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**THE SÆBY RIOT OF 1818.
POPULAR PROTEST
AND THE POLITICAL CULTURE
OF LATE DANISH ABSOLUTISM**

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From 22 to 28 August 1818 the inhabitants of the tiny Danish seaport of Sæby in northern Jutland prevented the arrest of the popular parish clerk and peasant lawyer Martin Dietz and order was only restored after the arrival of a command of 200 soldiers from the nearby garrison town of Aalborg. A 29-year-old clerk, who functioned as chief constable in the absence of the regular town bailiff (*Byfoged*), wrote that «the history of Denmark has never seen such united resistance in such a small town».¹ Less astonished was the temporarily appointed judge, a former clerk aged 72, who wrote that in his youth he had seen similar riots during a travel in the Germanies, Poland and Russia, and that «the common people and the mob are alike in all countries».²

These contemporary reactions each reflect the two main approaches to riots and popular disturbances in Danish historiography. The first approach, which originates from a patriotic discourse around the time of the French revolution, sees riots as local exceptions to a particular Danish consensus culture, where social and political conflicts are solved more peacefully than in other European countries. Today this notion is often applied to all Nordic countries by legal historians.³ In contrast to this exclusive model which dominates Danish and Nordic history, a series of isolated studies inspired by English crowd history have documented that riots and popular disturbances were not rare in the territories of the Danish King. Most importantly they also seem to have been inspired by the same values as in the rest of Europe.⁴

The question is whether the popular disturbances of the early modern period can be seen as an early form of political protest. Contrary to the bourgeois revolutions and the class struggle of the latter times, crowd historians saw collective protest actions of the lower estates of the «pre-industrial» period as spontaneous, moral reactions to violations of traditional rights by the emerging market economy and bureaucratic state. But as E. P. Thompson remarked, the moral economy underlying protests against speculation in grain prices in 18th century

¹ Mørch to county prefect Sporon, 25.8.1818 (Landsarkivet for Nørrejylland in Viborg (LaN), B1-204, no. 602).

² Kehlet to Sporon, 31.8.1818 (LaN, B1-204, no. 602).

³ Gerda Bonderup, *Konsensus i Danmark? Staten og lægerne i 1700- og 1800-tallet*, Historie 1994, pp. 90-102. Michael Bregnsbo, *Den danske vej. Om traditionen for den danske konsensuskultur*, Historie 1996, pp. 311-327. Eva Österberg and Sølvi Sogner (eds.), *People Meet the Law*, Oslo 2000.

⁴ Bent Blüdnikow, *Folkelig uro i København 1789-1820*, *Fortid og Nutid* 33 (1986), pp. 1-53. Ole Stender-Petersen, *Politiske bevægelser og sociale uroligheder i Slesvig-Holsten i 1790'erne*, *Historie* 19 (1991-93), pp. 601-640.

England was not entirely unpolitical, since these values impinged on the governments paternalist market-legislation.⁵ Since the 1990's it has become more common to see popular disturbances as part of a regular political interaction between rulers and subjects in the ancien regimes.⁶ The Swiss historian Peter Blickle even claimed, that the early modern state was created from below by the demands of the commoners for «good police».⁷ According to his compatriot Andreas Würgler popular riots also inspired the bourgeois revolutionary movement of the 18th century.⁸ A Nordic example of this new political history from below is the Swedish historian Karin Sennefelts analysis of a peasant uprising in 1743 in the province of Dalarna in relation to the political culture in the Swedish «Age of Liberty». This study is inspired by political mobilization theory, which integrate the structures and reactions of the established political system in the analysis of contentious politics.⁹ This method should also include the criminalization of popular protests in the ancien regimes, which has been a neglected theme in legal history until recently.¹⁰

As abnormal events riots are particularly suited for microhistorical studies of normally unspoken norms and discourses.¹¹ This is also the purpose of the following analysis of the riot in Sæby, where I will look for traces of politics in the legal procedures of the participants. After a

⁵ E. P. Thompson, *The Moral Economy of the English Crowd in the Eighteenth Century*, *Past & Present* 50 (1971), pp. 76-136, p. 79.

⁶ Peter Blickle (ed.), *Resistance, Representation and Community*, Oxford 1997. Nordic research on riots and political culture: Harald Gustafsson, *Political interaction in the old regime. Central power and local society in the eighteenth-century Nordic states*, Lund 1994. Kimmo Katajala, *Northern Revolts, Medieval and early modern peasant unrest in the Nordic Countries*, Helsinki 2004.

⁷ Peter Blickle, *Einführung. Mit den Gemeinden Staat machen*, in Peter Blickle (ed.), *Gemeinde und Staat im Alten Europa*, München 1998, pp. 1-20, p. 14.

⁸ Andreas Würgler, *Unruhen und Öffentlichkeit. Städtische und ländliche Protestbewegungen im 18. Jahrhundert*, Tübingen 1995.

⁹ Karin Sennefelt, *Den politiska sjukan. Dalupproret 1743 och frihedstida politisk kultur*, Hedemora 2001. Michael P. Hanagan, Leslie Page Moch, and Wayne te Brake, *Challenging Authority: The Historical Study of Contentious Politics*, Minneapolis-London 1998, «Introduction», pp. ix-xxix.

¹⁰ A recent exception is Joachim Eibach's survey of the criminal records of Frankfurt in the 18th century, which include a section on the prosecution of riots, «insulting» petitions and other kinds of insubordination. Joachim Eibach, *Frankfurter Verhöre. Städtische Lebenswelten und Kriminalität im 18. Jahrhundert*, Paderborn 2003, pp. 107-202.

¹¹ A pioneer study in this genre, see Emmanuel Le Roy Ladurie, *Carnival. A People's Uprising at Romaines 1579-1580*, London 1979.

short introduction to the political culture of Danish absolutism I will describe the complex interaction between Dietz, his followers and the authorities. This leads to the analysis of the arguments of the challengers and the established authorities, which will show a typical early modern discourse about legitimacy and order, but also some discrepancies, that point towards a modern political «governmentality». The case is also a good example of how, even a strict absolutist state like the Danish monarchy relied on middle powers and popular support, but also how the emerging bureaucratic state was beginning to erode traditional hegemonies.

The Political Culture of Late Danish Absolutism

Absolutism was introduced in Denmark by a coup d'état in 1660 and lasted until 1848. Estate assemblies were forbidden and only allowed on a consultative basis in 1834. The Royal Law of 1665 gave the Danish King unrestricted powers unlike any other ruler in Europe, and in 1683 the medieval country laws were replaced by King Christian V's Danish Law. The rural and urban elites gradually lost their privileges and were replaced at first by royal clients and later by legally trained bureaucrats, as the administration and legal system became professionalized during the 18th century. The largest administrative unit was the county (*Amt*) headed by a royal prefect (*Amtmand*). The counties were divided into hundreds (*Herred*) and privileged towns (*Købstad*), rural and urban districts with their own courts headed by royal bailiffs (*Foged*), who were judges, chief constables and administrators at the same time. The church and the manors also had administrative tasks, and some manors had their own courts (*Birk*). During the 18th century many offices were cumulated on the same hands due to bureaucratic professionalization. The legal system was three-layered. The country and magistrate courts (*Landsting, rådstueret*) functioned as second appeal instance and the King's Supreme Court (*Højesteret*) as the last. Besides this minor corporate units like villages and guilds exercised some jurisdictional power in minor cases. To ease the increasing pressure on the legal system conciliatory committees were set up in 1795 and the inquisitorial process introduced in criminal and police cases in 1796.

The second half of the 18th century was dominated by enlightened reforms especially during the reign of the mad King Christian VII, first 1770-72 under the throne usurper Struensee, who introduced the free-

dom of the press, and later after a coup in 1784 by the crownprince, later Frederik VI, and a group of progressive civil servants. The latter regime is mostly known for its agrarian reforms, which loosened the feudal bonds of peasantry and stimulated the rapid enclosure of village commons. A sign of a move towards a modern political culture was that the absolute rule was no longer legitimized theocratically, but as a rule in accordance with the public opinion. This new idea was spread in sermons, the press and other kinds of media. A good example is a booklet from 1800 about the crownprince addressed specifically to rural subjects, where Frederik was portrayed as a «friend and guardian of the inferior estates» and always accessible at audiences, where «the beggar as well as the noble man is accepted».¹² Such propaganda reflected the traditional distrust towards any authority other than the King among the commoners. Paradoxically it may have inspired the increased of rural and urban unrest in the late 1780s and 1790s.¹³ A similar paradox is that from the start Danish absolutism used the urban crowd to demonstrate popular support for the regime.¹⁴ After the French revolution this unruly crowd was the object of increasing fear. In 1793 the Copenhagen police were given uniforms and instructions for dispersing crowds, and later other royal officials were given uniforms as well at the proposal of a county prefect, who complained of not being respected during a disturbance in the Norwegian town of Christiansstad in 1798. The radical press was suppressed, and in 1799 it was explicitly forbidden to criticize the government or its officials.¹⁵ The reign of Frederik IV from 1808 was increasingly repressive, and his popularity rapidly declined due to the Danish defeats by the English during the Napoleonic wars. The so-called state bankruptcy in 1813, where the government had to devalue the currency due the inflation

¹² Jens Arup Seip, *Teorien om det opinionsstyrte enevælde*, (Norsk) *Historisk Tidsskrift* 38 (1958), pp. 397-463. Michael Bregnsbo, *Samfundsorden og statsmagt set fra prædikestolen*, København 1997. Hans Wolters, *Nogle Træk af vor gode Kronprinses Levnet og Embeds-Bestyrelse til Glæde for enhver indenbyes Medborger, som seer ham, men især for dem paa Landet, der ikke have ham for Øjne*, Copenhagen 1800.

¹³ Claus Bjørn, *Bonde, Herremænd, Konge. Bonden i 1700-tallets Danmark*, Copenhagen 1981, pp. 146-156.

¹⁴ John T. Lauridsen, «Sammenrotning». *Kollektive aktioner og folkemassens tilsynkomst i dansk 1600-tals historie*, *Magasin fra Det Kongelige Bibliotek* 1996, pp. 3-14.

¹⁵ John Christensen, Henning Koch, Henrik Stevnsborg, *Sikkerhed, fred og orden. «Opløb» og «Oprør» i 17- og 1800-tallets København*, *Den Jyske Historiker* 25 (1983), pp. 39-61. Karl Peder Pedersen, *Enevældens amtmænd*, Viborg 1998, pp. 350-353. Thomas Munck, *Keeping the Peace. »Good police« and civic order in 18th-century Copenhagen*, in *Scandinavian Journal of History* 32 (2007), pp. 38-62.

of the war, led to widespread corruption and popular distrust of the bureaucracy. In Copenhagen the tension manifested in a violent prison riot in 1817 and anti-Semitic disturbances in 1819 inspired by similar German disturbances.¹⁶

In the countryside the economic crisis caused the agrarian reforms to stop halfway and thus prolonged feudal tensions. The proprietors' complaints of disorder in the wake of the agrarian reforms had resulted in the ordinances of 25th of March 1791 about insubordination at the corvée and country police and the ordinance of 28th of December 1792 about the so-called *pettifoggers* (*Vinkelskriver*), the secret lawyers of the peasants and authors of their petitions to the King.¹⁷

The petition is a typical feature of the political culture of the early modern period. In Denmark the amount of petitions rose steadily during the 18th century.¹⁸ Several laws tried to hinder what was called an abuse of this traditional right to protest collectively by criminalizing the authors, at first in Norway, where the peasants were more rebellious. In Norwegian Law the punishment for the seducers of «simple minded» commoners to «false» complaints was life-long labour in iron.¹⁹ A Danish ordinance from 1750 defines those *pettifoggers* as persons, who «don't consider the interest of the people, they write for, but exclusively their own gain, and by following their rebellious mind or personal hatred or bitterness towards someone, seduce the commoners to apply for inadmissible things» and «hoping not to be discovered, under the cover of the names of the applicants, undeservedly attack the authorities with impertinent formulations and accusations.»²⁰ The ordinance from 1792 added, that they disturb the peace of peaceful citizens and rouse a groundless distrust to the authorities. The penalty for this crime was from three months to two years prison work. Only certified procurators were allowed to write petitions containing complaints.²¹ The patriarchal view on the commoners and the definition of a *pettifogger* as an immoral lawyer was difficult to handle legally. In 1757 the

¹⁶ Jens Engberg, *Dansk guldalder eller oprøret i tugt-, rasp- og forbedringshuset*, Copenhagen 1973. Bent Blüdnikow & Bent Christensen, *Politiet og jødefejden i København 1819*, *Politihistorisk Selskabs Årsskrift* 1982, pp. 5-38.

¹⁷ Claus Bjørn, *Den jyske proprietærfejde*, *Historie* 13 (1979), pp. 1-70.

¹⁸ Lex Heerma van Voss (ed.), *Petitions in Social History*, *International Review of Social History*, Supplement 9, Cambridge 2001. Michael Bregnsbo, *Folk skriver til kongen*, Haderslev 1997.

¹⁹ *Norske Lov* (1687) 1-24-4.

²⁰ Ordinance of 23.1.1750.

²¹ Ordinance of 28.12.1792.

government's legal advisor, Henrik Stampe, dissuaded a ban on pettifoggers in Copenhagen arguing that they would only be replaced by bad procurators.²² Present-day historians have usually assumed that the pettifoggers were only in it for the money, because they came from the towns and the lower strata of the administration and not the peasantry themselves.²³ But as professional spokespersons such lawyers could also be seen as the first kind of politicians or charismatic challengers in the Weberian sense. Thus the following account of a pettifogger can not be reduced to the story of an avaricious hustler.

The challenger

Both his opponents and his followers were mystified by the eloquent Dietz. One public prosecutor wrote about his «rare knowledge of the human nature, especially that of the common people, his false piety, sweet talk and extraordinary ability to pretend».²⁴ Trying to describe his effect on the witnesses in court another prosecutor compared him with «a certain kind of snakes, we read about in the natural history, whose breath is said to poison the atmosphere for man and beast alike, in a way that everything is like paralyzed».²⁵ In 1865 an old peasant remembered him as a «wise man» with a pigtail, and another characterized him as «grim» - good and bad at the same time.²⁶

Martin Dietz was born in Tondern in northern Schleswig in 1765.²⁷ His mother was the daughter of a hatter and his father a German dragoon, who disappeared shortly before his birth in the Black Forest during a recruitment journey. When his mother had to work as a nurse Martin and his older brother were brought up by a grandmother and an uncle. In his unfinished autobiography from 1834 he claims that his

²² V. Ravnholt Rasmussen, *Vinkelskriveri i 1750'erne*, Juristen 1937, pp. 146-148.

²³ Helfried Valentinitz, *Advokaten, Winkelschreiber und Bauernprokuratoren in Innerösterreich in der frühen Neuzeit*, in Winfried Schulze (ed.), *Aufstände, Revolten, Prozesse. Beiträge zu bäuerlichen Widerstandsbewegungen im frühneuzeitlichen Europa*, pp. 188-201, p. 196.

²⁴ Håsum, continued indiction, Aalborg 26.4.1819, p. 1-2, Rigsarkivet (Ra), Danske Kancelli (DK), Kommissionen i Sag mod den for Vinkelskriveri anklagede Degn Martin Dietz, G149A-D, G149C.

²⁵ Holm, indiction, Hjørring 2.9.1830, p. 11, LaN, B29-29.

²⁶ Meir Goldschmidt, *Dagbog fra en Reise paa Vestkysten af Vendsyssel og Thy*, København 1865, pp. 141-142.

²⁷ A detailed, but fragmented biography, see Chr. Christensen, *Den Vrensted Degn Martin Dietz*, Vendsysselske Aarbøger 1917, pp. 89-141.

father was born a baron and suggests that he was the illegitimate son of a German prince. An uncle at the Prussian court is also mentioned, who can be no one but the famous orientalist Heinrich Friedrich von Diez. Whether true or not, the point of this story is to heighten the status of Dietz, who at the same time denounces the hierarchic estate society and tells, how his uncle admonished his nephews «to help the poor, abandoned and suppressed, (...) because the rich and the powerful had their friends everywhere and lacked nothing».²⁸ Dietz wanted to be a cantor and entered Latin school at the age of 10, but hated «this dead language» so much that he was allowed to become a schoolmaster's apprentice instead. As a young man he worked as a teacher all around Schleswig and probably learned about the law as a temporary assistant for his brother, who was a clerk for the county prefect in Sonderburg. In 1792 he was hired as a schoolmaster at the German school in Aalborg in Northern Jutland. Here he married a wealthy widow and moved to a better paid job at the German school in Randers, where the family grew by seven children. Until then «Monsieur» Dietz had been a highly respected member of bourgeois society, but he fell into disgrace and lost pupils when he began to supplement his income as a pettyfogger. He felt increasingly paranoid and began to complain incessantly about his superiors. In 1806 he was also suspected of having falsified a letter from the civil department of the crown prince in Kiel to the mayor of Randers about a payment of 200 rigsdaler to Dietz. Apparently he had copied a letter of thanks from the department for a birthday congratulation and a smoked salmon, he had sent to the crown prince earlier that year.

To escape these problems he bought the office of parish clerk in the parishes of Vrensted and Thise in Vendsyssel, the northern tip of Jutland. The seller was a speculator and the formal owner of a nearby manor, which included the patronage of the surrounding churches. The bishop in Aalborg opposed the appointment of the «vicious» Dietz, of whom he had heard nothing good, but after a year had to receive his oath reluctantly. His concerns turned out to be valid. In 1810 Dietz and a steward from another manor chased away a newly appointed schoolmaster in Thise and installed a young peasant in his place. Dietz issued a false deed of institution to free the man from military service and could have been charged with forgery. Probably to avoid a scandal

²⁸ Martin Dietz, *Den jydsk Degn eller Martin Dietzes Fødsel, Liv og Levnet, samt Hændelser og Drømmerier skreven af ham selv; helliget den nøgne Sandhed, den retskafne Regjering, det upartiske danske Folk, sat sine Landsmænd, og Skandinavierne, København 1834*, p. 20.

the Chancellery let him off with a «serious» and a «strict and serious» warning in 1811 and 1812.²⁹ Dietz only had to assist an old half deaf pastor and lead the church singing, which he did eminently according to his flock. But when the bishop and later a local school commission proposed that he should also teach in a new school in Vrensted following the school reform ordinances of 1805 and 1814, Dietz protested vehemently. In 1815 he persuaded the parishioners to sign a couple of protests against the reform, where it was stated, that the present school system was good, since it had existed from time immemorial, and that the parish couldn't bear an increase in the school expenses in the hard times after the war. It was also claimed, that the bishop had only proposed the reform to harm Dietz, who was the best parish clerk, they had ever had, and a «noble-minded man», who was willing to help any one with his small fortune.³⁰

This passage alluded to the side job as pettifogger, which Dietz resumed with great success. He took all kinds of cases, but especially cases about the corvée and the tithe for peasant corporations against proprietors and pastors. Although government commissions had settled the size of the corvée in the end of 1790s, and two thirds of the peasants were freeholders now, the remaining copyholders were still engaged in endless struggles with the manorial lords about this unpopular payment in kind. In 1810 a new front opened, when the government allowed tithe payers to demand this payment converted into cash. Dietz wrote petitions for free legal aid (*beneficium pauperitatis*), subpoenas and pleas, which were signed or delivered in court by a couple of procurators who had known better times. One was a former manor judge in the village, who was «sick in body and mind» according to his son, who worked as a scribe and a farm hand for Dietz.³¹ Apart from using scribes, Dietz «twisted» his handwriting and sent his writings by a chain of private messengers to avoid detection. A network of corrupt secretaries, the so-called «commissioners», took care of their expedition in the county court in Viborg and the offices of the cen-

²⁹ «The Chancellery» referred to in this article is the Danish Chancellery. The German Chancellery administered the duchies of Schleswig-Holstein and the foreign affairs of all the King's dominions.

³⁰ Bishop Jansen to the Chancellery 2.10.1810 and to the King 28.1.1811 (LaN, C1-27). The inhabitants of Assendrup to the school commission of the county 24.4.1815 and the inhabitants of Vrensted to the Chancellery 4.5.1815 (LaN, B28C-41). An overview of the conflicts with the bishop, see P. M. Rørsig, *Skoler og Degne i Vendsyssel indtil 1814*, Hjørring 1933-44, pp. 449-455.

³¹ Testimony of Marcus Hjort, Sæby 23.02, Ra, DK, G149B.

tral instances in Copenhagen. In 1819, one of them, Knud Gottfred Groth, a secretary in the Danish Chancellery's 3rd department for the justice and police in Jutland, Funen and Bornholm, was suspended for having charged «Douceurs» from supplicants in the provinces not only to inform them of resolutions that they would otherwise have had to fetch in Copenhagen, but also to work for a more speedy and «desirable» resolution. From the interrogations it seems that this practice wasn't unusual.³² Dietz used delay tactics, making all sorts of formal objections, and going all the way to the High Court to pressure the opponent who, due to the feudal dependence, had little to gain by the impoverishment of his peasants. If his client was a freeholder, Dietz would sabotage executions by acting as a mortgagee of the client's property. He received his payment in cash as well in kind in the form of foodstuffs, ploughing and other services.

Although Dietz was certainly in it for the money, these cases about feudal payments were highly politically charged in the reform period, where the official policy was peasant friendly. The fight over payments in kind increased after the devaluation of the currency in 1813, when proprietor-speculators and public servants were brought to the brink of bankruptcy. It was even said that Dietz had driven a minor proprietor to an early death with his scandalous petitions.³³ He also began to undermine the authority of the judges; accusing them of being corrupt in his petitions to the King, talking about his friends in high places and making settlements between peasants outside the court. One of the civil servants expressed the strained atmosphere like this: «The civil servant, ecclesiastical and secular, the righteous owner of manors or tithe, and anyone who is enlightened enough to realize his impotence to force through moral impossibilities, avoids him, constantly watching any visible step of his. Only the peasant, whom he promises unobtainable freedoms, and who he can dupe his mighty support among the higher classes of the state, still trusts him a lot, which also weakens the more desirable faith in the authorities. However, this idolatry will probably disappear by itself, when a few have lost their cases and money as an

³² Ra, Højesteret, Domsag no. 37, 1819. Landsarkivet for Sjælland, Landsover- samt Hof- og Stadsretten, pådømte sager, sag nr. 1145/1818.

³³ Public prosecutor Holm, plea and list of exhibits, Hjørring 21.5.1817. On the conflict about the corvée at Lundergaard and the death of proprietor Hastrup (Ra, DK, G149, Justitssag 1817-18).

example and a warning to the others.»³⁴ But the King's highest representative in Vendsyssel couldn't wait.

A Circumstantial Trial

In 1814 the 31-year-old Frederik Sporon entered upon the office as prefect in the county of Hjørring. When Dietz was suspected of having defamed the former county prefect in a petition signed by the senile manorial judge from Vrensted, Sporon declared, that it would be desirable to chastise this «harmful man».³⁵ A chance came, when Dietz claimed to be a widow's guardian in a corvée case in the conciliatory commission of the county and the upper police court, both presided by the county prefect. The proprietor had taken a notarial witness of the widow, who declared to know nothing of this arrangement, and Sporon asked the Chancellery's permission to prosecute Dietz. He was denied this, but before that Dietz appeared with four peasants at the upper police court in the house of the county prefect in Hjørring on 14 October 1814.³⁶ Before the case was opened, Sporon wanted to give Dietz a warning in his office, but when this had no effect, he lost his head and threw Dietz out of his office with the astonished peasants in the waiting room as witnesses. Now Dietz complained to the King about this «violent and shameful assault» and demanded the dismissal of the county prefect for disrespect of the court. Sporon declared, that Dietz had received his warning with «impudent coldness» and assured, that he had only used «the force necessary», when Dietz refused to leave the office. He had had to carry the man and had only pushed him into the waiting room, because he had held against the door case with his arms and legs. Seeing the complaint of Dietz as an attack on public order Sporon had the peasants interrogated at the local police court, but he was only granted a civil suit in 1817. Neither Sporon nor Dietz could prove their allega-

³⁴ Hundred bailiff Hansen to Holm, Fladstrand 29.5.1815 (Ra, DK, G149D, Justitssag 1817-18, Litr. G).

³⁵ Sporon to the Chancellery, Hjørring 19.9.1814 (LaN, B1-29).

³⁶ The reply of the Chancellery to Sporon 22.10.1814 and other documents in this case (LaN, B1-86, no. 272). Notarial witness in the mill of Aastrup 23.9.1814 (LaN, B27A-175). The case in the conciliatory commission of the county and the upper police court (LaN, B1-1005, B1-960 & B1-963).

tions, but the case was included in a much more complicated public action against Dietz, which had also begun three years earlier.³⁷

One day after the clash in the office of the county prefect, on 15 October 1814, the bailiff of the hundreds Kær and Hvetbo, Vilhelm Spies, wrote to Sporon that Dietz had testified in a case he secretly conducted with the help of a procurator in Aalborg. The evidence was two instructions from Dietz to this lawyer, who was a tenant of Dietz's father-in-law.³⁸ In 1815 after a preliminary investigation the Chancellery ordered a public action against Dietz, who was accused of false testimony and pettifogging. His straw men, the procurators in Vrensted and Aalborg, died, before they could be interrogated, but the original charge was broadened with several counts of false testimony, forgery and inveiglement to false testimony, defamation of civil servants and disobedience towards landlords.³⁹ The public prosecutor Holm, a very eager procurator from Hjørring, had sent an unusual inquiry to the proprietors, stewards, pastors and civil servants of the county, asking for information, that could help put a stop to Dietz. Of course most of them agreed with Holm, that the pettifogger was «extremely dangerous» «to the public security in general and specifically the simple minded peasant», but their denunciations were exclusively based on rumours.⁴⁰ As the Chancellery refused to appoint an inquisitorial commission, Holm had hundreds of witnesses interrogated in six different jurisdictions the following two years. But the peasants were either loyal or frightened of Dietz, who threatened to sue anyone who couldn't prove his testimony. In the village of Tornby the peasants had complained to their pastor of being cheated by Dietz, who should have forged a letter from the secretary of the tithe commission in Copenhagen asking for a bribe to settle a pending tithe case for the parish. But in court, where Dietz received a

³⁷ Summary of the complaint from Dietz 25.10.1814 in the indiction of Håsum, Aalborg 5.4.1819, pp. 36-38 (Ra, DK, G149C). Sporon to the Chancellery 15.1.1815 (Ra, DK, G149D, Justitssag 1817-18, Litr. WW I). Police interrogation 1.4.1815 (LaN, B25C-51) The civil case Sporon vs. Dietz in the court of the hundred of Horns-Vennebjerg 3.2 and 14-28.4.1817 (LaN, B25C-29 and documents in B27-6).

³⁸ Spies to Sporon, Nørre Sundby 15.10.1814 and other documents (LaN, B1-193, no. 529)

³⁹ The documents of this case can be found partly in the commission archive (Ra, DK, G149D), among the documents of a Supreme Court trial against Dietz in 1832 (Ra, Højesteret, Domsag no. 85, 1832), the archives of the respective hundreds in LaN and the private archive of public prosecutor Holm in the Historical Archive of the Museum of Vendsyssel in Hjørring (HA). When a royal commission took over in October 1818, the case consisted of 128 Litterae excluding exhibits.

⁴⁰ Holm 1.-15.6.1815 incl. responses (Ra, DK, G149, Justitssag 1817-18, Litr. G-N)

warning for his loud behaviour, they couldn't remember anything.⁴¹ On the 12th of June 1817 the case reached the stage of judgement at the court of the hundreds Børglum and Jerslev in Sæby, presided by the hundred and town bailiff, Carl Christian Boeck. Holm had got respite from the Chancellery and presented a preliminary indictment pleading a penalty of prison labour for life and the loss of hand, honour and office.⁴²

Dietz had protested against this trial in pleas, mockery rimes on subpoenas and in court, where he was often banished. He compared himself with religious martyrs like Luther or Christ and his secret opponents with the Pharisees. The rhetoric in his complaints grew more and more radical. In a complaint about increased school expenses in a parish the King was warned, that «our dear country of birth would rise against one another, because the rich and the mighty with all kinds of cabals seek to extort and suppress the poor.»⁴³ In 1817 he was suspected of having written a complaint in the name of a recently deceased peasant about the hundred bailiff Spies and two procurators, who had testified against Dietz. Spies was accused of being a corrupt brute, who «ought to be hung from the highest gallows as a warning to other unjust judges». Usually the Chancellery avoided involving the King in such complaints, but this one was handed directly to him by a peasant soldier. Frederik VI ordered a commission to investigate the matter, causing a public scandal, which affected the health of Spies, who according to rumour had tried to hang himself twice. The town scribe and the headmaster of the Latin school in Aalborg conducted a comparative investigation of the complaint and other writings of Dietz and remarked a striking resemblance, especially revealing him as «one, who sins against the language with germanisms». In the end this evidence was only circumstantial, and Dietz denied everything. The reputation of Spies and the procurators was ruined, even though Spies was given a rank to restore his authority.⁴⁴ In a petition to the Chancellery of 28 July

⁴¹ Pastor Jensen to Holm, Tornby 9.8.1815 (Private archive of Holm, HA). Interrogations at the hundred court of Vennebjerg 30.09.-31.10 1816 (LaN, C5A-1).

⁴² The indictment is lost, but is referred to in the plea of defendant Knustrup 12.2.1818 (Ra, G149D, Justitssag 1817-18).

⁴³ The inhabitants of Furreby sogn to the King 6.5.1816 (Ra, Højesteret, Domsag no. 85, 1832, litr. JJJJJ).

⁴⁴ Jens Jensen Langbak to the King, Saltum Sogn, 29.2.1817 and a copy of the protocol of the commission inquiries 13.1.-18.4.1818 (Ra, Højesteret, Domsag no. 85, 1832, Litr. XXXX and WWWW). Account of the Chancellery 30.9.1818 and the resolution of the

1817 Dietz accused Sporon of having brought the public action on him as an act of revenge for the complaint from 1814, which was a violation of the paragraph in Danish Law stating that no one should be drawn into a feud because of a petition. He offered to pardon the young and inexperienced Sporon, who had been seduced by a smooth-talking steward and a deceitful proprietor, if the public action was abandoned. If not he would send his daughters to present his case to the King at an audience and publish an account of the case. In other words, Dietz challenged the powerful bureaucrats with a political mobilization of the royal and public opinion. Finally on the 9th of December 1817 the Chancellery recommended taking Dietz into custody.⁴⁵

At this time Dietz also became involved in a police case, when two peasants denounced him as the instigator of a «murderous» assault on a steward during a corvée conflict on the manor of Kokkedal. The local judge had been too afraid to interrogate the peasants, so Sporon had requested military assistance to a commission on the manor headed by procurator, who was appointed as substitute judge. This procurator was one of Dietz's enemies from Aalborg, and Dietz later complained, that the soldiers had beaten the witnesses. Eventually one of them withdrew his statement in prison. But Dietz was now considered a threat to the public security, and on the 24th of December Sporon ordered the hundred bailiff in Sæby, Carl Christian Boeck, to arrest Dietz.⁴⁶ This was the beginning of a series of dramatic, but also comical encounters between the authorities and Dietz.

The «Disorders» in Sæby

On the 5th of January 1818 Boeck travelled from Sæby to Vrensted and proclaimed the arrest order in the home of the parish clerk. However, Dietz locked himself in the bedroom, where his wife lay ill and had an epileptic fit because of the excitement. The grown-up children and son-in-law Jens Larsen stormed into the narrow living-room, shouting and

King 13.10.1818 (Ra, DK, K4-11). Procurator Brix to Sporon, Aalborg 2.11.1818 (Ra, DK, K35, 1818, no. 3178).

⁴⁵ Dietz to the Chancellery 28.7.1817 and the resolution of the Chancellery to Sporon 9.12.1817 (LaN, B1-89, no. 370)

⁴⁶ Interrogations on Kokkedal 10.-12.12.1817, Dietz to the King, Sæby 4.03 and 16.3.1818 (Ra, Højesteret, Domsag no. 85, 1832, Litr. HHHH, NNNNN and OOOO). Sporon to Boeck, Hjørring 24.12.1818 (LaN, B1-31).

crowding in on Boeck. He had to summon the parish bailiff and four peasants for protection and had his servant break up a closet containing an archive. It later turned out, that the most incriminating documents had been buried under the house. Eventually Dietz came out, but Boeck couldn't carry out the compulsory 24-hour-interrogation because of the wailing wife and the large amount of documents, and Dietz refused to go to Sæby arguing that it was illegal to arrest a civil servant without the King's order, and that he couldn't travel because of a swollen leg. Boeck left with the archive in six sealed bags, but returned four days later, this time assisted by a petty officer and three soldiers from the naval port of Frederikshavn. This time, according to the officer, a large crowd of peasants in front of the house had talked about overpowering the soldiers, but had been calmed by Dietz. Boeck had persuaded him to follow by promising him a decent room and hot meals during his trial in Sæby. He had also allowed the wife and a 16-year-old son to follow after having prevented the wife from suffocating herself by putting her fingers into her mouth.⁴⁷

Sæby wasn't reached for three days because of a raging blizzard. Here the Dietz family was installed in the house of the shoemaker Christian Skjoldan, who was told to prevent Dietz from writing or receiving visitors. However, in spite of this «house arrest», Dietz kept writing complaints on behalf of himself and others. He received food supplies from his supporters in the country, and two of his daughters joined their father in Sæby. He also charmed the inquisitive people of the town and even Boeck's staff by inviting them to soirées, where he served alcohol and told «obscene» stories. After a while he convinced them, that he was being unlawfully persecuted by the proprietors and the county prefect, because he had defended orphans, widows and poor peasants. He also told, that the King was his friend and had received his daughters well at an audience in Copenhagen in January.⁴⁸ This was true, but Frederik VI had just ordered a more speedy trial after hearing an account from the Chancellery of the case.⁴⁹ But judgement was delayed by the prosecutor, who kept expanding the indict-

⁴⁷ Police protocol, Børglum-Jerslev herreder 5.-19.1.1818 (LaN, B28C-61). The testimonies of petty officer Hvibskov in the commission 21.10.1818 and in the court- and town court of Copenhagen 19.6.1820 (Ra, DK, G149B and K35, 1821, no. 1324).

⁴⁸ Testimonies of tanner Oluf Myhrmann, 6.9.1818 (LaN, B28C-35) and shoemaker Christian Skjoldan 16.9.1818 (Ra, DK, G149B).

⁴⁹ Account of the Chancellery (ordered 28.1.1818) and the King's resolution 28.2.1818 (Ra, K4-11, no. 32).

ment, and the appointed defendant, a manorial judge, who kept asking for delays complaining about the amount of documents, his old age and many duties. Dietz wanted to defend himself and demanded a transcript of the evidence.⁵⁰ Boeck was starting to get annoyed with this troublesome prisoner, who even dared to sue him for open theft after the sequestration of a farm which Dietz claimed to own together with one of his clients. Sporon criticized the «lenient» treatment of Dietz, but Boeck feared being accused of inhumanity and had the district surgeon certify that Dietz would damage his health in the unheated prison in the court house. He also denied the rumours about the gatherings in the house arrest of Dietz and that «the commoners from several parishes» were gathered during his arrest in Vrensted, and that the whole county would rebel because of this unjust arrest.⁵¹ Finally, on the 1st of August 1818 Boeck admitted, that the situation was out of control and asked Sporon to have Dietz transferred to a more secure prison.⁵² Shortly after, Boeck went on a longer journey to Zealand and left the difficult task of arresting Dietz once more to his clerk Mørch, a former lieutenant aged 29, who was appointed in all his offices except the judgeship, which was entrusted to the postmaster and conciliatory commissioner Kehlet, a former clerk aged 72.

On the 10th, when Mørch was in the country districts, Kehlet received an order from Sporon to put Dietz on an accompanying wagon, which was meant to transport him to the prison in Hjørring.⁵³ The old man tried to execute the order, but was shocked when Dietz threatened to commit suicide, his wife began to scream and the children talked about «shooting» and «stabbing». Mørch, who was the proper chief constable of the police, wrote to Sporon and requested military assistance complaining about the two «useless» police constables of Sæby. Dissatisfied, Sporon replied that it was unnecessary to use the military for the transport of one prisoner and would instead send two «reliable» police constables from Hjørring, who were supposed to apprehend Dietz on a fixed inquiry at the court house on the 22nd of August. But when Mørch came to take him to court in the morning, Dietz feigned

⁵⁰ Transcript of the case 24.6.1817–12.11.1818 (Ra, Højesteret, Domsag no. 85, 1832, Litr. PTTTTT).

⁵¹ Boeck to Sporon, Sæby 28.2.1818 (LaN, B1-201, no. 859)

⁵² Boeck to Sporon, Sæby 1.8.1818 (LaN, B1-204, no. 602)

⁵³ With a few exceptions the account of the following events is based on correspondence between the county and the town (LaN, B1-204, no. 602 and B28-45) and interrogations 22.8., 29.8.–9.9.1818 (LaN, B28-35) and 10.9.–21.10.1818 (Ra, DK, G149A).

illness and threatened to meet force with force. On his way out of the house two teenage daughters of Dietz called him a boy and shouted, that they were not afraid of his stick. The interrogation was held in the house arrest instead, and around noon Mørch returned with the recently arrived police constables from Hjørring. This time a crowd of family members and friends placed themselves in front of Dietz, who locked himself in the bedroom. From a window he scolded Mørch and threatened to throw a jar with butter. He used the disrespectful form of address «du» and shouted, that he could say «du» to the King as well as a boy like Mørch. Finally the constables declared, that they had only been ordered to escort Dietz to Hjørring, but not to pull him out of the house. Now Mørch summoned the civic guard, which had been formed during the war with England, but had not been active since the peace in 1814. During the afternoon a crowd of burghers assembled on the street, but refused to arrest Dietz, arguing that the arrest was illegal and that they pitied his wife too much. Dietz had also spread a rumour, that Sporon had tried to poison him with some prescribed medicine and it was believed, that he would be killed in Hjørring. They also refused to obey the captain of the civic guard, the miller Hans Åbel, because he had come in his millers coat covered with flour, without the prescribed uniform or sable. Behind this quarrel lay a social conflict between the petit bourgeoisie and the miller and his merchant-brother, Andreas Åbel, who were the richest burghers in town. When the miller struck the loud-mouthed shoemaker Peder Krøger to the ground, another burgher exclaimed, that the rich should not hit the poor. The crowd, assisted by Dietz's son and son-in-law, began to push and hit Mørch and Åbel, who had their hats knocked off. This symbolic decapitation was a typical act of defamation in the early modern period.⁵⁴ In the end the constables had to return empty-handed to Hjørring. Here they also told, how they had been warned against 200 peasants, who were supposed to have freed Dietz on the road between Sæby and Hjørring.⁵⁵

To prevent this «rebellion» from spreading Sporon had a command of 20 soldiers and a lieutenant from the garrison in Aalborg sent to assist Mørch. In Sæby Dietz promised his followers, his «children», that no harm would fall upon them, but wrote on the 24th to the King, that Sporon was responsible, if the whole affair ended with «rebellion or

⁵⁴ Hugues Neveux & Eva Österberg, Norms and Values, in Peter Blickle (ed.), *Resistance, Representation and Community*, p. 170.

⁵⁵ Testimonies of the police constables Lars Kragh and Christen Møller in Hjørring 26.8.1818 (LaN, B27A-78) and in the commission, Sæby 3.10.1818 (Ra, DK, G149A).

murder».⁵⁶ When the command arrived in Sæby in the morning of the 25th of August, Mørch had only just been informed of this arrangement during a travel in the country district and didn't reach Sæby until 7 p.m.⁵⁷ In the meantime the commander, lieutenant Mantzius, tried in to persuade Dietz to surrender. The burghers refused to billet the soldiers, until the lieutenant accepted a bail for Dietz. When these negotiations broke down, the landlord of Dietz threatened to let his fellow citizens defend his house. During the afternoon his apprentice and the son of Dietz were sent to mobilize the «mob»: The town's young journeymen, day labourers and fishermen, who were mostly drawn by curiosity and the prospect of free alcohol. The uncrowned King of the mob was the day labourer Thomas Christian Mathiasen, who had fallen in love with one of the Dietz-daughters and was ready to defend his «father-in-law» with all means. The more worried burghers watched at a distance, as Mørch later that day approached the house arrest accompanied by the military command, who positioned itself in front of the house with lowered bayonets. Mantzius warned the crowd, that shots would be fired, if they didn't leave the place, but Mathiasen, the shoemaker Krøger and a fisherman shouted, while making all sorts of wild gestures, that they would sacrifice life and blood for Dietz, and that the soldiers could only shoot 20 at a time and wouldn't escape town alive, if they did. Dietz's wife smashed the windows of the house and held up her bloody arms shouting: «This shall not be the last blood to flow today!»⁵⁸ Some started crowding in on the soldiers between the bayonets, and Mantzius had to use his sable to keep people away. When a group of apprentices led by the son of Dietz started throwing stones, one hit Mørch's hat, and he had to take cover in a gate. Despite this he would not allow Mantzius to fire against a crowd consisting of «compatriots» and innocent women and children, as he later explained. Followed closely by the hurray-shouting crowd the command withdrew to its headquarters in the house of the merchant Andreas Åbel. Outside the day labourer Mathiasen held a speech defaming the merchant, calling him a thief and a rogue (Da: Skælm: Dishonest, treacherous person) applauded by the bystanders. The victory was celebrated all night with a dance on the field next to the house arrest, and a noisy group of young men patrolled the streets, accompanied by loud violin music and beating on pans and headed by a journeyman joiner, who shouted mili-

⁵⁶ Dietz to the King, Sæby 24.8.1818 (Ra, DK, K35, 1818, no. 2286).

⁵⁷ Mørch to the commission, 5.7.1819 (Ra, DK, G149C).

⁵⁸ Testimony of Rasmus Laulund 30.09 (Ra, DK, G149A).

tary commands. To the burghers things had gone too far, and when the patrol asked a bypassing merchant for a password, he replied: «Lick my arse».⁵⁹

During this nightly «charivari», a typical premodern mocking ritual, Mørch wrote a very emotional letter to Sporon of the events. He feared for his life and thought about fleeing with his family out of town. The merchant Andreas Åbel demanded the severest punishment to «the infamous mob and the so-called burghers» of the town, and lieutenant Mantzius asked permission to take Dietz «dead or alive».⁶⁰ However, to avoid bloodshed Sporon rode to Aalborg and required a reinforcement of 172 men under the command of captain Stricker. In the meantime Dietz and his supporters organized a guard in the barn next to the house arrest. The fishermen in the guard were promised a compensation for lost earnings, and one of the daughters served them sandwiches and more alcohol to keep up the spirits. A delegation was sent to Mørch and Mantzius to demand the guns of the soldiers, and another headed by the chief of the fire brigade to one of the town representatives to require the key for the shed with the fire pump. Both delegations argued that the shots of the soldiers might ignite the thatched roofs of the town, but the fire pump was also meant to disable the guns of the soldiers. On the morning of the 28th a peasant reported the coming of the reinforcements from Aalborg, and two riding messengers were sent to seek help among the peasants to the south of Sæby and the fishermen to the north in Fladstrand. However, no one dared to come to the rescue of Dietz, and about noon the minor army under the command of captain Stricker occupied Sæby.

Restoring Order

Dietz wasn't apprehended until the evening, when Mørch and 12 soldiers found him hiding in a food cupboard in neighbouring house, where he was waiting to be smuggled out of the town in women's clothes. The following days 30 summary arrests were made and the prisoners were stuffed in the prison of the court house and in five rooms in the house of Åbel. The soldiers slept in the barns of the town and were provisioned at the expense of the county, after the two town

⁵⁹ Testimony of Abraham Marcus 2.9.1818 (LaN, B28-35).

⁶⁰ Mørch, A. Aabel & Mantzius to Sporon, Sæby 25.8.1818 (LaN, B1-204, no. 602).

representatives warned of a famine, if the town should continue to feed the occupation force. Åbel profited by selling rye at excessive prices, and Sporon later had to ask the exchequer to cover the expenses.⁶¹ The first interrogations were undertaken by the hundred bailiff Jørgensen and the procurator Westenholz from Fladstrand, who had been commissioned by Sporon to examine the affair, because Mørch was on the brink of a nervous breakdown. A vagrant, who had ridden to Fladstrand for Dietz, denounced many people after being promised not to be charged of vagrancy. In the same way pressure was put on the young children of Dietz and a nervous burgher, who was thrown into custody for avoiding the questions of the inquisitor.⁶² Rumours on continued support among the commoners to the cause of Dietz contributed to a paranoid atmosphere. In Sæby and Fladstrand «the mob» was still feared. A steward on a nearby manor reported an ominous silence among the peasants. He had also heard of 200 peasants, who should have hidden in the forest outside the town on the 28th, but none of forest workers could confirm this rumour. A drunken peasant, who had wanted to serve a drink to the riot leader Mathiasen, was imprisoned, but his son assured that the peasants had given up the hope of freeing Dietz, even though they still sympathized with his cause. As late as December angry murmurs were still heard when a pastor mentioned his name in a sermon.⁶³

Before Sporon could report on the events, an exaggerated rumour of a riotous alliance of peasants and burghers in Vendsyssel reached Copenhagen. On 2 September the King appointed a former county prefect called Treschow to head a royal commission with the assistance of the two local commissioners and a squad of dragoons if necessary.⁶⁴ Arriving in Sæby on 10 September Treschow wrote to the worried president of the Chancellery, Frederik Julius Kaas, that the local officials exagger-

⁶¹ Sporon to the Exchequer 16.12.1818 with enclosures (LaN, B1-204, no. 711).

⁶² Apprehension and inquisition of unemployed farm hand Jens Olesen Berg 30.-31.9., Johann Friedrich and Mette Marie Dietz 31.08 and tanner Oluf Myhrmann 2.-6.9.1818 (LaN, B28-35).

⁶³ Office clerk Hassing to Jørgensen, Fladstrand 1.9.1818 (Ra, G149D, miscellaneous letters). Steward Rasmussen to Sporon, Sæbygård 30.8.1818 and Kehlet to Sporon 31.8.1818 (LaN, B1-204, no. 602). Apprehension 6.9. and interrogation 9.9.1818 of the peasant Thomas Pedersen and his son Thor Thomsen. The commission to Chancellery president Kaas 5.12.1818 (Ra, DK, G149D, outgoing letters no. 89).

⁶⁴ Royal order and letter from Chancellery president Kaas to Treschow 2.9.1818 (Ra, DK, G149D, incoming letters).

ated the danger of the situation.⁶⁵ The following days Treschow freed half of the prisoners and on the 19th the 200 soldiers returned to Aalborg with Dietz and the rest of the prisoners, who were imprisoned in the military guard. New disturbances were feared in connexion with a coming conscription to the peasant militia in Hjørring, if Dietz was not guarded properly. The commission put up its headquarters in a merchant's house in Aalborg. 125 witnesses were interrogated in Sæby, Aalborg and the countryside. Besides Dietz, his wife, two teenage children and his son-in-law, 47 of the approximately 600 inhabitants of Sæby were charged with everything from desertion from the civic guard to resisting the police. Apart from obtaining information about the «vita-ante-acta» of the accused, the commission was ordered to take over the ongoing trial against Dietz. Even in chains and an isolation cell he was hard to control. He persuaded Treschow to let him complain to the Chancellery, who ordered better provisions and exercise in fresh air for fear of the «public reputation».⁶⁶ One day he was found in the quarters of the private soldiers, and another day he was caught trying to give his daughter a witness instruction on the route from an interrogation to his cell.⁶⁷ He continued to blame the authorities and especially his main «foe», county prefect Sporon, but in Sæby he had confessed to having encouraged the townspeople with «speech» and «foods» to resist his arrest in order to spare his family and accomplices.⁶⁸ Most of the townspeople excused their actions with ignorance and drunkenness, or they blamed Dietz. Only the shoemaker Krøger stood by his support to Dietz and declared, that he had not been drunk, since he never touched alcohol. He also wrote a complaint of the daily lack of «police» in Sæby, which in his opinion was the underlying cause of the riot. I will return to this rare insight into a commoner's view of the riot.⁶⁹

The public prosecutor presented two voluminous indictments on the 5th and the 26th of April 1819. He concluded, that because the riot had not been planned and Dietz had only threatened to resist his arrest, the paragraphs in Danish Law about rebellion against the King and vio-

⁶⁵ Treschow to Kaas, Sæby 10.9.1818 (Ra, DK, G3A).

⁶⁶ Treschow to Kaas 2.10.1818 and town bailiff Klöcker in Aalborg to the Chancellery 23.9.1818, on the reasons for the special treatment of Dietz (Ra, DK, K35, 1818, no. 2286).

⁶⁷ Interrogations 22.10.-3.11.1818 (Ra, DK, G149B). Original note and transcript (G149C, no. 16).

⁶⁸ Confession of Dietz 12.9.1818 (Ra, DK, G149A).

⁶⁹ Interrogations of Krøger in Aalborg 21.9., 13.10., 17.10., 7.11.1818 (Ra, DK, G149A & B).

lence against his servants could not be applied. Instead he demanded that Dietz get an arbitrary penalty of fortification work in iron for life for having encouraged others to resist his arrest violently and thus endangered the lives of many people. Although he blamed Dietz for having seduced innocent commoners, he pleaded for sentences to «the slavery» from 6 years to life to 11 of the most active rioters. The defendant of the 47 townspeople also presented his clients as naïve commoners and blamed not only Dietz, but also Boeck and especially Mørch for their weak handling of the situation, which had left not only commoners, but also «the more enlightened» the impression, that the parish clerk was an innocent victim of revenge from the «big ones». This made Mørch write a defence for himself, where he accused the local police constables of sympathizing with Dietz as members of «the mob class».⁷⁰ A procurator on probation represented the Dietz family, and Dietz also wrote a defence, but unfortunately their pleas have not been preserved. Finally on the 27th of July 1819 the sentence of the commission was passed. Dietz was sentenced to have his hand, honour, fortune and office forfeited and to pay the costs. His «untruthful and partly defamatory accusations» against 22 royal officials and other authorities were declared unfounded. His son-in-law and 7 others were sentenced to fortification work from two to six years. His wife, son, a daughter, and two burghers from Sæby, his host and his brother, got labour prison from 8 months to 1 year. 21 townspeople got imprisonment on bread and water from 5 to 6 x 5 days, and one elderly man got 20 days ordinary imprisonment. 14 got away with fines and 2 were acquitted, but had to pay their share of the exorbitant costs like the others. The former defendant of Dietz was also fined for his negligence.⁷¹

All except two appealed to the Supreme Court. In 1820 Dietz's former landlord, the shoemaker Christian Skjoldan and his merchant brother Hans, who had each been sentenced to 8 months labour prison, had some new witnesses interrogated at their own expense. Among other things they tried to prove, that Christian had not deliberately housed Dietz's guard in his barn, and that Hans had only restrained Mørch during the tumult in the civic guard to prevent him from dishonouring himself by fighting with the mob. According to four letters they wrote to their Supreme Court defendants, they not only blamed

⁷⁰ Indictments of Haasum 5. & 26.4. and defences of Juul 3.6. and plea of Mørch 5.7.1819 (Ra, DK, G149C).

⁷¹ Transcript of the judgement of the commission 27.7.1819 in Ra, Højesteret, Domprotokol 1821A, no. 134.

the inexperienced Mørch for their misery, but also the rich and evil brothers Hans and Andreas Åbel, who had used the affair to suppress the poorer burghers of Sæby with the help of the procurator in the commission, who was their brother-in-law.⁷² In Aalborg the imprisoned shoemaker Peder Krøger wrote to the King on behalf of himself and three cellmates, asking for a new inquiry: «because, what we said in the commission, they didn't write.» However, Krøger only succeed in getting two character statements from former employers.⁷³

Dietz had been transferred to the civic jail in Copenhagen in November 1819 because of rumours, that he was allowed to promenade in the streets of Aalborg without a guard.⁷⁴ Dietz still wanted to defend himself and through his appointed Supreme Court defendant obtained the right to examine new witnesses and see the evidence. During the summer of 1820 he had 18 soldiers and 13 other witnesses interrogated in Copenhagen and Aalborg about alleged abuses by Sporon and the commission. Most incriminating were the testimonies of a soldier, a captain's servant, a military surgeon and two police constables in Aalborg, who told, how the commission had transferred the son of Dietz to a dark isolation cell, beat him and forced him to stand during the interrogations with hanging arms all day without food or water. This raised the suspicion of torture, but because the commission was not on trial, the Supreme Court wouldn't admit these testimonies in the case. The Chancellery was asked to look into the matter, but even though the declarations of a commissioner seemed to confirm the suspicion, the case was shelved due to lacking evidence.⁷⁵

The case began in the Supreme Court on 6 March 1821, but the sentence wasn't passed until 9 April, probably because the many documents had to be read aloud due to the oral procedure here. The prosecutor didn't finish his deduction of the case until 3 April with a plea for

⁷² Transcript of witness at the town court of Sæby 7.4.1820. Letters from the Skjoldan brothers to Rottbøll 22.2., 23.2., 10.4.1820 and Schack 17.2.1821 (Ra, Højesteret, Domsag no. 134, 1821).

⁷³ Krøger, Trane, Kongsbak and Henriksen to the King, Aalborg 12.10.1819. Krøger to Schack 14.3.1821 and transcript of character statements from the police court protocol of Aalborg 19.3.1821 (Ra, Højesteret, Domsag no. 134, 1821).

⁷⁴ The Chancellery to county prefect Moltke in Aalborg 23.9. and 6.11.1819 (LaN, B3-71, no. 197 and 244).

⁷⁵ Transcripts of interrogations in Copenhagen 15.-29.6., 4.-7.9.1820 and Aalborg 7.-11.8.1820. Statement of commissioner Westenholz, Fladstrand 6.7.1821 and undated statement from the Chancellery. (Ra, DK, K35, 1821, no. 1324). Miscellaneous letters from Dietz to Rottbøll 1820-21 (Ra, Højesteret, Domsag no. 134, 1821).

an increase to death penalty for Dietz for rebellion and an increase in the penalties of the rest by royal resolution. The following days the defendants of respectively the Dietz family and the people from Sæby, of whom Krøger was present, pleaded for acquittal. Dietz had also been allowed to plead. From the commissioners he demanded compensation for the harm and mockery that he and his family had suffered, and from Sporon and Boeck a compensation for his burnt-down house in Vrensted. The prosecutor in turn demanded a mortification of the accusations in this plea. The case attracted a lot of interest in the capital, where a theologian, Dr. Dampe, had just been sentenced to life imprisonment for planning a revolutionary coup d'état against the absolutist regime. Dietz was nicknamed «the King of Vendsyssel» and a coloured print with his portrait could be bought at the stock exchange. The newspapers reported how the hall of the Supreme Court was stuffed with people who waited in excitement as the 9 judges voted on the 9th.⁷⁶ Their sentence was much milder than the commission's: Dietz was sentenced to three years in labour prison, to lose his office as parish clerk and for his defamations to pay the symbolic fine of three times forty weights of silver. Krøger, Mathiasen and a fisherman, who had openly threatened the soldiers, were sentenced to work on the fortification of Copenhagen for one year. Two were sentenced to eight months work prison, and 20 got imprisonment on bread and water from 5 to 6 x 5 days. Dietz's wife and eight burghers, including the Skjoldan brothers, were acquitted. However, all of the accused were to pay their share of the costs and the appeal of the 17, who had been fined, was rejected.⁷⁷ Before I turn to the argument of the judges for this mitigation, I will look at the arguments of the parties of the conflict in order. The analysis will show some shared discourses on power and legitimacy, which might be termed traditional, but also a tension and an inconsistency, which points towards a more modern political discourse.

Dietz and His Followers

There are many traditional traits in the protest repertoire and argumentation by Dietz and his followers. Typically commoners in early modern Europe directed protests in particular matters against the middle

⁷⁶ Reports in the Aalborg newspaper *Borchs Avis*, 11. & 13.4.1821. Dietz about the case in a plea from a later trial, 2.10.1830, p. 27 (LaN, B29-29).

⁷⁷ Ra, Højesteret, Domprotokol 1821A, no. 134.

powers of the early modern state and expected a higher justice from the King. In Denmark this traditional distrust of «the big ones», as these proprietors, pastors and civil servants were called by Danish commoners, and the belief in a bond between the King and the common man had been intensified by the anti-aristocratic propaganda of the reform period.⁷⁸ The corresponding protest repertoire to this mentality was a combination of bypassing the jurisdictional system by petitioning to the absolute ruler and of face-to-face encounters, where crowds «mobbed» local holders of authority.

Dietz's legal argumentation was based on a traditional accusatorial conception of the procedure, where the plaintiff and the accused were equal adversaries and the judge a passive observer. Traditionally public actions were rare in Danish law, and the inquisitorial procedure wasn't introduced in criminal and police cases until the end of the 18th century.⁷⁹ Thus Dietz presented the whole case as a private feud between him and the county prefect Sporon and threatened to sue any judge, public prosecutor or witness who made accusations against him. He complained of anonymous denouncers and secret interrogations, of judges, who lured, threatened or even hit the witnesses, and of not being able to defend his own case in custody and to see the documents, upon which the case was built. This political discourse embedded in the accusatorial principle lacked any notion of an impersonal state or public sphere. Danish Law was based on these older perceptions of the law. This might explain the outrage caused by the plan to «drag» Dietz from his venue, which was strictly forbidden according the law book from 1683.⁸⁰ The recurring focus on the personal authority of officials and their role as the King's personal servants rather than the legitimacy of their orders seem to indicate a traditional, patrimonial view of the state. The critique of Sporon as a young and inexperienced man and of Lieutenant Mørch as a «boy» was based on a gerontocratic view on authority typical of traditional societies. In a petition for a parish Dietz also wrote, that the county prefect had appointed a young foreigner as parish bailiff, «disregarding the abundance of old and dignified men in

⁷⁸ Hugues Neveux & Eva Österberg, Norms and Values, in Peter Blickle (ed.), *Resistance, Representation and Community*, pp. 164-166. Claus Bjørn: *Bonde, Herremænd, Konge. Bonden i 1700-tallets Danmark*, Copenhagen 1981, pp. 36-78.

⁷⁹ Pernille Ulla Knudsen, *Lovkyndighed & vederhæftighed. Sjællandske byfogder 1682-1801*, Gentofte 2001, pp. 285-290.

⁸⁰ Danske Lov 2-2-3. Testimony of office clerk Hollesen on the arguments of the burghers from the civic guard 4.10.1818 (Ra, DK, G149A).

our parish».⁸¹ As Dietz wrote in a rather witty petition to the King in 1834, where he proposed to write a new law book to replace Danish Law, experience was far more important than education.⁸²

However, this critique of civil servants as corrupt and befriended with the rich proprietors was based on the ideal of bureaucratic impartiality. This was in accordance with the official reform policy of limiting the power of feudal lords and fighting corruption among the officials, which had become a big problem in the financial crisis after the war. Thus Dietz tried to appeal to the political interests of the central state, when he wrote to the Chancellery in 1817, that Sporon had been seduced by proprietors, whose interests were «contrary to the true well-being of the country». As an example he enclosed documents to prove that one of them had forged a deed of tenure and a survey to free a smallholder from military service in return for an increase in the corvée. In this way he had not only deceived «the poor smallholder», but also the authorities and the King.⁸³ When he complained to the Chancellery over his prolonged house arrest in Sæby the following year, he argued that this was an example of local officials misusing the greater power, they had been given during the war.⁸⁴ In a similar strategic way Dietz appealed in his petitions to the King to the absolute ruler as God's representative on earth and guarantor of justice for the common man. When Sporon denied reflecting on a petition to the King for his release, Dietz solemnly declared in a postscript: «Now I have no one to trust but God in the sky and Your Majesty; as well as my two patrons, **Truth** and **Justice**, who I am sure, will be my best spokesmen at Your Majesty, for even if the Kingdom of Denmark will not respect the Faith and the Laws, I am sure that the Danish Monarch King Frederik the Sixth will».⁸⁵ He kept invoking the merciful ruler until the bitter end, claiming that Sporon and his connections at the court in Copenhagen had used all kinds of «political schemes» to hide the truth from the King, but that everything eventually would clear up at God's tribunal.⁸⁶

⁸¹ The parish of Furreby to the King 20.4.1816 (Ra, Højesteret, Domsag no. 85, 1832, Litr. HHHHH).

⁸² Dietz to the King, Copenhagen 15.3.1834 (Ra, DK, K35, 1834, no. 593).

⁸³ Dietz to the Chancellery 28.7.1817 (LaN, B1-89, no. 370).

⁸⁴ Dietz to the Chancellery 20.7.1818 (Ra, Højesteret, Domsag no. 85, 1832, Litr. VVVVV).

⁸⁵ Dietz to the King 4.3. with postscript 7.3.1818 (Ra, Højesteret, Domsag no. 85, 1832, Litr. NNNNN).

⁸⁶ Dietz to the King, Aalborg 27.4.1819 and Inger Marie Dietz to the King 8.5.1820 (Ra, DK, K35, 1818, no. 2286). Dietz wrote several petitions to the King and other members

In the end Dietz did not only put his trust in traditional powers like God or the absolute King and his bureaucracy, but began to challenge the arcane and arbitrary side of absolutism. In 1817 he had threatened the Chancellery to publish the documents from his case. The invitation to a national reading public to make their own judgement might certainly be seen as a move towards a modern political culture.⁸⁷ Dietz repeated his threat after his release in 1824 in an attempt to be reinstated in his former office as parish clerk. But in 1828-32 he was imprisoned during a new trial, and it wasn't until 1834 that he succeeded in publishing the first part of an autobiography with the title «Martin Dietz, the Parish Clerk from Jutland or the Birth, Life and Biography, including Events and Dreams of Martin Dietz, written by Himself; dedicated to the Naked Truth, the Righteous Government, the Impartial Danish People, and the Scandinavians».⁸⁸ The title suggests that the anonymous subscribers mentioned in the foreword might have belonged to the early nationalist opposition to the absolutist «Whole-state». The book ends with a mysterious dream after his arrival in Aalborg in 1792. Here Dietz helps a woman called Time to give birth to two winged boys, a white one called the Day and a black one called the Night, who are able to «see through the secrets of all Cabinets». God appears in a shining light and predicts that, like a Messiah, Dietz shall suffer a lot because of his helpfulness and righteousness. To comfort him the Day flies Dietz to a dark prison cell in Constantinople, where he observes a conversation between an old prisoner called Bilisarius and the Byzantine emperor. This passage is partly copied from the French philosophe Marmontel's «Belisaire», which had been published in a Danish translation in 1768.⁸⁹ In this traditional allegory a Byzantine general, who was blinded after being wrongly accused of treason, returns from a life among the poor to teach the emperor how to make his people happy. In the biography it is evidently Dietz teaching Frederik VI, who is addressed with a disrespectful «du». Society is portrayed as divided into

of the royal family in the name of his daughter Inger Marie during his time in the civil arrest in Copenhagen 1820-21.

⁸⁷ Andreas Würzler, *Unruhen und Öffentlichkeit, Städtische und ländliche Protestbewegungen im 18. Jahrhundert*, Tübingen 1995, pp. 185-194.

⁸⁸ Martin Dietz, *Den Jydske Degn eller Martin Dietzes Fødsel, Liv og Levnet, samt Hændelser og Drømmerier, skreven af ham selv; helliget den nøgne Sandhed, den retskafne Regjering, det upartske danske Folk, samt sine Landsmænd, og Skandinavierne*, Copenhagen 1834, pp. 39-50.

⁸⁹ Jean-Francois Marmontel, *Belisarius, skreven i det Franske Sprog af Marmontel, og nu i Dansk Oversættelse*, Copenhagen 1768.

three equal classes, the peasants, the burghers and the authorities. The last class wrongfully thinks itself better than the others, although the first two nourish the country. In return for taxes the subjects expect the ruler to protect them against violence, injustice and suppression. Each year he should appoint emissaries to investigate the complaints about corruption, which causes «murmurs and complaints and in the end tumultuous incidents».⁹⁰ Dietz declares his support to absolutism, since «it is not good to have many heads under one hat», but the ruler is not allowed to surrender his sovereignty to his subjects or break his own laws. Using the same argumentation Dietz had wanted to sue Frederik VI at an international tribunal for breaking the Royal Law and the Holy Alliance from 1815 by ordering the second «unlawful» trial against him.⁹¹ In 1835 Dietz got a pension from the King apparently to shut up this unruly subject. He spent the rest of his life in Copenhagen under the supervision of the police, because he continued to bombard the King with pleas for more money. When Frederik VI personally ordered him to stop writing in 1839, Dietz was suspected of having written some calls to the people to stop paying their taxes, until a free constitution had been introduced. Thus Dietz ended as a democrat.⁹²

Did the followers of Dietz share his political views or had they as «simple-minded» commoners just been seduced by food, alcohol and sweet talk? A few humble letters from peasants to the «noble» Dietz show, that peasants were mostly occupied with pragmatic goals such as the size of the corvée and tithe of their own local community.⁹³ But what caused the townspeople of Sæby to defend a peasant lawyer? Apart from a widespread sympathy for Dietz, who was socially at the level of the burghers, many were motivated by pre-existing conflicts within the town. Of course many of the younger participants in the crowds were just drawn by the festive mood, and many said that they

⁹⁰ In reality this had already been done 1803-07 and 1819-30, when the Chancellery sent out emissaries to check the administration of local officials, see Frank Jørgensen, *De deputeredes embedsrejser 1803-30*, Arkiv, Copenhagen 1970-71, pp. 78-91 and Mette Frisk Jensen, *Korruption og embedsetik - danske embedsmænds corruption i perioden 1800 til 1866*, Ph.d.-thesis, Department of History, International and Social Studies, Aalborg University 2008, p. 221ff.

⁹¹ Remarks to the protocol 27.7.1830 (LaN, B29-28).

⁹² Case file «Martin Dietz 1834-39» (Provincial Archives of Zealand in Copenhagen, L60: Copenhagen Police, miscellaneous cases A-E). Police director Cosmus Bræstrup to Frederik VI, Copenhagen 27.6.1839 (Ra, The Royal House, Frederik 6., pk. 73-74).

⁹³ Miscellaneous letters 1826-28 confiscated in connexion with his second arrest (LaN, B29-29, no. 11A-J).

didn't care about Dietz. The journeyman joiner from Copenhagen, who had led the charivari, assured that he had only done so «for fun» and would never think of leading a rebellion. A customs officer, who was accused of having played the violin at the dance that night, said that it was not unusual to play music in the streets at night.⁹⁴ A complaint from the merchant Andreas Åbel to Boeck in the police archive of the town confirms that a similar event occurred three months earlier. After the merchant had complained of a noisy party, a crowd led by the day labourer Mathiasen had paraded past the house of Åbel to the sound of loud violin music and knocked at his windows. Åbel wrote that it was not the first time and proposed to imprison Mathiasen; however not in the town prison, where his accomplices could easily free him, but in the military guard in Fladstrand.⁹⁵ In the autumn of 1817 Mathiasen and Krøger had also led a crowd who sabotaged a police confiscation of some cows who had grazed on Åbel's potato fields in accordance with the tradition of unleashing the cattle after Michaelmas day, the 29th of September, but which had been forbidden the same year.⁹⁶ This conflict about the common explains the hostility towards the merchant during the riot. It continued in 1819, when the merchant petitioned the exchequer to have his fields enclosed and once again was accused of being a thief by the rest of burghers at a public meeting.⁹⁷ A number of small conflicts confirm that such violations of the traditional order or the «moral economy», by the rich Åbel brothers fuelled the riot. As the sailor Jacob Hagerup said, he had only hit Hans Åbel during the mutiny of the civic guard because the miller had refused to contribute to a wagon to fetch the district surgeon to tend to the sailors sick wife.⁹⁸

But generally the leading questions of the commission showed no interest in the deeper motives of the accused. When Mathiasen began «to talk of irrelevant things» and «with a defiant look» complained about not being defended, he was fined for disrespecting the court.⁹⁹ This makes the barely readable «Promemoria» of the other riot leader,

⁹⁴ Testimonies of journeyman joiner Jens Christian Salomonsen 1.9.1818 (LaN, B228-35) and customs officer Ernst Wilsen 8.10.1818 (Ra, DK, G149A).

⁹⁵ Andreas Åbel to Boeck, 12.5.1818 (LaN, B28-45).

⁹⁶ Police case 6.10.-27.11.1817 and documents (LaN, B28-35 & 45).

⁹⁷ Civic law suits 27.1.1819, Andreas Åbel vs. the merchants Christopher Schunck and Hans Skjoldan for defamatory statements at a meeting about the enclosure in the town hall 13.1.1819 (LaN, B28-14 & 21).

⁹⁸ Testimony of sailor Jacob Hagerup 3.10.1818 (Ra, DK, G149A).

⁹⁹ Remark in the protocol of the commission 23.11.1818 (Ra, DK, G149B).

Peder Krøger, the most interesting source in the commission archive.¹⁰⁰ This 28-year-old shoemaker and burgher blamed Boeck for the daily lack of «police» in town, which he believed was the main cause of the riot. In the first place he accused Boeck of doing nothing to prevent unskilled shoemakers from settling in town and threatening the subsistence of honest burghers like Krøger. Actually Boeck had tried to prevent this typical symptom of economic crisis. In 1817 he had published a police bill threatening to fine burghers who housed the increasing number of «loose and vagrant people» who would eventually strain the poor relief of the town. The same day he had ordered six illegal artisans to report at his office, but in 1818 two shoemakers had still not delivered their test pieces in order to obtain citizenship.¹⁰¹ Another breach of the moral economy was tolerated by the liberal bailiff. In 1814 Krøger, three other shoemakers, a skin dresser and a tanner had complained that the merchants of the town were buying hides directly from the peasants at excessive prices and not on the market of the town, where Boeck as the head of the police was supposed to fix the price. This illegal forestall forced the complainants to raise the prices of their products, which would harm «the public».¹⁰² But Boeck had openly spoken in favour of free trade in his contribution to an agronomic description of Denmark, because it would benefit the peasants, even though peddling was the cause of immoral vagrancy.¹⁰³

Secondly Krøger suspected Boeck of having embezzled various public funds. Earlier that year a group of burghers had protested against letting out part of the common in order to finance a repair of the harbour, arguing that it would threaten the subsistence of the town dwellers.¹⁰⁴ According to Krøger the real reason was that the burghers suspected Boeck of embezzlement, because he had refused to show the accounts of the other rented commons. Thus Krøger had calculated that the poor only received one third of the rent from the lands of the two poorhouses. In the same way the funds of the minors and the church were empty. An indication of the religious revival among the commoners in this period was his outrage over the disrepair of the medieval ab-

¹⁰⁰ Peder Krøger to Treschow, Aalborg 30.9.1818 (Ra, DK, G149C, no. 1).

¹⁰¹ Police bill of 11.10.1817 and orders to the police constables of 10.11.1817 & 3.7.1818 (LaN, B28-45).

¹⁰² Oluf Myhrmann, Herman Haslund, Sivert From, Peder Krøger, Christian Skjoldan, Mads Krogh, Henrik Gaarsholt to Boeck, 9.4.1814 (LaN, D29-44).

¹⁰³ Carl Christian Boeck, Sæbye Kjøbstad, in Gr. Begtrup, *Beskrivelse af Agerdyrknin-gens Tilstand i Danmark 6 II*, Copenhagen 1810, pp. 524-541, 529-531.

¹⁰⁴ Protest of 36 inhabitants at an auction in the town hall, 26.5.1818 (LaN, D29-60).

bey church, the most visible sign of the decline of Sæby. Because the private and public economies of the civil servants were not clearly separated, many of them were in trouble after the devaluation in 1813. Eventually Boeck was acquitted of this suspicion when his accounts were approved by an emissary from the Chancellery in 1820.¹⁰⁵

Thirdly Boeck was accused of ignoring the daily violence in the streets of Sæby. The abstinent shoemaker thought that the cause was the abundance of illegal public-houses and cheap distilled spirits made illegally by peasants and smuggled into town by corrupt customs officers in return for peat and ploughing hours. This «disorder» caused many fights among the «simple class» on market days and between married couples, so that blood flowed in streets as well as in living rooms. Once a neighbour of Krøger had been assaulted, but when he addressed Boeck to get his «right», the bailiff taunted him for not hitting back. In this way the honour of the neighbour was never restored, or as Krøger put it, he had to «keep his blows». This passivity was also due to the lack of executive power. Thus a clerk of Boeck had been assaulted and had his clothes torn to pieces by a group of young peasants during the investigation of an assault on a country fair. The other riot leader, the day labourer Mathiasen, was most likely the perpetrator in one of the other unpunished cases mentioned by Krøger.¹⁰⁶ As mentioned earlier, his gang held both the executive power of the moral economy of the town, both before and during the riot, and was a serious challenge to the state monopoly on power. Both the night watch and a police constable declared that they always avoided them for fear of being molested.¹⁰⁷

Krøgers demand for more «police» in Sæby seems to confirm Blickle's thesis of state-building «from below», even though the absolutist state generally supported this communal welfare policy.¹⁰⁸ However, there seems to have been a conflict between the old communal «police» and the new liberal policy of privatizing the agricultural econ-

¹⁰⁵ The report of Supreme Court judge Aagesen on the county of Hjørring to the King, 14.3.1821 (Ra, DK, K4-15).

¹⁰⁶ LaN, B28-35. Police case 16.2.1818. Ra, DK, G149B. Testimony of Mathiasen 23.11.1818.

¹⁰⁷ Ra, DK, G149A. Testimonies of police constable Jens Andersen and night watch Peter Letholt 6.10.1818.

¹⁰⁸ Johannes Süßmann, *Die Würzlen des Wohlfahrtsstaats – Souveränitet oder Gute Policy?*, *Historische Zeitschrift* 285 (2007), pp. 17-47. Stefan Persson, Gerhard Oestreich, *den tidigmoderna staten och det svenska forskningsläget*, *Scandia* 73 (2007), pp. 57-78.

omy and accepting free trade. On top of this was the inability of the overburdened town bailiff to uphold «good police» due to lack of effective executive powers. The commoners seem to have been only concerned with local politics, but political entrepreneurs like Dietz widened their horizon. Thus Krøger had become aware of the general lawlessness in the county.¹⁰⁹ Some of the burghers had even expressed the same reservations towards absolutism as Dietz. During the mutiny of the civic guard one of them exclaimed, that not even the King could give him an illegal order.¹¹⁰ The dire consequences if the law was not upheld by the government was described in this way by the shoemaker Christian and his merchant-brother Hans Skjoldan in a letter to their Supreme Court defendant: «Anyone, who knows the circumstances, and what has happened, will (...) regret, that such instances exist, where innocence and the purest patriotism obviously can be suppressed, and the most obvious malice, even ungodliness, triumphs. This will embitter the minds of righteous, and increase the desire of the malicious to suppress the men of lesser means. This will, in short, cause a ferment of the public opinion, which will at all times be of great harm to the public and the state.»¹¹¹

The Authorities

The reaction of Boeck to the criticism of Krøger was a blank refusal to deal with the «scribblings» of a man whom he described as always being in «unfounded opposition» at public meetings in the council hall.¹¹² As a matter of honour he denied the existence of any disorders in his presence, especially the existence of a crowd during the arrestation of Dietz in Vrensted. In his youth Boeck had been a part of the radical opposition in Copenhagen and was the first Dane to speak for an abolition of the death penalty, arguing that a milder government would improve the moral standing of the subjects.¹¹³ According to an oral tradition, he had instructed the prison keeper to treat the prisoners in a more humane way at his arrival in Sæby in 1804, but with the result that one of

¹⁰⁹ Testimony of Krøger 17.10.1818 (Ra, DK, G149B).

¹¹⁰ LaN, B28-35. Testimony of Oluf Myhrmann 5.9.1818.

¹¹¹ Ra, Højesteret, 1821, no. 134. Christian and Hans Skjoldan to Rottbøll 10.4.1820.

¹¹² Ra, DK, G149C, no. 22 & 63. Boeck to the commission 24.10.1818 & 11.5.1819.

¹¹³ Carl Christian Boeck, Om Legems og Livsstraffe overhoved, Politisk og Historisk Magazin, Sept. 1802, pp.334-342.

them knocked on his shutters one night and said goodbye.¹¹⁴ During the riot the same lack of authority troubled his clerk, lieutenant Mørch, who had reacted to his defamation by throwing up blood and bile after the tumults. On top of this Mørch was accused by the accused townspeople and their defendant of having caused the misery of the town after the riot because of his weak handling of Dietz. After a vain attempt to get another job in another town, he felt obliged to defend his honour during the commission trial with a plea, where he attacked the towns police constables, whom he described as an old man and a stupid bow-legged peasant.¹¹⁵ In turn the constables complained, that the crowd did not respect them, because they lacked uniforms and signs, and they claimed never to act without direct orders.¹¹⁶ Initially Boeck denied this, but later admitted, that he had ordered them to report all their activities, because they had begun to act outside of their area of competence. In 1819 he was allowed to replace the two freelance constables with two more competent and better paid men.¹¹⁷

This apparent lack of executive power on the communal level of the absolute state was probably the reason why the personal reputation of the royal servant, his honour, became so important. In 1809 the hundred bailiff Spies had asked to be removed to his present office from the office as town bailiff in Vejle in eastern Jutland, because he had been denied the right to sue a military commander who had hit him publicly during a quarrel in the street.¹¹⁸ Like Mørch he also reacted psychosomatically to the rumours that followed the royal investigation of the secret complaint of Dietz in 1817. When he was given a rank to restore his reputation, one of the procurators, who had been accused of buying witnesses in the same complaint, also asked for a rank, arguing, that civil servants like him could not exist without the trust of «the ordinary crowd».¹¹⁹ This connexion between the trust of the «crowd» and the favour of the King explains the vehement responses of the civil or rather royal servants to the writings of Dietz. Even if Spies was given a

¹¹⁴ Anecdote told by a daughter of Boeck, Rikke Thrane (Det Kongelige Bibliotek (Royal Library), Manuskriptsamlingen, NKS 2571: Det Boeckske Arkiv, Kps. 34, «Boeck-biografier», pp. 9-13).

¹¹⁵ Mørch to the commission 12.10.1818 (Ra, DK, G149D, miscellaneous letters) and plea of 5.7.1819 (G149C).

¹¹⁶ Testimony of police constable Henrik Wilsen 17.9.1818 (Ra, DK, G149A).

¹¹⁷ Boeck to the commission 24.10.1818 (Ra, DK, G149D, miscellaneous letters).

¹¹⁸ Account of the Chancellery 8.2. and the resolution of the King 14.2.1809 (Ra, DK, K4-2, no. 111).

¹¹⁹ Brix to Sporon 2.11.1818 (Ra, DK, K35, 1818, no. 3178).

rank, an emissary from the Chancellery later double-checked his administration to find the reason for his bad reputation. He concluded that Spies demanded perquisites which other officials dared not collect for fear of becoming unpopular.¹²⁰ Demanding a regular salary collided with the patriarchal ideal of the royal servant as the good father protecting the commoners as his own children. In return the subjects should obey him unconditionally and were not recognized as citizens with political rights. The case against Dietz was legitimated as protection of the commoners against an immoral hustler. In the same patriarchal discourse Dietz presented himself as the unselfish Messiah, and his defendant argued, that his salary hardly amounted to one percent of that of a procurator.¹²¹ These dilemmas show, how the civil servant was divided between his private economic interests, his role as an honourable citizen and as an impartial servant of the state and the law. This ambiguous position between the role of a traditional patriarch and a modern bureaucrat made him vulnerable. As Sporon argued, when he refused to defend himself against the accusations of Dietz: «...it is imperative to the public security, that those officials, whose vocation is to enforce the laws and to have criminals detected and punished, in peace and without being exposed to the defamation by knaves, can execute their official duties, which cannot be executed half-heartedly, and do not close their eyes for fear of not being able to enjoy the most necessary satisfaction, which they deserve to defend the authority of the office and public as well as private deference».¹²²

Honour was less important to the distant authorities in Copenhagen. The first priority of the Chancellery was secrecy, a typical trait of the absolute state and bureaucracy in general. The fear of a political scandal made the Chancellery isolate Dietz from the public or the King and forbid the newspapers to spread unfounded rumours about the riot.¹²³ An ordinance from 1805 also banned the publication of rumours, which in Sæby and other riots played a mobilizing role itself.¹²⁴ Despite this the «lords» in Copenhagen were extremely critical of the way the local authorities had handled the case. In a secret report on widespread

¹²⁰ Account of Chancellery deputy Lange 27.4.1825 (Ra, K4-20, no. 60).

¹²¹ Knustrup, plea presented in the court of the hundreds of Børglum and Jerslev 12.2.1818 (Ra, DK, G149D)

¹²² Sporon to the commission 24.10.1818 (Ra, DK, G149C, no. 21).

¹²³ The Chancellery to all diocese counties 12.9.1818 (Ra, DK, K19, no. 2800). Each diocese county had one or two privileged newspapers.

¹²⁴ Lars Vangen Sørensen, Pøblens stemme – refleksioner over rygters kildeværdi, Fortid og Nutid 2004, pp. 19-33.

corruption and incompetence among the judges in Jutland, a deputy of the Chancellery wrote, that although they were very capable professionally, Boeck had a weak character and Sporon a bad temper, which he considered the first cause of «the Dietz affair».¹²⁵ This also proved to be the main mitigating circumstance during the voting of the 9 judges in the Supreme Court trial of 1821.¹²⁶ The thorough assessment of the case by judge Stellwagen concluded that there had been no substantial evidence against Dietz at the time he was imprisoned. Of his old charges he had only admitted to the minor offence of having written a complaint, and he had been caught with a written witness instruction during his imprisonment in Aalborg. Far more serious was his confession to having encouraged the inhabitants of Sæby to resist the military and thus endangered their lives. Because the laws only dealt with resistance to the King's orders and physical resistance to his representatives, Stellwagen proposed an arbitrary penalty of four years labour prison and the symbolic dishonouring fine of three times forty weights of silver, which also meant the loss of his office. He also recommended reporting the accusations of torture against the commission to the Chancellery. Judge Koefoed proposed a reduction to three years, because Dietz had good reason to feel personally persecuted because of the «intemperate behaviour» of Sporon in his office in 1814 and the arbitrary circumstances around his custody arrest. Yet he considered Dietz to be a dangerous man and proposed to let him serve his sentence in Copenhagen to avoid further disturbances in Jutland. Judge Lassen proposed a further reduction to two years, arguing that the «tumult» (*Opløb*) in Sæby had not been dangerous, since it had not been planned. In a text book on police law from 1825 «tumults» were defined as unplanned in opposition to planned «rebellions» (*Oprør*).¹²⁷ Judge Müller added that the defamations from «a man from the uneducated class» like Dietz should not be taken seriously. Others spoke for a radical reduction of the sentences of the family members, arguing that they had only acted out of natural loyalty to the head of the family. The penalty of the rest of the accused was also reduced with the argument that they had acted in good faith. The president of the Supreme Court and the Chancellery later recommended that the King pardon fourteen, arguing that it was

¹²⁵ Ra, DK, G3, Berner to Kaas, 7.12.1818.

¹²⁶ Voting 9.4.1821 (Ra, Højesteret, Voteringsprotokol 1821B, no. 134).

¹²⁷ J. L. A. Kolderup-Rosenvinge, *Grundrids af den Danske Politiret*, Copenhagen 1825, pp. 42-43.

only necessary to punish the most guilty to obtain a deterrent effect. Frederik VI refused.¹²⁸

In general the burghers were let off lightly, even though they had motivated the rest of the town in the mutiny of the civic guard. They had also been able to pay bails to avoid custody. By comparison the suspects from the lower classes, of whom many were not particularly committed to the cause, got the hardest penalties, even though they had been in custody for three years. In general crowds were supposed to consist of vagrants and criminals, although the majority of the participants were sedentary and law-abiding people.¹²⁹ Typical is a pastor's remark about an accused vagrant, that he was no rebel «in spite» of his many changing employments.¹³⁰ He got 8 months prison work, even though he had only played a minor part in the affair. Krøger, Mathiasen and a fisherman were sentenced to a years fortification work in Copenhagen in accordance with an ordinance from 1793 about tumultuous resistance to the police. In the commission Mathiasen had also been blamed for his unsettled lifestyle as a day labourer, even though formally he was no vagrant. His rational response to this moral economy of the authorities was that he was a fast worker and in two days could earn the same as a hired farm hand could in a month.¹³¹ So the authorities also defended the traditional order or «police» against the political and economic emancipation of the lower estates from the static estate society.

Results

The minor prison sentences were probably never executed, because in 1828 Dietz's daughter complained of having recently been ordered to serve her prison sentence, implying that the others had not served theirs.¹³² But in 1822 each of the accused had had to pay their share of the exorbitant costs. In the meantime a post-war agricultural crisis had struck the country, and those who had not mortgaged their property, lost everything during the distress.¹³³ The penalties do not seem to have had any social disciplining effect. Shortly after a police constable was

¹²⁸ Account of the Chancellery and the resolution of the King 2.5.1821 (Ra, DK, K4-15).

¹²⁹ See the classic study of George Rudé, *The Crowd in History*, New York 1964.

¹³⁰ Pastor Omann, Vester Hassing 13.12.1818 (Ra, DK, G149C, no. 42).

¹³¹ The testimony of Mathiasen, Aalborg 23.11.1818 (Ra, DK, G149B).

¹³² Agathe Marie Dietz to the King, Copenhagen 4.8.1828 (Ra, DK, K35, 1828, no. 1786).

¹³³ Distress 15.-22.2.1822 (LaN, B28-114).

assaulted by a burgher, who had complained about being innocent during the distress.¹³⁴ According to the popular tradition there had only been a riot in the brains of the authorities.¹³⁵ Dietz continued his subversive activities despite another five years in prison and the King's attempt to buy his silence with a pension. But in time he lost his popular appeal with most charismatic leaders. A weekly magazine he published with in 1838 with amusing stories was no success. In 1839 he was mocked as a rebel in the press by his enemies and felt compelled to maintain his innocence in two lampoons. In an unvoluntarily comical way he compared himself with historical martyrs like Christ or Louis XVI, but refrained from giving his version of the events.¹³⁶

An account of the riot based on archival material wasn't published until 22 years after his death, in a 1865 account of a journey to the west coast of Jutland by the author Meir Goldschmidt. As a veteran of the political opposition to absolutism in the 1840s Goldschmidt interpreted the riot as a sign of popular discontent with the corrupt bureaucracy of the restoration period. During the struggle between the peasant party «left», and the conservative party «right» at the end of the century, Dietz was either portrayed as a local hero or as a communist demagogue.¹³⁷ But in time the story lost its political significance and was reduced to comical interlude in local history.¹³⁸

Indeed, the riot in Sæby is not an important historical event, but it bears a striking resemblance to the many other popular disturbances in Europe in the early modern period. As it is apparent from the preceding microhistorical analysis, the riot took place in the age of rapid modernization, the so-called «Sattelzeit» of 1750-1850. The English crowd historians saw the riots of that period as reactions against the emer-

¹³⁴ Police case 14.3.-2.4 1822 (LaN, B28-35).

¹³⁵ Skolelærer Povl Henrichsens Selvbiografi (c. 1865), Aarhus 1913, pp. 42-44. Meir Goldschmidt, *Dagbog fra Reise paa Vestkysten af Vendsyssel og Thy*, Copenhagen 1865, pp. 116-136.

¹³⁶ Martin Dietz, *Den jydske Degn Martin Dietzes Aftenunderholdninger. Et Ugeblad til Moro for Publicum*, no. 1-21, Copenhagen 1838. *Gode Raad til Herr Doctor Rothe*, Copenhagen 1839. *Billige Anmærkninger over Redacteur Steenbergs Tilførsel i Rakatten* No. 289, Copenhagen 1839.

¹³⁷ Fr. Nielsen, *Vendsyssel og Vendelboerne for et halvt Hundrebaar siden*, Copenhagen 1880, pp. 29-30 (Childhood memories of a pastor, who describes the agitation of Dietz as communist) Lønborg Friis, *Degnen Martin Dietz*, *Vendsyssel Tidende* 11.12.1896 (A folklorist canonizing Dietz as a local hero). *En omstridt Skikkelse. Reformator eller Kværlant?*, *Vendsyssel Tidende* 28.8.1915 (heated debate between school teacher Niels Kyø and local historian Carl Klitgaard).

¹³⁸ Paul G. Ørberg, *En by ved havet 1*, Sæby 1970, pp. 183-193

gence of capitalism and the modern bureaucratic state. The traditional values and norms expressed by Dietz and his followers seem to confirm this thesis: The resistance against local bureaucrats and capitalists, when they violated traditional rights or the moral economy of the urban community, «the good police», combined with the belief in royal and divine justice. The gerontocratic, patrimonial and divine discourses on authority might be seen as an expressions of, what Weber called «traditional» or «charismatic» rule, where authority depends on personal attributes and not the legality of a particular order as in the «bureaucratic» rule of the modern state.¹³⁹ But personal honour was also very important to the local bureaucrats, who according to the theocratic and patrimonial discourses of traditional absolutism did not accept any kind of criticism. Within the same patriarchal or pastoral discourse as Dietz, they represented commoners as simpleminded sheep, who had been misled by a false prophet. Like the worried shoemaker Krøger they also saw the increase in vagrants and other «stray sheep» like the day labourer Mathiasen as a threat to the moral economy of the good police. As the Danish police theorist Kolderup-Rosenvinge wrote, vagrants were a potential danger not only to the private, but also the public security.¹⁴⁰

These discursive correspondences seem to confirm Foucault's theory on the close relationship between power and counter-power, the emergence of the modern state and the autonomous subject. In this light the discussion, whether police was primarily a communal or an absolutist policy, seems irrelevant. In his famous lectures on «governmentality» Foucault described police as the first form of interventionary, political rule, where the strength of the state was linked to the «happiness» of the population.¹⁴¹ Recent German research of the daily police administration of local societies in the period before 1800 confirms this theory of police as a polycentric power relation, in which there was room for conflict as well as consensus.¹⁴²

¹³⁹ Max Weber, *Wirtschaft und Gesellschaft*, Tübingen 1972 (1922), pp. 122-176

¹⁴⁰ J. L. A. Kolderup-Rosenvinge, *Grundrids af den danske Politiret*, Copenhagen 1825, p. 39.

¹⁴¹ Michel Foucault, *Security, Territory, Population*, Palgrave MacMillan 2007, pp. 311-361. *Lectures on police*, 29.4. & 5.4.1978.

¹⁴² Achim Landwehr, *Policey im Alltag, Die Implementation frühneuzeitlicher Policy-normen in Leonberg, Frankfurt am Main 2000*. André Holenstein, *Gute Policey und lokale Gesellschaft im Staat des ancien Régime. Das Fall-Beispiel der Markgrafschaft Baden(-Durlach)*, Tübingen 2003.

However, the «Sattelzeit» was a time, when social and political concepts and discourse changed radically. During late absolutism police laws had gradually lost their meaning as upholders of a moral economy, when they increasingly became tools of an economic reform policy inspired by police scientists like von Justi, who was a major influence on Danish economic theorists.¹⁴³ In Denmark this policy successfully dissolved feudal and communal bonds and introduced new «freedoms» to stimulate economic growth. Legitimacy began to depend less on God and more on the opinion of the emerging public sphere, created by the reforms. In the early 19th century this «freedom» police was replaced by the reactionary security police of absolutist restoration as a reaction to the terror of the French revolution and the economic crisis after the Napoleonic wars. This unstable power structure was also reflected in the argumentation used by both camps in the riot in Sæby. As the conflict evolved, certain discrepancies and inconsistencies began to show in the traditional political discourses opening a door towards a more modern political culture.

Thus Dietz and his supporters began to put the letter of the law above the will of the authorities of the absolutist state, including the King. These legalistic arguments might reflect the increasing bureaucratization of the relationship between the subjects and the state. The warning of riots, if the authorities did not respect the law or suppressed the poor, reflects the official image of absolutism as a social covenant. The self-disciplined shoemaker Krøger, and his demand for good police is probably the best illustration of the paradox; that this originally conservative disciplinary programme could be seen as the precondition of the political mobilization of the masses in the 19th century.¹⁴⁴ Traditional political goals were still pursued in popular politics, but in itself this rebellious spirit may have been inspired by the rumour of the French revolution.¹⁴⁵ And although Dietz defended the traditional order, unintentionally he ended as a revolutionary. In his autobiography he por-

¹⁴³ On this development, Thomas Simon, «Gute Policey». Ordnungsleitbilder und Zielvorstellungen politischen Handelns in der frühen Neuzeit, Frankfurt am Main 2004, pp. 381-562. H. L. Bisgaard, Den Danske Nationaløkonomi i det 18. Aarhundrede, København 1902, pp. 24-27. Von Justi worked in Denmark-Norway 1757-58.

¹⁴⁴ Gerhard Oestreich, Strukturprobleme der europäischen Absolutismus, in Geist und Gestalt des frühmodernen Staates, Berlin 1969, pp. 179-197, p. 195.

¹⁴⁵ Joachim Eibach, Frankfurter Verhöre. Städtische Lebenswelten und Kriminalität im 18. Jahrhundert, Paderborn 2003, pp. 155-179. Danish examples of riots with revolutionary rhetoric in North Schleswig, see Johan Hvidtfeldt, Social og politisk uro i Sønderjylland paa revolutionstiden, Sønderjydske Aarbøger 1945, pp. 128-169.

trayed the ideal state as an egalitarian bourgeois class society, ruled by a ruler bound by the law and the popular opinion. During his second trial he had begun to question the King's absolute power and criticize the law of pettyfogging. The public prosecutor replied, that Dietz was a dangerous «reformer», whose «delinquent ideas» were unfortunately shared by the «more enlightened».¹⁴⁶ They could even be found among the local civil servants. One of them was the former president of the Chancellery, Frederik Moltke, who had been banished to the office of county prefect in Aalborg. In a private letter from 1822 he expressed his admiration for «the great Napoleon» and his anger with the monarchs of Europe, because they had not fulfilled their promises of free constitutions.¹⁴⁷ Another was the bailiff in Sæby, Boeck, who in his youth had had Jacobin sympathies and had been imprisoned for a year for lese-majesty in 1797. At this time the gap between the high politics of the bureaucratic bourgeoisie and the commoners was great, but it was beginning to decrease. The story of a popular riot in a distant province certainly intrigued the later generation of anti-absolutists in Copenhagen like Goldschmidt or the subscribers to the biography of Dietz. In this way the memory of the riot could have played a role in the oppositional politics of the 1830's and 1840's.

¹⁴⁶ LaN, B29-29. Indictment of Holm, Hjørring 2.9.1830, p. 31.

¹⁴⁷ Moltke to Tauber 1.11.1822, in Kjeld Galster, *Stiftamtmand Fr. Moltke og rektor Emanuel Tauber i Aalborg*, Kolding 1958, pp. 149-151.