

Robert Wideen : 2023

Soufflenheim Genealogy Research and History
www.soufflenheimgenealogy.com

New Soufflenheim research : January 10, 2024



Christmas Market in Alsace, Sheila Roper



Christmas Shopping in the Village in Alsace, Sheila Roper

CONTENTS

New Soufflenheim Research.....	1
Camille Claus	2
Soufflenheim Emigrants to Texas	3
Justice in Alsace under the Ancien Régime.....	4

CAMILLE CLAUS

Contributed by Kelley Cooper.

Camille Claus, considered one of the major Alsatian artists of the 20th century, was born on September 30, 1920 in Strasbourg, Bas-Rhin, and died there on July 2, 2005, at age 84. He was the son of Camille Claus (1889-1948), butcher in Strasbourg, and his wife born Caroline Lehmann (1895-1973), originally from **SOUFFLENHEIM** where her father Joseph Lehmann (1885-1968) worked as a potter. A “decadent painter”, he was deported to the Schirmeck camp, then forcibly incorporated into the Nazi army for the Russian front. (Source: Wikipedia, Florent DUBAIL, Genealogy of the Clays Family, Geneanet)

His works are found at: <https://alsace-collections.fr/Monographie%20Camille%20Claus.html>



In the Forest, Camille Claus, 1953/1954

SOUFFENHEIM EMIGRANTS TO TEXAS

XAVIER KRAEMER

16 June 1906 Galveston, Texas, Declaration to Become an American Citizen

Source: Texas Genealogy Trails, 2023. Naturalization Records, Galveston County, Texas:

https://genealogytrails.com/tex/gulfcoast/galveston/news_naturalizations.html

The Galveston Daily News Tuesday, June 16, 1907. A declaration of Intention to become a citizen of the United States was filed yesterday in District Clerk Gengler's office.

Xavier Kraemer, aged 35 years, by occupation an engraver, and residing at 1723 Tremont Street, sets forth that he was born in Soufflenheim [about 1872], Germany, and emigrated to the United States from Antwerp, Belgium, on the steamship Rhineland, arriving at the port of New York on March 5, 1891.

JUSTICE IN ALSACE UNDER THE ANCIEN RÉGIME

Found at Genealogy Alsace, Genealogical Circle of Alsace, Île-de-France section:

<https://genealogiealsace.wordpress.com>

Justice in Alsace under the Ancien Régime

By Odile Bach, member of the Île-de-France section of the CGA, 13 January 2024

Lecture given at the monthly meeting of the CGA Île-de-France on October 19, 2023: "Sketch of justice in Alsace: bailiff, provost and advisor to the Sovereign Council of Alsace, members of his family", by Odile Bach.

Before I begin, I would like to make 2 clarifications:

– When I proposed this presentation I thought I would inform you about how to do justice throughout Alsace, but the situation is complex and differs according to the lordships and my ancestors did justice mainly in the possessions of the bishopric of Strasbourg! (Mundat map). However, many of these characteristics are found throughout France.

– Under the old regime, there was no separation of powers and the people who held office had both judicial activities and an administrative role, the executive: it was with the Revolution that there was a separation of powers, in the name of freedom, which is the reality of today.

Originally, justice was done by the lord, or even by the king who got his power from God (Saint Louis under his oak).

Before the occupation of Alsace by France, Alsace was part of the Holy Roman Empire, but after the Treaty of Westphalia, the King of France Louis XIV wanted to install a royal chamber: after a lot of

difficulties, it was first installed in Ensisheim, then Brisach, then finally it was the Sovereign Council in Colmar.

As a result, there were different degrees of exercise of judicial power:

- **The Provost**
- **The Bailiff**
- **The Sovereign Council (or Parliament)**

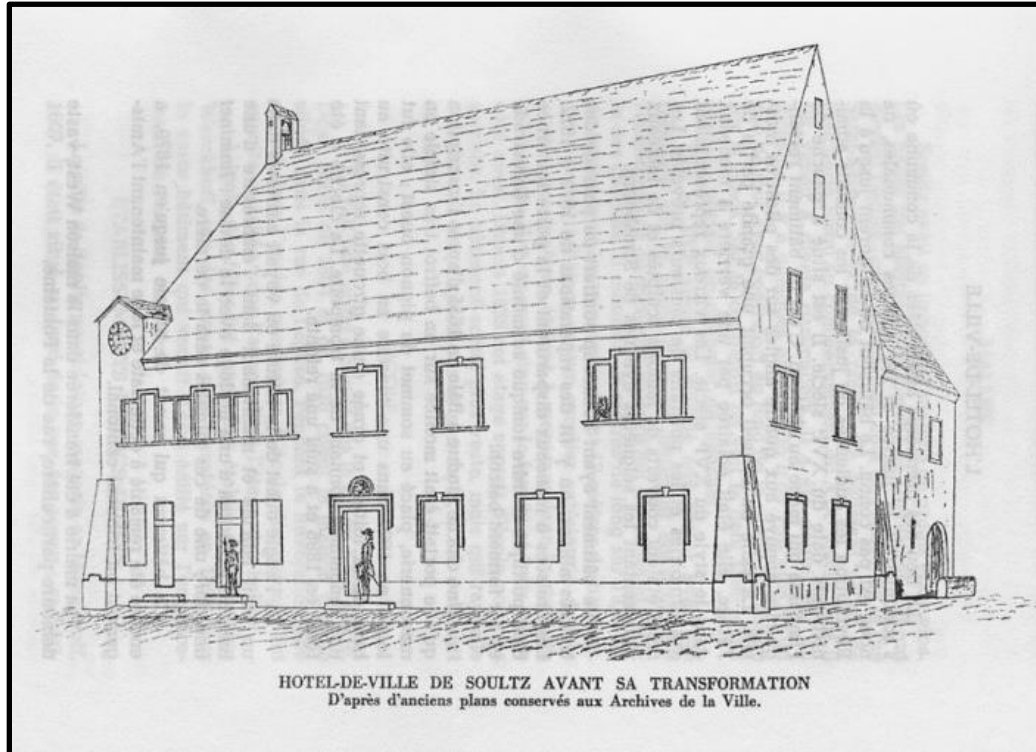
I.1. Provost François Antoine Bach 1700-1772, provost of Sultz from 1746 to 1772

Most towns like Sultz were run by a Council or Rath. In Sultz, we are fortunate to have a historian who wrote the Sultz Golden Book, Mr. Gasser.

1. The "Rath" or Council

According to the Golden Book of Sultz de Gasser:

The Council of Sultz or Magistrate, or Senatus or Rath met in the old town hall and one can imagine François Antoine Bach going regularly to this building for the sessions of the Rath.



The Council Chamber was on the first floor, decorated with carved panelling and portraits of the bishops of Strasbourg.

This Council, or Rath, consisted of the provost, the clerk, and twelve members who took the title of councillors, consuls, and senatores elected by the tribes (corporations). The Council's powers were of two kinds: on the one hand, it exercised the administration of municipal affairs and appointed the subordinate officials of the city, on the other hand, it administered justice in civil matters, deciding on the validity of contracts between individuals and adjudicating on their disputes; In matters of lower justice, he exercised urban, rural and forest policing and ruled on the offences incurred.

Councillors, in the performance of their duties, wore red robes and black hats. The councillors were called at the sound of the bell at seven o'clock in the morning; A court hearing was held every week, usually on Mondays and sometimes extraordinarily on Thursdays. Council meetings were held when necessary. However, it was forbidden to hold them after noon, but only before the meal. Bailiff and provost arrived in their red robes; There was also quite a ceremonial; They arrived with a staff, a symbol of their power, and preceded by several bailiffs.

A small detail may also be of interest: since 1576, it has been said that "the Magistrate shall attend divine service devoutly and from the beginning, all gathered together in a pew and not scattered in the church. He will see to it that divine service is done and observed with respect. »

2. The Provost Marshal



Franz Anthony Bach (1700–1772), Provost of Soulzt (1746–1772)

As for the provost, Gasser describes his role in the Revue d'Alsace as follows:

The provost (or Schultheiss) was appointed by the bishop, the lord and his office was also at the discretion of the lord, but he was chosen from among the notable burghers of Soultz. He commanded the militia of the city, the opening of the gates, and the fortress in general was under his command jointly with the bailiff. While holding his mandate from the lord bishop, he was the natural leader of the bourgeoisie, the born protector of communal liberties and franchises. He presided over all council hearings and conducted all cases except those punishable by fines. He had the privilege of possessing a personal seal with which all contracts between individuals were sealed. In the performance of his duties, the provost marshal carried a baton as a mark of his authority.

The provost was exempt from taxes, and in 1578 he was paid the costs of the court and the seal, and half a florin as a duty of inheritance payable by any foreigner who came to collect an inheritance in Soultz. The city gave him an annual gilded silver goblet of 16 ounces. In 1725 she paid him 60 livres in wages.

The provost was bound by his oath to swear fealty and homage to the bishop of Strasbourg as his lord and master, to watch over his interests, to obey the orders of the grand bailiff of Rouffach and the bailiff of Soultz as to the representatives of the lord, to protect and faithfully serve the council and community of Soultz and to watch over the interests of the city by defending it from all prejudice. He was to assemble and preside over the councils and tribunals on the days indicated by custom, to consult them on all matters, and in case of a division of votes, to decide impartially according to his conscience, to keep all secrets, to give according to his understanding and conscience the advice which was required of him, and finally to report to the bailiff any outrage or crime which should be denounced to him.

The provost was therefore dependent on the Lord (the bishop of Strasbourg) but represented the community.

We can specify what Franz Antoine Bach did thanks to a document of the administration of the bishopric of Strasbourg found in the departmental archives of Colmar. [1] **It is a State containing the functions, rights and prerogatives of the office of provost of the city of Soultz.** It was signed by Bach, the future provost, and Immelin, the bailiff, under the aegis of the bishop of Strasbourg, and was written as follows:

Armand Gaston, by the grace of God, Cardinal of the Holy Roman Church, Prince of Rohan, Soubise, Bishop and Prince of Strasbourg, Landgrave of Alsace, Prince of the Holy Roman Empire, Grand Almoner of France, Commander of the Order of the Holy Spirit...

Having regard to the present agreement made between the Sieur Immelin, who holds the offices of bailiff and provost of Soultz, and the Sieur Bach, in whose favour the Sieur Immelin has resigned the office of provost of the town of Soultz, and wishing to prevent any dispute between these two officers and their successors on account of the functions of their offices, We will and order that the present agreement shall serve as a regulation for the offices of bailiff and provost of Soultz and that the office of provost of Soultz shall be restricted to the functions designated in the said state as well as with regard to the Sieur Bach and his successors in the office of provost of Soultz... Given at Paris on 14 May 1746.

The Provost Marshal will:

- shall enjoy all the franchises, immunities and exemptions attached to the said office, by decree of the Council of State regulating the franchises of officers of the bishopric of Strasbourg, of May 22, 1722.
- shall have the second place, that is to say, the first after the bailiff, in all ordinary and extraordinary assemblies and shall be the first to give his opinion; He will even preside over the

absence of the bailiff, and will have a share in the spices or cost of magisterial sentences as usual.

- shall have the administration of the petty police jointly with the bailiff and shall be responsible for the execution of orders for the service of His Majesty, as well as seniority.
- shall have the right to permit the descents and views of the Leagues called in German (augensheim) which, according to the custom of the city, have hitherto been granted verbally by the provosts in summary cases of little consequence, and shall collect the usual emoluments thereof.
- shall have the right to attend the accounts of the Burgomasters, those of the Churches and of the Hospital, and shall be paid for his shifts as seniority.
- shall likewise have the right to be found in the settlement of the Taille, or Gewerft, in the leases which are made for the benefit of the city by the Collective Body of the Magistrate, and other affairs of the Community, and shall also be paid for his shifts according to and as has hitherto been observed.
- shall have the right to seal all contracts which are entered into at the registry of the jurisdiction of the city, and shall collect for this purpose the ordinary and customary emoluments, as the whole has always been in use in the town of Soultz. But as this right is now disputed, it will be for the provost to assert it, as he thinks fit, and will in any case settle himself on the event of this case.
- shall have the called right of Schaufish as cy-devant and shall enjoy the same of gleaning, and shall share in all the other advantages and profits of the ban as seniority.
- shall collect the sum of 60 pounds annually for wages of the said office, as also the same sum of 60 pounds with 2 quintals of salt which the town pays per annum to the said provost.
- shall have the right to be followed by the second sergeant de ville at the entrance and exit of the hearings, whom he shall use for the execution of orders and other business.

The provost marshal shall not claim or attribute to himself any other functions, rights, profits, emoluments, honours, etc. and finally the provost will recognize the Bailly as chief judge of the town and of the magistrate to whom alone belongs:

- the right to fix hearings and other assemblies and summonses, the right to preside over the Magistrate.
- the right to allow public dances, fair days, and the like.
- the right to receive and respond to all requests addressed to the Collective Body of the Magistrate.
- the right to place and unseal successions, to elect guardians, to close inventories, and to make and report generally all judicial acts of some kind and nature.

It can be seen that the provost was thus present at all events in the life of the city and that, even if he was in second place compared to the bailiff, he was the authority and had to ensure that order and justice were respected.

It will be seen that it is mainly a question of pennies, that 60 livres of wages plus 60 livres of the city per year seems very little, but there were many exemptions and you have seen that all acts entail a reward. We have proof of the sums given by the city in the accounts of Soultz for several years, accompanied by a certain number of receipts, and in particular the one presented below, for the year which is written in his own hand and shows us his handwriting.

But we also see that there must have been tensions and problems in the management of the town of Soultz which are probably at the origin of Immelin's resignation (wanted or requested by the lord) and of this contract.

As luck would have it, Mr. Eichenlaub, director of the Haut-Rhin Departmental Archives, had told me[2] that the archives possessed all the registers of the municipal deliberations of Soultz: they are fascinating witnesses of the activity of the Council and the Provost of Soultz who make it possible to revive a little municipal life and to concretize the role of the provost. All the documents below come from these archives. In addition, the notarial archives and documents from the Municipal Archives of Soultz provide some additional information.



"Rath Gehalten of July 6, 1747..... »

Above is an example of the registers of municipal deliberations held by the Haut-Rhin Departmental Archives: the registers of municipal deliberations of the town of Soultz from 1596 to 1773. There are many notebooks containing the reports of the hearings of the Magistrate of Soultz, days, months, years, always entitled as follows: "Rath Gehalten of July 6, 1747..... »

Consulting the registers of municipal deliberations from the years 1740 to 1773 allows us to observe and draw out several observations:

These are, as far as can be understood, most often dissensions during an inheritance, a purchase, disputes over property boundaries, during separation of property, the management of a guardian or disputes between creditors and debtors, financial disputes of all kinds, unpaid debts and possibly seizures; There is even a dispute between two burghers over the pews of the church to be completed.

The meetings of the Council were mainly devoted to the administration of justice by the Magistrate who ruled on disputes between individuals. Each session consists mainly of about ten judgments (that's 300-400 judgments in about a year), however they can be summarized as follows: Ordinary hearings are held regularly every eight days, with absences, probably when there are no cases to deal with, about 30 to 35 hearings per year, but when there are too many cases to deal with the Rath can meet twice in a row...

The wording varies a bit, but can be summarized as follows:

- First, the protagonists are introduced: "Between the plaintiff on the one hand and the defendant on the other". Often the defendant is not present or appearing, although duly summoned; Both may be present or represented by a prosecutor.
- Then come the interventions of both parties: the plaintiff expresses his request with arguments and evidence; Then there is the defendant's reply arguing his defence.
- Then the Council may appeal to previous sentences, to judgments of the Sovereign Council of Alsace, to sentences of the Council of Regency of the Bishopric of Strasbourg, to royal decisions, It may request the deposit of certain documents or acts on the Bureau and the hearing of witnesses.
- Finally comes the sentence of a few lines: either it is final, or it is rejected with additional evidence and arguments to be adduced.
- The judgment almost always ends in the same way: "Once the parties have been heard and the conclusions of the Procurator Fiscal, We Bailly, Provost and magistrates declare and order or have condemned and condemn or have given notice to the Sieur Plaintiff".
- At the end it is said and put in the margin "Taxed judgment and registration" usually a few pounds: at the end of the hearing, it is always specified: "the spices of this hearing" which generally amount to 15 to 30 pounds.

Justice was not free under the Ancien Régime and was thus one of the main resources of the bailiff, provost and clerk. How was the distribution of legal costs within the Magistrate? In a very long judgment of August 16, 1748, which cost 13 livres 10, the details are given: "for the bailiff 3 livres, for the provost 2, for the clerk 2, for the procurator fiscal 2, for the magistrate 4, to the sergeant 10 sols."

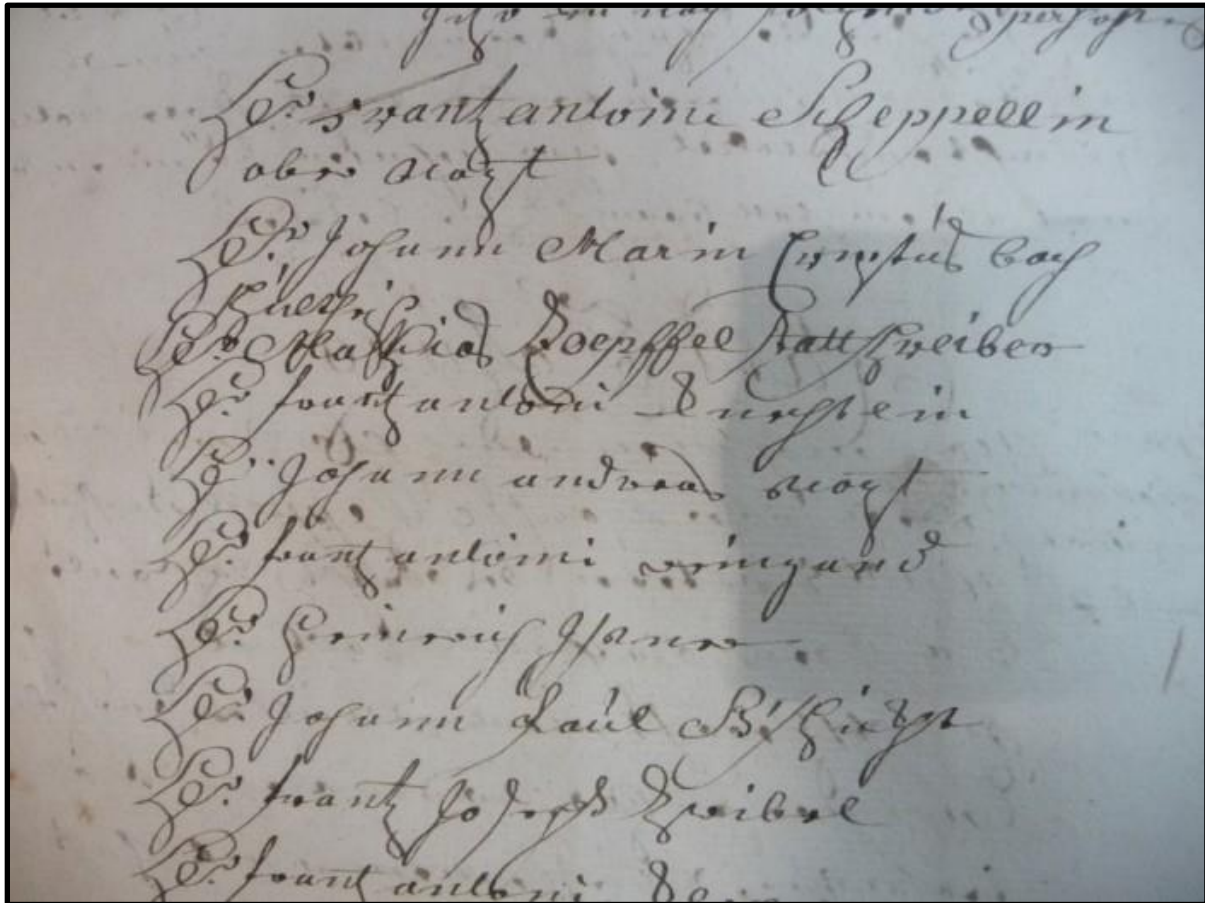
Appeals or more important trials were held at the Saverne court and, as a last resort, at the Conseil Souverain.

Judgments are usually signed by the bailiff Immelin. However, some of them are signed by Provost Bach, especially when the matter concerned the bailiff and his family or probably when the bailiff was absent or unable to attend.

In addition to these ordinary sessions, there are very regular sessions devoted to the affairs of the municipality entitled "Heimlicher Rathgehalten" or "Geheimer Rathgehalten" which can be translated as a meeting of the council in private and therefore not public, probably in opposition to the court hearings which were supposed to be public. It was during these sessions that the magistrate proceeded to appoint all the positions of responsibility or functions in the Community, some of which were Sultz and Wuenheim.

I.2. Provost Jean Ernest Marin Bach, provost of Rouffach in 1749

Jean Ernest Marin BACH became provost of Rouffach at the beginning of 1749 (between January and March, perhaps gradually), thus quickly taking over from his maternal grandfather Humbert Marin STRENG. Before his death (at the age of 78?), his handwriting is no longer very certain, as can be seen in these photos. In January 1749, on the minutes of the meeting of the Rath, he is said to be the Schultheiss, i.e. the provost.



Session of the Rath on 21 January 1749: Frantz Antoine Scheppelin Grand Bailiff, Johan Marin Ernst Bach Schultheiss

In addition to the bishop's 100 livres of wages, he was paid 72 livres by the Commune of Rouffach.

In the same file[5] in the municipal archives, there is the provost's oath:

Each provost swears to be faithful and affectionate to his Highness Lord, to return to his own benefit and return what is against his interests, to take an oath in the city councillors at certain limits, and in matters of sentence to collect the votes. And as it often happens that some burghers give him his advice and assistance in certain matters, he must not refuse them, on the contrary, give them his advice faithfully and in the best way he sees fit, will be obliged to keep the secret, will be obliged to do his best for the service of the magistrate and the bourgeoisie, to hold the hand that it be maintained in their ancient rights and privileges, and generally does all that can be answered for before God and the high judges.

The provost swears to preside faithfully and to collect the votes of the magistrate, and if the votes are equal, he shall decide to the best of his ability, and shall be obliged to keep the secret.

[1] A.D.H.R. 3G Bishopric of Strasbourg carton 55.

[2] A.D.H.R.: 3E 12 to 15: Communities of inhabitants, registers of municipal deliberations of the city of Soultz

[3] Rouffach Municipal Archives

[4] AMR: BB 124

[5] AMR: BB 124

II. Joseph Antoine Bach 1729-1834, bailiff of Ollwiller from 1754 to 1789

François Antoine's son was bailiff of the lordship of Ollwiller, whose lord was the Count of Waldner. This seigneurie was a very small seigneurie composed of a few villages which the Count of Waldner had evidently acquired for his own profit: exchanges, sales, and purchases were carried out somewhat like shares today; These villages were very far from each other and it is difficult to see the reasons for this today. Besides, I wonder how the bailiff could take care of all these villages so far away.

The Bailiff was the lord's man appointed and dismissed by him; He was there primarily to exercise the Lord's justice and enforce order. Hoffmann says in his book on Alsace in the 18th century: "The bailiffs depended on the lords, they were appointed and dismissed by them, so that in order to avoid their dismissal, they very often followed the wishes of the lord, often at the expense of justice".

On 19 April 1765 d'Aigrefeuille urged the subdelegate general to be suspicious of Sieur Bach: "This young bailiff owes his whole being to M. de Waldner, whom he will consult, before saying anything to you." It must be said that d'Aigrefeuille was the unfortunate rival of the Bailiff Bach, for he coveted the office of M. Stadel de Fontenelle for the recovery of the capitation of the nobility of Alsace, which was given to the Bailiff Bach...

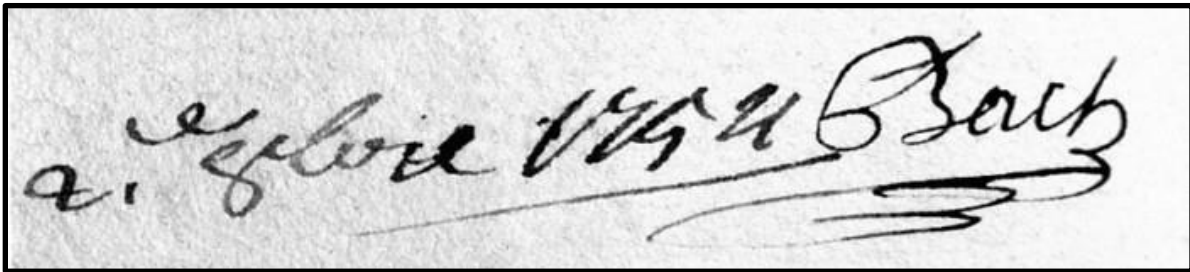
The French monarchy was very quickly concerned about the competence and quality of bailiffs and office holders, so much so that, when a man was provided with an office, he had to apply for it before the Sovereign Council of Alsace. After examination and information about his life and morals, the Sovereign Council decided and he had to take the oath, as shown by his appointment to the office of Bailiff of Berrwiller or Ollwiller[1].

- On September 16, 1754 to the First Chamber of the Council: "Petition presented by Me Joseph Antoine Bach, lawyer to the Council, in order to be received as Bailiff of the seigneurie of Berrwiller, there has been a petition to be shown."
- Then, on Friday, September 20, 1754: "Mr. Bach, lawyer at the Council, endowed with the office of bailiff of the Bailiwick of Ollwiller, having entered the chamber and having opened the body of law, has fallen upon the law? proposed third to the Code, Title 63 of Guardianship and it was ordered that he should bring it back next Monday."
- So he has two days to work... On Monday, September 23, 1754: "Mr. Bach, lawyer to the council with the office of bailiff of the Bailiwick of Ollwiller, having entered the chamber, reported the law (proposed, in the code of title 63 of tutelis?), on which he had come upon last Friday, and after

having been examined both on the said law and on the ordinances, he was found capable and Mr. Zaiguelius[2] was invited to go to the first chamber to certify the recipient's ability."

He was thus bailiff of many villages, almost all to the Count of Waldner, but dispersed. However, as few archives remain, it is difficult to know precisely what the activities of Bailiff Bach were, as a seigneurial bailiff: those of Staffelfelden disappeared during the Revolution; the records of the administration of the Bailiwick of Biesheim are lost... On the other hand, in the notariat of Ollwiller, for Berrwiller, Hartmannswiller and Rimbachzell, and in that of Sierentz, we find some traces of Joseph Antoine Bach's activity, which allow us to concretize his work to some extent[3].

In Ollwiller, as early as 1754, we find his first signature as a Bailiff.

A black and white photograph of a handwritten signature in cursive script. The signature reads "Joseph 1754 Bach" and is enclosed in a rectangular border.

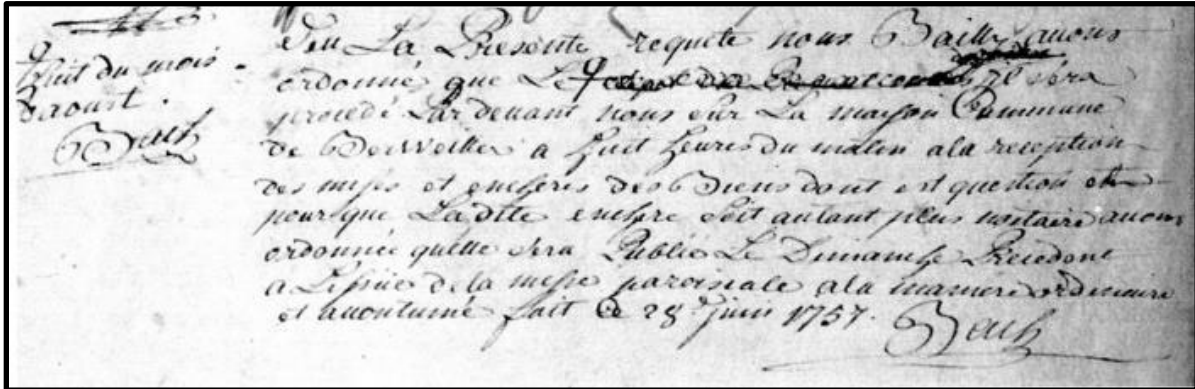
First signature of the Bailiff Bach in 1754 in Ollwiller

As early as 1754, and many times thereafter, we find the register of hearings and the way in which Joseph Anthony Bach exercised justice, going to his audience, located in the common houses of the Communities of which he was Bailiff. Thus in Berrwiller, it is said according to the common formula: "At the request of M. ..., the sergeant summoned M. ... to be on Monday the 25th at 8 o'clock in the morning before the Sieur Bach, bailiff in his usual audience at a place called Berrwiller, to answer... Or, as here, in Rimbachzell, in 1766:

He mainly settled disputes between members of the seigneurie.

- For example, the first document found by Bailiff Bach is a petition from a farmer in Pulversheim, asking Bailiff Bach to summon his 1era An inhabitant of Berrwiller and his wife, who owed him an obligation of 300 pounds, in order to make them pay the sum demanded.
- There are several appointments of experts, following the contestation of a property: the parties go before the Bailiff who gives his sentence, but who requests that experts be appointed by both parties. This may require several interventions by the Bailiff, in the event of refusal by one of the parties, of which the minutes are recorded. Finally, the experts were summoned "to our ordinary audience" to take an oath before the Bailiff "to carry out the estimate ordered by the sentence and to draw up the report. All this is taxed for us 2 pounds for the clerk 1."
- These are the signing of contracts or agreements. For example, for the ratification of an agreement between a man and a woman separated from property, he deducts one pound 10 for himself, one pound for the clerk and one pound also for the fiscal.
- It can also be an auction of goods, written as follows: "In view of the request, we have ordered that it will be proceeded before us on the common house of Berwiller at eight o'clock in the morning at the reception of the bidding and auctions of the goods in question and in order that the

said auction be all the more usual we have ordered that it be published on the previous Sunday at the end of the parish mass at the end of the parish mass. in the usual and ordinary manner, made on the 28th day of June, 1757. »



Auction (see text above)

- Following a dispute over the boundaries of the property, there is a descent and view of the premises by the Bailiff himself, two experts and interested persons, who must bring their title deeds. He begins the report thus: "We have just transported ourselves to the meadow"... They observe the location of the property markers, one of which has disappeared. They rummage around and find a tumbled stone near the river; But, after washing and examining it, experts believe that it cannot be a boundary stone. They look at all the clues, the stakes, the location of the houses, the location of a walnut tree, etc. "Taxed by us, travel and day 9 pounds, for the clerk 6 pounds, for the 2 experts 2 pounds 8."

He seals.

He is present several times for the affixing of seals, usually at the request of the procurator fiscal, when there is difficulty or danger to the inheritance; then, when these seals are lifted, ensuring that the inventory conditions are ensured or when the heirs are present. Thus at Hartmannswiller, on May 21, 1764: "Immediately we entered the stove where we found a fir cupboard with two leaves on which was placed the provisional seal of the provost on which was placed the said cupboard, on which we likewise affixed the seal by a strip of paper in the shape of a cross and sealed with our arms at both ends; From there we went into the room next to the stove and found there a little old sideboard on which we likewise affixed a strip with our stamp at both ends." Then in the cellar, attic, etc. "Taxed for us 6 pounds, for the clerk 4 pounds, the procurator fiscal 4 pounds."

He closes several inventories after death and opens wills.

Thus a document of 1785 begins as follows: "May it please Mr. Bach, bailiff of the lordship of Hartmannswiller, to order that in your presence the closed will made by Pierre Burghard, bourgeois of the said place and deposited in the registry of the court, shall be opened, since the said Burghard has just died without leaving any children." The co-heirs ask to appear before the Bailiff, so that he can open the will and draw up a report. The Bailiff set an appointment for April 27 at 7 a.m., at the common house of Hartmannswiller, with the 7 witnesses; He then proceeds to open and publish the closed will, surrounded

by a blue and sealed thread, in the presence of the tax attorney, the clerk, the 7 witnesses and the interested parties who all sign.

He proceeds with a judicial lease.

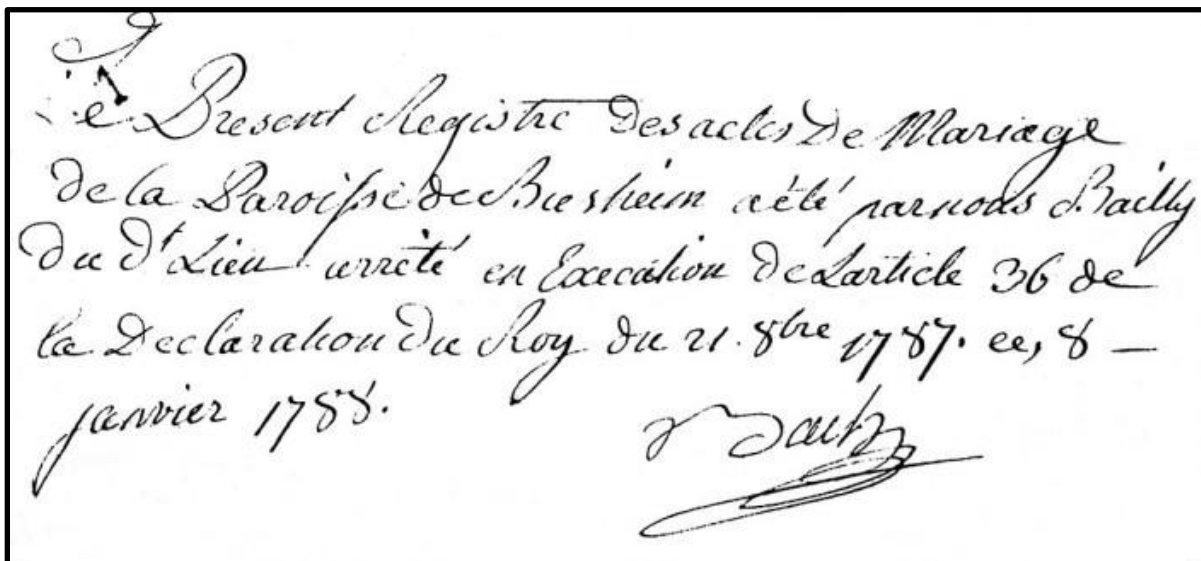
Also in Hartmannswiller, he also proceeded to a judicial lease of property seized at the request of a Jew after there had been: "the necessary publications on the previous Sunday at the end of the divine service at the said Hartmannswiller. This in the year one thousand seven hundred and sixty-three, on the twenty-seventh day of the month of April, at eight o'clock in the morning, before Joseph Antoine Bach, bailiff of the lordships of Hartmannswiller and Berwiller, in our ordinary audience."

He carried out three surveys of corpses, found in Berwiller or Hartmannswiller. He then led the investigation to identify the circumstances of the death with witnesses and eventually called in Mr. Dirwell, a sworn surgeon from the town of Soultz. For example, he makes a report for a 14-year-old child who froze to death during the night... and gave permission "to have him buried in the Holy Land according to the rites of the Catholic, Apostolic and Roman Church." "Paid to the bailiff 9 livres, to the clerk 6 livres, to the procurator fiscal 6 livres, to the surgeon 6 livres, to the provost 2 livres, to the weissel for his travels 2 livres, to the two guards one pound each."

We can therefore see the diversity of its functions, which also stem from the police and the maintenance of order.

He controlled, apparently by royal order, the parish registers.

- In Biesheim, in January 1788, he drew up the registers of baptisms and marriages as follows:



*Le Present Registre Des actes De Mariage
de la Paroisse de Biesheim a été par nous B. Bailly
du d^t Lieu arrêté en Execution de l'article 36 de
la Declaration du Roy du 21. 8^{bre} 1787. ce, 8 -
janvier 1788.*

"The present register of marriage certificates of the parish of Biesheim has been by us Bailly of the said place decreed in execution of article 36 of the King's declaration of October 21, 1787."

- In Hartmannswiller, he made a report of 4 pages, attesting to all the verifications made in the same year 1787, beginning as follows: "In the year one thousand seven hundred and eighty-seven, on the thirty-first day of the month of December, We, Joseph Antoine Bach, Bailiff of the lordship of Hartmannsweiler, went to this village to in accordance with the king's declaration of October 21 of the same year, pasting and initialling the new registers of the deeds of Baptism, marriages and burials of this parish and this operation having been completed in execution of the said ordinance, we have been represented by Mr. Hassendorfer, parish priest of this parish and juror of the rural chapter, the three old registers currently existing there."
- He examines them, noting that the oldest one beginning in 1584 must be bound in order to be preserved, notes the gaps, describes them, observing the absence of signatures contrary to the king's orders. The last one, on the other hand, is well done according to the royal ordinances.

It processes guardianship accounts. In the notarial office of Biesheim, only guardianship accounts remain, all signed by the Bailiff Bach.

He hears cases before the Sovereign Council. In Sierentz, he tried a trial before the Sovereign Council, at the request of the procurator fiscal of the said seigneurie, judging a Jew who had stolen and who was, for it, condemned to death at the wheel...

As Bailiff, he assembles the Community to elect a solvent inhabitant as receiver of the Community's patrimonial funds and proceeds to the closing of the Community's accounts.

All that remains is what has been written, which is essentially the Minutes. However, it seems that the **Bailiff regularly visits his "ordinary audience"** in the village concerned, but at what pace? People are usually summoned at 8 a.m., but how long do the sessions last? Probably on demand. It's hard to know how long this job takes him. He was usually accompanied by the procurator fiscal and the clerk of the seigneurie, who drew up the sentence or the report. He has at his disposal a sergeant for the execution of sentences, for example to make a debtor pay.

Under the Ancien Régime, justice was paid for by the inhabitants. The bailiff levies a tax on all acts he performs. It would be interesting to know more about emoluments, honours, privileges, etc. with which it is provided. According to M. Hoffmann, Bach, as Bailiff of 2 villages in the Bailiwick of Sultz (1/6th of the Bailiwick) following Sr. Immelin, from 1761 to 1777, received 263 livres per year: summonses, closing of inventories, auctions, cost of sentences, hearings of community accounts, minutes of inquiries, receptions of burghers, swearing-in of the guards of the vineyards, certificates of legalization, etc. criminal trials, gleaned from the communities' forests. Although the dates do not match exactly, these two villages are probably those of Hartmannswiller and Rimbachzell, which are two of the seven villages of which Bach was the Bailiff, but they were certainly not all of equal importance.

The lords **of Ollwiller**, especially Dagobert, seem to be harsh lords. The latter probably wants to increase his income to finance the reconstruction of the castle and maintain his high standard of living... Indeed, in several villages, the inhabitants complained about the rise in taxes when they came under the jurisdiction of the de Waldners, as noted above in Hartmannswiller. To Vogelgrun, Mr. Hoffmann says that when the village was at Vieux-Brisach he paid the sum of 270 livres for firewood, corvées, and, according to the cahiers de doléance, in 1789, with the de Waldners, he paid 400 for wood and 2 livres for corvées. In addition, Dagobert de Waldner tried to appropriate the communal forests of Biesheim as well as those of Sultz.

The Revolution interrupted Joseph Antoine Bach's term as bailiff :

60 was probably not the retirement age at that time for officers, but the Revolution abolished the offices at the same time as the privileges, on the night of August 4, 1789: Joseph Antoine therefore no longer had a job, probably from the establishment of the departments in 1790. A document found in the Archives shows that the end was probably painful: Bailiff Bach gave Berrwiller the minutes of what was probably his last session of justice in these terms[4] :

"In the year one thousand seven hundred and ninety, on the twenty-fifth day of the month of January, we, Joseph Antoine Bach, bailiff of the lordship of Berrwiller and other places, Jacques Breymann, procurator fiscal, and François Xavier Larger, clerk of the lordship, transported ourselves to the said Berrwiller to hold an audience that some private individuals of the place had requested from us, closing inventory and, among other things, the sale of a property. And having arrived there at eight o'clock in the morning, we began to register some cases from private to private and then one which concerned the seigniorial rights which the municipality of the place disputed with the lord in that they were abolished by the decrees of the National Assembly of the 4th, 6th, 7th, 8th and 11th of the month of August last and one of the attorneys having asked to speak to one of his parties, The sergeant of the audience came to report to us that there were two men on guard in front of the door of the common house where the hearing was being held, who did not let anyone in."

A discussion ensued, with the guards replying that the lord of the place no longer had any jurisdiction to exercise.

"Then, seeing that this was a concerted thing that could become serious, we adjourned the hearing and withdrew, and on leaving the said Deck said to a prosecutor, 'Was it not necessary for you to decamp?' Being a few hundred paces from the village, we heard shouts that sounded like hooting, but which the distance prevented us from distinctly understanding. »

Bailiff Bach deems it useful to report to the administration:

"As the procedure of this Community appears absolutely contrary both to the spirit of the above alleged decrees and to the good administration of the Province, and for fear that such an example should be communicated as a contagion... ».

It can be seen that relations are very tense and painful for the supporters of the old order of things and concerned about public order.

[1] A.D.H.R. 1B 319 and 321.

[2] This Zaiguelius is Francis Anthony Udalric Zaiguelius, Counsellor. He was the grandfather of the future wife (Justine Müeg) of Godefroy Joseph Bach, son of the Bailiff of Ollwiller. The family is thus in the middle of the Robe.

[3] A.D.H.R.: 4E Ollwiller 36: Miscellaneous Acts of Civil and Criminal Justice.

[4] A.D.H.R.: 4E Ollwiller Berrwiller 32 to 37.

III. The Sovereign Council of Alsace, the top of the judicial hierarchy, the creation of Louis XIV

Before 1648, the date of the reunion of the province with France, Alsace was part of the Holy Roman Empire and depended from the judicial point of view of the imperial court of Rottweil, provincial court of appeal and the imperial chamber of Speyer whose jurisdiction extended to the whole Empire. Between them and the courts of first instance, there existed in some of the great lordships intermediate courts: the regencies of Saverne for the lands of the bishopric of Strasbourg, of Guebwiller for those of the prince-abbots of Murbach, of Bouxwiller for the lordship of the counts of Hanau-Lichtenberg, of Riquewihr for the estates of the dukes of Würtemberg, and above all the regency of Ensisheim for the langraviate of Upper Alsace, dependent on the Archdukes of Austria. And it was by relying on this Austrian regency that the King of France introduced his justice in Alsace.

The implementation is slow after several initiatives. In 1679, the royal jurisdiction was established in Vieux-Brisach (on the right bank of the Rhine), then on an island in the Rhine, in the new town of Brisach (Ville de Paille). In 1698, after the Treaty of Ryswick, its jurisdiction increased with the 10 towns of Alsace of the Decapolis and the Council, now sovereign, was definitively transferred to Colmar; It was there that he affirmed his true vocation. The appointment was then made according to the principle of the venality of offices, finally by a royal edict. The Conseil Souverain is now composed of two chambers, one for civil and the other for criminal appeals, alternating each year.

The Sovereign Council of Alsace endeavoured to ensure that the Alsatians had a more enlightened and prompt justice system in the lower courts, seigneurial and municipal. It regulates the recruitment of judicial personnel who must register and take an oath before it. As early as 1679, he forbade gentlemen to administer justice themselves, registered provisions, took their oath and demanded a minimum of capacity from them (cf. Ollwiller), controlled the rules of minutes and contracts, and saw to it that the procedure followed by inferior courts was regular.

Its role was the same as the other parliaments of France, but it was very important in Alsace because justice was very different depending on the place and the status of the people: we followed Roman law, but also local custom and French law...

- For ordinary justice, the CSA heard in the first instance all persons abbots, priors, ecclesiastical communities, princes, lords and gentlemen, but also lawsuits concerning fiefs.
- The CSA judged on appeal the sentences of inferior judges, judges of churches, Reform and Lutheran consistories and consistory of rabbis, for a more effective work of justice.
- In addition, the CSA played an administrative role by registering royal edicts and ordinances, and issuing regulations.

It was the sovereign council that made a province out of this dust of free cities, principalities, or lordships. The documents I found are a panegyric of the work of the CFS!

All these institutions were suppressed at the Revolution; The Constituent Assembly abolished all venality of office and created, in the name of national sovereignty, judges elected by the population with several degrees: court of peace, court of first instance and court of appeal. Under Napoleon Ier, judges were appointed, and then re-elected with the return of the Republic.

All this information is not directly relevant to genealogy, but it does bring a bit of reality to the life of towns and villages. If your ancestors had dealings with the law, you can search in the registers of the Rath or, for the CSA, in series 1B of the Archives d'Alsace (catalogue).

Odile Bach, member of the Île-de-France section of the CGA