

C H A P. IV.

NATIONAL DISLIKE TO THE AUSTRIANS—CONSTITUTION OF THE KINGDOM—STATE OF THE NOBLES, CITIZENS, AND PEASANTS—THE URBARIUM—STATE OF THE CLERGY—INNOVATIONS OF JOSEPH II.—ANTIEN T ORDER RESTORED—TRANSACTIONS OF THE DIET OF 1790—AND STATE OF THE PROTESTANTS.

AT Vienna I learned that the Hungarians neither liked the Austrians, nor the Austrian government, and during my stay in Hungary, in every society I found a confirmation of it.

In antient animosities, handed down from father to son in opinions kept alive by vulgar proverbs and sayings, we may often find the cause of national hatred ; so to the frequent wars which were carried on between these two nations may be attributed some part of the mutual dislike now subsisting. But Hungary has been at war with its other neighbours, and yet with these, national animosities have ceased : we must therefore look further.

Hungary

Hungary has had its turbulent times, and its public misfortunes, like other nations, probably more than an equal share; and what history of a country is not so full of them, as almost to deter one from turning over the page of history, which is hardly more than a recital of disasters; where years, if years there have been of peace and public happiness, are passed over in a few words, whilst wars, famines, pestilences, and other great calamities which vex society, are detailed in forcible language? But that page of history fills the Hungarian with the deepest sorrow, which records that the crown of Hungary was worn by a prince from a foreign house, and that he kept his court out of Hungary.

This has now been the case for a long series of years. The crown from being elective has become hereditary in the house of Austria, whose court is at Vienna. The sovereign seldom visits his Hungarian dominions; the high office of Palatine was for many years vacant; no diet was called for twenty six-years, but the kingdom, like a province, was governed by royal mandates. Hence this nation considers itself as treated like an Austrian province, and not like a powerful kingdom; discontent and unwillingness to support the public burthens on their part arise, and dissatisfaction and indifference to their prosperity in the court, which in turn considers them as perverse subjects and useless to the state; and hence a general feebleness; and thus a country under a warm sun,

with a fertile soil, and near eight millions of inhabitants, makes no more figure amongst the nations of Europe, than a province.

It is certainly an unfortunate circumstance for a privileged kingdom or province to be under the same government as those which are arbitrarily governed. Where even governments have nothing in view but the public good, so many hindrances in conducting public affairs are thrown in their way, through party spirit and unjust jealousies, by the leaders of the people; that often the best disposed rulers are inclined to act without enquiring the sense of the nation, and are anxious to get rid of the inconvenience of obtaining its consent; and the facility they find in governing those parts of the empire which they can arbitrarily govern, is always contrasting itself with the difficulties they find in governing the privileged.

Though some of the neighbouring parts of the Austrian monarchy have still their diets, yet they are for form sake alone, and in none of the important acts of legislation or taxation are they consulted. But Hungary has still retained the invaluable right of giving itself laws and imposing its own taxes, and it jealously watches the incroachments of the court. How then could the despotic government of Joseph II. fail to be to this nation a cause of great complaint, when it had almost alienated from him the allegiance of his other subjects accustomed to be arbitrarily governed?

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The whole government of this well-meaning Monarch was a continued series of alterations and innovations in the governments of those which had no privileges, and of infringements on the rights of those which had; where established principles of government, modes of taxation, and general police, were, by sovereign mandates, annulled, and replaced by others. I have seen a list of the ordinances published by Joseph II. from January 1781 to November 1783, that is, less than three years, and they amounted to two hundred and seventy-one.

It was the avowed intention of this Sovereign to form, out of his extensive hereditary dominions, peopled by twenty-five millions of inhabitants, governed by different laws, enjoying different privileges, speaking different languages, and in different degrees of civilization, one uniform government; where the same code of laws, the same mode and quantity of taxation, and even where the same language should prevail*; in which privileges should cease, and the burthens of the state be equally borne.

But before we enter into the detail of those innovations, which produced such dissatisfaction, let us take a view of the constitution of the kingdom, and observe the spirit of the people, for the spirit of a people is the only guardian of its constitution.

* His Belgic subjects may be excepted.

The Hungarians are a brave, generous, and hardy race of men. Voltaire, in his Eloge of Montesquieu, speaking of this nation, says, "Une nation fiere et généreuse, le fléau de ses tyrans et l'appui de ses souverains."

This spirit has preserved to them some of the most valuable rights of a people, and has kept hitherto the power of the Monarch from rising into arbitrary sway;—though this has varied here, as in other countries, as a weak and unfortunate, or as an ambitious and successful one has reigned. Not only when the crown was elective, as till 1682, in the reign of Leopold I., but even now that it is become hereditary, in the house of Austria, in gratitude for that Emperor's driving the Turks out of Hungary, it is the fundamental law of the land, that every new Sovereign, on ascending the throne, shall solemnly swear to the nation, to grant them their rights. These rights have been thought most sacred, and King Andrew II. in the thirteenth century, went so far as to promise, in his *diploma*, or coronation oath, to allow his subjects to take up arms against him, if he infringed them. Several of his successors have signed this *diploma*, and the same is still in use, except that this particular article, permitting the rebellion of the subjects, is protested against; but a coronation oath, of which such an article could be a part, must certainly be very favourable to the liberty of the nation.

The two greatest privileges of a people, those of legislation
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and taxation, are still in their hands; and the Sovereign has only a *veto* in the legislation. The choice of the Palatine, a kind of viceroy, from four candidates presented by the Sovereign, and the reception of strangers as denizens, are privileges likewise belonging to the people. But the King has the unquestioned right of deciding on war and peace; he has a *veto* in the legislation; the gift of the great offices in the church and state, those of the Palatine, and keepers of the crown, excepted: it is he who creates nobility; and coining, and pardoning criminals, are his prerogatives.

Thus the executive government of the kingdom is in the hands of the Sovereign. On his ascent to the throne, in public parade, on horseback, he draws his sword, and strikes towards the four points, indicating that he takes upon him its defence against its enemies from every quarter. But the raising of supplies for carrying on of war belongs to the nation, who can only grant them in a Diet; and before standing armies were so general, when the defence of the kingdom depended on the nobility, it was here where they met, to consider of the number of troops that were to be brought into the field, being convened by the Sovereign for that purpose.

But what is the nation?—Who constitutes the people?—To whom do these valuable rights belong?—In this country, as in others where society is in its childhood, the nation, alas! is only the great aristocratic body of nobles and clergy; and the productive part of
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the community, the citizens and peasants, have few or no rights, and no interference in public affairs; yet must submissively bear *all* the burthens of the state.

As the peasants were, till 1785, under the *gleba adscriptio*, or in the state of villanage, they could never be considered as forming a part of the nation; and the deputies of the free towns being considered almost as intruders, it was, and still is, the aristocratic body which checks the power of the Crown; and it is this body that, according to the spirit of the Hungarian constitution, the Sovereign should consult with, upon all important state affairs, by calling them together in a Diet.

This Assembly is composed of magnates, archbishops and bishops, lord lieutenants of the counties, abbots, prelates, deputies of the chapters, deputies from the counties, and deputies from the royal free towns.

The magnates were originally only the great officers of the Crown, as the Palatine, the supreme judge, the lord marshal, the great cup-bearer, the steward of the household, the master of the horse, &c. but now the princes, counts, and barons are considered as such. Those who pretend to be acquainted with the true spirit of the constitution, regard the reception of the princes, counts, and barons, amongst the magnates, as an innovation. The eldest sons of this

great nobility, with the two archbishops, diocesan and titular bishops, with the lord lieutenants of the counties, and keepers of the crown, constitute the first table, or upper house; and the lower house, or second table, is composed of the abbots and prelates, the deputies of the chapters, from each at least two; two or three deputies from each of the two-and-fifty counties into which this kingdom is divided, and a deputy from each of the royal free towns. If the free towns send more than one deputy, they have only one vote; it is so likewise with the deputies of the chapters; and if the members of the upper house cannot attend in person, their deputies sit in the lower house.

Though the Diet is thus composed of two tables, or houses, yet they form but one body, as their votes are taken together. It must always be recollected, that the deputies of the counties are only the deputies of the nobility. Even the towns are generally represented by the nobility; but this is their own fault.

The Diet, besides being convened upon all great national events, should meet at stated times. Under Matthias Corvinus and Ferdinand I. it was decreed they should be annual. Under Leopold I. it was decreed they should be triennial; and this was confirmed by Charles VI. and is still considered as the constitutional period. But sovereigns and their ministers often wish to get rid of these incumbrances, and lately, from 1764 to 1790, which is twenty-six years,

no Diet was held, though many important affairs had happened within this period. It ought not to sit more than two months.

This interference of the *people* in all the weighty affairs of state, is justly considered by them as one of their greatest advantages; but the people here, or, as they are called in their public acts, which are in Latin, *populus*, are, as I have just said, only the great aristocratic body, the nobility and higher clergy. Their exemption from bearing any part of the public burthens they consider as another valuable privilege, of which they ought to be no less jealous. So that the whole taxes for defraying the expences of government must fall immediately upon the productive part of the community; the burghers and peasants.

The nobility, which is composed of titled and untitled, the former of which may be considered as the real nobility, and the latter only as gentlemen, have the exclusive privilege of enjoying all the posts of honour, and of filling all the public offices, and are *the exclusive owners of the soil*, except what lies within the precincts of the free towns; and a burgher or a peasant may as well think of possessing the throne, as of possessing one inch of land, without being first ennobled. Their persons likewise are privileged, except in a few cases, as high treason, murder, &c. They cannot be arrested, till they have been legally tried and convicted. And the simplest kind of knight service is the only duty they owe the state. When summoned

moned by their sovereign, they must defend their country. Their taking the field is called an *insurrectio*, and the high clergy are not exempt. This service, from the frequent wars in which Hungary was engaged, and principally against the Turks, was formerly a pretty severe obligation, for they served as a kind of barrier to the rest of Europe against this ferocious people. As long as the war continued within the limits of their country, they were obliged to maintain themselves; but when the war was carried on abroad, they were maintained by the sovereign. The number of combatants each brought into the field was proportioned to his estate. The archbishop of Gran and the bishop of Erlau brought each two stands of colours, and under each stand a thousand men; the archbishop of Collotza and several bishops a thousand each. In the fatal battle of Mohatch seven bishops were left on the field. But since standing armies have become general, little use has been made of this mode of defence, and no general *insurrection* has been summoned for a great length of time, so that the nobility at this day, except now and then by a *don gratuit*, contribute nothing to support the state. So far therefore as they consider only their own immediate advantages, they have reason to be jealous of their privileges; and these are assured them by the constitution: but an immunity to one part of the community, since government must be supported, is an imposition on the others; for since the nobility will bear no share of the expences of government, the heavier these fall on the burghers and peasants.

The burghers being under the more particular care of the fovereign, and having their own magistrates, are pretty independent of the nobility, and have only to bear the burthens of government. But this is not the case of the peasantry; theirs is a harder lot: for, living upon the estates of the nobility, they are under their immediate care and direction, and may be greatly molested and injured by their severity; though likewise assisted by their protection and generosity.

As this part of the community is so very important, by being the most numerous, and the most productive; and as its state generally shows the state of the nation in general, which in its progress in improvement has its different stages pretty constantly accompanied by particular disadvantages, I shall be rather diffuse on it; as by this it becomes a key to the knowledge of the state of the whole society. How unreasonable would it be to expect to find a country powerful and opulent through an improved agriculture, flourishing manufactures, and an extended commerce, whilst the peasantry are in the state of villanage!

It appears, however mortifying the thought, that the same hard state has been the lot of the peasantry almost throughout Europe, but at different times; and that it differs not so much in regard to the country, as the time in which it has prevailed. A Polish and an English peasant, how different now in the eighteenth century! Yet the peasants in our happy island *were* once much in the condition they *are* in now in Poland.

Poland. Under the Saxons, "there was," as Sir William Temple says, "a sort of people in our island in a condition of downright servitude, used and employed in the most servile works, and belonging, both they and their children and effects, to the lord of the soil, like the rest of the cattle or stock upon it." And upon their fate after the Norman conquest, it is further said, "that these villains belonging principally to lords of manors, were either annexed to the manor or land, or to the person of the lord, and transferable by deed from one owner to another. They could not leave their lord without his permission, but, if they ran away, or were purloined from him, might be claimed and recovered by action, like beasts or other chattels: they held indeed small portions of land by way of sustaining themselves and families; but it was at the mere will of the lord, who might dispossess them whenever he pleased; and it was upon villein service, that is, to carry out dung, to hedge and ditch the lord's demesnes, and any other the meanest offices; and these services were not only base, but uncertain both as to their time and quantity. A villain could acquire no property either in land or goods: but if he purchased either, the lord might enter upon them, oust the villain, and seize them to his own use; unless he contrived to dispose of them again before the lord had seized them, for the lord had then lost his opportunity." Such has formerly been the state of our peasantry. "There are not," says Cowel, "truly any villains now in England, though the law concerning them stands unrepealed." They have risen by progressive amelioration into copy-holders, and now bear but

a small part of the original burthens of this base tenure. "Tenants at will by copy of court roll," says Bacon, "being in truth bondmen at the beginning, but having obtained freedom of their persons, and gained a custom by use of occupying their lands, they are now called copy-holders, and are so privileged, that the lord cannot put them out, and all through custom*."

It is pleasing to consider, however slow the progress of society may be, that the state of this order of it is continually ameliorating: the interest of sovereigns, the interest of religion, the efforts of enlightened men, and even the more humane and enlarged views of the lords of soil, all tend to render the state of the peasantry less debased and oppressed.

The peasantry of Hungary are farther advanced than their northern neighbours, the Poles and Russians. That hardest of states, the being bound to the soil, yet removeable at the will of the proprietor of it, with undetermined labour and dues, is past; and it is some consolation to think, that often, before the law has fixed bounds to the rapacity of the landlords, by determining the dues of the peasant to his lord, custom in some degree has done it. So I believe custom had in some degree determined this in Hungary, before the Empress Theresa, in 1764, had made known her *Urbarium*; which, though pub-

* Bacon on the Use of the Law, p. 43.

lished without the knowledge of the states, has been received as law. Nevertheless, Seventeen Hundred and Sixty-four must be considered as forming an epoch in the history of the amelioration of the state of the peasants, not only by more accurately fixing the reciprocal obligations of the lord and his peasants, but by shewing that the latter were thought worthy of the protection of government. This *Urbarium* I think too interesting not to be generally known; I therefore present the public with a translation of it.

THE URBARIUM; OR,
CONTRACT BETWEEN THE LANDLORD AND PEASANT, AS
FIXED BY LAW.

I. *Of the Quantity of Land.*

AS the dues from the peasant must be settled according to the nature of the farm, which is not everywhere the same, but various, in regard to the situation, and the quality of the land, as well as to its advantages and disadvantages; it is thought equitable in the village of A B that the house-ground for the cottage, yard, garden, and barn shall be equal to so much land as is usually sown with two Presburg measures*; and if it be more or less, allowance must be made for this difference in the other ground, unless this difference should not exceed a quarter of a measure, which then shall not be thought

* The Presburg measure is about as much as two English bushels.

worthy of notice. And for the farm grounds, of arable land, twenty-four acres, each acre (*joch*) being reckoned at two Presburg measures; and of meadow land, twelve days mowing, which must be mowed only once a year. In case the arable land is less, allowance must be made in the meadow land, and *vice versa*; a day's work of meadow land being considered as equivalent to an acre of arable: this is the land for a whole farm, and after the same rate, the half, quarter, or eighth of a farm.

II. *Of the Privileges of the Peasants.*

According to the 36th article of 1550, they are to enjoy the right of felling wine from Michaelmas to St. George's day.

If a peasant possesses a piece of ground that he or his father has cleared, and rendered capable of culture; this can neither be reckoned as part of the lately mentioned land, nor can it be taken from him, till he has been reimbursed the expences of clearing, which must be equitably determined by the county meeting; but should it have been cleared by another who may have left the farm, then he has no claim to it.

Where the situation and the extent of the estate permit, they are to be allowed sufficient pasture for their cattle, a part of which is to be marked out, but with the knowledge and consent of the
landlord,

landlord, for their draught cattle; upon which he can let his own graze, but not those of another person. Where the pasture is already too small, the landlord must not render it less by turning any part of it into arable land, or by other means.

Where there are woods, the peasant is allowed to collect the wind-fall, dead wood, &c. for fuel; and where this fails, he may make use of other wood, but by no means of fruit-trees; and only just what is necessary for his family use.

Building timber is to be given gratis; but the trees must be marked out for him by the landlord; and where there is not sufficient wood upon an estate for the peasants, it must be procured for them from a neighbouring estate; yet only a reasonable quantity.

The acorns are to be allowed them at six creutzers (twopence halfpenny) cheaper than to strangers; but in the *prædial* woods, as they can make a contract with the landlord.

When a village or farm is in possession of a wood, it can use it for fuel and building; and the Acorns and Knoppeln (Galls) likewise gratis; but only for its own œconomy: but then it cannot demand fuel and timber from the landlord; and if its woods do not produce Acorns, it must pay as much as strangers; yet it is to have the preference; but the care of these woods belongs to the landlord.

III. *Of the Labour or personal Service of the Peasants.*

Every occupier of a whole farm must perform one day's labour from sun-rise to sun-set, including the coming and returning, with four draught cattle every week, the cattle as well as the cart, plough, &c. being his own; this must not be divided into two half-days labour, except when the peasant from his own fault, or with a view to defraud his landlord, should keep less, and only bring with him a pair. To this one day's labour with a team may be substituted two days hand labour (that is, the peasant without his cattle).

If a difference arise between the peasant and his landlord, about the length of time to be allowed for coming and returning, it is to be determined at the county meeting.

Where the distance of the peasant's abode from the place where he is to work, is half a day's journey or more, the peasant being previously informed, that he may make the requisite preparation, may be detained four days together every month, the coming and returning being included; and in summer the landlord must provide pasture for the cattle, and in winter the necessary shelter. In the short days of the months of November, December, January, and February, when the distance is only an hour's journey, or at most an hour and a half, the peasant's coming and returning is not to be included; but he must be at his work from sun-rising to sun-setting.

In the harvest time, hay-making season, and the vintage, the service with cart and team, or hand-labour, can be doubled; which is to be deducted afterwards, so that the quantity of the labour annually performed shall remain the same: but the cottagers (that is, those without land) cannot be compelled to perform this extra harvest work.

When the peasant, from living at a distance, must work four days together; double labour can be demanded, but in this manner: having performed his four days labour, he may return home, and work for himself alone, the next week; and then return and perform four more days labour. Yet more labour cannot be demanded in the summer months, than at most three fourths of the whole annual service; one fourth must remain to be performed in the six winter months.

When rain or other causes prevent the peasant, when come, from performing a day's work, and he returns, the time he has lost must be reckoned, but not a whole day's work.

Every occupier of a cottage without land must perform annually eighteen days hand-labour; but those who have neither house nor land, and only reside on the estate, twelve days hand-labour. But cottagers with a small piece of land, less than the eighth part of a *house ground*, must give the ninths of the produce in kind or its equivalent; but with respect to the other dues and services, he is to be considered as possessing no land.

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Although the peasant cannot be compelled to perform more labour than what is fixed by the laws of the land, and the present Urbarium; yet it is reasonable that, when he is willing to work for a stranger, he should in preference work for his landlord, on receiving the same advantages, or on making a free contract with him where the county meeting has not already fixed the price.

The landlord cannot demand money instead of labour; yet where both parties are inclined to substitute money instead of labour, either for a limited time, or for ever, it may be done, but in the presence of the county meeting: and when either of the parties is inclined to discontinue it, a year's previous notice or warning must be given, that the parties may adapt their œconomy thereto, and notice must likewise be given to the county court.

All contracts between the landlord and his peasants, as well with individuals as with whole villages, about services or other dues determined by this Urbarium, must be fixed in the presence of the county meeting; but when any rights or rents belonging to the landlord, which do not concern this Urbarium, are farmed out, this is not requisite.

Besides the already mentioned labour, four peasants must every year unite and provide a cart and four draught cattle, to perform a long journey, yet not more than a journey of two days distance, and not upon impassable roads, nor in the time of harvest, hay-making, or vintage.

vintage. This service cannot be compromised by money, nor can it be deferred till next year; and when by unexpected accidents it is extended beyond two days in going there, or when the cart is loaded back for the landlord, the loss of time in the first case, and the journey back in the second, must be deducted from the other labours; and all the expences of tolls or other imposts, as likewise the expences in the inns, are to be defrayed by the landlord; and in consideration that fuel and timber are allowed gratis to the peasants, every one of them possessing a cart and team must carry in a fathom of wood, which has been previously fallen and chopped up by two days of hand-labour.

But in lieu of this, the landlord can receive other labour, estimating the bringing in of a fathom of wood at one day's labour with a cart and team, and the falling and chopping it up, as one day's hand-labour from two peasants: but this can only be demanded in winter.

The peasant is obliged to carry to the place pointed out to him the ninths of his produce, as well as the *bergrecht*, (a due from the vineyards?) without being allowed to deduct it from the annual dues of labour; but every other case of carting, horses for travelling, letter-carrying, &c. which are not already mentioned in this Urbarium, must be deducted from the annual service; and he cannot be compelled, even for ready money, to perform other carting business, nor to transport any thing to market; but the landlord, if he wants his service,

must agree with him as he can; both parties being free, and no compulsion being allowed.

Where there are mischievous wild beasts, the peasants may be employed three days every year to destroy them; but the landlord must supply them with powder and shot: other labour cannot be substituted to it, nor can money or produce be taken in lieu of it.

Although the peasant, in serving his landlord and in carrying on his own œconomy, and in going to the mill, is to pay no tolls on the road, in other affairs he must pay the usual tolls, or assist in the repair of the roads; this to be at his option.

IV. *Of the Dues.*

Every person, without exception, occupying a house, is to pay an annual rent of two shillings (a *gulden*), in two separate payments, viz. at Michaelmas and at St. George; but those who occupy no house are free from this tax.

Every one occupying a whole farm, must annually present his landlord with two chickens, two capons, twelve eggs, half a *mafs* (about a pound) of *schmalz* (butter that has been melted); and thirty of them must unite together, and give one calf, or, in lieu of it, three shillings.

Every peasant on the marriage of his landlord or landlady (but not on the marriage of their sons and daughters), and likewise on the induction of the clergy (the chapters and convents excepted), must give a moderate contribution of the lately mentioned articles of chickens, capons, &c. The occupiers of half farms, and less, to give in proportion. But the landlord may receive these presents in money, and then forty-eight creutzers (about twenty-pence) is to be the equivalent from the occupier of a whole farm.

If the landlord be taken prisoner in war, and it should be necessary to redeem his liberty with a sum of money, then, according to an old custom, and the thirty-ninth article of 1548, the peasants must contribute a suitable yet moderate aid; as likewise towards the expences of those prelates and magnates, who are by royal letters expressly called to the Diet: the county magistracy is to see that it exceed not a moderate sum.

For the liberty of distilling brandy, the peasant must annually pay two guldens (four shillings) for a still.

For the ground-rent of land that a peasant may intend to clear, the landlord and peasant may form an agreement; but of that already cleared the customary ground-rent shall be adhered to.

V. *Of the Ninths of the Produce of the Soil, and of the Bergrecht.*

A ninth part of all the fruits of the soil is due to the landlord in kind ; but not from the gardens of the house-grounds ; as likewise the ninths of the lambs, kids, and bees : an equivalent cannot be demanded in money, nor can these dues be extended to other articles not now mentioned. Where these lambs, &c. are less in number than nine, then the peasant must pay the landlord three-halfpence (four creutzers) for each lamb ; five farthings (three creutzers) for each kid ; and twopence-halfpenny for every bee-hive ; which, according to the ninety-sixth article of 1647, must not be delayed later than St. John's day, and the produce of the soil than St. Stephen's (except when bad weather may prevent) ; and when the backwardness of the season has prevented the harvests from taking place at the usual time, then the county meeting shall determine when the ninths and the tenths are to be taken away ; which if not done at the fixed time, the peasants may carry home their own, leaving the ninths on the field.

When a piece of ground has yielded its ninths, and being sown again produces another crop, no ninths or tenths can be demanded from this produce, any more than from an extra piece of arable ground, which is given to make up a deficit in the meadow land or house ground.

The occupier of a whole farm must either give the ninths of his
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flax and hemp to his landlord, or spin six pounds for him; the landlord providing the raw materials.

Though the question of tenths does not belong to the regulation of this Urbarium; yet if, in some places, the tenths of articles not contained in the first article of the year 1481 should have been taken, this practice is to cease.

When the ninth of the vintage is taken, it is to be of the same quality as the whole of the gathering, and without any *over measure*; and in receiving the ninths, as well as the *bergrecht*, no other measure is to be used than the Presburg measure, of thirty-two *mass*.

As the ninety-seventh article of 1715 clearly ordains that the *bergrecht* shall not be raised higher than the old custom; and as it is provided by several laws, that no other measure than that of Presburg should be used; so is it hereby ordered, that where this has not been observed, and new customs have been introduced, these illegal practices shall be suppressed, and the ancient custom be re-established. And where since that time, on planting new vineyards, the quantity of the *bergrecht* has been fixed by a written contract, or otherwise, this shall be reduced to the Presburg standard; but where since that time any new dues shall have been introduced, they are hereby declared unlawful, and are suppressed: and that in future these dues may not be increased, an account shall be taken, by order
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of the county court, of the vineyards in the hands of the peasants, and of the quantity of *bergrecht*, in Presburg measure, that is to be given: a copy of which account is to be given to the landlord, another to the peasant, and a third is to be kept by the county court.

And where no wine is made (that year), the peasant must give the usual *bergrecht*; but as this is to be taken in kind, and not in money, it must be taken from the produce of the following year.

VI. *Of the Rights and Privileges of the Landlord.*

The property of peasants dying without heirs, and of those who run away, devolves to the landlord: the peasants therefore must not take it; but give notice to the landlord, who must make good the debts and incumbrances upon it; but observing always the eighteenth article of 1723. But as this devolution cannot take place where there is a minor heir remaining, nor where it is part of a farm which has been divided, as it then falls to the possessor of the other share; to avoid injustice, these transactions shall not be determined by the officers of the landlord alone, but by the manor court; according to the instructions in Titul. 30, part 3, which shall be afterwards revised by the county court.

And when it happens, that, from the severity of the landlord, some of the farms become vacant, they shall be given to new pea-

fants,

fants, or shared out amongst the other peasants already settled in the village, on the conditions fixed by this Urbarium. The same is to be observed with respect to all grounds which are already drawn under the conscription of the *Ports*, unless the fugitives shall return.

According to the eighteenth article of the fifth decree of King Uladiflaus, and the twenty-second article of 1729, the right of hunting, shooting, fishing, &c. belongs exclusively to the landlords. This is therefore strictly forbidden to the peasants.

Although, as it has been already stated, the peasants have the right of selling wine during a certain part of the year; yet when the landlord has, or shall establish, an inn for the accommodation of travellers, the innkeeper shall have the exclusive privilege of vending all sorts of liquors, and the making of them.

When the landlord, according to the thirty-sixth article of the year 1550, intrusts the selling of wine, &c. to a peasant, he shall, during this time, be exempt from other service; and the landlord must give him, as salary, four *denari* (about one penny) for every *eimer* he sells.

All rents arising from the weekly markets or fairs, or from the shambles and tolls, belong to the landlord; except where formerly they have been given up to the community by a particular grant.

VII. *Of the prohibited, and in future to be avoided, Abuses and Excesses.*

As the landlord, as protector of orphans, has the care of their property, left by their parents, it is not allowed that any part of it should be deducted, by any kind of taxes of *inventory and separation*; and likewise the *laudemia*, the tax of *quere-briefe*, and the tenths of property devised by testament, exchanged, or sold, are prohibited.

The peasants shall be at perfect liberty to buy and sell tobacco, honey, wax, schmalz (melted butter), flax, hemp, and other natural productions, from whom, to whom, and to whatever place, they think proper; without being in any manner hindered by the landlord; much less punished with fines or corporal punishments, as illicit traders; without however taking away the privilege of the landlord, given him by the seventy-fifth article of 1723, which allows him a preference when he gives in ready money, and not by deducting from the dues, the price of the articles freely determined by the peasant; and the landlord shall by no means prevent strangers from coming to buy.

As all monopolies are expressly prohibited by law; so farming out the right of dealing in natural productions, and other objects of commerce, excluding and limiting thereby the trade of the peasants, is likewise not permitted.

The peasants must not by any means be compelled to grind their corn at the mill of the landlord, but wherever else they please.

The paying of the *bahn-weingeldes*, which has been illegally introduced, is suppressed.

The peasants are not to be obliged to give their manure to the landlord; and when they carry his into his vineyards, or elsewhere, this labour must be reckoned as forming a part of the annual fixed service.

The illegal and uncommon practices on some estates of demanding the tenths of feathers, and plucking the geese of the peasants, is entirely prohibited.

The peasants are not to be obliged to find straw for binding or tying up the vines of the landlord.

The custom on some estates, of the guards and overseers of the landlord's vineyards being paid by the peasants, is suppressed.

The maintaining of the servants of the landlord, sent out on executions; and every daily pay given in ready money; as likewise the extortions of the guards and huntsmen, are, except the execution *grofchen*, as will be mentioned afterwards, entirely forbid.

It is not allowed to demand money from the peasants, as security for their not running away; and where this has already taken place it must be returned them, together with the interest.

The quartering money, as well as the hussar and equipping money, where they have been introduced, are quite suppressed.

In those places where the shambles are farmed out to the peasants, the landlord cannot press his own cattle upon them; nor can flesh meat be sold for ready money by pounds or in pieces amongst the peasants, but it must be cut up in the shambles, so that the peasants may buy it there freely and without any difficulty.

The peasants shall not be obliged to buy or sell natural productions or articles of consumption, nor to sell for the landlord spoiled wine, brandy, or other liquors; nor are they to make good the spoiled wine, &c. which has been entrusted to them for sale; nor are they to transport the empty vessels, but as forming a part of the fixed annual labour.

The *hen and fickle* money (hüner-und sichelgeld), as likewise the *tent and press* money (zelt-und pressgeld), together with the *kostmäss* introduced into some places, and the providing with victuals those who come to receive the ninths and the tenths, are all entirely forbid.

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The peasants shall not be compelled to lend their casks, either for the vintage, or for the ninths or tenths of it.

All kinds of dues of natural productions, &c. that can possibly be thought of, not included in the aforementioned articles, are entirely suppressed.

The landlord is not allowed to exchange or substitute a piece of land, for any part of the ground belonging to a farm, except it be of the same size, goodness, and fertility; otherwise he must return it.

VIII. *Of those Things forbidden to the Peasants, and of the Punishments ensuing thereon.*

Fines shall under no pretext whatever be taken, except in those cases where they are expressly ordered in the laws; and then only after they have been legally imposed in the lord's court, in the presence of the magistrates (the *Stublrichters* and *Stublgeschworn*); and even then appeal may be made to the judiciary court of the county. But when damage may have been done to fields, the law having already ordained what concerns the pouncing of cattle, this is to be adhered to.

In all other cases where there is just cause to punish the peasants, the offenders must neither be punished by fines, which only serve to impoverish the punished; nor with corporal punishment (except
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where the law, or this Urbarium afterwards, shall otherwise order); but they must be compelled to work without pay, one, two, or at most three days hand-labour, which, however, must not be demanded in the ploughing, mowing, reaping, or vintage seasons, but at other times.

Although, as it has been said before, the peasants shall neither be punished with pecuniary fines, or bodily punishment; yet, as it may at times happen that the peasant may offend by words or deeds, or that he cannot be bettered by the lately mentioned labour, and that consequently such offenders must be punished with corporal punishment; this shall be administered in proportion to the greatness of the offence, and must not exceed, for a strong and healthy man, twenty-four strokes with a cane; and for the other sex, the same number with a whip. But the aged, and those of weak constitutions, shall be punished with imprisonment, and even upon bread and water, according to the circumstances; yet they may not be detained from their labour more than three days; except in those cases where the crime is of that nature as to belong to the cognizance of the manor court.

When a peasant is brought into the landlord's prison, and is fettered, and put in irons, where it is the practice to pay locking-up money, it shall not exceed fifteen creutzers (about sixpence).

The peafants are prohibited to clear ground without permiffion of the landlord, under the penalty of lofing their labour, and making good the damages that may have been done by it; but that which is already cleared cannot be taken away, without making good the value of the labour, as before mentioned.

As the care of the woods chiefly depends on the landlord, the peafants are therefore not permitted to cut wood for poles for fruit trees, nor for fences, whips or hoops, &c. without particular permiffion from the landlord: nor to carry it into other grounds, and fell it, and fo carry on a trade in wood.

In regard to the punifhing of thofe who cut down trees or bark them; they fhall not only make good the damage, but fhall be punifhed with three days hand-labour: but if any one is not deterred by this punifhment, from injuring the woods, he fhall be punifhed by the county court, and the landlord fhall be affifted to punifh him feverely as an example to others.

The peafants are forbid to collect (to beg?) money or natural productions, and the offenders are to be punifhed with twenty-four ftrokes of the cane.

The clandestinely driving of hogs into the woods of the landlord,

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is to be punished, when these are caught there, with paying twice the *acorn-money*, which is fixed for their feeding in it.

The peafants are not allowed to collect *knoppern-galls*, nor to knock down acorns, as they belong entirely to the landlord, but it is prohibited as contraband, and the offenders are to be further punished with three days hand-labour; but the landlord cannot make the peafants collect them for him otherwise than by reckoning this as a part of their annual service.

Peafants are not to carry a gun, nor to keep sporting dogs, under the penalty of three days hand-labour.

They are strictly forbidden to sell any kind of liquor, except during the time already mentioned, and the offence is to be punished as contraband, and with three days hand-labour as often as committed; but when they possess vineyards they are allowed, even in the period of the landlord's exclusive privileges, to bring it home for their own use and consumption.

When a peafant, out of idleness and carelessness, after being called to his service, does not come to it, he is to be punished with twelve strokes of a cane.

If any peasant shall bring flesh-meat from another place, or cut up and sell flesh meat, thereby taking away the profits of the shambles from the landlord; this shall be considered as contraband, and the peasant shall be further punished with three days *band-labour*.

The widows of deceased peasants must observe the order of the twenty-first article of the seventh of king Uladislaus, which orders, that if they marry again they must not quit their houses without permission of their landlord, otherwise their whole property shall be at his disposal.

A village is not permitted to contract debts without the knowledge of the landlord.

New-comers cannot be received, nor can parts of the land belonging to a farm be exchanged or sold without the knowledge of the landlord, under the penalty of losing the sums received; and in those cases where the sale is permitted by the laws, the vender must give notice to the landlord; yet he may fix the sale without his consent.

IX. *Of the Internal Police.*

In filling the office of judge, (of the village) the landlord shall present three, out of which the community shall elect one, in the presence of his officers. But the landlord can, when the judge's bad

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conduct makes it necessary, displace and punish him, and then another shall be chosen in the same manner to fill his place; but the notaries and the sworn may be chosen and displaced by the community without the interference of the landlord.

The judge shall not, on account of the service rendered to the landlord, nor for other reasons, under any kind of pretext, be dispensed from paying the contribution (to the state).

It is reasonable and requisite, the landlord should see that the partition of the contribution be equally divided amongst the peasants, according to the direction of the county court; and see that no fraud is committed; and therefore he shall demand an account of it from the judge, but without any expence falling on the peasants.

Where the landlord neglects inspecting these accounts, the county magistrates shall.

But the collecting and paying into the county treasure, this contribution, shall exclusively remain in the hands of the community, and judge; and the county magistrates shall therefore see that the landlord or his servants do not interfere in it.

All the dues from the peasant to his landlord, fixed by this Urbarium, shall be exactly rendered him; and in case he neglects, he shall

shall be compelled by execution. The execution *grofchen* due to those sent out by the landlord on this business, must be paid daily, and to these only, and by no means to any others employed by the lord on other business.

That the oppressed, and those who suffer injustice, may obtain prompt satisfaction, it must be observed, that when the complaints are made against peasants of the same landlord, they shall seek justice from their landlord or his officers: but where the injury has been done by the officers of the landlord, application must be made to the landlord; and when the complainants do not obtain the reasonable satisfaction, they shall apply to the county court: but when the complaint is against the landlord himself, who on their application gives no redress, they must straight apply to the county court; and in case the landlord or his servants shall punish a peasant for having made such application for justice to the county court, or to a still superior one, he shall be considered as a tyrant.

By this ordinance the reciprocal rights of the peasants and their landlords are determined, and it appears, that the Hungarian peasant pays to his lord, for twenty-five acres of arable land (each acre containing about twelve hundred square fathoms), and twelve days mowing of meadow land, a ninth of the produce of the soil, of the lambs, kids and

bees, and about one hundred and eleven days labour, two shillings for rent, and three shillings for fowls, butter, &c.

This I conceive to be no hard contract for the peasant. I have been informed by several great landed proprietors, that they did not receive upon an average, taking all their dues together, more than equal to a gulden, or about two shillings English, for an acre. The hardship lies chiefly in the nature of the contract: this is a reciprocal hardship, as inconvenient for the landlord as for the peasant. It chiefly arises from receiving labour for payment; yet this kind of payment is always used in similar cases, in the first stages of improvement. This compels the landlord to keep a great part of his lands in his own hands, to employ the labour of his peasants, however he may dislike rural œconomy. The law must entrust him, as I have lately said, with great authority over his peasants. He requires a great many stewards, bailiffs, and overseers to assist him, and to these he must delegate a part of this authority over them. From hence arise complaints from them, on the hardship of their fate, and of the severity of their masters; and from these no less complaints of the perverse, obstinate, idle, and discontented disposition of their peasants; who by not being interested in the labour they perform for their lords, first are slothful in the performance of this, and then through custom become slothful in their own: and thus a bad state of husbandry pervades the lands. A great landed proprietor in Bohemia assured me, that he found it much his interest, to accept of sixpence

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from his peasants who were obliged to work for him, instead of a day's labour; and give ninepence to others over whom he had no other authority than dismissing them from his service.

It is, I think, a remark of the learned Dr. Ferguson, that nations, however proximate, seldom receive from one another such a discovery as can improve the state of their society, till they are nearly in a state to make it themselves. Whether this can in any degree account for the, in some degree, retrograde steps of the Hungarian peasantry, I must leave to those who are better acquainted with this part of history than I am. But it appears that the *gleba adscriptio*, or villanage of the peasantry, was ages ago suppressed: it was suppressed by Sigismund; and this suppression was confirmed by several public acts of some of his successors: but it crept in again*.

The year seventeen hundred and eighty five forms an epoch no less

* "The peasants in Hungary could formerly leave their landlords at pleasure. This liberty was granted them by a great many laws of the land, as by the sixth article of the second decree, and the fourteenth of the third decree of king Sigismund, in the year 1405; by the fifteenth of the year 1458; by the sixteenth, twenty-seventh, and twenty-ninth of 1547; the thirty-fourth of 1550; the twenty-seventh of 1566, and several others. This liberty, under Uladislaus, was taken from all those who suffered themselves to be drawn into the rebellion of that time. From this circumstance, the Hungarian nobility has in aftertimes determined on their bondage, which, indeed not every where, yet in the greatest part of the kingdom, is introduced."

Rosenmann's Staatsrecht, Wien. 1792, p. 193.

favourable

favourable for the state of the peasantry than 1764. Nothing could be more contrary to the views of Joseph II. than a debased peasantry, that order through which, had he succeeded in his plans of reform, he expected to have received all his resources. The suppression of the *glebæ adscriptio* took place in Bohemia and Moravia by the order of this sovereign in 1781, and in 1785 it was extended to this kingdom: and though, as we shall soon see, this monarch was before his death obliged to give back to the nobility their antient rights and privileges which he had taken from them, and thus cancel his own acts, this act was excepted.

This right of the peasantry to leave their landlords, did manufactures and the industry of towns flourish in this kingdom, would be sufficient soon to make them find their just value in society, and get rid of unreasonable humiliations: though indeed peasants are little inclined to change their occupations, and they often remain cultivators of the soil on which they are bred under many hardships, rather than become mechanics; and a peasant who should leave the estate on which he was born, and should apply to another landlord, would meet but with little encouragement; and as a certificate must first be obtained from his last landlord, some hindrances can still be thrown in the way of those who wish to better their lot.—Such then is the connection between the peasantry and their landlords.

To the public, of which the peasantry here forms no part, they have obligations likewise; for, the great aristocratic body being as I
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lately said exempt from bearing any part of the public burthens, these naturally fall upon the citizens and peasants, who are emphatically styled in the public acts the *mifera contribuens plebs*.

These pay a tax which is called a *contribution*, part into the military chest, and part into the county chest, or *caffa domestica*; from the first, the military stationed in the province are paid, and from the latter the expences of the government of the county, the repairs of the roads and bridges, and the damages sustained by the peasants by fire, storms, and inundations; and likewise the expences of the deputies or representatives of the county, that is, of *the nobility*, when attending the Diets. It is assessed on the ability and opulence of the peasant, in the following manner:

				Deca.
The peasant is valued at	-	-	-	1
His 2 Sons capable of working	-	-	-	1
4 Daughters ditto	-	-	-	1
4 Farming servants, men	-	-	-	1
8 Ditto ditto, women	-	-	-	1
2 Draught or fat oxen	-	-	-	1
2 Milk cows	-	-	-	1
4 Horses	-	-	-	1
4 Young oxen	-	-	-	1
8 Calves	-	-	-	1
				16 Hogs

	Decas.
16 Hogs	1
32 Young pigs	1
Winter corn, of a whole farm	2
Summer ditto, ditto	2
Meadows producing six <i>fuders</i> of hay	2
A still	1
Sheep and bees, according to the profit arising from them.	

If the peasant is besides a shoemaker, taylor, weaver, smith, &c. this makes an additional deca. What is paid for a deca I am at present not able to inform my readers; but I hope to do this in an Appendix. That part paid into the *caffa domestica* must vary, according to the expences of the county.

The clergy, when united in defence of their own interests, unconnected with the other part of the aristocratic body, with which they have often a common interest, and deprived of that influence which acts over the consciences of men, are a very powerful body. They have in the Diet, according to a paper in Mr. Slötzer's *Staats Anzeigen*, No. 64, about a hundred votes; and the revenues of the higher clergy, and the great offices they fill, give them still greater weight; for, besides their spiritual charges, many of them are lord lieutenants of the counties.

The revenues of the archbishops and bishops are given in the *Political Journal* for 1783, thus:

	Florins.	that is, about	£. sterl.
The archbishop of Gran	360,000		36,000
Bishop of Erlau	80,000		8,000
Nitra	40,000		4,000
Raab	20,000		2,000
Waitzen	50,000		5,000
Funf kirchen	30,000		3,000
Vesprim	50,000		5,000
Archbishop of Kolotscha and Bats	50,000		5,000
Bishop of Grofs Wardein	70,000		7,000
Ofanad or Zschanad	9,000		900
Zagrab in Croatia	20,000		2,000
Syrmien			
Bosnia	25,000		2,500
Transylvania	12,000		1,200

The bishoprics founded in 1777, as Stuhlweifenberg, Neusohl, and Rosenau, are not mentioned in this list.

This then was the state of the kingdom in 1780, when, by the death of Theresa, the sole government of it, with the rest of the Austrian monarchy, devolved to Joseph II.

The Sovereign was limited, and half thought an usurper, by

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not being an Hungarian. The nobles and clergy were powerful and privileged; the citizens were debased, and the peasants were bondsmen: yet all gloried in the name of *magyar*, and were unanimous in despising their German rulers. Joseph knew all this: during the life of Theresa he had visited more than once this kingdom; and he was not ignorant whom he had to govern.

Under these unfavourable circumstances, he undertook the difficult labour of reform, his favourite object; which he must be aware would alienate from him the affection of the powerful among his subjects: he knew certainly too well mankind, to think that the goodness alone of his plans would be sufficient to make them well received, when the conduct not only of individuals, but of whole communities, is so much influenced by interest, pique, and caprice: but the temple of JANUS was then shut in all this part of Europe, and he could give his mind up entirely to this project.

The first error he committed was his dispensing with the ceremony of coronation; a ceremony which, however trifling it may appear to other nations, is thought to be of great importance in Hungary. An old author (Inchofferus) says, "Nemo ut rex legitimus habetur nisi prima illa corona, quæ Stephani, primi regis, caput cinxit, nempe Angeli monitu a Silvestro Papa, missa coronatus. Ea de causa, sacram vocant, & incredibile studio, loco & custodibus deputatis, conservant; non aliter quam si salus & religio

Hungariæ

Hungariæ ex ea dependeret." "No one is considered to be the lawful Sovereign, unless he has been crowned with the crown which was placed on the head of St. Stephen, which was sent at the command of Heaven by Pope Silvester, and is therefore considered as sacred, and is kept with all imaginable care." It cannot be supposed that Joseph omitted this to insult the nation, but rather to avoid swearing to them, by taking the oath which accompanies this ceremony, to keep sacred their rights and privileges, when he intended immediately to destroy them.

In 1784, he acted no less unconstitutionally by ordering the crown to be brought from Hungary to Vienna. By the lately quoted passage it is seen in what esteem this is held by the nation. The place where it should be kept is fixed by the Diet; and without a decree of this assembly it cannot be legally removed.

By a law under Ladislaus it was ordered to be kept at Vissgrade; but by another decree of the Diet in 1608, its place of conservation was altered to Presburgh. The keepers of it were chosen by the Diet, and took an oath * not even to *show* it to any one, without permission of the sovereign and the states, and to defend it until death.

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* Quoniam sua majestas regia, atque omnes status & ordines Hungariæ, in præfenti generali Dieta Pofoniensi congregati, sacram ejusdem regni Hungariæ coronam, simul cum omnibus ejus clenodiis, fidei & custodiæ meæ concredere dignati sunt: Ideo, juro per Deum vivum, quod ego, sacræ regni majestati, ac dicto regno Hungariæ, fide-

The division of the kingdom into counties, with the administration of their government and police, through counts and vicounts or lord lieutenants, deputy lieutenants and inferior officers, was next suppressed, and a division of the kingdom into ten circles, with a *royal commissary* at the head of each, substituted to it. This was no trifling alteration; for it took in some degree a great and honourable office accompanied with and giving great influence, and which in some families was hereditary, from the nobility, and threw greater influence into the hands of the sovereign.

The same year the *glebæ adscriptio*, or villanage of the peasants, was suppressed. This being done by a royal mandate, and not by an order of the Diet, was illegal; and was considered as an invasion of the rights of the landed proprietors.

lis & obediens ero, dictamque sacram regni coronam, summa fide, diligenti cura, vigilantia ac sollicitudine, custodia adservabo; sine præcitu & voluntate suæ regis majestatis & regni, *neminem ad illam visendam & perferendam admittam*; aut alieno illam tradam; atque quolibet anno, certis temporibus, frequenter huc Pofonium me conferam, & locum conservationis dictæ coronæ diligenter perscrutabor & inspiciam; ac ut salva semper & secunda persistat, omni diligentia & fidelitate curabo; ac, si quid suspitionis, & hostile, in januis, feris, vel parietibus, advertero; de eo confestim sacram majestatem suam regiam, vel palatinum edocebo. Item si quem motum, vel tumultum, in regno hoc oriri, contingeret; de illo quoque, ad majestatem suam regiam, & dictum palatinum subito referam; & ad custodiam dictæ coronæ majus præsidium humiliter petam: ac in persona mea, ad mortem & vitæ exitum, fideliter & constanter illi adhistam, omneque periculum pro posse meo, ab illa avertam.

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The royal mandates now became more arbitrary and despotic. In this kingdom several languages are in common use in particular districts; and the public acts and proceedings are accordingly carried on in these different languages. Joseph, whose favourite project was to form out of his vast possessions one uniform government, published an order, that after three years all public business should be transacted in the German language; and those filling the public offices, if they did not make themselves masters of this language, not only to speak it, but to write it likewise, should be dismissed the public service. The Germans form but the smallest part of the people of Hungary, and are looked upon by the Hungarians as a kind of intruders: how must it not then have enraged the latter to be obliged to learn their language! An old MAGYAR to be *obliged* to learn, and to learn the GERMAN language! To such this mandate must have been more terrible than the news of the invasion of the Turks. Not but this language is pretty generally known to most of them above the vulgar, in the cultivated parts of the kingdom.

Some alterations in the mode of administering justice added likewise to the discontents.

But the introduction of the *land tax* rendered the nobility almost outrageous. Hitherto the lands in the hands of the *plebs* had only paid; now all were to be equally taxed, and no respect was to be paid to the occupier or proprietor of the soil; only to the fertility

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of it, and its local advantages. But to apply this mode of taxation, it was found requisite to measure every piece of land in the kingdom; and to ascertain its productive powers: and this Joseph ordered to be executed, and with the greatest expedition. People totally unacquainted with land surveying, from the want of a sufficient number of proper persons, were therefore obliged to be employed; and through the ignorance of these, and probably from the secret opposition of those who were affected by this tax, great errors were committed: this was a further cause of complaint.

During these reforms, which, if practicable, required to be introduced with the greatest circumspection, and under the most favourable circumstances, Joseph involved himself in a war with the Turks.

It is well known that the Austrian arms acquired no laurels in the beginning of this war, and that a great dearth of corn was felt in the Austrian camp. Hungary is looked upon as the granary of Austria; and it could, though corn was not as usual plentiful that year, have assisted its Sovereign, had it been satisfied with his conduct towards it. But it refused its assistance, and Joseph published an order to oblige the landed proprietors, whom he was about to deprive of their privileges, to deliver into the royal magazines a certain quantity of corn, at a price fixed by himself. The price for wheat was four shillings a *metzen* (about two English bushels); for barley two shillings and sixpence, and oats two shillings. One half

of the corn delivered in, was to be paid for in ready money, and the other half after the war. These prices were indeed higher than the usual market prices; but on account of the war, wheat was sold in the market for eight shillings, and the other kinds of corn, high in proportion. Some obeyed through fear the order of the Emperor, others would not. Where the military were quartered, force was employed. Hay was likewise demanded. A large landed proprietor assured me, that the succeeding winter he lost many score of cattle, for want of this article, which had been taken from him. This added much to the discontents already raging.

Nor can it be supposed, that Joseph did not extend his reforms in religious matters to Hungary. At the very beginning of his reign, he displeas'd the Catholic clergy, by giving toleration to the Protestants. He took away their churches, and applied them to profane yet useful purposes: he suppress'd their monasteries and convents*, and changed and new modelled their seminaries of learning. Even the towns had something to complain of; for he took from them some of their privileges, and put them under the jurisdiction of the circles.

Against these violations of the laws of the land, very bold representations were made by several of the counties; and the dis-

* According to De Lucca, 130 monasteries and seven convents were suppress'd by Joseph II. At present, according to the same author, there are 168 monasteries and eleven convents in this kingdom.

satisfaction

satisfaction of the nation reached the Sovereign's ears by various means.

Though the surveying of the kingdom was begun in 1785, as laying a foundation for the assessment of the general land-tax; yet the tax itself was not fixed till February 1789, and it was not to be put in force till November of the same year. Then, as a part of the same vast scheme, all dues from the peasant to his lord, in labour and produce, were to cease, and about eighteen per cent. according to the assessment, was to be paid in lieu of it. The taxes likewise from the peasant to the Sovereign were to cease, and about twelve per cent. was to be paid in the same manner: so that seventy per cent. remained for the peasant, after paying his landlord and Sovereign. As no land was to be privileged, so naturally the lands of the nobility and clergy were to pay the twelve per cent. for the public service; as well as those in the hands of the peasant.

Joseph's health was much impaired by the fatigues of the first campaign against the Turks; and in 1789 it was expected he would soon terminate his earthly career. Whilst at war with the Turks, and a Prussian army on the frontiers of Austria, his subjects in the Netherlands were in open rebellion; and complaints and threats of further insurrection assailed his throne, or rather his death-bed, from every quarter. Hungary and Tyrol, the freest of his people, were the loudest in their complaints; but the states of Bohemia, Moravia,
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and Galicia were not indifferent to his arbitrary government; and the lower classes of the people who were the objects of this monarch's particular care, were complaining of the high prices of the necessaries of life.

Arbitrary indeed was the government of Joseph; yet no one I think will question the goodness of his intentions, however they may disapprove of his measures. How severe a mortification must it not have been to him, after passing so many sleepless nights in planning for the welfare of his people, to find nothing but discontent and dissatisfaction within their breasts, and this, when the state of his health required the sincere applause of his subjects, the greatest recompense to a patriot king, as a cordial to support his drooping spirits, now oppressed with disease! Yet still complaint. And now every bright hope of high public prosperity, through the introduction of his wise political institutions, he found daily decreasing. How willingly he would have obeyed an earlier call of death, which should have rescued him from greater mortifications! Yet, quick as the summons came, it was too slow to save him from the cruel punishment of being obliged to cancel with his own hand the acts of his whole government, and of thus making, on his death-bed, an *amende honorable* to public opinion and aristocratic rights.

On the 4th of February 1790, he published the following revocation, and on the twentieth of the same month he retired at once

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from the vexations of government, and the world. "Since we intend to open the Diet, which we promised you on our royal word on the 18th of December of last year, after the constitutional coronation ordained by the second article of the decree of the Diet of 1723, and after the signing of the inaugural diploma; and since we intend personally to attend this Diet, we have thought proper to defer it until peace, that we being free from the cares of war and recovered from the disease which enfeebles us, may be able to devote ourselves entirely to the affairs of the kingdom, which are the object of the deliberation of the Diet: and that you may have no cause of uneasiness, whilst waiting for this yet indeterminate time, we have resolved that it shall not be deferred further than the year 1791. Accordingly we promise you upon our royal word, that we will call the Diet next year, which shall be held as the laws of the land ordain: and that we may not confine to this alone our paternal kindness towards the Hungarian nation; and to satisfy your wishes also in this short interval until the holding of the Diet, we have of our own free choice taken the resolution to place the administration of the state and of justice, from the 1st of May of this year, entirely in the state we found it in 1780, upon the decease of the Emprëss and Apostolic Queen our dear mother, when we took upon ourselves the government.

"Although we have since this time changed some of the branches of the public administration, with the view to advance the interest of the kingdom, and in hopes that taught by experience you would approve

of it; yet as we are informed that you prefer the former mode of administration, and that you seek and find your happiness in the maintaining it, we make no difficulty likewise in this matter to comply with your desire; for the welfare of the people intrusted to our care being the only object of all our wishes and efforts, that way which is pointed out to us by the unanimous voice of the nation will always be the most agreeable to us. Accordingly we declare by this, that as soon as all the counties of the kingdom are reinstated in their former authority given them by the laws, in respect as well to the transactions in general and particular congregations, as to the constitutional election of magistrates; and as soon as the royal free towns and free districts shall be restored to their former activity, all the other acts published since the commencement of our reign, which according to the common opinion may seem to be contrary to the laws of the land, shall be revoked and lose their force. But to avoid all confusion that might happen in the public administration; before further notice is given to you concerning the formal revocation of the former acts (for which purpose we have already given the requisite orders), it is our will, that nothing be done by private authority, and that you pay obedience to the present lord-lieutenants of the counties, till the (former) lord-lieutenants can enter upon their offices. Further it is our will, that our act of toleration, the regulation concerning the ecclesiastical offices, and what we have ordered in favour of the peasants, as well concerning their treatment as the tie of subjection, shall remain in force; in as much as these acts may quite be conciliated

liated with the laws of the land, and are founded upon a natural reasonableness: and the arranging of the ecclesiastical affairs is our duty as first patron of the church: and we are convinced that you have, after your reasonable manner of thinking, already given them your most perfect approbation. Finally, that nothing may remain undone towards completely satisfying your wishes, we have ordered that the crown and the other insignia, which we in the mean time have preserved in our treasury, shall be carried immediately to our royal palace in Offen, where we have already given orders to prepare a proper place for them, where they shall be kept as the law ordains. By these regulations, made according to the established laws, you receive a fresh token of our paternal love towards the Hungarian nation, and at the same time an everlasting witness, that since the legislative power, according to the laws of the kingdom, is equally divided between the prince and all the states of the kingdom, we likewise will support the rights of the states, and deliver them over to our successor in the same state we received them. We promise ourselves likewise that you will supply the wants of the state for the campaign of the present year, by furnishing corn for the support of the troops assembled for the safety of the kingdom, and by furnishing of recruits in the manner which may appear to you most proper."

Thus was a reign of nine years, which at first promised to form a brilliant epoch in the history of Europe, almost erased from its page. Yet must it be recorded as a lesson to other rulers, to teach them

them that the feelings and wishes of a people are not to be slighted, nor a nation to be governed like an estate, and that even good regulations and institutions should not be arbitrarily nor too hastily introduced. Good princes are often metaphorically called the fathers of their people. As the head of a family Joseph governed his dominions; he desired the welfare of his children; and he planned for their happiness, and wished them to receive with submission his plans, which he would have immediately executed. It is said by his biographer Pezzel, that being advised by his ministers not to be so hasty in his reforms, he said, "Of all that I undertake, I will immediately see the effects: when I put in order the *Prater* and *Augarten*, I did not take young shoots which might only serve the next generation, but trees under whose shade I myself and my cotemporaries might find pleasure and advantage."

This revocation being a compelled one, the dislike and mistrust of the nation was as inveterate as ever towards the House of Austria, and it required the greatest circumspection in his successor to quiet his enraged people. In some places the people had the boldness to burn the public edicts of their sovereign, under the gallows, on the news of his approaching death.

In this critical situation Leopold ascended the throne; but reluctantly entered his Hungarian dominions, to receive with trembling hands the ensigns of power from his incensed people, many of whom wished to set aside their Austrian connections. An Hunga-

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rian author, speaking of the serious aspect of the kingdom at this period, exclaims, "Deum immortalem! quam tetra, quam lugubris, quam funesta fuisset tunc harum ditionum facies! Cædes, incendia, rapinæ, vastitas universum regnum & florentissimas regni civitates miserandum in modum deformassent; vici omnes & oppida acervis corporum, & civium sanguine redundassent; templa ipsa Dei O. M. ac delubra nefariis ignibus conflagrassent! nisi divina, eaque singulari providentia Leopoldus II. quasi de cælo missus, habenas imperii capeffivisset; qui patriam, vitamque omnium nostrum, bona, fortunas, parentes, cognatos, atque aras ipsas, ex flamma ac ferro & pene ex faucibus fati ereptas & conservatas nobis restituit. Ille leges, jura, libertatem, veterem formam regiminis pristino loco collocavit; ille comitia, solennem sui inaugurationem, jusjurandum, ceteraque omnia quorum dilatio animos antea perculerat, præstitit; ille medium illum, qui populum & regem dividebat, parietem demolitus est: ille mutuam cives inter & principem fiduciam quasi ab interitu fuscitavit; ille subjectos jam propemodum templis, mœnibus, ac tectis nostris, circumdatosque ignes restinxit; ille districtos gladios a jugulis nostris singulari sapientia, & divina quadam animi moderatione, rejecit*."——"Heavens! what a melancholy and dreadful aspect these possessions would have presented! Rapine, slaughter, and conflagration would have stalked over the land, and would have destroyed the kingdom; unless it had pleased the Almighty to send

* Oratio pro Leopoldo a Step. Pallya.

Leopold to take the reins of government into his hands, who has saved us from fire and sword, and has snatched us, as it were, from the jaws of fate."

Complaints therefore, from every quarter, on the illegal government of Joseph were presented to his successor Leopold. The representation from the county of Neitra, on the 2d of March 1790, is expressed in this harsh language :

" We saw the sacred crown of the kingdom taken away : we saw God robbed of his churches ; the laws of their sacredness ; parents of their children * ; the nation of its language ; the kingdom of its privileges ; the dead of their customary burial. We saw the meanest kind of flatterers hatch plans, and leave nothing undone which could in any manner contribute to the destruction of the kingdom. We saw the sacred vessels profaned ; the respect of pre-eminence overturned ; the power of the possessor of the foil diminished ; the education of youth spoiled. We saw men well deserving of their country, and learned in the sciences, deprived of their places ; but foreigners, and ordinary people, who neither through birth, nor through morals, uprightness or experience, had distinguished themselves, put in the place of those industrious children of the country (the natives), as teachers of the German language. We saw the native inhabitants

* Alluding probably to taking of recruits.

occupying

occupying public offices, engaged by an oath to undermine the liberty of their country; many of them break boldly into our cellars and granaries, and take from us, without citing, hearing, or convicting us, corn, sheep, and children (recruits?) without respecting our common origin, or availing themselves of the power of the laws. We saw the fertility of our country's soil, to which the blood of our forefathers had given fertility, magnified in an extraordinary manner, and to our injury; and what is still more, an oath expressed to give credibility to this falsehood. We saw our country arbitrarily measured; many millions (of guldens) expended on a mob composed of various nations, which devoured our money gained with blood, sweat, and hard labour, and misused our property, to maintain common prostitutes, &c."

National hatred against the Germans, with patriotism, arose more violent than ever. Every thing German was despised, and this people were liable to be insulted if not protected by the Hungarian dress; for the patriots were more than usual attached to their manners and dress; and the *moustaches*, which, with the polished part of society, were grown out of use, were again introduced. The more violent were for carrying things with so high a hand, as to consider, since Joseph never was crowned, the Austrian succession to be at an end. Many were for a new *diploma*, or bill of rights; and it is certain one was really drawn up, in which the Sovereign was to be deprived of the right of nominating to the public offices; and
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all the charges in the mines, post-office, &c. &c. were to be exclusively given to the nobility; the sovereign was not even to appoint the officers of the army, nor to fix their pay. He was to be compelled to reside in Hungary, and the government of the kingdom was to be entirely separate from the other part of the Austrian dominions. He was to have no *veto* in the legislation, and the states were to have the privilege of assembling without his order. Taxing the land was not even to be thought of. The states were to be allowed to form treaties of commerce without the consent of the king, and coining was not to be the prerogative of the crown. Peace and war were not to depend on the king, nor was he to form treaties, without the consent of the states; and he was to include in his coronation oath the thirty-first article of the second of King Andrew, which permits the subjects to take up arms against their sovereign, if he should infringe their rights. But the *moderates* were contented that affairs should be put in the state they were in, on the Emperor Joseph's accession to the throne; and these, fortunately both for sovereign and people, prevailed.

The crown, about which so much stir was made, was sent back to Bude on the 18th of February, that is, two days before Joseph's death. How much this is valued, and how it was received by the nation, may be seen by this trifling letter, written at the time, and printed in Mr. Slötzer's Staats Anzeigen, No. 54.

“ The crown, the greatest jewel of royalty, is brought back with

the greatest pomp and imaginable joy: wherever it passed in its journey from Vienna to Bude, the most magnificent preparations were made for its reception. The splendour of the ladies in the Hungarian dress, was never equalled before: they wore blue petticoats, with short jackets of the same colour turned up with fur, faced with gold; their head-dresses were black velvet kalpacks * with gold lace and feathers.

“ Patriotism awakes in all its force: every body wears the Hungarian dress: such a scene of joy was never known before: here with us, likewise, the crown was received with all imaginable pomp. As it was deposited at night in the chapel of the palace, the whole city and suburbs were illuminated: this was a most beautiful sight, and our streets being long and straight contributed much towards it. Woe to those who did not keep their lamps in proper trim, or who put them out too soon! Their windows were broken without mercy. In every street, throughout the night there was rejoicing, and whole crowds of people paraded about with music, and cried, ‘ Huzza! The freedom of the Hungarian nation for ever!’ I can now form a pretty good idea of the revolutions in France and in the Netherlands. It seems to me as though I were there, for I never in my life saw any thing equal to this. It was on Friday the 19th of February that the crown arrived here, to be further transported to Offen. Only imagine what extra-

* A kind of Hussar cap.

ordinary joy was demonstrated on its return, when even all religious restraints ceased, and our bishop gave a grand supper to the keepers of the crown, and the nobility, where flesh was served up; and in the public streets and houses there was dancing as in the Carnival. I must desist; I can by no means describe every thing: yet I must tell you, that the crown was exposed to public view on the altar of the cathedral church: the nobility were very desirous of seeing it: it was kept at night in the palace chapel, guarded by the officers of the county, and town magistrates, with naked swords. On its arrival at Offen on the 21st of February, the city notary Francis Balast, in the name of the magistrates and citizens, addressed the keepers of the crown in a Latin oration, in which he congratulates the nation on its return, which he considers as the pledge of the return of its rights*.

The people now in possession of their crown, their rights restored,
and

* “*Excelsi Proceres, sacræ regis coronæ custodes! Quam, auspice Supremo Numine, ante octo propemodum sæcula Austricus, archipræsul Colocensis, divo regi Stephano attulit à Sylvestro nominis hujus Ildo, Romanorum maximo pontifice, sacram regni hujus Hungariæ coronam, eandem à tristibus Isabellæ reginæ temporibus ex hac urbe et arce Budensi absentem, dum hodie solenni hocce ritu rursus per vos, Excelsi Proceres, reduci, et velut exoptatæ felicitatis tesseram ad gremium regni et urbis istius in avitam regni sedem modo collocari cernimus; gaudet populus, lætantur cives, exultat nobilitas, universi denique regni status et ordines suorum votorum compotes fieri gratulantur maxime. Nec immerito. Felicem enim patriam nostram, cui diadema istud regium, ex diversis salvum periculis, in sinum suum, tanquam firmum redditi veteris ju-*

and their grievances redressed, the effervescence subsided; and the fame of the wisdom of the new sovereign daily diminished the remaining discontents. And Leopold, a few months after his taking the reins of government into his hands, ventured to assemble the states of the kingdom in a Diet; after a vacation of six-and-twenty years: and the following business was transacted.

The first article only concerns the ascent of Leopold II. to the throne.

The second contains his inauguration oath, which is the same as that taken by the Empress Theresa. Herein he promises, that the royal crown shall be kept in the kingdom, and be guarded by the crown keepers, chosen from among the members of the states; that the lately acquired countries, which formerly belonged to the king-

ris et potestatis pignus, ad commune gentis Ungricæ decus licet reponere. Glorietur proinde triumphans ætas nostra; et non minus ultima quoque plaudat posteritas. Dignum propter ea, ut augustissimo principi nostro, a cujus benignitate et clementia hæc accipimus, immortales in homagiali submissione referamus gratias. Dignum, ut inclytis statibus et ordinibus, quorum in exorando principe virtus fuit eximia, perpetua litemus gratitudine. Nos vero Budenses incolæ, quibus sacrum hunc thesaurum semper coram venerari conceditur, æterna diei isti spondemus solennia; vobisque, Excelsi Proceres et Custodes, ad tuendum pro gentis Ungricæ beatitate hoc regale ornamentum, omne robur, vitam et fortunas in adiutorium sanctæ voti religione addicimus et consecramus."

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dom of Hungary, shall be united to it; that when the present family which sits upon the throne shall be extinct, Hungary shall again become an elective monarchy; and that all his majesty's successors shall be bound to take this same oath.

The third ordains, that in future the inauguration and coronation shall take place within six months after the decease of the last sovereign.

The fourth is concerning the usual present from the states to his majesty.

The fifth is on the election of the archduke Leopold as Palatine.

The sixth decrees that the crown shall be always kept at Offen.

The seventh takes the manor of Munhats from the royal domains, and substitutes to it a district in the county of Bats.

The eighth decrees that Count Joseph Keglevich of Bazin, commander of the order of Saint Stephen, chamberlain to his majesty, and lord lieutenant of the county of Torn; and Count Michael Nadash, heir of Fogaras, chamberlain to his majesty, and hereditary lord lieutenant of the county of Komorn; shall be the keepers of the crown, being unanimously chosen by the states.

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The ninth says, that the king promises to reside longer in Hungary than has been of late the custom.

The tenth decrees that the kingdom of Hungary shall be independent of the other Austrian dominions, and shall not be put on the same footing with them, but have its own particular government as decreed in 1715 and 1741.

The eleventh orders that the limits of the kingdom shall not be altered, that the differences which have arisen concerning them shall be settled, and the parts that have been separated from it shall be reunited.

In the twelfth, the king voluntarily acknowledges that the power of making, laying aside, and interpreting the laws, is a joint prerogative of the sovereign and the states; and he promises that he will not govern by royal mandates, edicts, and patents; that the courts of justice shall not be altered by him, nor their judgements changed or revised, but that he will put them in force according to the intent of the law.

The thirteenth decrees that the Diets shall be held every third year, and oftener if the state of affairs requires it.

The fourteenth ordains that the administration of the affairs of
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the kingdom belongs to the council of the lieutenancy (*Staatbalterey-rath*) of the kingdom, whose duty it is to make representations to the Sovereign, if his orders transmitted to them to be enforced be contrary to the fundamental laws of the kingdom.

The fifteenth constitutes a committee to draw up a plan for the education of youth, and for the liberty of the press. In

The sixteenth the king promises that public transactions shall not be carried on in a foreign language; but, that the Hungarian may become more general, a teacher of this language shall be appointed in the academies and *gymnasia*. For the present the business of the courts (*dicastria*), shall continue to be transacted in the Latin language.

The seventeenth puts in force the eleventh article of 1741, the King promising to admit Hungarians into his ministry, and to put those, who are properly qualified, in a situation of being employed in the diplomatique line; and further, that only Hungarians shall be employed in the management of the *internal* affairs of the kingdom; and in the external they shall be admitted.

The eighteenth is concerning the oath to be taken by those employed in the courts; and it orders that no one, on a mere accusation, shall be dismissed from his office. In

The

The nineteenth the king promises, that no subsidies, either in money, natural productions or recruits, shall be demanded, either from the states, or the tax-bearing people; not even under the name of a free gift, or other title, but only in the Diet; but the maintenance of the established military shall always be fixed from one Diet to the other; and the eighth article of 1715, and the twenty-second of 1741, on this subject, are hereby confirmed. In

The twentieth the king is so good as to promise, that the price of salt (it is a royalty) shall not be raised, except on pressing occasions, out of the Diet. In

The twenty-first the king says he will take care that the ninety-ninth article, concerning the public fund, shall again be put in force.

The twenty-second decrees that the Post shall be put under the direction of the council of the lieutenancy, &c.; and that the administration of the mines shall be ameliorated. By

The twenty-third the King is to see that the churches, and other similar foundations, are not deprived of their rights.

The twenty-fourth confirms the rights and honours of the *Palatine, Primate, Ban, and Tavernicus.*

The twenty-fifth confirms the rights and privileges of the royal
free

free towns, mining towns, the districts of the *Jazygers* and *Cumanians*, and the six towns of the *Haydukes*.

The twenty-sixth is on matters of religion. (See the next article on the state of the Protestants).

The twenty-seventh gives the non-united Greeks permission to acquire landed property, and to fill the public offices and charges.

The twenty-eighth restores the counties of Temeswar, Torantal and Kraffo to their right of sitting and voting in the Diet.

The twenty-ninth gives the *Jazygers*, *Cumanians*, and *Haydukes* the right of sending severally two deputies to the Diet.

The thirtieth constitutes the cities of Temeswar, Therefianstadt, Pofega, and Carlstadt, royal free towns.

The thirty-first prohibits games of hazard, under the penalty of a hundred ducats (about fifty pounds).

The thirty-second decrees, that the privileges granted by Joseph II. are only valid when confirmed by his present majesty.

The thirty-third orders that a committee shall be chosen to draw up a plan for making a *military enumeration* of the people.

The thirty-fourth declares the orders of the last government for measuring the kingdom, together with the claims for the expences incurred in this business (except the claims of private persons), to be invalid, and orders that in future no such measuring shall be made.

The thirty-fifth determines the connection between the landlord and his peasants, confirms the Urbarium introduced by the Empress Theresa, till the Diet to be held in 1792; when this subject is to be reconsidered: recommends the county courts to see that the peasants are not oppressed; acknowledges the perpetual servitude of the peasants to be contrary to the rights of man, and injurious to the state; and to have been suppressed in 1405, in the reign of Sigismund; in 1458, under the Stadtholder Szylagy; in 1547 and 1550, under Ferdinand I.; and in 1566, under Maximilian: but to have crept in again; and decrees its entire abolition; and gives the peasants leave to quit their landlords, after paying their dues and rents; and to dispose of their moveable property: yet too great an emigration from any district is to be prevented, as being injurious to the nation.

The thirty-sixth orders that the privileges of acquiring landed property, granted by Joseph II., and the rights of those who have acquired them, shall remain undetermined till the next Diet; the present possessors however remaining in the mean time in quiet possession; and that the population and industry may be increased, his majesty promises to divide the estates lying in the counties of

Temeswar, Krasso, Torantal, Bacs, Arad, and Tfanadd, amongst those who are deserving of them. In

The thirty-seventh the king promises that the corn and hay delivered, by order of Joseph, to the army, shall be reckoned as part of the contribution; that he will take into consideration the cases of those who have suffered by the Turkish war; but to favour the royal treasury, the nobles and free towns are only to be paid for what they delivered after the conclusion of the present Turkish war.

The thirty-eighth permits the Jews to dwell in all places (except in the mining towns), as previous to 1790, till the committee has had time to lay before the states further arrangements.

The thirty-ninth orders that the royal courts of justice, &c. &c. shall be transferred to Pest.

The fortieth orders an amelioration in the penal and civil codes, and in the modes of trial.

The forty-first orders a revision of the causes tried under the preceding reign; and decrees the punishment of dis-ennobling the nobility to be invalid.

The forty-second suppresses the use of torture in criminal cases.

The forty-third permits the citizens, and those not noble, to appeal, in criminal cases, to the higher courts, as well as the nobles.

The forty-fourth orders the causes which have commenced in the courts instituted by Joseph, but which are not terminated, to cease; and the documents to be returned to the respective parties.

The forty-fifth declares likewise invalid the causes which have passed judgment; but which judgment still remains to be enforced, &c. &c.

The forty-sixth concerns causes brought before the king's court; which, if there only on points of law, are to be thrown out.

The forty-seventh orders that causes which have passed the king's court may be sent back for further revision.

The forty-eighth orders that causes merely on points of law, brought before the *septem-viral* court, shall be thrown out.

The forty-ninth concerns the revision of causes before the *septem-viral* court.

The fiftieth orders that causes determined and ordered for execution shall remain in *statu quo*; but the suffering party may, in

the ordinary way, commence a new law-suit, and appeal to higher courts.

The fifty-first re-establishes the manor-courts in the rights they possessed prior to the innovations of Joseph II.

The fifty-second orders that law-suits called *octaval* and *tabular*, may be continued before the king's court; for which reason the documents in the archives must be restored to the parties.

The fifty-third orders that causes of appeal before the king's court, not yet terminated, shall be commenced in the legal manner, within the two next terms of the general courts of the kingdom.

The fifty-fourth orders that the judgments of the courts established by Joseph, but now abolished, and other judicial proceedings, shall be valid.

The fifty-fifth confirms the judgments given during the government of Joseph in matters of marriage and divorce.

The fifty-sixth decrees that, in future, trials for high treason shall be brought before the king's court.

The fifty-seventh is to prevent the destruction of the woods and forests.

The

The fifty-eighth places Dalmatia, Croatia, and Slavonia, under the care of the Council of the Lieutenancy.

The fifty-ninth orders that the *contribution* of Croatia and the three counties of upper Slavonia shall be always determined in the Diet, but separate from that of Hungary, and shall never be raised but in the Diet. By

The sixtieth the king promises that the free town Zengh shall be exempt from the military jurisdiction, and its grievances redressed.

The sixty-first is concerning the district of the sea coast called the *Littoral*: and it constitutes Buccari and Port Royal, the first a commercial town and the other a free port.

The sixty-second orders a district lying between the *Carolin* and *Joseph* commercial roads, to be put under the political jurisdiction. In

The sixty-third the king promises to order a commission to examine the differences concerning the territory of Repus, &c. In

The sixty-fourth the king promises that the nobles, and the burghers of the free towns, shall, according to the fifty-ninth article of 1618, be exempt from paying customs and tolls in the military districts.

The sixty-fifth is the offer of the states of their persons and fortunes, in defence of their king and country, if it should be requisite to continue the war against the Turks. In

The sixty-sixth the states promise to raise immediately six thousand recruits, to complete the Hungarian regiments; and to form a plan for a more speedy and efficacious recruiting of the army.

The sixty-seventh appoints the following committees to carry on the reforms in the political, œconomical and judiciary affairs of the kingdom, begun but not terminated in this Diet, whose labours are to be laid before the Diet, which is to meet next year, and to be confirmed by its decrees if approved of.

A committee on Public political affairs.

- The contribution or taxation.
- The urbarial affairs, or matters between the landlord and peasant.
- Trade, customs, and imposts.
- The mines and mint.
- Judiciary matters.
- Literary matters.
- Spiritual concerns.
- Public grievances.

The sixty-eighth appoints commissaries to examine into the differences with the neighbouring provinces, concerning their respective limits.

The sixty-ninth decrees that those who have acquired the *indigenat* (denizenship), but have not paid the usual tax, shall be struck off the list of denizens, if they do not take the oath and pay the tax before the ensuing Diet.

The seventieth decrees; that in conformity to the seventeenth article of 1711, all foreigners possessing rich church benefices, as bishops, provosts (*probsts*), and abbots, shall pay a tax of a thousand ducats into the public treasure; but the provosts, abbots, &c. who enjoy only small ones, shall pay but 200 ducats.

The seventy-first gives the right of denizenship to Prince Cobourg, (without paying the usual tax of 2000 ducats) as a mark of gratitude from the Hungarian nation, for his military services rendered them in defending their country against the Turks, and reconquering Walachia and Moldavia.

The seventy-second gives denizenship to Prince Waldeck, the Baron of Gemingen, Count Clerfait, Count Soro, Baron Spielman, Ignatius Born and Baron Mitrofsky, without paying the usual tax.

The seventy-third gives denizenship to several persons named therein; to some on paying half, to others on paying three-fourths; and to others on paying the whole of the usual tax of two thousand ducats.

The seventy-fourth gives denizenship to the Marquis of Manfredini, without paying the usual tax.

Thus a storm raised through imprudent and ill-timed reformations, which might have severed from the Austrian monarchy the finest part of its dominions, blew over; and now the liberty of the peasants, and the toleration of the protestants, were confirmed by acts of the Diet.

The persecution of the latter had often given rise not only to bickerings, but to acts of violence. Shall not injustice, hatred, and avarice, have endeavoured to accomplish their ends under the mask of religious zeal? Shall not a difference of opinion in religious matters have been in this country, as in others, a cause of public misfortunes? The rights of the Protestants, by the articles of the peace of Vienna in 1606, agreed on between their Protector Botkai and the Emperor Rudolf; and by the peace of Linz, in 1645, between their supporter Rakotzi and the Emperor Ferdinand III. were solemnly secured: yet this did not prevent them from subsequent persecution under different pretences. How could the best of sovereigns, when

surrounded by their enemies, ever active in their endeavours to render them odious to him, by describing them as a most dangerous sect, be their protector? Under the virtuous Theresa they were not less vexed, than under the profligate prince, who was taught, that his deviations from virtue might be made up for by zeal to the true church. By a *resolution* of Theresa, in 1749, it was ordered, that those who should leave the catholic persuasion, should be imprisoned for two years; and if within this time they should not return to the church, they should be sent to hard labour!!! But let it be known, for the honour of Hungary, that in the Diet of 1791, when the rights of the protestants were confirmed, exclusive of the clergy there were only eighty-four members who voted against them; though two hundred and ninety-one for them; of whom one hundred and eighty-one were Magnates, and the greatest part of them catholics. How great an honour is this spirit of toleration to the Hungarian nation!—Where is there a nation in Europe, in which the seceding religions have the privileges they have here? entire freedom of public worship, with churches and bells, and their own schools and seminaries of learning; and a right to fill all the public offices, and a seat in the legislative councils. It will probably be agreeable to most of my readers to see this more in detail; I shall therefore lay before them a translation of the twenty-sixth article of the Diet of 1791, which is entirely upon this subject.

This article decrees, "That in future, without respecting any

new ordinances or privileges, all orders, barons, magnates, nobles, royal free towns; as likewise the market towns and villages, shall have the free exercise of their religion; with liberty of building churches, even with steeples and bells, and possessing schools and churchyards: and nobody, of whatever rank he may be, under any pretext, shall be in anywise hindered or impeded in the enjoyment of this privilege, by his majesty, or other landlords. The peasants, whether resident in market towns, villages, or royal domains, shall likewise, for the general good and public peace, not be prevented from enjoying the same advantages, either by his majesty, his ministers, or other landlords. For the confirming of which it is decreed, that henceforth all distinction of public and private worship shall cease; that private shall no longer exist; but that everywhere it shall be public; consequently it shall now be permitted to the protestants (as it will be fixed afterwards) to appoint ministers, build and repair churches, with or without steeples, parsonage houses and schools, everywhere; even in those places where hitherto there have been none; without further leave being granted; but with this proviso, that, as the government must be particularly attentive to the support of the *tax-bearing* subjects, where it is intended to introduce free religious worship, to build churches, chapels, or to appoint ministers, previously a mixed committee of the county, in the presence of the landlord, yet without the diocesan, shall be held, accurately to examine and to acquaint the county of the requisite expences to be incurred; of the

number and wealth of the people and settled inhabitants, and whether they are able to bear the requisite expences; and when according to this examination it appears that the number of the people and the funds are sufficient, the landlord shall fix a spot of ground, where the church, parsonage house, and school may be built. But the catholic inhabitants are by no means bound to assist, either by money or labour. This is likewise to be observed towards the protestant landlords and people, when a catholic church is to be erected.

“ But it is to be observed, that the introducing of religious worship, the building and repairing of the churches and parsonage houses, &c. always remain free and unrestrained to the protestant nobles and landlords.

“ In consequence of this religious liberty, the protestants cannot under any pretext, under the penalty of pecuniary fines, whether they are artificers or people of rank, be compelled to be present at the holy mass, processions, or other religious ceremonies, notwithstanding corporation privileges.

“ The protestants of both confessions must in religious matters depend on their own spiritual superiors alone; but that this subordination in spiritual matters may obtain its proper organization, his sacred majesty has resolved to establish that order, which meets with the general approbation of the clergy and laity of the protestant religion,

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as well concerning the appointment of superiors and directors, as the other regulations, without invading religious liberty; for which reason his majesty, in consequence of his right of supreme inspection, will hear the protestants, and likewise take care that a proper discipline, agreeable to the principles of their religion, shall be introduced: in the mean time it is decreed, that the church laws already existing, which are introduced by their directors, and which at present are followed, and likewise those which in future, according to the sense of this law, shall be introduced, shall not be altered by any *dicasterial* or royal ordinance. They shall not only be allowed to form consistories, but likewise to call synods; his majesty to appoint the place of their meeting: but his majesty must previously be informed of the number of the persons to be present, and the business to be considered, which shall likewise be determined by him; and likewise such a synod called by permission of his majesty, whether it be of the Lutherans or Calvinists, must admit to be present a deputy from his majesty, if he requires it, of whatever religion this deputy may be; who indeed cannot direct or preside, but only have the inspection. But the church laws or ordinances made in these synods, shall only be valid after the royal inspection and approbation; and his majesty, notwithstanding the mentioned liberties, has reserved to himself the executive power of supreme inspector, through the legal courts, as likewise the other royal prerogatives in the religious concerns of the protestants.

“ The protestants can likewise retain their *trivial* and grammar schools

schools where they are already existing ; and can, with the royal consent, establish new ones, both inferior and superior ; appoint or dismiss professors, rectors, subrectors, and school-masters ; increase or diminish them ; and in future elect local, superior, and general directors, or curates, of the schools from amongst themselves ; likewise fix the method and order of study : but here likewise his majesty has reserved to himself, through the legal courts, the superintendance, so that the general management of the literary *police*, the determination of which the states have most humbly referred to his majesty, shall extend over this. The students shall be permitted to collect (money) for themselves, or for their ministers, and to frequent foreign academies, and enjoy all the *stipendia* destined for them. The protestants can freely print *symbolic* (catechistical), theological, and other religious books, under the care of those whom they have chosen for this purpose, and whose names have been transmitted to the royal lieutenancy ; but with this condition, that they contain no derision, ill-natured or satirical remarks upon the catholic religion ; upon the responsibility of the *censors*, who have permitted their impression. The three copies, as ordained by the law, must be transmitted to his majesty, through the royal lieutenancy.

“ The church dues which the protestants have hitherto paid to the catholic parish priests, school-masters, or other such officers, either in money, productions, or labour, shall in future entirely cease, and after three months, reckoning from the publishing of this law, shall be no more any where demanded, except the protestants make use
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of them of their own accord; and in this case they must render the same as the catholics. How this deduction, from the incomes of the catholic parish priests, may be made good to them, his majesty will condescend to hear the representations of the royal lieutenancy; but it is now made known, that he will never permit any thing to be demanded from the *tax-bearing people* *, or the royal treasury, on account of these indemnifications.

“ On the building or repairing of churches, parsonage-houses and schools, the protestants are not obliged to assist the catholics with labour, nor the catholics the protestants; therefore the former contracts of this nature are hereby declared invalid.

“ The protestant ministers may visit the sick and imprisoned of their religion, with the requisite care and prudence, at all times and in all places; prepare them for death, accompany them to, and support them at, the place of execution; but may not make any harangues to the people. The catholic priests when they are called to the sick imprisoned, or to those sentenced to die, and observe the requisite care, can by no means be denied admittance.

* The reader should be informed, that when a peasant through poverty or any other cause is obliged to leave his farm, which is a kind of copyhold estate, his landlord takes possession of it; which then being in the hands of a nobleman pays nothing to the government.

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“The public charges, offices, and honours, whether high or low, great or small, shall be given to natural-born Hungarians, who deserve well of their country, and possess the other requisite qualifications, without any respect to their religion.

“The protestants are freed from swearing by the usual legal oath, that is, *by the holy Virgin Mary, the saints and chosen of God.*

“The pious foundations and donations of the protestants which already exist, or which may in future be made for their churches, ministers, schools and students, hospitals, orphan-houses, or their poor, cannot be taken from them under any pretext, nor yet the care of them: but rather the unimpeded administration of them shall be intrusted to those from amongst them to whom it legally belongs; and those foundations, which perhaps may have been taken from them under the last government, shall be returned them without delay. The supreme royal inspection extends itself likewise over such foundations, to the end that the intent of the founders may be answered.

“All affairs of marriage of the protestants are left to the decision of their own consistories: nevertheless his majesty, out of his royal care, after having consulted the protestants, will take such measures that the organization of the consistories may secure the rights of the litigating parties; and at the same time the principles by which these are

to judge shall be transmitted for his inspection and approbation. In the mean time, these lawsuits on marriage shall be tried in the civil courts according to the principles laid down of late years, that is, before the courts of justice, in the counties and districts where these exist; and before the magistrates in the royal free and mining towns; yet with the right of appealing, when the circumstances require it, to the royal court, and even to the *Septem-viral court*.

“ It must be observed, that the sentence of divorce only possesses a civil effect, and the bishops cannot be bound to admit of the entire dissolution of the marriage bond; nor extend it to the catholics in cases where what is considered by the laws as a degree of consanguinity prohibited in marriage is by the principles of the protestants allowable. His majesty has, as it was done under the emperor Joseph, allowed them once for all, to contract marriages in the third and fourth degree of consanguinity, without further dispensation.

“ As by these laws the free exercise of religion and the maintenance of the churches, schools, &c. &c. of the protestants are provided for in the surest manner; it is likewise determined, for the further maintenance of peace and harmony between the catholics and protestants, that both parties shall remain in the possession of the churches, schools, &c. &c. which they now possess; the foundations of the catholics being in future applied to the benefit of the catholics, and those of the protestants for the use of the protestants; so that not only all re-

coveries on both sides shall be forbidden (except that the protestants are allowed to prove their claim to the Zirmay, Hrabowsky and Apaffy foundations), but likewise no such taking possession of churches, schools, &c. &c. can be permitted, and those who shall be guilty of such acts of violence shall be fined six hundred guldens (about sixty pounds), according to the intent of the fourteenth article of 1647.

“ Since the changing from the catholic religion, to either of the protestant religions permitted by the constitution, is contrary to the principles of the catholic religion, such cases must be made known to his majesty, to prevent any rash steps. It is likewise prohibited, under severe punishments, to entice by any means a catholic to the protestant religion.

“ It has been already made known, that these privileges of the protestants are only valid in the kingdom of Hungary; wherefore the kingdoms of Dalmatia, Croatia, and Slavonia, are left in the further enjoyment of the laws of their country. The protestants therefore within the limits of these kingdoms are not permitted to possess immoveable property, nor to fill public or private offices: yet they have the liberty of maintaining, through the medium of the laws, their ancient rights; and when they by this means obtain their possessions, his majesty takes upon him to provide for their indemnification; and the few places in lower Slavonia, which are partly Lutherans, partly Calvinists, shall con-

tinue in the enjoyment of free religious worship, as hitherto. Lastly, the protestants shall have, on account of commerce and manufactures, free liberty to hire dwellings; but not to acquire houses or landed property from nobles or citizens.

“Children that are, or shall be, born of a mixed marriage (and it is to be noticed that such marriages must always be performed by catholic priests, who are strictly forbid, under any pretence, to attempt to hinder them) shall all be of the religion of the father, if he be a catholic; but if the mother be a catholic, then the male children only are to follow the religion of the father.

“Law-suits on marriage, as well those which exist from the connection between the two religions, as likewise those which arise from the conversion of one sex from the protestant religion to the catholic, belong to the spiritual catholic jurisdiction, because in both cases it is concerning a true sacrament.

“The protestants of both confessions are bound externally to observe the feasts which are now celebrated by the catholics, but not internally, as in their own dwellings, where they are allowed to carry on all their usual professions, which do not disturb religious meditation; and it is by this ordered, that all landlords and masters of families, under the penalty of public prosecution, do not prevent their subjects and servants, whether they be catholics or protestants, from the observance of the festivals and ceremonies of their religion.”

I am sorry to be obliged to detract something from this favourable account by observing, that the kings of Hungary, as first patrons of the church, have great influence in religious matters, as may be seen by the preceding piece; and that as the confirmation of the rights of the protestants has never prevented them from persecution, so probably in future, should Hungary have a bigoted sovereign, they may not be entirely free from molestation. Many of the catholics, and even many of their priests, are no doubt men of liberal minds; yet there are too many still strenuous adherers to the principles of the church of Rome, and artful and intolerant priests too readily get the ascendancy over weak men. A few years ago the lord-lieutenant of the county of Zips was called to account for excluding the Lutherans of his county from some public charge; and it then came out, that he had formerly taken an oath to the catholics to do so.

Father Coppi, an enlightened and learned man, wrote in 1792 a funeral sermon on Count Rada, a very virtuous, respectable and learned protestant, in which he used these words: "Vive igitur, illustrissime comes, vive vitam hanc, quam posuisti beatiorem! Mirabimini forte, hæc ab homine catholico ita dici; verum noveritis, utique nos quoque non alium vivorum atque mortuorum judicem nosse quam qui muneris sibi & quidem soli divinitus datum affirmavit." The censor, an Ex-Jesuit, ordered this to be altered or omitted, saying, "Scandalosum enim est, ut protestanti, nullum signum poenitentiae danti, æternam beatitatem adgratulemur."

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The protestants must not be considered as a small insignificant sect. It is generally believed that the protestants, that is the Lutherans and Calvinists, are equal in number to the catholics; and a couple of centuries ago they were more numerous. It is said in the *Manche Hermaen*, that in 1559 *all the great families except three were protestants*. De Lucca says, the protestants of Hungary and Transylvania, in 1779, were only 450,000; but prior to the conscription of 1785, the population of this kingdom was greatly undervalued, as we shall soon see. Here, as well as in Germany, they are more esteemed for morals, good sense, learning and industry, than the catholics. Yet they have often been treated with great severity, as though they were the worst members of society: from the year 1681 to 1773, they had not less than 675 churches taken from them.