

Oath of Truce Form for Cases of Banishment (ca. 1780)

Abstract

The *Urfehde* [oath of truce] meant a pledge to renounce revenge and was widespread in pre-modern law until the end of the eighteenth century. The example from Bavaria shown here is a form for a *Hafturfehde* [prisoner's oath], in which a prisoner who has been released and banished from the territory swears an oath not to take revenge on those responsible for his arrest and not to enter the territory again. Breaking such an oath was punished as perjury and could be punished by chopping off the prisoner's fingers (with which he swore the oath) or branding.

Source

Oath of Truce Form for Cases of Banishment

Proceeding *per gradam* according to the *Codicem Criminalem* P.1.C.9.§4.

After I, N.N. ___ years of age, of the Catholic religion, from ___ a native of ___, entered the _____ lands as a foreign vagabond, and was incarcerated and then prosecuted by the Electoral higher or lower administrative court, then graciously sentenced by an electoral aulic council in Munich or government in _____ to eternal banishment from all of the Bavarian, Neuburg, Sulzbach and Upper Palatine lands, also all of the Electoral districts in Swabia, having been found guilty, and required to swear the oath of truce, being

Oath

I, R.N., do solemnly swear an oath to God the Almighty that from the day and hour of my delivery to the next border town, I will avoid all Bavarian, Neuburg and Sulzbach and Upper Palatine lands, and also all Electoral districts located in Swabia for the rest of my life, and shall not enter them, on pain of commination, so that if I am found once again in the aforementioned Bavarian, Neuburg, Sulzbach and Upper Palatine lands, or in the Electoral districts in Swabia, my life will immediately be forfeit by the simple case of reentry (whether or not I may have committed some other offense): So help me God and all his saints.

In witness whereof I am bound and determined to adhere to this oath of truce, and the presence of two witnesses to the same oath shall serve as testimony to my conviction at this time.

Actum ____ the ____ Anno. ____

Source of original German text: Urpheds-Formular beyr Landesverweisung wo hinnach secundum Codicem Criminalem P. I. C. 9 §. 4 per Gradus verfahren wird, o.O., ca. 1780. Available online: <https://www.digitale-sammlungen.de/view/bsb10625280?page=%2C1>

Translation: Pamela Selwyn

Recommended Citation: Oath of Truce Form for Cases of Banishment (ca. 1780), published in:
German History in Documents and Images,
<<https://germanhistorydocs.org/en/the-holy-roman-empire-1648-1815/ghdi:document-5378>> [July
16, 2024].