

Codifying Customary Law—Germersheim (Palatinate) (16th Century)

Abstract

The codification of local, customary law was a prime instrument for integrating rural communities into a princely territorial state. The liberties cited presumably extended back to grants by a German king-emperor (“King’s People”) and an abbot (“St. Peter’s People”). The legal status of these privileged groups of farmers lay somewhere between full serfdom and full liberty; they were regarded as “semi-serfs.”

Source

Ancient traditions, liberties, and rights of the Palatine semi-serfs, who are called “the King’s and St. Peter’s People,” and who live in the mortgaged lands of Germersheim, which are drawn from the old royal liberties.

[1] Item, persons who moved from the Röder district and across the highway to Schaidt and other villages shall become, according to ancient usage, King’s People and shall have the right of free movement in and out of the district.

[2] Item, persons moving from the commune of Gutenberg shall also be King’s People and shall have the right of free movement.

[3] Item, people who come into the aforementioned village from the Palatinate, the duchy, the margraviate, the prince-bishopric of Speyer, or other lordships shall be King’s People and shall have the right of free movement.

[4] Item, people who cross the mountain and navigable water and come into the village of Schaidt and its vicinity, and who are not pursued by their lords for a year and a day, shall be King’s People and shall have the right of free movement.

[5] Item, anyone who comes from an Imperial free city into the aforesaid village of Schaidt and its vicinity shall also become King’s People and shall enjoy the same liberties.

[6] Item, all bastards and newcomers without lord or family shall be King’s People and shall enjoy the same liberties without any hindrance.

[7] Item, whoever is born of King’s People shall be King’s People and shall be seized of all the same freedoms without any hindrance.

[8] Item, in every way St. Peter’s People who settle and live in this district shall be treated the same, without hindrance, for from olden times they have been treated no different and have always lived and worked among the rest.

Note: All King’s People and St. Peter’s People have been granted the same liberties and rights by the Holy Roman Empire and the Roman emperors and kings, and they have also possessed exactly the same obligations.

[9] Item, in return for the aforementioned liberties, these are the obligations and regular dues of the

King's People and St. Peter's People.

[10] Item, first of all, the aforementioned King's People and St. Peter's People collectively pay a specific sum annually, their "Request" [*Bede*], which is apportioned according to their holdings, more or less, and which yields the sum of about 50 gulden or more, according to the people's situation.

[11] Item, further, each King's Man or St. Peter's Man who pays the "Request" must also pay a chicken or its equivalent in cash on an annual basis.

[12] Item, if a man of this status dies, the death duty consists of the best head of livestock, which may be commuted to a cash payment.

[13] If a woman of this status dies, the death duty consists of the best garment, which may be commuted to a cash payment.

[14] Item, in case of assessments or travel costs for legal business, these people shall cover the assessment and the travel at reasonable levels, just as other people in the Empire do.

Note: No other burdens shall encumber the liberties, right of free movement, and services of the aforementioned people, so that they shall enjoy at all times these liberties and the right of free movement. It was affirmed and attested ten, twenty, thirty, eighty, or a hundred years and longer ago, that these are and should be the undiminished ancient liberties, traditions, and rights of the King's People and St. Peter's People.

The district and villages of the King's People:

Schaidt, Hatzenbühl, Rülzheim, Hayna, Herxheimweyher, Jockgrim, Rheinzabern, Offenbach, Kuhardt bei Rülzheim, Leimersheim, Pfoztz, Mörlheim bei Landau.

The district and villages of St. Peter's People:

Steinfeld, Kapsweyer, Schlettenbach.

Note: In all villages belonging to the prince-bishopric of Speyer and the Abbey of Weissenburg and their lordships, the King's People and St. Peter's People may have their residences and their rights according to the ancient liberties.

Note: It may happen that when subjects or dependents of any ruler or authority whatsoever want to migrate into the district of the King's People and St. Peter's People, and their rulers attempt to diminish or curb their liberties and right of free movement—whether by maintaining their servile status, diminishing their rights, levying death duties, or other obligations and burdens of this sort, in whatever form. In that case, if the subjects decide to move back under their former rulers and resume the services and burdens, the rulers must pay equitable compensation to the aforementioned King's People and St. Peter's People.

Source of original German text: StArch. Speyer, Kurpfalz Urkunden Nr. 966; reprinted in Günther Dickel, ed., *Pfälzische Weistümer*. Speyer, 1972, pp. 622–25.

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