Imperial Reform (1495)

Abstract

The first phase of the Imperial Reform under Maximilian I began with the legislation enacted on August 7, 1495, by the Imperial Diet at Worms. Two of its principal enactments concerned the Perpetual Public Peace (A) and the Common Penny (B). The Perpetual Public Peace is noteworthy for its definitive abolition of the right of feud and its establishment of a regime of law and order. The Common Penny was the first direct tax levied by the Empire. It was renewed several times, the last time in 1544, and then abandoned forever in favor of the older matricular system, whereby money to support fixed numbers of cavalry and infantry in units called “Roman months” was apportioned among the Imperial Estates in accordance with Imperial tax registers. Note the stark contrast between the language of this document and that found in passages from the Golden Bull of 1356. While the latter is couched in highly symbolic language and refers to specific persons, this law is framed in more general, more secular, and more purposeful language. The statutes of 1495 initiated a reform process that came to an end in 1521. Among other achievements, the process led to the founding of the Imperial Chamber Court [*Reichskammergericht*] in 1495 and the creation of the Imperial Circles [*Reichskreise*] in 1512. These institutions needed a generation or more to become secure. The Common Penny, on the other hand, failed, as did all other attempts at fiscal reform.

Source

A. The Perpetual Public Peace.

Worms, August 7, 1495

We, Maximilian, Roman King by the grace of God, Conserver of the Empire for all ages […] send Our grace and good will to each and every of Our and the Holy Empire’s electors, princes spiritual and temporal, prelates, counts, barons, knights, servitors, commanders, vidames, guardians, wardens, officials, headmen, mayors, judges, councilors, burghers, communes, and all other subjects and sworn subjects, whatever their dignity, status, or condition, who read this, Our royal mandate or a transcript thereof, or have it read or them, or are shown it. Ever since We were elected to the high honor and burden of the Holy Roman Empire and succeeded to its governance, We have seen that constant attacks are being made, and long have been made, against Christendom, whereby many kingdoms and rulers of Christian lands have been subjected to unbelievers, so that they now rule right up to the boundaries of the Holy Empire and have in recent times both notably increased their depredations against the cities, lands, and properties held by Our Holy Father the pope and the Roman churches and violently seized other lands and jurisdictions of the Holy Empire. These attacks have brought both the Holy Empire and all of Christendom heavy losses, damages, and the loss of population, honor, and dignity and will continue to bring them, if, after timely and broad consultation, a stable, binding condition of law and order is not established, maintained, and made effective in the Empire. To this end, following the unanimous counsel of honorable and high-born persons, Our dear nephews, uncles, electors, princes spiritual and temporal, also prelates, counts, barons, and Estates, We have proceeded to establish, ordain, and make a common peace for the Holy Roman Empire and the German Nation, and We establish, ordain, and make this peace by the power of this proclamation.

1. That from this moment on, no person of whatever rank, status, or condition shall make war on others, or rob, declare feud with, invade, or besiege them, or help anyone else to do so in person or through servitors; or violently occupy any castle, town, market, fortress, village, farmstead, or hamlet, or seize

them illegally against another's will, or damage them with fire or in any other way, or assist by word or deed or in any other way support or supply any perpetrators of such deeds, or knowingly harbor, house, feed, or give drink, aid, and comfort to such persons. On the contrary, whoever has a quarrel with another shall take his case to the courts and tribunals that have settled such cases in the past, and such matters now belong and will continue to belong in the future under the law establishing the Imperial Supreme Court.

2. And to this end, We have abolished all publicly proclaimed feuds throughout the Empire, and, based on the plenitude of Our Roman royal power, We forbid and abolish them in and by virtue of this mandate.

3. And if anyone, whatever his or her rank or status, acts or undertakes to act against one or more persons belonging to the groups named in the following article, he or she shall be legally placed, with all proper penalties, under Our and the Holy Empire's ban. Thereupon all persons will be permitted, without legal liability, to lay hands on them and their possessions. Further, all agreements, obligations, and leagues, by which banned persons may receive aid and comfort, shall be null and void when it comes to those who proceed to arrest them. Further, all fiefs of the banned shall revert to the feudal lord, who shall not be obliged, so long as the violator of the peace lives, to grant them to him or his feudal heirs, or to allow his people any use of them.

4. And if any electors, princes, prelates, counts, barons, knights, cities, or other Estates, of whatever rank, status, or condition—spiritual or temporal—or their subjects are injured in violation of this public peace, and if the perpetrator is unknown or merely suspect, and if the plaintiff does not want to prove his guilt, so that only a reasonable suspicion of guilt exists, the elector, prince, prelate, count, baron, knight, or city, to whom or to whose vassals, prelates, counts, barons, knights, subjects, or relations damage has been done, should and must describe the damage and schedule a meeting at which a sworn denial of guilt shall be secured from the suspect. And if the suspect or suspects in any way resist or refuse to appear at the meeting, he/they shall be declared guilty of such damage and of breaching the public peace, and he/they shall then be proceeded against in accordance with this law. The aforesaid elector, prince, prelate, count, baron, knight, or city shall, however, accord the suspect(s), safe conduct to and during such meetings and shall guarantee their safety and the safety of all those they bring to the meeting. And if the summons can be presented to the suspect(s) in person, it shall be posted in two or three of the places where courts are accustomed to hold session. And if, in violation of this law, anyone is robbed, injured, or attacked, everyone in the vicinity who is called on shall pursue the suspect with all possible speed and energy and lay hands upon him as though the injury were their own.

5. No one shall harbor, house, feed, protect, or supply such evildoers and breakers of the peace in his jurisdiction or on his properties and lands. Rather, he shall go after such persons and dutifully prosecute them by virtue of his office and respond to the accusers by helping their cause, so that the evildoers obtain no comfort, protection, liberty, or safe conduct. They shall receive none of that and enjoy nothing, except by permission of their accusers, for We declare that breaking the peace excludes and precludes all such comfort, protection, sponsorship, and safe conduct, no matter who performs it.

6. If the evildoer or violator of the peace possesses a refuge or fortress or enjoys support or protection, so that a larger force or campaign is needed, or if someone protected by this public peace—whatever rank, status, or condition he may have—is made the object of a feud, attack, or injury by someone not under the public peace, or if the latter harbors, protects, or gives aid and supplies to the evildoer or attacker, in that case, the plaintiffs or Our chief judge shall bring the matter to us or Our delegate and the annual assembly of electors, princes, and Estates of the Empire, who shall without delay send aid and support to the persons attacked or damaged. If the action or invasion, however, is such that it cannot be dealt with in a timely fashion by the annual assembly, We hereby empower Our chief judge to call in a timely manner, in Our name and those of the electors, princes, and Estates of the Empire, a conveniently located meeting. There, We and they will assemble, or We and they will send delegates to consult and

agree on action about their case. Our chief judge and the court shall nonetheless at all times have the legal powers to proceed by virtue of their offices and at the request of those attacked and injured, against violators and breakers of the peace.

7. Since there are many soldiers, cavalry and infantry, who have no proper lord, and since many have entered contracts which they do not honor and which the rulers with whom they contract cannot force them to honor, and who thus scour the land in their own interest, We desire and order that henceforth such cavalry and infantry shall no longer be tolerated or allowed to remain in the Holy Empire. Whoever encounters such folk shall arrest them, put them to the question [= judicial torture], punish them severely for their misdeeds, confiscate their property to the last farthing, and force them to swear oaths and give guarantees of future good behavior.

8. And if, which We do not expect, spiritual persons [= clergy] act against Our peace and law, the prelates, who have direct jurisdiction over them, shall at the request of the plaintiffs redress the damage as best they can and severely punish those who are responsible. And if they fail to do this, and the evildoers are not punished, We shall remove them from the grace and protection of Ourselves and the Empire and refuse to defend or make agreements with such disturbers of the peace. They may purge themselves of suspicion, however, just like lay persons, as described above.

9. During the time that this public peace is in force, no one shall be bound by agreements, obligations, or alliances to act against it, and by virtue of Our royal authority We declare all such agreements void and non-binding, though without prejudice to the other paragraphs, provisions, and articles. And this public peace obliges no one to give or take guarantees for honest debts. And whoever comes by virtue of this law under the ban, as provided above, he or she shall not be absolved of it by Us without the consent of the injured party and not until he receives satisfaction before the law.

10. And We, by virtue of Our Roman royal authority, therefore recommend to all the aforementioned by your oath and your duty, which you have performed and pledged to us in the name of the Empire, and by the obedience that you are obliged to render us as Roman King, and by pain of loss of all grace, privileges, and rights that you have from Us, from the Holy Empire, or from others, and We command, with deep seriousness and strictness, that you steadfastly hold to this public peace and to Our mandate with all of its points, articles, and provisions. And that you order and command that in your principality, county, barony, and lands, whatever their form of regime may be, the officers, vidames, wardens, administrators, and deputies—or whatever other titles they may hold—and your subjects obey and enforce and not neglect or resist—openly or covertly—in any way all the aforementioned points, under pain of the Imperial common law, the royal mandates, and Our extreme displeasure.

11. We also furthermore declare to the possessors of each and every grace, privilege, liberty, tradition, agreement, and obligation framed and issued by Us, Our predecessors, or others in the Empire who may oppose—in whatever language—this, Our public peace, that We, by virtue of the plenitude of Our Roman royal authority desire and add to this law, that no one, of whatever rank, status, or condition, shall or may be in any way protected by such graces, liberties, traditions, or agreements against this public peace.

12. Further, this peace and mandate does not nullify the royal and Imperial common law and other existing ordinances and mandates but complements them. From the moment of this proclamation on, everyone is obliged to obey it. […]

B. The Law of the Common Penny.

We, Maximilian, Roman King by the grace of God, etc., and We [the Imperial Estates] announce for Us, Our successors and heirs publicly with this document, and We proclaim to all, that, in order to preserve law and order in the Holy Empire and resist the enemies of Christ, the Turks, and other foes of the Holy

Empire and the German Nation, We agreed, decided, ordained, and established, as follows:

1. Namely, that during the next four years, but not longer, each and every person, spiritual or temporal, woman or man, of whatever rank, status, or condition, with no exceptions and throughout the Holy Empire, shall make the following annual payments: whoever owns real and/or personal property or rents worth 500 florins shall pay one-half florin; whoever possesses 1,000 Rhenish florins shall pay 1 florin; whoever possesses more than 1,000 Rhenish florins shall pay as much more than 1 florin as he sees fit; but whoever possesses less than 500 Rhenish florins, and is at least 15 years old, shall pay 1/24th of a Rhenish florin, so that together 24 such persons shall pay 1 Rhenish florin.

2. The possession or use of 25 Rhenish florins in annual rents shall be reckoned as equivalent to 500 florins of property; and 50 Rhenish florins in annual rents shall be reckoned as 1,000 florins.

3. Each year, all Jews, men and women, young and old, shall pay 1 Rhenish florin each. In each city, market, village, or district, the resident Jews shall be registered and assessed, and the sum owed by them shall be assessed according to their wealth and situation, collected, and forwarded to the commissioners.

4. Princes spiritual and temporal, prelates, counts, barons, and communes shall pay more or less according to their status and condition, as is just.

5. The yield of this levy from the laity shall be collected all throughout the Empire by the parish priests. And We, Maximilian, Roman King, and every elector, prince spiritual or temporal, prelate, count, baron, knight, gentleman, commune, etc., shall at Our and their own expense strictly order and arrange in Our and their cities, districts, marketplaces, and villages that this tax be collected in each parish from every person by upright persons on their oath. This shall occur each year in the pastor's presence before New Year's Day, and the money shall be guarded faithfully. These chosen persons shall estimate whether someone is worth 1,000 or 500 florins and make an accurate record of the sums, which they will forward faithfully to the paid commissioners hired for each territory by the seven treasurers named below. The commissioners shall faithfully transfer the money and the registers before the next Feast of the Purification of the Virgin Mary.

6. This tax shall be collected in Our, King Maximilian's, and Our Son's, Archduke Philip's, lands at the time and in the manner laid out above, and it shall be forwarded faithfully by the commissioners to the treasurers, along with the tax registers. This will encourage the electors, princes, Estates, and others to pay all the more willingly.

7. Item, the seven treasurers named below shall appoint in every archbishopric and bishopric a clergyman as commissioner at a reasonable salary. He shall collect this aforementioned tax from the clergy in the presence of the bishop's agents every year before New Year's Day, and he shall faithfully transmit the money and the tax registers, as provided above, to the treasurers before the Feast of the Purification.

8. Item, for the purpose of assessing, collecting, and guarding the proceeds, seven honest, reputable persons shall be appointed as treasurers at a reasonable salary, and they shall be sent to Frankfurt to collect the money and faithfully guard it. One shall be appointed by Us, King Maximilian; the second by Us, the electors; the third by the other Imperial princes spiritual and temporal; the fourth by the prelates; the fifth by the counts and barons; the sixth by the Imperial free knights; and the seventh by the Imperial free cities. Each shall be sworn on the Holy Gospels to Us, King Maximilian, to Us, the electors, also to the princes and Estates on behalf of the Holy Empire, as follows: "I, N., believe and swear, that I should and will be faithful to the Royal Majesty, electors, princes, and Estates of the Holy Empire, that I will promote, counsel, and act for the honor, dignity, and weal of the Holy Empire, and collect with my fellow

commissioners the money from this tax, and place this money in a safe place in Frankfurt and keep it there. I should and will also, before or after the transferal, not remit, give, or promise anyone or allow anyone not to pay such money or a part thereof. But I will pay out only for those purposes clearly determined by the annual Diet for the preservation and safety of Christendom and law and order in the Holy Empire. Together with my follow commissioners, I should and will give an honest accounting to the annual Diet of each and every income and expenditure, and will obey my charge faithfully and according to my best understanding, commitment, and ability and do as I am commanded. And no envy, hatred, bribe, gift, promise, favor, friendship, enmity, or anything else shall in any way influence me. This I swear without reservation."

[…]

10. Item, these treasurers and commissioners shall in these affairs and duties be free of all oaths, by which they are bound to Us, King Maximilian, and to all electors, princes, and other rulers, spiritual and temporal.

11. Item, the seven treasurers shall immediately and without delay or neglect obey their orders, which they have from this mandate and the oath they have sworn. And, collectively and individually, on the part of Us, King Maximilian, and the electors, princes, and other Estates of the Empire, they shall be subjected to no sign of disfavor or displeasure but shall be graciously aided and protected.

12. Item, if the annual Diet decides to hire troops, such persons shall be recruited from all lands of the Holy Empire, though princes, counts, barons, knights, and others, who are regarded as more capable than others, shall be preferred; except that no land shall be favored above others.

13. If anyone shall give aid and counsel or military assistance to the Turks or to others who act against Christendom, the Empire, or the Nation in deeds or in any other way, he shall be banished from the Empire and his goods declared forfeited by public proclamation.

14. Item, it shall be ordered all over the Empire, that the people are to be admonished from the pulpits, that everyone is called upon to exert themselves more than formerly to promote the honor of God and the preservation and spread of the Christian faith and the Holy Empire, along with law and order. […]

Source of original German text: Hanns Hubert Hofmann, ed., *Quellen zum Verfassungsorganismus des Heiligen Römischen Reiches Deutscher Nation 1495–1815.* Darmstadt: WBG, 1976, pp. 2–6, 15–18.

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