Patrimonial courts

were the feudal courts of the (mostly noble) landlords that existed in Germany and Austria until the middle of the 19th century. They exercised their own independent justice system, the basic jurisdiction, separate from the state. In Tyrol, these patrimonial courts also included those princely courts that were not directly administered by the sovereign or his subordinate officials, but were managed as fiefs or pledged objects by private individuals (mostly members of the nobility). If the patrimonial court also performed administrative functions in addition to its jurisdiction, the term 'Patrimonial Office' was also used for the landlordships with the right to lower jurisdiction.

Formal requirements:
The jurisdiction was associated with the ownership of a property (patrimonium). If it was not church or imperial city property, it was also usually tied to the noble status of the owner. The landlord (e.g., the owner of a knight's estate or a court mark) was the court lord and, as such, was authorized to exercise his jurisdiction over his subjects himself. In the absence of qualifications or if certain state laws required it, he had to exercise the jurisdiction through his own appointed legal scholars (court holders, custodians, court administrators, justices, court directors). Most often, the sovereign had reserved a right of confirmation for himself.

Regardless of this, the right of house ownership in any case grants decision-making and punitive powers, an expression of which was the right of roof ownership. The right of house ownership did not originate only in the Middle Ages; comparable powers already existed in Roman law as the "patria potestas". The right of house ownership, which usually belonged to the feudal lord, also applied to their residence in a castle or other central location. This contributed to the fact that the respective feudal lord was known and accepted as a decision-making and punitive authority, and extensions of their court jurisdiction, which relied on granting (or mere tolerance) by the sovereign, became easily possible organizationally. Such areas could become castles of varying sizes, which had very different powers. Outside their territories, jurisdiction (as a count's court, in the sphere of the Habsburg monarchy generally as a regional court) remained with the ruler or the organs of the respective country, unless it was granted to feudal lords, cities, etc.

Development:
The patrimonial courts came into existence because in the Middle Ages, the sovereigns often granted their jurisdiction not only to cities, but also to subordinate landlords (Afterlehner) such as estate owners, founders, monasteries, etc. This led to the formation of a lower instance equivalent to the sovereign courts.

However, patrimonial courts often only covered lower jurisdiction, namely primarily property, family, inheritance, and estate rights, household order, and in some cases, lower criminal law (e.g., insults, brawls), which were often delegated to village judges. In certain cases and under certain conditions, plaintiffs and defendants could appeal to a state supreme court. However, the landlord's courts were often the last instance for the landlord's subjects, and thus the landlord had great influence over his subjects. The blood, neck, and criminal jurisdiction usually remained with higher courts.

Even Prussia had a regionally highly differentiated court landscape until 1848/49. The so-called patrimonial courts, non-sovereign courts of noble estates and landlords, were gradually introduced in the individual Prussian regions in the course of reforms from 1772 to 1798, although there had already been a basic and sovereign jurisdiction beforehand. A distinction was now made, especially in West Prussia, between separate patrimonial courts and patrimonial district courts, depending on whether a single landlord or several jointly maintained a court. These district courts should not be confused with the state district courts, which since 1849 uniformly formed the first-instance courts in Prussia. In the Rhine Province and the Province of Posen, there were no more patrimonial courts after 1815. The Prussian patrimonial courts in the remaining regions transformed from landlord administrative bodies to modern courts, where primarily the legal matters of the rural population were adjudicated in the first half of the 19th century.

In the Rhine Confederation states of the Kingdom of Westphalia under Jerome Bonaparte, the Grand Duchy of Berg, and the Kingdom of Württemberg, the patrimonial courts were abolished in 1809. Ernst Moritz Arndt (1769–1860) is credited with playing a significant role in the abolition of patrimonial jurisdiction in Swedish Pomerania in 1811. The Duchy of Brunswick abolished the courts by decree on March 26, 1823.

In the Kingdom of Hanover, this was largely accomplished by the decree of March 13, 1821, and entirely by the law of November 8, 1858. In several other states (the Grand Duchy of Oldenburg, Reuss junior line, Waldeck, the Duchy of Saxe-Coburg and Gotha, Altenburg), the abolition took place after 1848, mostly without compensation. In the Kingdom of Saxony, the abolition of the "patrimonial legislation" was carried out by the Court Constitution Act of August 11, 1855. The German Court Constitution Act of 1877 definitively abolished patrimonial courts for Germany.