

A Commune's Oath of Loyalty—Herbolzheim (Upper Rhine) (16th Century)

Abstract

While villages and small towns normally possessed some rights of self-governance, these were frequently embedded in their relations with their seigneur(s), who might include a noble, a city government, an abbot or abbess, and/or an ecclesiastical corporation. This text prescribes the oath that residents of the tiny town of Herbolzheim near Emmendingen (now in the state of Baden-Württemberg) were required to swear both to their lords and to their local officials. The joint lordship of the place included the cities of Strasbourg and Kenzingen and two noble families. This document illustrates the very common integration of feudal and communal governance (which possessed both judicial and administrative powers).

Source

Oath of the Commune of Herbolzheim

First, you swear to my lords of Strasbourg and Kenzingen, Heinrich von Haslach, and Junker Wilhelm Bock, who are our lords, that you will promote their welfare and reputation, warn them and prevent threats to them. You will acknowledge and obey all commands and prohibitions of our lords, also [those] of the mayor, a judge, or the entire court, including those presented by a messenger or a servant of a headman or a judge. You will also obey all commands and prohibitions issued to protect the welfare of the lordship and the village of Herbolzheim, warn and oppose threats to that welfare, the welfare of our lords and of the village of Herbolzheim, and you will obey the alarm bells. [...] You will take no secret counsel with anyone against the lords or the village court, whether meant in jest or in earnest, without the mayor's and the court's knowledge. [...] No one shall move out of the town until he has surrendered his oath before the mayor [...] as ancient tradition, usage, and custom demand. And he must promise to settle any outstanding legal matters at Herbolzheim and not elsewhere.

Further, it is the will of my lords, the city of Kenzingen, Sir Heinrich von Haslach, Junker Wilhelm Bock, that, if it pleases Your Strict and Honorable wisdoms [of Strasbourg], this shall be added to the [customary] article, which stipulates that the commune should swear to report all misbehavior, mischief, and evil deeds. This shall be done, as always, at the stone on the way to Castle Kirnberg.

Source of original German text: Karl Theodor Eheberg, ed., *Verfassungs-, Verwaltungs- und Wirtschaftsgeschichte der Stadt Strassburg bis 1681*, vol. 1. Strasbourg, 1899, p. 771. Available online at: <https://babel.hathitrust.org/cgi/pt?id=coo.31924030550937>.

Translation: Thomas A. Brady Jr.

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