear on the tables later on.

One may come across in the acts characters known from earlier hearings. Reynier von Hemskerck belongs to the ranks of such habitual offenders. He had already earlier (10 Sept. 1680) been charged with certain trade machinations, while in 1677 he stood before the court also accused of violating the wedding ordinance. The rich burgher, this time as a result of his second marriage (at the reception council musicians played), had invited 50 more guests

¹⁰⁸ APGd., 300, 58/6, pp. 156–7, 180.

¹⁰⁹ APGd., 300, 58/7, p. 1054.

¹¹⁰ *Ibidem*, pp. 1030–1.

than was permitted by the ordinance (art. V, 1681) not counting the dignitaries belonging to the local government elite.¹¹¹ At this same court sitting were addressed the cases of the newly married Jacob Mann, Thomas Mauritz, Anton Heuchlin. All were accused of inviting an unpermitted number of wedding guests (the cases were continued on 11 and 16 Dec. 1681).¹¹²

The case of Hemskerck proves that the instigators did not refrain from carrying out controls on wealthy and influential burghers. This bears witness to the widespread social consent for combating the pride of the wealthy. For example, in 1754 a fine for breaking the regulations had to be paid by the medical doctor Michael Wittwerck.¹¹³ This wealthy burgher was caught for using wedding carriages. As it turned out Wittwerck was too young to legally have his own coach and four. He is reproached in the court minutes for the fact that the right to private carriages was held by those who had been married for at least ten years and who ran an independent household.

Not always were accusations made by instigators. It occurred that a case would be initiated by individuals who felt wronged, for example unjustly passed over during the organization of the festivities. Local musicians were the most common cause of such cases. On the 28th of June 1685 the court deliberated the case brought by the elder musicians of the local guild. The defendant was Friedrich Bolte,¹¹⁴ who – as claimed the complainants – had invited to his wedding outsider players from Chełm (Stolzenberg) – of the church settlement near Gdańsk. The musicians' accusations were confirmed by Jan Sokołowski who gave evidence in the case. The court found Bolt guilty as charged and fined him accordingly.

Starting from December 1685 the Weta Lords, at many sittings, sat over the case of Jochen Fröse (equally in the court minutes as Frese, Friese).¹¹⁵ He was accused of forcing hired guild musicians to play for longer than the wedding regulation envisaged (i.e. after midnight). This would have constituted a violation of article VII of the ordinance of 1681. In the source the attempt at forcing is drastically defined as 'unpermitted extortion' ('unzulässiger nötigung der

¹¹¹ *Ibidem*, p. 604.

¹¹² *Ibidem*, pp. 598, 604–6.

¹¹³ APGd., 300, 58/26, p. 26.

¹¹⁴ APGd., 300, 58/9, pp. 108–9.

¹¹⁵ *Ibidem*, pp. 479–80, 503, 509, 608–9, 633–4, 834–5, 909, 913.

Musicanten'). It follows to remember that in the case of accepting a tempting proposal and playing longer than the law allowed for, musicians even ran the risk of arrest (art. XVI). Therefore, mindful of the punishment, the musicians, despite the insistence of the groom, left the festivities. The angry Fröse not only refused them the money owed (from 3 to 5 florins a person) but even ordered for players who were not members of a guild (in the source *Bohnhasen, Beschediger*) to be called for, which was a drastic violation of local public order.

The majority of the cases heard were banal – concerning the violation, often unknown in number, of the permitted number of wedding guests or the serving of prohibited Hungarian wine.¹¹⁶ Their number bears witness to how scrupulously and seriously these matters were treated.¹¹⁷

Those who violated the regulation on christenings were also severely punished.¹¹⁸ On the 27th of August 1682 a well known instigator Friedrich Holztnagel brought a charge against Conrad Engelcke. Holtznagel had managed to uncover that Engelcke – the happy father, had treated the invited godparents to eight types of confectionery and marzipan at the christening feast.¹¹⁹ At the sitting of the 3rd of September the instigator's accusations were confirmed by a certain Anna Weidemansche – a woman hired to serve at weddings, christenings and other family celebrations. The cook confirmed that, in accordance with Engelcke's order, she had prepared, among other things, carp and chickens for the christening guests. The accused admitted that the matter had actually taken place but in his defence put forward the argument that there had been no more eaten at the table than was daily the case.

There were, however, noticeably fewer cases of violation of the christening regulations; far more often were the limitations of permitted lavishness exceeded with burials of family members. Besides unpermitted expenses on the wake, the most frequently passed sentences were for travelling to funeral ceremonies by carriage. This usually applied to relatively wealthy burghers. In September 1749 –

¹¹⁶ APGd., 300, 58/15, pp. 203a, 208a, 220a, 226b, 234b, 241; 300, 58/35, pp. 13, 19, 20; 300, 58/39, p. 515

¹¹⁷ APGd., 300, 58/10, pp. 207; 300, 58/15, p. 340, 317; 300, 58/35, p. 10, 13.

¹¹⁸ Generally, for the course of a christening celebration, see Edmund Kizik, 'Kindelbier', 37–62.

¹¹⁹ APGd., 300, 58/7, p. 857; 300, 58/5, p. 904 (the case of Hans Möller); 300, 58/10, p. 210 (the case of Daniel Darckau).

because of two funeral carriages (above the permitted number) the widow of Carl Reinhold von Schwartzwalde was accused.¹²⁰ On the 16th of November 1752 Nathanäel Kittel was fined 30 thalars for 6 funeral carriages, creating a funeral cortege taking the body to church.¹²¹ The basis for the charge was article XI of the ordinance of 1734 stating that only four carriages could constitute a cortege. For each additional carriage transporting mourners a fine of 5 thalars was to be paid. And this was to turn out to be the most frequently committed offence in defiance of the funeral regulation in the eighteenth century. In this same book of minutes we may read that on the 19th of November 1752 Philippe Nickels, for four hearses jointly forming a funeral cortege with the coffin of his mother, was fined 20 thalars.¹²² Somewhat further we find mention that on the 28th of November 1752 the family of the deceased Concordia Beyerstadtin, had to pay 30 thalars because on the 16th of November the mourners had travelled in unpermitted carriages.

Despite a certain laconicism and one-sidedness in the source base one may state that at least in Gdańsk, though presumably equally in other Prussian towns, sumptuary laws were not a dead letter of the law as such, and were not simply a record of the devout wishes of their creators. Unfortunately, as a result of the absence of analogical research for other Hanseatic towns, it is difficult for me to compare it with other data and on this basis draw conclusions as to the repressiveness or leniency of the local judiciary. None the less the absolute number of cases conducted and individuals punished allows one to question the repeated opinion to be found in relevant literature that the regulations did not in fact fulfil their disciplinary function. Quite the reverse, I consider that they were observed and jointly created the social forms of consumption. That the dynamics of forms of behaviour emulating the behaviour of elites, as well as the creation of exclusive forms of behaviour are capable of creating new forms of consumption themselves is equally beyond doubt. The present text does not, however, concern this phenomenon.

Johanna Schopenhauer, in describing life in Gdańsk in the last quarter of the eighteenth century, recalled that Weta clerks would still

¹²⁰ APGd., 300, 58/39, p. 202.

¹²¹ *Ibidem*, p. 429.

¹²² *Ibidem*.

appear at wedding receptions in order to count how many guests there were and whether the bride was not wearing by chance unpermitted jewels.¹²³ This was already certainly an anachronism, for together with the turn of the nineteenth century one may observe a reluctance to create sumptuary regulations. Even Alexander Gibsone, a Gdańsk merchant of English descent, in drawing up in 1783 a legal register for his own rural possessions no longer saw the need to encroach upon peasant consumption.¹²⁴ However, only after the incorporation of Royal Prussia within the Prussian monarchy (1772, 1793) did the existing, provincial, outmoded sumptuary legislation cease becoming general taxation on luxury consumption.

trans. Guy Torr

¹²³ '[bei] der reichsten und angesehensten Handwerckmeister erschien unfehlbar ... ein dazu angestelltes Rathsdienere, um nachzuzählen, ob die Anzahl der Gäste, die erlaubte überschreite und zu sehen, ob die Braut echte Perlen, Juwelen und andere, gerade an ihrem Ehrentage ihr verbotenen Schmuck trage', in Johanna Schopenhauer, *Jugendleben und Wanderbilder*, 2 vols. (2nd edn, Braunschweig, 1848), i, 80–1.

¹²⁴ *Wilkiez wiejski Aleksandra Gibsone dla dóbr wejherowskich i rzucewskich z r. 1783*, ed. Tadeusz Cieślak (Gdańsk, 1960).