

Vehmic Jurisdiction

Vehmic Court Site

In the Middle Ages the oak at Erle was a **place of vehmic jurisdiction** called *Freistuhl*. The stone group around it represents the replica of this vehmic court site. On the judge's table behind which sat the *Freigraf* - the chairman of the court – lie the symbols of blood jurisdiction: **sword and rope**. Round the table seating stones are placed engraved with the names of the documented jurors at Erle. Detailed information about the vehmic oak and vehmic jurisdiction can be had from a permanent exhibition in the House of the Homeland Society of Erle.

Jurisdiction in the Middle Ages

In Westphalia, medieval jurisdiction was characterized by the coexistence of two kinds of courts, *Freigerichte* and *Gogerichte*. *Freigerichte* were made up of free-born men led by the *Stuhlherren* (**Lords of the Court District**), high-ranking clerics or aristocrats, and in the name of the king they ruled on serious crimes. That is why they were called the king's courts. *Gogerichte* were courts of sovereigns (dukes, earls, bishops who were sovereign rulers of their territories) and ruled on minor crimes. In the 13th century sovereigns in other places of Germany gained control over all kinds of cases, whereas in Westphalia *Freigerichte* continued to exist in the form of **vehmic courts**. These were not only in charge of definite districts and groups of people but claimed responsibility for the whole kingdom. Vehmic courts bloomed in the 14th and 15th centuries. Then they lost responsibility for ever more kinds of legal cases to the *Gogerichte*.

Vehmic Courts

Vehmic courts administered justice according to the king's right called the *Königsbann*. From 1422 onwards the archbishop of Cologne as **imperial royal official** was in charge of the king's governance. For each judicial area, that is one or more **court districts** (*Freigrafenschaft*), he nominated the *Stuhlherren* (**Lords of the court district**). These were often sovereigns who were entitled to invest lieges with a fief of free shires or parts of them. Each free shire consisted of several *Freistühle* where vehmic courts met. Their **chairman**, the *Freigraf*, was nominated by the king or archbishop and after swearing an oath of allegiance enfeoffed with the right to administer justice. The *Freigraf* was assisted by **free lay jurymen** whose number was not defined. Vehmic court hearings were not public. That is why they were also called '**silent**' or '**secret courts**' and the free jurymen were the '**initiates**' since they knew about the secrets of vehmic ruling and had to swear professional secrecy. That is why in medieval times vehmic courts already had an aura of mystery and awfulness. When so-called *Stuhlfreie*, peasants assessable to the court, were called to assist a trial, it was called an 'open vehmic court'. Overall, there were more than 300 *Freistühle* in Westphalia with approximately 30000 sworn-in free jurymen from all over the kingdom. The group of people attached to vehmic courts was complemented by the messenger and aide of the *Freigraf*, the *Frone*, and a clerk.

Vehmic Court Trials

Due to their responsibility for **cases of capital punishment** vehmic courts dealt with crimes like robbery, grand larceny, outrage against Church and clergy, murder, rape, arson, forgery and perjury. Moreover, vehmic courts were also often entitled to deal with **procedures in rural life**, for example estate agreements, disputes about the edges of fields and paths. In the wake of its decline vehmic court jurisdiction narrowed to complaint and realty proceedings.

The *Freigraf* (chairman of the court) accepted the complaints, prepared the dates of the hearings,

presided them and pronounced the verdict, but did not take part in the decision himself. When the case fell under vehmic competence, the accused received a **subpoena** but as a rule did not abide thereby but appointed a proxy, if at all. During the hearings, which took place in the open at the **Gerichtsstuhl** (the seat of the vehmic court), a rope and a sword lay on the table in front of the **Freigraf** on which both the complainant and the jury had to take an oath. The complainant himself or a representative put forward the accusation. Witness' statements were considered as proof of the truth. After deliberation the free jurymen passed the verdict. The guilty verdict of the Blood Court imposed **corporal punishment or the death penalty**. Now the **convict was outlawed** and every free jurymen prompted to enforce the judgment.

The Freistuhl at Assenkamp

At Erle, the **place of vehmic jurisdiction** called *Freistuhl* originally belonged to the **court district called Heiden** which had been enfeoffed to the noblemen of Heiden, its *Stuhlherren*. After the division of the court district the governance of the court district (*Stuhlhererschaft*) changed. At times the fiefdom was given to the **lords of Raesfeld and Lembeck**, with the latter having Go-jurisdiction at Erle as well.

Just **one case of vehmic court hearings** at Erle is well documented, **the one of the Diepenbrock brothers** in the year 1441 (see right chart). However, we may assume that in the course of centuries many hearings occurred at this place of vehmic jurisdiction. From later times, also notarial procedures are known such as transfers of ownership and renunciations of inheritance.

The last document of a vehmic court held at Erle dates back to the year 1555.

Illustration: The vehmic court of Soest (painting of the 15th century)

Next side: Schematic Representation of Vehmic Court

Schematic Representation of Vehmic Court

