(Cover) Cavalry Rider, Mathes Bauch’s Promise Not to Retaliate

1523

(P 1) I, Mathes Bauch, cavalry rider, acknowledge and make known publicly with this document before one and all that I was taken to the jail of my gracious lords the illustrious high-born princes and lords, Lord Casimir and Lord Georg, as the reigning oldest brothers, the Margraves of Brandenburg etc. in Kitzingen and spent several days therein for well-deserved reasons, namely, that two days in a row I secretly hid myself in a mill not far from Kitzingen, brought my horse there, and both times left by foot to follow a woman, whom I cited and summoned, by which behavior, given the perilous times we are living in due to the advance of the League’s forces and other uprisings, I called not a small bit of suspicion upon myself that I had been pursuing other mischief and was well deserving a more severe punishment and questioning under torture except that after numerous fervent appeals of my wedded wife and my other good friends and upon payment of my board and other costs accrued in the course of my detention I was again released from the above mentioned jail without harm, something for which I am and shall be grateful; I thus pledge and promise in truth for myself, my heirs, and relatives without coercion or force to refrain from seeking retaliation, quarrel or vengeance for the above mentioned confinement and proceedings and what happened to me then against my gracious lords, named above, their graces’ heirs, lands and people, subjects and relatives, and those who show allegiance to their graces and their subjects, clerical or secular, whatever rank, eminence or status they may be and specifically against their graces’ current and future officials, the mayor and Council in Kitzingen, all residents, burghers, and the community itself, additionally all of those who had a hand or took part in my confinement and what happened to me during that time, providing service, aid, supplies or support, privately or publicly, knowingly or unknowingly, including those who were or might have been related to and involved in it, from now on and forever, in words or deeds, neither inside or outside the law,
clerical or secular, nor otherwise by any other way or means also from making or causing anything to happen
either by myself or anyone else that anyone could or might

imagine or plan; nor will or shall I stand or do anything against my above named gracious
lords, Margrave Casimir and Margrave Georg of Brandenburg etc., their graces’
heirs, lands and people, subjects and relatives, clerical and worldly, noble and common
but rather if in the long or short term I had any issues or matters to resolve with their graces’ subjects,
relatives or those who owe allegiance to their graces and their subjects dealing with things
outside of my promise here that I would be satisfied each time with a friendly resolution
and take the matter to the courts where each resides or normally belongs and not to
contest or try or proceed with this elsewhere by no way or means, on my honor. And for
greater assurance of all this I have thus selected as good, equal guarantors and select as named herewith by power
of this document the honorable Paul Wolf and Jacob Müller both from Fröhstockheim on the condition
that if I break or fail to uphold my word as the document outlines and lists, something that in no way shall be and
from which God may eternally protect me, then shall my guarantors immediately upon being
reminded and notified of this pursue and search for me, and return me again to the jail
from which I have just been released, all this due before the next following month has elapsed;
if, however, they could not capture and return me again to this jail, then shall each guarantor deliver
themselves in person to the above mentioned jail in Kitzingen in my stead and make amends to my gracious lords,
named above for the crime and offense committed and pay the person or persons
who sustained injury because of that offense, be it personal or material, compensation and
damages and to leave said jail only with the knowledge and consent of my gracious lords, the Margraves,
named above; I, too, the previously named Mathes Bauch, pledge and promise in truth, as described above,
for myself, my heirs, and beneficiaries herewith by power of this document to uphold all of that which
has been written about me in good faith, and true, firm, resolute, and steadfast fashion and to hold my guarantors
and sureties during their service as guarantors completely harmless; thus then we, the above-named guarantors,
acknowledge our service as guarantors. We, too, pledge and promise by the following obligations and
in truth that if it so happens the above-named Mathes Bauch breaks and does not uphold that which this promise
contains and concerns that we immediately (as described above), as soon as we are reminded or
informed of it, with the following month’s time limit, to search for him,
to return him again to the above mentioned jail in Kitzingen or to deliver ourselves
in person to said prison in Kitzingen, etc. and otherwise to uphold, execute, and fulfill
everything that relates to us in this document in true, firm, resolute, and steadfast fashion
and that none of us will pass off the search and pursuit in above mentioned circumstances onto another
nor excuse ourselves from such, rather as described before and afterward to be and remain good
guarantors and sureties and be pleased to help assure that this promise not to retaliate shall be carried out,
honored, and executed without dispute, debate, argument, and excuse.
Thus I, then, the above named offender, and we, the above cited guarantors, have given
the honorable and reputable Philipp Seubot, our above named gracious lords' Vogt of Kitzingen, our hands
in faith to faithfully uphold each and every point of this promise as far as they relate to each of us in
their princely lords’ stead and additionally have raised our fingers to swear an oath to God and
his holy saints, and to authenticate all of this have made a fervent request of the honorable
and wise Hans Besserer of the Council, currently Schultheiß in the Cloister in Kitzingen, and Thoma
Hueble, burgher thereof, such that they have publicly impressed their own seals in this document
at the end of the text as certification, which action we the two just named notaries confirm
to duly perform in response to a fervent request yet without harm coming to us or our heirs, given
on the Tuesday after Corpus Christi in the year, etc. in the twenty-third.

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1 The verbs *citieren* and *bescheiden* are usually used in legal contexts where an accused person is summoned to appear before an official to answer charges. Would a single cavalry rider be charged to deliver such summons? It is not precisely clear what Mathes Bauch did to cause his arrest.

2 The Swabian League was engaged in Franconia, including the area around Kitzingen, in the Franconian War in June and July 1523, a campaign against castles of the lesser nobility who were supporting the robber baron Hans Thomas von Absperg in his feud with the city of Nuremberg. Of special interest for the Urfehd-Verschreibungen is the feud justice (not legislative justice) sought by the lesser nobility in attempts to exert their waning and anachronistic power against the rising legitimacy of the territorial states, including that of the Margrave of Ansbach, and the same feud justice sought by the Swabian League to avenge Absperg’s criminal behavior against Nuremberg. Of note is that Margrave Casimir had withdrawn his membership in the League in the renewal process in 1522 because of its support for Nuremberg and his opposition to Nuremberg interests. For a good overview of the Franconian War see: [http://de.wikipedia.org/wiki/Fränkischer_Krieg](http://de.wikipedia.org/wiki/Fränkischer_Krieg).

3 Verbs do not appear until l. 22

4 Literally, “without malice.”

5 a village about 5 km e of Kitzingen

6 MS 1262, dated July 30, 1523, changes the formula so the released criminal is swearing to God and on Holy Scripture, rather than to God and the saints, as here. Thus, sometime between June 9, 1523 and July 30, 1523, Reformation doctrine was officially adopted in civil proceedings in Kitzingen. Rublack sees Reformation tendencies and tensions in Kitzingen in 1522 with the Council’s dispute with Würzburg about the assignment of a competent pastor in Kitzingen (36-46).
7 See Batori/Weyrauch, pp. 356-58; there “Hans Besserer, cited as Oberbürgermeister 1521 and Obervormundschaftspfleger 1522-25
8 See Batori/Weyrauch, pp. 510-13, the Thomas Hüble described there died in 1535; member of the Inner Council 1503-1535
9 Feast of Corpus Christi fell on Thursday, June 4, 1523; thus the Tuesday following was June 9, 1523.