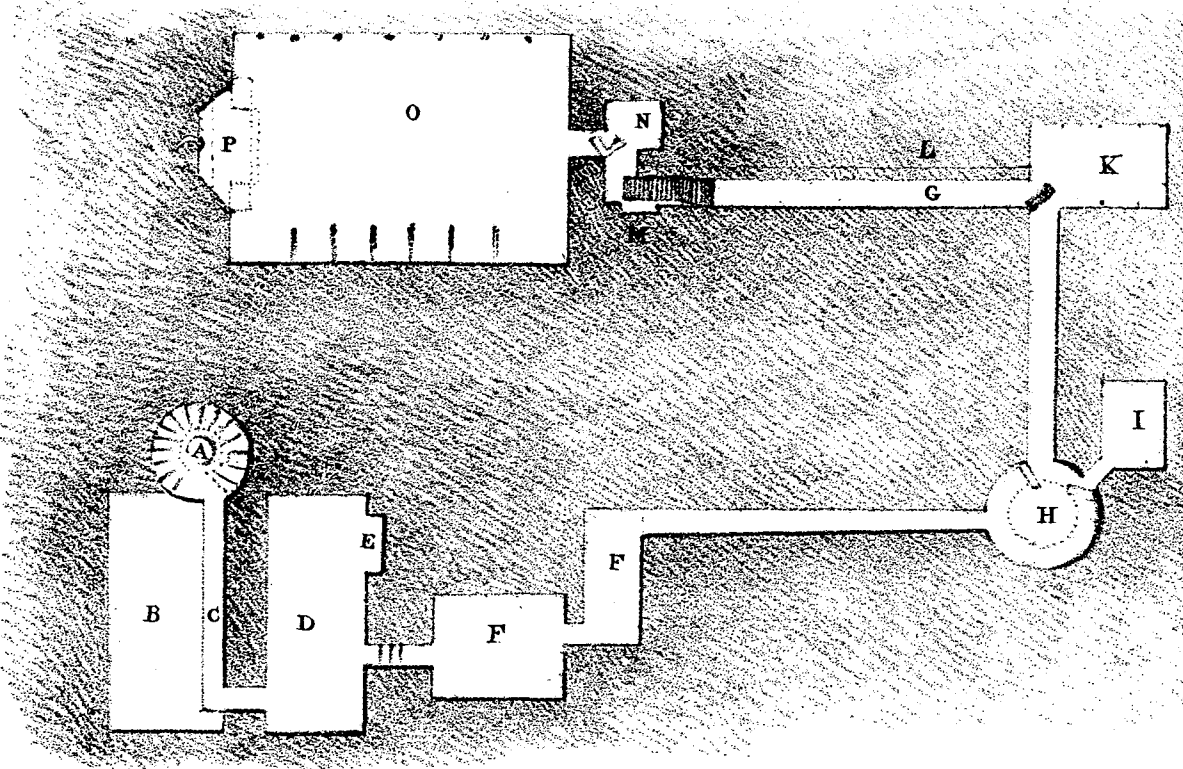


# Chambers of the Secret Tribunal.

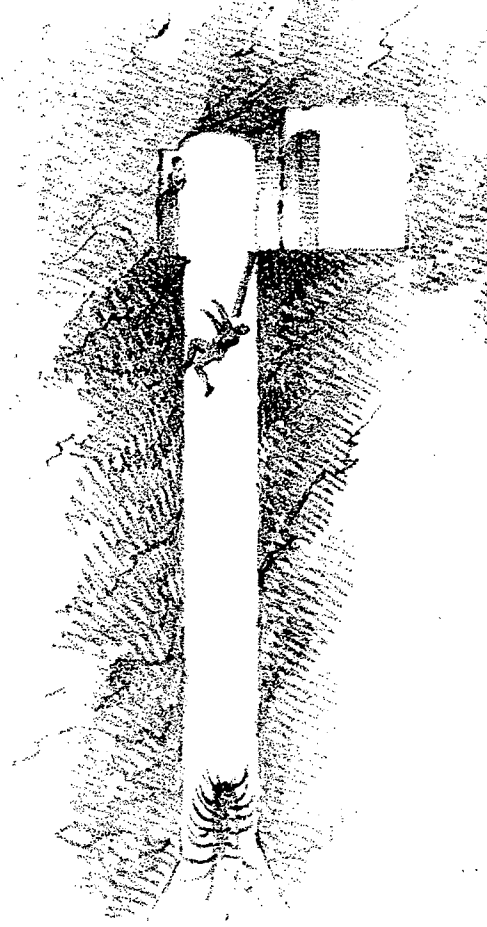
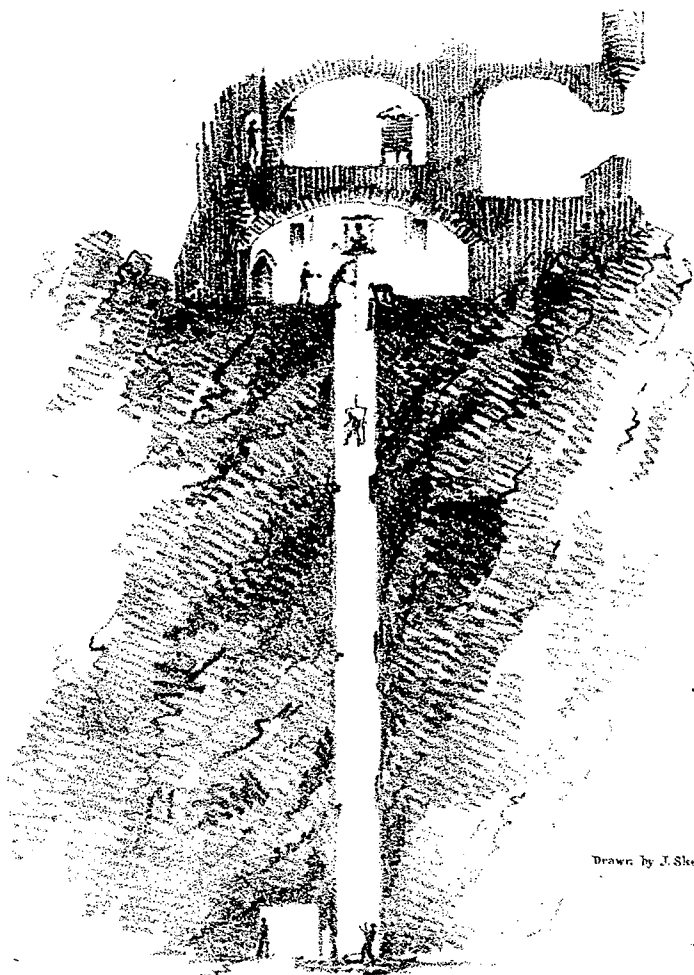
Hewn out of the solid Rock, under the foundation of the ancient Castle of Baden, Baden.

- A. ... Descent.
- B. ... Roman Baths.
- C. ... Gallery.
- D. ... Vaulted Room.
- E. ... Roman Cisterns.
- F. ... Vaults.
- G. ... Passage.
- H. ... Vertical Shaft.
- I. ... Dungeon.
- K. ... Torment Room.
- L. ... Iron Bolt.
- M. ... Maiden.
- N. ... Vestibule.
- O. ... Judgement Hall.
- P. ... Recess.



Vertical Shaft from the Castle.

Pitfall and Maiden.



Drawn by J. Skene — R. H. Nooms Lithog. Edint

## III. Some Account of a Subterraneous Structure in Swabia, supposed to have been connected with the Ancient Jurisdiction of the Secret Tribunal in that country.

By JAMES SKENE, Esquire, 1824.

THE following observations are extracted from the travelling memoranda of a journey which I had occasion lately to make in Germany, and relate to objects of a description perhaps too little connected with the usual course of enquiries pursued by our society, to form a proper subject of communication in this place. But, as the reality possessed sufficient interest strongly to engage my attention, I am willing to think that the description, if at all calculated to convey a just impression of the singular objects of antiquity detailed, may not be altogether unacceptable; and, with that view, I have preferred to present my remarks in their original form, however imperfect, rather than to risk their accuracy by any subsequent arrangement, having merely added a few historical notices explanatory of the subject in question.

The Margravs of Baden have, from the earliest period of history, been in possession of extensive territories in the circle of the Upper Rhine, where, in the spirit of the times, they had chosen for their residence the nearly inaccessible position of one of the lofty summits of the Black Forest. Here are still conspicuous the extensive ruins of their early feudal stronghold. It has now for many centuries been deserted, and bears the name of Bergschloss, or the Hill Castle, as contra-distinguished from the lower castle of Baden Baden, which occupies the entrance to one of

the most romantic passes of this mountain district. The lower castle, although a few ages more recent than its brother of the mountain, is, notwithstanding, a structure of considerable antiquity, having been occupied by these petty sovereigns since the fifteenth century. It is placed on the crest of a projecting cliff, round the base of which a scrambling and rugged line of fortification still serves to separate the little iron gray group of antiquated buildings, which constitute the capital of the Margraviate, from the smiling verdure and foliage around, and presents a scene highly attractive, both on account of its picturesque beauty, and as exhibiting a singular contrast between the sombre features remaining of early times, and the gay appurtenances of its present destiny: for the celebrity of its hot fountain has rendered Baden a place of fashionable resort, chiefly for the families of the neighbouring princes of Germany, and not unfrequently for the potentates of higher courts, who, for a few summer months, try in this retirement to lay aside the mantle of high mightiness, and do the agreeable towards each other; although enough of the pageant seems in general to be retained, to prevent the risk of a sovereign *incognito* from at any time passing unnoticed.

As might be expected, Baden seems to have been well known to the Romans; for, in the midst of their widely spreading conquests, they seldom, if ever, failed to avail themselves of whatever occasions nature furnished them with to enjoy their favourite luxury of the hot bath. And tepid springs, however remote, inaccessible, or obscurely situated, appear to have been sought out by them, and turned to use, with singular assiduity and success. Accordingly, Roman structures and remnants, sufficient to prove a continued residence, rarely fail to come to light in the vicinity of such springs; so that, wherever hot fountains occur, we may, with perfect confidence, expect to find Roman antiquities, as the disclosures at the various Badens of Northern Europe, the Aix's of France and Flanders, and at Bath in England, sufficiently tes-

tify. There are here not fewer than thirteen different sources of various degrees of temperature, possessing powers of healing, which, according to my informant, equally embrace the ailments of the mind as of the body; and, consequently, to signify the pre-eminence, no doubt, of this place over the various towns bearing the same name, it is styled Baden Baden,—the chieftain of that ilk.

The lower castle is rendered particularly interesting from the extraordinary suite of apartments which have been discovered within its walls, or rather underneath its foundation, as they are partly constructed and partly excavated from within the solid rock on which the castle stands. An examination of this curious labyrinth can scarcely fail to lead to the supposition (as the only satisfactory explanation of so singular an arrangement) of its having been the hidden seat of one of those mysterious tribunals, which were the terror of the German world during the dark ages. Any thing which tended to develop the nature or proceedings of this invisible government, of which historians have said so little, and romance-writers so much, naturally excited a strong interest to explore the region whence a spell so powerful might proceed. We were accordingly conducted to a winding stair-case which penetrates under the southern tower of the castle, and by means of which an access has been arranged to the chambers excavated from the body of the rock (A). After descending a considerable way, we reached an apartment of Roman construction, apparently a swimming bath, into which one of the hot springs had been conveyed. It is of considerable dimensions (B); and in every part of the structure the Roman masonry is quite obvious. At the termination of a sort of gallery (C), by means of which we were enabled to traverse this apartment, an opening in the wall gives access into a vault (D). Before entering it, we were each furnished with a candle, and recommended by the guide to observe the greatest caution in our progress through the intri-

cate mazes we were about to penetrate. And, however prone these functionaries in general are to indulge in a little exaggeration, it is always best to follow their advice. In the wall of this vaulted anti-chamber, which is partly excavated from the rock, two large Roman stone cisterns were pointed out to us, placed the one above the other (E). They were probably connected with the arrangement of the Sudatorium, which formed so essential a part of the Roman bath. Beyond this vaulted apartment, there appeared no trace whatever of Roman work; here, most likely, their structure closed, as what followed distinctly indicated a different era, purpose, and mode of working. Advantage had probably been taken, at a later period, of these Roman excavations, then neglected and in ruins, as a convenient means of accomplishing the ulterior excavations designed; and they may even have suggested the idea of obtaining, by that means, an impenetrable concealment connected with the castle. Ascending a few steps by an opening in the rock, a narrow crooked passage leads into the heart of the rock itself, by which you reach a pretty large excavated apartment; from whence, turning to the left, a vault appears through an opening in the wall. This leads to a second vault, out of which there is an opening which bears the marks of having formerly been strongly barred by an iron door. From thence, following a narrow passage, you come to an extraordinary circular apartment, or rather shaft of great height, although not above six feet in diameter (H). As we looked upwards, we observed it to be divided into several stages like a telescope; at each stage there was a trap-door, and these being at present all open, we were enabled to see entirely through. The length of this vertical tube is very considerable, being, we were told, upwards of seventy feet. The purpose of this singular contrivance, which communicates with the castle above, is reported to have been the following. The nature of the institution of the secret tribunal required not only the most careful contrivances adapt-

ed to the certain and absolute secrecy of its proceedings, but likewise favourable to the means of wiling the unhappy victims to their fate, by pretexts so plausible and various as not to give rise to suspicion. And in those days of superstition and romance, when knights were in use to wander about in quest of adventures, exposing their safety wherever the occasion presented itself, and before commerce had extended the intercourse of society beyond the frequent occasions of mutual hostility, individuals might disappear, without either inquiry being made, or suspicion excited.

By way of blind, a dark hint was allowed to transpire that the sittings of the secret tribunal could not, by its constitution, take place twice on the same spot—that they were always in the open air—at the hour of midnight—and on the tops of hills, or on some desert place. And, accordingly, it is still supposed that this was actually the fact with regard to the great tribunal of Westphalia, the most important of all; as no discovery has hitherto been made of any permanent seat of that powerful engine of tyranny. At the time of its existence, the very name was cautiously avoided to be uttered, from the same motive of superstitious dread, which, in former times, induced our countrymen to give the preternatural objects of their fear the conciliatory appellation of good brothers. Living in the constant uncertainty of the actual presence of some one of these unaccountable emissaries of terror, they felt apprehensive to give occasion of anger even by the use of an offensive name.—But to return to our dungeon.

Various pretexts might suffice to lead the devoted victim either voluntarily to the castle of Baden, or blindfolded and by force. The shaft I have just mentioned terminates in one of the lower apartments of the castle. Immediately over its mouth is said to have been placed a chair secretly suspended by a rope (fig. 12). The unwary stranger, being invited to sit down, was, upon a proper signal, instantly lowered into utter darkness—

trap-door after trap-door closing as he sunk from tube to tube, in this frightfully ominous passage. No sooner had he touched the bottom of the dark abyss, than an unknown hand in attendance below thrust him into an adjoining apartment (I); the opening into which, being instantly closed by a ponderous stone-door, completed the narrow circumference of the wall which shut him in on all sides. So perfectly was this stone portal, which still exists, fitted to its opening, that, when closed, the circuit of the wall seemed even yet, and with the assistance of light, to be entire and uniform. Here the unhappy prisoner was left to grope in hopeless darkness, until summoned before the dreaded tribunal. The judges and other officers of court were lowered down by the same singular conveyance; and we shall now accompany them to the bench.

In the side of the shaft, at the bottom of which we stood, there is a door of solid stone, six feet high, two and a half broad, and nine or ten inches thick, hinged to the rock by huge iron bolts, and weighing, I should presume, about two tons; notwithstanding which, it moved with singular facility on its iron pivots. It opens into a low passage through the rock, giving access to the prisoners cell above mentioned, as well as onwards, where the additional security of an iron gate seems formerly to have existed, although now removed; and in fact, the preservation of these apartments, so much in their pristine state, is probably a good deal owing to the substitution of stone for iron or wood, which it might have been useful to remove. There was an involuntary feeling of apprehension exhibited in every one's countenance as this ponderous stone door was closed upon us, so little did it look likely to yield again to any efforts we were capable of making, without a handle, or apparent purchase of any kind, to enable us to get out.

We had now penetrated into a small vaulted chamber (K), which our guide announced to have been the hall of torture.

And indeed the hooks and rings of iron, like hand-cuffs and neck-collars, which hung from the sides, bore testimony to the probability of the supposition that such had been its destination. It would be difficult in any other way to explain the purpose of these fixtures, than as the apparatus of torture, in order to extract confession from reluctant witnesses. Death is reported to have frequently proved the result of this inquest; and with these ugly doors closed upon him, a poor wretch might have howled lustily without the chance of being heard from above. Moreover, in those days of superstition, there were goblins enough to father any sounds, however suspicious; and more particularly such as were heard to issue from the bowels of the solid rock, the supposed abode of the Bergmen or mountain spirits.

We seemed here to have reached the limit of our journey, as there was no appearance of farther ingress, until the stone door by which we had entered was closed, when another opening appeared at right angles to it, so constructed that the same door answered for both, and the one required of necessity to be closed before the other could be opened. By this opening, we discovered a long and exceedingly narrow passage (G) turning to the south. We had been hitherto penetrating westward. At the farther end of this passage, some yards of the way is cut off by a deep and narrow abyss like a draw-well, descending vertically from the floor. Over this hole a trap-door formerly existed, the place of which is now supplied by a wooden gang-way; we had difficulty in descrying the bottom of this pit with the assistance of our candles; but the guide mentioned that he had sounded it to the depth of thirty-six feet. Immediately over this gulph is a small recess or niche in the wall of the rock (M), where formerly the statue of a female stood, in whom we recognised the much renowned and inexorable maiden—that jest of a barbarous age, which sought to whet the horrors of capital punishment by so many singularly savage conceits. Some suppose that the re-

treat of this hard hearted young lady was in the bottom of the abyss itself, where, receiving the falling victim in her iron embrace, by some motion mechanically conveyed to her limbs, she soon hacked him in pieces. (Fig. 3d.) The appearance of the niche, however, makes it much more probable that that was the position where she stood ready, when required, to receive the treacherous salute of the "Maiden Kiss." This idea was indeed strongly corroborated by an accident which occurred some years ago, by which, according to our guide, a good deal of the machinery was brought to light.

A dog belonging to some persons who were exploring this subterranean court happened to fall into the pit, in which a man, being let down by cords to extricate the animal, discovered the remains of various circular knives, and even fragments of the wheel itself, by means of which the rotatory motion required was conveyed to the knives. They were merely pieces of rusty iron, by our guide's account, and not worth preserving. His description, however, shewed that whatever might fall within the sphere of their action must, in a very few minutes, have been hacked to pieces.

Beyond the pit, there is another stone portal equally ponderous as the others, and similar to them in all respects, with the addition of a strong iron bar which penetrates through a cavity in the wall, longitudinally from one end to the other of the fatal passage (L). This contrivance enables both doors, by which the passage is enclosed, to be shut or opened from either end; and was doubtless intended to convey the idea that no human hand ministered to the punishment inflicted, but that the Maiden performed her part unaided. In the passage which leads onwards from the position of the Maiden, there is a small perforation in the rock (N); beyond which is the last stone door, which gives access into the Hall of Judgment. This portal is furnished with an iron rack and wheel for the convenience of closing and opening, probably in combination

with the other doors which enclosed the hellish contrivance of the Maiden.

We had now reached the last and largest apartment of all, (O) the Judgment Hall itself; about twenty feet square, equally secluded from the light of day as every other part of this singular structure. On one side of this chamber there are two rows of square holes in the wall, which probably served for the erection of the bench on which the judges sat; from the opposite wall advance six stone supports for seats, and at the end of the apartment, opposite to the door, is a recess somewhat elevated, in which, doubtless, the High Inquisitor took his post. Above this last seat, an aperture (P) appears on the rock, directed upwards, probably intended for the purposes of ventilation, as the members of court were numerous, and the chamber small.

A circumstance of rather an alarming complexion took place some years ago in this subterranean chamber.

A party of ladies and gentlemen had descended in the morning, accompanied, as usual, by the guide. When they had reached the judgment-hall, by some oversight, the huge stone portal was incautiously closed upon them; and, being so ponderous and well fitted to its aperture, they were utterly unable to open it again. Every one tried it in vain; but, enclosed within the four bare walls of solid rock, without implement or aid of any kind, their utmost efforts proved fruitless. The ladies grew sick with fear;—to be heard from above, call as loud as they might, was a vain expectation;—hour succeeded hour in hopeless endeavours. To add to their misery, their candles one by one began to burn out; and at length left the party, with their guide (whose functions had thus become so unpleasantly suspended) in utter darkness, and in utter despair. Being strangers in Baden, there was little prospect of their absence exciting enquiry. Night at length came on; which, although unknown to our party, who had passed the day in darkness,



proved the means of deliverance from this alarming species of premature interment. The guide had been missed by his family, and was in vain sought for over the town; when it occurred to some one that he might have been taken ill in the vaults. Search was accordingly made, when at length the groans of the secret tribunal reached the ears of their deliverers. Our malicious rogue of a guide kept swinging about the huge door as he narrated this story, in order to satisfy us how very easily it might get jammed, which most of us were readily disposed to admit without the test of experiment.

Although the positive testimony of history fails in confirming the supposition, which has been advanced, relative to the use to which this extraordinary range of subterraneous accommodations was applied; yet no one, after inspecting it, can entertain much doubt as to the purpose of its structure. Internally, there is no trace or affinity whatever to Roman workmanship, although, externally, in immediate contact with the remains of their baths. We know that the early Christians were driven to subterraneous haunts for the observances of their proscribed religion; but it is obvious how utterly unfit for such purposes would be the labyrinth I have just described. It is equally improbable that it could have been intended as a place of refuge or concealment, such as the baronial castles of those turbulent days were generally provided with; as, in this case, every means of escape from the dungeon seemed precluded, and, supposing the superincumbent castle in possession of an enemy, protracted residence could not fail to prove fatal. In short, were it not for the elucidation afforded by the well known existence of the secret tribunal in many parts of Germany, I do not see that conjecture even could guess at any probable explanation of this singularly contrived concealment.

So far as tradition can be received as evidence, that of the country is in this case corroborative of the idea of its having been

actually the seat of the secret tribunal of the Upper Rhine; and that Duke Ulrich of Wirtemberg was the last chief judge who sat on this mysterious bench.

The court consisted of seven or twelve judges, according to circumstances. On the table before them lay a sword and a rope; the accused was denominated by the very ominous epithet of "Strick-kind," (or child of the cord.) The form of trial was short. Judgment was pronounced by signs, so as to leave the accused in total ignorance of his fate. If acquitted, he was sworn to secrecy, under the sanction of immediate and unavoidable assassination. If condemned, he was directed to retire, and to kiss the Maiden, in which fatal act his doom was instantly fulfilled.

That we have so little certain information on the subject of the secret tribunal arose, doubtless, from the anxious veil of mystery with which every thing connected with that institution was enveloped. I am not acquainted with any historian where accurate information regarding it is to be obtained; while we find the subject fondly dwelt upon, and tortured into a thousand shapes, by the writers of romance. Much of what we know rests upon the authority of tradition, which is in general sufficiently consistent with the historical facts of the time to entitle it to considerable credit. Another source of knowledge is derived from the old German Chronicles—those quaint and most amusing compilations of the local annals, anecdotes, and manners of former days, with which most of the chief towns of Germany were provided; and, from the dark and mysterious nature of the incidents which arose from the proceedings of this jurisdiction, they became, like the Chivalry of France, the favourite subject of narration; and, accordingly, a great proportion of the *Volks-Sagen*, or popular romances of Germany, are derived from this fruitful source. I resided for several years in the immediate neighbourhood of Sachsenhausen in Franconia, one of the principal seats of this fearful engine, and regret having omitted at the time to

note down the many traditional anecdotes connected with this subject, which were narrated to me, besides curious passages in the old chronicles of that quarter, of which my recollection is now but imperfect; so that what I have to remark on the history and nature of the institution itself is exceedingly scanty.

The Germans gave various names to this tribunal. They called it *Geheimgericht* (Secret Tribunal); *Tugendbund* (Alliance for the Promotion of Virtue); *Stillgericht* (or Silent Tribunal); but more generally *Fehm*, *Behm*, or *Vehmgericht*, an antiquated word of very doubtful etymology. Some suppose it derived from *Fahne* (Flag) as emblematic of power; but ostensible parade was quite inconsistent with the nature of the institution. *Fehmen* is the same as *Rahmen*, to cite, fix a day for appearance, or to banish. Others explain it by the old Teutonic word *Vehen* (Peculiar or Separate) as implying the independent and distinct nature of the jurisdiction. I am more inclined to agree with the opinion of those who think it derived from *Baeume Gericht* (Tree Law) as the trees constituted the only ostensible circumstance of its existence, and afforded the first and only indication to the world of its proceedings, by the unhappy victims that were found hanged upon them. (*a*) It was likewise at times called the *Freydinge* or *Freygericht* (the Free Law) as contra-distinguished from the written or consuetudinary law of the land. Hence *Freystuhl* (Free Bench); and the judges were called Lords of the Free Bench.

The period when this jurisdiction was first established, and the circumstances that gave rise to it, are, like every thing else connected with its history, a good deal involved in obscurity. The antiquity of the terms used in its ordinances shews its origin to be more remote than the middle of the fourteenth century; when, after having been for a space inactive and forgotten, it suddenly

*a*. The executioners of the secret tribunal never made use of a gallows; it was their immemorial practice to hang upon trees, and generally with a rope of willow twigs, and not of hemp, the use of which an ancient superstition forbade.

rose again into view, like a phantom, in the full exercise of all its powers and terrors. From the coincidence of time, some were disposed to conjecture that it might possibly have a connexion with the suppression of the Order of Templars, which took place immediately before this period. Others supposed it to have originated in a sort of secret ambulatory commission of police issued from time to time by the Emperor, to purge the country of offenders whom it might have been hazardous to arraign publicly, but from whom injury might have been apprehended to the imperial dignity. But the best supported opinion on the subject in Germany is, that it originated in the policy of Charlemagne, who, after the successful termination of the thirty-three years war, in the year 772, sought by this means to secure the advantages he had gained. He had completely succeeded in subduing the north-western parts of Germany, consisting chiefly of Saxony, of which Westphalia then formed a part, and in constraining the inhabitants to abandon Paganism. But, as soon as the conqueror had withdrawn with his troops, they never failed to return to their ancient observances, notwithstanding the sanction of baptism, oaths of fealty, and every other pledge of obedience. At last he adopted the expedient of engrafting a Christian colony upon them, and is said to have transported 30,000 of the Pagan Saxons across the Rhine, sending a similar number of families of Christian Gauls to occupy the territory he had thus cleared of its indigenous inhabitants. The German district where they settled got the name of West Gaul or West Wales, and was afterwards corrupted into that of Westphalia. And, as the measure was intended to check the inveterate apostacy of the Saxons, he is supposed to have constituted the heads of families, and chief persons of the colony, into a secret association, who should watch over the conduct of the rebellious Pagans, and visit their back-slidings with instant death, in order to terrify them into obedience. Great consternation is said to have overspread the land, when

hundreds of their countrymen were daily found hanging up in the woods, in their own houses, in stables, in cellars, and even in the streets of towns, without their being able to account for the catastrophe, except from the consciousness of having proved faithless to their oath of baptism. Such a vigorous and almost preternatural visitation soon subdued the spirit of the people, and accomplished the tranquillity desired by Charlemagne. But, although the object of its institution was thus gained, the means seemed to furnish too powerful an engine in the hands of the chiefs to be so soon abandoned. The secret tribunal, therefore, continued to subsist in its mysterious power, which became directed to the suppression of crime, and the maintenance of public tranquillity, at the expence of privately removing the turbulent, and those against whom suspicion existed.

As the jurisdiction of the secret tribunal originated in Westphalia, it is often designated by that name, and seems to have progressively increased its power and importance; as the Archbishop of Cologne, to whose territories the dukedom of Westphalia became annexed in 1164, took the title of Duke of Westphalia, and Stadtholder of the Holy Secret Tribunal. And these Bishops continued afterwards to retain the rank and power of supreme judges, although both the Emperors and Popes took a part in the proceedings of the tribunal, and strengthened its sanction by their support and countenance.

Collectively, the members of this association were called "*Die Wissende*," nearly synonymous with *illuminati*, as being initiated into that secret intelligence, by means of which no crime could escape their knowledge. There was a double meaning implied in the name, as "*witze*" is the old Teutonic word for punishment. Individually, the associates were of three distinct grades: The supreme judges, or *Stuhl Herren*, who were generally princes; the *Frey Graffs*, or counts, who could preside in absence of the judges; and, lastly, the *Schoeffen*, *Scabini*, or assessors.

These last were a very numerous body, amounting to many thousands. They assisted in the brief deliberations of the court, denounced the accused, and to their hands was entrusted the speedy execution of the doom. They had even the power of arbitrary judgment in cases where a transgressor was actually detected in the commission of a crime by the *Scabini*. They were entitled upon such occasions to hang their prisoner upon the nearest tree, without form of trial, or farther ceremony; and, at the foot of the tree, they stuck a knife into the ground, as a mark of the *secret power*, and a warning that no inquiry should be made, under the penalty of a similar fate. Indeed, they appear sometimes to have followed the commendable practice formerly attributed to the justices of Jedburgh; as I find an old German writer describing the secret tribunal in the following terms:—" *Neque processus judicialis Westphalici formam ex libris editis plane nequaquam cognosci posse, jactatumque aliam de his judiciis, reos primum in furcam tolli, postea de ipsorum delictis, et innocentia interrogari.*"

The persons of the initiated were held sacred; and such was the influence of terror occasioned by these inexorable ministers of vengeance, that, although known to be of that number, they generally appeared in public unarmed, as a matter of privilege. Their chief seat was at the town of Dortmund, in Westphalia, which, for that reason, was called "*Die krumme Graffschaft*" (the crooked lordship); but with what view is not very clear. The general chapters of the order were usually held there, or at the town of Avensberg, likewise in Westphalia.

They had a sort of statute or sederunt book, bound in red, carefully locked and preserved, with this inscription on the back, "*Dieses buch soll niemand lesen, er sey dann ein echt recht Freyschoeffe des heiligen reichs.*" (Let no one dare to read this book, unless he be a right true Freyshoeff or functionary of the secret tribunal of the holy empire.)



The book was called the Red Tower; and whether or not it may now exist, I am ignorant. There is a book entitled the Dortmund Codex, which I have never seen, in which it may perhaps be preserved. While the tribunal remained in force, much could not be expected to transpire regarding its mode of procedure, as the members were bound to the strictest secrecy. At first, no citation or defence, or intimation whatever, was required; the names of the accused, if found guilty, were simply inserted in the volume of the red tower, when it became the duty of the younger members of the Scabini, without farther ceremony, to perpetrate the execution in time and place convenient. They followed the scent like the slough hound; nor ever turned from their purpose until the unhappy victim had met his fate. If there was appearance of opposition, which they had not strength to master, it was their duty to dog the accused, until a sufficiency of brethren could be collected; every one being obliged, upon certain signs given, to join the pursuit, and, without question asked, to assist in its execution, with hearts steeled against the strongest sympathies of our nature; for no relationship, motive, or tie whatever, was admitted to excuse from this detestable duty—a father might be doomed to receive his death at the hands of a son, or a brother from a brother.

The members made use of various secret signals, by which to recognise each other in society. At table they are supposed to have been in the use of turning the point of their knife towards each other, as a mark of recognition.

According to the early practice of the tribunal, when a transgressor was denounced, it was the custom, previous to any direct steps being taken against him, to submit the matter to a solemn discussion of the court, in order to ascertain whether it was a *vehmical* crime, and competent to be brought before that tribunal. And the subsequent neglect of this proceeding seems to have been vehemently complained of, by the other courts of justice,

in the beginning of the sixteenth century. If the case was adjudged to be *vehmical*, mandates were immediately issued to the Scabini to cite or seize the person, and to bring him before the tribunal on a certain day.

The form of citation, when that ceremony was thought proper, was, according to a copy recorded, of the following tenor:—  
 “ Know, Graff Grunenberg, residing at Francfort, that thou standest indicted of a serious charge by Graff von Mulhusin, before the secret tribunal, and art hereby cited to compear next Tuesday, before my freystuhl (freebench) under the Limetrees at Lichtenfels.”

(Signed) JOHAN LASKE, Freygraff  
 von Lichtenfels.

“ *Nota.*—A conductor will attend.”  
 Any attempt at evasion was fruitless, as death followed every step of the contumacious (strick-kind) or child of the cord. The chronicles abound in the notice of catastrophes occasioned by such attempts. In the chronicle of Magdeburg, in the year 1389, we are told, “ This year, Graff Henrich Wernigerod was hanged one day when he thought himself in the greatest security, being in company with Bishop Albrecht and Bishop Reinstein; but he lay under the condemnation of the secret tribunal for having expressed infidel opinions.”

When the citation had to be made, where danger or resistance was expected, the Scabini proceeded under cloud of night to the town or castle where the accused dwelt, and nailed up the citation on the gate, or on an adjoining tree; and having cut three chips out of the door-post, which were afterwards produced in court as evidence of the summons having been given, they audibly addressed the porter on guard in a *formula* of words, and departed. If the accused had got notice and fled, a summons was pasted on each of the four corners of his house; or if he skreened

himself by the protection of armed attendants, it was the duty of the Scabini to waylay the party, and hang up the accused, with all his attendants, without farther ceremony. And these adventures were far from unfrequent, as we find from the popular stories of the country.

When a person was condemned in absence, and possession of his person could not by any means be obtained, his name was inscribed with blood in the book called the Red Tower; by which ceremony he became outlawed or proscribed. Wherever or whenever he was afterwards discovered by a member of the secret tribunal, it became his duty to assassinate him. This was called "*Die heimliche acht*," or secret proscription.

The special subjects of cognizance before this peremptory tribunal were:—1st, Heresy; 2d, Apostacy; 3d, Sacrilege; 4th, Rape, and violence to women with child; 5th, Theft and Robbery, with Jews, reseters of sacrilegious theft; 6th, Murder; 7th, Adultery; 8th, Rebellion; and, 9th, Witchcraft and necromancy—a most fertile source in those days, besides all the other crimes in general, which are contained in the decalogue: so that their jurisdiction seems to have been abundantly comprehensive. Its ostensible object was the protection of Church and State. But that a power should exist, thus precluded from public cognizance, wielding all the terrors of a mysterious and unrelenting arm, which reached the unsuspecting victim in the privacy of his own family—a present danger of death, which no one was able to avert, or dared to avenge—was a state of matters, which nothing but the stupefaction of utter fear could suffer to subsist for so many centuries. The spirit of revenge or malice, when hopeless of reaching its object by any accusation before the regular tribunals of the country, found in that of Westphalia a ready abettor of its purpose. Secret and insidious charges were, in the utter ignorance of the accused, tried, and a doom pronounced,

which instantly armed many thousand executioners, regardless of every principle but that of implicit obedience to their frightful oath of office.

Little seems to have transpired as to the internal proceedings of trial, farther than that they were exceedingly brief. The sentence never varied; it was either a free acquittal or instant death for every crime, and every modification of crime, subjected to its scrutiny. The sentence, which I translate from an old German *formula*, was as follows:—

" I . . . . Freygraff, conformable to the rights, liberties, peace, and privileges ordained by the Emperor Charles the Great, confirmed by the Pope Leo, and sworn to by the Princes, Lords, Knights, Nobles, and Scabini of Saxony, deprive thee . . . . degrade thee from thy rank; banish and remove thee from all thy rights, peace, and liberties, under the ban of the empire; punish thee with all disgrace and pains; declare thee unworthy and infamous, unprotected in thy rights; deprived of thy seal, and incapable of the shelter of law. I condemn and abandon thee to the judgment of the hidden tribunal; assign thy neck to the cord, thy body to be torn by the birds and *beasts* of the air: I recommend thy soul to the disposal of God, who is in heaven, thy goods and heritage to the superior lord of whom they are held: I declare thy wife a widow, and thy children fatherless."

From this appalling sentence there was no hope of mercy; and if the unhappy object of it happened to be himself a Scabinus, that had rendered himself amenable to the law, he had the additional satisfaction of being hung seven feet higher than was the usual practice in ordinary cases.

The Scabinus, however, had the privilege of appeal, if he thought there was reason to expect a revocation of his sentence; for the secret tribunal admitted of no mitigation. In that case he was obliged to appear in person, and in the humblest guise,

accompanied by the officers of court, with a cord about his neck, his arms folded across his breast, white gloves on his hands, holding a green cross and a gold florin, kneeling and prostrating himself before the bench, he craved pardon, and submitted the evidence of his innocence. If his innocence was clearly established, he was forthwith reposed in all his rights; but with regard to the uninitiated the law was inexorable and unalterable. The only recourse in such a predicament existed in the presence of the Emperor himself in Westphalia, or Saxony, when, upon petition, he had power to grant a reprieve for one hundred days, or one hundred years and six weeks, as a sort of elusory free pardon; for the secret tribunal knew no pardon for a child of the cord, if he were *unwissend* or unenlightened.

Although the Emperor possessed this privilege, there seems to have been a period when the presumption of the tribunal knew no bounds, and when they did not hesitate to compromise the person of the Emperor himself, who was cited "*auf leib, ehre und recht,*" under pain of life, honor, and right, to appear before the secret tribunal of Passau. But notwithstanding the great and frequent excesses in the murder of innocent people, in the disregard of right and wrong, and in the contempt of any human authority, even that of the Emperor, the secret tribunal often accomplished, by the terror of its hidden arm, the suppression of rebellions and crimes, to which the common law would have been quite unequal.

There was little safety from the unbridled licence of this tribunal, except in obtaining admission into the association itself, which, at a very early period, seems to have been a privilege anxiously sought after. It relieved them from the constant uncertain apprehensions which must have rendered life miserable. They were no doubt equally amenable to the tribunal when actually guilty of crime; but they enjoyed the power of defence in their simple oath of innocence, which, administered under peculiar forms of

solemnity, was esteemed uncontroversible. It became, therefore, difficult to convict a Scabinus, unless his crime was very manifest and glaring. But the single testimony of one Scabinus was quite sufficient to bring any uninitiated person into the peril of his life, however respectable, high in rank, or innocent he might be. Sentence of death might pass upon him without his knowledge or suspicion, and without any accusation whatever. The Scabini, therefore, at one time became so numerous, that senators, nobles of high rank, and ministers of state, were of the number. And at one of the general chapters held at Dortmund (called (*der Spiegel*) the Mirror, for what reason I do not know) in which Sigismund the Emperor presided, there were upwards of a thousand Scabini present, besides the Freygrafts and judges; and the whole amount of these conspirators in Germany is said at times to have exceeded one hundred thousand.

After this infernal power had become intolerable, many of the great barons, towns, and independent states applied for imperial and papal exemptions from being liable to its jurisdiction, which appears in various cases to have been granted; and likewise for the right of establishing independent tribunals of their own—a measure which was certainly little calculated to lessen the evil, as these institutions became in consequence considerably multiplied in Germany. These exemptions, obtained by the princes for themselves and their subjects, shew that, *jure antiquo*, they were all equally amenable to the Westphalian tribunal. All ranks, even the highest, were subject to its control, although the ecclesiastics latterly found means to slip their necks from out the noose, by obtaining for themselves, and for women, the imperial sanction of exemption.

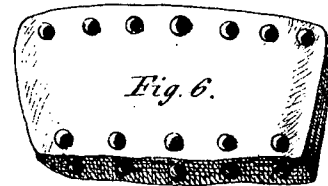
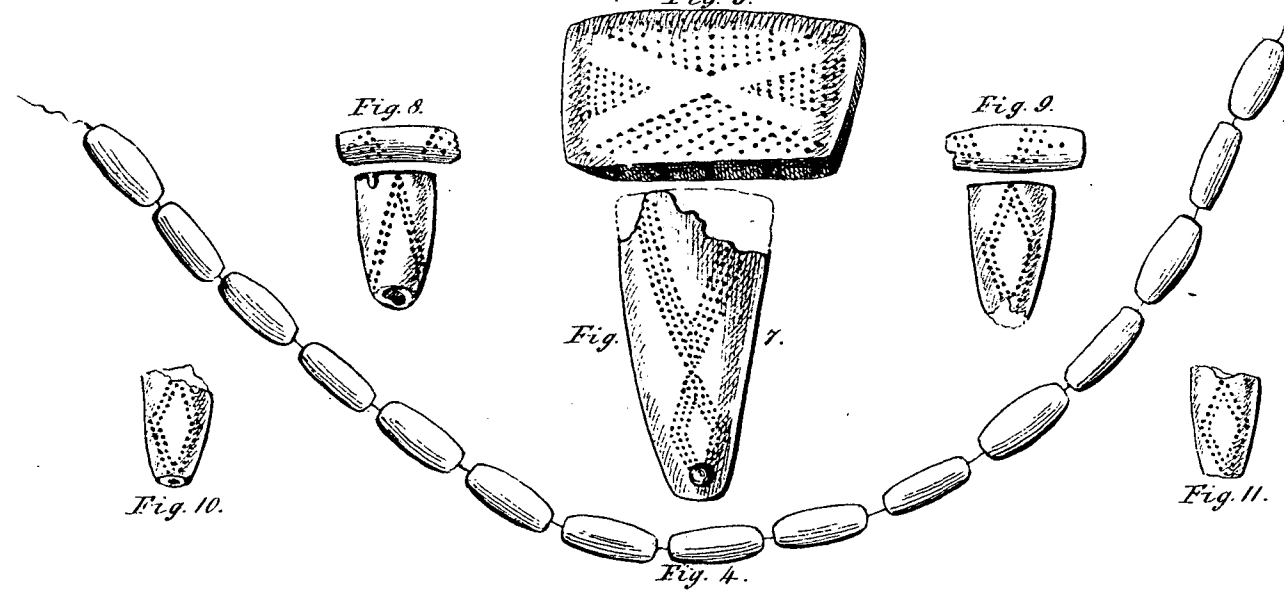
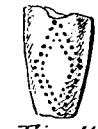
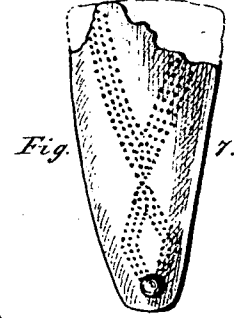
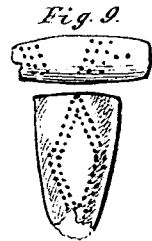
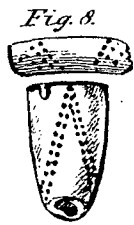
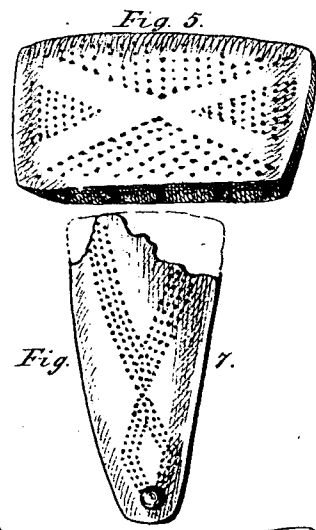
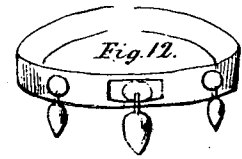
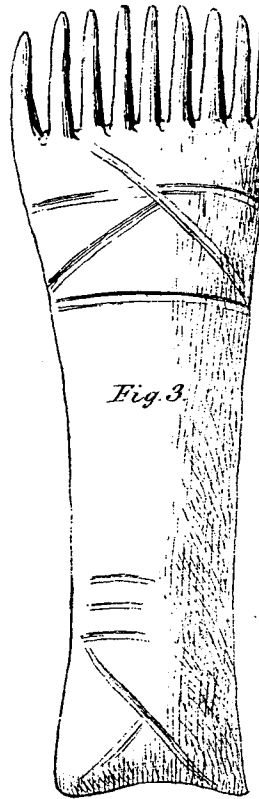
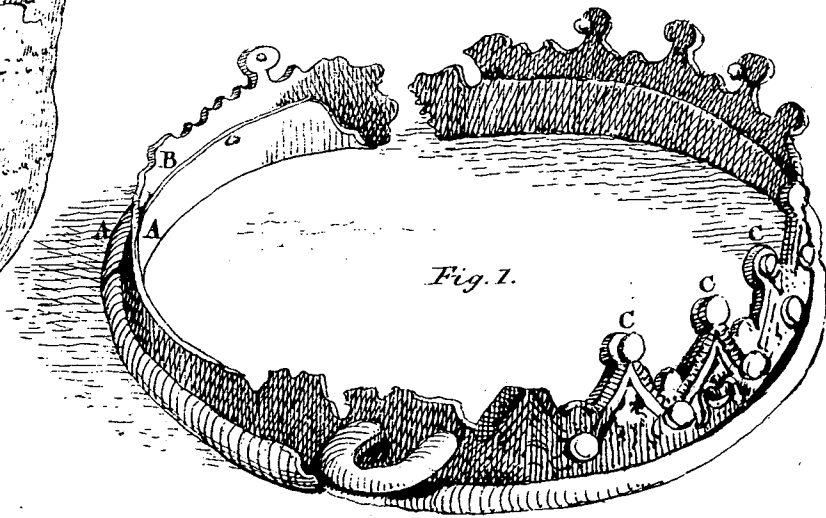
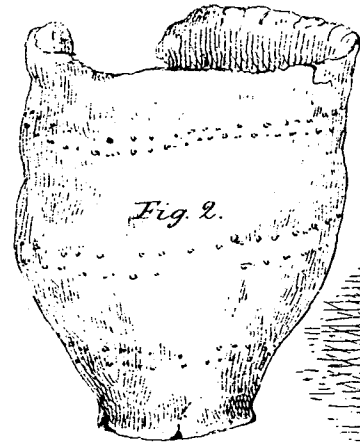
By a grant of the Emperor Charles VI. in the year 1354, the Bishop of Minden obtains a right to hold two free benches or *Vehmgericht* within his jurisdiction: the one at the village of Haller, and the other at Walnen. The deed bears, that any per-

son who shall disturb him in the exercise of its jurisdiction and privileges, exposes himself to the ban of the empire. The Emperor Ludovick V. in confirmation of this grant, creates the Bishop Duke of Minden, in terms that would lead to the supposition that the *Vehmgericht*, or right of holding a secret tribunal, followed the dignity of Duke as matter of privilege. By this deed he obtained the right to hold six free tribunals; and Burchaud von Crussen is created Freygraff, with power to preside in the Bishop's absence. The brief is dated at Nuremberg on *Sunday*.

In confirmation of the supposition I have advanced, as to the purpose of the subterraneous chambers described above, I find a brief issued in the year 1459 by Charles Margraff of Baden, then proprietor of the castle, addressed to his town of Esslingen, prohibiting any election into the offices of the secret tribunal without the knowledge and consent of himself and council. It seems to have been particularly in Franconia, Hesia, and the states bordering on the Rhine, that the rights of Freygraffshaft were obtained; and the immediate subjects of each were, as a matter of allegiance, obliged to reveal and to denounce every criminal act that came to their knowledge.

In the reign of the Emperor Frederick III. there were many successive years of consultation in the Aulic Council as to the means to be adopted to stay this intolerable and growing evil; most of the nobility having either obtained the right of holding these courts, or got their names enrolled as members of the chief tribunal, which set them effectually above the law, and enabled them, for purposes of private ambition or revenge, to riot in all the hidden power of such a detestable institution. A reformation accordingly took place in the year 1438, which somewhat checked the mischief; but it was not till the reign of Maximilian the First, who, by the establishment of the imperial chamber in the year 1495, produced a clashing of jurisdictions, which much





restrained the secret tribunal. This effect was subsequently assisted by the introduction of a new criminal code by the Emperor Charles V. in the year 1530, which seemed to supersede its legitimate and ostensible objects. Although somewhat shorn of its terrors, it continued notwithstanding, from time to time, to be roused from its torpor, whenever faction found its hidden ministry available. In all ages, the Germans seem to have been naturally prone to the mysterious; accordingly we find "Die geheime Bruiders haft," or secret fraternity, rising from the embers of the secret tribunal; the Illuminati and Rosicrucians also take their place in the same class, and there is little doubt that similar associations exist in the present day; although fortunately a better state of society confines their powers to the more harmless machinations of the visionary reformer.