

## Prince and Estates—Treaty of Tübingen (1514)

### Abstract

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Until the later fifteenth century, the Empire was composed mostly of territories ruled by princes whose authority consisted of a bundle of often disparate rights. The beginnings of institutionalized central rule lie in the later fifteenth century, roughly contemporary with the Imperial Reform. In most of these semi-sovereign states, the estates—nobles, prelates, towns, and, occasionally, peasants—played an important role in the consolidation of feudal principalities into territorial states. In the southwestern territory of Württemberg, the estates came to participate in territorial governance between the 1470s and the 1490s. In 1482, the land was already secured against new partitions through the declaration of its indivisibility; it acquired a fixed capital in Stuttgart and a university in Tübingen; and in 1495, when Württemberg was raised from a county to a duchy, primogeniture was introduced. The seemingly smooth character of Württemberg's transformation was attributable to the fact that its towns were strong and its nobles weak. There was, however, a crisis under Duke Ulrich (1487–1550), who clashed with the estates over his enormous debts and his handling of a rural insurrection in 1514. The outcome was the Treaty of Tübingen, which was mediated by the Imperial commissioners named at the head of this document. In it, the estates pledge to cover the ducal debts for almost forty years, in exchange for which they receive broad concessions from the duke, for example in regard to decisions on taxation. The document functioned as a kind of written constitution for the duchy of Württemberg until its arbitrary abrogation in 1805.

### Source

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We, the envoys of the most illustrious and powerful prince and lord, Lord Maximilian, by God's grace Roman Emperor, etc., Count George of Montfort, lord of Bregenz; Lord Christoph of Limburg, Imperial Hereditary Cupbearer; and Johann Schad, J.U.D.;<sup>[1]</sup> we, William, by God's grace Bishop of Strasbourg and Landgrave in Alsace; we, Hugo, by the same grace Bishop of Constance; we, Valentine Schenck von Erbach, Chancellor Florenz von Venningen, J.U.D, and Franz von Sickingen, on behalf of our most gracious lords, Louis and Frederick, brothers, Counts Palatine of the Rhine and Dukes of Bavaria; we, Peter von Aufseß, Canon of Bamberg and of Würzburg and Provost of Homberg, and Ludwig von Hutten, Knight, on behalf of our gracious lord, Lord Lawrence, Bishop of Würzburg and Duke of Franconia; we, Blicher Landschad von Steinach, on behalf of my gracious lord, Lord Philip, Margrave of Baden and Rötteln—we envoys and delegated councilors publicly announce with this letter and proclaim to everyone, as follows. Disputes and differences have arisen between the illustrious, highborn prince and lord, Lord Ulrich, Duke of Württemberg and Teck, Count of Montbeliard, etc., our dear lord, friend, and gracious lord, on the one side, and on the other side the honorable and distinguished prelates and the whole body of the dependents and subjects of His Grace's principality, which have led to some rebellions within the body of subjects. Afterward, however, negotiations were undertaken with such good will that these matters were brought to the parliament called here by His Grace for further negotiations, and many days were spent in negotiations between him and them. Eventually, the disputes were laid before us for arbitration, upon which we have expended energy and time, that we, with the knowledge and approval of both sides, have prepared a determination and composition as follows.

[1] Namely and in the first place, the body of subjects shall pay the aforementioned Duke Ulrich 22,000 florins each year for the next five years. The prelates, collegial chapters, and monasteries, plus the districts of Montbeliard, Nürtingen, Blamont, and Reichenweier shall share in these payments, as much as they can. And the whole sum for all five years, as provided above, shall be employed toward Duke

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Ulrich's current debts and the redemption of his [mortgaged] revenues.

[2] When the aforementioned five years are up, the entire body of subjects, together with the prelates, collegial chapters, and monasteries and the districts of Montbeliard, Nürtingen, Blamont, and Reichenweier—as much as they can—shall assume responsibility to raise 800,000 florins in principal to liquidate the interest, which now burdens the principality, all to be arranged as follows. The parliament itself shall pay 22,000 florins per year until the sum of 800,000 florins is paid off. In addition, the prelates, collegial chapters, and monasteries in the aforementioned districts shall contribute to the extent that they can, and whatever they pay shall be reckoned toward and deducted from the 800,000 florins.

[3] Those portions of the [ducal] revenues that are redeemed from the 800,000 florins owed through the annual payments shall be restored to Duke Ulrich's treasury.

[4] Special officers with no prior involvement with receiving and disbursement shall be appointed by Duke Ulrich and the parliament as receivers of the annual payments for the first five years and of the subsequent territorial taxes to pay off the 800,000 florins. They shall be charged with collecting both the payments to cover the pressing debts and interest during the first five years, and the territorial taxes to cover the interest and principal that burden the principality. They shall perform their offices honestly and faithfully and shall render correct annual accounts to Duke Ulrich and the parliament.

[5] Then Duke Ulrich shall, based on the special grace he has for his subjects, cease and revoke the punishments that have been meted out to the land, and he shall not impose them again. This revocation of punishments, however, and the payment of the first 22,000 florins shall take place simultaneously.

[6] The military campaign that Duke Ulrich has planned and undertaken for the preservation of the land, the people and his, Duke Ulrich's, relatives, and for the protection of his lordship and prerogatives and to aid and support his allies, plus the campaigns he may undertake in the future for the good of his principality, shall take place only with the advice and consent of the whole body of subjects. If Duke Ulrich, however, undertakes any further war and wishes to aid and help anyone out of friendship or other motives, this, too, shall occur only with the advice and consent of the whole body of subjects, that is, if he requires assistance from them. And in all such matters, Duke Ulrich shall supply the forces as his forefathers did, and the subjects shall serve with their persons and their means of transportation and in other ways, as was the case under Duke Ulrich's forefathers.

[7] And if a war breaks out, as described above, and help is required, then the financial agreement outlined above must be suspended, though without prejudice to its provisions, until the military aid is finished. It shall also be observed that when a ruling prince is captured, God forbid, the subjects shall loyally assist in freeing their ruling prince, and such aid shall be offered with their advice and consent, as it was under Duke Ulrich's forefathers.

[8] In order that the common man can bear the burden and do so willingly, Duke Ulrich shall graciously grant them the right of free movement, except that during the next five years none of the subjects may migrate out of the land.

[9] If, during this same period, anyone wants to have his child married outside the land, he may do so and may remove the property undisturbed after paying a tenth of it. This tithe shall be paid into Duke Ulrich's treasury.

[10] If, during the five years following the first five-year period, he wishes to emigrate or have his child married outside the land, he shall be able to do so after payment of the aforementioned tithe.

[11] If, after these ten years, anyone wants to emigrate, he shall pay a twentieth of his goods for permission to go.

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[12] If, after twenty years have passed, anyone wants to emigrate, he shall be obliged to pay nothing but shall be free to do it.

[13] Whatever is paid between the proclamation of this treaty and the end of the first five year-period shall be deducted from the subjects' payment of 22,000 florins.

[14] Henceforth, land, people, castles, towns, and villages shall no longer be mortgaged without the advice, knowledge, and will of the parliament, and if pressing necessity makes mortgages necessary, the agreement shall note that the estates are not obliged to sign or seal it as co-signatories.

[15] Similarly, no assessment or other irregular tax or burden, under whatever name, shall in the future be laid on the prelates or the estates [...]

[17] In criminal cases that concern honor, life, and limb, no one shall be punished or executed except after due legal trial and sentencing, but each shall be treated according to his deserts [added: by the law of this land], except where the Imperial law provides otherwise. Imprisonment and torture shall be administered according to the ancient custom [...]

[19] If Duke Ulrich and his brother [Duke George] shall die without male heirs, the aforesaid arrangement concerning debts shall be null and void; the aforementioned liberties shall nonetheless remain valid. However, the debts and interest pledged against the principality, plus any others that Duke Ulrich and his brother may leave behind, shall have prior claim to be covered and paid from the principality's incomes.

[20] And Duke Ulrich and after him all of the [subordinate] authorities shall swear to honor the aforesaid liberties in governing their lands, to which end they shall produce signed and sealed documents, in which they oblige themselves on their princely honor to faithfully preserve these liberties, and which shall be handed over to the estates. And until such guarantees are produced, the estates are not obliged to agree to anything or to be obedient.

[21] On the other hand, the parliament shall swear to the aforesaid Duke Ulrich, his heirs, and his successors, in stipulated words [...]

[23] And Duke Ulrich and the whole parliament shall transmit this treaty as written above and the liberties contained therein to the Roman Imperial Majesty, Our Most Gracious Lord, and shall ask His Majesty with all humility to graciously confirm and approve them—all in correct, authenticated form. [...]

## NOTES

[1] Doctor of Civil and Canon Law—trans.

Source of original German text: Paul Sander and Hans Spangenberg, eds., *Urkunden zur Geschichte der Territorialverfassung*. Reprint, Stuttgart, 1965, pp. 56–61, no. 176.

Translation: Thomas A. Brady Jr.

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