

A Treaty of Peace between the Empire and Sweden, concluded and sign'd at Osna-brug the 24th of October, 1648. The King of France was comprehended in this Treaty as an Ally of Sweden.

BE it known to all and singular whom it does concern, or whom it may in any manner concern, That after the Differences and Troubles which began several years ago in the *Roman Empire*, had come to such a height, that not only all *Germany*, but likewise some neighbouring Kingdoms, especially *Sweden* and *France*, found themselves so involv'd in them, that from thence there arose a long and cruel War; in the first place, between the most Serene and most Potent Prince and Lord, *Ferdinand III.* of Glorious Memory, chosen Emperor of the *Romans*, always August, King of *Germany*, *Hungary*, *Bohemia*, *Dalmatia*, *Croatia*, *Sclavonia*, &c. Archduke of *Austria*, Duke of *Burgundy*, *Brabant*, *Stiria*, *Carinthia* and *Carniola*, Marquis of *Moravia*, Duke of *Luxemburg*, of the *Upper* and *Lower Silesia*, *Wirttemberg* and *Teck*, Prince of *Swabia*, Count of *Hapsburg*, *Tirol*, *Kyburg* and *Goricia*, Landtgrave of *Alsatia*, Marquis of the Sacred Empire, *Burgovia*, the *Upper* and *Lower Lusatia*, Lord of the *Sclavonick Borders*, Port *Naon* and *Salines*, his Confederates and Adherents on the one side; and the most Serene and most Potent Prince and Lord *Gustavus Adolphus*, King of *Sweden*, of the *Goths* and *Vandals*, Great Prince of *Finland*, Duke of *Esthonia* and *Carelia*, and Lord of *Ingria*, likewise of Glorious Memory, the Kingdom of *Sweden*, its Allies

and Confederates on the other side: And after his Decease, between the most Serene and most Potent Prince and Lord *Ferdinand III.* elected Emperor of the *Romans*, always August, &c. with his Allies and Adherents on the one side; and the most Serene and most Potent Princess and Lady *Christina*, Queen of *Sweden*, &c. her Allies and Adherents on the other side; upon which ensued a great Effusion of Christian Blood, and Devastation of several Provinces. At last it fell out by an Effect of the Divine Bounty, that both sides turn'd their Thoughts towards the means of making Peace, and that by a mutual Agreement made at *Hamburg* the 25th of *December* N. S. or the 15th O. S. 1641. between the Parties, the 11th N. S. or the 1st O. S. 1643. was by common Consent appointed for beginning the Assembly or Congress of Plenipotentiaries at *Osnabrug*, and at *Munster* in *Westphalia*. In consequence whereof, the Ambassadors and Plenipotentiaries lawfully establish'd on both sides, having appear'd at the mention'd Time and Place, viz. on the part of the Emperor, the most Illustrious and Excellent Lords, *Maximilian* Count of *Trautmansdorf* and *Weinsberg*, Baron of *Gleichenberg*, *Neustat* upon the *Cockie*, *Negovia*, *Burgovia* and *Totzenbach*, Lord of *Teinitz*, Knight of the Golden Fleece, Privy Counsellor and Chamberlain to his Sacred Imperial Majesty, and Great Master of his Court; *John Maximilian*, Count of *Lamberg*, free Baron of *Orteneck* and *Ottenstein*, Lord of *Stockam* and *Ammerang*, Burgrave of *Stayer*, &c. and *John Cranen*, Chamberlain to his said Sacred Imperial Majesty, Licentiate in the Laws, and Count *Palatine*, his Imperial Majesty's Aulick Counsellors. And on the part of the Queen of *Sweden*, the most Illustrious and most Excellent Lords, *John Oxenstiern*, *Axelson*, Count of the Southern *Morea*, free Baron of *Kincitha* and *Nynaas*, Lord of *Fyholm*, *Hornigsholm*, *Sudorbo* and *Lidoo*, Senator of the Kingdom of *Sweden*, and Counsellor of the Chancery; and *John Adler Salvius*, Lord of *Adlersberg*, *Harsfield*, *Wildenbruck* and *Tullingen*, Senator of the Kingdom of *Sweden*, Privy Counsellor to her Royal Majesty, and Chancellor of her Court. After having invoked the Assistance of God, and reciprocally exchange'd the Originals of their respective full Powers, they transacted and agreed among themselves, to the Glory of

God, and Safety of the Christian World (the Electors, Princes and States of the Sacred *Roman* Empire being present, approving and consenting) the Articles of Peace and Amity, whereof the Tenour follows.

The Re-establishment of Peace and Amity. I. That there be a Christian, universal and perpetual Peace, and a true and sincere Friendship and Amity between his Sacred Imperial Majesty, the House of *Austria*, and all his Allies and Adherents, and the Heirs and Successors of each of them, chiefly the King of *Spain*, and the Electors, Princes and States of the Empire, of the one side; and her Sacred Royal Majesty, and the Kingdom of *Sweden*, her Allies and Adherents, and the Heirs and Successors of each of them, especially the most Christian King, the respective Electors, Princes and States of the Empire, of the other side; and that this Peace be observ'd and cultivated sincerely and seriously, so that each Party may procure the Benefit, Honour and Advantage of one another, and thereby the Fruits of this Peace and Amity may be seen to grow up and flourish anew, by a sure and reciprocal maintaining of a good and faithful Neighbourhood between the *Roman* Empire and the Kingdom of *Sweden* reciprocally.

An Amnesty from all Hostility.

II. That there be on both sides a perpetual Oblivion and Amnesty of all that has been done since the beginning of these Troubles, in what Place or in what Manner soever Hostilities may have been exercis'd by the one or the other Party; so that neither for any of those things, nor upon any other Account or Pretext whatsoever, any Act of Hostility or Enmity, Vexation or Hindrance shall be exercis'd or suffer'd, or caus'd to be exercis'd, either as to Persons, Condition, Goods or Security, either by one's self or by others, in private or openly, directly or indirectly, under form of Right or Law, or by open Deed, either within, or in any Place whatsoever without the Empire, notwithstanding all former Compacts to the contrary; but that all Injuries, Violences, Hostilities and Damages, and all Expences that either side has been oblig'd to be at, as well before as during the War, and all Libels by Words or Writing shall be entirely forgotten, without any regard to Persons or Things; so that whatever might be demanded or pre-

tended by one against another upon this account, shall be bury'd in perpetual Oblivion.

III. According to this Foundation of a general and unlimited Amnesty, all and every the Electors of the Sacred Roman Empire, the Princes and States therein included, the Nobility that hold immediately of the Empire, their Vassals, Subjects, Citizens and Inhabitants, who upon occasion of the Troubles of *Bohemia* and *Germany*, or upon the account of Alliances contracted on one side and another, may have suffer'd any Prejudice or Damage from either Party, in any manner, or under any pretext whatsoever, either in their Domains, Goods, Fees, Sub-Fees, Allodials, or in their Dignities, Immunities, Rights and Privileges, shall be fully re-establish'd on both sides, in the same State, both as to Spirituals and Temporals, which they enjoy'd, or could of Right enjoy before those Troubles, notwithstanding all the Changes made to the contrary, which shall be annul'd and remain void.

But as these and such like Restitutions ought to be all understood, saving whatsoever Rights, either of *Dominium directum*, or *Dominium utile*, go along with the Goods which are to be restor'd, whether Secular or Ecclesiastical, and belong to him who makes Restitution, or to him to whom Restitution is made, or to any third Person; saving also the Rights which lie undetermin'd either in the Imperial Court, or in the Imperial Chamber, or in the other mediate or immediate Tribunals of the Empire; so this general saving Clause, or others more special mention'd afterwards, may not in any ways hinder this Restitution: But these Competencies, Rights, Actions and Processes shall, after Restitution made, be examin'd, discuss'd and dispatch'd before the competent Judg. Nor shall this Reserve be of any prejudice to the said universal and unlimited Amnesty, nor extend to Proscriptions, Confiscations, and other such like Alienations; and far less shall it derogate from the Articles that shall be otherwise agreed, and particularly to the redressing of Grievances: for it will appear afterwards, in the Article of redressing of Ecclesiastical Grievances, what Right those who are or shall be restor'd shall have in Ecclesiastical Goods, which have been contested, and under debate, to this very time.

The Point of political Grievances.

IV. Now altho it may be easily perceiv'd by the preceding general Rule, who they are that are to be restor'd, and in what measure, yet the Parties were willing at the Instance of certain Persons, to mention some other Causes of the greatest Importance, in the following manner; so that they who are not expressly, or not at all nam'd or retrench'd, are not therefore reckon'd to be omitted or excluded.

The Palatine Cause.

The Cause of the *Palatine* House has first of all been discuss'd by the Assembly of *Osnabrug* and *Munster*; so that the Contest which has been so long depending, has been terminated in the following manner.

1. As to what concerns the House of *Bavaria*, the Electoral Dignity which the Electors *Palatine* formerly had, with all the Regal Rights, Offices, Precedencies, Ornaments, and other Rights whatsoever appertaining to that Dignity, without any Exception; as also the *Upper Palatinate*, and the County of *Cham*, with all their Regal Rights, other Rights, and all their Appurtenances, shall remain, as formerly, so for the future, to *Maximilian* Count *Palatine* of the *Rhine*, Duke of *Bavaria*, his Children, and the whole *Guelphine* Branch, so long as there shall remain Male Princes.

2. On the other hand, the Elector of *Bavaria* shall intirely renounce for him, his Heirs and Successors, the Debt of thirteen Millions, and all Pretensions upon the *Upper Austria*; and shall immediately, after the Conclusion of the Peace, give up to his Imperial Majesty all Acts thereupon obtain'd, that they may be made void and null.

3. And as to what concerns the *Palatine* Family, the Emperor and Empire do consent, out of regard to the publick Tranquillity, That by virtue of the present Convention an eighth Electorate be establish'd, which the Lord *Charles Lewis*, Count *Palatine* of the *Rhine*, and his Heirs descending from the *Rodolphine* Line, shall enjoy and possess, according to the Order of Succession express'd in the Golden Bull; but neither the said Lord *Charles Lewis*, nor his Successors, can have any other Right than the simultaneous Investiture, in what was for-

merly given with the Electoral Dignity to the Elector of *Bavaria*, and the whole *Gulielmine* Branch.

4. That the whole *Lower Palatinate*, with all and every the Ecclesiastical and Secular Goods, Rights and Appurtenances, which the Electors and Princes *Palatine* enjoy'd before the Troubles of *Bohemia*; as also all the Documents, Registers, Accounts, and other Acts depending thereupon, shall be entirely restor'd to him, annulling all that has been done to the contrary; which shall be effected by the Imperial Authority: So that neither the Catholick King, nor any other possessing any of them, may in any manner oppose this Restitution.

5. Now forasmuch as certain Bailliages of *Bergstat*, appertaining of old to the Elector of *Mentz*, were engag'd in the year 1463. to the Counts *Palatine* for a certain Sum of Mony, on condition of perpetual Redemption; it is therefore agreed, that these same Bailliages shall return and remain to the Lord the Elector of *Mentz*, who fills the See at present, and to his Successors in the Archbishoprick of *Mentz*; provided that the Price and Engagement voluntarily offer'd be paid in ready Mony; within the fix'd term of the execution of the Treaty, and that he satisfy the other Conditions to which he is oblig'd by the Tenor of the Act of Engagement.

6. That the Elector of *Treves*, in quality of Bishop of *Spires*, and the Bishop of *Worms*, shall also be at liberty to sue, before competent Judges, for the Rights which they pretend to upon certain Ecclesiastical Revenues, in the Territory of the said *Palatinate*, if those Princes do not amicably agree among themselves.

7. If the *Gulielmine* Male Line should become intirely extinct, and the *Palatine* Line continue, not only the *Upper Palatinate*, but likewise the Electoral Dignity, whereof the Dukes of *Bavaria* are in possession, shall return to the said surviving Counts *Palatine*, who shall at the same time enjoy the simultaneous Investiture, and then the eighth Electorate shall remain entirely extinct and bury'd; but the *Upper Palatinate* in that case returning to the surviving Counts *Palatine*, the Actions and Benefits which of Right appertain to the Heirs Allodial of the Elector of *Bavaria*, shall be preserv'd to them.

8. That the Family-Compacts made between the Electoral Family of *Heidelberg*, and that of *Newburg*, which

were confirm'd by former Emperors, touching the Electoral Succession, as also the Rights of the whole *Rodolphine* Line, in so far as they are not contrary to the present Disposition, shall be entirely preserv'd and maintain'd.

9. If it can be made appear by a competent legal Proof, that any Fiefs of the Country of *Fuliers* are not engag'd, they shall be evacuated for the benefit of the Electors *Palatine*.

10. Besides, in order to discharge in some measure the Lord *Charles Lewis* from his Obligation to his Brothers for Appennage, his Imperial Majesty shall appoint four hundred thousand Rixdollars to be paid to his said Brothers in the Term of four Years, reckoning from the beginning of the next Year 1649. at the rate of a hundred thousand Rixdollars a year, with Interest at 5 *per cent.*

11. Moreover, that the whole *Palatine* Family, with all and every one who are or have been any way attach'd to it, more especially the Ministers who have been employ'd for it in this Assembly, or elsewhere, as also those who are banish'd from the *Palatinate*, shall enjoy the General Amnesty above specify'd, with an equal Right, and as fully as others who are compriz'd in the said Amnesty and this Transaction, particularly with regard to Grievances.

12. The Lord *Charles* and his Brother shall reciprocally pay Obedience, and observe Fidelity to his Imperial Majesty, as well as the other Electors and Princes of the Empire; and as well he as his Brother shall renounce for them and their Heirs the *Upper Palatinate*, as long as there shall be lawful Heirs Male of the *Guelphine* Branch.

13. Now whereas it has been provided to allow a Subsistence for the Widow-Mother to the said Prince, and to secure a Portion to the Sisters of the said Prince, his Imperial Majesty, as a Mark of his Affection for the *Palatine* Family, has promis'd to pay once for all twenty thousand Rixdollars for the Subsistence of the said Widow, Mother to the said Prince, and ten thousand Rixdollars to each of the Sisters of the said Lord *Charles Lewis* upon their Marriage; and the said Lord *Charles Lewis* shall be oblig'd to make up the remainder.

14. That the said Lord *Charles Lewis*, and his Successors to the Lower *Palatinate*, shall not in the least molest the Counts of *Lainingen* and *Daxburg*, but shall suffer them peaceably and quietly to enjoy and make use of their Rights, obtain'd by them many Ages ago, and confirm'd by the Emperor.

15. That he shall inviolably allow the free Nobility of the Empire in *Franconia*, *Swabia*, and along the *Rhine*, as also the Countries belonging to the said Nobility, to remain in the state they are in at this present.

16. That the Fiefs confer'd by the Emperor upon Baron *Gerhard of Waldenburg*, call'd *Schenkern*; upon *Nicolas George Reigersberg*, Chancellor of *Mentz*, and *Henry Brombser*, Baron of *Rudesheim*; as also by the Elector of *Bavaria* upon Baron *John Adolphus Wolff*, call'd *Metternich*, shall remain to them entire: However these Vassals shall be oblig'd to take an Oath of Fidelity to the said Lord *Charles Lewis* as their *Dominus directus*, and to his Successors, and demand of him the Renewal of their Fiefs.

17. That those of the Confession of *Augsburg*, who were in possession of Churches, and among the rest the Burgeesses and Inhabitants of *Oppenheim*, shall be preserv'd and maintain'd in the Ecclesiastical State of the Year 1624. and that it shall be allowable for others who are willing to embrace the Exercise of the *Augsburg* Confession, to practise it, as well publickly in the Churches at set Hours, as in private in their own Houses, or other Places appointed for that end by their Ministers of the Divine Word, or by those of their Neighbours.

18. Prince *Lewis Philip*, Count Palatine of the *Rhine*, shall recover all the Countries, Dignities and Rights, as well in Ecclesiasticals as Temporals, which fell to him by his Ancestors by Succession and Share, before this War.

19. Prince *Frederick*, Count Palatine of the *Rhine*, shall receive and retain the fourth part of the Customs of *Wiltzbach*, as also the Cloister of *Hornsbach*, with the Appurtenances, and the whole Right which his Father had and possess'd there formerly.

20. That Prince *Leopold Lewis*, Count Palatine of the *Rhine*, shall be fully re-establish'd in the County of *Veldentz* upon the *Moselle*, in the same State, as to Ecclesiasticals and Temporals, as his Father possess'd it in the

Year 1624, notwithstanding all that has been attempted to the contrary.

21. The Difference between the Bishops of *Bamberg* and *Wirtzburg*, and the Marquis of *Brandenburg*, *Culmbach* and *Onoltzbach*, touching the Castle, City, Bailliage and Monastery of *Kitzingen* upon the *Mayn* in *Franconia*, shall be terminated in the space of two Years by an amicable Accommodation, or by summary legal Methods, upon pain of the Reculant's losing his Pretension: In the mean while, the Fortrefs of *Wiltzburg* shall be restor'd to the said Lords the Marquisses, in the same state it was in when it was deliver'd by Agreement and Stipulation.

22. The House of *Wirtemberg* shall remain peaceably in the recover'd Possession of the Bailliages of *Weinsberg*, *Neustadt*, *Wirtemberg*, and *Meckmukle*; and it shall be likewise re-establish'd in all the Goods and Rights which it possess'd any where before these Troubles; and among others, the Bailliages of *Baubeuren*, *Achalm*, and *Stauffen*, with their Appurtenances, and the Goods possess'd upon pretence that they depended thereon, especially in the Town and Territory of *Coppingen*, and the Village of *Pflumeren*, the Revenues whereof were piously founded for the maintaining and upholding the University of *Tubingen*. That House shall also recover the Bailliages of *Heidenheim* and *Oberkirch*, as also the Towns of *Balingen*, *Tutlingen*, *Ebingen*, and *Rosenfeld*, the Castle and Village of *Neidlingen*, with their Appurtenances; and likewise *Hobentwell*, *Hohenasperg*, *Hohenaurach*, *Hohen-tubingen*, *Albeck*, *Hornberg*, *Schiltach*, with the Town of *Schorndorf*. In like manner shall be restor'd the Collegiate Churches of *Stutgard*, *Tubingen*, *Hernberg*, *Goppingen* and *Bachnang*; as also the Abbies, Provostships, and Monasteries of *Bebenhausen*, *Maubron*, *Anhausen*, *Lorch*, *Adelberg*, *Denkendorf*, *Hirschau*, *Blaubeuren*, *Herprechtingen*, *Murhard*, *Albersberg*, *Koningsbrun*, *Herrernalb*, *St. George*, *Reichenbach*, *Pfulligen*, and *Lichtenstern*, or *Muriencron*, and the like, with all the Documents which have been drawn from thence; saving nevertheless and reserving all the Rights, Actions, Exceptions, and the Benefits pretended by the House of *Austria*.

and that of *Wirtemberg* upon the Bailliages of *Blaubeuren*, *Achalm*, and *Stauffen*.

23. The Princes of *Wirtemberg* of the *Montbeliard* Branch shall in like manner be re-establish'd in all their Domains situated in *Alsace* and elsewhere, and namely in the two Fiefs of *Upper Burgundy*, *Clerval* and *Passavant*; and shall be restor'd by both Parties to the same States, Rights, and Prerogatives, and especially to their immediate Dependence upon the *Roman Empire*, which they enjoy'd before the beginning of these Troubles, and which the other Princes and States of the Empire do or ought to enjoy.

24. And as to the Affair which relates to the Family of *Baden*, it has been agreed in the following manner: *Frederick* Marquis of *Baden* and *Hochberg*, and his Sons and Heirs, with those who have done or do him service, of whatsoever Name or Condition they be, shall enjoy the Amnetty above-specify'd, in the second and third Articles, with all their Clauses and Advantages; and by virtue thereof they shall be fully re-establish'd in the same state, as well to Spirituals as to Temporal, in which the Lord *George Frederick*, Marquis of *Baden* and *Hochberg*, was before the Rise of the Commotions in *Bohemia*, as well with respect to the lower Marquisate of *Baden*, which is commonly call'd *Baden-Dourlach*, as to the Marquisate of *Hochberg*, and the Seigneuries of *Rot-telen*, *Badenweiler*, and *Sausseberg*, notwithstanding all the Changes whatsoever that have happen'd to the contrary, which for that effect shall remain void and null. Next the Bailliages of *Strain* and *Renchingen*, which were granted to *William* Marquis of *Baden*, with all the Rights, Titles, Papers, and other Appurtenances, shall be restor'd to the Marquis *Frederick*, without any Burden of Debts contracted during that time by the said *William* Marquis of *Baden*, upon account of the Fruits, Interests, and Expences born by reason of the Transaction pass'd at *Etlingen* in the Year 1629. so that all that whole Action concerning the Expences and Fruits laid out and spent, with all Damages and Interests, shall be entirely abolish'd and extinct, reckoning from the time of the first Occupation. The annual Subsidy which the lower Marquisate was wont to pay to the upper Marqui-

The Accommodation of the Differences of Baden.

fate, shall be also entirely extinct, bury'd, and annul'd; by virtue of these Presents; so that from henceforth no one may demand any thing on that score, either for the time past or for the future. The Precedency shall for the future be alternative between these two Branches of *Baden*, viz. that of the lower and that of the upper Marquisate, in the Dyets and Assemblies of the Circle of *Swabia*, and at all the general or particular Assemblies of the Empire, or any other whatsoever; however for the present the Precedency shall remain to the Marquis *Fredrick* as long as he lives.

25. As to what relates to the Barony of Hohengerolseck. *Hohengerolseck*, it has been agreed, That if the Lady the Princess of *Baden* can sufficiently prove by authentick Records and

Titles, the Rights by her pretended to in the said Barony, Restitution thereof shall be made her immediately after Sentence thereupon given, with all the Rights appertaining to her by virtue of the said Titles; provided however the Contest be terminated in the space of two Years, reckoning from the Day of the Publication of the Peace: and for that reason no Actions, Transactions, Exceptions, or Clauses general or special (from which Derogation has been made expressly and for ever upon that score) shall be alledg'd or admitted, at any time on either side, against this special Convention.

26. The Duke of *Croy* shall enjoy the Effect of the general Amnesty; nor shall the Protection of the most Christian King turn to his prejudice in any wise, as to his Dignity, Privileges, Honours and Goods, or in any other respect whatsoever. He shall likewise peaceably possess that part of the Domain of *Winzingen* which his Ancestors possess'd, even as the Lady Dowager his Mother possesses it at this present; saving the Rights of the Empire in the same state they were before these Troubles, with regard to *Winzingen*.

27. As to the Difference of *Nassau-Siegen* against *Nassau-Siegen*, the Matter having been remitted by an Imperial Commission in the Year 1643. to an amicable Accommodation, the same Commission shall be resum'd, and the Affair entirely decided in an amicable manner, as is said, or by a judicial Sentence before a competent Judge;

and Count *John* of *Nassau* and his Brothers shall remain without any trouble in the Possession by them taken for their Shares.

28. To the Counts of *Nassau-saarbrück* shall be restor'd all their Counties, Bailliages, Territories, Honours, and all their Goods Ecclesiastical and Secular, Feudal and Allodial; namely, the Counties of *Saarbrück* and *Sarwerden* entirely, with every thing depending thereupon, as also the Fortress of *Hombourg*, and the Pieces of Artillery and Movables that were found there; saving on both sides respectively the Rights, Actions, Exceptions, and Benefits of Law which are to be determin'd according to the Laws of the Empire, as well upon the account of things adjudg'd to the Revisor by Sentence the 7th of July 1629. as for the Damages sustain'd; if the Parties are not rather inclin'd to accommodate the Matter amicably: saving also the Rights which may appertain to the Counts of *Lainingen* and *Daxburg* in the County of *Sarwerden*.

29. The House of *Hanau* shall be re-established in the Bailliages of *Baubbenhausen*, *Hanau*, *Bischofsheim*, *Amsteeg*, and *Wistat*.

30. *John Albert* Count of *Solms* shall in like manner be resettled in the fourth part *Solms*. of the Town of *Butzbac*, and in the four adjoining Villages.

31. To the House of *Solms-hohensolms* shall also be restor'd all the Goods and Rights whereof it was despoil'd in the Year 1627. notwithstanding the Transaction thereupon made with the Lord, *George* Landgrave of *Hesse*.

32. The Counts of *Isenburg* shall also enjoy the general Amnesty inserted above *Isenburgh* in the second and third Articles; saving the Rights which *George* Landgrave of *Hesse*, or any other third Person may pretend against them, and against the Counts of *Hohensolms*.

33. The *Rhingraves* shall be resettled in their Bailliages of *Troneck* and *Wildenburg*, *Rhingraves*. and the Seigneurie of *Morchingen*, with their Appurtenances; as also in all their other Rights, usurp'd by their Neighbours.

34. The Widow of Count *Ernest* of *Sayn* shall be also resettled in the Possession *Sayn*. of the Castle, Town, and Bailliage of *Ha-*

hemburg, with their Appurtenances, and the Village of *Bendorf*, where she liv'd before she was dispossest'd of it; saving however the Right, to whom it shall appertain.

35. The Castle and County of *Flacken-Flacken-stein* shall be restor'd to whom of right it appertains. All the Right likewise which appertains to the Counts of *Rasburg*, firnam'd *Lowenhaupt*, upon the Bailliage of *Bretzenheim*, Fiefs of the Archbishoprick of *Cologne*, and upon the Barony of *Repoltz-Kirch* in *Huntsfrich*, shall be maintain'd and preserv'd to them.

36. The House of *Waldeck* shall in like manner be resettled in the Possession of all its Rights in the Domain of *Didinghausen*, and in the Villages of *Nordermaw*, *Lichrenschied*, *Defeld*, *Nidernchleiden*, as it enjoy'd the same in 1624.

37. *Joachim Ernest* of *Oettingen* shall be restor'd to all the Goods Ecclesiastical and Secular, which his Father *Eberhard* posses'd before these Troubles.

38. In like manner the House of *Hohenloe* shall be resettled in all that was taken from it, chiefly in the Domain of *Weickersheim*, and in the Cloyster of *Scheffersheim*, without any exception, especially of Retention.

39. *Frederick Lewis* Count of *Louvenstein*, *stein* and *Wertheim* shall be resettled in all his Counties and Domains, which during this War have been sequester'd and granted to others, as well in Temporals as in Spirituals.

40. *Ferdinand Charles* Count of *Louvenstein* and *Wertheim* shall in like manner be restor'd to all that was sequester'd, confiscated, and granted to his defunct Relations *George Lewis*, and *John Casimir*, and others, as well to Temporals as to Spirituals; saving nevertheless the Goods and Rights which belong to *Mary Christina*, Daughter to the said *George Lewis* of *Louvenstein*, in the Inheritance of his Father and Mother, in which she shall be resettled. The Widow of *John Casimir* of *Louvenstein* shall likewise be restor'd to her Portion and mortgag'd Goods; saving the Right of Count *Frederick Lewis*, if he has any Claims upon the said Goods, which shall be

sh'd for in an amicable way and by Composition, or in the lawful Courfe of Justice.

41. The Count of *Erbach*, and especially the Heirs of Count *George Albert*, shall be *Erbach*. refettled in the Castle of *Bleuberg*, and in all the Rights which they have in common with the Count of *Louvenstein*, as well with relation to his Garifon and Command, as upon the account of other Civil Rights.

42. The Widow and Heirs of the Count of *Brandenstein* shall enter into poffeffion *Brandenstein*. of all the Goods and Rights which were taken away from them upon the account of the War.

43. *Paul Baron Kervenhuller*, with his Nephews by his Brother, Heirs to the Che- *Kervenhuller*. valier *Loffler*; the Children and Heirs of *Mark Conrard of Rheilingen*; as also *Hierom of Rheilingen*, shall be entirely refettled, every one in his due place, in every thing that was taken from them by Confifcation.

44. Contracts, Exchanges, Tranfactions, Obligations, and Promifes illegally extor- *Forced Obligations void.* ted, by Violence and Threats, either of States or Subjects, which *Spire, Weiffenburg* upon the *Rhine, Landau, Rurlingen, Hailbron*, and other places complain of; as also Causes and Suits bought or given over to another, shall be abolifh'd and annul'd: fo that it shall not be lawful for any Perfon to commence an Action or Procefs upon that fcore. And if Debtors have extorted from Creditors, by Force or Fear, their Bonds and Obligations, they shall be all reftor'd; the Actions grounded thereupon remaining in full force.

45. If Debts on account of Purchase, Sale, or annual Revenues, and others of what name foever, have been extorted by Violence out of fpite and malice of the Creditors, by either of the Parties engag'd in War, there shall be no Execution decreed againft the Debtors, who shall alledg and offer to prove that Violence has really been done them, and that they have really and indeed paid; provided thofe Exceptions shall not have been decided after a full Hearing of the Caufe.

46. The Suits which shall commence upon that fcore, shall be terminated in the fpace of two Years, reckoning

from the Day of the Publication of the Peace, on pain of perpetual Silence in the case, to be enjoin'd contumacious Debtors; but the Suits hitherto commenc'd against them upon that account, together with the Transactions and Promises made for the future Restitution to Creditors, shall be suppress'd and abolish'd; saving nevertheless the Sums of Money that have been paid *bona fide* for others during the War, to avert the greatest Dangers and Damages wherewith they were menac'd.

47. The Sentences pronounc'd in time of War touching Matters purely Secular (if the Defect of the Process do not evidently appear, or if it cannot be made out presently) shall not be altogether null, but shall be suspended and ineffectual, until the Evidences and Proofs (if either Party demands to have them revis'd within six Months after the Conclusion of the Peace) be review'd and examin'd in good and due Form, before competent Judges, in the ordinary or extraordinary manner us'd in the Empire: and thus Sentences shall be confirm'd or corrected, or, in case of Nullity, totally revers'd and made void.

48. And altho since the Year 1618. some Fiefs, whether royal or private, have not been renew'd, nor Homage paid in the mean while in name of the true Proprietors; yet that shall not turn to the prejudice of any one whatsoever: but the time for demanding the Investiture thereof, shall commence from the Day of the Conclusion of the Peace.

49. In fine, all and every one, as well Officers and Soldiers, as Counsellors and Judges, Civil and Ecclesiastical, of what Name and Condition soever they be, who have list'd themselves on either side, and fought for them or for their Allies and Adherents, whether with the Sword or with the Pen, from the highest to the lowest, without any difference or exception, together with their Wives, Children, Heirs, Successors and Servants, shall be resettled on both sides, as well with regard to their Persons as Goods, in the same state of Life, Reputation and Honour, Conscience and Liberty, Rights and Privileges, which they enjoy'd or could have enjoy'd before the said Commotions: and no hurt shall be done to their Persons or Goods upon that score, nor any Action or Pretext of

*Paying of Faith
and Homage to
begin from the
Day of the
Conclusion of
the Peace.*

*General Resti-
tution.*

Action commenc'd or laid against them; and far less shall they suffer any Punishment or Damage under any pretext whatsoever. All which things shall have their full and entire Effect absolutely, with regard to such as are not Subjects or Vassals to his Imperial Majesty, or to the House of *Austria*.

50. And as for those who are hereditary Subjects and Vassals to the Emperor and the House of *Austria*, they shall truly enjoy the same Amnesty as to their Persons, Life, Honour, and Conscience; and shall have liberty to return to their Country, on condition that they behave themselves according to the Laws in use in the said Kingdoms and Provinces.

51. As to what concerns their Goods, if they have been lost by Confiscation, or in *Limitation*. any other manner, before the Owners declar'd for *Sweden* or *France* (altho the *Swedish* Plenipotentiaries insisted very vigorously and long that they should be restor'd, yet) they shall remain lost, and confiscated for the Benefit of those who at present possess them; nothing being to be prescrib'd to his Imperial Majesty in this matter, nor otherwise transacted, because of the constant Contradiction of the Imperialists; and the States not having judg'd it for the Service of the Emperor to continue the War upon that score only.

52. However the Goods which have been taken from them afterwards, for having taken up Arms for *Sweden* or *France*, against the Emperor and the House of *Austria*, shall be restor'd to them in the same Condition they are at present; yet without any Reparation for the Fruits consum'd, and the Expences and Damages occasion'd.

53. For the rest, if Creditors or their Heirs professing the *Augsburg* Religion, Subjects of the Kingdom of *Bohemia*, or of any other of the Emperor's Hereditary Provinces, commence a Suit upon private Pretensions, supposing them to have any, Right and Justice shall be done them as well as to the Roman Catholics.

54. Nevertheless, from this general Restitution shall be excepted such things as cannot be restor'd or represented, such as Movables, Things Personal, Fruits consum'd, Things destroy'd by Authority of the Parties engag'd in War, as also publick and private, sacred and profane Edifices, which have either been thrown down,

or converted to other Uses for the publick Safety; as well as publick and private Pledges, which, upon a prospect of Hostility, have either been confiscated or legally sold, or voluntarily given away.

55. And forasmuch as the Affair concerning the Succession of *Juliers* might for the future excite great Troubles among the interested, if they were not prevented; it is therefore agreed, That it shall be terminated without delay after the Peace is concluded, either by an ordinary Procedure before his Imperial Majesty, or by an amicable Accommodation, or by some other legal Method.

V. Now whereas the Grievances of the one and the other Religion, which were debated amongst the Electors, Princes and States of the Empire, have been partly the Cause and Occasion of the present War, it has been agreed and transacted in the following manner.

Confirmation of the Pacification of Passau, and that of Religion. 1. That the Transaction settled at *Passau* in the Year 1552. and follow'd in the Year 1555. with the Peace of Religion, according as it was confirm'd in the Year 1556. at *Augsburg*, and afterwards in divers other Diets of the sacred *Roman Empire*, in all its Points and Articles agreed and concluded by the unanimous Consent of the Emperor and Electors, Princes and States of both Religions, shall be maintain'd in its Force and Vigour, and sacredly and inviolably observ'd. But those things that are appointed by this Treaty with Consent of both Parties, touching certain Articles in the said Transaction which are troublesome and litigious, shall be look'd upon to have been observ'd in Judgment and otherwise, as a perpetual Declaration of the said Pacification, until the Matter of Religion can, by the Grace of God, be agreed upon, and that without stopping short for the Contradiction and Protestation of any one whatsoever, Ecclesiastical or Secular, either within or without the Empire, in any time whatsoever: all which Oppositions are by virtue of these Presents declar'd null and void. And as to all other things, That there be an exact and reciprocal Equality amongst all the Electors, Princes and States of both Religions, con-

formably to the Stat^e of the Commonweal, the Constitutions of the Empire, and the present Convention: so that what is just of one side shall be so of the other, all Violence and Force between the two Parties being for ever prohibited.

2. That the Term from which Restitution in Ecclesiastical Affairs is to begin, as also in the Changes in Politicks with regard to them, be the first Day of *January* 1624. and that therefore the Re-establishment of all the Electors, Princes and States of both Religions, the free Nobility of the Empire, as also the Communities and Towns holding immediately of the Emperor, do fully and without restriction commence from that day: And that for that effect all Decrees, Sentences and Arrests pass'd, all Transactions, Conventions or Capitulations, either at discretion or otherwise made; and all Executions done in such sort of Affairs, remain null and void, and the whole reduc'd to the state they were in the Day and Year aforesaid.

3. The Cities of *Augsburg*, *Dunckelspiel*, *Biberach* and *Ravensburg* shall retain the *Augsburg*. Goods, Rights, and Exercise of Religion, which they had the said Day and Year. But with regard to the Dignities of Senators, and other publick Offices, the number of them shall be equal and alike in both Religions. Particularly for the City of *Augsburg*, there shall be elected out of Patrician Families seven Senators of the Privy Council, and out of these two Presidents of the Republick, who are commonly call'd *Stattpfleger*, one of whom shall be a Catholick, and the other of the Confession of *Augsburg*; of the other five, three shall be Catholicks, and two of the foresaid Confession. The other Counsellors of the lesser Senate, as they call it, and the Syndicks, Assessors of the City Justice, and all other Officers shall be equal in number in both Religions. As to the Receivers of the publick Mony, they shall be three; two of whom shall be of the same Religion, and the third of the other: but so that for the first Year two shall be Catholicks, and one of the Confession of *Augsburg*; and the following Year, two shall be of the said Confession, and the third a Catholick; and so alternately every Year. The Intendants of the Arsenal shall also be three, with the like annual Alternative.

The same shall be observ'd as to those who have the care of Subsidies, Provisions, and publick Buildings and Edifices, and others whose Office is in the hands of three Persons: so that if one Year two Offices, such as those of Receiver and Intendant of Provisions and Building, are fill'd by two Catholicks and one of the Confession of *Augsburg*; the same Year, two other Offices, such as those of the Intendant of the Arsenal, and Receiver of the Subsidies, shall be administer'd by two of the Confession of *Augsburg*, and one Catholick; and the following Year, two of the Confession of *Augsburg* shall be substituted in the room of two Roman Catholicks in the said respective Offices, or one of the said Confession in the room of one Roman Catholick.

4. The Places which were wont to be in the hands of one Person only for one or more Years, according to the Quality of the Affair, shall be administer'd by turns among the Catholick Burgeses, and those of the Confession of *Augsburg*, in the same manner as has been determin'd with relation to Offices committed to three Persons. Nevertheless, the Care of their Churches and Schools shall be reserv'd to each of the Parties. As to the Catholicks who are in the Magistracy or any other Office at this time of the present Pacification, over and above the number agreed upon, they shall fully and entirely enjoy the Honour and Advantage they were possess'd of before; but then they must keep at home, till their Places become vacant by Death, or by their laying down; or if they will assist in Council, they shall have no Vote.

5. Neither of the two Parties shall abuse the Power of the Adherents to their Religion, to destroy the other. Nor shall they prefer directly or indirectly a greater number of their Party to the Dignities of Presidents and Senators, or other publick Posts: but every thing of this nature that shall be done at any time or in any manner, shall be null and void. For which reason, not only the present Regulation shall be publicly read every Year, at the Election of new Senators and Officers in place of those deceas'd; but likewise the Election of a President or Magistrate of the Privy Council, and other Senators, Prefects, Syndicks, Judges, and other Catholick Officers, shall at present and for the future belong to

the Catholicks, and that of the Adherents to the Confession of *Augsburg* shall belong to them; and a Catholick shall be put in the place of a deceas'd Catholick; and in like manner, one of the Confession of *Augsburg* in the place of one of the said Confession deceas'd. The Plurality of Voices shall not bear sway in any manner directly or indirectly in matters of Religion, nor shall it prejudice the Burgeses of the Confession of *Augsburg* in that City, nor the Electors, Princes and States of the same Confession in the *Roman* Empire. And if the Catholicks abuse the Plurality of Voices to the prejudice of those of the Confession of *Augsburg*, in those Affairs or in any other; it shall be lawful for these last, by virtue of the present Transaction, to have recourse to the Alternative of a fifth Senator of the Privy Council, or to other lawful Remedies.

6. Moreover the Peace of Religion, and the Order of *Charles V.* touching the Election of Magistrates, as also the Transactions of the Years 1584, and 1591. shall remain intire and inviolable, in so far as they are not repugnant directly or indirectly to this Regulation.

7. That from henceforth there shall be at *Dunckelspiel*, *Biberach*, and *Ravensburg*, two Consuls, call'd Burgomasters, the one a Catholick, and the other of the Confession of *Augsburg*; four Counsellors of the secret Council in an equal number of the one and the other Religion. The same Equality shall be also observ'd in their Senate, their Courts of Justice, and in the Superintendancy of the Treasury and publick Mony, as well as in other publick Offices, Dignities, and Posts: And as to the Offices of Judg-Pretor, the Syndick, and Secretaries of the Senate of Justice, and other such Posts, which are confer'd only upon one Person, the same Alternative shall be perpetually observ'd, so that one of the *Augsburg* Confession shall succeed to one Catholick deceas'd, and a Catholick to one of the said Confession deceas'd. As to the Manner of Election, and the Plurality of Suffrages, the Care of Churches and Schools, and the annual reading of this Regulation, the same thing shall be observ'd that has been said with regard to the City of *Augsburg*.

8. As to what concerns the Town of *Donawert*. *Donawert*, if the States of the Empire in the next General Dyet judg that it ought to be re-establish'd in its antient Liberty, it shall enjoy the same Rights as to Ecclesiasticals and Temporals, which the other Towns of the Empire enjoy, by virtue of the present Transaction; saving nevertheless the Rights of those in that Town which belong to them.

9. The Term of the Year 1624. shall not in any wise prejudice those who shall be re-establish'd upon the foot of the Amnesty or otherwise.

10. As to the Goods Ecclesiastical immediate, whether Archbishopricks, Bishopricks, Prelatures, Abbeys, Bailliages, Provostships, Commendams, or other free Secular Foundations, with their Revenues,

Rents, and all other things by what names soever they may go, situated without or within Towns; the Catholick States, or those of the Confession of *Augsburg*, who possess'd them the first Day of *January* 1624. shall possess them all; without any exception, peaceably and without trouble, till we are agreed (which God grant we may be) upon the Controversies which regard Religion: nor shall it be lawful for either of the Parties to disquiet or disturb the other by Law-Suits or otherwise, nor occasion any Trouble or Hindrance. And in case the Differences of Religion cannot be amicably agreed (which God forbid) the present Convention shall have the Weight of a perpetual Law, and the Peace shall last for ever.

11. If then a Catholick Archbishop, Bishop, or Prelate, or one of the Confession of *Augsburg*, chosen or requir'd to be an Archbishop, Bishop, or Prelate, should happen to change his Religion, alone or conjointly with his Prebendaries and Canons, whether one or more, or all together; and in like manner, if any other Ecclesiasticks should change their Religion for the future, they shall immediately forfeit their Right, yet without lessening their Honour or Reputation; and shall without any Delay or Opposition whatsoever clear their hands of the Fruits and Revenues. And the Chapter, or any other to whom it appertains, shall have a right to elect or require another Person of the same Religion, to which

this Benefit is due by virtue of the present Transaction; however without recovering the Fruits and Revenues which the Archbishop, Bishop or Prelate, &c. changing Religion, shall have receiv'd and consum'd in the mean time. If then any States of the Catholick Religion, or of the *Augsburg* Confession, have been depriv'd by a Process at Law, or otherwise, of their Archbishopricks, Bishopricks, Benefices or Prebendships immediate, or have in any wise been troubled therein since the 1st day of *January* of the year 1624. they shall be resettled in them, by virtue of these Presents, as well in Spirituals as Temporals, with the Abolition of all Innovations; so that all Ecclesiastical Goods immediate, administer'd the 1st day of *January*, 1624. by a Catholick Prelate, shall again have a Catholick Head: And reciprocally the Goods which those of the Confession of *Augsburg* possess'd the said Year and Day, shall from henceforth be retain'd by them, with return by them of all the Fruits receiv'd during that time, and Expences, Damages and Interests that the one Party claim'd against the other.

12. In all Archbishopricks, Bishopricks, and other immediate Foundations, the right of Election and standing for Preferment shall remain according to the Customs and Statutes of every Place, without any Alteration, in so far as they are conformable to the Constitutions of the Empire, at the Transaction of *Passau*, the Pacification of Religion, and especially at the present Declaration and Transaction. And with regard to the Archbishopricks and Bishopricks which shall remain to those of the Confession of *Augsburg*, the said Rights shall contain nothing that is contrary to that same Confession; and the same shall obtain and be observ'd where the Rights are mix'd between the Catholicks and those of the said Confession.

13. Nothing shall be added of new to the antient Statutes, that may wound the Conscience, or hurt the Cause of the Catholicks, or of those of the *Augsburg* Confession, or diminish their Rights; but such as stand for Preferment, or such as are chosen, shall promise in their Capitulations, not to possess in any manner, by hereditary Right, the Ecclesiastical Principalities, Benefices and Dignities which they shall have accepted, nor do any thing that may render them hereditary; so that as well

the Election and standing for Preferment, as the Administration and Regiment of Episcopal Rights, during the Vacancy of the See, shall in all Places remain free to the Chapters, and those to whom they likewise belong in conjunction with the Chapter, according to the establish'd Usage. Care shall likewise be taken that the Nobility, Graduates and others, who are capable, be not excluded, but rather supported, when it is not contrary to the Foundations.

The Right of first Prayers. 14. That in the Places where his Imperial Majesty has always exercis'd the Right of first Prayers, he shall likewise exercise it for the future; provided that one of the Confession of *Augsburg* coming to die in the Bishopricks of the said Religion, one of that Confession, who shall be found capable according to the Statute, have the Right of the said Prayers; but in Bishopricks, and other immediate mix'd Places of both Religions, he that is presented shall not have a Right to the first Prayers, unless a Person of the same Religion possess'd the vacant Benefice.

15. That if under the name of Annats, Rights of the Cloke, Confirmation, the Pope's Months, and such like Rights and Reserves, any thing whatsoever should be pretended, in any manner whatsoever, upon the immediate Ecclesiastical Goods of the States of the Confession of *Augsburg*, the Prosecution and Execution thereof may not be supported by the Secular Arm.

16. But in the Chapters of those immediate Ecclesiastical Goods, where the Prebends and Canons of both Religions are admitted by virtue of the foresaid Term, in an equal number of both sides, and where the Pope's Months are already in use, they shall take place, and shall have their Execution upon occasion, if the Prebends and Canons deceas'd have been of the prescrib'd number of Catholics; provided that the Provision of the Pope be signify'd and advis'd immediately by the Court of *Rome*, to the Chapters, and in due and legal time.

Investiture of Prelates of the Confession of Augsburg by the Emperor. 17. Such as are chosen, or stand for Archbishopricks, Bishopricks or Prelacies of the Confession of *Augsburg*, shall be invested by his Sacred Imperial Majesty, without any Exception, if in the year of their Election and Standing they shall have paid Fide-

lity and Homage, and taken the usual Oaths for the Royal Fiefs, and paid besides the ordinary Tax, and a Moiety of the said Tax for Infeudation; and then they, or, when the See is vacant, the Chapters, or those to whom in conjunction with them the Administration of right belongs, shall be call'd by ordinary Letters to the General Diets, and the particular Assemblies of Deputations, Visitations, Revisals and others, and shall have there the Right of Suffrage, according as those Rights belong'd to each State before the rise of those Dissensions upon the account of Religion. And as to what concerns the Quality and Number of Persons to be sent to the Assemblies, the Prelates shall be at liberty to settle that with their Chapters and Communities. As to the Titles of the Ecclesiastical Princes of the *Augsburg* Confession, it is agreed thus, That they shall bear the Quality of Archbishops, Bishops, Abbots, Prevots elected or standing, without prejudice however to the State and Dignity; but they shall take their Seat in the middle and cross Form, between the Ecclesiasticks and Seculars; at whose side, in the Assembly of all the three Colleges of the Empire; shall be set the Director of the Chancery of *Mentz*, exercising the general Direction of the Acts of the Diet in the name of the Archbishop of *Mentz*; and after him, the Directors of the College of the Princes. And the same thing shall be observ'd in the Senate of Princes, collegiately assembled by the sole Directors of the Acts of the College.

18. There shall be for ever as many Prebends or Canons, whether of the *Augsburg* Confession, or Roman Catholics, as there were of both Religions any where the 1st day of *January*, 1624. and when any of them comes to die, none but those of the same Religion shall be put in their place. If there be more of the Catholic Prebends or Canons, or of the *Augsburg* Confession possessing Benefices any where, than there were the 1st day of *January*, 1624. those supernumerary Prebends shall keep their Places as long as they live; but after their Death those of the *Augsburg* Confession shall succeed to the Catholics, and the Catholics to them, until the number of Prebends and Canons be brought to the same State it was the 1st day of the year 1624. And as to the exercise of Reli-

*The Parity of
Prebends.*

gion, it shall be re-establish'd, and remain in the mix'd Bishopricks, as it was publickly receiv'd and allow'd in the year 1624. And no Derogation shall be made from any of those things above-specify'd, either in electing, or in presenting, or otherwise.

Changes of Ecclesiastical Foundations. 19. The Archbishopricks and Bishopricks, and other immediate or mediate Foundations and Ecclesiastical Goods, granted for the satisfaction of her Royal Majesty and the Kingdom of Sweden, and for the Compensation and equivalent Indemnity of her Confederates, Friends and Allies, shall remain entirely and exactly in the Terms of the Conventions and particular Clauses inserted hereafter; but in all other things not contain'd therein, and particularly with relation to the Section concerning *Diocesan Rights*, &c. after-mention'd, they shall remain subject to the Constitutions of the Empire, and to this Transaction.

Regulation touching Ecclesiastical Goods. 20. The Monasteries, Colleges, Baillia- ges, Commendams, Churches, Foundations, Schools, Hospitals, and other mediate Ecclesiastical Goods, as well as the Revenues and Rights, call'd by whatsoever name, which the Electors, Princes and States of the Confession of *Augsburg*, possess'd the 1st day of *January* in the year 1624. shall be all and singular possess'd by the same (whether they are already restor'd, or are to be restor'd by virtue of this present Transaction) until the Differences in Religion be terminated by a general amicable Accommodation; and that notwithstanding all Exceptions and Allegations, that all those Goods were reform'd or occupy'd before or after the Transaction of *Passau*, or the Peace of Religion, or that they were cut off from the Territory of the States of the Confession of *Augsburg*, or engag'd to other States by Right of Suffrage, Deaconship, or any other whatsoever; the only and sole Foundation of this Transaction, Restitution and Regulation for the future, being the Possession which every one had the 1st day of *January*, 1624. entirely annulling all Exceptions and Defences that may be drawn from the Exercise introduc'd into any Place by *Interim*, or from any anterior or posterior Compacts, general or special Transactions, Processes commenc'd or judg'd,

Mandamus's, Pareatis's, Letters of Reversion, Causes depending, or generally from any other Reasons or Pretences whatsoever. In like manner, whatsoever has been alter'd, or cut off (in any place) of the said Goods, their Appurtenances and Fruits, from the States of the Confession of *Augsburg* since that time, in any manner, or under any pretext whatsoever, either by Law or otherwise, the whole shall be fully and entirely resettled in its former State, without Delay or Distinction; and among the rest, especially the Monasteries, Foundations and Ecclesiastical Goods which the Prince of *Wirtemberg* possess'd really and indeed the 1st day of *January*, 1624. with their Revenues, Appurtenances and Dependencies, in whatever part they are situated, together with all the Titles and Documents that have been alienated. So that those of the Confession of *Augsburg* may be in the possession of what they have had or recover'd, without being liable to any legal Suit or Execution for ever, until the Contests about Religion shall have been terminated.

21. The Catholicks shall likewise possess all the mediate Monasteries, Foundations and Colleges, which they really and actually possess'd the 1st day of *January*, 1624. altho they be situated in the Territories and Domains of the States of the Confession of *Augsburg*; however those Goods shall in no wise pass to other Orders of Religious, but shall remain and continue in that Order to which they were first devoted, unless the Order of such Religious should be entirely extinct: For in that case the Magistrate of the Catholicks shall be at liberty to substitute Religious of another Order, in use in *Germany* before the Diffensions about Religion. In all the Monasteries, Collegiate Churches, Mediate Hospitals, where Catholicks and those of the Confession of *Augsburg* were wont to live without distinction, they shall from henceforth live there in the same number that was on the 1st of *January*, 1624. and the Exercise of Religion shall remain the same that it was in any Place whatsoever the said Year and Day, without Molestation or Impediment from the one side or the other. In all the mediate Foundations, where his Imperial Majesty exercis'd the Right of first Prayers the 1st of *January*, 1624. he shall exercise the same for the future, in the

manner above explain'd, for immediate Goods. And as to the Pope's Months, the same Order shall be observ'd as was settl'd above; the Archbishops, and those to whom the like Rights belong, shall also confer the Benefices of the extraordinary Months. And if those of the Confession of *Augsburg* had possess'd, the said Day and Year, really and totally, or in Partnership with the Catholics, the Rights of Presentation, Visitation, Inspection, Confirmation, Correction, Protestation, Hospitality, Services and Averrages in those sort of Ecclesiastical mediate Goods, and maintain'd Curates and other Officers therein, they shall have the same Rights for the future. And tho the Elections for vacant Prebendries should not be made in the due time and manner, in favour of the Persons of the same Religion that the deceas'd Person was of, yet the Distribution and Collation thereof shall appertain to those of the same Religion by Right of Devolution; provided nevertheless, that no prejudice be done therein to the Custom of the Catholick Religion in those Ecclesiastical mediate Goods, and that the Rights belonging to the Ecclesiastical Magistrate of the Catholics, by the Institution of the Order concerning the said Ecclesiasticks, be preserv'd to him entirely, and without any Change. And even tho the Elections and Collations to the vacant Prebendries should not be made in due time, yet the Right of Devolution shall remain whole and entire.

22. And as to the Imperial Ingagements (forasmuch as it is found that it has been settl'd in the Imperial Capitulation, that the chosen Emperor of the *Romans* is oblig'd to confirm these same Ingagements to the Electors, Princes and other immediate States of the Empire, and to secure and preserve to them the quiet and peaceable possession thereof) it is agreed, That that Regulation shall be observ'd till it shall be otherwise ordain'd, by the Consent of the Electors, Princes and States; and for that reason the Imperial Ingagements which were taken away from the City of *Landau*, and that of *Weissenberg*, shall be fully and entirely restor'd to them presently, upon paying the principal Sum. Nevertheless, as to the Goods which the States of the Empire have bound under the Title of Ingagements to one another time immemorial, there shall be no other Method of Disingagement,

but the Exceptions of the Possessors, and the Merit of the Causes sufficiently examin'd. And if the like Goods have been occupy'd during this War by any one, without a previous Cognizance of the Cause, or without paying the principal Sum, they shall be intirely restor'd immediately to the first Occupants with the Titles; and if Disingagement should be obtain'd by Sentence, and pass for a thing already judg'd, so that Restitution thereof should follow after payment of the Principal; the *Dominus directus* shall have full liberty publickly to introduce into those sort of ingag'd Lands, which shall have been restor'd to him, the Exercise of his own Religion. Nevertheless the Inhabitants and Subjects shall not be constrain'd to quit the said Lands, or the Religion which they embrac'd under the preceeding Possessor of such ingag'd Lands; but they and the *Dominus directus*, who shall have obtain'd the Disingagement, shall treat about the publick Exercise of Religion.

23. With regard to the free Nobility, *The free Nobility.* who hold immediately of the Empire, and all and singular their Members, with their Subjects, and feudal and allodial Goods and Possessions (if it be not found that they are subject in some Places to other States upon the account of certain Goods, and for a Territory or Dwelling-Place) they shall by virtue of the Peace of Religion, and of the present Convention; have the same Right in matters of Religion, and in the Advantages arising from thence, with the Electors, Princes and States of the Empire; nor shall they be hinder'd or troubled therein more than they, upon any pretence whatsoever, and all such who have been molested, shall be entirely restor'd.

24. The free Towns of the Empire, according as they are all and every one of them, without Contest, contain'd under the name of the States of the Empire, shall have in their Territories, with regard to their Inhabitants and Subjects, the same Rights which other higher States of the Empire have, as well with relation to the Right of reforming, as in other Matters concerning Religion, not only in the Peace of Religion, and the present Pacification, but also in every other respect; and even those among them, where only one Religion ob-

Free Cities and Towns of the Empire.

tain'd in the year 1624. shall have the same Rights : So that every thing that has been regulated and agreed concerning those in general, shall be held as said and understood of these ; notwithstanding that some Catholick Burgeses dwell in the Towns where the Magistrate and the Burgeses have introduc'd no other Religion but that of the Confession of *Augsburg*, according to the Custom and Statutes of each place ; and even tho the Exercise of the Catholick Religion be in vigour in certain Chapters, Monasteries, Collegiate Churches or Cloisters there situated, depending mediately or immediately upon the Empire, and in the same State it was the 1st of *January*, 1624. in which they, with the Clergy who have not been introduc'd since that Term, and with the Catholick Burgeses which were there at that time, shall be intirely left for the future both actively and passively. And first of all the Imperial Cities, who have embrac'd only one Religion, or who profess both, and among them especially the City of *Augsburg*, as also *Dunckelspiel*, *Biberach*, *Ravensburg* and *Kauffbeur*, which since the year 1624. have been molested, either by Law-Suits or otherwise, in any manner whatsoever upon account of Religion ; and because of the Ecclesiastical Goods which they occupy'd and reform'd before or after the Transaction of *Passau*, or the Pacification of Religion which follow'd thereupon, shall be as fully establish'd in the same State which they were in the 1st of *January*, 1624. both as to Spirituals and Temporals, as the other higher States of the Empire. In which State they shall be preserv'd without any trouble, as the others who at that time possess'd them, or who have since that time recover'd the Possession of them, and that until the amicable Accommodation of Religion shall be obtain'd. It shall not be lawful for either of the Parties to molest or trouble one another in the Exercise of Religion, or in the Ceremonies and Usages of their Churches ; but the Burgeses shall live peaceably together, and behave themselves discreetly towards one another, and have in all Places the free Exercise of their Religion and Goods ; all things judg'd and transacted, or lying before the Tribunals of Justice, and other Sentences given out in the 2d and 20th Paragraphs remaining null : saving nevertheless, those things which have been regulated by the second Paragraph, touching the Civil

Affairs of *Augsburg, Duncelspiel, Biberach and Ravensburg.*

25. As to what concerns the Counts, Barons, Nobles, Vassals, Towns, Foundations, Monasteries, Commendams, Communities and Subjects, holding of the States depending immediately upon the Empire, Ecclesiastical or Secular (as it belongs to those States holding immediately of the Empire to have the Right of reforming Religion, together with the Right of the Territory and Superiority, according to the common Practice hitherto in use thro the whole Empire; and it having been formerly agreed in the Peace of Religion, that the Subjects of such States, as were not of the Religion of the Lord of the Territory, might have leave to change their Habitation) it was moreover ordain'd, in order to preserve a more perfect Concord among the States, That no Person should entice to his Religion the Subjects of others, nor receive them into Safeguard and Protection on that account, or support them in any manner whatsoever. It is also agreed, that the same thing shall be observ'd by the States of the one and the other Religion, and that no immediate State shall be troubled in the Right which belongs to it, by reason of any Superiority it may have in matters of Religion; yet notwithstanding this, the Vassals and Subjects of the Catholick State, that have had the publick or private Exercise of the Religion of the Confession of *Augsburg* in 1624. any part of the year, either by a certain Agreement and Privilege, or by long Usage, or in fine by the sole Observance of the said Religion only for that year, shall retain the same for the future, with all the Appurtenances and Dependencies thereof, according as they have or can prove they have practis'd the said Year.

*Counts, Barons
and Knights,
&c.*

26. By such Appurtenances are understood the Consistories and Ministers, as well of Schools as of Churches, the Right of Patronage, and other such like Rights, in the possession whereof they shall remain, as well as in that of all the Temples, Foundations, Monasteries, Hospitals, and all their Appurtenances, Revenues and Augmentations, which were in their Power at that time; all which things shall be observ'd for ever and in all Places, till it shall be otherwife agreed with relation to the

Christian Religion; whether in general, or among the immediate States and their Subjects by mutual Consent; so that no Person may be molested by any one whatsoever, nor in any way or manner whatsoever; but on the contrary, that such as have been molested, or in any manner depriv'd of their Right, may be simply and fully restor'd to the State wherein they were in the year 1624, without any exception. The same thing shall be observ'd with regard to the Catholick Subjects, who are in the States of the Confession of *Augsburg*, where they had the publick or private Use and Exercise of the Catholick Religion in the year 1624.

Of Compacts,
 &c 27. The Compacts, Transactions, Conventions or Concessions which have been formerly made, or which have been agreed and pass'd betwixt the immediate States of the Empire, and their Provincial States and Subjects above-mention'd, for introducing, allowing or preserving the publick or private Exercise of Religion, shall remain in their Force and Vigour, in so far as they are not contrary to the Observance and Usage of the year 1624. and no Departure therefrom shall be allow'd but by mutual Consent, notwithstanding all Sentences, Reversals, Agreements and Transactions, contrary to the said Usage and Observance of the year 1624. which shall remain null and void, this being laid down as a Rule; and particularly that which the Bishop of *Hildesheim*, and the Dukes of *Brunswick Lunenburg* transacted and stipulated by certain Compacts in the year 1624. touching the Religion of the States, and Subjects of the Bishoprick of *Hildesheim*, and the Exercise thereof. But the nine Monasteries, situated in the Bishoprick of *Hildesheim*, which the Dukes of *Brunswick* yielded to them the same year upon certain Conditions, shall be excepted from the said Term, and reserv'd to the Catholics.

Liberty of Con-
science. 28. It has moreover been found good, that those of the Confession of *Augsburg*, who are Subjects of the Catholics, and the Catholick Subjects of the States of the Confession of *Augsburg*, who had not the publick or private Exercise of their Religion in any time of the year 1624. and who after the Publication of the Peace shall profess and embrace a Religion different from that of the

Lord of the Territory, shall in consequence of the said Peace be patiently suffer'd and tolerated, without any Hindrance or Impediment to attend their Devotions in their Houses and in private, with all Liberty of Conscience, and without any Inquisition or Trouble, and even to assist in their Neighbourhood, as often as they have a mind, at the publick Exercise of their Religion, or send their Children to foreign Schools of their Religion, or have them instructed in their Families by private Masters; provided the said Vassals and Subjects do their Duty in all other things, and hold themselves in due Obedience and Subjection, without giving occasion to any Disturbance or Commotion. In like manner Subjects, whether they be Catholicks, or of the Confession of *Augsburg*, shall not be despis'd any where upon account of their Religion, nor excluded from the Community of Merchants, Artizans or Companies, nor depriv'd of Successions, Legacies, Hospitals, Lazar-Houses, or Alms-Houses, and other Privileges or Rights, and far less of Church-yards, and the Honour of Burial; nor shall any more be exacted of them for the Expence of their Funerals, than the Dues usually paid for Burying-Places in Parish-Churches: so that in these and all other the like things they shall be treated in the same manner as Brethren and Sisters, with equal Justice and Protection.

29. That if any Subject, who had not the publick or private Exercise of his Religion in the year 1624. or who, after the Publication of the Peace, shall have a mind to change his Religion, or be willing to change his Abode, or be order'd by the Lord of the Mannor to remove, he shall be at liberty to do it, to keep or sell his Goods, and have them administer'd by his Relations, to visit them with all Freedom, and without any Letters of Passport, and to prosecute his Affairs, and make payment of his Debts, as often as shall be requisite.

30. It has likewise been agreed, that the Lord of the Territory shall allow a space of time, not less than five years, for his Subjects to remove, who had not the publick or private Exercise of their Religion in the said year, and who at the time of the Publication of the said Peace shall have their Abode in the immediate States of the one or the other Religion; among whom shall also be comprehended those, who in order to avoid the Mise-

ries of War, and not out of an Inclination to change their Habitation, have retir'd any where, and have a mind after the Peace to return to their own Country. And as for those who shall change their Religion after the Publication of the Peace, there shall be a Term allow'd them, not less than three years, to withdraw themselves and remove, if they cannot obtain a longer; and whether they remove voluntarily, or by Constraint, Certificates of their Birth, Parentage, Freedom, Trade and Morals shall be granted them without difficulty or scruple; nor shall they be oppress'd with unusual Reversals, or Decimation of the Goods they shall carry away with them, above what is just and equitable; and far less shall any Stop or Hindrance be made, upon pretext of Servitude, or any other whatsoever, to those who shall remove voluntarily.

31. The Princes of *Silesia*, who are of the Protestant the Confession of *Augsburg*, viz. the Princes and Dukes of *Brieg*, *Lignitz*, *Munsterberg* and *Oels*, as also the City of *Breslaw*, shall be Towns of *Silesia*, maintain'd in the Rights and Privileges which they obtain'd before the War, as well as in the free Exercise of their Religion, which was granted them by the Imperial and Royal Grace. And as to what concerns the Counts, Barons, Nobles and their Subjects in the other Dutchies of *Silesia*, who depend immediately upon the Royal Chamber, as also the Counts, Barons and Nobles who live at present in the lower *Austria*, altho the Right of reforming the Exercise of Religion no less belongs to his Imperial Majesty than to other Kings and Princes, he consents (not however because of the Agreement made according to the Regulation of the preceding Article, but in consideration of the Mediation of her Royal Majesty of *Sweden*, and in favour of the interceding States of the Confession of *Augsburg*) that these Counts, Barons, Nobles, and their Subjects in the said Dutchies of *Silesia*, shall not be oblig'd to depart from their Abodes, nor quit the Goods which they possess, upon the account of their embracing the *Augsburg* Confession, nor be hinder'd to frequent the Exercise of the foresaid Religion in the neighbouring Parts without their own Territory; provided that in other things they do not disturb the publick Peace and Tranquillity, and

behave themselves as they ought towards their Sovereign Prince. And if in the mean while any should think fit to remove voluntarily, and would not or could not conveniently put out their immovable Goods to farm, they shall have all liberty to go and return, to look to and oversee their said Goods.

31. Besides what is order'd and settled above with relation to the said Dutchies of *Silesia*, which depend immediately on the Royal Chamber, his Imperial Majesty further promises to allow those of the Confession of *Augsburg* in the said Dutchies to build for the Exercise of the said Religion, at their own proper Charges, three Churches without the Towns of *Schweinitz*, *Jaur*, and *Glogau*, near the Walls, and in convenient places, which shall be appointed for that effect by his Majesty's Order, after the Conclusion of the Peace. And forasmuch as a greater Liberty of the Exercise of Religion has been several times endeavour'd to be agreed during the present Negotiation in the said Dutchies, and the other Kingdoms and Provinces belonging to his said Imperial Majesty and the House of *Austria*, and that nevertheless it could not be obtain'd because of the Opposition made by the Imperial Plenipotentiaries: Her Royal Majesty of *Sweden*, and the States of the Confession of *Augsburg*, reserve to themselves, and to every one of them in particular, the liberty of mediating amicably, and interceding humbly for that effect with his Imperial Majesty in the next Dyet and elsewhere; the Peace always subsisting nevertheless, and all Violence and Force remaining unlawful and forbidden.

32. The Right of Reforming shall not depend upon the sole Quality of the feudal *Right of Reforming.* or sub-feudal Law, whether of the Kingdom of *Bohemia*, or of the Electors, Princes and States of the Empire, or of any other Places. But those Fiefs and Arrier-Fiefs, Vassals, Subjects, and Ecclesiastical Goods, and all that the Lord of the Fief can pretend to in Matters of Religion, or has introduc'd thereinto, or claim'd of right thereto, shall be for ever consider'd according to the state they were in the first Day of *January 1624.* and whatsoever shall have been innovated to the contrary either in a legal way or otherwise, shall be suppress'd and reduc'd to its first state.

33. That if there was any Contest about the Right to a Territory before or after the Term of the Year 1624. that Right shall remain to him who was Possessor of it that Year, till the Affair has been brought under Deliberation, and Sentence given concerning the Possessor and Petitioner; which is to be understood as to the publick Exercise of that Right. But the Subjects shall not be constrain'd to leave their Country during the Process or Suit about the Territory, upon the account of the Change of Religion which may have happen'd in the mean while.

34. In the places where the Catholick States and those of the Confession of *Augsburg* equally enjoy the Right of Superiority, the same Right shall remain as well with respect to the publick Exercise, as of other things that concern Religion, in the same state they were in the foresaid Year and Day. The sole Jurisdiction in criminal Matters, the sole Right of the Sword, that of Retention of Causes, of Patronage, of Filiation, shall neither jointly nor separately give a Right to reform; and therefore the Reformations which have been introduc'd under that colour, or by any other Compacts, shall be null and void, the Lezed shall be restor'd, and all such things for the future shall cease.

35. With regard to all sorts of Revenues, *Quit-Rents, Rents, Revenues, and Tithes* appertaining to Ecclesiastical Goods and the Possessors thereof, the same thing shall be observ'd as was ordain'd in the Peace of Religion, at the Paragraph, *In like manner the States of the Confession of Augsburg, &c.* and at the Paragraph, *As also to the States which have formerly, &c.* But the Revenues, *Quit-Rents, Tithes, Rents*, which by virtue of the said Peace of Religion are due to the States of the *Augsburg* Confession upon the account of the Ecclesiastical Foundations immediate or mediate, acquir'd before or after the Religious Peace from the Catholicks, and whereof those of the said Confession have been in possession, or *quasi* in possession, the first Day of *January* in the Year 1624. shall be paid them without any Exception.

36. In like manner, if the States of the Confession of *Augsburg* have possess'd by Custom or legal Concession any Rights of Protection, Advocacy, Overture, Hospi-

talities, Averages, or any others, in the Domains and Goods of Catholick Ecclesiasticks, situated either within or without the Territories; and likewise if any such Right belong to the Catholick States within or without the Ecclesiastical Possessions acquir'd by the States of the Confession of *Augsburg*, they shall all *bona fide* keep possession of those Rights they have enjoy'd, but so that the Revenues of Ecclesiastical Goods be not too much burden'd or exhausted.

37. The Revenues, Tithes, Quit-Rents and Rents, which are due by other Territories to the States of the Confession of *Augsburg*, for the Foundations that are at present ruin'd and demolish'd, shall likewise be paid to those who were in possession, or *quasi* in possession of them, the first of *January* 1624.

38. And as to the Foundations which since the Year 1624. have been destroy'd, or which shall become ruinous for the future, the Revenues thereof shall be paid, even in the other Territories, to the Lord of the Monastery that is destroy'd, or of the Place where the Monastery was situated.

39. In like manner, the Foundations which had a Right or a *quasi* Right to the Tithes of Church-Lands in another Territory, shall also have the same for the future; but no new Right shall be demanded. Amongst the other States and Subjects of the Empire, the Right of Tithes of Church-Lands shall be such as common Law, or the Custom, or Usage of every place ordains, or according as has been agreed by voluntary Stipulations.

40. Diocesan Right, and all Ecclesiastical Jurisdiction of whatever kind, shall remain in suspense, until the final Accommodation of Religious Differences, as to the Electors, Princes and States of the Confession of *Augsburg*, the free Nobility of the Empire, and their Subjects, as well amongst the Catholicks and those of the Confession of *Augsburg*, as among the States of the *Augsburg* Confession only; and the Diocesan Right, and the Ecclesiastical Jurisdiction shall be reform'd within the Bounds of each Territory. However, in order to obtain the Payment of the Revenues, Quit-Rents, Tithes and Rents which shall be due to the Catholicks out of the Domains of the States of the Con-

*Suspension of
Ecclesiastical
Jurisdiction.*

cession of *Augsburg*, where the Catholics were notoriously possess'd or *quasi* possess'd of the Exercise of the Ecclesiastical Jurisdiction, the said Catholics shall from henceforth likewise enjoy the said Jurisdiction; but this shall go no further than exacting and demanding the said Revenues: and they shall proceed to no Excommunication, but after a third Summons. The Provincial States and Subjects of the Confession of *Augsburg*, who in the Year 1624. acknowledg'd the Ecclesiastical Jurisdiction of the Catholics, shall in like manner remain subject to the foresaid Jurisdiction in Cases which do not concern the Confession of *Augsburg*; and provided they be not enjoin'd, on occasion of Law-Suits, any thing contrary to the said Confession of *Augsburg*, or to Conscience. The Magistrates of the Confession of *Augsburg* shall also have the same Right over their Catholick Subjects, who in the Year 1624. enjoy'd the publick Exercise of the Catholick Religion, saving the Diocesan Right, as the Bishops exercis'd it peaceably over them in the Year 1624. but in the Towns of the Empire where the Exercise of both Religions is in use, the Bishops shall have no Jurisdiction over the Burgeses of the Confession of *Augsburg*; however the Catholics shall in justice claim the Right which they had in the said Year 1624.

41. The Magistrates of the one and the other Religion shall severely forbid any Person to impugn in any place, in publick or in private, by preaching, teaching, disputing, writing or consulting, the Transaction of *Passau*, the Peace of Religion, and, above all, the present Declaration or Transaction; or to render them doubtful, or endeavour to draw from them Consequences or Propositions contrary to the Intentions and Meaning of them: and whatsoever has been already produc'd or publish'd to the contrary, shall be null. But if any doubt should arise from thence or from any other thing, or if any of the Matters which concern the Peace of Religion or this Transaction should result from thence, the whole shall be regulated in an amicable way, in the Dyets or other Assemblies of the Empire, by the chief Persons of the one and the other Religion.

42. In the ordinary Assemblies of the Deputies of the Empire, the Number of the Chiefs of the one and the

other Religion shall be equal : and as to the Persons or Estates of the Empire that must be added to them, that shall be regulated in the next Dyet. If there come into these Assemblies Deputies, as well as they come to the general Dyets, whether from one, two, or three Colleges of the Empire, upon any account or matter whatsoever, the Number of the Deputies of the Heads of the one and the other Religion shall be equal. And if there be Officers to be dispatch'd in the Empire by extraordinary Commissions, if the matter relates only to the States of the Confession of *Augsburg*, none but those of that Religion shall be deputed : but if the Affair only regards the Catholicks, none but Catholicks shall be deputed. And if the matter concerns both the Catholick States and those of the Confession of *Augsburg*, Commissioners shall be nominated and appointed in an equal number out of the one and the other Religion. It has likewise been found good, That the Commissioners report the Affairs done by them, and give their Suffrages thereto; but that they finish nothing by Form of Sentence.

43. In matters of Religion, and in all other Affairs, wherein the States cannot be consider'd as one Body, and when the Catholick States and those of the Confession of *Augsburg* are divided into two Parties; the Difference shall be decided in an amicable way only, without any side's being tied down by a Plurality of Voices. However, as to what concerns the Plurality of Voices in the matter of Impositions, that Affair not being capable of being decided in the present Assembly, it shall be remitted to the next Dyet.

44. Moreover, whereas upon the account of the Changes, that have happen'd thro
the present War, and upon other accounts, many things have been alledg'd for transferring the Tribunal of the Imperial Chamber to some other more convenient place for all the States of the Empire, and also for presenting the Judges, Presidents, Assessors, and other Officers of Justice, in an equal number out of both Religions, and likewise for regulating other Affairs appertaining to the said Imperial Chamber, which cannot be entirely dispatch'd in the present Assembly, because of the Importance of the Case, it is agreed, That they shall be treated of in the next Dyet, and that the

*The Imperial
Chamber.*

Deliberations touching the Reformation of Justice, agitated in the Assembly of the Deputies at *Frankfort*, shall have their effect; and that if any thing shall appear to be wanting, the same shall be supply'd and amended. In the mean time, to the end that this Affair may not remain altogether in an uncertainty, it is mutually agreed, That besides the Judge and the four Presidents (whereof two of those who are to be of the *Augsburg* Confession shall be establish'd by his Imperial Majesty alone) the Number of Assessors of the Chamber shall be increas'd to fifty in all; so that the Catholics may, and shall be oblig'd to present twenty six Assessors, including therein the two Assessors, the presenting of whom is reserv'd to the Emperor, and the States of the Confession of *Augsburg* twenty four: and that it shall be lawful to take and chuse out of each Circle of a mixt Religion, two Catholics and two of the Confession of *Augsburg*; the other Matters which regard the said Chamber, having been remitted, as is said, to the next Dyet. Wherefore the Circles shall be exhorted to present in time the new Assessors, who shall be substituted in the foresaid Chamber in the room of those deceas'd, according to the Table inserted at the end of the next Paragraph. The Catholics shall also agree in time about the Order of their presenting; and his Imperial Majesty shall appoint, that not only in this Chamber the Ecclesiastical and Political Affairs, debated betwixt the Catholics and the States of the Confession of *Augsburg*, or between these last only, or when Catholics plead against Catholic States, a Third intervening shall be of the Confession of *Augsburg*; and reciprocally when those of the Confession of *Augsburg* shall plead against others of the same Confession, a Catholic State shall intervene, and shall discuss and judge the matter by calling in Assessors, chosen in an equal number out of both Religions; but that the same thing shall also be observ'd in the Aulick Chamber: and for that end, his said Majesty shall chuse out of Circles of the *Augsburg* Confession only, or jointly with those of the Catholic Religion, certain Subjects of the Confession of *Augsburg* learned and conversant in the Affairs of the Empire, however in such number, that upon occasion there may be an Equality of Judges of both Religions. The same thing shall also be observ'd with relation to the

Equality of Assessors, as often as an immediate State of the Confession of *Augsburg* shall be cited by a mediate Catholick State, or as an immediate Catholick State shall be cited by a mediate State of the Confession of *Augsburg*.

45. As to the judiciary Procedure, the Regulation of the Imperial Chamber shall also be observ'd in the Aulick Chamber in every respect. Then to the end that the Appellants may not be destitute of all Assistance by way of Suspension, instead of the Revisal us'd in that Chamber, it shall be lawful for the wrong'd Party to appeal to his Imperial Majesty from the Sentence given by the Council, that so the Process may be review'd a-new by other Counsellors in an equal number out of both Religions, capable of judging where the stress of the matter lies, not ally'd to any of the Parties, and who have not been concern'd in drawing up or pronouncing the former Sentence, or at least who have not been the Judges that reported the Process or Cause. And it shall be lawful for his Imperial Majesty, in matters of consequence, and from which some Disorder in the Empire might be fear'd, to ask the Advice and Suffrage of some Electors and Princes of both Religions. The visiting of the Aulick Council by the Elector of *Mentz* shall be as often as shall be necessary, observing what shall be judg'd fit and proper to be observ'd in the next Dyet by the common Consent of the States. But if any Doubts occur touching the Interpretation of the Imperial Constitutions, and the publick Re-cesses, or if in Judgments of Ecclesiastical and Political Causes debated between the Parties afore-mention'd, after their having been examin'd in open Court by a number of Judges always equal on both sides, there should arise contrary Opinions from the Parity of the Assessors of the one and the other Religion, the Catholick Assessors holding for one side, and those of the Confession of *Augsburg* for the other; in that case they shall be remitted to a general Dyet of the Empire. But if two or more Catholicks, with one or two Assessors of the Confession of *Augsburg*, should reciprocally embrace one Opinion, and the rest in equal Number, altho unequal in Religion, should maintain another, and from thence a Difference should arise, in that case the matter shall be terminated by the Order of the Chamber, and no Refe-

rence thereof shall be made to a Dyet. All which things shall be observ'd in the Causes and Proceses of the States, including therein the immediate Nobility of the Empire, whether they be Defendants or Interveners. But if among the mediate States the Appellant or Defendant, or a Third intervening be of the Confession of *Augsburg*, and demand a Parity of Judges from among the Assessors of the one and the other Religion, that Parity shall be granted; and if an Equality of Voices happens then, no Reference thereof shall be made to the Dyet, but the Process shall be terminated according to the Order of the Chamber. For the rest, the Privilege of the first Instance, and the Rights and Privileges of not appealing, shall be entirely left to the States of the Empire, as well in the Aulick Council, as in the Imperial Chamber; and they shall not be molested or vex'd in them, either by a Mandamus, or by Commissions or Evocations, or any other way. In fine, as mention has likewise been made of abolishing the Imperial Court of *Rotweil*, and the Provincial Courts of *Swabia*, and others establish'd in several places in the Empire; the matter having been thought very important, the Deliberation thereof has also been remitted to the next Dyet.

The Assessors of the Confession of *Augsburg* shall be presented,

By the Elector of <i>Saxony</i>	}	Six.
By the Elector of <i>Brandenburg</i>		
By the Elector <i>Palatine</i>		
By the Upper Circle of <i>Saxony</i> 4	}	One from these two Circles by turns.
By the Lower Circle of <i>Saxony</i> 4		
By the States of the Circle of <i>Franconia</i> of the Confession of <i>Augsburg</i> 2.	}	One from these four Circles by turns.
By those of the Circle of <i>Swabia</i> 2.		
By the States of the Circle of the Upper <i>Rhine</i> 2.		
By the Circle of <i>Westphalia</i> 2.		

And altho no mention be made in this Table of the States of the Empire of the Confession of *Augsburg*, which are comprehended under the Circle of *Bavaria*, yet that shall not turn to their prejudice; but their Rights, Liberties and Privileges shall remain in their entire State.

VI. And whereas his Imperial Majesty, upon the Complaints made in presence of *Of the Swiss* his Plenipotentiaries and Deputies in the *Cantons.* present Assembly, in the name of the City of *Bazil* and of all *Switzerland*, touching certain Procedures and executory Orders, issu'd from the Imperial Chamber against the said City, the other united *Swiss* Cantons, and their Citizens and Subjects, having ask'd the Counsel and Advice of the States of the Empire, did, by a particular Decree of the 14th of *May* last past, declare the said City of *Bazil*, and the other *Swiss* Cantons to be in possession of a *quasi* full Liberty and Exemption from the Empire, and so no way subject to the Tribunals and Sentences of the said Empire; it has been resolv'd that this same Decree shall be held as included in this Treaty of Peace, that it shall remain firm and lasting, and that therefore all those Procedures and Arrests executed upon this occasion in any Form whatsoever, ought to be of no validity or effect.

VII. It has likewise been thought good, by the unanimous Consent of his Imperial Majesty, and all the Estates of the Empire, That the same Right or Advantage which all the other Imperial Constitutions, the Peace of Religion, this present Transaction, and the Decision of Grievances therein contain'd, grant to the Catholick States and Subjects, and to those of the Confession of *Augsburg*, ought also to be granted to those who call themselves the Reform'd; saving nevertheless for ever the Compacts, reversal Privileges, and other Regulations which the States that call themselves Protestants have stipulated among themselves, and with their Subjects, whereby care has hitherto been taken of the States and Subjects of every place, as to Religion and the Exercise thereof, and the things that depend thereupon, saving also the Liberty of Conscience of every one. And forasmuch as the Differences in Religion which are between Protestants have not been yet terminated, being reserv'd for a future Accommodation; and whereas for that reason they form two Parties, it has therefore been agreed betwixt both Parties, touching the Right of Reformation, That if any Prince, or other Lord of a Territory, or Patron of any Church, should afterwards go over to the Religion of another Party, or acquire or recover by

Right of Succession, or by virtue of the present Trans-
action, or by any other Title, a Principality or Dominion
where the Religion of another Party is publicly exer-
cis'd at present, it shall be lawful for him without con-
troversy to have near himself, and at his abode or place
of Residence, private Preachers of his own Religion for
his Court; but so that this may be no Charge or Preju-
dice to his Subjects: But it shall not be lawful to change
the Exercise of Religion, or the Ecclesiastical Laws and
Customs which shall have been receiv'd formerly, nor to
take the Churches, Schools, Hospitals, or the Revenues,
Pensions and Salaries thereto belonging, from the first
Possessors, and confer them upon those of his own Reli-
gion; and far less to oblige his Subjects under pretext of
the Right of the Territory, Episcopal Right, that of Pa-
tronage, or any other, to receive Ministers of another
Religion, or give any trouble or molestation to the Reli-
gion of others directly or indirectly. And to the end
this Convention may be observ'd the more exactly, it
shall be lawful, in case of such Change, for the Commu-
nities themselves to present, or if they have not the
Right of Presentation, to name able Ministers both for
the Schools and the Churches, who shall be examin'd
and ordain'd by the Consistory and the publick Ministers
of the Place, if they be of the same Religion with the
Communities that shall present or name them: And
failing this, they shall be examin'd and ordain'd where
the Community shall please, and afterwards confirm'd by
the Prince or Lord, without any Denial. However, if
any Community, in case of such Change, having em-
brac'd the Religion of their Lord, should ask and demand
the same Exercise of Religion with their Prince or Lord,
at their own expence; it shall be lawful for the said
Prince or Lord to grant it them, without prejudice to
others, and so that his Successors cannot take it away.
But as to the Members of the Consistory, the Visitors for
Sacred Matters, the Professors of Schools, and Univer-
sities of Theology and Philosophy, they may not be of
any other Religion but that which shall be publicly pro-
fess'd in every respective place. And forasmuch as all
those things are to be understood of a Change happening
for the future, they shall not in any wise prejudice the
Rights which in that respect belong to the Princes of

Anhalt and other Princes. But besides these Religions, no other shall be receiv'd or tolerated in the Sacred Roman Empire.

VIII. And in order to prevent for the future all Differences in the Political State, all and every the Electors, Princes, and States of the Roman Empire shall be so establish'd and confirm'd in their antient Rights, Prerogatives, Liberties, Privileges, free Exercise of their Territorial Right, as well in Spirituals and Temporals, Seigneuries, Regalian Rights, and in the possession of all these things, by virtue of the present Transaction, that they may not be molested at any time in any manner, under any pretext whatsoever.

The Re-establishment of the Estates of the Empire to their antient Rights.

1. That they enjoy without contradiction the Right of Suffrage in all Deliberations touching the Affairs of the Empire, especially in the matter of interpreting Laws, resolving upon a War, imposing Taxes, ordering Levies and quartering of Soldiers, building for the publick Use new Fortresses in the Lands of the States, and reinforcing old Garisons, making of Peace and Alliances, and treating of other such-like Affairs; so that none of those or the like things shall be done or receiv'd afterwards, without the Advice and Consent of a free Assembly of all the States of the Empire: That, above all, each of the Estates of the Empire shall freely and for ever enjoy the Right of making Alliances among themselves, or with Foreigners, for the Preservation and Security of every one of them: provided nevertheless that these Alliances be neither against the Emperor nor the Empire, nor the publick Peace, nor against this Transaction especially; and that they be made without prejudice in every respect to the Oath whereby every one of them is bound to the Emperor and the Empire.

2. That the States of the Empire assemble within the space of six Months, counting from the Date of the Ratification of the Peace, and after that as often as the publick Interest and Necessity shall require; That in the first Dyet they correct especially the Faults of preceding Assemblies; and moreover, that they treat and regulate the Election of King of the Romans, the Imperial Capitulation, which ought to be reduc'd to Terms that can-

not be chang'd, the Manner and Order that ought to be observ'd in putting one or more of the States under the Bann of the Empire, besides what has been formerly declar'd in the Imperial Constitutions; That they treat there also of the Re-establishment of the Circles, of the Renewal of the *Matricula*, of the means of inserting in it the Names of such as have been taken out, of moderating and lowering the Taxes of the Empire, of the Reformation of the Policy, and Law of the Fees that are paid to the Imperial Chamber, of the best manner of forming and instructing the ordinary Deputies according to the Necessity and Advantage of the Commonwealth, of the true Business and Duty of the Directors of the Colleges of the Empire, and of other such-like Affairs which cannot be specify'd here.

3. That the free Towns of the Empire have a decisive Voice in the general and particular Dyets, as well as the other States of the Empire; and that their Regalian Rights, annual Revenues, the Liberties and Privileges of Confiscation, and imposing of Duties, may not be touch'd or meddled with, nor any thing that depends thereupon, nor any other Rights which they have legally obtain'd of the Emperor and the Empire, or which they have possess'd and exercis'd by a long Usage before these Troubles, with an entire Jurisdiction within the Inclosure of their Walls and Territories; whatsoever has been hitherto done or attempted to the contrary by Reprisals, Arrests, stopping up of Passages, and other prejudicial Acts, by private Authority during the War, upon any pretext whatsoever, or which may afterwards be done or executed without any pretended Formality of Law, remaining for that effect void and null, and forbidden for the future. For the rest, all the laudable Customs, Constitutions, and fundamental Laws of the Empire, shall for the future be strictly kept and observ'd, and all the Confusions and Disorders that have crept in during the War, shall be remov'd.

4. As to an equitable and proper Method, whereby legal Actions against Debtors ruin'd by the Calamities of War, or burden'd with too great Interests, may be terminated with moderation, to obviate greater Inconveniences which might arise from thence, and which might endanger the publick Tranquillity; his Imperial Majesty shall take

care to have and collect the Advices and Opinions of the Aulick Council, as well as of the Imperial Chamber, to the end they may be propos'd in the next Dyet, and that a certain Constitution may be form'd thereupon. That in the mean while, in Causes of this nature, which shall be carry'd to the superior Tribunals of the Empire, or the particular Tribunals of the States, the Reasons and Circumstances that shall be alledg'd by the Parties be weigh'd, and that none be hurt by immoderate Executions; but all this without prejudice to the Constitution of *Holstein*.

IX. And forasmuch as it imports the Publick, that, after the Conclusion of the Peace, Commerce and Trade should flourish again every where; it is agreed for that end, That the Duties and Taxes, as also the Abuses of the Bull of *Brabant*, and the Reprisals and Arrests following thereupon, with the foreign Certificates, Exactions, Imprisonments and Detentions, the excessive Charge of Postage, and all other unusual Expences and Hindrances of Commerce and Navigation, which have been of late introduc'd to the prejudice thereof, and against the publick Interest up and down the Empire, on occasion of the War, by a private Authority, contrary to all Rights and Privileges, without the Consent of the Emperor and the Electors of the Empire, shall be entirely taken away: so that the antient Security, Jurisdiction, and Custom, which have obtain'd long before these Wars, shall be re-establish'd and inviolably preserv'd to the Provinces, Ports and Rivers of the Empire.

The Rights and Privileges of Territories water'd by Rivers or otherwise, as also the Tolls granted by the Emperor with the Consent of the Electors, among the rest to the Count of *Oldenburg* upon the *Wefer*, or establish'd by long Custom, remaining in their full Vigour and Execution; there shall be an entire Liberty and Freedom of Commerce, and a free and safe Passage thro all Places by Sea and Land: and therefore it shall be lawful for all and every the Vassals, Subjects, Inhabitants and Servants of the Allies of both sides to go and come, negotiate and return; and this shall be understood to be granted by virtue of these Presents, in the same manner

Re-establishment of Commerce.

that it was lawful to do so on all sides before the Troubles of *Germany*. And the Magistrates of both sides shall be bound to protect and defend them against all sort of Oppression or Violence, like the Natives of those Places, without prejudice to the other Articles of this Convention, and the particular Law and Rights of each Place.

X. Next, the most Serene Queen of *Sweden* having demanded Satisfaction to be made her for the Restitution which she is oblig'd to make of the Places by her occu-

py'd during this War, and that lawful means might be provided for re-establishing publick Peace in the Empire; his Imperial Majesty for that effect, with the Consent of the Electors, Princes, and States of the Empire, and particularly of those concern'd, yields to the said most Serene Queen, her Heirs and Successors, by virtue of the present Transaction, the following Provinces, in full Right and perpetual and immediate Fief of the Empire.

I. All the hither *Pomerania*, commonly call'd *Vor-Pomeran*, together with the Isle of *Rugen*, included in the Limits wherein they were bounded under the last Dukes of *Pomerania*. Besides, in further *Pomerania*, the Towns of *Stetin*, *Gartz*, *Dam*, *Golnau*, and the Isle of *Wolin*, with the River *Oder*, and the Arm of the Sea commonly call'd the *Frischchauff*. Likewise the three Mouths of *Peine*, *Swine*, and *Dvina*, and the adjacent Land on both sides, beginning at the Royal Territory, and reaching to the *Baltick* Sea, in such an Extent on the Eastern Bank, as shall be amicably agreed betwixt the Royal and Electoral Commissioners, who shall be nam'd for the more exact Regulation of the Limits and the other Particulars.

Her Majesty and the Kingdom of *Sweden* shall hold and possess from henceforth and for ever, in hereditary Fief, the said Dutchy of *Pomerania*, and the Principality of *Rugen*, and shall enjoy and make use of them freely and inviolably, together with the Domains and Places annex'd, and all the Territories, Bailliages, Towns, Castles, Burghs, Villages, Hamlets, Fiefs, Rivers, Isles, Lakes, Banks, Ports, Roads, antient Tolls and Revenues, and all other Goods whatsoever Ecclesiastical and Secular; as also the Titles, Dignities, Immunities, Preeminencies and Prerogatives, and all the other Rights

and Privileges, Ecclesiastical and Secular, in the same manner that the former Dukes of *Pomerania* had, possess'd, and govern'd them.

Her Royal Majesty and the Kingdom of *Sweden* shall also have for the future for ever all the Right which the Dukes of hither *Pomerania* had in the Collation of the Dignities and Prebendaries of the Chapter of *Camin*, with power to extinguish them, and incorporate them into the Ducal Domain after the Death of the present Prebends: but as to what of these belong'd to the Dukes of further *Pomerania*, that shall remain to the Elector of *Brandenburg*, with the entire Bishoprick of *Camin*, its Lands, Duties and Dignities, as shall be more amply explain'd afterwards.

The Royal Family of *Sweden*, and the Electoral Family of *Brandenburg*, shall use the Titles, Dignities and Arms of *Pomerania*, without any distinction, as the former Dukes of *Pomerania* us'd them; the Royal Family for ever, and that of *Brandenburg* so long as there shall remain any Descendants of the Male Line: but yet the Family of *Brandenburg* must not lay any claim to the Principality of *Rugen*, nor to any other Right upon the Places yielded to the Crown of *Sweden*.

But the Male Line of the Family of *Brandenburg* coming to fail, all others except *Sweden* shall abstain from taking the Titles and Arms of *Pomerania*; and then also the whole further *Pomerania*, together with the hither *Pomerania*, and the whole Bishoprick, and entire Chapter of *Camin*, together with all the Rights and Dependencies of the former Possessors that shall be united thereto, shall for ever belong to the Kings and Crown of *Sweden* only, who in the mean time shall enjoy the Benefits of an apparent Succession and simultaneous Investiture, so that they shall be oblig'd to give the accustom'd Assurance to the States and Subjects of the said Places for the Performance of Homage. The Elector of *Brandenburg*, and all others concern'd, discharge the States, Officers and Subjects of all the said Places of the Tyes and Oaths by which they have hitherto been engag'd to him and those of his Family, and remit them for the future to pay their Homage and Services in the accustom'd manner to her Majesty and the Crown of *Sweden*. And thus they constitute, for that effect, the Crown of *Sweden* in

full Power and Possession of the things abovesaid, renouncing from henceforth and for ever all the Pretensions which they had thereto; which they will here confirm for them and their Descendants by a particular Act.

2. The Emperor, with the Consent of the whole Empire, yields also to the most Serene Queen, and her Heirs and Successors, and to the Kingdom of *Sweden*, in perpetual and immediate Fief of the Empire, the Town and Port of *Wismar*, with the Port of *Walsch*, as also the Bailliage of *Poel* (except the Villages of *Schedorf*, *Weidendorf*, *Brandenbusen*, and *Wangern*, belonging to the Hospitals of the Holy Ghost in *Lubeck*) and that of *Newenbister*, with all their Rights and Appurtenances, in the same manner that the Dukes of *Mecklenburg* have possess'd them to this day; so that all the said Places, the entire Port, and the Land of both sides, from the Town to the *Baltick* Sea, shall remain at the free disposal of her Majesty, to be fortify'd and strengthen'd with Garisons according to her good pleasure, and the Exigency of Circumstances (but at her own Charges) that so she may always have there a safe Retreat for her Ships and Fleet: besides, she may enjoy and use the same with the like Right that belongs to her in her other Fiefs of the Empire; saving nevertheless the Privileges and Commerce of the Town of *Wismar*, which will be more and more increas'd by the Royal Protection and Favour of the Kings of *Sweden*.

3. The Emperor, with Consent of the whole Empire, likewise yields, by virtue of the present Transaction, to the most Serene Queen, and her Heirs and Successors being Kings, and to the Crown of *Sweden*, in Fief perpetual and immediate of the Empire, the Archbishoprick of *Bremen*, and Bishoprick of *Werden*, with the Town and Bailliage of *Wilshusen*, and the whole Right that did belong to the late Archbishops of *Bremen* over the Chapter and Diocese of *Hamburg*: saving however to the House of *Holstein*, as well as to the City and Chapter of *Hamburg* respectively, their Rights, Privileges, Liberties, Compacts, Possessions, and present State in all things; so that the fourteen Villages of the Bailliages of *Tritou* and *Rheinbeck* in *Holstein* shall remain for ever to *Frederick* Duke of *Holstein-Gottorp* and his Posterity, instead of a present annual Revenue; and the said Arch-

bishoprick, Bishoprick, and Bailliages, shall be for ever in the possession of the said Crown, with all the Rights Ecclesiastical and Secular thereto belonging, what name soever they go by, in whatever place they be situated, in the Sea or on Land, with the usual Arms, however under the Title of a Dutchy: The Chapters and other Ecclesiastical Colleges remaining for the future depriv'd of the Right of Election or Presentation, and of all other Right, Administration, or Government of Lands belonging to those Dutchies.

The Town of *Bremen*, its Territory and Subjects shall be left without any Trouble or Hindrance in their present State, Freedoms, Rights and Privileges, in Ecclesiastical and Political Matters. And if they should chance to have any Conteſts with the Bishoprick or Dutchy, or with the Chapters, they shall be amicably terminated, or decided in a legal way; saving in the mean time to each of the Parties the Possession they are in at present.

4. The Emperor and the Empire do receive, upon the account of all the foresaid Provinces and Fiefs, for an immediate State of the Empire, the most Serene Queen and her Successors to the Crown of *Sweden*, so that the foresaid Queen and the said Kings shall from henceforth be call'd to the Imperial Dyets with the other States of the Empire, under the Title of Dukes of *Bremen*, *Werden*, and *Pomerania*, as well as under that of Princes of *Rugen*, and Lords of *Wismar*; and there shall be assign'd them a Seat in the Imperial Assemblies in the College of Princes upon the Bench of the Seculars in the fifth place, viz. for *Bremen*, in that same place and Order; but for that of *Werden* and *Pomerania*, the Places shall be regulated according to the antient Order of the former Predecessors. Moreover, in the Circle of the Upper *Saxony*, immediately before the Dukes of further *Pomerania*; and in the Circles of *Westphalia* and the Lower *Saxony*, in the ordinary place and manner: However, the Directorship of the Circle of the Lower *Saxony* shall be exercis'd by the Dukes or Archbishops of *Magdeburg* and *Bremen* alternately, without prejudice however to the contradictory Right of the Dukes of *Brunswick* and *Lunenbourg*. As to the Assemblies of the Deputies of the Empire, her Majesty of *Sweden* and his Electoral Highness of *Brandenburg* shall have their Deputies there in the accusom'd

manner: But because there belongs but one Voice only to both the *Pomerania's*, it shall always be given by her Majesty, after having first communicated with the Elector of *Brandenburg*. In fine, the Emperor and the Empire yield and grant to the said Queen and the Crown of *Sweden*, in all and every their *Fiefs*, the Privilege of not appealing, provided she shall establish, in a commodious place in *Germany*, a Tribunal, or Instance of Appeal, where she will put Persons capable of administering to every one Right and Justice according to the Constitutions of the Empire, and the Statutes of each place, without Appeal, or Removal of Causes.

On the contrary, if it should fall out that the Kings of *Sweden*, as Dukes of *Bremen*, *Werden*, and *Pomerania*, and as Princes of *Rugen*, or Lords of *Wismar*, should legally appeal for any one, in a Cause concerning these Provinces; his Imperial Majesty leaves them at liberty to chuse what Tribunal they please, whether it be the Aulick Court or the Imperial Chamber, there to bring the Suit commenc'd. They shall however be oblig'd to declare in three months after the day of the Declaration of the Difference, what Court they will appeal to.

He likewise gives over to her Majesty of *Sweden*, the Right of erecting an Academy or University, where and when she shall think proper; and also grants to her, by perpetual Right, the modern Tolls, commonly call'd Licences, upon the Coasts and in the Ports of *Pomerania* and *Meckleburg*, provided they be reduc'd to so moderate a Tax, that Commerce may not thereby be interrupted in those parts. And finally, he discharges the States, Magistrates, Officers and Subjects of the said Provinces respectively from all Tyes and Oaths, whereby they have been hitherto engag'd to the preceding Lords, Possessors or Pretenders; and remits and obliges them to pay Subjection, Obedience and Fidelity to her Majesty and the Crown of *Sweden*, as being from this day the hereditary Owner of these Provinces: and thus constitutes *Sweden* in full and lawful Possession of all these things, promising upon his Imperial Word and Faith to give and yield not only to the Queen reigning at present, but also to all the future Kings, and the Crown of *Sweden*, all Security with relation to the said Provinces, Goods, and Rights yielded and granted, and to preserve and maintain them

inviolably against all Persons whatsoever, in the peaceable possession of those Provinces, and to confirm the whole in the best Form, by particular Letters of Investiture.

The most Serene Queen, the future Kings, and the Crown of *Sweden*, shall reciprocally acknowledg, that they hold all and every the foresaid Fiefs of his Imperial Majesty and the Empire; and upon that score shall demand, as often as shall be requisite, the Renewal of the Investitures, taking the Oath of Fidelity, and all that is thereto annex'd, like the former Possessors, and like Vassals of the Empire.

For the rest, they shall confirm, in the accustomed manner (at the Renewal and Performance of Homage) to the States and Subjects of the said Provinces and Places, particularly those of *Stralsund*, their Liberty, Goods, Rights and Privileges, common and particular, lawfully obtain'd or acquir'd by long Usage, with the free Exercise of the Evangelick Religion, to be enjoy'd by them for ever, according to the pure and true Confession of *Augsburg*. They shall also preserve to the Hanseatick Towns, which are in those Provinces, the same Liberty and Freedom of Navigation and Commerce, which they ever had till the present War, as well in foreign Kingdoms, Republicks and Provinces, as in the Empire.

XI. In order to give an equivalent Compensation to the Lord *Frederick William*, Elector of *Brandenburg*, who, to advance the General Peace, gave up the Rights which he had upon the hither *Pomerania*, *Rugen*, and the Provinces and Places there-to annex'd; the Bishoprick of *Halberstadt*, with all its Rights, Privileges, Regalian Rights, Territories, and Goods Ecclesiastical and Secular, by whatever name they are call'd, without any exception, shall be yielded in perpetual and immediate Fief of the Empire by the Emperor, with Consent of the States of the Empire, and especially of those concern'd, after the Peace shall be concluded and ratify'd betwixt the two Crowns and the States of the Empire, to the said Elector and his Male Successors, Heirs and Cousins of the Father's side: among others to Marquis *Christian William*, formerly Administrator of the Archbishoprick of *Magdeburg*; *Christian* of *Culmbach*, and *Albert* of *Onoltzbach*, and their

*The Recompence
of the Elector
of Brandenburg.*

Successors and Heirs Male; and that the foresaid Elector shall be presently put in the peaceable and real possession of that Bishoprick, and have on that score a Seat and Voice in the Imperial Dyets, and in the Circle of *Lower Saxony*. But he shall leave Religion and the Ecclesiastical Goods in the same state that they were regulated by the Archduke *Leopold William*, in the Convention made with the Chapter of the Cathedral: But so that notwithstanding that, the Bishoprick shall remain hereditary to the Elector and to his whole House, and to his Male Relations of the Father's side above-mention'd, their Successors and Heirs Male, in the order they ought to succeed to one another, without any Right remaining to the Chapter, in Election and Presentation, or in the Government of the Bishoprick, or any other thing thereunto appertaining; but the said Elector, and the rest according to the Order of succeeding, shall enjoy in that Bishoprick the same Right and Power which the other Princes of the Empire enjoy in their Territories; and it shall also be lawful for them to extinguish the fourth part of the Canonicates (except the Provostship, which shall not be included in that number) according as those of the Confession of *Augsburg*, who possess them at present, come to die, and to incorporate the Revenues thereof into the Episcopal Mannor. And if there should not be Canons enough of the Confession of *Augsburg* to make the fourth part of the whole Body, when the Provostship is excepted, it shall be supply'd out of the number of the Catholics who shall come to die.

As also forasmuch as the County of *Hohenstein* (for that part of it which is a Fief of the Bishoprick of *Halberstadt*, consisting of the two Baillies of *Lora* and *Kletenberg*, and of some other Burghs, with the Goods and Rights thereto appertaining) was reunited after the Death of the last Count of that Family, to that Bishoprick, and possess'd ever to this time by the Archduke *Leopold William*, as Bishop of *Halberstadt*; the said County shall also remain irrevocably united to that Bishoprick, with free liberty to the said Elector to dispose of it as hereditary Possessor of the Bishoprick of *Halberstadt*, notwithstanding all Contest, of what Force or Authority soever it be, or by whomsoever form'd,

The said Elector shall also be oblig'd to maintain the Count of *Tattenbach* in possession of the County of *Rheinstein*, and to renew the same Investiture which the Archduke confer'd upon him with Consent of the Chapter.

There shall also be yielded by his Imperial Majesty, with Consent of the States of the Empire, to the fore-said Elector, for him and his Successors above-mention'd in perpetual Fee, and in the same manner that the Bishoprick of *Halberstadt* was, the Bishoprick of *Minden*, with all its Rights and Appurtenances, for the said Elector and his Heirs and Successors, to be put in the real and peaceable possession thereof, immediately after the Conclusion and Ratification of the present Pacification, and on that score the said Elector shall have a Seat and Voice in the general and particular Dyets of the Empire, as well as in those of the Circle of *Westphalia*; saving to the City of *Minden* its Immunities and Rights, in things sacred and profane, and its entire and mix'd Jurisdiction in Criminal and Civil Causes; especially the Right of *Banlieue*, and the Exercise of that Jurisdiction granted, and, for the time being, accepted; as also the other Rights, Immunities and Privileges which lawfully appertain to it, according to antient Usage; on condition however, that the Hamlets, Villages and Houses which belong to the Prince, Chapter and the whole Clergy, and the Order of Knights, which are respectively situated in the Territory, and within the Walls of the City, shall be excepted; and for the rest, the Right of the Prince and of the Chapter shall remain inviolable.

In like manner the Bishoprick of *Camin* shall be yielded and given over by the Emperor and the Empire to the fore-said Elector and his Successors, with the same Rights and in the same manner as the Bishopricks of *Halberstadt* and *Minden* have been dispos'd of above; with this difference only, That in the Bishoprick of *Camin* the fore-said Elector shall be at liberty to extinguish all the Canonicates, after the death of the present Canons, and thus to add and incorporate in time the whole Bishoprick with further *Pomerania*.

The fore-said Elector shall in like manner have the Reversion of the Archbishoprick of *Magdeburg*, yet in such a manner, that when it shall become vacant, either by

the Death of the present Administrator *Augustus* Duke of *Saxony*, or by the Administrators succeeding to the Electorate, or in fine, by any other means, the whole Archbishoprick, with all the Territories thereto appertaining, Regalian and other Rights, according to the manner of disposing of the Bishoprick of *Halberstadt* as above, shall be yielded and given in perpetual Fief to the foresaid Elector, and his Successors, Heirs and Cousins Male of the Father's side, notwithstanding all Election and Presentation which might be secretly or publicly made during that time; and he and they shall have Right to take the Possession of it, when vacant, by their own proper Authority.

In the mean time the Chapter, with the States and Subjects of the foresaid Archbishoprick, immediately after the Conclusion of the Peace, shall be bound to oblige themselves for the future by Oath, to pay Fidelity and Subjection to the foresaid Elector, to his whole Electoral House, and to his Successors, Heirs and Cousins Male by the Father's side.

His Imperial Majesty shall renew to the City of *Magdeburg*, at the Instance by it most humbly made to him, its antient Liberty and Privilege, granted to it by *Otho I.* dated the 7th of *June*, 940. altho the same be lost thro the Injury of Time; as also the Privilege of fortifying it, granted by the Emperor *Ferdinand II.* which Privilege extends half a *German* League, with all Jurisdiction and Property; in like manner its other Privileges shall remain in their force and inviolable, as well with relation to Ecclesiasticals as Temporals, with a Clause inserted, importing, that Suburbs shall not be built in prejudice of the City.

As to what concerns the four Bailliages or Prefectures of *Querfurt*, *Gutembok*, *Dam* and *Bork*, since they have been already yielded to the Elector of *Saxony*, they shall likewise remain in his Power, however with this Reserve, that the Elector of *Saxony* shall for the future contribute to the Collections of the Empire and of the Circle, the Quota which has been contributed until this day for the said Bailliages; and the Archbishoprick shall be discharg'd of it, and express mention thereof shall be made in the *Matricula* of the Empire, and of the Circle. And in order to repair in some measure the Dimi-

nution of the Revenues belonging to the Chamber and Mannor of the Archbishop arising from thence, not only the Prefecture of *Eglen*, which formerly belong'd to the Chapter, is given and yielded to the Elector of *Brandenburg*, and his Successors, to possess the same, and enjoy the full Right thereof, immediately after the Conclusion of the Peace (and the Suits commenc'd on that score some years ago by the Counts of *Barby* remaining extinct and bury'd) but likewise when he shall have obtain'd the possession of the Archbishoprick, to extinguish the fourth part of the Canonicates of the Cathedral, when they shall become vacant by Death, and to apply the Revenues thereof to the Archiepiscopal Chamber.

The Debts formerly contracted by the present Administrator *Augustus* Duke of *Saxony*, shall not be clear'd out of the Revenues of the Archbishoprick, in case it be vacant or devolve, in the manner already specify'd, to the Elector of *Brandenburg*, and his Successors; nor shall it be allow'd to the Administrator to charge for the future the foresaid Archbishoprick with new Debts, Alienations and Engagements in prejudice of the Elector, and of his Successors and Relations Male.

The competent Rights and Privileges shall also be preserv'd to the States and Subjects of the foresaid Archbishoprick and Bishoprick, especially the Exercise of the Confession of *Augsburg*, as it is at present; and what has been transacted and agreed in the matter of Grievances, between the States of the Empire of the one and the other Religion, shall not be less regarded (in so far as they shall not be contrary to the Regulation above in the Vth Article of Grievances, §. 8. which begins, *The Archbishopricks, Bishopricks, and other Ecclesiastical Goods, &c.* and ends with these words, *and to this Transaction.*) than if they were inserted here word for word, and the foresaid Archbishopricks and Bishopricks shall belong to the Elector and the House of *Brandenburg*, and to his Successors and Heirs by the Father's side for ever, with hereditary and immutable Right, in the same manner that they have a Right over their other hereditary Lands. And as to what concerns the Title or Quality, it has been agreed, that the foresaid Elector, with the whole House of *Brandenburg*, and all and singular the Marquisses of *Brandenburg*, shall be call'd and qualify'd Dukes of *Mag-*

deburg, and Princes of *Halberstadt* and *Minden*.

Her Majesty of *Sweden* shall also restore to the fore-said Elector, for him, his Successors, Heirs and Relations Male by the Father's side; in the first place the rest of the further *Pomerania*, with all its Appurtenances, Goods, Ecclesiastical and Secular Rights in full Property, as well for the *Dominium utile*, as for the *Dominium directum*.

In the second place, the City of *Colberg*, with the whole Bishoprick of *Camin*, and the whole Right which the Dukes of the further *Pomerania* formerly had in the Collation of Dignities and Prebendships of the Chapter of *Camin*; but so that the said Rights granted above to her Majesty of *Sweden*, shall entirely remain to her, and that the said Elector shall confirm and preserve, in the best manner possible, to the States and Subjects in the restor'd part of the further *Pomerania*, and in the Bishoprick of *Camin*, at the renewing and paying of Homage, their competent Liberty, and their Goods, Rights and Privileges, to enjoy them perpetually without any Trouble, according to the Tenor of the Reversal Letters (which the States and Subjects of the said Bishoprick are likewise to enjoy, as if they had been directly granted to them) with the free Exercise of the Confession of *Augsburg*, in so far as it has not been chang'd.

In the third place, all the Places which are at present possess'd by the *Swedish* Garisons, upon the Borders of *Brandenburg*.

In the fourth place, all the Commanderies and Goods belonging to the Order of the Knights of *St. John*, situated without the Territories which were granted to her Majesty and the Crown of *Sweden*, together with the Acts, Registers, and other Documents and original Papers which concern those Places, and those Rights which are to be restor'd. And as to the common Papers which concern both the hither and further *Pomerania*, and which are either in the Archives or Chartularies of the Court of *Stetin*, or elsewhere, without or within *Pomerania*, Copies thereof shall be given in good and due Form.

XII. As to what concerns *Adolphus Frederick* Duke of *Meckleberg-Schwerin*, on account of the Alienation of the Town *Meckleberg*, and Port of *Wismar*, it has been agreed,

Compensation to
the House of
Meckleberg,

that he shall have for him, and his Heirs Male, in perpetual and immediate Fee, the Bishopricks of *Schwerin* and *Ratzburg* (saving to the House of *Saxony Lunenburg*, and other Neighbours, as also to the said Diocess, the Right which regards them of both sides) with all the Rights, Documents, Titles, Archives, Registers, and other Appurtenances, and even the Power of extinguishing the Canonicates of the two Chapters, after the Decease of the present Canons, in order to apply all the Revenues thereof to the Ducal Mannor; and that he shall have on that score a Seat in the Assemblies of the Empire, and of the Circle of the *Lower Saxony*, with the double Title and Voice of a Prince. Now altho *Gustavus Adolphus* Duke of *Meckleburg*, Nephew to *Gustrow*, has been formerly design'd Administrator of *Ratzburg*; yet because the benefit of their being restor'd to their Dutchie does not regard the Nephew less than the Uncle, it has been found equitable, that the Uncle having yielded *Wismar*, the Nephew in his turn should yield that Bishoprick. But on the said Duke *Gustavus Adolphus*, for that reason, by way of Recompence, shall be confer'd two Benefices or Canonicates, of those that according to the present Accommodation of Grievances stand affected to such as profess the Confession of *Augsburg*, one in the Cathedral Church of *Magdeburg*, and the other in that of *Halberstadt*, of the first that shall become vacant.

As to what next regards the two Canonicates, which are claim'd in the Cathedral Church of *Strasburg*; if from that Quarter any thing should fall to the share of the States of the Confession of *Augsburg*, by virtue of this present Transaction, the Revenue of two Canonicates shall be given out of those sort of Incomes to the Family of the Dukes of *Meckleburg*, however without any prejudice to the Catholics. And if it should happen that the Male Branch of *Schwerin* should come to fail, while that of *Gustrow* subsists, then this last shall succeed to the other.

For the greater Satisfaction of the said House of *Meckleburg*, there shall be yielded to him for ever the two Commendams of the Order of Knighthood of *Sr. John of Jerusalem*, *Mirow* and *Nemerow*, situated in that Dutchy, by virtue of the Disposition express'd in the Vth Article, §. 9. till the Contefts and Differences about Religion in

the Empire shall have been accommodated, viz. *Mirow* to the Line of *Schwerin*, and *Nemeraw* to that of *Gustrow*, on this condition, that they shall be oblig'd to obtain themselves the Consent of the said Order, and pay to the same from thenceforth, as well as to the Elector of *Brandenburg*, as Patron thereof, the accustom'd Services, as often as shall be necessary and requisite. His Imperial Majesty shall likewise confirm to the said House the Customs upon the *Elbe*, formerly obtain'd for ever; with Exemption from the Contributions which shall for the future be rais'd in the Empire, excepting what relates to the Satisfaction of the *Swedish* Militia, until the Sum of three hundred thousand Rixdollars shall have been satisfy'd for. The pretended Debt of *Wingerschin* shall also remain extinct, as contracted upon the account of the War, with the Processes and Decrees which have sprung from thence; so that the Dukes of *Meckleburg*, and the City of *Hamburg*, may not from henceforth be molested or disquieted upon that score.

XIII. The Ducal Family of *Brunswick Equivalent and Lunenburg*, having, in order the better to facilitate and establish the publick Peace, yielded the Coadjutories which it had obtain'd out of the Archbishopricks of *Magdeburg* and *Bremen*, and the Bishopricks of *Halberstadt* and *Ratzburg*, on condition, among other things, that to it should be granted the alternative Succession of the Bishoprick of *Osnabrug* with the Catholics: His Imperial Majesty, who does not think it proper, in the present State of Affairs in the Empire, any longer to neglect or retard the publick Peace upon that score, consents and permits that this alternative Succession to the Bishoprick of *Osnabrug* shall take place between Catholic Bishops and those of the Confession of *Augsburg*, who shall however be presented by the Family of the Dukes of *Brunswick* and *Lunenburg*, so long as it subsists, and that in the manner, and on the Conditions following.

I. Forasmuch as *Gustavus Gustafson*, Count of *Wassenberg*, Senator of the Kingdom of *Sweden*, renounces all the Right which he had obtain'd, on occasion of the present War, over the Bishoprick of *Osnabrug*, and frees

the States and Subjects of that Bishoprick from the Oath which they took to him: Therefore the Bishop *Francis William*, and his Successors, as also the Chapter, the States and Subjects of that Bishoprick, shall be oblig'd, by virtue of these Presents, to pay to the said Lord the Count, or his Order, in *Hamburg*, during the space of four years, the Sum of eighty thousand Rixdollars; so that they shall be oblig'd to pay to him or Order, in the City of *Hamburg*, twenty thousand Rixdollars each year: for the execution whereof, the publick Law of this Pacification shall give all Authority to all Acts given out against those that fail.

2. The said Bishoprick of *Osnabrug* shall be entirely restor'd, with all its Appurtenances, as well Secular as Ecclesiastical, to the foresaid Bishop *Francis William*, who shall possess it in full Right, according as shall be stipulated by the Clauses of the invariable and perpetual Capitulation which shall be made upon that account, by the common Consent as well of the said Prince *Francis William*, as of the Princes of the House of *Brunswick-Lunenburg*, and the Capitularies of the Bishoprick of *Osnabrug*.

3. As to what relates to the State of Religion, of Ecclesiasticks, as also the whole Clergy of the one and the other Religion, as well in the same City of *Osnabrug*, as in the other Countries, Towns, Burghs, Villages, and other Places belonging to that Bishoprick, the whole shall remain and be settled in the same State it was on the 1st of *January*, 1624. And there shall be a Specification of all the Changes that shall be found to have been made since the said year 1624 (as well with regard to the Ministers of the Word of God, as of the Divine Worship) which shall be inserted in the foresaid Capitulation. And the Bishop shall promise to his Estates and Subjects, by Reversal or other Letters (after having receiv'd their Homage according to antient Form) to preserve their Rights and Privileges, and all other things besides, which shall be found necessary for the future Administration of the Bishoprick, and the Safety of the States and Subjects of both sides.

4. The Bishop coming to die, *Ernest Augustus* Duke of *Brunswick* and *Lunenburg* shall succeed him in the Bishoprick of *Osnabrug*, and shall from henceforth be de-

sign'd his Successor, by virtue of the present publick Peace ; so that the Cathedral Chapter of *Osnabrug*, as also the States and Subjects of the Bishoprick shall be oblig'd, immediately after the Death or Resignation of the present Bishop, to receive for Bishop the said Duke *Ernest Augustus* ; and for that end the foresaid States and Subjects shall be oblig'd within three months, reckoning from the day of the Conclusion of the Peace, to pay him the accustom'd Homage, in the manner above specify'd, upon the Conditions that shall be inserted in the perpetual Capitulation that is to be made with the Chapter ; and if Duke *Ernest Augustus* should not survive the present Bishop, the Chapter shall be bound, after the Death of the Bishop that now lives, to present another Prince of the Family of Duke *George* of *Brunswick* and *Lunenburg*, upon the Conditions that shall be contain'd in the unchangeable Capitulation that shall have been receiv'd, which shall be observ'd reciprocally and for ever. And if he should happen to die, or to resign voluntarily, the Chapter shall be oblig'd to chuse and present a Catholick Bishop ; and if any neglect should happen among the Canons or Prebendaries, the Ordinance of the Canon Law, and the Custom of *Germany* shall take place in that case ; saving however the perpetual Capitulation, and the present Transaction. Wherefore the alternative Succession between the Catholick Bishops, chosen by the Chapter, or otherwise presented, and those of the Confession of *Augsburg* (who shall only be the Descendants of the Family of the said Duke *George*) shall be admitted. And if there be several Princes of that Family, one of the younger Brothers shall be chosen and presented to that Bishoprick ; and if the younger Brothers fail, one of the Princes Regent shall be chosen : and failing these also, the Posterity of Duke *Augustus* shall in fine succeed with the perpetual Alternative, as has been said, between that Family and the Catholicks.

5. Not only the said Duke *Ernest Augustus*, but likewise all and every one of the Princes of the Family of the Dukes of *Brunswick* and *Lunenburg*, of the Confession of *Augsburg*, who shall alternately succeed to that Bishoprick, shall be oblig'd to preserve and defend (as has been settled above in the 3d Article, and as it shall be further settled in the perpetual Capitulation) the State of

Religion, and of the Ecclesiasticks, as also of the whole Clergy, as well in the City of *Osnabrück*, as in the other Countries, Burghs, Hamlets, Villages and Towns, and all the other Places belonging to that Bishoprick.

6. And to the end that in the Administration and Government of the Bishops of the Confession of *Augsburg*, there may arise no Difficulty or Confusion with regard to the Censure of Catholick Ecclesiasticks, nor with relation to the Usage and Administration of the Sacraments, according to the manner of the Church of *Rome*, nor with respect to other things which concern Order; the whole Disposal and Regulation of all that is mention'd above shall be reserv'd to the Archbishop of *Cologne* as Metropolitan, excluding those of the Confession of *Augsburg* as often as the alternative Succession shall fall upon a Prince of that Confession: But this only excepted, the other Rights of Sovereignty and Government, as well in Civil as in Criminal Matters, shall remain inviolably to the Bishop of the foresaid Confession, according to the Laws and Rules of the future Capitulation; and reciprocally, as often as a Catholick Bishop shall govern in the Bishoprick of *Osnabrück*, he shall not pretend or have any Right over the Ecclesiasticks of the Confession of *Augsburg*.

7. That the Monastery or Provostship of *Walkenried*, whereof *Christian Lewis* Duke of *Brunswick* and *Lunenburg* is present Administrator, be confer'd by the Emperor and Empire, with the Land of *Schauven*, in perpetual Right of Fee, upon the Dukes of *Brunswick-Lunenburg*, together with all their Appurtenances and Rights, to be possess'd by the Families of *Brunswick-Lunenburg*, in the same Order as above; the Right of Advocacy or Protection, and all the Pretensions of the Bishoprick of *Halberstadt* and County of *Habenstein*, remaining entirely extinct and annul'd.

8. As to the Debt contracted by *Frederick Ulric* Duke of *Brunswick-Lunenburg* with the King of *Denmark*, and yielded by this last to his Imperial Majesty in a Treaty of Peace concluded at *Lubeck*, whereof a Gift was made to Count *Tilly*, General of the Imperial Army; the present Dukes of *Brunswick-Lunenburg* having represented, that for several Reasons they are not oblig'd to pay that Debt, and the Ambassadors and Plenipotentiaries of the Crown

of *Sweden* having on their part likewise acted very vigorously in that Affair, it has been agreed, for the Good of the Peace, that that Debt shall remain extinct, and that the said Dukes shall be freed from any Obligation in this matter, as well as their Heirs and Estates.

9. The Dukes of *Brunswick-Lunenbourg*, of the Branch of *Zell*, having hitherto paid the annual Interest of twenty thousand Florins to the Chapter of *Ratzburg*, it has been resolv'd, that as the Alternative ceases at present, so the said annual Interests shall cease likewise, with the entire sinking of the Debt, and all other Obligations on that score.

10. Two Prebendships in the Bishoprick of *Strasburg*, that shall become vacant first, shall be confer'd on the two Dukes, *Anthony Ulric*, and *Ferdinand Albert*, younger Sons of *Augustus* Duke of *Brunswick-Lunenbourg*, on condition that Duke *Augustus* shall renounce the Pretensions which he formerly had, or might have had upon the one or the other Canonicate.

11. And in exchange the said Dukes shall renounce the Presentations and Coadjutorships of the Archbishopricks of *Magdeburg* and *Bremen*, as also of the Bishopricks of *Halberstadt* and *Ratzburg*; so that whatever has been regulated above in this Treaty of Peace touching these Archbishopricks and Bishopricks, shall have its full and entire Effect, without any contradiction on their part the Chapters remaining in every respect in the same State that has been agreed upon above.

XIV. As touching the Sum of twelve thousand Rixdollars, which ought to be annually paid to *William Christian* Marquiss of *Brandenburg*, by the Archbishoprick of *Magdeburg*, it has been agreed, That the Cloister and Bailliages of *Zima* and *Lo-burg*, shall be immediately yielded and given over to the said Marquiss of *Brandenburg*, with all their Appurtenances, and full and entire Jurisdiction, excepting only the Right of Territory; and that the said Marquiss shall enjoy these Bailliages his whole Life, without being in any manner accountable for them; provided however, that no Prejudice be done to the Subjects of the said Bailliages, either as to Temporals or Spirituals.

And whereas the said Cloister and Bailliages, as well as the Archbishoprick, have suffer'd very much thro the Injury of Time, the present Lord Administrator shall pay without delay, for that reason, to the said Marquiss, the Mony that shall be levy'd for that effect upon the said Archbishoprick, viz. the Sum of three thousand Rix-dollars, of which neither the said Marquiss nor his Heirs shall be oblig'd to make any Restitution. It has been moreover agreed, That after the Decease of the said Marquiss, it shall be lawful for his Heirs and Successors to retain, for the space of five years, the said Cloister and Bailliages, and all their Appurtenances, Dependencies and Rights, and enjoy and use the same, upon the account of Victuals that have not been furnish'd, without being oblig'd to render any Account. But after the Expiration of the five years, the said Bailliages, with their Jurisdiction, Rent and Revenue, shall return, without any delay, to the Archbishoprick, nor shall any thing be demanded or pretended upon the account of the said Sum; and all this shall take place when the said Archbishoprick of *Magdeburg* shall be possess'd by the Elector of *Brandenburg*, for his equivalent and due Recompence, and by his Heirs and Successors.

XV. As to the Affair of *Hesse-Cassel*, that which follows has been agreed upon.

*Satisfaction to
the House of
Hesse.*

1. In the first place, the Family of *Hesse-Cassel*, and all the Princes thereof, especially the Lady *Amelia Elizabeth*, Landgravine of *Hesse*, and Prince *William* her Son, and their Heirs, Ministers, Officers, Vassals, Subjects, and others engag'd in their Service in any manner whatsoever, without any Exception, notwithstanding any Contracts, Processes, Prescriptions, Declarations, Sentences, Executions and Transactions to the contrary (all which, as well as Actions or Pretensions upon account of Damages or Injuries from Neutrals, and such as carry'd Arms, shall remain void and null) shall fully enjoy the General Amnesty formerly establish'd, with an entire Restitution, to take place from the Commencement of the War in *Bohemia* (except the hereditary Vassals and Subjects of his Imperial Majesty, and of the House of *Austria*, as it is regulated in the Paragraph, *In fine* all, &c.) as also all the Advantages flowing from that Amnesty, and the religious

Peace, with the like Right that other States enjoy, as it is regulated in the Article which begins, *With the common Consent also*, &c.

2. In the second place, the House of *Hesse-Cassel*, and the Successors thereof, shall keep the Abby of *Hiesfeld*, with all its Appurtenances, Secular and Ecclesiastical, situated without or within its Territory (as the Provostship of *Gelingen*;) saving nevertheless the Rights which the House of *Saxony* has possess'd there time immemorial; and for that end they shall demand Investiture of his Imperial Majesty, as often as shall be requisite, and shall take an Oath of Fidelity for the same.

3. In the third place, the Right of *Dominium directum & utile* to the Bailliages of *Schaumberg*, *Buckenburg*, *Saxenhagen* and *Stratthagen*, formerly made over and adjudg'd to the Bishop of *Minden*, shall from henceforth belong to *William* Landgrave of *Hesse*, and his Successors fully and for ever, without any Dispute or Trouble from the said Bishop or any other; saving nevertheless the Transaction betwixt *Christian Lewis* Duke of *Brunswick-Lunenburg*, the Landgrave of *Hesse*, and *Philip* Count of *Lippe*, the Convention between the said Landgrave and the said Count remaining likewise in its Force and Vigour.

Moreover, it is agreed, That for the Restitution of the Places possess'd during this War, and by form of Indemnity, the Sum of six hundred thousand Rixdollars, of the Value and Goodness regulated by the last Imperial Constitutions, shall be paid, during the space of nine months, reckoning from the time of the Ratification of the Peace, to the Lady the Landgravine of *Hesse*, and her Son, or to her Successors Princes of *Hesse*, by the Archbishopsricks of *Mentz* and *Cologne*, the Bishopsricks of *Paderborn* and *Munster*, and the Abby of *Fulde* in the City of *Cassel*, at the Charge and Hazard of the Payers, without admitting any Exception or Pretext for hindring the promis'd Payment; and far less may any Arrest or Seizure be made of the Sum agreed.

And to the end that my Lady the Landgravine of *Hesse* may be so much the better assur'd of Payment, she shall keep and retain, on the following Conditions, *Nays*, *Coesfeld* and *Newbass*, and have Garisons in those Places, which shall depend upon none but her self; but on this

Condition, That besides the Officers and others necessary for the Garisons, those of the three foremention'd Places shall not exceed the number of twelve hundred Foot and a hundred Horse, leaving to my Lady Landgravine the Disposal of the number of the Cavalry and Infantry which she shall please to put into each of these Places, and what Governours she shall appoint.

The Garisons shall be maintain'd according to the Order commonly observ'd hitherto in the Maintenance of the Officers and Soldiers of *Hesse*; and whatever shall be necessary for keeping up the Fortresses, shall be furnish'd by the Archbishopricks and Bishopricks, in which the said Fortresses and Towns are situated, without diminution of the Sum afore-mention'd. It shall be lawful for the said Garisons to distrain the Recusants and Negligent, but not beyond the due Sum. In the mean time, the Rights of Sovereignty, and the Jurisdiction both in Ecclesiasticals and Temporals, as also the Revenue of the said Fortresses and Towns, shall be preserv'd for the Lord the Archbishop of *Cologn*.

But so soon as three hundred thousand Rixdollars shall have been paid to my Lady Landgravine after the Ratification of the Peace, she shall render up *Nuys*, and keep only *Coesfeld* and *Newhaufs*; however she shall not put the Garison that goes out of *Nuys* into *Coesfeld* and *Newhaufs*, nor demand any thing upon that account: nor shall the Garison of *Coesfeld* exceed the number of six hundred Foot and fifty Horse, or that of *Newhaufs* the number of a hundred Foot. And if the whole Sum be not paid to my Lady Landgravine within the space of nine months, not only *Coesfeld* and *Newhaufs* shall remain in her hands till the entire Payment thereof, but likewise she shall receive Interest for the rest of the Sum at the rate of 5 per Cent. till the whole shall have been paid off: And the Treasurers and Receivers of the Bailliages belonging to the said Archbishopricks, Dutchies and Abbays, and the Places contiguous to the Principality of *Hesse*, which shall stand good for the Payment of the said Interests, shall oblige themselves by Oath to my Lady Landgravine to pay her out of the Mony they receive the annual Interests of the remaining Sum, even altho their Masters should forbid it. And if the Treasurers and Receivers delay Payment, or employ the Reve-

nues otherwise, my Lady Landgravine may use all means to constrain them to make Payment; the other Rights of the Master or Proprietor remaining in their first state. But so soon as my Lady Landgravine shall have receiv'd the whole Sum with the Arrears of the Garison, she shall restore the forenant'd Places kept by her as a Security, the Interests shall cease, and the Treasurers and Receivers shall be free of their Oath. As to the Bailliages, out of the Revenue of which, Interest shall have been paid in case of Delay, that shall be provisionally agreed before the Ratification of the Peace; which Agreement shall be of equal force with this present Treaty of Peace.

Besides the Places which shall be left to my Lady Landgravine by way of Security, as has been said, and which shall be given up by her after Payment; she shall restore in the mean while, immediately after the Ratification of the Peace, all the Provinces and Bishopricks, and all their Towns, Bailliages, Burghs, Fortresses, Forts; and in fine, all the immovable Goods and Rights by her occupy'd during these Wars: but so that not only my Lady Landgravine and her said Heirs shall get back all the Ammunitions and Provisions that she shall have put into these three cautionary Places, and in the others to be restor'd by her (for as to such Ammunitions and Provisions that she has not brought, but found there when she was put in possession of the said Places, and which are yet there, they shall remain in the said Places) but also the Fortifications and Ramparts that have been rais'd during the time of her possessing these Places, shall be destroy'd and demolish'd; but the Towns, Burghs, Castles and Fortresses, shall not be expos'd to Invasion and Pillage.

And altho my Lady Landgravine has not exacted any thing of any Person upon the account of Restitution and Indemnity, unless from the Archbishopricks of *Mentz* and *Colcgn*, the Bishopricks of *Paderborn* and *Munster*, and the Abbey of *Fulde*, nor desires that any thing should be paid her by any other upon that score; yet considering the Equity and State of Affairs, the Assembly has thought good, without prejudice to the Regulation in a preceding Paragraph, which begins, *Moreover, it has been agreed*, &c. that all the other States whatsoever on this or the other side the *Rhine*, which have paid Contribution to the *Hessians* since the first of *March*

this Year, shall furnish, in proportion of the Contribution by them paid during that whole time, their Quota to the said Archbishopricks, Bishopricks and Abbey, to make up the above-mention'd Sum, and for the Maintenance of the Garisons: And if any one suffer Damage by the Delay of others Payment, the Delayers shall be oblig'd to repair the same; and the Officers and Soldiers of his Imperial Majesty, of the most Christian King, and of the Lady Landgravine of *Hesse*, shall not hinder their being constrain'd thereto. Nor shall it be lawful for the *Hessians* to exempt any one in prejudice of this Declaration, but such as shall have paid their Quota shall from henceforth be exempted of all Charges.

As to what concerns the Differences between the Houses of *Hesse-Cassel* and *Darmstadt*, touching the Succession of *Marburg*, seeing they were entirely accommodated on the 14th of *April* last, by the unanimous Consent of both Parties; it has been thought good, that that Transaction with all its Clauses, Appurtenances, and Dependencies, as it was made and sign'd at *Cassel* by the interested Parties, and represented in this Assembly, shall in virtue of the present Treaty have the same force as if it was inserted therein word for word, and that it may not be infring'd by the Parties contracting, nor by any other upon any pretence, whether of Contract, Oath, or any other thing; but that it shall be exactly observ'd by all, altho any of such as are interested should perhaps refuse to confirm it.

In like manner the Transaction betwixt the late *William* Landgrave of *Hesse*, *Christian* and *Wolrad* Counts of *Waldeck*, made the 11th of *April* 1635. and ratify'd by *George* Landgrave of *Hesse* the 14th of *April* 1648. shall have full and perpetual Force by virtue of this Pacification, and shall equally oblige all the Princes of *Hesse*, and all the Counts of *Waldeck*.

That the Right of Primogeniture introduc'd into the House of *Hesse-Cassel*, and that of *Darmstadt*, shall remain firm, and be inviolably observ'd.

XVI. So soon as the Treaty of Peace shall have been subscrib'd and sign'd by the Plenipotentiaries and Ambassadors, all Acts of Hostility shall cease, and whatever things have been agreed above, shall at the same time

*Cessation of
Hostilities.*

be executed and perform'd on both sides.

Pecuniary Satisfaction to Sweden, and Evacuation of Places. In the first place, the Emperor himself shall cause to be publish'd Edicts thro the whole Empire, and precisely command those who are oblig'd by these Conventions and this present Transaction to restore and accomplish, without fail or delay, all that they are bound to restore and accomplish, and to execute, between the time of the Conclusion and that of the Ratification of the Peace, the things that have been transacted; enjoining the Princes Directors and the Colonels of the Circles to procure and cause to be executed the Restitution of every one, according to the Order of Execution, and of these Compacts, at the Request of those who are to be restor'd. In like manner, this Clause shall be insert'd in the said Edicts, That because the Directors of a Circle, or the Colonel of the Militia, are not thought so proper to do this Execution in their own proper Cause and Restitution; in that case (and if perhaps the said Directors, or Colonel of the Militia, should refuse the Commission) the Princes Directors, and Colonels of the neighbouring Circle, shall acquit themselves of the said Commission of Execution, with respect to other Circles, at the request of those who are to be restor'd.

And also if any one that is to be restor'd should stand in need of the Emperor's Commissaries to support and strengthen the Act of any Restitution, Payment, or Execution (which shall be at the Choice and Option of the Person to be restor'd) they shall be given immediately; and in that case, and the more to hasten the Accomplishment of the things agreed above, it shall be lawful for those who are to restore, as well as for those who are to be restor'd, to name two or three Commissioners of either side, immediately after the Conclusion and Signing of the Peace, out of which his Imperial Majesty shall chuse one, whom those who are to be restor'd shall name, and likewise one out of those whom they who are to restore shall name; but so as there may be an equal number of both Religions, whom he shall appoint to execute without delay whatever ought to be effected by virtue of the present Transaction. And if those who ought to restore shall neglect to name Commissioners, then his Im-

perial Majesty shall chuse one of those whom the Party to be restor'd shall have nam'd, and add another at his pleasure, always in an equal number of both Religions, whom he shall appoint to execute the Commission, notwithstanding the Opposition and Contradiction of the adverse Party; and those who are to be restor'd shall notify to those who are to make Restitution, immediately after the Conclusion of the Peace, the Tenor of the things which have been transacted.

In fine, all and every the States, Communities, or particular Persons, whether Ecclesiasticks or Seculars, who by virtue of the present Transaction, and the general Rules therein laid down, or of any particular and express Regulation, are oblig'd to restore, yield, give, do or fulfil any thing, shall be oblig'd immediately after the Publication of the Imperial Edicts, and after Notification of that which ought to be restor'd, to yield, give, restore, do and fulfil all that they are bound to, without Resistance, Opposition, or Allegation of any Prohibition, general or special saving Clause, inserted above in the Amnesty, and without any other Exception, as also without doing any damage to any one; and for that effect no State or Garison, nor any other whatsoever, shall oppose the Execution of the Directors, or Colonels of the Militia of the Circles, or of the Commissioners, but on the contrary shall give Assistance to the Executors against those who shall endeavour in any manner to hinder the said Execution. It shall also be lawful for them to make use of their own Force for that end, or the Force of those whom they are to put in possession.

All the Prisoners of both sides, whether of the Sword or of the Gown, without any distinction, shall afterwards be set at liberty in the manner that the Generals have agreed or shall agree, with Consent of his Imperial Majesty.

Last of all, as to what regards the disbanding of the *Swedish* Soldiery, all the Electors, Princes; States, and the free Nobility of the Empire of the seven following Circles, *viz.* the Circle of the four Electors of the *Rhine*, of *Upper Saxony*, of *Franconia*, of *Swabia*, of the *Upper Rhine*, of *Westphalia*, of the *Lower Saxony* (saving their Suit which has been usual hitherto in the like cases, and their Liberty and Exemption for the future) shall be

oblig'd to contribute the Sum of five Millions of Rixdollars in good Specie current in the Empire, in three Terms; in the first Term, that of one Million eight hundred thousand Rixdollars, which the States shall pay every one according to their Quota, viz. the States of the Circle of the Electors of the Rhine, and those of the Circle of the Upper Rhine, at Frankfort on the Main; those of the Circle of Upper Saxony, at Leipfick or Brunswick; those of the Circle of Franconia at Nuremburg; those of the Circle of Swabia at Ulm; those of the Circle of Westphalia at Bremen or Munster; and those of the Circle of the Lower Saxony at Hamburg. And in order the more easily to obtain the Payment of that Sum, it shall be lawful for those who are to be restor'd according to the Amnesty, that is to say, for the true Lords and Proprietors (not the present Possessors) to impose and levy upon their Subjects the Quota which they are to pay immediately after the Conclusion of the Peace, and even before Restitution shall have been made; nor shall the present Possessors give any hindrance when these Contributions shall be exacted. Likewise the Sum of twelve hundred thousand Rixdollars shall be paid the first Term, in Assignments upon certain Estates, upon reasonable Conditions, and to which each State shall agree *bona fide*, in the space betwixt the Conclusion and Ratification of the Peace. After which Convention and Exchange of the Ratifications of the present Treaty, the said eight hundred thousand Rixdollars shall be paid, the Disbanding of the Soldiery and the Evacuation of Places shall be finish'd at the same time, and in equal proportion, without any impediment or hindrance being given upon any account whatsoever. In the mean time, immediately after the Conclusion of the Peace all Contributions and Exactions whatsoever shall cease; saving however the Subsistence of the Garisons and other Troops, which shall be agreed upon reasonable Conditions; saving likewise to the States that shall have paid their share, or who shall have amicably accommodated the same with the proper Officers, the liberty of demanding Satisfaction for the Damages which they may have suffer'd by their Neighbour States delaying to pay their Quota.

And as for the second and third Payments, the fore-said States of the seven Circles shall pay *bona fide* in the

Cities above-mention'd to the Ministers thereto deputed, and empower'd by her Majesty of *Sweden*, the first Moiety of two Millions at the end of the next Year, reckoning from the disbanding of the Troops, and the other Moiety at the end of the following Year; the whole in Rixdollars, or other current Mony of the Empire. And whereas the said seven Circles are only oblig'd to pay the *Swedish* Soldiery, without any Pretension by any other, so all the Electors, Princes, and States of these Circles shall pay their share only conformably to the *Matricula* and Usage receiv'd in each place, and upon the Terms of Specification thereupon deliver'd.

As to the Circles of *Austria* and *Bavaria* (the States of the Empire having promis'd to his Imperial Majesty in this present Assembly, that in the first Dyet of the Empire they would give a Succour out of the Imposts of the Empire, for the Expence of the War which it hath suffer'd till this time) the Circle of *Austria* hath been exempted from other Charges. and reserv'd for the Payment of the Emperor's own Army, and the Circle of *Bavaria* for the Militia. The Imposts and Taxes in the Circle of *Austria* shall remain at the disposal of his Imperial Majesty. But in that of *Bavaria* the same manner of taxing and paying shall be observ'd, as is observ'd in the other Circles; and the Execution of the same shall be as in the other Circles, according to the Constitutions of the Empire.