

From Old Town Ordinances

The Township Rules Book or Ordinances of 1576

In the course of research for historical data in the Remshalden Town Hall archives, well organized but heavy with dust, a small volume in *quarto* format came into my hands. It was a copy of the “*Fleckenordnung von Geradstetten de anno 1576*” [Township Ordinances of Geradstetten, 1576]. Upon closer examination there appeared a second Township Ordinances of 1588 in a Zillhardt stock book, as the noble family Zillhardt at the time possessed a portion of the town of Geradstetten as a fief from the house of Württemberg. From the following two centuries further Ordinance Books come to us, borrowing heavily from the two mentioned above. Here we discuss the Ordinances of 1576.

All these ordinances describe the town bylaws, in which the rights and duties of the citizens, as well as town customs and practices, were established.

We gather from this how strongly the farmers and vineyardmen were bound together into a community. And we are amazed at the large number of little town posts and duties, a hint of how thoroughly the small village was administered.

Geradstetten, in the time we are discussing, was under the administrations of two mayors, a Württemberg and a Zillhardt one, but there was then only one tribunal, the Town Council. In Schorndorf, Sixt Weselin officiated as the Assistant Overseer in connection with administrative matters.

The original of this ordinance book was lost in the town hall fire of 1638. In 1688, a copy of the ordinances was completed, and certified by the Schorndorf Overseer J.J. Riegger. Shortly before that the House of Württemberg had gained possession of the whole town. This was presumably the occasion to complete a copy of the ordinances.

An especially nicely written preamble introduces the town ordinances. The office of “*Heimbürger*” [literally Home citizens] is no longer familiar to us. They were once important people in the township, something like the right and left hand of the mayor. The “counting” *Heimbürge* was responsible for the finances of the town, and would today be known as the town treasurer. His handwriting skill was not very advanced, and for that reason he kept his books as “Rapiate” [foil, rapier], making stabs at a broad outline. The “*fronende*” [duty] *Heimbürge* was concerned with stock, field, and forest protection, and assigning the night watch. In short, he was responsible for order in the town, the forest and the fields. Neither the mayor nor the *Heimbürger* were salaried, but only their expenses were reimbursed. Poor people therefore never had the opportunity to take on such an office.

*WE, Mayor, Deputy Mayors, and Town Council
of the township Geradstetten, Schorndorf District*

Be it openly known to one and all with this letter that we of the township of Geradstetten, ourselves and those who come after us, as well as the town's people who use, pass through, and own property, knowingly and with deliberation, with the gracious and favorable council, wisdom and grant of Sir Heinrich, Baron of Moessburg and Beffort, Esquire, [p] of the honorable and excellent Sixt Weselin, Assistant Overseer of the Schorndorf District, our gracious and favorable sirs. And then the noble and princely Wolffen von Zülnhardt of Dünow. [p] The Princely Württembergische chamberlains, our favored squires, receive our townships old customs and ordinances up-dated, expanded, and improved, by the authority of this letter, as hereby follows.

The Preamble preceded the individual ordinances. These included determinations of citizen rights, and above all practical guidelines for the orderly running of village life, for:

- Forest regulation
- Herding, stock husbandry, and watering
- Regulations for the bailiff, field, and forest protection
- Regulations and rates for the bathhouse
- Various practices and regulations

One paid strict attention to upholding these ordinances. Field and forest protectors, also called *Steussler*, diligently watched that all was kept in order. Because of the poverty there was pressure to break these rules. Thus many of the ordinances read like a catalog of fines. For extreme offenses, the fine indeed was indicated as “by determination of the court.” Then certainly it cost a dear fine, as the town treasury was always low on funds.

Several examples from the above ordinances should give us insight into the social circumstances of the times.

About Citizen Rights

In these times only a *Bürger* had full rights of membership in the town community. These included rights as well as many and various responsibilities. You became a *Bürger* through birth, establishment by the town, or by marriage. In the last two cases, the consent of the town court was required, but for those some wealth, the decision of the magistrate was made easy. Because the acquisition of *Bürger* rights was not cheap, a security deposit needed to be made.

You could only be a *Bürger* of one town. Those who moved away had to give up their rights. If you had to be out of town for a time you had to arrange for substitutes for your watch duties and other responsibilities. People who were only in town for a limited period, such as day workers or herdsmen, as well as old people who lived with their children, could be taken on as “*Beisitzer*,” [guest holders]. The “*Beisitzgeld*” [guest

dues] were cheaper than those of a *Bürger*, but did not entitle one to the public rights and responsibilities of full *Bürger* status.

One of the *Bürger* duties was the so-called “*Erbhultigung*” [inherited homage], the declaration of an oath of allegiance to the reigning princes or sovereign. Homage of subjects to the authorities stemmed from the Middle Ages, written down in Württemberg since 1559 in the penalty ordinances [*Rugordnung*]. Even in the middle of the last [19th] Century one still found such homage in practice. These ordinances also contained the regulations for mortgaging the property of a resident *Bürger*. Collateral for a debt had to be one-third more than the amount of indebtedness. This sounds expensive to us today, to put up this kind of security [*fahrenden haab*]. The authorities had excellent success in protecting property, but nonetheless at every marriage and every death, an inventory had to be undertaken with the help of the town recorder. Today we owe to these records our knowledge of what belonged to a farmer’s household. If their value was not enough to cover the indebtedness, then one had to go “to the land,” [*auf das feld*], that is to mortgage or use the land as collateral:

Fourthly, when a resident here is in debt, and unable to pay with cash, he shall pledge as security to the debt holder his corn, wine, cows, calves, bed, pots, and pans which shall be appraised, so that the security is at least one-third more in value than the debt, and if the debtor can acquire money, he has 14 days to pay and be released from the pledge.

But if the debtor has no security, and wishes to hold to his word, then he must go to his land, mortgage it against his debt at its appraised value, all according to the eviction rules of our gracious Prince and Lords’ commendable property laws.

Forest Ordinances

In the *Swabian-Allemannischen* [Old German Tribe] settlement areas it was common that a portion of the land was owned by the community. One called these lands *Allmand*, [commons]. The most valuable part of these was in the realm of community forest, “*gemeine Holtz*.” As forestry knowledge was limited in many communities, these forests were placed under the supervision of the Duke’s forestry office. The forest on the right side [north side] of the Rems belonged to the “*Reichenberger Vorst*,” and the *Schurwaldteil* [south of the Rems] to the “*Schorndorfer Vorst*.” Hunting and hunting rights were never mentioned in the ordinances. These rights were closely held by the Duke and his own forestry officials. In the town records nonetheless one finds every now and then strong complaints about the harm done by the wildlife. The farmers protected themselves against this by building wildlife fences. They could do little more.

Every *Bürger* received an annual wood allotment [*Holtzgabe*] from the community. After the allocation, he had to clear out his area in two weeks. It was forbidden to sell this wood or brush, as well as brooms made from the brush. Only a few people, the

pastor, the schoolmaster, a few individual members of the town council received their wood delivered to their houses.

Since the late Middle Ages, the forest was worked with the so-called undergrowth method [*Niederwaldwirtschaft*]. These *Niederwalder* consisted mainly of beech, linden, maple, ash, and hazel, which best survived cutting, and easily recovered. Every 15-25 years the thin trunks were cut down for firewood. The oak prized for building lumber was left standing as *Überhälter* [saved over-storey] serving as a good swine tether. Underneath there was a thick undergrowth which served as pasture.

He who cuts down oak must pay as penalty a Gulden, and to the woodsman [Holtzwarthen] five schilling, and lay down the money for the next one. [Pay for the replacement], but he who most harmfully cuts down wood pays a penalty as deemed by the court.

Ordinances for the Bailiff, Field and Forest Protection

The Bailiff. We could call him the personification of the Württemberg ordinances, a symbol of community authority. Of wiry build, mustached, with official hat on his head and sword hanging from his belt, in his left hand the town crier book, in the right hand his bell. Not by accident have many towns built a monument to him. We should thank the sculpter U. Henn for perhaps the finest of these, standing before the Town Hall of Wendlingen. Even the surrounding geese in this rendition have respect for the bailiff.

What *didn't* the bailiff do? First, he was the mayor's right hand. His task was to keep peace in the town. On Sundays he stood in uniform before the church, protecting the worship service from disturbance. In the evenings he spent in time in taverns to maintain the peace. Here, no doubt, he painfully had on occasion to turn down the glass of wine offered him by a happy but tipsy customer.

He also had to abide much unpleasantness. He had to restore peace in the poorhouse, and prevent children from begging on the main road that passed through the town. Then there was an old sick beggar to retrieve by cart from [the neighboring town of] Grunbach, and then he had to lock up a poor devil that could not pay his fine in the "*Zuchthäsle*" [little local jail]. "Bailiff, put him away!" were the firm, curt words of the mayor. He did not earn a regular salary, rather was paid a few *Kreuzer* for each official act as indicated:

If the bailiff needs to bring to court a town resident, his pay is a penny; if however the resident does not come in a timely way, and the bailiff has to go after him, his pay is another penny;

if however he has to go fetch him from the fields, his pay is two pennies.

If the bailiff or watchman catches a goat, pig, cow or horse running loose, his pay per head is two Kreuzer by day; but if he catches them at night, he gets 5 schillings fine per head.

If property damage occurs in this connection, the injured party should be so informed.

And whoever leaves his personal belongings at a fountain also must pay a penance. (At the Gäckeler, also called Gaikelers fountain because of its variable water supply. It stood near the present day inn called “zum Lamm” [The Lamb.]

When one leaves personal belongings in the upper or lower trough on the Gäckheler, the fine is two pennies.

Ordinances for the Baths

As in all other towns of the Remstal in the times before the Thirty Years' War, Geradstetten had a bathhouse. One of the townspeople appointed “*Bäder*” ran a bath works with separate facilities for men and women. He had to provide buckets, pails and tubs, as well as firewood and a kettle for heating the water. The town provided the wood.

One of his “*Badknechte*” [bath attendants] was the so-called “*Reiber*” [rubber] which we would today more elegantly call a *masseur*.

The tasks of the bath operator were many and varied. He was a barber on the side, pulled teeth as a lay surgeon [*Chirurgus*], dressed wounds, and set iron cups to his customers [old therapeutic procedure of applying suction to promote circulation: *setze bei seiner Kunden die Schröpfeisen*]. The costs of these services depended on the age and sex of the bathers. Customers who were old enough to come to supper, that is were of confirmation age, paid more than younger children [who had been fed and were in bed at supper time.]

In his History of Residences in Geradstetten [*Wohnraumgeschichte der Gemeinde Geradstetten*], J. Seibold reported that *Untere Hauptstrasse* No. 20 was used as a bath house. Already in 1572, the owner of the house was named as a “*Traunecker der Bader*” [Traunecker the bather] and in 1694 a “*Leonhardt Knauss*, Barbier.*” In 1720 the house was still indicated as a bathhouse, although it is questionable whether it was used as such, as at that time the public bath culture of the Middle Ages was coming to an end. The “Bath on Saturday Night” at that time became an at-home matter.

The Bath Ordinances and fees.

Item. The bath manager or owner of the bath should supply bathing rooms with attendants, wood, and other items as needed.

Item. A man who eats supper, who is cupped, or has his hair cut or not, should pay one Kreuzer.

Item. A woman who eats supper, and is not cupped, should pay three Heller, but if cupped should pay four heller, and if she brings children with her, should pay one Heller per child.

Various Practices and Ordinances

This section contains an elaborate compendium of instructions, “various and sundry general ways.” Maintenance of vineyard paths, delivery of young wine by the vineyard owners from new vineyards, pay standards down to Bohm and press wine, and the charges for the use of the community wine press.

The term “Untergang” is foreign to us today. It refers to the laying down and securing of property boundaries in the town, forests, and fields. The task was trusted to well-informed, older members of the town council. Above all, this was a most demanding job in these narrow, steep, and slippery vineyards.

In the last article we learn of the existence of two ponds that served for emergency fire protection and other needs. Set in the neighborhood of the current Seegasse, they were fed from the *Klingenbach* [brook, presumably damned] flowing from the north. It flowed through the *Schmalzgasse*, along the upper *Hauptstrasse*, through the *Fronäcker* and into the *Rems*. As the ponds served also for fish culture, it was strictly forbidden by anyone other than the owners to install nets for fishing.

When one calls for one of the boundary inspectors of Geradstetten, and the mayors or his deputies agree to the boundary wire, that determines the boundary; the cost [of this survey] will be more or less depending on the form of the dispute or transaction.

We the major and town council named above are concerned with the general uses of the ponds on the Baiden by Hanss Craemer's house, which belong to Michael Wechterlen the Zillhardt mayor and Conradt Kummer of Winterbach, following the form accepted, that the said commons areas are held by the aforementioned farmers, these ponds to be used in emergency of fire or other need, but the owners noted above retain fishing rights for their use and enjoyment, but when they wish to drain them for fish capture, they should fill them up again, so that water can be depended on, and no nets [of others] are allowed so that the fish are protected, a fine of 5 schillings to be imposed on violators.