

Johann Krünitz, “On police regulations for beekeeping, and on the law of bees,” *The essentials of bee history and beekeeping for the nature lover, farmer, and scholar* (Berlin, 1774), 368-376.

NB: “subject” [*Untertan*] refers here to subjects of the monarch or archduke or gentry landowner (as opposed to citizens).

[368] Beekeeping is no small object of policing, although it cannot boast the same level of attention and care in Germany as it rightly deserves. If we could know how much beeswax and honey is consumed annually in Germany, we would be amazed at its large quantity. What large sums of money would not have to leave the country for it, and especially to Poland and Muscovy, because our German beekeeping is far from sufficient to supply us with the beeswax and honey we need. The considerable trade in wax and honey escapes us, since we willingly concede it to these foreign nations to our greatest disadvantage, when we could have it just as well. We are taking so much trouble to assimilate [new techniques of] agriculture and, in order to prevent the outflow of money, to expand manufactures and commerce to produce all possible products ourselves; apart from the Prussian and Brunswick lands and in Saxony, it is only that no one wants to think seriously and carefully about the improvement and increase in beekeeping, regardless of the fact that it depends on instruction, but not at all on large and costly facilities.

[369] If we look at the police laws of various German states which have been made for the benefit of beekeeping, then some of these are quite good in and of themselves, but not always sufficient; yet some of them are unfavorable to the advancement of beekeeping. Therefore, in the Mark Brandenburg every farmer should be obligated to keep at least four beehives, a smallholder [literally, “half-farmer”] two hives, and a *Kossat* [tenant farmer] one hive, or, failing that, shall be liable to pay a fine of one groschen for each item missing from the prescribed number at each visitation, as Stiffer states in his *Introduction to Agriculture*, chapter 6, section 6, paragraph 5, in the note, from a Mark Brandenburg community, town, and farming regulation of 16 Dec 1702. The officials, magistrates, and courts are instructed to see to it that in places where the bees are stationed, every keeper maintains a good number of hives, and pursues this useful part of the economy with greater seriousness; and wherever it is expedient to set up hives in the woods, the officials should propose as much.

His Majesty’s Prussian Household and Economic Regulations for the Offices of the Duchy of Pomerania, 1 May 1752, in *Nov. Corp. Const. March*. Part 1, p. 318.

Officials are given the task of teaching their subjects a correct idea of how they ought to deal with beekeeping, inculcating and encouraging them to do so; to this end everyone is also allowed to bring the beehives onto the heaths or elsewhere in the woods to those places where they can have food, while hunters are forbidden to turn away subjects with hives, whether at those places where it has not hitherto been customary to demand some bee money, or otherwise to hinder them in the slightest.

His Renewed and Improved Village Ordinance of the Kingdom of Prussia, 22 Sept 1751, p. 12, in *Nov Corp Const. March*...

[370] If, on the other hand, official and court subjects are not allowed to keep bees without special permission from the authorities, then this must certainly hinder beekeeping, which is so necessary and beneficial. In some locales, the sites where the farm owners want to have

apiaries must be so entitled. Not all have the right of having the apiaries very close to the village, or even to the farmyard; such a thing is permitted only to preachers and churches. By the same token, for those subjects who keep bees, in view of the considerable benefit they derive from it, the law must absolutely refuse remittal [to landowners] due to damage suffered to their crops, so as not to deter them from beekeeping.

His Royal Great Britain and Archduke Brunswick Edict, 3 March 1738, in the Part II of the Brunswick Lüneburg Land Laws, p. 660.

This is also to be said of those forest ordinances which decree that when a tame swarm of bees moves away from its usual station and into the woods, and there attaches itself to a tree, if the owner has immediately followed it, such a swarm must be given back to him, without payment; but if the swarm is found by another, and outside the [context of immediate] pursuit, it should be given over to his use, as against payment of something definite, for example, half of it.

His Archduke Würtemb. Forest Ordinance, p. 107. Beck on Forest Law, chapter 10, paragraph 4, p. 196. Moser's Forest Economy, vol. 2, book 8, chap. 4, paragraphs 19-20. Economic Forestry Magazine, vol. 1, p. 109.

With regard to tame bees, this law is extremely unfair and not at all in accordance with good principles of policing. [371] How are people to catch their wind doing business in such an easily lossmaking enterprise as a runaway swarm of bees in flight! According to natural law, it is not the successor or one-who-occupies [in the sense of Roman law], not the finder, and not the place where the swarm is found that can give a right to someone else's already acquired property, but the owner who follows the swarm, demonstratively keeps his wits about him [*animum habendi behält und bezeigt*], or who has already asserted ownership, who must also be protected in such a case.

If we want to set up apiaries in an area, we must first examine whether the land is suitable for it. In rough and mountainous regions, where overly cold and long-lasting night frosts and hard winters occur and are common, beekeeping will not be very promising, even if there are nice, spacious areas in them, and there is no lack of trees, bushes, perennials, and herbs that have a blossom pleasant to the bees. The beekeeping business therefore must not be practiced on a small scale, if both the entire land and the farmers themselves are to derive the proper benefit from it. For subjects to keep a few hives now and again means nothing, nothing comes of it, and the advantage for the landowner is also poor. The Prussian village ordinance mentioned above comes closer to the ultimate goal. For if each farmer keeps four hives, each smallholder keeps two, and each *Kossat* one hive; yet if we assume, for example, in a village, each calculated into the other, 15 farmers, 10 sharecroppers, and 5 *Kossats*, and we assume 30 such villages in a district, then there would be 2550 beehives in the whole district, and these, if we count 50 hives to a bee site, or according to the Brunswick [372] name, a lag, we calculate 51 bee sites, which is quite a sum for a district. In the Electoral Zell and Lüneburg lands alone, beekeeping is pursued much more actively. A certain clergyman there, who, as I mentioned above on p. 362, has communicated an assessment, describes the beekeeping in his parish and assumes there were 60 bee sites in it alone.

Furthermore, instead of restricting beekeeping, beekeeping should be freed [i.e., decontrolled] for each and every subject, and we should try to encourage it with bonuses. In England, gold and silver medals are promised for those who set up the largest number of

layers in a beehive structure [not just a single hive]. In general, however, such rewards should only be small and moderate, because the beekeepers, partly due to their estate, are satisfied with smaller amounts, but partly also rewarded by the yield of the hives themselves. It would also be good for the manner of determination [of awards] if they were not set on the most hive layers in general, as the premiums are usually fixed, but on the basis of a threefold focus: on reproduction, on perpetuation, and on maintenance. So, for example, everyone would get about eight groschen for a new hive layer that made it through the winter, but four groschen for an old one of the same kind, and a keeper who has faithfully carried out the task of selecting, storing, and maintaining many beehives and who has retained attestations to his skill receives 1 thaler 8 groschen annually, with the promise that this reward should be gradually increased with more diligence, such as new discoveries made, or knowledge acquired and used with advantage, and the like. Such bonuses have a much better effect than the fines imposed on missing layers.

[373] Above all, however, it is necessary that subjects are properly instructed how they should regard beekeeping.

If beekeeping begins to take off in the land, the police must not content themselves with the measures they have hitherto taken to this end; they must however now also ensure that the trade in wax and honey is promoted, both in the land itself and abroad. In order to attain this end, they must set up honey markets in one or the other towns in regions where beekeeping is heavily practiced. It is customary to postpone these to the autumn months, because then the honey and wax are ready and prepared for sale. Wax bleach must be applied. The correctness of containers and weight must be strictly maintained; and all frauds and adulterations of the honey with chestnut, millet, or pea flour, and slipping iron pieces or other things into the discs of wax to yield a better weight, are to be punished with the most severe fines. The best way to promote foreign trade is to export wax and honey freely and without paying duties.

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What the laws of the bees decree, namely 1) the Roman Justinian law, mainly consists of this: The bees are of a wild nature and belong rightfully to the one who puts them in his hive first, even if they have come to rest on a stranger's tree; however, the proprietor of the land or wood where the bees are located would be free to prevent the other from coming onto his land; [374] the swarm of bees that has flown off of one person's property remains his as long as he can see them or follow them; yet if the bees were accustomed to coming home, they would remain their owner's property until they gave up this habit of their own accord, etc. 2) The old Saxon law also considers the bees to be wild, but states, without any consideration of whether or not they have got out of sight of the proprietor, that if a swarm of bees were to fly from one person's house or farm to his neighbor, he was entitled to keep the swarm closer than anyone following him, because the bee is a wild beast. Regardless of whether disputed cases are decided accordingly, bees are not wild beasts in our country, and they do not sting unless provoked. They are in the indisputable possession of their masters just as much as turkeys, geese, chickens, pigeons, etc. They also know their home as well as these animals. Only at the time of swarming do they sometimes stray, when the queen flies beyond the borders of her master's property, or is blown off course by the wind, and her faithful people [*Volk*] follow her. Geese, chickens, pigeons, etc., often get lost in neighboring yards and gardens; and yet in this case it is nowhere recognized that the neighbor is closer to keeping the animal than the one who pursues him; rather, the neighbor who knowingly retains it as someone else's property, and does not return it to its rightful master, is punished.

There is not the slightest doubt that, according to Roman law, a theft can be committed against bees if they are found in someone's property and safekeeping, if they then cease to be *res communes*, or the kind of things whose exploitation and use is left free to everyone. And the Electoral Saxon decree thus declares (P. IV Const. 36): [375] "Theft committed against bees and honey should not be punished more severely in our land than others, and the severity of the Saxon laws should not be maintained in this regard." But how such a theft is to be punished and whether the death penalty can be imposed is something the legal scholars are not unanimous about, in that some believe that such thieves should not be treated with worse than deportation from the land or public flogging, even if they are often caught committing such thievery, and would have stolen as much honey from the hives as the laws require when a thief should be hanged. Others, on the other hand, hold that such thieves should also be awarded the rope if the theft is worth more than five ducats. The kind of opinion that deserves a fair [modest] round of applause, if one does not regard the death penalty accorded to thieves everywhere as too severe.

Finally, if someone, by means of predatory bees or in some other fashion, causes damage to the bees of another, or even kills them, an arbitrary fine can be imposed on such a person by means of a lawsuit according to the Aquilian law, prosecuted on the interest [in the narrow legal sense], as well as according to the bees' state of health.

[lists various legal sources]

Translation: KH