

**A SKETCH OF THE GERMANIC
CONSTITUTION FROM
EARLY TIMES TO THE
DISSOLUTION OF THE EMPIRE**

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Samuel Epes Turner

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GERMANIC CONSTITUTION

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THE EMPIRE

BY

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THE GERMANIC CONSTITUTION.

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PREFACE.

The Germanic kingdom was so involved with the half-real, half-fanciful Holy Roman Empire that its institutions were more or less confounded with Imperial institutions, but I have used the words *king, kingdom* or *realm, royal* or *regal* with relation to them whenever it has seemed to me possible to do so with propriety and without affectation.

By the abbreviations *Mon. Germ. Leg.* and *Mon. Germ. Script.* in the notes are intended the *Leges* and *Scriptores* of the folio edition of the *Monumenta Germaniae*, edited by Georg Heinrich Pertz. *Neue Sammlung der Reichsabschiede* is the abbreviated title for *Neue und vollständigere Sammlung der Reichs-Abschiede, welche von den Zeiten Kayser Conrad's des II. bis jetzo, auf den Teutschen Reichs-Tagen abgefasst worden, sammt den wichtigsten Reichs-Schlüssen, so auf dem noch fürwährenden Reichs-Tagen zur Richtigkeit gekommen sind.* This

Sammlung, which was published at Frankfort-on-the-Main, in 1747, in four parts, folio, has been ever since its publication the best general collection of the *Reichsabschiede and Reichsschlüsse*. It will sooner or later be superseded, however, in part by the new quarto edition of the *Monumenta Germaniae* and in part by the *Deutsche Reichstagsakten*, for, by mutual agreement of the scholars under whose supervision these great works are publishing, the former will be carried through the reign of Charles IV, while the latter begins with the reign of Wenzel. The *Vorwort* to the *Reichstagsakten* gives an account of the *Neue Sammlung der Reichsabschiede* and other similar collections.

The notes refer for original documents to the *Monumenta Germaniae* until that collection fails, then to the *Neue Sammlung der Reichsabschiede*, and whenever this fails to Schmauss's excellent *Corpus juris publici* (edition of 1794), if possible. Only one reference is given, unless the document cited is to be found in Oertel's *Staatsgrundgesetze des deutschen Reiches*, when its place in that handy and useful book is indicated. I have used Homeyer's edition of the *Sachsenspiegel* and Von Lassberg's edition of

the Schwabenspiegel (Tübingen, 1840) for the few references made to them.

The subject of the present sketch is treated in the following works. Their titles are given in the order of publication of latest editions. The last named (Schulte's *Reichs- und Rechtsgeschichte*) has been translated into French.

Geschichte der Deutschen Reichs- und Territorialverfassung. Von Dr. Ludwig Freih. v. Löw, Heidelberg, 1832. 8vo, pp. XII, 412.

Deutsche Staats- und Rechtsgeschichte. Von Karl Friedrich Eichhorn. *Fünfte verbesserte Ausgabe.* Göttingen, 1843-1844. 4 vols., 8vo.

Lehrbuch der deutschen Staats- und Rechtsgeschichte mit Ausschluss der Geschichte der Privatrechtseinstitute. Von Dr. Julius Hillebrand. Leipzig, 1856. 8vo., pp. XII, 656.

Deutsche Rechtsgeschichte. Von Ferdinand Walter. *Zweite sehr verbesserte und vermehrte Ausgabe.* Bonn, 1857. 2 vols., 8vo.

Deutsche Reichs- und Rechtsgeschichte zum Gebrauche bei akademischen Vorlesungen. Von George Phillips. *Vierte vermehrte Auflage.* München, 1859. 8vo., pp. XVIII, 483.

Handbuch der deutschen Reichs- und Staatenrechtsgeschichte. Von Dr. A. v. Daniels. Tübingen, 1859-1863. 4 vols., 8vo.