

Electeur Ferdinand Maria of Bavaria

Bavarian Imperial Politics during the Interregnum 1657-58

von
Anette Bangert

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Preface	7
Abbreviations	9
Notes	9
Introduction	11
1. General	19
2. Bavaria	49
3. The Vicariate	95
4. The French Connection	131
5. Initial Negotiations with the Habsburgs	183
6. Preparations for the Election in Frankfurt	203
7. The Treaty of Waldmünchen and the <i>Wahltag</i> in Frankfurt	237
Conclusion	281
Bibliography	287

Preface

The unexpected death of Emperor Ferdinand III in April 1657 left the Holy Roman Empire without a King of the Romans and consequently facing an interregnum prior to the election of a new Emperor. The result was an exceptionally long interregnum creating the first test the imperial institutions had to face since the constitutional changes introduced by the Peace of Westphalia in 1648. The choice of Habsburg candidate was not immediately clear. Some of the Electors were undecided and, under Cardinal Mazarin's influence, France used this opportunity to influence the election by proposing several candidates.

Recent historiographic research has focussed on the imperial institutions and how their function affected the Empire as a whole. This case study seeks to demonstrate how the Bavarian Electorate adapted to, manipulated and influenced imperial politics during the interregnum. There were two principal issues concerning Bavaria at this time: the imperial election and the imperial vicariate. Mazarin's most serious imperial candidate was Elector Ferdinand Maria of Bavaria, whose wife Henriette Adelaide, a Sabaudian princess, was Mazarin's chief ally. However, the Bavarian Dowager Electress, in league with senior Bavarian courtiers, maintained a strong pro-Habsburg influence over the twenty-year-old elector. Ferdinand Maria's decision to support the Habsburg candidate Leopold, King of Bohemia, led to a mutual defence alliance. For Bavaria's benefit this was important because to the potential threat from Elector Karl Ludwig of the Palatinate, with whom Bavaria disputed the title of Imperial Vicar for the Bavarian, Rhenish, Swabian and Franconian Imperial Circles.

There has been no comprehensive research completed on Bavaria's overall position during the interregnum and this investigation looks

to rectify this situation. Moreover, an exploration of Bavarian policy during this crucial period casts light on the current debates over the pre-eminent status and oligarchical aspirations of the College of Electors as a whole.

This book evolved out of my doctoral thesis.

Anette Bangert
February 2008

Abbreviations

AAE	Archives du Ministère des Affaires Étrangères, Paris
BA NF	Briefe und Akten zur Geschichte des Dreißigjährigen Krieges, Neue Folge
BHStA	Bayerisches Hauptstaatsarchiv, Munich
Corr Pol	Correspondance poliiques
fl	Gulden
Kschw	Kasten schwarz
MD	Mémoires et Documents
Rt	Reichstaler
ZBLG	Zeitschrift für bayerische Landesgeschichte
ZfB	Zeitschrift für Bayern und den angrenzenden Länder

Notes

Proper Names

All proper names have been kept in the original, unless there is a commonly used English version.

Dates

I have used the Gregorian calendar mostly as Catholic states had already converted from the Julian calendar. Dates according to the Julian calendar have only been kept in the original in quotes.

Money

There was no single currency in use within the Holy Roman Empire at this time. In Bavaria it was 1 Rt (Reichstaler) to 1.5 fl (Gulden). All amounts quoted from sources have not been altered.

The 1650's have been relatively neglected in recent debates by Early Modern European historians in contrast to the preceding Thirty Years' War and the emergence of Louis XIV's court onto the European political stage. The Peace of Westphalia in 1648 was to end the military conflict within the Holy Roman Empire, but the treaty's deficiencies soon became evident. In the particular case of the history of the Holy Roman Empire, one key area of neglect has been the Electoral College's first real test post-1648 – the interregnum of 1657–58. Using primarily contemporary correspondence from the Bavarian Chancery and drawing upon Axel Gotthard's study of the Electors as »pillars of the Empire« published in 1999, Bavaria is a suitable subject for a case study of the operation of medium-power politics as these developed in the political aftermath of the Thirty Years' War, specifically during the interregnum of 1657–58, by focussing on Bavaria's role and contribution to the Electors' collegiate power base and the political manipulation exercised at the highest levels within the Empire.¹ This can be aided by a revision of Bavaria's historiographical image during the interregnum by presenting Ferdinand Maria, the Elector of Bavaria, as an effective *Reichs-politiker* through his roles as Elector, Imperial Vicar and head of an Imperial Circle.

The constitutional changes brought about by the Peace of Westphalia in 1648 placed all imperial institutions in an unfamiliar legal situation. The implicit concession of territorial sovereignty to the princes of the Empire could be seen as weakening the Emperor's

1 Gotthard, A., *Säulen des Reiches*, 2 Vols., Matthiesen, Husum, 1999, Vol. 1, p 21, where he presents the electors' dual role as defenders of the Emperor, whilst also defending the imperial institution against both the Emperor and foreign threats and see p 11, fn 1, for the origin of the term »pillars of the Empire« that had already been used in the Golden Bull in 1356.

position and, coupled with the lack of an obvious imperial candidate at the beginning of the first post-Westphalian interregnum in 1657, created an opportunity for the Electoral College. Both before and during the interregnum the unity of the Electoral College was already being tested by the diplomatic manoeuvrings and the extensive foreign involvement in the candidature proposals. As well as his electoral role, Ferdinand Maria was involved in another contentious issue as Imperial Vicar for the southern German circles; which brought a dynastic dispute between the Bavarian and Palatine Electors, both members of the House of Wittelsbach, into the heart of imperial politics.

The focus will be on the imperial election and Ferdinand Maria's role as a potential candidate. The death of Emperor Ferdinand III on 12 April 1657 had left his sixteen-year-old son Leopold, King of Bohemia, as a possible Habsburg successor.² Archduke Leopold Wilhelm's support of his nephew's claim left the Habsburg succession vulnerable either to a regency until Leopold's eighteenth birthday in June 1658 or an interregnum. This encouraged the search for alternative candidates and, from Bavaria's point of view, will be the main theme, looking especially at the efforts to secure the imperial crown for a preferred candidate by both Cardinal Mazarin and the Habsburgs.

The existing war between France and Spain both prior to and during the interregnum decisively influenced France's foreign policy. Mazarin's enduring aim to break Habsburg dominance encouraged a dialogue with what were considered key territories, such as Bavaria. As Derek Croxton has recently argued, during the 1640's Mazarin had courted Elector Maximilian I of Bavaria because firstly,

2 Leopold, King of Bohemia, will be referred to as Leopold and as Leopold I when referring to him after his election to Emperor.

his interests seemed in line with those of France for the peace negotiations and secondly, the Spanish appeared to defer to Maximilian I. In effect, Mazarin had made Maximilian I the centrepiece of his evolving strategy against Spain.³ Ferdinand III's death brought the Franco-Spanish war to the forefront of France's European policy, hence Mazarin's keen interest in the imperial candidature, which led him once again in the direction of Bavaria. Following Maximilian I's death in 1651, his young son Ferdinand Maria was considered a malleable and suitable candidate. Mazarin's inclusion of Bavaria as a core part of his campaign to break the Habsburgs' dominance and support France's expansionist policy will be explored. Claude Badalo-Dulong argued in his book published in 1956 on France's dealings with the Elector of Mainz, that »the establishment of a great Catholic state centred on the heart of Europe« by the Peace of Westphalia, was regarded as a menace by the French.⁴ The continuous stream of French visitors to the Bavarian court confirmed France's attentions towards Bavaria throughout the interregnum until the spring of 1658.

The extensive Habsburg correspondence with Munich at this time will be examined to reveal the Habsburgs' fear that war in Poland would spread into their patrimonial lands and their imperial territories. This would turn a Baltic conflict into an issue of direct concern to both the interests and territories of the Habsburgs and the wider Holy Roman Empire. The effect on Habsburg imperial policy

3 Croxton, D., *Peacemaking in Early Modern Europe, Cardinal Mazarin and the Congress of Westphalia, 1643–1648*, Associated University Presses Inc, London, 1999, p 113. For an account of Maximilian I's involvement in the peace negotiations see Immler, G., *Die Bewertung der Friedenspolitik des Kurfürsten Maximilian I. von Bayern 1639–1648 in der Historiographie*, Lassleben, Kallmünz, 1989.

4 Badalo-Dulong, C., *Trente Ans de Diplomatie française en Allemagne, Louis XIV et L'Électeur de Mayence (1648–1678)*, Librairie Plon, Paris, 1956, p 12, »L'établissement d'un grand État catholique et centralisé au coeur de l'Europe eût été pour la France une menace permanente«.

was of consequence to Mazarin, who feared a new Austro-Spanish Habsburg alliance would be detrimental to France's position in its war with Spain and his own expansionist plans. Interestingly, however, for a figure whom historians have usually assumed was remarkably astute and well-informed about the diplomatic intentions of other powers, Mazarin was unaware of Ferdinand Maria's decision to support Leopold's candidacy, which involved a confidential negotiation that took place throughout the autumn of 1657.

This negotiation took place whilst the Elector of Mainz attempted to mediate peace between France and Spain. By seeking to broker peace in a foreign war at the *Wahltag* (a »voting« Electoral Diet), Mainz presented an example of an Elector's responsibility towards the welfare of the Empire, his personal »pre-eminence« and that of the Electoral College during an interregnum.⁵ The conclusion of Ferdinand Maria's negotiations with the Habsburgs will be examined through the resulting Treaty of Waldmünchen in January 1658 and the Imperial Capitulation. The capitulation was beneficial in enabling the Electors to retain their position of influence over the Emperor and the princes of the Empire but, as Gotthard concludes, with the perpetual Imperial Diet from 1663, this would become limited by the move towards a permanent Imperial Capitulation and the legal requirement for the election of a successor during an *imperio vivante*.⁶

Besides the imperial election, an investigation of other aspects of the interregnum is necessary to establish how Ferdinand Maria's actions fitted into the wider context of the Empire and Europe.

5 Gotthard, *Säulen des Reichs*, Vol. 2, p 785, where he also refers to the instigation of negotiations between Sweden and Poland. The subject of »pre-eminence« will be examined further in Chapter One.

6 Gotthard, *Säulen des Reichs*, Vol. 2, p 849.

Why did he act as he did when offered the imperial throne? Was his indecisive behaviour one of the reasons the interregnum was so long? How did he deal with the first Vicariate following the Peace of Westphalia? The politics of mid-seventeenth-century Bavaria operated on a number of different levels, generating different types of dynastic or political links; at the highest level there was the relationship between Leopold as imperial candidate and Ferdinand Maria as Elector. Another equally important link existed between the Emperor and Ferdinand Maria in his role as head of the Bavarian Imperial Circle, since imperial proclamations, enforcement of imperial decrees and implementation of the Imperial Diet's resolutions were disseminated via the head of an Imperial Circle, not via a territorial prince.⁷ The Imperial Circles played an important part in relation to vicariate issues during the interregnum.

Dynasties were also a key political element in the seventeenth century, especially with the power brokerage available through marriages. Both Leopold and Ferdinand Maria's status as ruling members of their respective dynasties and their family connection as cousins, provided a further layer in an already complicated constitutional system. It was not a question of sovereignty, but of exploiting the imperial institutions and using compromises for the benefit of dependent territories. The imperial institutions were not necessarily and inevitably a hindrance to the ambitions of territories of the Empire, and Bavaria's skilful manipulation of the imperial constitution, and its institutional structures, provided support in disputes with other territories of the Empire and strengthened Bavaria as a territorial power.

7 Hartmann, P. C., *Der Bayerische Reichskreis (1500 bis 1803)*, Duncker & Humblot, Berlin, 1997, p 498.

The Vicariate was an important imperial institution, whose operations and effectiveness were to be tested during the interregnum. The Vicariate comprised three Electors who took the place of an Emperor during an interregnum; as Imperial Vicars they took control of three defined zones of the Holy Roman Empire: the northern German Imperial Circles, the southern German Imperial Circles and *Reichsitalien*, the Emperor's fiefs in the Italian peninsula. There was no dispute regarding the Elector of Saxony overseeing the northern German Imperial Circles, but in the other two areas the situation was uncertain. The disputed claim over the southern German Imperial Circles between the Electors of Bavaria and the Palatinate proved unresolved during the interregnum.

In 1657 the dispute became part of a narrower power struggle between Bavaria and the Palatinate in the Upper Palatinate territories of Parkstein and Weiden. Ferdinand Maria had been involved as head of the Bavarian Circle but, at the request of Count Christian August von Pfalz-Sulzbach, Ferdinand Maria then became involved as Imperial Vicar and they signed a defensive alliance. The struggle also prompted Ferdinand Maria to sign such an alliance with the Imperial Arch chancellor, the Elector of Mainz, who could thus secure Bavarian military aid against a Palatine attack that might have been prompted by a rivalry over trading tariff privileges on the Rhine. The theatrical incident of the flying inkpot at the *Wahltag* in 1658 between the Palatine Elector and Dr. Johann Oexl, the Bavarian delegate, demonstrates the volatile nature of a political conflict which was heavily determined by the personal characters of the rulers involved.

The interesting parallels offered by Savoy's dispute with Mantua for control over the Italian Vicariate is also addressed as a counterpoint to Bavaria's struggle to assert control over the Southern German Vicariate. Ferdinand Maria's wife Henriette Adelaide was a Sabaudian

princess who maintained close connections with her family in Turin through regular correspondence with her mother and brother, Carlo Emanuele, the Duke of Savoy.⁸ Her intention was to use Ferdinand Maria's own position as Imperial Vicar to Savoy's advantage. The interregnum following Ferdinand III's death presented Ferdinand Maria with a challenging period and, historically, one that he can be judged to have overcome successfully. In January 1659 Bavaria's vicariate court proceedings would be accepted and confirmed by the elected Emperor Leopold I, which left the Palatinate's vicariate court proceedings legally invalid.

During the interregnum, dynasty, territory and piety were the basis of Bavarian politics, as they would be for Ferdinand Maria's entire reign. Dynastically, there were two levels: firstly, between several branches of the Wittelsbach family and, secondly, the interactions with other ruling families. There were three territorial levels: Bavaria was in competition with other territories of the Empire, the Emperor and foreign states. Although Bavaria was an electoral territory within the Holy Roman Empire, its politics were intertwined at all levels of the imperial hierarchy, thus inviting an investigation of Bavarian politics during the Empire's first post-Westphalian interregnum.

8 Henceforth Henriette Adelaide will be referred to as Adelaide.

I. General

The Peace of Westphalia was the most crucial factor in the political development of Bavaria during the seventeenth century and was no less influential for all of the territories of the Holy Roman Empire. Legally they could now extend beyond the political microcosm of the Empire to the European political macrocosm. The treaty itself was not necessarily considered such a fundamental landmark by contemporaries but simply part of a continuing process of constitutional development from which the princes of the Empire sought legality just as they did from the Golden Bull.⁹ The Peace of Westphalia's ambiguity served to perpetuate the imperial institutions' methods of negotiation and compromise by increasing the lack of constitutional clarity. This included how sovereignty in the Empire was divided between the Emperor and the princes of the Empire and perhaps especially the electoral princes, with all the sovereign implications of their electoral role.

The Peace of Westphalia augmented a movement within the college of princes for parity with the Electors and, in addition, for confessional parity within all of the diets.¹⁰ The theme of parity is presented by Axel Gotthard as a means of preventing any process of aggressive centralization of authority stemming from an agreement

9 In the conflict over the ownership of the imperial vicariate, for example, Bavaria centred its argument on the Peace of Westphalia, while the Palatinate used the Golden Bull of 1356, see Chapter Three below.

10 Haug-Moritz, G., »Kaisertum und Parität, Reichspolitik und Konfessionen nach dem Westfälischen Frieden«, *Zeitschrift für Historische Forschung*, Vol. 19, 1992, pp 445–482, p 465 and Müller, K., (Ed), *Instrumenta Pacis Westphalicae. Die Westfälischen Friedensverträge 1648* (Quellen zur neueren Geschichte 12/13), Bern, Lang, 3rd Ed, 1975, IPO, Art. 5,1, pp 10–11. From this edition I have used the German translations of the Treaties of Münster and Osnabrück published on the internet in 2004 (www.pax-westphalica.de), printed 9 February 2005. For further discussion see Schnettger, M., *Der Reichsdeputationstag 1655–1663*, Aschendorff, Münster, 1996, pp 14–26.

between the Emperor and the Electors. He recognises that the possibility of an electoral oligarchy has now been historiographically reappraised as a myth, but that the Electors' position was not so compromised as to jeopardise their internal collaboration and, when confronted with external issues that endangered the whole Empire, was equally confessional as it was supra-confessional.¹¹ However, with reference to contemporary Bavarian sources, it can be argued that the Electoral College came very close to a ruling oligarchy by using its perceived pre-eminent position in the aims and principles of its operations during the 1650's and possibly achieving a coup d'état.¹²

As long as the actions of a prince of the Empire did not threaten the Holy Roman Empire or directly challenge the authority of its supreme representative, the Holy Roman Emperor, the Peace of Westphalia had given the princes of the Empire two vital concessions: the freedom to make alliances with territories both within and beyond the Empire as well as effective territorial sovereignty. Princes had the right to collect taxes, to raise armies, to judge in last resort and to conduct foreign policy so long as this did not challenge the well-being of the Holy Roman Empire. The Emperor retained certain key marks of sovereignty: the right to recognise claimants to territories in the Empire and to adjudicate succession disputes, the right to award titles and to raise status, to legitimise illegitimate branches of princely families in ways that would be perfectly understood within the dynastic context of politics. He retained an undoubted set of »sovereign« rights over princes – they were still his vassals in crucial and, to some extent, personal respects. The question of sovereignty

11 Gotthard, *Säulen des Reichs*, Vol.1, see p 27 for the »Zweifrontensituation«, consisting of confessional and supra-confessional imperial politics running parallel to each other within the imperial institutions, and Vol. 2, pp 846–8.

12 See Chapter Six below.

remained as ambiguous post-1648 as it had been before, despite the two constitutional changes that de-centralised the imperial institutions' power base, which then empowered the princes of the Empire and their diets. France had wanted the term »sovereignty« used, but this was not accepted and the more specific terms *ius territorialis* or *Landeshoheit* were adopted.¹³ The territorial sovereignty the princes of the Empire were granted by the Peace of Westphalia had a direct impact on their ability to realise their territorial or dynastic ambitions.

After the Peace of Westphalia, the Elector of Brandenburg used the Second Polish War (1655–60) to enhance his status by gaining sovereignty over the Duchy of Prussia from Johann Casimir, King of Poland, thereby setting in motion a chain of events that would lead to his son Friedrich's coronation in 1701 as King in Prussia.¹⁴ Bavaria, on the other hand, had only recently been elevated to the Electoral College in 1623 and the long-term importance of retaining this hereditary seat for Bavaria will be assessed in comparison to the short-term position of Emperor in the next chapter. Ferdinand Maria was willing to sacrifice his imperial candidacy if, ultimately, it were considered detrimental to Bavaria. His ambition was therefore aimed at fighting the Palatinate for retention of the Imperial Vicariate and at keeping in favour with his Habsburg relations. To this effect, Ferdinand Maria did not hesitate to sign defensive alliances, as will be shown – for example with the Elector of Mainz, Christian August von Pfalz-Sulzbach and most importantly with the future

13 Quint, W., *Souveränitätsbegriff und Souveränitätspolitik in Bayern (von der Mitte des 17. bis zur ersten Hälfte des 19. Jahrhunderts)*, Duncker & Humblot, Berlin, 1971, pp 29–30, France's suggestion was »que tous les Princes et Etats en général et en particulier, seront maintenus dans tous les autres droits de souveraineté qui leur appartiennent«.

14 See Friedrich, K., *The Other Prussia: Royal Prussia, Poland and Liberty, 1569–1772*, Cambridge University Press, Cambridge, 1999.

Emperor Leopold I. In this way smaller territories drew up alliances between themselves to create either a political or geographical power base as a course of defence or to further their aims. Bavaria was also making use of its association with the powerful Habsburgs; in effect benefiting from their means of intimidation of less powerful smaller territories.

Did the Peace of Westphalia therefore convert the Empire into a collection of virtually autonomous territories, or was the Empire still recognised as a single entity in its own right? The answer is undoubtedly a combination; certainly the Peace of Westphalia did not threaten the preservation and continuance of the Empire. Prior to the Thirty Years' War the theoretician Johannes Althusius (1557–1638) had not given much attention to foreign politics in his *Politica* (1603). He had stressed political pluralism for the government of the Empire.¹⁵ Samuel Pufendorf's (1632–1694) assessment of the post-Westphalian constitution of the Holy Roman Empire pointed out that although the German princes sought to retain their »liberty« vis-à-vis the Habsburgs, they not only helped create a Germany of factions, but detrimentally gave any foreign powers with whom they had alliances »an opportunity to mould Germany to their own particular interests and wills«. ¹⁶ The dangers to the Empire from the influence exerted upon individual princes by foreign powers was

15 See Schilling, H., »Johannes Althusius und die Konfessionalisierung der Außenpolitik – oder: Warum gibt es in der *Politica* keine Theorie der internationalen Beziehungen?«, in Carney, F. S., Schilling, H., Wyduckel, D., (Eds), *Jurisprudenz, Politische Theorie und Politische Theologie*, Duncker & Humblot, Berlin, 2004, regarding Althusius's emphasis on internal politics and lack of theory on foreign policy. See also Wilson, P. H., *Absolutism in Central Europe*, Routledge, London, 2000, p 39.

16 Schröder, P., »The Constitution of the Holy Roman Empire after 1648: Samuel Pufendorf's Assessment in his *Monzambano*«, *The Historical Journal*, 42, 4, 1999, pp 961–983, see p 970, and quoting from Bohun, E., *The present state of Germany written in Latin by the learned Samuel Pufendorf under the name of Severinus di Monzambano Veronesis*, London, 1696, p 182.

apparent and was possibly a reason why Bavaria did not join the Rhenish Alliance in 1658.

Following the imperial election in July 1658, the Rhenish Alliance was signed the following month between various western territories of the Empire as a means of protecting themselves against the ravages of any transiting troops provided by the young Emperor to aid his Spanish Habsburg relations in the Spanish Netherlands.¹⁷ During the interregnum Bavaria had also taken advantage of defensive alliances with two territories of the Empire: one with the Elector of Mainz and the other with Christian August von Pfalz-Sulzbach. Both alliances were drawn up to defend themselves from the Palatine Elector Karl Ludwig, to maintain peace in the Empire and to curb foreign military intervention within the Empire.¹⁸

Territorial sovereignty, like alliances, allowed for greater flexibility of dynastic ambitions which, for the Wittelsbachs, involved both confessional and political goals. The family was split between two confessions and with representatives of both confessions in the Electoral College, the treaty of 1648 made an impression at both dynastic and territorial levels. The threat to territorial integrity, if one of the dynasties proved unable to maintain the succession, would only be exacerbated by the presence of lively confessional antagonisms.¹⁹ In

17 For a detailed study of this alliance see Joachim, E., *Die Entwicklung des Rheinbundes vom Jahre 1658 (8 Jahre reichsständischer Politik 1651–8)*, Veit & Comp., Leipzig, 1886 and Schnur, R., *Der Rheinbund von 1658 in der deutschen Verfassungsgeschichte*, Bonn, 1955.

18 For further discussion see Chapter Three.

19 Kunisch, J., »Der Nordische Krieg von 1655–1660«, in Durchhardt, H. (Ed), *Rahmenbedingungen und Handlungsspielräume europäischer Außenpolitik im Zeitalter Ludwigs XIV.*, Zeitschrift für Historische Forschung, Beiheft 11, Duncker & Humblot, Berlin, 1991, pp 10 and 18. Kunisch uses as an example the confessional difference between the Swedish and Polish Vasa dynasties, which led to the Second Northern War. I have borrowed Robert Frost's term and called the war of 1655–60 the Second Northern War. See Frost, R., *The Northern Wars:*

2. Bavaria

In the early twentieth century an undated document was found in the Bamberg Regional Archive, which clearly listed in six points the reasons why Ferdinand Maria declined the imperial candidacy in 1657.⁹³ Although Anton Dürrwaechter did not find the *rationes* amongst the other files in the archive relating to Johann Oexl's correspondence, he presumed they were meant for Oexl to use as he saw fit.⁹⁴ The first point indicated that Ferdinand Maria was not obsessed with the idea of his dynasty's fame but the Emperor's title would be a »honor cito transitorius« and »das Churhaus Bayern dadurch nicht sonders gebeßert sein dörrfte«. Then there were the varied costs incurred by an Emperor, which would empty Bavaria's coffers of its well-managed savings of many years to supplement the inadequate imperial income. The *rationes* stressed the »periculos« faced by anyone wanting to take the crown away from the Habsburgs. They had held the position for so long that they would be unwilling to relinquish it to anyone else, to the point to making use of »omnibus modis et mediis« including force. This statement indicates a strong suspicion that by the mid-seventeenth century the Habsburgs »sich ungern werde ausgeschloßen sehen« from the Imperial throne. Bavaria was in no position to resist alone, she had to rely on »dahero sich anderer Assistenz und Hülffte zu bedienen haben müste«. Support from either within or without the Empire would have put Bavaria in a very vulnerable position. Not only would her interests have threatened any agreement, her bargain-

93 Dürrwaechter, *Geschichte*, pp 583–584, Article I, *Rationes*, and p 553, fn 1, where he stated that no copy of this document could be found at the Bavarian State Archive in Munich.

94 Dürrwaechter, *Geschichte*, p 553, »die Rationes ... lag leider nicht in dem von einer älteren archivalischen Hand geordneten Teile der Öxelschen Korrespondenz, sondern in einem nur obenhin zusammengerafften Faszikel ... ist zweifellos bayrischer Herkunft, wahrscheinlich in seinem Original für Öxle selbst bestimmt gewesen, um je nach Bedürfnis verwendet zu werden«.

ing power would have been weakened. Lastly, it identified a benefit rather than a deficit. Ferdinand Maria would have been in a position to benefit from Habsburg favours as recompense for his vote. The safety and peace of his territory, as well as his acquired lands and dignities, could be maintained.⁹⁵

The significance of the *rationes* is that it collated the varied reasons which were raised separately in other correspondences. For example, in a letter to his cousin Maximilian Heinrich, the Elector of Cologne, dated 20 June 1657, Ferdinand Maria questioned whether he

95 Dürrwaechter, *Geschichte*, p 583: »1. Scheine nicht alzugroße Hoffnung von einiger Posterität Ihrer Churfrl. Durchl. obhandten sein wolte, und dahero, wann schon die Kayserl. Würde und Crohn auf I. Churfrl. Durchl. kommen solte, es ein *honor cito transitorius* und das Churhaus Bayern dadurch nicht sonders gebeßert sein dörrfte. 2. Seye die Annehmung der Kayserl. Würde und Führung eines Kays. Staats gantz costbar und würden bey solcher wohl guthen und mehrertheils alle die von langen Jahren und zeithero durch gute Menage ersparte Mittel und Gelder angewendet und dabey zugesetzt werden müßen, weilm aus des Reichs Mitteln zu dergleichen Staatsführung nichts mehr übrig. 3. Seye es periculos, in deme das Ertzhaus Österreich von solcher so lange Zeit und Jahr bey dero Hauß erhaltener Kayserl. Dignität und Röhmschen Crohn sich ungern werde ausgeschlossen sehen, sondern vielmehr *omnibus modis et mediis* dabey zu maintainieren trachten; auch dannenhero dem Churhaus Bayern wohl etwa gar mit Gewalt zusetzen dörrfe wollen, welchen zu resistiren Churbayern allein nicht allerdings sufficient und bastand sein und dahero sich anderer Assistenz und Hülffe zu bedienen haben müste. 4. Solche Assistenz nun bestundte in ausländischer und des Reichs Hülffen. Gleichwie aber gantz gefährlich und mißlich sich auf frembder und auswerti-ger Crohnen und Potenten Hülffe und Assistenz zu verlassen, also were es bey so vielerley unter den Ständen des Reichs stätig ereignenden Differentien, Partikularinteressen und Absehen auch ganz möslich und sich nicht sonders darauf zu verlassen. 5. Zumahln so ausländischer als inländischer Assistenz und Hülffe sich zu bedienen sehr costbar, auch der Ausgang bey dergleichen Händeln *dubius* – dahero das Churhaus Bayern bey Annehmung solcher Kayserl. Crohn und Würde sich fast in größerer Gefahr als Sicherheit dero Staats sehen dörrfte. 6. Hingegen und wann das Churhaus Bayern mit Abgebung dero Stim und *voti* auch andere guthen Officien dem Ertzhaus Österreich favorisiren und zur Röm. Crohn mit beförderlichen sein, daßelbe nicht so unerkendlich sein und solchen favor ohnrecompensirt laßen, sondern sich gegen dem Churhaus Bayern hinwieder dankbarlich bezeugen, also daß dieses auf solche weiß mit mehrer Sicherheit und Ruhe seinen Staat und acquirirte Landte und Dignitäten würde führen und erhalten mögen«.

possessed reliable sources of funds to cover the costs of maintaining an Emperor's ceremonial status. He also pointed out the continuing lack of cohesion between the territories of the Empire that might lead to the danger of foreign powers inciting fresh disturbances within the Empire, for which the Emperor would have to take responsibility financially and consequently put his own territory at risk. Ferdinand Maria was not willing to jeopardise his dynasty's »pre-eminent electoral dignity«, risk losing »good friends« and territory, nor put himself in the position of reliance for the sake of such »doubtful events«. After listing the negative reasons he might suffer, he added that he would rather »conserve the common good, the Catholic church and the Empire itself in preference to his own private interests«. ⁹⁶ A letter written by Maximilian Kurz in early November 1657 implied that Ferdinand Maria would be unwilling to swap a recently acquired, yet dynastically permanent, electoral title for a temporary imperial crown with a lack of funds and consequently burden other territories of the Empire for extra contributions or resort to dependence on foreign support. ⁹⁷ Unlike the previous letter, it took the line of the *rationes* and made no sentimental mention concerning an elector's duty. ⁹⁸

The interregnum of 1657–58 was not the first imperial election for which the Bavarian Elector had been considered a candidate. To put the Bavarian involvement in the events of the interregnum of 1657–58 into historical context, a review is necessary of the background to the imperial election of 1619 and other significant aspects in the continuing seventeenth-century contest between the Bavarian and Palatine branches of the Wittelsbachs. These include the proposal of

96 Dürrwaechter, *Geschichte*, p 584–585, Article II, Extract from a letter to the Elector of Cologne from Ferdinand Maria, 20 June 1657.

97 Heide, *Wahl*, p 35.

98 Dürrwaechter, *Geschichte*, p 554.

a Bavarian imperial candidate, the transfer of the Palatinate electorship to Duke Maximilian I of Bavaria by Emperor Ferdinand II in 1623, the creation of an eighth electorship for the Palatinate in the Peace of Westphalia and the subsequent discussions regarding the imperial vicariate that reached a climax during the long interregnum of 1657–58.

Unlike the sudden death of Ferdinand III, the death of the elderly Emperor Matthias in 1619 was not unexpected and Ferdinand, Archduke of Styria, a member of the Habsburg family, had already been elected as King of Bohemia. This was thought to guarantee the Habsburgs a favourable casting vote at the *Wahltag*, although another candidate could potentially have been put forward. On this occasion Frederick V, the Calvinist Elector of the Palatinate, proposed that Maximilian I of Bavaria accept the candidacy.⁹⁹ As early as 1616 Frederick V had suggested Maximilian I become the head of a German supra-confessional league to create a counter-balance to the overpowering influence of the Catholic Habsburgs.¹⁰⁰ As a weaker minority in the Electoral College, the Protestants could not find sufficient support for a Protestant candidate, but felt Maximilian I less able to impose the Catholic Church's assertive and threatening requests and believed his lack of political power in comparison to the Habsburgs would make him dependent on allies. He was a pragmatic ruler despite his reputation as a conscientious Catholic and

99 For further discussion of Frederick V's *Kaiserpolitik* see Bangert, A. C., »Accident or Design: Bavarian Diplomacy in the Imperial Election, October 1617 – October 1619«, M. A. Diss., University of the West of England, 1999, pp 25–36; Altmann, H., *Die Reichspolitik Maximilians I. von Bayern 1613–1618*, Oldenbourg, Munich, 1978, pp 201–207, pp 216–220 and Albrecht, *Maximilian I*, pp 476–481. For primary sources see Franz, G., (Ed), *Briefe und Akten zur Geschichte des Dreißigjährigen Krieges: Die Politik Maximilians I. von Bayern und seiner Verbündeten 1618–1651*, Part 1, Vol. 1, Oldenbourg, Munich, 1966.

100 Maximilian I had previously proven himself an apt and successful leader when he reclaimed the town of Donauwörth in 1609 for the Catholic Church.

that would have made him a suitable alternative to a Habsburg for the Catholic majority at the *Wahltag*.

However, Maximilian I was suspicious of being used as a confessional pawn to further Calvinism and politically he did not want to act contrary to the Golden Bull, which stated that a successor should not be chosen prior to the death of the ruling Emperor. Maximilian I's realism also ran counter to Frederick V's optimism, despite their mutual concerns for a free election and German liberty relating to Habsburg domination of imperial politics.¹⁰¹ In order to produce a *fait accompli* at the death of Emperor Matthias, Frederick V had enlisted the help of France, Lorraine, Saxony and Maximilian I's brother, the Elector of Cologne, but this proved unsuccessful, although Maximilian I was willing to hold secret discussions with Frederick V. This secrecy enabled a game of high power politics, well beyond that of an elector, yet maintain an innocent public façade. Maximilian I's political ambition made the Palatine proposal appealing and if an imperial candidature was proposed by the Protestants, then the least reward he could expect for his loyalty to the Catholic faction was an Elector's title. He could achieve this without compromising his piety, without disagreeing with his most powerful Habsburg neighbour, and without putting himself beyond his financial and political means. Maximilian I had played a dangerous game of political manipulation and had successfully won when the Habsburgs bought his loyalty with the Treaty of Munich which was signed on 8 October 1619 by the recently crowned Emperor Ferdinand II.

After all, there were three Catholic ecclesiastical Electors alongside the Elector of Bohemia and Maximilian I was not willing to contra-

101 As stressed in the case of Frederick V by Pursell, B. C., *The Winter King, Frederick V of the Palatinate and the coming of the Thirty Years' War*, Ashgate, Aldershot, 2003, p 3.

3. The Vicariate

The cry of »The king is dead, long live the king« expressed what would be considered the most common type of transition from one ruler to his successor in the seventeenth century. This was true of the Empire's secular territorial princes, but not of the Catholic ecclesiastical princes, nor of the Emperor himself. The responsibility of choosing a new Emperor was a privilege held by the highest ranking princes, the Electors. Any delay in finding an obvious candidate caused another one of the Empire's political institutions to take effect. During an interregnum the Emperor's responsibilities were carried out by three Imperial Vicars, each of whom was responsible for a different group of Imperial Circles. The exceptionally long interregnum from April 1657 to July 1658 was the first one following the Peace of Westphalia and was an important test for the Imperial Vicars. The Elector of Saxony was responsible for the Imperial Circles of northern Germany. The Duke of Mantua was Imperial Vicar for Imperial Italy, *Reichsitalien*, where the title was currently contested by the Duke of Savoy. However, it is the vicariate of the Bavarian, Rhenish, Swabian and Franconian Imperial Circles involving the ongoing dispute over rightful ownership of this title between the Bavarian and Palatine Electors, both prior to the Peace of Westphalia and during the interregnum, that helps to explain the political situation in the southern region of Germany.

Article Five of the Golden Bull confirmed the Elector of Saxony as Archmarshal for the northern half of the Holy Roman Empire and the Count Palatine as Archsteward of the southern half, that is, the Rhenish, Swabian and Franconian Imperial Circles, giving both princes the responsibility of acting as joint Imperial Vicars

for the German territories.²²⁶ The article went on to state that the newly elected Emperor would legally confirm any actions the two princes had undertaken whilst exercising the role of Imperial Vicar. This would safely legitimate the vicariate judgements of any interregnum and pass the responsibility on to the new Emperor. Before this could be achieved, the dispute between Bavaria and the Palatinate was to lead Bavaria to seek recognition to implement the role through a pamphlet war and cooperation with the Elector of Mainz. An added dimension for Bavaria would be the Italian vicariate dispute. The first post-Westphalian imperial interregnum would exercise the flexibility of the imperial institutions.

In the argument which arose between the Bavarian and Palatine Electors, the latter used the Golden Bull to justify his claim. In 1657 Karl Ludwig claimed that the title was granted in 1356 by the Golden Bull and as this was prior to the bestowal of the rank of Elector on the Palatine princes, the title was linked to the title Count Palatine of the Rhine, *Pfalzgraf bei Rhein*.²²⁷ Since 1356, however, an agreement had been reached between the Palatine and Bavarian princes that they were to act alternately as Imperial Vicar for the Rhenish, Swabian and Franconian areas of Germany during an interregnum.

226 Avalon Project at the Yale Law School, Transcription of the Golden Bull, 1356, www.yale.edu/lawweb/avalon/medieval/golden.htm, 14 July 2003, Article 5. See Hartmann, *Reichskreis*, pp 36–41, for details of the reorganisation of the Imperial Circles in 1500 including the creation of a Bavarian Imperial Circle.

227 Hermkes, *Reichsvikariat*, p 5, quoting from Article Five of the Golden Bull, »Quotiens insuper, ut premittitur, sacrum vacare continget imperium, illustris comes Palatinus Reni sacri imperii archidapifer ad manus futuri regis Romanorum in partibus Reni et Suevie et in iure Franconico ratione principatus seu comitatus Palatini privilegio esse debet provisor ipsius imperii cum potestate iudicia exercendi, ad beneficia ecclesiastica presentandi, recollendi redditus et proventus et investiendi de feudis, iuramenti fidelitatis vice et nomine sacri imperii recipiendi, que tamen per regem Romanorum postea electum suo tempore omnia innovari et de novo sibi iuramenta ipsa prestari debebunt«. See also pp 6–10 in which Hermkes points out the previous occasions when the Palatine Elector exercised his position as Imperial Vicar.

This practice lapsed until Maximilian I of Bavaria instructed an investigation to be carried out after the death of Emperor Rudolf in 1612.²²⁸ At this time the ambitious Maximilian I was the feted political director of the Catholic League, who had reclaimed the town of Donauwörth, and wanted to make use of his success to attain a higher rank within the Empire. One way of achieving this was to commission a glorious history of the Wittelsbachs in Bavaria that traced his ancestry to Charlemagne.²²⁹ Another way was to ensure he received all the credit due to him through reinstating the rotation of the imperial vicariate with his distant relation, the Elector of the Palatinate.

The practice of holding the title alternately ceased at Frederick V's proscription by Emperor Ferdinand II in 1621 and the transfer of the Palatine electoral seat to Maximilian I in 1623, which explicitly included the title of Imperial Vicar.²³⁰ In fact, this is the only document that actually mentioned the vicariate, unlike all the others regarding the transfer of imperial titles and privileges from the Palatinate to Bavaria. The Peace of Westphalia, on the other hand, served only to confuse matters by making no reference to the vicariate. Therefore the transfer of the vicariate dated 1623 to Maximilian I for his

228 Franz, *BA NF*, No. 130F. In 1614 there were two pro-Palatine publications supporting their claim to the vicariate: Anon, *Kurzes Gegen Bedenken und Bericht von der Churfürstlichen Pfalz Vicariats-Gerechtigkeit*, Heidelberg, 1614, and Anon, *Kurzer Bericht – Vicariat, aus gewissen Ursachen nothwendig in Truck gegeben*, Gotthard Vögelins, Heidelberg, 1614.

229 Bangert, »Accident or Design«, pp 9 and 16, and Adlzreiter, *Annales Boicae Gentis*.

230 Transfer of the Palatine Electorship to Maximilian I for his lifetime by Emperor Ferdinand II, 25 February 1623, BHStA, Kurbayern Urkunden 22118, and quoted in Hermkes, *Reichsvikariat*, p 54, »So haben wir demnach, dem Durchl. hochgebohrenen Herzog Maximilian In Bayern ... die durch obgenannten proscribirten Pfaltzgrauff Friedrichen verwürckte Chur der Pfaltz, Ertz-Truchsässen Ammt, wie auch das Vicariat, Session, Stimme und Wahl gnädigst gegeben und zugestellt, seine Liebden auch damit würcklich belehnet«.

lifetime was still valid, leaving another point of argument open in favour of the Palatinate in the 1657 interregnum. To support its argument, however, Bavaria continually referred to the most recent treaty that had made substantial changes to the Empire's constitution, the Peace of Westphalia. It can therefore be understood that contemporaries considered it part of a continuing process of constitutional development just as the Golden Bull had been three hundred years earlier.

The value of holding the vicariate title cannot be overestimated. Ferdinand Maria was acting in place of an Emperor within his designated vicariate area during the interregnum.²³¹ He was the highest point of law, with both the *Reichskammergericht*, Imperial Cameral Court, and the *Reichshofgericht*, Imperial Aulic Court, under his jurisdiction. The Emperor's presentation of ecclesiastical benefices, *Pfründen*, was his right, along with the control and raising of imperial taxes and duties, including the imperial knights' *subsidia caritativa* or charitable subsidy. Ferdinand Maria was also in a position to accept oaths of obedience and homage in the name of the Emperor. His tasks included dealing with disputes at the Imperial Cameral Court and, as the interregnum lasted longer than a year and a day, a further duty involved the renewal of small fiefs. Accordingly, on 11 April 1658, Ferdinand Maria gave a month's notice to the fiefholders for renewal applications. If they did not comply, the fiefs would then be at the disposal of the Imperial Cameral Court and therefore at his own disposal.²³² Overall, the position of an Imperial Vicar was equal

231 A useful summary on the subject of the Bavarian vicariate is a memorandum compiled on 7 February 1924 by the Senior Archivist, Dr. Striedinger, at the instigation of the General Director of the Bavarian Archives and is filed at the front of a catalogue dedicated to the Vicariate.

232 Hermkes, *Reichsvikariat*, p 67, where he mentions the publication of Ferdinand Maria's notification for fief applications, but the documentation that was transferred to Vienna following Leopold I's election seems to have been lost.

to that of Emperor within his designated area and offered substantial financial and political rewards.

Ferdinand Maria and his advisers were of the opinion that the vicariate had been transferred to the Bavarian prince as part of the Palatine electoral title. Karl Ludwig argued that the two offices were not linked and that the vicariate was still his by right, according to the Golden Bull. In 1900 the Bavarian historian, K. Lory, suggested that Bavaria's re-arming at the start of the vicariate pointed towards a possible military defence of its geographical borders and that the overt display of confidence demonstrated a pretence of long term ownership of this title since the Golden Bull.²³³ The re-arming Lory referred to fitted in with the massing of troops ready to expel the Palatine occupation from Parkstein and Weiden.²³⁴ Another reason could have been defence against Palatine supporters removing vicariate proclamations, which in the city of Speyer became a dangerous and intimidating problem as far as the Bavarians were concerned. This was not caused by the city authorities, but by the uniformed Palatine soldiers loitering in the city, who encouraged support amongst the townsfolk for Karl Ludwig.²³⁵ Although Bavaria was not likely to encounter any form of resistance to its vicariate role, Karl Ludwig might have had cause for provocation if Bavaria had not limited its re-armament.²³⁶

233 Lory, *Anfänge*, p170.

234 There is no reference in Staudinger's *Geschichte* for a mustering of troops other than to deal with the Palatine occupation mentioned.

235 Lory, *Anfänge*, pp 199–201, »pfälzische »Karabiner« in Uniform«.

236 Letter from the Brunswick envoy at the *Deputationstag* Dr. Heiland to Dr. Oexl, 24 April 1657, BHStA, Kschw 3419. See also Extract from a trusted source in Nuremberg dated 13/23 April 1657, BHStA, Kschw 815, ff 116–116v, which presumed its recruitment of 10,000 infantry and 6000 cavalry was not to claim the imperial crown but to maintain the imperial vicariate.

4. The French Connection

*Frankreich hat nichts zu schaffen
Zu Frankfurt auf der Wahl:
Verkauft nur die Maulaffen,
Erfüllt der Löcher Zahl.
Die Hahnen häufig krähen:
Wach auf, du römisch Reich!
Wirst hoffentlich bald sehen
Die Sonn aus Österreich.*³²⁴

A Bavarian Wittelsbach candidate had been considered for the imperial election in 1619 following the death of Emperor Matthias and was a precedent for Ferdinand Maria's putative imperial candidacy in 1657. However, several facts made the situation in 1657 quite different. Firstly, there was the frantic candidacy activity that had commenced in 1654 following the death of Ferdinand III's eldest son, the elected King of the Romans, and which continued until 1658.³²⁵ Secondly, there was the unexpected death of Ferdinand III in April 1657 and thirdly, the prolonged interregnum. One cause for this was the need to avoid a regency by waiting for Ferdinand III's surviving second son, Leopold, who had already been crowned as King of both Bohemia and Hungary, to reach his majority on his eighteenth birthday in June 1658. Maximilian Heinrich, Elector of Cologne, had informed the Bavarian Dowager Electress Maria Anna that the Elector of Mainz's intention was to elect Leopold nonetheless, as age

324 Dürrwaechter, *Geschichte*, p 571, a verse from the 1680's quoted from Hartmann, A., *Historische Volkslieder und Zeitgedichte vom 16. bis 19. Jahrhundert*, Vol. 2, Munich, 1910, No. 103, p 21.

325 Despite contravening the Golden Bull, the Electors had created an Emperor-elect by electing Ferdinand IV as King of the Romans in 1653. This was to ensure the imperial throne for the next Habsburg generation as well as protect the Empire from a long interregnum through a speedy election.

was no hindrance according to the Golden Bull.³²⁶ The interregnum might not have been so long if another candidate had been elected Emperor but the wait was considered a good opportunity by any adversary keen to take advantage of a weak situation for the Habsburgs.

France was such a keen adversary and Mazarin's priority was to consider several candidates including Louis XIV, Count Philipp Wilhelm Von Pfalz-Neuburg and Ferdinand Maria. In between plans for the first two candidates, Mazarin's schemes always returned to his favoured candidate, Ferdinand Maria, whose regency had only ceased on 31 October 1654. As an eighteen year old, it was presumed that he was not yet a master of the art of politics and diplomacy. Mazarin's *idée fixe* was his choice of Ferdinand Maria, which would eventually lead to France's failure to secure an imperial candidate. As will be shown below, a number of Mazarin's French and German agents visited Munich specifically to encourage Ferdinand Maria to accept the imperial candidacy with France's support, between spring 1655 and Marshal Antoine de Gramont's visit in December 1657. According to Anton Dürrwaechter, the situation at the Bavarian court created a golden age for French diplomacy under the guidance of Mazarin. Revisionist historians are currently using Mazarin's successful political handling of the conclusion of two wars inherited from Richelieu, through the Peace of Westphalia in 1648 and the Peace of the Pyrenees in 1659, as evidence to improve his image.³²⁷ Mazarin enjoyed the coincidence of being well placed

326 Maximilian Heinrich to Electress Maria Anna, 6 September 1654, BHStA, Kschw 994, ff 143–148.

327 Croxton, *Mazarin*, pp 23–24, and for a French view of this specific angle see Dethan, G., *Mazarin – un homme de paix à l'âge baroque 1602–1661*, Imprimerie nationale, Paris, 1981, p 258 where he argues that Mazarin's diplomatic work was »essentiellement pacifique«, even in the face of his political ambitions for France's expansion. See also Lossky, A., *Louis XIV and the French Monarchy*, Rutgers University Press, New Brunswick, 1994, p 60, who states that for the

to finalise peace agreements in order to strengthen France's position in European politics, rather than wage war. Despite the revisionist treatments by Georges Dethan, Andrew Lossky, Derek Croxton and others, it could still be argued that Mazarin's dealings in imperial politics were inflexible, at least with regard to his resolute choice of Ferdinand Maria as imperial candidate and the continued presence of his agents at the Bavarian court until their missions seemed impossible.

As Claude Badalo-Dulong highlighted, unlike modern day recruitment for diplomats and political advisers, in the mid-seventeenth century the apprenticeship was commonly on the job and within the framework of a family business.³²⁸ This emphasised the issue of loyalty in the post-1648 Holy Roman Empire. Was loyalty to be to the family, to the prince as employer, or to the Empire in order to ensure harmony and balance of power? Undoubtedly a combination of all three, as personal success was measured against that of the employer and the welfare of the Empire. Three brothers from both the Kurz and Fürstenberg families play significant parts in this study. They were all active at several electoral courts where their influence was extensive during the interregnum. The Fürstenberg brothers were divided politically through their employment, unlike the Kurz brothers.³²⁹

preceding three and a half centuries France had not enjoyed such security on its borders as it did during Mazarin's last years of life.

328 Badalo-Dulong, *Trente Ans de Diplomatie*, pp 10–11.

329 Heydenreuter, *Hofrat*, p 316. The family was of the knightly rank of nobility, »rittermäßiges Adelsgeschlecht« that originated from Toblach in the Puster valley, Bavaria. They acquired Castle Senftenau near Lindau in the middle of the sixteenth century. Their grandfather, Sebastian Kurz von Senftenau, had been a member of the imperial treasury council at Innsbruck and their great uncle, Jakob, the Imperial Vice Chancellor. Amongst other positions, their father Philipp had become a privy councillor to Maximilian I of Bavaria in 1629, a post he held until his death in 1640.

The youngest son, Albert Kurz, a Jesuit and astronomer, had been mathematics and physics tutor to Ferdinand Maria.³³⁰ The eldest son, Ferdinand Sigmund, was employed by the Habsburgs and was Imperial Vice Chancellor at the time of Ferdinand III's death. He held the only post at the imperial court that did not cease on an Emperor's death and during the interregnum his position provided a useful access to the Habsburg political machine for the middle son, Maximilian, Bavarian *Obersthofmeister* and privy councillor. The correspondence between Ferdinand and Maximilian leading up to the Treaty of Waldmünchen in January 1658, clearly demonstrates that their professional relationship was not one of rivalry but of mutual assistance, which benefited their respective princes. Ferdinand lived long enough to witness Leopold's election as Emperor before dying in 1659 and leaving Bavaria without a powerful ally at the heart of Habsburg imperial politics.³³¹

Maximilian Kurz's sound principles and competent management of his own estates transferred to his duties at court.³³² Maximilian had been one of Ferdinand Maria's nominated guardians along with Chancellor Johann Adlzreiter, Dr. Johann Mändl, Court Marshal Georg Christoph Freiherr von Haslang (*Hofmarshall*) and the prince's private tutor, Johann Adolf Wolff-Metternich, to assist the

330 Duhr, *Jesuiten*, p 74.

331 Ferdinand Sigmund has visited Carlsbad for his health on 23 September 1647 for two weeks initially, but did not return until late October. See Ferdinand Kurz to Maximilian Kurz, 22 September 1657, BHStA, Kschw 16596, f 82, and Ferdinand Kurz to Ferdinand Maria, 31 October 1657, BHStA, Kschw 16596, f 115.

332 Heide *Wahl*, p 10 and see Heydenreuter, *Hofrat*, p 316, for details of Maximilian Kurz's career. He had attended the Jesuit University in Ingolstadt in 1611 before joining the court in 1618. The last title he was awarded was that of Count of Valley in 1657.

Dowager Electress Maria Anna, joint trustee and regent with Maximilian I's brother Duke Albert, who was Bavaria's administrator.³³³

Prior to his death in 1651, Maximilian I's politics trod a fine line between the Habsburgs and the Bourbons. He used Ferdinand Maria's marriage to the Sabaudian princess to that end, yet he tended more towards the Habsburgs and Ferdinand Maria's guardians during the regency were pro-Habsburg through the influence of the Dowager Electress. Even after Ferdinand Maria's majority, he was still heavily influenced by the pro-Habsburg faction under his mother's control that opposed his young wife's newly established Francophile court faction. The two ladies led a *Damenpolitik* until the Dowager's death in 1665 and was a vital element in determining Bavarian politics rather than merely a secondary influence.

Maximilian Kurz played a leading role in the pro-Habsburg party at the Bavarian court which also included Adlzreiter and Oexl.³³⁴ Adlzreiter joined the treasury in 1625 and in 1650 became chancellor of the privy council on the death of Dr. Joachim Donnersberg.

333 See Heydenreuter, *Hofrat*, p 335, for details of Georg Christoph von Haslang, who in 1645 became privy councillor. Haslang had been a Bavarian envoy at the congress leading up to the Peace of Westphalia and was someone whom Mazarin considered a capable diplomat and a man of great talent. He was sought by Maximilian I to instruct his son on that treaty, diplomacy and »art of government« (see Lipowsky, *Ferdinand Maria*, p 13). See also Heydenreuter, *Hofrat*, p 344, re. Mändl who from 1604 spent five years at the University in Ingolstadt before joining the court in 1614. He became a privy councillor in 1634, but after completing the guardianship during the regency he was not part of Ferdinand Maria's close circle of advisers. His growing number of enemies at court brought about his dismissal and confiscation of his accumulated property in 1662. He died four years later. Maximilian Kurz had also been tutor to Ferdinand Maria and even since the latter took personal control, Kurz's political experience and mental superiority enabled him to exercise a directing role (see Heide, *Wahl*, p 10).

334 See Heydenreuter, *Hofrat*, p 302, and Albrecht, *Maximilian I*, p 168, for details of Johann Adlzreiter's career. In 1615 Adlzreiter had matriculated from the University of Ingolstadt, where Kurz was a student at the same time.

5. Initial Negotiations with the Habsburgs

Unlike Ferdinand Maria, Leopold had been prepared for the imperial throne since the death of his elder brother in 1654, including his election as King of Bohemia in 1655 and King of Hungary in 1656, but not as King of the Romans. Following the death of his father Ferdinand III and, according to the Golden Bull, he could not rule without a regent until he was eighteen. Unless another candidate was elected in the intervening period, as Leopold maintained his claim and with the support of the more suitable candidate, his uncle Archduke Leopold Wilhelm, an interregnum until his birthday in June 1658 was guaranteed.⁴⁷² At this time the imperial throne was a vital possession for the Austrian Habsburgs, who could thereby continue to exercise authority over many territories other than their own patrimonial lands, most of which were within the imperial boundary. »Handschuhe anhaben und sich darum schlagen müsse«⁴⁷³ was no doubt a valid description in the 1650's of the actions needed by any imperial candidate standing against what was already perceived as a Habsburg hereditary right. European politics were dangerous, especially for an Elector with limited funds and influence. An example of what Ferdinand Maria wished to avoid occurred to a later Bavarian Elector. In 1740 Karl Albrecht, husband of Emperor Joseph I's daughter Amalie Maria, was crowned Emperor and with the support of both France and Prussia waged war with Maria Theresia, the eldest daughter of the recently deceased Emperor Karl VI. However Karl Albrecht was defeated and Bavaria was occupied by Austria until 1744. Following his death in 1745, his son Max III Joseph renounced any claim to the throne at the Peace of Pilsen.

472 Spielman, J. P., *Leopold I of Austria*, Rutgers University Press, New Brunswick, 1977, pp 29–30.

473 Report from the Palatine agent in Vienna, Dr. Lingelsheim, BHStA, Kbl 101/2, unpagged, and see Lory, *Anfänge*, p 170, and fn29, General Hunoldstein made this remark »bey einer vornehmen Gasterey« in Vienna.

Following a request for Papal intervention in the election by the Habsburgs to counter the growing promotion of Ferdinand Maria's candidacy, the Pope stated that Bavaria would not accept the imperial crown, as the Austrian envoy Johann Friquet to Rome reported to Leopold on 23 August 1657. Pope Alexander VII then urged the Catholic Electors to support Leopold's candidacy for the benefit of both the Catholic Church and the Empire and sent the Archbishop of Consenza to Frankfurt to promote Leopold's case.⁴⁷⁴

Unbeknown to the French faction at the Bavarian court, Ferdinand Maria's declaration of 24 August 1657 in favour of the Habsburgs started a secret correspondence that eventually led to the Treaty of Waldmünchen in January 1658. The accompanying letter to the Imperial Vice Chancellor, Ferdinand Kurz, opened with a sharp reminder of the contemporary business regarding the impending election of a King of the Romans, with all the contradictory and various incidents that were leading some to prefer a Protestant Emperor rather than a Habsburg.⁴⁷⁵ To start a negotiation process with a presentation of the importance of the Bavarian vote, indicated to the Habsburgs the confidence and self-assertion at the court in Munich. It could also have disguised the real fear of suffering retribution from either France or the Habsburgs, but most especially the latter with their undeniable influence over the imperial institutions. The initial boldness was a means of making the Habsburgs appreciate that they could not forgo the Bavarian vote, which they would not, as at this time they were only assured support from Saxony, Brandenburg and Trier. By gaining the Bavarian vote they intended to gain favourable influence over the other Electors. Ferdinand Maria

474 Pribram, *Wahl*, p 168. and idem, fn 1, an original copy of a letter from the Pope to the Elector of Trier dated 30 June 1657 as confirmation in the Koblenz Archive.

475 Ferdinand Maria to Ferdinand Kurz, 24 August 1657, BHStA, Kschw 16596, f 3.

emphasised in his letter to Ferdinand Kurz that this »Proiect« was his idea based on his affection for his close relations.⁴⁷⁶ To ensure his declaration remained a secret between Leopold, Leopold Wilhelm and himself, Ferdinand Maria asked Kurz to return the declaration. Ferdinand Maria's vote came at a price, for he requested »protection and assistance« in case a wider knowledge of his decision provoked danger.

The declaration had been sent under cover to Ferdinand Kurz to divert any interest that might be attracted by a direct correspondence between Ferdinand Maria and either Leopold or Leopold Wilhelm. A letter to the Imperial Vice Chancellor might merely concern itself with imperial business of some sort or other, especially as there was already an established regular correspondence between Ferdinand Kurz and his brother Maximilian, the Bavarian *Obersthofmeister*. The important content of such a declaration, a document with robust and demanding terms in return for a pro-Habsburg vote, could have been interpreted as somewhat contradictory to »German liberty«. However, in this case, Bavaria was the instigator of the sale of its vote, rather than its purchase being extorted by Habsburg intimidation. Bavarian policy appeared to favour the security of a continued Habsburg occupation of the imperial throne, although the Imperial Capitulation of the future Emperor had yet to be agreed by the Electoral College.⁴⁷⁷

Ferdinand Maria's declaration was addressed to the honourable House of Austria, not to a specific person. The first sentence implicitly described the constant pressure on Ferdinand Maria to become

476 Ferdinand Maria to Ferdinand Kurz, 24 August 1657, BHStA, Kschw 16596, f 3.

477 See Chapter Seven for further discussion of the Imperial Capitulation.

an imperial candidate.⁴⁷⁸ As discussed in the previous chapter, the Bavarian court was a hive of pre-electoral activity with a constant stream of visitors, especially French agents. By not accepting the candidacy, the pressure on Ferdinand Maria and the Bavarian government could simply be passed on to the Habsburgs. As he was making the most of a suitable situation and in effect making initial contact with the Habsburgs, Ferdinand Maria explained in detail and without regard for his reputation, that certain interested and high powered parties might have strong objection to his decision to exclude himself from the candidacy.⁴⁷⁹ What he might have feared was retribution from France, but much more likely was retribution from the Palatinate. Once Bavaria lost the protection of France, the Palatinate was likely to utilise an opportunity to attack Bavaria; either through the vicariate issue or by using military force, as had occurred in Parkstein and Weiden in the Upper Palatinate.

In Ferdinand Maria's opinion, the dignity of a King of the Romans could not be entrusted to anyone better than a *subiecto* of the House of Austria.⁴⁸⁰ Whether Ferdinand Maria was relating this remark solely because the Habsburgs had held the imperial crown since 1438 or not, there seemed a sycophantic nuance in its meaning, as if he considered that only the Habsburgs had the political and financial ability to hold such a title without having to rely heavily

478 Declaration from Ferdinand Maria for the House of Austria, BHStA, Kschw 16596, f 5, »Es ist wenigelichen wissendt, und gibts die tegliche erfahrung, was bei vorstehend[er] Wahl eines Römischen Königs sich für difficulteten eraignen«.

479 Declaration from Ferdinand Maria for the House of Austria, BHStA, Kschw 16596, f 5.

480 Declaration from Ferdinand Maria for the House of Austria, BHStA, Kschw 16596, ff 5–5v, and his reason for declining the candidature, »nahen Blutsverwandtnus und daraus erwaxenden absonderlichen affection ... Ire declaration bei der negstkhommenden Wahl diesr hohen Dignitet und Ambt, neben aller Ihr und Ihrem Churhaus dardurch zugehenden Vörtl [Vorteil] sich hetten khinden«. His mother was a Habsburg and Leopold's aunt.

on allies. Ferdinand Maria did not have sufficient independent political capacity to fulfil the role if he had been elected. Despite his procrastination towards the French delegations, in his declarations to date, he had never admitted wanting a Habsburg excluded from consideration as an electoral candidate.⁴⁸¹ Ferdinand Maria saw the donation of his vote to the House of Austria as the only means of offering them support as well as »protection and assistance« towards the »conservation and maintenance« of both houses.⁴⁸² He hinted that Bavaria's debt was the underlying reason for the lack of any further support, especially as the declaration ended with a request for assistance if he felt his privileges restrained and if Bavaria were attacked by a military force. That was the substantial recompense Ferdinand Maria sought for guaranteeing the Habsburgs his vote, not just a mere »thank you«.⁴⁸³

The significance of the timing of this declaration cannot be underestimated in the context of the other Electors' allegiances. Leopold was sure of Saxony's and Trier's vote and negotiations would have already been taking place with Brandenburg prior to the linked Treaties of Wehlau on 19 September and Bromberg on 6 November 1657. Friedrich Wilhelm abandoned his previous Swedish ally and confirmed his electoral vote for Leopold In return for Polish recognition of his sovereignty in Ducal Prussia.⁴⁸⁴ This was the beginning of Brandenburg's progress towards becoming a kingdom and demonstrated its use of warfare to further its ambitions which

481 Declaration from Ferdinand Maria for the House of Austria, BHStA, Kschw 16596, f5v.

482 Declaration from Ferdinand Maria for the House of Austria, BHStA, Kschw 16596, f 6.

483 Declaration from Ferdinand Maria for the House of Austria, BHStA, Kschw 16596, f 6.

484 McKay, D., *The Great Elector, Profiles in Power*, Longman, London, 2001, p 96, Brandenburg received the duchy of Prussia »with absolute power«.

6. Preparations for the Election in Frankfurt

The manipulative and pragmatic operation of Bavarian politics was maintained through Ferdinand Maria's covert support of Leopold's candidacy whilst not accepting French support for his own imperial candidacy. The previous chapter examined events outside the Empire that influenced relations between the Habsburgs and Ferdinand Maria during the autumn of 1657. It remains to review the situation within the Empire during this time, before returning to the negotiations which concluded with the Treaty of Waldmünchen.

Axel Gotthard's claim that the Electoral College's oligarchy during the interregnum was a myth could be disputed by evidence in the correspondence between Ferdinand Maria and other Electors.⁵²⁸ For example, the supra-confessional alliance was one of the subjects discussed at the conference held by the three ecclesiastical Electors in July 1657 just prior to the planned *Wahltag*. The Electors of Mainz, Trier and Cologne decided to ask Leopold Wilhelm to accept the imperial candidacy, but were unsuccessful.⁵²⁹ According to Alfred Pribram in 1888, Leopold Wilhelm declined the candidacy out of respect for his brother's dying wish that he support Leopold's candidacy.⁵³⁰ Therefore another conference was convened at the end of July with envoys from Mainz, Cologne and Trier to review the earlier conference's results.⁵³¹ The issues to be discussed were the admission of

528 Gotthard, *Säulen des Reichs*, Vol. 2, p 848.

529 Mentz, *Mainz*, Vol.1, p 76. The conference took place from 5–7 July 1657 at Kärlich near Koblenz.

530 Pribram, *Wahl*, pp 107–108.

531 Notes from a Conference attended by Envoys from the Electors of Mainz and Cologne, 25 July 1657, BHStA, Kschw 997, f 167, »Chur Mainz: Cölln und Trier mainung und auch deren samtlichen guethefunden, nun zu sammkhunfft, so auch zu Carlich vorgang ... Chur Mainz in d[er] person, neben Chur Trier sich befunden von Chur Cölln aber beede hhl Grafen von Fürstenberg ... Nach

the King of Bohemia, the alliance with France and the presentation of the Imperial Capitulation.⁵³² The conference notes stated that the purpose of the capitulation was to maintain peace along with the authority and privileges of the Electoral College. The security of the capitulation was based on an elected Emperor's duty to adhere to special requisites.⁵³³ These points support Gotthard's argument that the Electors habitually sought to secure their pre-eminence through the Imperial Capitulation.⁵³⁴ Leopold's minority was considered a drawback, encouraging the proposal of other Habsburg candidates such as Archduke Leopold Wilhelm and Archduke Ferdinand of Tyrol, alongside the Elector of Bavaria and the Philipp Wilhelm Von Pfalz-Neuburg.⁵³⁵ Publicly, Ferdinand Maria still remained uncommitted to a possible candidature at this time.

Whilst Heinrich Julius Blum had been sent to Leopold Wilhelm, the Bavarian court had also received visitors following the three Electors' conference: Cologne was represented by Wilhelm Von Fürstenberg and Mainz by his privy councillor Johann Christian Boineburg. The envoys knew that if Leopold Wilhelm would not accept the candidacy, their instructions were to claim Ferdinand Maria for that vacancy. Both were particularly influential advisors to their respective Electors but neither was enthusiastically received in Munich.

Inhalt d[er] Guldenen Bull, sin treÿ hhl Churfürsten für einen Man steh[en] wollen auch bevor unnd nach d[er] Wahl sich nit zusoparidm«.

- 532 Notes from a Conference attended by Envoys from the Electors of Mainz and Cologne, 25 July 1657, BHStA, Kschw 997, f 169v.
- 533 Notes from a Conference attended by Envoys from the Electors of Mainz and Cologne, 25 July 1657, BHStA, Kschw 997, ff 167v–168.
- 534 Gotthard, *Säulen des Reichs*, Vol. 1, p 20.
- 535 Notes from a Conference attended by Envoys from the Electors of Mainz and Cologne, 25 July 1657, BHStA, Kschw 997, f 168–168v, »König in Ungarn noch Jungvern Jahren, so sin doch alsobald ad Regenda austretten mussten ... Ihr aignes Interesse mehr in acht nemmen ... Grosse macht das Haus Österreich mehr für Spanien, als d[as] Reich gebraucht werden«.

Wilhelm complained that he had been kept waiting endlessly; he blamed the influence of the Dowager Electress, but Maximilian Kurz was equally reluctant and disobliging. Gustav Heide referred to a letter dated 22 August 1657 to Johann Oexl, in which Kurz wrote that the visitors had not shown the slightest interest in matters from Bavaria's point of view. He rejected any personal blame for his coolness with the excuse that Ferdinand Maria had sufficient sense to act appropriately without always relying on one modest adviser's decision. However, if that decision was later justified, then Kurz could enjoy basking in praise; much more so than if Ferdinand Maria had complied with all his recommendations.⁵³⁶ Kurz's modesty seemed incongruous in comparison with his unbounded confidence.

The Elector of Cologne, Maximilian Heinrich, emphasised his keen interest in Wilhelm Von Fürstenberg's current visit by writing to Munich that he waited hourly for a satisfactory completion of his commission.⁵³⁷ That single sentence was intended to help his envoy put pressure on Ferdinand Maria. Ironically, Maximilian Heinrich was equally under pressure to declare his vote for Leopold by a visit from the former president of the Imperial Aulic Court and now privy councillor to the King of Hungary and Bohemia, Count Wolfgang Öttingen, who was accompanied by Isaak Vollmar.⁵³⁸ However, Oexl's report of 10 August on Öttingen and Vollmar's round

536 Heide, *Wahl*, p 16.

537 Maximilian Heinrich to Ferdinand Maria, 5 August 1657, BHStA, Kschw 997, f 192.

538 Maximilian Heinrich to Ferdinand Maria, 5 August 1657, BHStA, Kschw 997, f 192, »Im übrigen lasse Ich Ew: Ld hirmit frl. unverhalten, waß gestalt eben nach vor acht tagen abgefertigter post, der gewesener Kayl. Reichs Hoffraths praesident undt ietziger Königl. r Wrd. zu Ungarn und Böheim geheimen Rhäte der Graff von Ottingen undt ... Volmar bey mir anlangt undt hochgndl. S. r Königl. Wrd. Person zu bevorstehender Röm: Königl. Waal recommendirt die Ich aber, gleich Ew: Ld. auch dem Graff Trautson gethan, mit einer erklerung in generalibus hinwider abgefertiget«.

trip to the ecclesiastical Electors stated that Cologne's response was not evasive but »good«, Mainz's was »doubtful and dilatory« and Trier's was »the best«. Nevertheless, according to his own scornful assessment he considered the ecclesiastical Electors had put Ferdinand Maria in third place after Leopold Wilhelm and Archduke Ferdinand of Tyrol.⁵³⁹ This would have lessened Bavaria's influence to make political gains out of Ferdinand Maria's potential imperial candidacy and would have therefore not suited Bavaria's intentions.

According to an anonymous report from a Bavarian envoy in Frankfurt, probably either Hermann von Fürstenberg or Oexl, the visitors had almost certainly been briefed to discuss a selection of issues pertaining to the election. The anonymous Bavarian had made a list of twelve points with which the visitors may have been briefed for discussion in Munich. Therefore he requested news of any such discussions and any instructions, before proceeding any further in Frankfurt.⁵⁴⁰

539 Heide, *Wahl*, pp 15–16, »»Wir verschmähen«, fügt Oexle diesen Mittheilungen piquiert bei, »daß die geistlichen Kurfürsten unsern gnädigsten Herrn erst tertio loco, wenn nämlich die vorgedachten beiden Erzherzoge die Römische Krone nicht annehmen wollen oder können, vorschlagen, als wenn Se. Kfl. Drl. erst der Andern Lückenbüßer sein müßte« ... über den Erfolg ihrer diplomatischen Rundreise gegen denselben dahin aus, »daß sie von Mainz eine zweifelhafte und dilatorische, von Köln eine gute, von Trier die allerbeste Erklärung erhalten; zuletzt habe auch Mainz, nachdem Leopold Wilhelm abgelehnt, Beschlüsse gefaßt, welche dem König von Ungarn nicht entgegen sein««.

540 Pre-Election Points, BHStA, Kschw 997, ff 182–182v, »Über dise und andere dergleichen p[unct]n aber khan ich darumb noch khein Instruction abfassen, Weilen mir Ew: Churfürstl: dhl: darbey führende intentiones, auch ob darüber einige ordentliche deliberationes, wie es die wichtigheit der sachen erfordert, gehalten, alles reiflich erwogen, und ein gewiser schluß darüber gemacht worden, ganz nicht bekindt, und weilen die obgemelte Chur Mainz: und Cöllnische Gesandten Freyherr von Boinenburg, und Graff von Fürstenberg, wie Ich vernommen, von Ihren gdisten herrn Principalen instruiert seindt, mit Ew: Churf: dhl: über den maisten theil der specificirten Puncten conferenz zupflegen, So würdt ohne geblich vordist erwartet werden müssen was Sie derenthalten anbringen, und Ew: Churf: dhl: darüber gdst resolvirn. Wie dann der

The first on the list of points to be dealt with during the preliminary electoral discussions concerned the King of Bohemia: was it contrary to the Golden Bull for him to be admitted in person, or represented by an envoy, when his candidacy was under discussion in the Electoral College or should he have a representative present, as his diplomat Vollmar had suggested? The next point questioned if anything was to be done about the forthcoming Imperial Capitulation. Should the Electoral College keep a watchful eye on the quarrel between France and Modena and set »a few cautious measures in place« with reference to the capitulation?⁵⁴¹ Georg Snoilsky, the Swedish envoy from Bremen, had handed in a memorandum to the »Reichs director« that requested a guarantee to take action to resolve Leopold's affairs in Poland and the Danish invasion of Bremen – at that time Swedish territory.⁵⁴² For contemporaries this memorandum illustrated very well the difficulties that arose if a territory of the Empire allied itself to a foreign state and was then forced by an alliance to take military action against another territory of the Empire. Such action contravened the Peace of Westphalia and was therefore a serious breach of internal imperial peace. The memorandum raised the question whether a specific issue, such as Snoilsky had raised, should be a matter for the *Wahltag* or was it suitable for discussion at an Imperial Diet? It also raised the question how the Electoral College was to behave towards those territories of the Empire who had sent envoys with contributions for the Imperial Capitulation and asked whether Bavaria should be informed of the discussion regarding the continuation or suspension of the *Deputationstag*.

Innen erthailende beschehen her negst für dero allhießige vorangeschickhte Rhät loco instructionis«.

541 Pre-Election Points, BHStA, Kschw 997, f 181.

542 Pre-Election Points, BHStA, Kschw 997, f 181v.

7. The Treaty of Waldmünchen and the *Wahltag* in Frankfurt

As has been examined in previous chapters, Ferdinand Maria played a key role in imperial politics as Imperial Vicar, Elector and potential candidate for the imperial throne. However, Ferdinand Maria's evasive style of politics left supporters of his candidacy unaware of his position and his conditional support for Leopold remained confidential. As confessional differences still played a part in the Electoral College's pragmatic politics, the Catholic majority was more likely to accept a Catholic candidate and Ferdinand Maria had decided that Leopold would be the most suitable candidate. His choice was to ensure a smooth transition for the imperial institutions but, as will be seen below, Ferdinand Maria's demands were to benefit Bavaria before the Empire. The Palatinate was a particular threat to Bavaria in the Upper Palatinate and in the vicariate dispute. Although a treaty with the Habsburgs for assistance against this threat would be paid for with the Bavarian electoral vote, as an Elector, Ferdinand Maria still had a voice in the Imperial Capitulation.

On 31 October 1657 the Imperial Vice Chancellor, Ferdinand Kurz, sent a letter to Ferdinand Maria to accompany a draft copy of the compact, the »assecurations proiect«. ⁶²⁶ The compact was to consolidate a closer bond between the two dynasties and secure their continued preservation, so that without hesitation either party could rely on the other in every situation. ⁶²⁷ The »every situation« would

626 Ferdinand Kurz to Ferdinand Maria, 31 October 1657, BHStA, Kschw 16596, f 115, » nit ehender zuegefertigt worden ist niemandt davon schuldig auß Ich selbst, in deme Ich mich ein Zeit hero zu Carlsbadt aufgehalten habe, und vor wenig tagen alhir erst wider angelangt bin ... hoffentlich umb so viel weniger in ungnaden vermercken werden, weillen dieselbe ohne das albereit Ihrer Mayt. aigenhandige versicherung in handen haben«.

627 Draft copy of the Compact, BHStA, Kschw 16596, f 115v, »das sich ein theil auß dem andern in jeder begebenheit kreftiglich zuverlassen haben möge«.

become a contentious issue. Leopold's declaration in the compact, as expected from the contents of the preceding correspondence, along with his discretion and his »eternal appreciation«, would unfailingly offer all necessary »protection and assistance«. ⁶²⁸ As regards Ferdinand Maria's conditions, he was to ensure the »dignity of a King of the Romans was entrusted to no-one except the King of Hungary and Bohemia«. ⁶²⁹ These two points were the principal reasons for the compact. For Ferdinand Maria it meant declining an imperial throne in favour of promulgating Leopold's candidature. Just as Leopold had committed all his powers to preserve Bavaria's Electoral dynasty, as well as other assets, Ferdinand Maria was also to offer his own troops to serve Leopold. ⁶³⁰ The use of Bavarian troops to defend Habsburg interests was not mentioned in Leopold's letter of 5 September and Ferdinand Maria clearly pointed this out in his reply. This was not the only complaint: the draft did not identify the number of troops Leopold would supply, nor the matter of provisions and munition for the imperial troops, bearing in mind he had his own troops to supply. ⁶³¹ Therefore Ferdinand Maria suggested that it might be best to hold a meeting to mutually resolve their differences, for example over how many troops Ferdinand Maria could expect from Leopold. As Ferdinand Maria wrote to Ferdinand Kurz, Leopold had assured him protection against all potential threats, a promise which should have been in the draft along with a reference

628 Draft copy of the Compact, BHStA, Kschw 16596, f 116, »das Sÿ diese Ihre zum besten gemeinte offertra und erklerung nit allein bey sich selbsten biß zu ihrem lezten undt in geheimb halten und mit immerwehrenden danck erkennen, sondern ... alles anderwerts anerbottenem Schuzes und assistenz begeben, auf allen unverhofften gefehrlichen außschlag der sachen, so viel hülff, als Sÿ gegen denen bedörffen mögen, unfehlbar und unverzüglich wiederfahren«.

629 Draft copy of the Compact, BHStA, Kschw 16596, f 116v.

630 Draft copy of the Compact, BHStA, Kschw 16596, f 116v.

631 Ferdinand Maria to Ferdinand Kurz, 5 November 1657, BHStA, Kschw 16596, ff 119–120.

to his own constancy towards the Habsburgs.⁶³² He also pointed out to Kurz that current circumstances made it necessary not to lose any time.⁶³³

Not wanting to lose an opportunity, Ferdinand Maria sent a postscript with a proposal, appealing to Ferdinand Kurz's goodwill and concern for the successful completion of the compact. He suggested that the only means of reaching a conclusion would be to discuss »one or the other point« and he suggested sending Georg Teisinger, the Bavarian Treasury and War Councillor, to the Upper Palatinate on the pretext of organising the distribution of military quarters.⁶³⁴ Teisinger's credentials went back to 1648 when, as General War Commissioner, Maximilian I had employed him at the Westphalian peace negotiations. Teisinger had shown skill and loyalty in a difficult situation that had tested the qualities of Maximilian's educated and personally loyal senior civil service.⁶³⁵ Teisinger's ability seemed suitable and, as such, Ferdinand Maria requested an equally capable and well-briefed negotiator to act with authority from Leopold. Politically the dispatch of an emissary from Prague would be justified by Bavarian troops raiding across the border into Bohemia. Although this had not actually happened, a letter of complaint from

632 Ferdinand Maria to Ferdinand Kurz, 5 November 1657, BHStA, Kschw 16596, f 119, »mir kombt aber vor, zu besser zusambensizung unsrer gemüthen und interessi erfordere der Recess mir mehrer particularitet und außführung, wie nehmlichen und auf was für anzahl volckher Ich mich zu verlassen auf eraigneten Fall ... S.r Königl. Würd und Ld. zu verschiedenmahlen erbothen und Sye sich gegen mir die Versicherung für mich und meine Landen und den Schuz auf alle begebende fall ... also hat es bei selbigen annoch sein richtiges verbleiben und meinerseits beständige zuverlessigkheit«.

633 Ferdinand Maria to Ferdinand Kurz, 5 November 1657, BHStA, Kschw 16596, f 120, »weil bei gegenwertig coniuncturn kein Zeit zuverliehen, und zukhomen, und alles ehstens zum stand gereicht und beyd seits Expediert werden«.

634 Ferdinand Maria to Ferdinand Kurz, Postscript, 5 November 1657, BHStA, Kschw 16596, f 121.

635 Albrecht, *Maximilian I*, p 1069 and see Heydenreuter, *Hofrat*, p 89.

Leopold to Ferdinand Maria would require a reply, hence the sending of Teisinger to the Upper Palatinate in order to prevent further »excursions«. Ferdinand Maria also suggested that it might be good if there were complaints by the people of the Upper Palatinate and other neighbouring areas about the Bohemians. That would give a reason for Leopold to send someone to either Tirschenreuth or Waldmünchen, both border towns in the Upper Palatinate. This was the excuse for the meeting and Teisinger would bring some military officers with him, under the pretence of quelling the above mentioned raids. The two negotiators would thus be able to carry on their »secret commission and adjustment« towards the compact without raising any suspicion. Ferdinand Maria wanted to point out that Teisinger could have travelled to Eger to meet the Habsburg negotiator, but felt that there the secret would have been discovered. Not wanting to prejudice their »main work«, he judged the Upper Palatine boundary towns of Tirschenreuth or Waldmünchen more suitable. The long postscript ended with the request for a prompt reply in order to arrange a convenient date for this meeting.⁶³⁶ This written proposal was not contained in a few short notes, but was a lengthy and detailed work that gave indications of a thoroughly studied and feasible plan that was then awaiting approval from Prague.

The stream of French envoys who visited Munich suspiciously watched all activities at court and made it impossible for the visiting Habsburg intermediaries to ascertain Ferdinand Maria's plans.⁶³⁷ There was therefore a very strong case for ensuring no surreptitious negotiations took place in Munich. A neutral venue could help con-

636 Ferdinand Maria to Ferdinand Kurz, Postscript, 5 November 1657, BHStA, Kschw 16596, f 121v.

637 Schröpfer, K., »Geheimvertrag zwischen König Leopold I. und Kurfürst Ferdinand Maria geschlossen am 12. Januar 1658 in Waldmünchen«, *Beiträge zur Geschichte im Landkreis Cham 14*, Cham, 1997, pp 109–121, see p 110.

ceal the real intent with a plausible excuse. The idea of cross-border forays on the Bavarian and Bohemian border was at once perfectly acceptable, whilst beneficially offering a venue nearly equidistant between the two courts at Munich and Prague. Franz von Fürstenberg's interest would probably not have been kindled by such a mundane and routine matter, nor would he have easily discovered the actual purpose. The use of merely two negotiators and their nominated couriers meant only four more people were involved.

With reference to Franz von Fürstenberg's activities, Ferdinand Kurz had sent his brother an intercepted document and wanted to know the opinion in Munich.⁶³⁸ Unfortunately the document was not in the file with the letter with which it was supposedly sent, leaving a gap in the consideration of its content and a reliance on remarks made by two anti-French correspondents. From the date it could be suggested that it referred to Fürstenberg's false claim of Ferdinand Maria's desire to be elected Emperor, although Marshal Antoine de Gramont and Hugues de Lionne's report to Cardinal Mazarin making this claim was dated 31 October, the same date Ferdinand Kurz sent the intercepted document to Munich.⁶³⁹

As regards how the majority vote should fare in the peace negotiations and the continuing *Deputationstag* against the Elector of Mainz, Maximilian Kurz felt it was pointless whilst Johann Philipp behaved

638 Ferdinand Kurz to Maximilian Kurz, 31 October 1657, BHStA, Kschw 16596, f 111v, for details of Leopold's instructions to Kurz to send the document to Munich. Maximilian Kurz to Ferdinand Kurz, 5 November 1657, BHStA, Kschw 16596, f 117v, »umb die communication d[ies] interceptierten Schreiben dientl. dankh Sie sind wohl zu lesen, undt kommen dardurch die heimblichen griffll gemelter hhl Grafen von Fürstenberg und ander die darbey Interessirt zimblichermassen an tag, glaub auch wan die so dabei schuld haben werd wissen das ihr schädliche consilia und was dabei mehres zu sehen, an tag khomen, ihnen dn penitere ins gesicht schlagen«.

639 Gramont and Lionne to Mazarin, 31 October 1657, AAE, MD, Allemagne Vol. 136, unpagéd.

Conclusion

As Georg Friedrich Preuß stated in 1904, the pre-history and the interregnum of 1657–58 itself, which concluded with Leopold I's election, had created wide-reaching consequences, making it one of the seventeenth century's most significant episodes.⁷⁵⁰ The interregnum had been exceptionally long and Leopold I's coronation had marked the end of the first important test for the flexibility of the imperial institutions following the constitutional alterations produced by the ambiguous terms of the Peace of Westphalia in 1648. The Empire overcame the test and, as Gotthard has identified, the secret was the Empire's institutional tolerance rather than its constitutional precision that allowed the Empire to continue.

The Electors' dual role as defenders of both the Emperor and the imperial institutions was detrimental to their collegial solidarity, yet contributed to their pre-eminence, which they maintained by avoiding parity with other princely diets. This case study has shown that the Elector of Mainz came close to creating an electoral oligarchy, yet his proposal to mediate a peace settlement was rejected by the Electoral College in favour of dictating articles for the Imperial Capitulation. Gotthard has used this in his recent argument of the Electors' preference for pre-eminence within the imperial institutions and the benefits to be gained from this, despite an unclear imperial constitution.

Through the demonstration of Ferdinand Maria's role as an effective *Reichspolitiker*, this study has sought to revise Bavaria's historiographical image, specifically during the interregnum of 1657–58. Bavaria's significant contribution to the Electors' collegiate power base during the Empire's first post-Westphalian test is therefore relevant

750 Preuß, *Wilhelm III*, p 163.

to the current historiographic debate on the imperial institutions. As Elector of Bavaria and as a »pillar of the Empire«, Ferdinand Maria had played a prominent role through his potential nomination as imperial candidate, his constancy towards the Habsburg candidate and his decision to support the Electoral College's pre-eminent role as Electors of an Emperor. By insisting on his primary electoral duty, Ferdinand Maria avoided supporting the Elector of Mainz's peace negotiations between France and Spain. As Imperial Vicar, Ferdinand Maria had determinedly fought for and succeeded in maintaining possession of the title during the interregnum of 1657–58, as Leopold I subsequently confirmed the proceedings of his vicariate court. As head of the Bavarian Imperial Circle, he had sought to reinstate order in the Upper Palatinate.

The Bavarian court under Ferdinand Maria was certainly guilty of procrastination. This served to maintain dialogue without appearing overtly antagonistic to its interlocutors. Even with the promise from France of six electoral votes for Ferdinand Maria's imperial candidacy in 1655, for several years Mazarin continued to court an indecisive Bavarian candidate. Such indecision enabled a prudent Ferdinand Maria to maintain a degree of independence from, and influence over, both France and the Habsburgs. Bavarian politics took this course throughout Ferdinand Maria's entire reign and through the maintenance of dialogue avoided military involvement.

Although the Peace of Westphalia was meant to lessen the influence of confessionalism on imperial politics yet, as discussed in Chapter One, Gotthard has referred to a continuing *Zweifrontensituation* consisting of confessional and supra-confessional imperial politics running parallel to each other within the imperial institutions. This is supported in this study by an investigation of Bavaria's policies during the interregnum. The confessional element was neither the

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