

Prussian Municipal Ordinance of 1808 and its impact on the activity of the municipal government of Świdnica. Historical and legal study

Summary

“Ordinance for All Cities of the Prussian Monarchy” of November 19, 1808, also named Prussian Municipal Ordinance (*Städteordnung*) of 1808, was of lasting importance. It introduced self-government for the urban communes, created the distinction between the salaried executive officials (mayor and magistrate) and the town councils, and so enabled the towns to deal with their local affairs largely through their own citizenry. Even so, the greater towns were put under the supervision of a police president directly responsible to the minister of the interior. Stein’s ordinance pointed the way to the development of municipal life throughout Germany.

The Municipal Ordinance of 1808 defined a citizen (or at least a citizen in the sense of the inhabitant of a town or city) as "a citizen or member of an urban community which possesses the right of citizenship in a town". The municipal councillors were representatives of the town and not of an order or estate. These councillors could be elected by all landowning citizens with a taxable revenue of at least 15 taler. The council managed the municipal budget and the town also managed its own police. Despite some democratic elements, the town administrations retained large corporative elements – the groups were differentiated according to their estates and only citizens had full rights. However, the reform was a step towards modern civic self-government.

The main objectives of this doctoral dissertation are the analysis and interpretation of the regulations that emerged from the Prussian Municipal Ordinance of 1808. The author traces the process of shaping organizational and legal forms of the local government in Prussia in the first half of the 19th century, and also assesses the effects of introducing the new municipal law, by the example of Świdnica's local government, in comparison with the former period of Prussian administration (1740-1808).

This dissertation consists of two parts. The first one is devoted to the analysis and interpretation of the regulations introduced by the Municipal Ordinance, adopted on November 19, 1808. In order to understand the essence of that Act, referred to by the commentators and glossators of that time as the “spirit of the Ordinance” (*Geist der Städteordnung*), it was necessary to conduct a detailed analysis of its own provisions. The chapters devoted to that issue are supposed to bridge the gap in Polish literature on the subject.

The second part of the work shows practical application of the regulations introduced by the Municipal Ordinance, by the example of Świdnica’s self-government, as well as its influence on the form of the local policy. In fact, subsequent chapters of the work illustrate the position of Świdnica in terms of the reform of the local governmental administration, its multi-faceted importance (political, economic and social) for the town and its residents. These chapters also show the influence that the Municipal Ordinance had on the economic, social and cultural development of Świdnica. The City Code was in operation from 1808 until 1853, when the new City Act, adopted that year, entered into force.

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