

Village Violence, Imperial Justice—Wolfisheim (Alsace) (1524/25)

Abstract

The consolidation of territorial governance brought villages under closer princely and urban authority. One change was improved Imperial jurisdiction over villages and small towns, a process sometimes called “judicialization.” In principle, the establishment of new Imperial courts began in Worms in 1495 with the creation of the Imperial Chamber Court [*Reichskammergericht*]. This document affords a rare, early glimpse into a new channel for judicial appeal that connected the village court, through the local superior jurisdiction, to an Imperial court of justice. The case described here began with a stabbing in a village tavern in Wolfisheim, a commune near Strasbourg in Lower Alsace. One participant, Arbogasts Hans, sued Linsers Hans for injuries and lost wages in the village court, and the village court referred the case to the superior jurisdiction of the city of Strasbourg. Upon his conviction, the defendant appealed the city’s verdict to the Imperial Chamber Court in Esslingen. These documents from the local case in Wolfisheim (“acts of the first instance”) were presented in response to the Chamber Court’s subpoena, which required village officials to supply the appellant with the court records.

Source

Acts in the First Instance

Linsers Hans vs. Arbogasts Hans

Esslingen, June 18, 1525

To the Well-born, Grave, Most Learned, Honorable, and Distinguished President and Assessors of the Royal [Imperial] Chamber Court at Esslingen, our Gracious Lords.

Well-born, Grave, Most Learned, Honorable, Distinguished, and Gracious Lords. We render you, first of all, our willing and humble obedience. Gracious Lords. We have received our Gracious Lords’ subpoena,^[1] in which we were ordered to produce, in return for a proper fee, for the appellant Linsers Hans all judicial acts and proceedings brought before us in the suit between him and the other party, Arbogasts Hans. Obedient to your command, we then ordered a copy of everything the parties presented to us in our judicial capacity; all this was then transcribed in this dossier or register, and sent as witnesses’ testimonies, following our ancient custom, to the honorable regime of the city of Strasbourg.^[2] This was given to the appellant, at his own cost, in the form transcribed in this dossier or register. This happened just as Your Graces commanded us, as their poor, obedient servants in their gracious protection. The charge and the response between the plaintiff, Arbogasts Hans, on one side, and the defendant, Linsers Hans, on the other, were brought before the mayor and the court of Wolfisheim, just as follows.^[3]

ACCUSATION. The plaintiff, Arbogasts Hans, presented his charge through his counsel. It happened on the seventh day of the year 1524, that Arbogasts Hans and Linsers Hans were drinking with other villagers in Bruscher’s house. Hurtzels Lentz and Schlucken Jerg of Wolfisheim quarreled, and Hurtzels Lentz pulled his knife and tried to harm Schlucken Jerg.^[4] When Arbogasts Hans saw what had happened, he ordered them to keep the peace and said to Schlucken Jerg, “Stand still and keep the peace, no one will harm you.”^[5] Despite the admonition to keep the peace by Arbogasts Hans, who meant harm to no one, Linsers Hans approached him with a bread knife, and, despite the warning, he stabbed Arbogasts Hans in the side three times. When Arbogasts Hans noticed that Linsers Hans’s son wanted to join in the affair, he

lunged at Linsers Hans first and struck him under the arm. He was defending his own life. Then Veltin, the village beadle [*Heimbürge*], warned them to keep the peace.^[6] Despite this warning, Linsers Hans pushed Arbogasts Hans onto a bench and gave him a fourth stab in the body. And had God Almighty not bestowed His grace on Arbogasts Hans, it is probable that he would have died from these four wounds. The same Arbogasts Hans complains bitterly of this act, saying that no one can say or imagine what consequences the blows might have had for him. And if Arbogast could have paid his way out of them, he would have sooner paid a hundred gulden than suffered such stabbings. Because Linsers Hans hurt him so badly, and because there was no provocation on his part, Arbogast Hans demands, as his right, that Linsers Hans pay him compensation, for the shearer is worthy of his hire. And he requests recompense for his upkeep during the seven weeks that he was wounded and for his lost wages. And for the crime committed in this affair, the overlord's action suffices without costs or damages to Arbogasts Hans.^[7] Also, Linsers Hans must accept and pay all the costs that Arbogasts Hans has paid out in order to bring his suit to court. So he believes to have made clear what is just.

RESPONSE. Linsers Hans answers through his counsel, Hans Trumenschlager. Item, his counsel says that he finds it strange and disconcerting that Arbogasts Hans brings such a charge against Linsers Hans. It is quite impossible that Linsers Hans could have committed such a crime. The counsel also finds it disconcerting that Arbogasts Hans so strongly accuses Linsers Hans before the overlord with the intention of pinning this grave act on his client. Therefore, he stands here as before a judge, hoping that a hearing of the witnesses will make clear that Linsers Hans did not commit this deed, and hoping, too, that after the hearings Linsers Hans will be acquitted and relieved of the legal costs.

Following the charge and the response, the speech and the counter-speech, the discovery and the truth, the Honorable Schaffeltzheim Lenz, the mayor, Diebolt Bruscher, Martins Thengen, Hessels Eden, Lienhart Karcher, and Jacob Linser sat in judgment on the matter in Wolfsheim. Since they were not cognizant of the affair, which was too difficult for them, they referred it further to the Grave, Judicious, Honorable, and Wise Master and Council of the city of Strasbourg, who are competent to discover what really happened. This was done on Monday after the Birth of St. John the Baptist [June 27, 1524].^[8] Next, our Gracious Lords, the praiseworthy council of the city of Strasbourg, sent us their judgment in written form; and this was read in an open session of the village court, as is the custom here at Wolfsheim. It said that, after hearing the above-mentioned witnesses and arguments by representatives of each party, we, the mayor and the council of the city of Strasbourg have rendered judgment as follows. Since the witnesses' testimony shows that the accused, Linsers Hans, harmed the plaintiff, Arbogasts Hans, he should bear recompense for the latter's lost pay, the court costs, and pay a fine for the crime involved.^[9] As to the bodily damages and the lost pay, we refer this for calculation and determination to the mayor and the court of Wolfsheim, which, having more knowledge of these two matters, will be better able to recognize and determine what is fair compensation. Given on Friday after St. Dionysius [October 14], 1524.

TESTIMONIES OF THE WITNESSES. Hearings of Arbogasts Hans's witnesses in the suit against Linsers Hans, as heard by the mayor and the court of Wolfsheim.

[1] First, Hanns von Wiherssheim, who testifies under oath without fear or favor but only in the interests of justice. On the seventh day of this year, while he was drinking in Bruscher's house, Arbogasts Jacob put up for sale a field, for which Lentz Biebel and Linsers Lentz offered him money.^[10] And as they were settling the sale, Schlucken Jerg, who was also present, said to Arbogasts Jacob that he should not sell the property but keep it. If he were in need of money, Schlucken Jerg would lend him some. Then Lentz Biebel said his piece about the sale, to which Schlucken Jerg replied that he should not object to a friend doing this. He [Schlucken Jerg] added that if Arbogasts Jacob will keep the property, he will lend him twenty gulden. Thereupon Lentz Biebel said that Arbogasts Jacob should sooner sell the property for twenty gulden than borrow the sum [from Schlucken Jerg]. At this Lentz Biebel grabbed Schlucken Jerg. At this the fellows gathered around, and he doesn't know whether they intended to separate the two.

Then Arbogasts Hans seized Linsers Hans, and grabbed him from behind but didn't warn him to keep the peace. Then Linsers Hans held a knife in his hand, though Arbogasts Hans intended him no harm. Then Linsers Hans himself stabbed Arbogasts Hans. The witness does not know how deeply or in what manner he stuck the latter. Then Linsers Hans the Younger joined the group and pulled his knife. If the tavern-keeper and the other witnesses had not been present, Arbogasts Hans would have died. The fellows took Arbogasts Hans away, and when the fellows were ready for some supper, Linsers Hans came up with his brother, Linsers Lentz. The former came into the room, fork in hand; the latter carried an old backsword. When the meal was finished and the fellows made to leave, Martzolfs Hans and Claus Schnider arrived and wanted to enter the tavern. Linsers Hans and his brother, Lentz, were standing in the doorway, and the latter offered to cut them up. He said, "Are you here for good or evil?" Martzolfs Hans replied, "For good," and he added, "Are you going to stop us?" The two men entered. Linsers Hans the Elder also went in, while Linsers Lentz remained by the door. This is all the witness knows.

[2] Mathis Metziger testified, also under oath without fear or favor. He knows that on the seventh day of the year, while he was taking some supper [*vesper*] with other fellows, a quarrel broke out over the sale of a piece of property, and the parties drew [*knives*] on one another. He doesn't know, however, who drew first. The witness adds that he stood up and warned Arbogasts Hans and Hentz Veltin to keep the peace and then went out the door, so that he didn't see who knifed whom. This all the witness knows.

[3] Hans Veltin said under oath, etc., that he knows what happened. On the seventh day of the year he was drinking with some other fellows. He heard some quarreling at the table in the front of the room. The witness said, "Let me up, I intend to stop this." And as he went to stand up, Lentz Biebel pulled a knife and warned them to keep the peace, whereupon Linsers Hans went up to Arbogasts Hans, grabbed the front of his coat, and stabbed him in the arm with a knife. At the same moment, Linsers Hans himself warned them to keep the peace. The two men were now entangled by the oven in the front of the room. He doesn't know what happened there, whether they cut one another as they were engaged at the long table. He also does not know whether Linsers Hans had a knife at this point. This is all he knows.

[4] Schlucken Jerg testified under oath that on the evening of the seventh day of the year, while they were drinking together, a sale was being arranged among Arbogasts Jacob, Hurtzels Lentz, and Linsers Lentz. As the witness learned that Arbogasts Jacob was selling his property at Soltheim, he [the witness, Schlucken Jerg] and Hurtzels Lentz came to words. Lentz got up and came to his table. Then Arbogasts Hans said to this witness, "Stand still, nobody will harm you," and warned everyone to keep the peace. At that moment there was a tumult in the room, as Linsers Hans grabbed Arbogasts Hans by the coat and stabbed him three times with a bread knife. Then Arbogasts Hans pulled his own knife and stabbed Linsers Hans under the arm. This is all the witness knows.

[5] Thomas von Schaffolsheim said under oath, without fear or favor, what he knows. On the evening of the seventh day of the year, as the fellows sat drinking in the tavern, he was leaning against the banister and he heard the quarrel among the fellows. He went down and entered the chamber, where he saw that Arbogasts Hans had stabbed Linsers Hans, and the latter had grabbed the former, knife in hand, and thrown him onto the table, so that they became entangled. He does not know, however, whether at that moment they stabbed one another again. The witness knows nothing more.

[6] Lienhart Burger swears without fear or favor. He knows that on the seventh day of the year, Arbogasts Jacob offered to sell a property to Lentz Biebel and Linsers Lentz. Then Schlucken Jerg said Jacob should keep the property and if he needed money, Jerg would lend him the twenty gulden that Lentz Biebel had offered. But Lentz Biebel then objected, and at once they fell out and got on their feet. But good fellows were right there, and the beadle warned them all to keep the peace with as much force as he possessed. This witness does not know of any further fight between the two parties, though he saw Arbogasts Hans upstairs with a knife in hand, and as the witness came up to the table, he didn't see anyone who threatened Arbogasts Hans. When Linsers Hans came in, knife in hand, the witness tried as best he could

to prevent further violence. He told Linsers Hans to keep away, for he came in angry and desperate, and he came not to help but struck the witness and pushed him away until the two parties again confronted one another. They were so close together that this witness could not see whether Linsers Hans actually engaged Arbogasts Hans, though he heard that the former stabbed the latter. This is all he knows.

[7] Hanns Burger testified under oath as to what he knows. On the aforementioned day, as he was drinking with other fellows in the evening, and Arbogasts Jacob offered a property for sale, Schlucken Jerg told him not to sell. Then Schlucken Jerg and Lentz Biebel quarreled, one word followed another, and they got up from the table. As the good fellows tried to stop it, Linsers Hans came up with a knife in his hand. The witness warned him to keep the peace and put away his knife. But Linsers Hans turned away und would not be dissuaded. This witness does not know whether Linsers Hans stabbed Arbogasts Hans at that time.

[8] Scheffels Martin testifies under oath that as they were drinking together in the evening, Schlucken Jerg and Lentz Biebel quarreled about a sale. Lentz Biebel pulled his knife, and the two men fought, and as the witness was leaving, someone said that someone in the room had been stabbed. But this witness saw nothing.

TESTIMONY ON THE SIDE OF THE DEFENDANT, LINSERS HANS. Lentz Biebel testified under oath. He knows that on the evening of the seventh day of the year, as they were drinking, Arbogasts Jacob offered to sell a property to the witness and Linsers Lentz, and they agreed to the deal. The witness said, “Landlord, bring us a measure of wine.” When the wine came, the witness stood up and said that he and Linsers Lentz had bought a property from Arbogasts Jacob, and this wine should fix the deal. Then Schlucken Jerg spoke up, “Jacob, you should keep your property. If you need money, I’ll lend you twenty gulden.” And as one word followed another, the witness and Schlucken Jerg quarreled, and everyone got up from the table. As the witness stood up, Hentzen Veltin threw him down to the floor, and when he got up again, Arbogasts Hans was warning them to keep the peace. Then the latter and Linsers Hans got into a fight. The witness did not see if they stabbed one another. That is all he knows.

AUTHENTICATION. All of this happened before and under the authority of us, the mayor and the court of Wolfisheim. Since, however, we had no seal to authenticate the hearings, we asked the noble and honorable Junker Heinrich von Neuneck, our dear lord, to seal it for us. This I, Jerg von Neuneck, have done without prejudice to me or my heirs. Given on Monday, March 27, in the year of Our Lord 1525.

Your Graces’ humble and poor Mayor and the Court of the village of Wolfisheim.

NOTES

[1] The equivalent to a writ *duces tecum* in English law—trans.

[2] This seems to say that the village court of Wolfisheim had taken down the testimony of the witnesses and that they sent this to Strasbourg when the case was referred to the city council of that city. This means that the village court had a written case record that was made during the original trial—trans.

[3] Following local naming customs, country people were often, but not always, called by a patronym followed by a given name. Thus, Arbogasts Hans is the equivalent of Hans, son of Arbogast. Alternatively, some people, probably newcomers or strangers, were known by their place of origin or residence, such as Thomas of Schaffolsheim.

[4] Literally, Lentz: “pulled from leather,” that is, from a sheath—trans.

[5] Ordering another person to “keep the peace” was the legal duty of every burgher or villager, and failure to do so was a prosecutable offense—trans.

[6] This man is the village beadle or policeman, and Linsers Hans’s refusal to desist aggravates the act—trans.

[7] This refers to the criminal rather than the civil aspect of the affair. The village court could try civil cases, but criminal justice belonged to the higher authority—trans.

[8] That is, the village court found that the matter was too serious to be settled locally, so it referred it to the court of next instance, which happened to be the city council of Strasbourg—trans.

[9] This is the criminal judgment. What follows is a civil judgment by the court of Wolfisheim—trans.

[10] That is, a piece of property from which he drew an annual income—trans.

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