

Hana Komárková
(Opawa)

The Oath of Office in the Sphere of Food
Production, Food Distribution and Utilization
of Resources within the Urban Community
The Example of Late Medieval and Early
Modern Silesian and Moravian Towns¹

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The oath represents an interesting kind of historical source that can inform us about the processes and changes taking place within the urban community during the significant period between late medieval times and the end of early modern era. The oath or, more precisely the record of the oath can be found on pages of books produced by municipal government or in special registers used by the municipal clerks. In the life of medieval and early modern urban communities there were various occasions in which the oath played an important role. In accordance with German historiography we can call the oath *a bond of community*.² The oath was an important tool of communication not

¹ This essay has arisen as a result of project nr. SGS/05/2016 *The Oaths of Office of Municipal Servants as a Source for Research on Townspeople's Food in the Middle Ages and Early Modern Era – The Example of Silesian and Moravian Towns*, which is run by the Silesian University in Opava.

² In the problematic of the oath in the medieval town were engaged especially German historians; from the perspective of law-history see F. Koller, *Der Eid in Münchener Stadtrecht des Mittelalters*, München 1953; W. Ebel, *Der Bürgereid als Geltungsgrund und Gestaltungsprinzip des deutschen mittelalterlichen Stadtrechts*, Wiemar 1958; from the perspective of social significance of the institution of the oath from medieval times till early modern era see e.g. the work of Swiss historian

only between the town and its lord but also among the members of the community itself.³

The oath was used during festivities and ceremonials connected with the entrance of the territorial lord to the city. The whole community and its representatives had sworn to the Territorial Lord the oath of loyalty, submission and obedience. It was usually an annual ceremony quite similar to the feudal homage.⁴ Besides this, to swear an oath of loyalty to the community was an important part of initiation process for every new townsman. The oath of the new burgess obligated its bearer to behave according to stipulated good manners, to be loyal to the community and its institutions and representatives and to take care of order and stability.⁵ Generally we can say the oath was a kind of bond to the town structures. Also, it has been a tool frequently utilized within the judicial process. However, the judicial oath represents very specific type of oath used in the frames of law with the similar intent as an ordeal.⁶

A. Holenstein, *Seelenheil und Untertanenpflicht. Zur gesellschaftlichen Funktion und theoretischen Begründung des Eides in der ständischen Gesellschaft*, In: *Der Fluch und der Eid. die metaphysische Begründung gesellschaftlichen Zusammenlebens und politischen Ordnung in der ständischen Gesellschaft* [Zeitschrift für historische Forschung, Beiheft 15], P. Blicklé (ed.), Berlin 1993, pp. 13–63; or German historian M. Schaab, *Eide und andere Treuegelöbnisse in Territorien und Gemeinden Südwestdeutschlands zwischen Spätmittelalter und Dreißigjährigen Krieg*, In: *Glaube und Eid, Treuformeln, Glaubensbekenntnisse und Sozialdisziplinierung zwischen Mittelalter und Neuzeit*, P. Prodi – E. Müller-Luckner (eds.), München 1993, pp. 11–30.

³ See e.g. J. Lee, *Ye shall disturbe noe mans right': Oath-taking and oath-breaking in late medieval and early modern Bristol*. *Urban History* 34(1), Cambridge: 2007, pp. 27–38. Available online: http://eprints.uwe.ac.uk/6778/1/Ye_shall_disturbe_noe_mans_rig.pdf [accessed 1.06.2016].

⁴ G. Althoff, *Potega rytualu. Symbolika władzy w średniowieczu*, Warszawa 2011, p. 158; R. Antonín, T. Borovský, *Panovnícké vjezdy na středověké Moravě*, Brno 2009; M. Holá, *Holdovací cesty a návštěvy českých králů ve slezské Vratislavi v pozdním středověku (1437–1527)*, In: *Česká koruna na rozcestí. K dějinám Horní a Dolní Lužice a Dolního Slezska na přelomu středověku a raného novověku (1437–1526)*, L. Bobková (ed.), Praha 2010, pp. 166–191; J. Rogge, *Stadtverfassung, städtische Gesetzgebung und ihre Darstellung in Zeremoniell ein Ritual in deutschen Städten vom 14. bis 16. Jahrhundert*, In: *Aspekte und Komponenten der städtischen Identität in Italien und Deutschland 14.–16. Jahrhundert*, G. Chittolini – P. Johanek (eds.), Bologna–Berlin 2003, pp. 201–202.

⁵ See e.g. W. Ebel, *Der Bürgereid als Geltungsgrund und Gestaltungsprinzip des deutschen mittelalterlichen Stadtrechts*, Wiemar 1958.

⁶ See M. Flodr, *Brněnské městské právo*, Brno 2001, especially pp. 378–386; especially for medieval town of Brno.

Among mentioned groups of oaths we can find also some special ones designed for the minorities living within the urban communities or better a little bit separated from the community. For example the oaths of female *employees* emerged on the pages of analysed books only in the early modern period. However, they will be discussed later on. The Jewish oaths have their own specific form and were used most often to define the relationship between the entrusted representative of the Jewish community and municipal representatives or the community in general. Even more frequent are the judicial oaths of Jews.⁷

Finally, we must not forget the oaths of town officers and the representatives of the municipal government. These belong to the huge group of oaths of office we would like to discuss here⁸. However, more interesting for the topic presented here are the oaths of office of city servants, employees in various spheres of activities of municipal government. From the city scribe to the least servant in the city jail, whenever they were taking up their office, there was an obligation to swear an oath to the city council and to the community.

From the very beginning of late medieval period (15th century) to the end of 18th century we can observe a growing number of records of oaths of office in the materials produced by the municipal self-government and its offices. Partly it was a consequence of growing and strengthening bureaucracy and self-governmental system (towns of Central Europe became important economic and political subjects in the power struggle in this region),⁹ partly it was a consequence of centralization of administration and partly these records have codified the existing situation in daily life of the towns.

The following analysis is based on the sources created in various circumstances of selected Moravian and Silesian towns. The area of research covers the former Duchy of Silesia and the northern parts of the Margraviate of Moravia. The attention was – of course – focused on significant urban districts and the selection of chosen municipalities was

⁷ For detailed information about the stipulated regulations concerning Jewish oaths see: H. Zaremska, *Żydzi w średniowiecznej Polsce. Gmina krakowska*, Warszawa 2011, pp. 217–238, especially p. 229.

⁸ K. Jíšová, *Rituály při volbách a ustavováních městských rad v Praze ve druhé polovině 15. století*, In: CMP 12, *Rituály, ceremonie, festivity ve střední Evropě 14. a 15. století*, M. Nodl – F. Šmahel (eds.), Praha 2009, pp. 215–216.

⁹ See e.g.: F. Hoffmann, *Středověké město v Čechách a na Moravě*, Praha 2009; for the development of administration of the municipalities see: R. Nový, *Městské knihy v Čechách a na Moravě 1310–1526* [Acta Universitatis Carolinae Philosophica et Historica 4], Praha 1963, pp. 21–23.

naturally influenced by the state of sources preservation. The records of oaths from following cities have been analysed – Wrocław, Złotorya, Opava, Olomouc and Swidnica. The collection of oaths was – if the situation required – supplemented with oaths of office from Klodsko.

The basis for the town laws of all analysed towns was the set of Magdeburg rights adopted by the city council of Wrocław and distributed to its daughter municipalities. Most of these towns were even under the direct influence of the municipal court of Wrocław and we can call these related municipalities “the law district of Wrocław”.¹⁰ For most of these towns, Wrocław represented the supreme court of appeal and they used to turn to its municipal court with requests for advice in problematic cases or questionable situations. With the set of Magdeburg rights, these towns have also adopted an internal structure based on the oath. Therefore the oath and swearing itself were inseparable parts of everyday life of all inhabitants, whether the oath and swearing served as a consolidation tools for situation inside the urban community or to fix their external relations.

Chosen towns create a heterogeneous group with diverse development of internal structures and different historical background. Therefore it would be desirable to mention some basic information about their connection on the field of law and at least a general description of the sources which were the main subjects of research.

Wrocław, as it was mentioned above, should be presented as the “metropolis” of this area. During its existence, the town of Wrocław had created the wide network of subsidiary municipalities. First, the copy of its town privileges was sent at the very beginning of 90’s of 13th century to Złotorya and Legnitz.¹¹ Złotorya had probably received the status of the city according to German law model among the first Silesian municipalities. It happened around the second decade of the 13th century. However, Złotorya was not mentioned as the “city” until the early 30’s.¹² Opava – established on German law apparently sometime around the year 1220 – had accepted the collection of Magdeburg law from Wrocław in the year 1301.¹³ Already in the year 1224 Opava

¹⁰ To the problematic of spreading of so called municipal law of Wrocław see: T. Goerlitz, *Verfassung, Verwaltung und Recht der Stadt Breslau*, Teil I Mittelalter, Wrozburg 1962, pp. 111–120.

¹¹ *Ibidem*, p. 108.

¹² R. Gładkiewicz and collective, *Dzieje Złotoryi*, Złotoryja–Wrocław 1997, p. 36.

¹³ J. Bakala, *Zrod městského zřízení na středověkém Opavsku*, Časopis Slezského muzea, series B 26, 1997, nr. 2, pp. 101–102; Theodor GOERLITZ, *Verfassung*,

began to develop as the regional centre of its own law district.¹⁴ In 1352 the collection of Wrocław town privileges was sent to Olomouc.¹⁵ Even before these legal contacts both cities, Olomouc and Wrocław, were connected by the trade relations.¹⁶ We can observe the influence of Wrocław on the field of judicial and administrative system of Olomouc even at the beginning of 18th century.¹⁷ The acceptance of Wrocław patterns of Magdeburg municipal law by Olomouc was probably the result of the kind of Silesian “legal unification policy” of Charles IV pursued in the sphere of the municipal self – governmental system.¹⁸

The situation in Świdnica was rather different. The origins of an institutional city date back to approximately mid-13th century. Formerly utilized patterns of Franconian municipal law were finally replaced by the granting of Magdeburg law by Boleslaw II in 1363 and it was stated to appeal directly to Magdeburg concerning the problematic cases or questionable situations.¹⁹ Later on, after the death of Henry IV Probus, Świdnica had asserted as the centre of its own law district.²⁰

All historical changes that had happened during the observed period (like the Hussite movement, the first uprising of the estates against the Habsburgs in 1547, the protestant reformation and the following confessionalization) had influenced the development of municipal structures of analysed towns and the relations between them. Even the impact of these changes on production of municipal offices (including the form of the records of the oaths) can be traced.

There are plenty of materials where the records of oaths can be found. The most usable are the books produced and maintained by the representatives of municipal self-government and among them mostly the special auxiliary registers keep the records of the oaths.

Verwaltung..., p. 108.

¹⁴ J. Kejř, *Vznik městského zřízení v českých zemích*, Praha 1998, p. 152.

¹⁵ T. GoerlitZ, *Verfassung, Verwaltung...*, p. 108.

¹⁶ M. Sobotková, *Ze vztahů mezi městy Vratislaví a Olomoucí (I. Do roku 1650)*, In: Wrocław w Czechach – Czesi we Wrocławiu (Literatura – język – kultura), J. Malicki – Z. Tarajolipowska (eds.), Wrocław 2003, p. 290; Olomouc was located on the crossing point of trade roads which were connecting Wrocław and whole Silesia with regions on the south, especially with Wien; R. Heck, *O wpływie wrocławskiego prawa miejskiego na Morawach w XIV–XVI wieku*, Śląski Kwartalnik Historyczny Sobótka 4, 1969, pp. 487–498.

¹⁷ M. Sobotková, *Ze vztahů mezi městy...*, p. 293.

¹⁸ T. Goerlitz, *Verfassung, Verwaltung...*, p. 108.

¹⁹ See M. Goliński – J. Maliniak, *Urzednicy miejscy Świdnicy do 1740 r.*, Toruń 2007.

²⁰ W. Korta (red.), *Świdnica. Zarys monografii miasta*, Wrocław–Świdnica 1995, especially p. 58.

The oldest records of the oaths could be found in so-called memorial books together with other various records such as testaments, notes and records of different judicial or administrative content. The oaths were sometimes even written on the endpaper of the book or just on a flyleaf inserted into the book. On the contrary, in 18th century we can find complete books dedicated to an oath-taking and full of records of oaths of office by various “employees” of municipal self-government, where even the special instructions for each profession were written next to the swearing-in formulas.²¹ Special formulas can be found there for individual persons intended for a separate occasion, formulas of oaths for groups and individuals, formulas with the inscriptions about individual persons who took the oath (date and place of the oath) and many other variations of records.

The first type of mentioned books – the memorial book, the book with records of oaths written on the endpapers – is represented by the books from Zlotorya in our collection.²² The oaths from Opava were written either in judicial books among other records or in special books containing formal rules and prescriptions for specialized offices.²³ The special books (auxiliary registers) designated for oaths can be found only in production of municipal offices of Olomouc, Swidnica and Wrocław. The oldest books of this type are merely collections of records lacking any inner structure or alphabetical index. This kind of book is preserved for Swidnica.²⁴ This auxiliary register has been

²¹ This kind of auxiliary register represents the most developed kind of handbook for oath-taking. We can find these books among the production of “highly developed” municipal offices as was e.g. the one of Świdnica at the second half of 17th century; AP we Wrocławiu, Collection Akta miasta Świdnicy, sig. 73; Iuramentum und Instructione (1669–1756).

²² AP we Wrocławiu, Collection Księstwo Legnickie, sig. 482, Stadtbuch von Goldberg, 1481–1499 et sig. 483, *Stadtbuch von Goldberg*, 1506–1527.

²³ SOkA Opava, Collection Archiv města Opavy, sig. IBb11 (1493), inv. č. 221, *Kniha sentencí města Opavy (Ratesspiegel) od Jindřicha Polana z Polansdorfu*; SOkA Opava, Collection Archiv města Opavy, sig. IBb1, inv. nr. 222, *Zelená kniha fojtského soudu v Opavě o soudních procesech a praktikách od městského písaře Jindřicha Polana staršího z Polansdorfu*; SOkA Opava, Collection Archiv města Opavy, sig. IBb13 (1501), inv. nr. 223, *Kniha soudních řádů, nařízení a přísah*; The praxis of recording of the oaths and general reformation of the administrative processes is in the case of Opava connected with the name of Jindřich Polan z Polansdorfu, the scribe from Olomouc; see J. Zukal, *Polanové z Polansdorfu, Památná rodina opavská 16. věku*, Časopis Matice Moravské 1927, nr. 51, pp. 99–123.

²⁴ AP we Wrocławiu, Collection Akta miasta Świdnicy, sig. 63, *Księga ławnicza*, XV–XVIII w.

used during quite a long period and even formerly codified oaths were written on its pages. The auxiliary register from Olomouc has been used in a similar way.²⁵ It comprises wordings of formerly used oaths as well as the later added formulas. This register comprises also a certain structure and is even supplemented with an index. For Wrocław there are two very professional books of oaths – besides others – preserved from 17th and the first half of 18th century.²⁶ The oaths written on their pages are even divided into groups according to the sphere of activity of their bearers.

What kind of information can we get from the records? Following the conclusions of Paolo Prodi we can treat the oath (or the record of the oath) as the long lasting phenomenon and therefore a suitable source for observation of changes within the urban communities such as confessionalization, secularization, and professionalization and disciplination of urban population. From the content of the records of oaths of office of city servants and staff we can also get the practical information about the everyday life of the community.²⁷

The very long tradition of using oaths of office allows (of course, if the state of preservation enables it) to observe the processes taking place during relatively long period, or more precisely, to watch the changes in the form of the oath caused by these processes. Having the opportunity to compare the oaths of office of the same age and the same function or type but originating from another municipality we can even observe the differences between towns and the development of their internal structures. Also some practical information about job content of each profession and functioning of offices and various institutions under the control of municipality self-government

²⁵ SOkA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, Formulář přísah (Iuramenta).

²⁶ AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 897, Eidbuch enthaltend Formularien der von den verschieden artigen Beamten der Stadt bei Übernahme ihres Amtes zu schwörenden Amtseide 17 Jhd. Bei manchen Eiden sind auch die Inhaber der Stellen für das ganze 17 Jhd. Eingetragen; et Collection Akta miasta Wrocławia, sig. 898, Novus hic Iuramentorum Liber.

²⁷ P. Prodi, *Der Eid in der europäischen Verfassungsgeschichte*, In: Glaube und Eid. Treueformeln, Glaubensbekenntnisse und Sozialdisziplinierung zwischen Mittelalter und Neuzeit, P. Prodi – E. Müller-Luckner (eds.), München 1993, pp. VII–XXIX. As the author of the concept of the disciplination theory applied on the early modern society (social disciplination) is considered the German historian G. Oestreich, *Geist und Gestalt des frühmodernen Staates*, Berlin 1969; from the Czech historians concerning with this topic see e.g.: P. Matlas, *Shovívavá vrchnost a neukáznění poddaní? Hranice trestní disciplinace poddaného obyvatelstva na panství Hluboká nad Vltavou v 17.–18. století*, Praha 2011.

could be discovered in the texts of the swearing-in formulas. On the other hand, the evidence of swearing praxis and the existence of records of the oaths of office show the gradually increasing range of municipal self-government's activities and what is more interesting, the effort of city council to control constantly more and more aspects of townspeople everyday life.

The course of study of the following paper is the oath of office in the sphere of food production, food distribution and utilization of sources within late medieval and early modern Silesian and Moravian town communities and relevance of the oath as the source for research on urban structures of those times. The fact that the city, despite its inanimate nature, proves itself to behave like a living organism was noticed and mentioned by many scientists including biologists, sociologists and – of course – historians. Alike the living creatures, the town needs its sources for living and growing. And for the existence of urban structures, the issue of who could control these resources and how, is crucial. We can specify three substantial sources important for living within the walls of medieval and early modern town – water, wood and trade. Analysing each defined sphere we will try to demonstrate the aforementioned functions of the oath of office and the possibilities of its utilization as the historical source for observation of the dynamically changing world of late medieval and early modern town.

As it was mentioned above, there are plenty of oath types which were used within the city structures from early middle ages till the 18th century. Because of the diversity prevailing on this field of research it is always difficult to classify the sources of the municipal provenience. Even the concept of a medieval and early modern town has various interpretations.²⁸ If we concentrate only on the oaths of office, it will not clarify the situation. Each city has undergone its own development and we can find a lot of differences among the forms of governmental system and administration of each of them. These differences had influenced not only the form of administration and governance but also a production of documents of the city offices or the variety of preserved sources. The situation is furthermore complicated by the form of preservation of the sources. As it was mentioned before, the books where the records of the oaths can be found contain different

²⁸ For regional situation see e.g.: J. Bakala, *Zrod městského zřízení na středověkém Opavsku*, Časopis Slezského muzea, series B 26, 1997, nr. 2, pp. 97–122; or Jiří KEJŘ, *Vznik městského zřízení v českých zemích*, Praha 1998.

types of records. Concerning the oaths of office the best way to classify them is to assort them according to the sphere of activity to which their bearers belonged. Naturally, the oldest sources (from the late medieval period in our case) contain the oaths of office of city representatives and employees working by the city council or city law court. They were later mixed with records of oaths from the field of beer and wine production and distribution and even later the oaths of servants from the sphere of defence, health care, food-processing etc. were added to them. At the turn of 17th century we can observe attempts to create systematic auxiliary registers where the records of oaths were sorted according to the sphere of activity of city council they were subordinate. This kind of classification can be found in one of the Wrocław registers and it was able to provide the basic framework for the needs of our research.²⁹ The following pages concentrate on the field of food processing, food distribution and trade and the sphere of utilizing the sources in general. Therefore, according to the mentioned classification, we would pursue with the “Holtz Ambtes” oaths, oaths connected with beer and wine production and distribution (“Tranck Ambtes” in general), oaths of so-called “Hoppen Ambtes”, “Mühlen Ambtes” and “Handel Ambtes”.

Now, let us focus to the records of the oaths themselves.

The Wood – The Source of Material and Subsistence

The wood was one of the most important sources for medieval and early modern towns. In spite of the fact that for the inhabitants of medieval city the forest represented the area of activities of evil and dark forces,³⁰ it was undoubtedly an important source of energy and building materials and also a place where people and livestock could

²⁹ Author of the register had divided the oaths of office and additional number of judicial oaths approximately as follows – “*Apothekerey, Baw Ambtes, Bothen Ambtes, Cammer, Cancelley, Gemeine Almosen, Gemeiner Stadt, Gerichts, Holtz Ambtes, Kirchen Dinstenn, Krigs und Zeugk Ambtes, Mahr Stalles, Müntz Ambtes, Schweidnitzich Keller Ambts, Stewer Ambtes, Tranck Ambtes, Werwaltungs, Wag und Handels Ambtes, Wasserkunst, Zohl Ambtes vnd Zöllner, Hoppen Ambts, Mühlen Ambt*“, AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 897, *Eidbuch enthaltend Formularien der von den verschieden artigen Beamnten der Stadt bei Übernahme ihres Amtes zu schwörenden Amtseide 17 Jhd. Bei manchen Eiden sind auch die Inhaber der Stellen für das ganze 17 Jhd. Eingetragen.*

³⁰ See e.g.: J. Woitsch, *Les životel – člověk strašpytel*, Dějiny a současnost, vol. 28, nr. 11 (2006), pp. 30–33.

get some food from. A special servant, so called “Forestarium”, was entrusted with the upkeep and administration of municipal forest districts. His oaths of office can be found in a large majority of city books from all the analysed towns. The effort to control such an economically advantageous sphere of activity is more than understandable and had an increasing tendency.

The way such records looked like or what was the content of them could be explained on the example of the oath of office of the “Forestarium”³¹ from Olomouc. This record was written on the pages of auxiliary register incorporating the oaths used in 16th and 17th century and earlier³². The oath appears there in two language versions, Czech and German, which was usual in the case of Olomouc. The opportunity to get the information about ethnical conditions by analysing this aspect of oath will be discussed later.

The commonly used form of the written record of the oath was the following: First part was a certain preamble and it contained the information to whom the very person swears (including both the municipal and transcendental authorities and, understandably, the community of relevant city, *Arm vnd Reich*). In the case of *Forestarium* from Olomouc: “*Przisahame Panu Buohu a Panum nassim Sediczy Raddie Nyniegssi y Budauczy, Zie gim w Nassem Haynym Aurzadu Wierny a poslussni beyti chceme*”³³. This part was usually followed by the subject of the oath itself – description of the factual job content, the promise to behave according to stipulated regulations or so called “good old manners”, the description of obligations arising from the position of the one who swore such as pledge of confidentiality or promise to handle the entrusted or collected money responsibly. The “*Forestarium*” promised not only to care for the trade with wood and additional goods but also to observe hunting and dealing with game and grazing of livestock. He was also obligated to pursue the thieves

³¹ SOkA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, *Formulář přísah (Iuramenta)*, fol. 7–8.

³² The collection of oaths comprises even the texts of swears used before its publication at the turn of the 16th/17th century. After its publication the newly-emerged texts were written on blank sheets or put inside the book written on just fly leaves. There are preserved some notes concerning the time and place of taking relevant oath, but it concerns only the oaths towards the landlord, the King (1520, 1577); SOkA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, *Formulář přísah (Iuramenta)*, pag. 1–2.

³³ The content of German version corresponds in this case with the Czech version. But it was not unusual that one of the versions was reduced.

and to confiscate them all their means which were intended to be used for theft: “*Neb takowe[h]o kazde[h]o, pokudz nam mozne bude s Wozem y s Koňmi gimati a otakowem kazde[m] panum Aurzednikum wiernie bez odtahuw oznamiti chceme*”. He had also the duty to report all noticed violation of rules or public order to the city council and the representatives of the city. The obligation of loyalty to the community was also necessary considering the significance and the powers of this officer.

The oath ends with the closing supplication referring also to authorities or subjects which represent them. The person who swears asks Mary, Mother of God, All Saints, the Holy Cross, “Heilige Evangelium” etc. for helping him with the fulfilment of the obligations.³⁴ This passage usually ends with the proclamation “*Amen*”. In the case of *Forestarius* the formula (in German language) sounds as follows: “*Als mir Gott helff vnnd Alle Gottes heiligen!*”

The importance of this profession for the city self-government is evident, at least according to the number of the oaths of “*Forestarii*” or “*Waldt Förster*” that can be found in almost all registers from majority of analysed municipalities even in more than one version for various ages of records.

Water – The Lifeblood of the Town

In late medieval period and early modern era water was surely the most important source of energy and food for all inhabitants of the town. Besides powering various devices and turning their mill wheels, it was also a source of fresh fish and, last but not least, drinking water. No wonder that for city representatives and the members of a city council the water management became more and more important and in this sphere they wanted to gain the predominant influence.³⁵ This can be proved by the increasing number of the records of

³⁴ This part provides us with very rare information about factual performance of the oath. We can sometimes read to what kind of object they used to swear and how the trends on this field has changed in accordance to changes in religious life of the community. About the trends of changing the objects to which was sworn see M. Starnawska, *Świętych życie po życiu, Relikwie w kulturze religijnej na ziemiach polskich w średniowieczu*, Warszawa 2008.

³⁵ M. Montanari, *Hlad a hojnost. Dějiny stravování v Evropě*, Praha 2003, especially pp. 58–59.

oaths designated for city servants working at that sphere of activity on the pages of city books. With pursuit of maintaining the control of water supply a lot of various oaths had come in existence.

The oath of a “*pond-keeper*” from the book of oaths of Olomouc offers a nice example of this type of oath.³⁶ According to the text of his vow, the pond-keeper was obliged to look after the introduction of edible fish species, fishing and upkeep of ponds. The book of oaths from Olomouc was written at the end of the 16th century but according to the introductory inscription the oaths presented on the pages of this book were used before the book was issued and even later – during the 17th century – various oaths of office were recorded in it. As most of the books of oaths from this territory and this period also the one from Olomouc was bilingual – the records are mostly in German and few of them are also in the Czech language. It means that some of the oaths were written down in both – German and Czech – versions as we have already seen on the example of oath of “*Forestarius*”. The oath of pond keeper is the only one existing only in Czech version. The language of the record of oath could be a remarkable aspect if we analyse the ethnic conditions and evolution of the position of each ethnic group within the city structures. The language could show us who – in the framework of the ethnicity – was usually entrusted with the office or was obligated to take an oath. In case of Olomouc, as it was mentioned before, almost all of the oaths have their German versions and a lot of them were written only in German language. Especially the oaths of the representatives of the city and those of the officials and employees of the city office were recorded only in German version. Not necessarily is this the evidence of favourable position of German ethnic group but it shows that the ability to speak the language and a certain grade of education were prerequisites for attaining those mentioned positions. By contrast, the Czech record of the “*pond-keeper*” oath could imply that for this position it was not necessary to speak German or that this position was usually filled by the member of Czech-only speaking group of inhabitants. Unfortunately, there are no records preserved or any information concerning those who had taken the oath as it was common in the case of auxiliary registers of Wrocław or Świdnica. Therefore we won't be able to uncover the proper state

³⁶ SOkA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, *Formulář přísah (Iuramenta)*, pag. 9.

of situation and those theories would remain only speculations. However, the pond-keeper had sworn not only to be a good and loyal member of the community, to look after all entrusted goods “*day and night*”, to take care of fish and fish-keeping, but also to look for all “*useful and profitable things by the ponds*” and also for “*bad and harmful things*” and, most importantly, to report them immediately to the members of the city council.

But if we talk about those who used to take care of water management we should mention that it was not only the pond or river that they were entrusted to look after. There were many water-facilities that had to be operated and guided. For example in one of the auxiliary registers from late 17th and early 18th century Wrocław we can find the oath of so called “*Flüsser*”³⁷ who was obliged to care for a ferryboat or a float for water-transport. The promise not to take backhanders from any possible merchant was of course an inseparable part of his oath. The same can be read in the part describing how to responsibly handle the collected money.

In this auxiliary register we can also find a lot of professions obligated in taking care of water-supplying to the city. There is preserved even a whole chapter dedicated to those who work by the city “*Wasserkunst*”.³⁸ Some oaths are also preserved there intended for specialized craftsmen working by the river or with sources of water. A very important one in water supplying to the city was the so-called “*Rohrmeister*”, who was in charge of making water pipes.³⁹ His position was probably very important and therefore well monitored because he had even obviously sworn not to make or lay more water pipes than it would be ordered by the city council. Also, so called “*Bruck Meister*” was one of the important workers whose work enabled the continuous functioning of city life and management.⁴⁰ His oath is added by the note concerning the so called “*Ruhe Stunde*” when he was obligated not to disturb the public peace with his work.

There is also one group of “employees” whose activity was directly related to water-powered facilities and was very important for production of bakery products. The inseparable ingredient of all bakery products is, of course, the flour. Now it is obvious that we are talking

³⁷ AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 897, Eidbuch enthaltend Formularen, fol. 49–50.

³⁸ *Ibidem*, fol. 50.

³⁹ *Ibidem*, fol. 48.

⁴⁰ *Ibidem*, fol. 48–49.

about mills and millers. The group of people working around the mill seemed to always raise suspicion, as we know. Therefore it was more than necessary that the city council would require the oath of submission and loyalty from them. Millers and their helpers promised to behave well towards all clients, no matter who they were or where they came from. Additionally, they were expected to report all suspicious persons and subversive activities they might have heard of.⁴¹

The Beer and Wine Production and Distribution

Besides the oaths of office of representatives of city self-government and the city scribe, the oaths of staff taking care for beer and wine production and distribution belong to those oldest written on pages of city books. We can find a lot of professions such as maltster, brewer, hop-keeper or hop-inspector, publican etc., all these being somehow connected with the beer production and also with its distribution. For example, for early modern Wrocław a very large part of the book of oaths from 17th century was dedicated to the oaths of office of employees of so called “*Schweidnitzer Keller*” – a specialized pub situated inside the town hall.⁴²

If we look closer to the content of oath of a maltster from 16th century Olomouc,⁴³ we can see that he was obliged to keep the correct ratio of ingredients during the process of malt-production. It explicitly comprised 40 gallons of barley and 20 gallons of wheat. The strict prohibition of pouring additional water to one batch for the purpose of enrichment was also mentioned there. The long tradition and state of preservation of this kind of oaths allows us to observe the gradual specialization among the professions in charge of beer production. For example, at the end of 16th and at the beginning of 17th century we can see the oaths for various maltsters responsible for brewing special types of beer (light and dark beer).

⁴¹ SOKA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, *Formulář přísah (Iuramenta)*, fol. 33 et 39; AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 897, Eidbuch enthaltend Formularien, fol. 80–86.

⁴² AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 897, Eidbuch enthaltend Formularien, fol. 35–37.

⁴³ SOKA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, *Formulář přísah (Iuramenta)*, fol. 26–27.

Yet another kind of development can be seen when comparing the oaths from this field of city council activity. If we compared the oaths of so called “*pincerna*” or “*Bierschenckens*”, which are preserved for almost all analysed municipalities (and even in more than one example for each of them), we would be able to watch the process of secularization of internal administration and of the life in town in general. On the example of former sacrament of the oath we notice the rapid change in the form and the content of the record due to the mentioned process. We can compare the examples of oaths of publicans from the following municipalities – Klodzko, Świdnica and Wrocław. The oldest oath is preserved for the publican of Klodzko.⁴⁴ The oath called “*Juramentum Pincerna*” was written on the waste parchment leaf added to the book of the city council from the years 1412–1466. The content of this oath is quite universal and any detailed information about the real subject of the profession or about the restrictions and orders concerning this occupation cannot be found there either. Just several simple sentences provide us only with the information about transcendental and municipal authorities to which the bearer of the oath swears the oath. The publican also promises to behave according to the rules and not to cause any damage or loss by the practice of his profession. The second example of the oath of publican dates back to the turn of 15th/16th century and we can find it among the records written in the auxiliary register from Świdnica.⁴⁵ It was probably used during the second half of the 15th century and rewritten into the newly created auxiliary register. This record is longer than the record of the oath from Klodzko, but the content is not very rich in information about the occupation. The only additional passage we can find there is the one expressing the obligation to serve with the same accuracy and care to all customers – no matter if they are rich or not. The difference can be seen only when we compare the two mentioned oaths with the text of the oath of a publican written in the same auxiliary register from Świdnica, but much later. This oath was used predominantly during the 17th century (as the inscriptions inform) and it is full of information – restrictions, rules

⁴⁴ AP we Wrocławiu, Collection Akta miasta Klodzka, sig. 2, *Book of the city council 1412–1466*, fol. 1.

⁴⁵ AP we Wrocławiu, Collection Akta miasta Świdnicy, sig. 63, *Księga ławnicza, XV–XVIII w.*, pag. 31.

and practical obligations – concerning the practice of the profession of a publican.⁴⁶ The change is even more visible if we compare the first two records with the record of publican's oath from Wrocław, which was used during the second half of 17th century.⁴⁷ The oath from Wrocław covers almost the whole page of the register and includes various information about how should the publican practice his job, how should he deal with customers and other employees and also how to responsibly handle with the entrusted money. The references to transcendental authorities are minimalized and the closing formula which is usually full of supplicances to God is, in this case, very plain and simple. The bearer of the oath confirms his promise with a simple proclamation – “*Amen!*” This oath was even meant for a special publican (“*Bierschenckens in im Schweidnitschen Keller*”) working in special pub called Sweidnitzer Keller. Therefore, it is not only the secularization of the oath but also the gradual specialization among the city employees that can be observed here.

As it was shown here, the oath became more detailed (if we consider the job content) but at the same time it had almost lost its sacral meaning (the first one is full of transcendental references, but the last one has just a simple “*Amen*” at the end). Not only has it signalized the change of significance of the mean of control and administration – the oath of office. It is also a testimony to the gradual secularization of the administrative structures of the community and their everyday activities.

The oaths of office meant for producers and distributors of wine and other alcoholic drinks are preserved and could be used also to analyse the functioning of production system of these goods and for the functioning of the trade and the system of its control by the city government. For example the inspectors of wine quality from Olomouc were obligated to control the origin of distributed wine.⁴⁸ They were supposed to prevent publicans from selling the Hungarian wine as the local one and vice versa. They were also obligated to label the wine with quality seal. For Olomouc and Wrocław, the oaths of office of spirit producers are also preserved.

⁴⁶ AP we Wrocławiu, Fond Akta miasta Świdnicy, sig. 63, Księga ławnicza, XV–XVIII w., pag. 57.

⁴⁷ AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 897, Eidbuch enthaltend Formularien, fol. 76.

⁴⁸ SOkA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, *Formulář přísah (Iuramenta)*, fol. 23.

The Trade and the Marketplace

If we talk about trade and especially the market as the place where the trade gets its concrete shape, we should not neglect the important role of so called “*Librator*” – the servant by weighing balances. Plenty of records of this kind of oath can be found in the analysed material and from these records it is possible to estimate the scope of the job. The example of “*Librator*” oath from 16th century Olomouc provides us with further interesting information.⁴⁹ Looking closer to the form and content of this record written on the pages of the mentioned auxiliary book allows the reader to find out that this servant was obligated to be “*getrew und gewer*” by fulfilling his duty by the city weighing balance, which comprised a common part of every oath of office from analysed material (it usually meant to faithfully hold an office according to official regulations). The following parts of the text deal with his loyalty and obedience towards the city council and it is also mentioned he would respect the measures and weights stipulated by the members of the council. So no one should be impoverished, no one should be cheated – no matter if rich or poor, local or non-resident etc. What is interesting – first, the record was subsequently three times amended after its recording. The first part concerning transcendental authorities was (as almost all of the oaths from this book from Olomouc) interpolated by “*Allmechtigen Maria seiner (Gottes) hochwürdigisten Mutter vndt allen Lieben heylyge Gottes*”. This was quite common practice which shows confessional development within the municipality or reflects changes in the practical implementation of the oath.⁵⁰ We can find these additional notes in all analysed sources.⁵¹ It was

⁴⁹ *Ibidem*, fol. 14.

⁵⁰ See mentioned: M. Starnawska, *Świętych życie po życiu. Relikwie w kulturze religijnej na ziemiach polskich w średniowieczu*, Warszawa 2008, pp. 405–414.

⁵¹ For example in the case of Świdnica, on the pages of the auxiliary register which was used from 16th to the beginning of 18th century and incorporates even the records of the oaths used in 15th century we can find more variants of endings of the oaths. First the employees of the city council had sworn to the Holy Cross. It had changed later (16th/17th century) to the Holy Gospel (“*Heilige Evangelium*”) and during 17th century it was common to swear an oath only with the ending “*Alß mir Gott helfe!*” Some records from the first half of 17th century included also the ending “*Alß mir Gott helfe vnd alle heiligen!*”; AP we Wrocławiu, Colection Akta miasta Świdnicy, sig. 63, Księga ławnicza, XV–XVIII w.; In 18th century Wrocław, it was common to end the oath simply with the word “*Amen*”, without any other reference to transcendental authority; AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 898, *Novus hic Iuramentorum Liber*.

also quite usual to change even the last part of the oath this way, because there the transcendental authorities are mentioned again.

The second additional note relates to the responsibility of proper weighting and the obligation of responsible collecting of so called “*Wag-geldt*” – the strictly stipulated fees which belonged into the city chest. It is possible that this part was omitted during recording of the original text of oath. The last adjustment was appeared to be necessary for responsible fulfilling of servant’s duties. On the margin of the page a simple but resolute note was written, worded “*wie auch des übrigen Trinckens vnd Spielen sich gäntzlich enthalten!*” This strict prohibition of drinking alcohol and gambling was a certain completion of the original wording stated in the former text (“*fridliche vnd nichtern*”) and was probably added as a consequence of *Librator*’s behaviour. This kind of notes can provide us with useful information about rule-breaking behaviour and the ways of violation of the law. It is presumable that if there was the necessity of codification of these regulations there had to be also the tendencies to violate them. It also shows how important the accuracy was for the *Librator* by the discharging of his function.

The similar oath from Świdnica, “*Juramentum Wogmeisters*”, sounds similarly.⁵² The “*Wagmeister*” promises to behave, to handle responsibly with entrusted money, to hold an office in conformity with the city council and moreover he makes a commitment to be tight-lipped if it concerns all the entrusted “*heimlickait*”. Inside the auxiliary register from 17th century Wrocław, the whole chapter dedicated to the “*Wag/Handels Ambts – Dienste*” can be found.⁵³ The oath of “*Wagmeister*” was used from the year 1597 till the year 1653 and due to the inscription on the top of the paper it was not “*geändert*” until the year 1702. The example of Wrocław also shows how the number of servants by the city weighing balances had increased in coherence with the size and significance of the city. In the text of oath of “*Wagmeister*” from Wrocław, the note about responsibility of proper paying of received money is found at the very beginning of the formula. It is also stated in painstaking details how this all should be recorded into the appropriate books and what to do with them

⁵² AP we Wrocławiu, Collection Akta miasta Świdnicy, sig. 63, Księga ławnicza, XV–XVIII w., pag. 32.

⁵³ AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 897, Eidbuch enthaltend Formularien, fol. 32–34.

in the situation when the “*Wagmeister*” must keep the books in his house. We can find there specified with what he (*Librator* himself) could handle (what is permitted to trade by the city council) and also some exceptional commodities are named there, those permitted to be traded by him (such as resin, chalk etc.). It is followed by a warning against any collusion with “*Kaufleuthen*”.

Certainly the status of trade centre required an appropriate quality of service and a sufficient mechanism of control. Therefore in the books from Wroclaw we can find not only the oath of “*Wagmeister*” but also oaths of so called “*Unter Wag meister oder Diener im Wag ambt alhier*”,⁵⁴ the oath for “*Wageknecht*”, “*Gewicht Eychter*” or for “*Bothners oder Binders bey der Wage*”.⁵⁵ From these oaths we can also get interesting information concerning the sphere of food distribution and the functioning of the market in the city. For example the last mentioned oath of “*Bothners oder Binders*”: these servants were obligated with making proper containers for transport of many fish. They had sworn to keep the proper proportions and stipulated measure of containers. They explicitly swore to make good “*halben vnd Viertel Tönnlein*” containers for “*Heringen vnd andern Fischwahren*”.⁵⁶

Also, the number of servants (or employees) working in the sphere of trade was in the case of Wroclaw bigger than in other analysed municipalities, at least according to the number of the oaths they were obligated to swear. From various servants and helpers, packers and tax collectors to the market place administrator and guardian (so called “*Marckt Meister*”) and various inspectors and checkers of quality of goods, each servant had sworn an oath of office by which he was obligated to obedience and loyalty towards the city council and the stipulated regulations. For example, an oath of office of the inspector of livestock from the years 1647–1651 is preserved.⁵⁷ Unfortunately, this formula is very cursory and universal. He simply swears to put proper taxes to each piece of livestock he would examine.

But there are some oaths in which we can find more detailed information – also in the sources originating from relatively small centres, some interesting occupations related to the trade and to the

⁵⁴ AP we Wrocławiu, Collection Akta miasta Wrocławia, sig. 897, Eidbuch enthaltend Formularien, fol. 32. This oath was used between the years 1592–1674.

⁵⁵ *Ibidem*, fol. 33 et 79.

⁵⁶ *Ibidem*.

⁵⁷ *Ibidem*, fol. 88.

field of food production and distribution appear. On the pages of an auxiliary register from Olomouc (16th–17th century) an oath of so called “*Inspector panis*” is preserved⁵⁸. The text was written both in German and in Czech language and refers to the trade with the bakery products. The officer charged with this service was obligated – above all – to inspect the correct weight of bread. It is also mentioned what types of bread he should inspect – “*rzezny a pseniczny*”, rye and wheat bread. He had also a duty to report immediately all the transgressions of stipulated regulations.

Woman and oath

It was mentioned before that there were some exceptional situations in which even a woman was obligated (or allowed) to swear an oath. There are two types of oath intended for women among those originated from analysed materials. First type is the oath of a new burgher or burgess and its taking was mediated by the male – intermediary. We have preserved some examples of this type of oath from the first two decades of 17th century on the pages of auxiliary register from Świdnica.⁵⁹ According to the notes added to the text of the oath this formula was used three times in all. Those women were always deputized by men and it is possible that there were some professionals specialized in this kind of legal-assistance because in two from three cases the name of deputy is the same.

The second type is the real oath of office and it started to appear only in early modern era. Unfortunately most of these oaths of office are not related with the sphere of food procession or distribution. They concern the professions in which women were traditionally employed. Those are for example midwives, maid in the city jail, or various assistants in the city hospital. But the role of women in the oath-taking is not only to have a position of bearer of the obligation. In some cases we can meet the mentions or references to women in the texts of male-oaths. For example the oath of Chief-brewer from Olomouc recorded in the book from 16th/17th century incorporates a note about

⁵⁸ SOkA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, Formulář přísah (Iuramenta), fol. 27.

⁵⁹ AP we Wrocławiu, Collection Akta miasta Świdnicy, sig. 63, Księga ławnicza, XV–XVIII w., pag. 95, „*Frawen Jurament Zum Purger Recht*“.

his wife.⁶⁰ The brewer who was specialized in brewing light beer was as a head of his household to swear even on behalf of his wife and his workers. He had sworn to keep properly the method of brewing beer, to deal responsibly with the entrusted money and even to keep an eye on his workers and his wife to respect the same rules. This actually represents the theory of Otto Brunner, because the brewer as a head of a household and family assumed the responsibility for people coming under his competence, under his “*Hausherrschaft*”.⁶¹

In connection with food processing and distribution we can mention that in the oath of the maid in the city jail originated in Wrocław (17th century) there is a note about provision of food for prisoners. This maid had received money and was obligated to buy all necessary foodstuff for them.⁶²

The oath undoubtedly represents an interesting source for understanding of functioning of daily life in medieval and early modern town. It can provide us with various kind of information – from functioning of administrative and govern structures and its changes to the daily routine of each profession connected with activities of municipal self-governmental system. Not only the real subject of oath of office but also its form (language, length, structure, formulations etc.) could provide us with very interesting and usable information about the analysed municipality and its administrative, political and confessional development. Owing it to the long period during which the oath as the mean of administration was used we have a unique opportunity to watch the changes taking place within the city structures which had influenced the way of use and the form of this source. As it was mentioned, the oath could be treated as the long lasting phenomenon and therefore a valuable tool for analysing the internal life of the town. On one hand it shows us the effort of city council as the representative of municipal self-government to broaden its influence on every aspects of daily life of urban community. On the other hand it is the rare source of information about real life, real persons and their real occupations. The research on this field also shows us the continuity that is seen inside the progressively developing structures

⁶⁰ SOkA Olomouc, Collection Archiv města Olomouce, sig. 248, inv. nr. 533, Formulář přísah (Iuramenta), fol. 28.

⁶¹ O. Brunner, *Land and Lordship: Structures of Governance in Medieval Austria* (trans. H. Kaminsky – J. Van Horn Melton), Philadelphia, 1992.

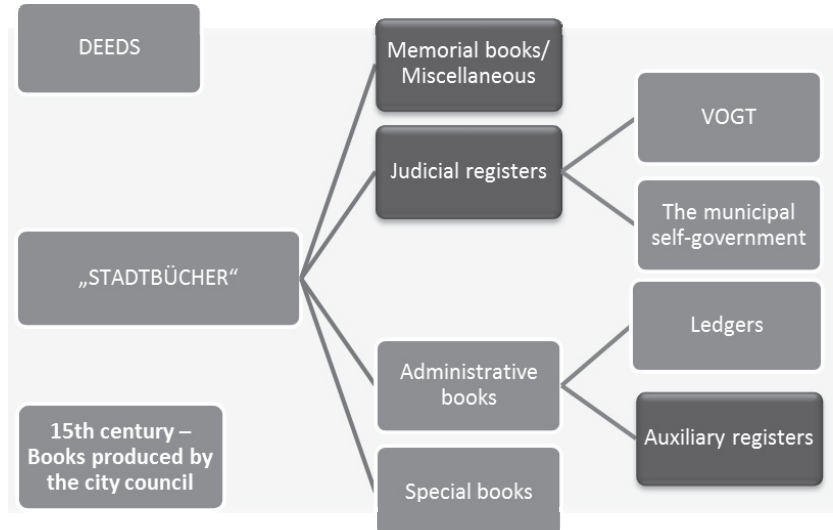
⁶² AP we Wrocławiu, Fond Akta miasta Wrocławia, sig. 898, Novus hic Iuramentorum Liber, fol. 21, pag. 44–45.

of late medieval and early modern town. From analysed sources it is more than clear that the oath was one of the most used means of control and its utilization achieved a great extension. Former sacrament performed only by the festivities and ceremonials slowly but gradually became a common part of daily life of town people. As we have seen it can be traced how the efforts of city council to control more and more aspects of daily life of the community found in the institution of oath the suitable tool for domination of the disposal with vitally important resources.

Annexe

Types of Oaths

- The Oath of Allegiance to the Territorial Lord – quite similar to the feudal homage
- The Oath of the New Burgess
- The Judicial Oath
- The Oaths of Representatives of Municipal Government
- The Oaths of Office of „Officianten und Dienstleute“



The Classification of the Sources

Abstract

The Oath of Office in the Sphere of Food Production, Food Distribution and Utilization of Resources within the Urban Community The Example of Late Medieval and Early Modern Silesian and Moravian Towns

During the significant period between late medieval times (15th century) and the end of early modern era (18th century) the oath was an important tool of communication not only between the town and its lord but also among the members of the municipal community itself. The whole community and its representatives had sworn to the Territorial Lord the oath of loyalty, submission and obedience. To swear an oath of loyalty to the community was an important part of initiation process for every new townsman. Generally we can say the oath was a kind of *bond to the town structures*. Also, it has been a tool frequently utilized within the judicial process. Besides, from the city scribe to the least servant in the city jail, whenever they were taking up their office, there was also an obligation to swear an oath to the city council and to the community. The course of study of the following paper is the oath of office in the sphere of food production, food distribution and utilization of sources within late medieval and early modern Silesian and Moravian town communities (Wrocław, Złotorya, Opava, Olomouc and Swidnica with some additional oaths of office from Klodsko) and relevance of the oath as the source for research on urban structures of those times. The fact that the city, despite its inanimate nature, proves itself to behave like a living organism was noticed and mentioned by many scientists including biologists, sociologists and – of course – historians. Alike the living creatures, the town needs its sources for living and growing. And for the existence of urban structures, the issue of who could control these resources and how, is crucial. We can specify three substantial sources important for living within the walls of medieval and early modern town – water, wood and trade. Analysing each defined sphere we will try to demonstrate the aforementioned functions of the oath of office and the possibilities of its utilization as the historical source for observation of the food production and administration of the sources within the dynamically changing world of late medieval and early modern town.