

**Hamburgisches Stadtrecht von 1497 [Hamburg Code of Municipal Law]; Langer Rezess [Long Ordinance] (1529); Hermann Röver, List of Councilors from the year 1190 to 1670 In German (Middle Low-German) and Latin, illuminated manuscript on paper Northern Germany, Lower Saxony, 1570-1573 with additions until 1670**

[I] - 371 – [I] ff., apparently missing only f. 313, 31 quires, mostly of 12 (collation: i-xi<sup>12</sup>, xii<sup>10</sup>, xiii-xxi<sup>12</sup>, xxii<sup>14</sup>, xxiii-xxvi<sup>12</sup>, xxvii<sup>(12+1)</sup>, xxviii-xxx<sup>12</sup>), on paper (with watermarks close to [1] Briquet no. 1837, Armoiries, trois fleurs de lis, chef chargé de nuages d'où sort une main, surmontées d'un quadrilobe et posant sur un cartouche SNIVELLE: Holland, after 1560, [2] Briquet no. 5316, Croissant couronné, posé sur les initiales DD, et surmonté d'un quadrilobe: Namur, 1570), ruled in lead (justification 190 x 120 mm.), contemporary quire signatures in brown ink on the first recto of each quire up to quire 19, written by a number of different hands in a variety of scripts: (1) a gothic Fraktur script in liquid gold (f. 4) and in red ink for headings and some incipit, (2) bulk of text in a cursive chancery script (e.g. ff. 13-226), (3) a later humanistic slanted script (e.g. ff. 289-289v), (4) a later cursive script (e.g. ff. 290-336), rubrics, paragraph marks and some initials traced or touched in bright red ink, numerous initials with calligraphic penwork, 4 miniatures or diagrams traced in brown and red ink, highlighted in colored wash. Contemporary dated binding of blind-stamped pigskin over wooden boards, sides paneled with roll borders of palmette-motifs, portraits with "Suavitas, Lucreti[a], Iustiti[a] Pruden[tia]," beads-in-medallions (with initials "HR"), central frame stamped with two double plate stamps showing above the Annunciation and the Birth of Christ, with "Concipias in utero et paries" and "Puer natus est nobis et filius" with initials "CK" or GK and below The Baptism of Christ and the Good Samaritan with "Hic est filius meus dilectus" et "Dolores nostros ipse bajulat" (see K. Haebler, Rollen- und Plattenstempel des XVI. Jahrhundertes, Leipzig, 1928-1929, t. I, p. 214, n° VIIa et VIIb: from the workshop of Caspar Kraft the Elder, active in Wittemberg from 1563 to 1571), the front cover stamped in black with "Stadt Boeck" and date "1570," front and back pastedown and flyleaf with watermark (Piccard, "Krone": Xanten, 1564), back sewn on four raised thongs, original brass fore-edge clasps and catches (Some rubbing to binding, some losses at ends of spine and corners, Some waterstains never hindering legibility). Dimensions 306 x 200 mm.

Although some 50 manuscripts are extant of the Hamburg Code of Municipal Law, this deluxe copy is distinguished from most of the other, more ordinary, working copies by its illumination and contemporary binding. It shares similarities with the original illuminated manuscript of the Code, dated 1497, from which it nevertheless deviates by the inclusion of later texts, critical to the later governing of the city. Perhaps the manuscript documents the local conflict between the citizens and the governing body that was resolved shortly before the date of the present manuscript.

## PROVENANCE

1. Manuscript contains the painted arms of the city of Hamburg, *d'argent à un chateau de gueules* (f. 3), and it must have been made for one of the councilors of Hamburg. This codex bears signs of continued use with some added *nota* and marginal remarks (see in particular *Stadtrecht*, section I, articles 18-19).

2. Late eighteenth or nineteenth-century armorial bookplate pasted on the front pastedown, owner unidentified (*coupé au 1 d'argent au lion contourné et léopardé, au 2 de sinople plein, avec cimier au lion*), with monogram AR and presumably a shelfmark "6.830/6."

## TEXT

This codex contains three separate yet closely related texts, all pertaining to Hamburg Municipal Law: these are the *Hamburgisches Stadtrecht von 1497* (Code of Municipal Law for the City of Hamburg, redacted in 1497), a copy of the *Lange Rezess von Hamburg* (1529) (Long Ordinance) and a List of City Councilors composed by Hermann Röver in 1543, and here copied with important continuations until 1670.

ff. 1-2v, blank;

f. 3v, blank;

f. 4, Date, 22 July 1570, "Anno Domini millesimo quingentesimo septuagesimo. 1. 5. 7. 0. 22 Julii";

f. 4v, blank;

ff. 5-5v, Poem on Municipal Good Government (copied in red ink), title, *Ein ser schon unde herlick sproeke Rimeswise gesettet*, incipit, "Wultu eine Stadt regeren, er mit truwen vorweisen ...";

Poem also found in the following manuscript: Hamburg, Staatsarchiv, Handschriften Sammlung CXVI, also dated 1570, copy once belonging to Johann Huge;

ff. 6-12v, blank;

ff. 13-135, *Hamburgisches Stadtrecht* (1497) [Hamburg Code of Municipal Law], with f. 13, heading, *Van Ordineringe und geschick der bogesten oeueriheit desser erenmtriken Stadt Hamborch*; ff. 13-18v, Historical Prologue: "So denne menniger hande gebreke halven ein Radt tho Hamborch..."; ff. 16v-18, Adolphe VI, Count of Holstein-Schauenburg, Privilege of the consuls of Hamburg (20 March 1292), with heading, "Sequitur privilegium civitatis Hamborg"; incipit, "Adolphus, Gerhardus, Johannes, Adolphus et Henricus Dei gratia comites Holzatiae et in Schowenborch, omnibus praesentia visuris constare volumus..." [copied in a humanistic script]; followed by a summary in German on ff. 17v-18, "De summarie des gesectzten privilegii" [Summary published in J. M. Lappenberg, *Hamburgisches Urkundenbuch*, Hamburg, Perthes, 1842, t. I, pp. 722-723, n° DCCCLX].

ff. 18v-28v, Rights and privileges of the City of Hamburg, ff. 19v-22v, History of the Sovereignty of the City of Hamburg, with heading, *Van Herschop der Stadt*; incipit, "Van ambeginne der Christenheit..."; ff. 22v-28v, Rights of the city of Hamburg, heading, *Van der Stadt Rechte*, incipit, "Dit privilegium wiiset und betuget..."; explicit, "[...] Finis privilegii hamburgensis";

f. 29, Oaths of councilors, with heading, *Dut is de Eedt denn de Radtmanne domwen se est gekoren werdenn*, incipit, "Ick swere dat ick disse Stadt wil helpen..." [Ich schwöre, dass ich diese Stadt helfen will...];

ff. 29v-36v, blank;

ff. 39v-48v, blank;

ff. 49-69v, *Hamburgisches Stadtrecht von 1497*; Table of contents, divided into 15 sections;

ff. 70-72v, blank;

ff. 73-77v, *Hamburgisches Stadtrecht von 1497*; Section A, heading, *Van ordinerung und geschick der hogesten oeuericheit desser erentriken Stadt Hambuch*, incipit: "In dem Namen des Vaders unnd des Soenes und des Hilgen Geisters. Deit de Radt unde de wittigesten van Hamborch..." (23 articles); ff. 78-81, Section B, heading, *Van schickinge und vorderinge des neddersten Rechtes* (18 articles); ff. 81-84, Section C, heading, *Wo men horsam unde sekerheit tho Rechte bestedige* (15 articles); ff. 84-85, Section D, heading, *Van vormunderschop* (6 articles); ff. 85v-92v. Section E, heading, *Van allerhande bewise van tugen* (33 articles); ff. 92v-94, Section F, heading, *Van denste unde gesinde* (9 articles); ff. 94v-98v, Section G, heading, *Van erue egen und hure dar van kamende* (17 articles); ff. 98v-101, Section H, heading, *Wo men erue vortinse unde vorpande* (12 articles); ff. 101v-108, Section I, heading, *Van vortruwinge und ersschichtunge* (30 articles); ff. 108v-111, Section K, heading, *Van giften bi leuende efte na dode* (12 articles); ff. 111v-115, Section L, heading, *Van allerhande plichten unde schulden* (18 articles); ff. 115-119, Section M, heading, *Van wedde und bothe* (20 articles); ff. 119-120, Section N, heading, *Van vorsate* (4 articles); ff. 120-124v, Section O, heading, *Van pinlikeenn saken dat hogheste belangende* (23 articles); ff. 125-135, Section P, heading, *Hir beginnet dat schiprecht*, with sub-sections "Van den Reders der schepe" (articles 1-3), "Van den schipheren und ereme gesinde" (articles 4-25), "Van den frachters" (articles 26-30), "Van warpinge" (articles 31-41), "Van schipbroke" (articles 42-46), "Van auersegelinge" (articles 47-49), "Van seroue" (article 50);

This first part contains a copy of the 1497 Code of Hamburg Municipal Law [*Hamburgisches Stadtrecht*], of which there are some fifty recorded copies in manuscript. The original manuscript is in Hamburg (Staatsarchiv, Senat, Cl. VII, Litt. L<sup>a</sup>, Nr. 2, vol. 1<sup>o</sup>). The intercalation of a copy of the Municipal Privileges in the Prologue does not appear in other codices and might be the reflection of the political context of the time. During the same years, Adam Tratziger (c. 1523-1584) redacted his Chronicle that establishes Hamburg as an autonomous city within the Empire: indeed, after 1555 and the Peace of Augsburg, Hamburg was keen to differentiate itself and establish itself as an independent municipality not subjected to the rule of the King of Denmark or the Count of Holstein. The present 1497 *Hamburgisches Stadtrecht* was published in the following works: Christian von Nettelbladt, *Thesaurus juris provincialis et statutariorum illustrati Germaniae, oder vielmehr Samlung zur Erläuterung deren Provincial- und Statutarischen Rechte Teutschlandes*, Giesen, J. C. Schröder, 1756, t. I, vol. 1, pp. 633-720; Christian Daniel Anderson, *Hamburgisches Privatrecht : Hamburgische Statuten v. d. J. 1270, 1276, 1292 und 1497*, Hamburg, C. E. Bohn, 1782-1792, t. I, pp. 363-488; Johann Martin Lappenberg, *Die ältesten Stadt- Schiff- und Landrechte Hamburgs*, Hamburg, J. A. Meissner, 1845 (*Hamburgische Rechtsalterthümer*, 1), pp. 165-320 (Reprint: Aalen, Scientia-Verlag, 1966); On-line: <http://www.rzuser.uni-heidelberg.de/~cd2/drw/F1/lappenb/liste.htm>

ff. 136v-154v, blank;

ff. 155-226, *Der Lange Rezess von Hamburg* (1529) [Long Ordinance, Hamburg, 1529];

ff. 155-162v, Table of contents, including 132 articles;

ff. 163-166v, blank;

ff. 167-167v, *Der Lange Rezess von Hamburg* (1529) [Long Ordinance, 1529], Prologue, "Gade dem Allmechtigen to laue und Romescher Keiserlicher maiestat des geliken ock dem erfbaren landesheren"; incipit, "De wo ere vorvaren Hamborch mith mercklichenn privilegien..."; ff. 168-226, Articles 1-132 (numbered 130, articles 130-131 omitted), "Dat firgheit idermande tho Hamborch wan afftich in gerichte geneten mach. Vor erst dath men nha dussem dage nemande he si Borgemeister, Radtman, Borger..."; explicit, "[...] in dusser guden Stadt nderholden unde gehanthavet werde. Deß help unß de Vader und de Soene und de hillige Geist. Amen";

This copy presents important differences with the published edition. Other copies include Berlin, Staatsbibliothek zu Berlin, PK, MS germ. qu. 1474; Gießen, Universitätsbibliothek, MS 1052, ff. 155r-272r; Hamburg, Staatsarchiv, Senat, Cl. VII, Litt. L<sup>a</sup>, Nr. 1, vol. 3<sup>a</sup>. See Hans Feldtmann, "Der zweite Rezeß vom Jahre 1458," in *Zeitschrift des Vereins für hamburgische Geschichte* 27 (1926), pp. 141-196. Published in Lünig, Johann Christian, *Das Deutsche Reichs-Archiv* [...], pars specialis, Leipzig, Lankisch, 1713-1722, vol. IX (4. Continuation, Teil 1), 1714, pp. 965-988 (Reprint, Genschmar, Gruber, 2003 [*Nachdrucke zur Geschichte des öffentlichen Rechts*])); Translation in Bartels, Johann Heinrich, *Neuer Abdruck der vier Haupt-Grundgesetze der Hamburgischen Verfassung* [...], Hamburg, A. Campe, 1823-1825, t. II : *Supplementband zu dem neuen Abdrucke der Grundgesetze der Hamburgischen Verfassung und dessen Nachtrage* [...].

ff. 226v-288v, blank.

ff. 289-336, Hermann Röver, *Namen der Ratspersonen zu Hamburg* [List of City Councilors for Hamburg], with f. 289, heading, "Annotatio oder Beschreibunge der Nhamenn der Raths Personenn so zu Hamburgk im Rathe gewesenn, davonn menn Nachrichtung hat, aus alten Recessen, schriften und Briefen zusammen gelesen unnd verfasset durch M Hermannum Rover. A° 1543. Nhun aber widerumb auffs neue ausgeschriebenn Anno 1573"; f. 290, incipit, "Eine Furrede M. Herman Roverß an denn Leser"; f. 289v, core text preceded by a Latin epigram by Johann Ritzenberg, heading, *Epigramma M. Johannes Ritzenbergs secretarius huius civitatis*; incipit, "Res alias hominum cum mors sine judice tellat..." [Johann Ritzenberg was the succeeded to Hermann Röver in his various functions and responsibilities (Ratssekretär [secretary of the Senate] in 1535 and protonotary in 1540)];

Hermann Röver was secretary of the Senate ("Ratssekretär") in 1528, subsequently protonotary in 1538 and finally "Ratsherr" himself in 1540. His List gives the succession of councilors until 1543, and remains hitherto unpublished. A number of copies of this List are recorded, some with extensive continuations beyond 1543, including: Hamburg, Staats- und Universitätsbibliothek, Codices Hanseatici, MS I, 47, 2; MS. I, 49, 1 with continuation until 1618; MS I, 52, 3; MS I, 57, 5 with continuations until 1620 and until 1762); Stanford University Libraries, Socrates, MS M 441; Wolfenbüttel, Herzog August Bibliothek, Cod. Guelf. 17 Aug. 2° Nr. 2194, with continuation until 1584.

From the Middle Ages on, the city of Hamburg was largely in a position of autonomy with regards to other authorities, and as of the fifteenth century it was governed by a Senate, composed of co-opted members elected for life. The laws and rights of the Hanseatic city of

Hamburg were consigned and recorded in a number of acts and documents: privileges, codes of municipal law ("Stadtrecht"), *reces* (in German "Rezeß"), and the judgments pronounced referred to as "Bursprake."

In the fourteenth and fifteenth centuries there were a number of "rival" or opposing redactions of the codes of municipal law, each more or less independent from the other. These were the original 1270 *Ordeelbook*, of which the oldest preserved copy is dated 1493. This *Ordeelbook* (revised in 1276 or 1277) and the *Rotes Stadtbuch* of 1301 were accessible only to the Senate. However, compilations and copied versions began to circulate and were accessible to the gentry and burgesses. To avoid the confusion brought on by the circulation of these diverging or differing versions, the Senate decided on 31 October 1497, in accordance with the town gentry, to revise the Code of municipal law. This revision was completed and announced by the mayor Dr. Hermann Langenbeck on 24 November 1497. The result of such a revision was the promulgation of the "Hamburgisches Stadtrecht von 1497," whose Prologue reaffirms the unlimited autonomy of the City of Hamburg.

The "reces" (in German "Rezeß") are fundamental ordinances concerning a wide range of subjects, promulgated between 1410 and 1712 (*Hauptrezß*). A great number of these "reces", for instance those of 1410, 1458, 1483, 1570, were enacted following revolts the gentry waged against the Senate, demanding a greater implication in the affairs of the city. The Long Ordinance or *Langer Rezeß*, was named accordingly because of its length (it contains 132 articles) and was promulgated in 1529, at the same time as the ordinance enacted by Johann Bugenhagen that regulated life in Hamburg following the adoption of the city of the Protestant Reformation. The *Langer Rezeß* is a central ordinance that structured the municipal institutions of the Hanseatic City and coordinated the relations between the burgesses (dispatched in the four parishes of St.-Peter, St.-Nicholas, St.-James and St.-Mary Magdalene), the three representative councils, and the ever-powerful Senate ("Rat"). This "Long ordinance" was continually copied and reprinted, even after the publication of the new Statutes in 1603 (see for example the *Langer Rezeß* still included in *Der Stadt Hamburgk Gerichts-Ordnung und Statuta*, Hamburg, M. Frobenii durch Paul Langen, 1605; see exemplar: Paris, BnF, F-14811).

The association of these fundamental texts, still copied in 1570, is most interesting at a time when the gentry had undertaken a new movement of protest against the Senate, the latter accused of poor administration and governance. The present manuscript was copied soon after the promulgation of an ordinance ("reces") dated 29 May 1570 that establishes a truce and pacifies the relations between both the gentry and the Senate. The present manuscript was obviously a deluxe copy, carefully copied and bound, and must have been intended for a member of the circle of the city councilors or the Senate, much like another copy made for Johann Huge, a member of the Senate (Hamburg, Staatsarchiv, Handschriftensammlung CXVI).

## ILLUSTRATION

f. 3, Painted Arms of the City of Hamburg;

f. 37, Allegory of Responsibility ("Rekenschop," in modern German "Rechenschaft") and of Family, based on the Biblical quote "Et erunt duo in carne una," preceded by rubric, "In desser figuren machme schowen de Rekenschop des Sasseschenn Speigels..." and explanation "Darumme secht de schrifft Et erunt duo in Carne una..." Pen drawing highlighted in colored

wash of a body with two heads (Bicephalic body), representing the union of lineage (a child unites the blood of both parents);

f. 38, Tree of Consanguinity (*Arbor consanguinitatis*), stemming from a small tumulus with barking dogs coming out of holes (terriers?) in the ground;

f. 39, Tree of Affinity (*Arbor affinitatis*), stemming from a tree trunk;

Both trees are included here because the councilors must swear never to take advantage of their position, a condition that also applies to their respective families and relatives up to the third degree (see Online Resources below, Link to Statutes of 1603). Such trees allowed for such clarifications in a given councilor's lineage.

Dated 1497, the first manuscript of the Statutes (preserved today in Hamburg, Staatsarchiv, Senat, Cl. VII, Litt. L<sup>a</sup>, Nr. 2, vol. 1°) is very richly illuminated. It contains 18 miniatures that have been extensively studied insofar as they illustrate Hamburg institutions and how they functioned (see esp. the works by Binder cited below). The Hamburg codex was certainly made as a pictorial and textual record for the municipality itself, and it has long been recognized as a key source for the history of the city, its commerce, and its art. Its miniatures are attributed to the Hamburg painter Absolon Stumme.

With the exception of the deluxe manuscript of 1497, the various other extant copies are rarely illustrated and survive rather as working copies for jurists and members of the Senate. Previously unknown, the present manuscript, illuminated like the 1497 manuscript, was thus probably also made for the Senate or for one of its members, as would be suggested by its deluxe appearance and fine binding. It merits further study for its deviations from the 1497 manuscript, textually and pictorially, deviations that may eventually yield clues to the origin of the manuscript.

## LITERATURE

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## ONLINE RESOURCES

On the Lange Rezeß in 1529

[http://de.wikipedia.org/wiki/Hamburgische\\_B%C3%BCrgerschaft](http://de.wikipedia.org/wiki/Hamburgische_B%C3%BCrgerschaft)

Edition of the Statutes of 1497

J. M. Lappenberg, *Die ältesten Stadt- Schiff- und Landrechte Hamburgs*, Hamburg, J. A. Meissner, 1845, p. 165-320, reprint : Aalen : Scientia-Verlag, 1966, en ligne :

<http://www.rzuser.uni-heidelberg.de/~cd2/drw/F1/lappenb/liste.htm>

On the Statutes of 1497

<http://www.rzuser.uni-hd.de/~cd2/hdhs/> > Hamburgisches Recht > Hamb. Stadtrecht von 1497

Digitized and transcribed version of Statutes of 1603

[http://www.ub.uni-bielefeld.de/diglib/2006/statuta\\_hamburg/](http://www.ub.uni-bielefeld.de/diglib/2006/statuta_hamburg/)

[http://de.wikisource.org/wiki/Der\\_Stadt\\_Hamburg\\_Statuta\\_und\\_Gerichts\\_Ordnung](http://de.wikisource.org/wiki/Der_Stadt_Hamburg_Statuta_und_Gerichts_Ordnung)

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