

This mandate having in some measure restricted the demands of the commoners, the Act of 1832 was passed, by which it was decreed that after January 1, 1833, any servitudes or rights could be abolished or commuted,—1st, by mutual agreement; 2nd, at the demand of either party, lord of the manor or commoner.

The various servitudes are classed as under :—

- (a) Various rights of grazing.
- (b) Forestal rights, viz., those of felling trees, collecting leaves, grass, and litter, and of tapping trees for turpentine.
- (c.) The rights of cutting grass, reeds, and turf in the woods, as on other lands.
- (d.) The rights of digging sand and loam, and of quarrying stone.

The commutation may be by payment of a lump sum of money, by an annuity, by division of land, or (in class *b*) by a yearly quantity of wood. The lord of the manor may choose in which way the commutation shall be paid, and he may choose one or more different ways.

When this law treats of rights and servitudes to be commuted, it is only meant as far as any one has exercised real right on the ground of another person, and does not treat of rights exercised by asking the owner's permission, or by revocable consent.

In cases when a community is lord of the manor, or has rights and servitudes to exercise, the act of commutation is to be by vote, the votes being counted and the funds raised in proportion to the voter's station and rank in the community. Any individual member of a community may, however, dispose of his rights without the concurrence of the rest of the community.

In the removal of mutual servitudes, servitudes on each side of equal services are not taken into account, the only item to be considered is the comparative magnitude of the one servitude.

On a petition being presented by either party for commutation, the first point to be ascertained is the extent of the servitudes. The cattle to be pastured are to be determined as in the mandate of 1813. If sand and loam are judged by the commissioners to be absolutely necessary for the commoner, the lord of the manor may restrict him to one part for digging the same.

In the commutation, the damages which the commoner is to receive are to be assessed as follows :—If the lord of the manor petitions for commutation, the damages to be paid are what the regular exercise of the rights would bring; that is, what the commoner will lose by the falling away of the servitudes. If, however, the commoner petitions, the lord of the manor may select whether the damages are to be assessed as above, or according to the advantages which the land will gain by being freed of the servitudes.

The above is a summary of the chief paragraphs of the Act.

The method of working the Act is as follows :—The matters to be decided come,

- 1st. Before a special commissioner.
- 2nd. Before a general commissioner.
- 3rd. Before the higher courts of law.
- 4th. Before the Ministry.

A case for commutation comes, therefore, first before the special commission composed of two members—(1) a member of the bar qualified to act as actuary and judge, (2) a practical farmer, preference being given to those who own or farm large estates. This commission acts on the spot where the ground in question lies. The special commissions are appointed and directed by the general commissions.

The court of appeal above the special commission is that of the general commission, composed of two members of the bar and of two farmers, for the ordinary work, which consists in arranging the special commissions, &c., &c.; but in cases of appeal, the court is strengthened by two judges from the upper courts.

The last appeal can be made to the upper courts of law, except when complaints are made against the general commission or upper courts, when they are heard by the Minister of the Interior.

The parties concerned have to bear equally the expenses of the special commission (surveying the land, daily pay, and travelling expenses), and have also to provide free lodging when servitudes are to be commuted; when rights are commuted, the costs are apportioned to the parties by the commission.

In cases of appeal to the general commission, the court decides in each case whether the costs are to be borne by both parties, or by which side. In most cases the costs are borne by the State.

Another feature of the commutation in Saxony is what is called the *Landrentenbank*. This State bank issued mortgage bonds to the lords of the manor at $3\frac{1}{2}$ per cent., so that they were enabled to pay the commoner at once. The bonds were to be gradually repaid, the capital of the bank being found by the State. The manor was therefore mortgaged to the extent of the bond issued. This appears to have worked very satisfactorily.

By the supplement to this Act, dated May 15, 1851, all servitudes and rights, for whose commutation no steps, up to January 1, 1854, have been taken, continue only as personal obligations on the lord of the manor and his heirs, as long as the land is not alienated. A petition for commutation must therefore be directed to the general commission before December 31, 1853, or the claims cannot be recognized.

In 1884 all personal obligations in this matter are extinguished. When the Government buys private woods, it is customary to buy them only free of any servitudes, and the vendor pays off the servitudes, if any, with the purchase money (of course before 1884).

I am informed that the general commission and *Landrentenbank* were abolished soon after 1854, there being no further use for them.

BAVARIA.

On my arrival at Munich, I was sorry to find that Herr Von Mantel, who had been so long at the head of the Bavarian Forest Department, and well known as one of the ablest and most experienced