

# A Fourteenth-Century Register of *Freizins* Rents from Erfurt (British Library, Add. MS. 24637)

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In the following investigation of a manuscript in exile, separated from its sisters in a long chronological series of valuable administrative sources, I start with a full description of the manuscript, before considering its context in late medieval Erfurt. This will reveal the practical and symbolic significance of the administrative procedures involved, and also illustrate the changes that the creation of written records can bring about in the very behaviour which they are intended to document.<sup>1</sup>

## Description

British Library Add. MS. 24637: Register of *Freizins* rents due to the archbishop of Mainz at Erfurt and collected in the church of St Severus, 1351–1358 (excluding 1353). Latin. Other registers in this series for years from 1293 onwards are held at the Landeshauptarchiv Sachsen-Anhalt, Magdeburg, Germany (Cop. 1399 A).

## A. Contents

1. ff. 2r–23v. ANno domini millesimo tricentesimo quinquagesimo primo in festo beati martini datus est liber census in ecclesia *sancti Severi* Erfordensis.
  - a. ff. 2r–4v. Rents owed by religious institutions (including hospitals and the Teutonic Knights), with the oldest foundations first.
  - b. ff. 4v–19v. Rents owed by private citizens listed under the first letter of their given name (with no discernible ordering within each letter). Including the city council under ‘consules’.
  - c. ff. 19v–20r. Rents owed by Jewish residents and the Jewish community, with the various parts of sub-divided properties listed together.
  - d. ff. 20r–20v. A list of properties under the names Bertoldus, Gotschalculus and Hermannus ‘nati Elrici’, but all entries corrected to assign the properties to different holders (this section devoted to one family appears in all surviving registers from 1321 to 1351).

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<sup>1</sup> This article has been revised from work submitted for the MA in Medieval and Renaissance Studies at University College London. I am grateful to Professor David d’Avray and Dr Marigold Norbye at UCL for their teaching, support and advice, to Frau Marion Herbert of the Verein für die Geschichte und Altertumskunde von Erfurt and Frau Ilse Weihe of the Stadtmuseum Erfurt for generously sending me Klaus Friedland’s article, and to Frau Silke Erler and Dr Wilhelm Klare for their friendly assistance at the Landeshauptarchiv Sachsen-Anhalt. Abbreviations: FO = A. J. L. Michelsen, ‘Die alte Erfurtische Freizinsordnung’, in his *Rechtsdenkmale aus Thüringen* (Jena, 1863), pp. 291–327; LHASA = Landeshauptarchiv Sachsen-Anhalt; UB Erfurt = Carl Beyer, *Urkundenbuch der Stadt Erfurt*, 2 vols, *Geschichtsquellen der Provinz Sachsen und angrenzender Gebiete*, 23–24 (Halle, 1889), cited by volume and document number.

e. ff. 20v–22v. *Infrascriptorum* bonorum quedam fuerunt feodalia quedam propria et quedam hereditaria nunc effecta libera.

f. f. 22v. *Infrascriptus census quondam* pertinebat ad officium pontis.

g. ff. 22v–23r. *Infrascriptus census* pertinebat ad officium antiquarum vestium.

h. f. 23v. Lists of amounts received for seven days and of payments made to officials.

In sections (a)–(g) each entry gives the person liable to pay and the property to be paid for. The majority give information to help identify the property, such as one or more previous owners and/or an indication of location. Many give the current tenant/occupant and/or a third party from whom the payee holds the property in *manu fidei* (see below, pp. 7–10). In section (a) the entries are generally less detailed, and in section (e) the formula ‘cum pertinentiis’ is frequent, whereas it is absent elsewhere. On f. 8r is a copy of a document recording a sale (see below, p. 9).

2. ff. 24r–46v. Anno domini millesimo trecentesimo quinquagesimo secundo in festo beati martini datus est liber census in ecclesia sancti Severi Erfordensis; f. 45v, an unfoliated folio and f. 46r are blank.

Each year repeats the structure of 1351, with the omission of (d). The majority of the entries remain the same from year to year, sometimes with changes in the order of the information and sometimes with additional information included. Each year a number of entries disappear (often after having been crossed out the previous year) and new entries appear, usually at the end of the appropriate section. The entries in section (e) remain a block of ‘new’ properties and are not integrated into the other sections in the following year.

3–7. The years 1354 (ff. 47r–68v), 1355 (ff. 69r–90r, f. 90v blank), 1356 (ff. 91r–111v, blank folio following), 1357 (ff. 112r–132v) and 1358 (ff. 133r–152v) follow the same structure. From 1355 the title reads ‘... subscriptus liber census datus est...’.

8. f. 152v. Copy of a letter of Archbishop Gerlach of Mainz dated 1359 concerning the transformation of a fief into *Freizins*-property. Printed: Carl Beyer, *Urkundenbuch der Stadt Erfurt* (Halle, 1889), no. 517 and Ignaz Faber, *Historisch-juristische Abhandlung von den Freygiütern und Freyzinßen im Erfurtischen* (Erfurt, 1793), pp. 87–8, but both from another source.

### Physical Description

153 parchment folios (with modern card fly-leaves at front and back). British Museum foliation: 2–152, with two blank folios unfoliated between ff. 45–46 and 111–112 (following the foliation in the top right-hand corner; there is also a smaller foliation in the bottom left-hand corner which includes both blanks).

Size: 285–95 x 185–200 mm (probably trimmed subsequent to ruling, as some prick-marks are now at the very edge of the page, e.g. f. 20).

Written space: 220–40 x 135–55 mm (as ruled – entries often continue into the margins). Ruling in ink. Between 30 and 37 horizontal lines, with narrower lines from 1355 (f. 69). Each new entry begins on a new line.

Three narrow columns of equal width either side of the wide central column, with one on the left and two on the right: the column on the left defines an indent when entries continue over more than one line or are part of a list with the same payee; on the right the two columns are intended respectively for the rent to be paid and the denomination (shillings or pence), though often the text runs through these columns into the margin.

Pricking, horizontals: every third line ff. 2-17 and 24-68; every line (though not always corresponding with the line) ff. 18-23 and 69-152. Verticals: three lines on right on ff. 2-90, blank folio between ff. 111 and 112 and ff. 122-152 (no visible pricking on f. 131); outermost verticals ff. 91-111; two lines on right of recto side ff. 112-121.

Collation: 1-2<sup>8</sup> (ff. 2-17), 3<sup>6</sup> (ff. 18-23); 4-5<sup>8</sup> (ff. 24-39), 6<sup>8</sup> (ff. 40-46); 7<sup>12</sup> (ff. 47-58), 8<sup>10</sup> (ff. 59-68); 9<sup>12</sup> (ff. 69-80), 10<sup>12</sup> wants 11-12 probably blank (ff. 81-90); 11<sup>10</sup> (ff. 91-100), 12<sup>12</sup> (101-blank folio after 111); 13<sup>10</sup> (ff. 112-121), 14<sup>10</sup> +1 after 9 (ff. 122-132); 15<sup>10</sup> (ff. 133-142), 16<sup>10</sup> (ff. 143-152). Each year's register is therefore a booklet of two quires, or three in 1351/2.

Some holes in the parchment were formerly stitched, but only the holes for the stitches remain, e.g. f. 45. The only significant damage is to f. 47, where the bottom outside-edge corner is missing.

The current binding is a nineteenth-century British Museum binding, but a nineteenth-century descriptive note pasted on a flyleaf at the front of the volume mentions 'the original parchment binding'. This was probably of the *coopertorium* type dating from the late fifteenth century (see below, p. 11). The front and back pages of each register/booklet are marked and stained, consistent with their having lain unbound at some point.

### Script and Annotations

Written in several hands in brown inks throughout, using a cursive script similar to that described by Albert Derolez as a typical German script of the period 1325-1375. According to Derolez, this is characterized by a double-compartment *a* with a large head; a short 8-shaped *g* which often sits on or near the baseline; *h*, *y*, *z*, *m* and *n* extended below the baseline and then turning to the right; a boldly looped *d* and dagger-like long *s*.<sup>2</sup> The script in Add. MS. 24637 displays all of these features, more or less pronounced according to the scribe. The same scribe probably wrote in 1351 and 1352, and though the corrections in 1351 are in a more angular hand they have the same letter-shapes. Otherwise each hand appears to be unique to that year's register; those in 1357-8 are similar, but with quite different *As* and *Ws*. The title at the head of each year is written in textura: a semi-quadrata over four lines in 1351-54 and over three lines in 1355, and a looser script approaching a rotunda over three lines in 1356. In 1357 and 1358 the text is squarer, but still without lozenges, larger in 1357 but both over three lines.

Decorated initials at the beginning of each section and each letter within section (b), two or three lines tall. In 1351 and 1352 these are heavy capitals with occasional filigree decoration (e.g. f. 31v); in 1354 especially, but also in 1355, they are slightly larger and decorated with filigree and foliage designs (e.g. f. 52r). On f. 83v a *T* has a crown sketched above it. In 1356 initials are smaller but usually with filigree decoration; in 1357 they tend to be smaller and plainer, whilst in 1358 larger initials with foliage decoration predominate (e.g. ff. 145v-146r).

Alongside each entry is a horizontal line in the left-hand margin indicating that payment has been made; entries without this line, e.g. on f. 22r, may instead have 'non accip' in the right-hand margin. Other marginal notes give additional information, especially about *manu fideli* tenure (see below, pp. 7-10) or pledges made on properties (e.g. f. 19v, though here crossed out). New entries in section (e) are sometimes indicated in the margin with the year in which the property began to owe *Freizins*, e.g. f. 88r. Sometimes a simple 'nota' is written next to an entry (e.g. f. 100v). Other individual marginal notes are considered below, pp. 4, 9-10.

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<sup>2</sup> Albert Derolez, *The Palaeography of Gothic Manuscript Books. From the Twelfth to the early Sixteenth Century* (Cambridge, 2003), p. 134.

Marginal notes also indicate corrections, such as properties listed under the wrong payee, e.g. f. 5r. Other corrections are made by writing entries in the margin and indicating where they should be inserted with a line and/or symbols, e.g. ff. 6v, 8v, 81r, 105v. Entries are sometimes re-ordered by writing letters alongside them in alphabetical order, e.g. f. 13r. Additions are also written between the lines and inserted into the entry with an arrow below the line. Deleted entries or words are occasionally expunctuated (e.g. f. 15r, line 12), or erased (e.g. f. 71v), but mostly crossed through with diagonal lines. The first two folios and the fifth folio of quire 11 (ff. 91f, 95) are labelled a, b and e respectively in the bottom right-hand corner on the recto side, and the first five folios of quire 12 (ff. 101–105) are numbered i–iiii in the same place.

### Provenance

There are notes in a hand similar to that used in the late fifteenth-century registers on ff. 69r and 133r (the title pages for 1355 and 1358). Similar notes appear in the surviving registers for other years, but the British Library registers had become separated from the majority of the others before 1793, as Faber did not know of them.<sup>3</sup> A note on the fourth flyleaf from the front records that the manuscript was purchased from H. Tross on 17 May 1862 (almost certainly Henri Tross of Paris, who sold a number of manuscripts to the British Museum in the 1860s).<sup>4</sup> A brief German nineteenth-century description has been pasted on to the following flyleaf.

### B. Commentary

Additional MS. 24637 is described in the nineteenth-century bookseller's description and so in the British Library catalogue as the *Liber censuum ecclesie sancti Severi Erfordensis*. The heading for each year's register in fact qualifies the *Liber censuum* not with a genitive but with the formula 'datus est in ecclesia sancti Severi Erfordensis.' The copy of a letter issued by the archbishop of Mainz concerning the 'freybuch' on f. 152v and the section headed 'Infrascriptorum bonorum quedam fuerunt feodalia quedam propria et quedam hereditaria nunc effecta libera' (properties formerly fief, freehold and hereditary tenure, now made free) suggest that, rather than being products of the church of St Severus, the registers are connected with the 'free-rents' (*Freizins*) due to the archbishop of Mainz, Erfurt's temporal and spiritual lord. These were collected on St Martin's Day each year, partly in St Severus and partly in the merchants' church across town on the opposite bank of the river Gera. The British Library manuscript shows continuity both in form and content with the *Freizins* registers for St Severus preserved at Magdeburg, making it another link in a relatively complete series of registers from the year 1293. They form a substantial and under-exploited source for Erfurt's medieval history, but here I would like to give an account of the registers themselves, setting those in the British Library collection in their context and beginning with the institution which gave rise to them.

### The Erfurt *Freizins*

By 1108/9 the archbishop of Mainz had begun granting properties in Erfurt freedom from restrictions on their use and disposal in return for an annual rent,<sup>5</sup> and in 1120 Archbishop

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<sup>3</sup> Ignaz Faber, *Historisch-juristische Abhandlung von den Freygütern und Freyzinßen im Erfurtischen* (Erfurt, 1793), p. 46. Accessed at: <http://dlib-pr.mpiet.mpg.de> [30.06.2011].

<sup>4</sup> My thanks to Justin Clegg at the British Library for this information.

<sup>5</sup> UB Erfurt, i, 9.

Adalbert increased the scope of the privilege and established these *Freizinse* as a nominal payment in recognition of the archbishop's authority and the exemption from all other archiepiscopal dues.<sup>6</sup> We know very little of the early *Freigut* properties, but probably the majority were 'freed' from other forms of tenancy, for instance the *curia* previously held by Gerbert and Ulrich as *ministeriales*.<sup>7</sup> The reasons for this development lie outside the scope of this study, but it should be noted that in this period magnates were seeking to stimulate urban development through preferential terms of property-holding even in long-established towns, for instance in the imperial cities of Worms and Speyer in 1111 and 1114, and in Mainz itself in 1119/22.<sup>8</sup>

In 1120 responsibility for collecting the payments was already divided between the master of the market (*magister fori*) in Erfurt itself and the bailiff (*scultetus*, modern German *Schultheiß*) of the suburb of Brühl. In 1250/56 the *magister fori* collected his rents in the merchants' church.<sup>9</sup> The Brühl *Schultheiß*'s collection-point at the church of St Severus is first documented only in the register of 1293, but it was probably established by at least 1250. The Brühl *Schultheiß* was responsible for all *Freigut* beyond the city walls, and in the fourteenth-century registers there also seems to be a division within the town, with properties on the right bank of the river Gera paying *Freizins* at the merchants' church and those on the left bank at St Severus. Recent archaeological findings have invalidated theories that this division arose from a settlement of Frisian traders around the merchants' church<sup>10</sup> and in fact the geographical division between the rents collected at each church is not so clear-cut as has often been assumed, as Thomas Nitz points out.<sup>11</sup> He thus suggests that the church at which a particular property paid *Freizins* was not originally geographically determined at all. Perhaps, however, we should look not for a geographical division of the properties but of the property-owners, so that a man resident on the right bank of the Gera but with further property on the left bank would have paid for both at the merchants' church. This principle of residence certainly underlies the organization of most later medieval tax lists,<sup>12</sup> but as we rarely know the residence of *Freigut*-holders it is impossible to tell whether it applied to the division of the Erfurt *Freizins* at any stage.

Later sources reveal more about the constitution of the *Freizins*, principally the agreement between the town and Archbishop Gerhard of 1289,<sup>13</sup> the description of the archbishop's rights in Erfurt compiled by his chief local administrator (*provisor allodii*) Hermann von Bibra in 1332,<sup>14</sup> and the writings of Nicolaus Engelmann, the *Küchenmeister* (successor office to that of 'provisor allodii') between 1494 and 1516, especially his *Freizinsordnung*.<sup>15</sup> These regulations for the archbishop's administration do not, however, mention the important privileges that *Freigut*-holders enjoyed in addition to the freedom from all exactions except the *Freizins* itself. In 1285 the dean and scholaster of the Mainz cathedral chapter ordered that

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<sup>6</sup> UB Erfurt, i, 13.

<sup>7</sup> UB Erfurt, i, 13.

<sup>8</sup> Stephanie Wolf, *Erfurt im 13. Jahrhundert* (Cologne, 2005), p. 13.

<sup>9</sup> H. A. Erhard, 'Erzbischöflich-Mainzische Hebe-Rolle aus dem dreizehnten Jahrhundert', *Zeitschrift für vaterländische Geschichte und Alterthumskunde*, iii (1840), pp. 1-57 (p. 27). See below, p. 8 concerning the so-called 'Heberolle' and its dating.

<sup>10</sup> Wolf, *Erfurt im 13. Jahrhundert*, pp. 11-13.

<sup>11</sup> Thomas Nitz, *Stadt-Bau-Geschichte. Stadtentwicklung und Wohnbau in Erfurt vom 12.-19. Jahrhundert* (Berlin, 2005), p. 68.

<sup>12</sup> Georg Vogeler, 'Spätmittelalterliche Steuerbücher deutscher Territorien', *Archiv für Diplomatik. Schriftgeschichte, Siegel- und Wappenkunde*, xlix (2003), pp. 165-295; l (2004), pp. 58-204 (xlix, p. 286).

<sup>13</sup> Alfred Kirchhoff, *Die ältesten Weistümer der Stadt Erfurt über ihre Stellung zum Erzstift Mainz* (Halle, 1870), pp. 8-11.

<sup>14</sup> *Ibid.*, pp. 86-7.

<sup>15</sup> A. J. L. Michelsen, *Der Mainzer Hof zu Erfurt am Ausgange des Mittelalters. Eine urkundliche Mittheilung als Einladungsschrift zu der ersten, am 4. Juni 1853 in Eisenach zu haltenden Generalversammlung des Vereins für thüringische Geschichte und Alterthumskunde* (Jena, 1853), and FO.

any citizens of Erfurt delaying payment of debts to the archiepiscopal officials there should be banished from the city or confined in the tower until payment was made, unless they owned properties by ‘free’ or hereditary tenure (‘nisi talis reus bona habeat, que vulgariter fri vel erbe vocantur, per que ab huiusmodi eiectione civitatis vel inclusione turris eximi poterit secundum consuetudinem opidi Erfordensis hactenus approbatum’).<sup>16</sup> A more general preferential legal position is hinted at in 1281 when the monastery of Reinhardsbrunn passed the use of its *curia* near the Lehmannsbrücke to the Teutonic Knights, but retained the actual possession of this *Freigut*, by which it had the freedom of the city (‘per quam libertatem civitatis in Erfordensi opido possidemus’).<sup>17</sup> Wolf interprets this in terms of access to the market,<sup>18</sup> and whether this *libertas* was relevant only for an external institution or also for citizens of the town is impossible to tell.

The only positive obligations that ever seem to have been incumbent on the holders of *Freigut* were to keep their property in good condition and to notify the archbishop’s officials of changes of ownership. There were, however, certain payments associated with this latter requirement, the largest being a shilling in every mark to be paid on the sale value of a property. There was also a *Schreibschilling* to be paid for having one’s name entered into the register upon acquisition or inheritance of *Freigut* – it is first attested in 1495,<sup>19</sup> but as it was probably not contentious enough to feature in the 1289 agreement and Hermann von Bibra does not mention the sale-shilling known to have been levied from at least 1289,<sup>20</sup> the invisibility of the *Schreibschilling* in the earlier sources is no reason to conclude that it did not exist before 1495.

Not all *Freigüter* in Erfurt were subject to this constitution: some payments were granted to other parties,<sup>21</sup> and some properties also owed dues to other lords,<sup>22</sup> all of which was of little interest to the archiepiscopal officials compiling the registers. The archbishop collected other *Freizins* from traders’ stalls under a separate system, and the collegiate church of St Mary had its own *Freizins*, for which the only medieval evidence of a written administration is a note of their total value at the end of a rental of 1365.<sup>23</sup> We must therefore move on to consider the operation of the institution in practice and the use made of it by the people of Erfurt. The owners of *Freigut* are, once they become clearly visible in the registers of 1250/56 and the fourteenth century, a cross-section of the town’s property-holding classes; in as far as indications of rank or occupation are given they range from the count of Gleichen to artisans and traders. A substantial number are women, as widows or sometimes as beguines. Inevitably the names of prominent patrician families feature very heavily, and both Wolf and Schlesinger see the beginnings of the Erfurt councillor-oligarchy (known as the *gefrundeten*) in an early ‘Verband der Freizinspflichtigen’,<sup>24</sup> a group of citizens both united and empowered by the new privileges. This must remain speculative, however, as we hardly know who owned *Freigut* before 1250. Between 1250/56 and 1293 the *Freigüter* grew substantially in number, but as we have no record of new *Freigut* being created and the total value of the rents remained stable<sup>25</sup> this must have been due to sub-division of properties. Then in the fourteenth century, perhaps connected with the introduction of the office of *provisor allodii* c. 1300,<sup>26</sup> newly

<sup>16</sup> UB Erfurt, i, 359.

<sup>17</sup> UB Erfurt, ii, Nachtrag 7.

<sup>18</sup> Wolf, *Erfurt im 13. Jahrhundert*, p. 7.

<sup>19</sup> FO, p. 318.

<sup>20</sup> Kirchhoff, *Weistümer*, pp. 8–11.

<sup>21</sup> UB Erfurt, i, 19, 92.

<sup>22</sup> For dues owed to St Mary’s: UB Erfurt, i, 80 and Faber, *Abhandlungen*, p. 41. For dual investiture by the Mainz administration and another *Erbeherr* see Kirchhoff, *Weistümer*, p. 11.

<sup>23</sup> Faber, *Abhandlung*, p. 41.

<sup>24</sup> Wolf, *Erfurt im 13. Jahrhundert*, p. 8; Walter Schlesinger, ‘Städtische Frühformen zwischen Rhein und Elbe’, in Konstanzer Arbeitskreis für mittelalterliche Geschichte (ed.), *Studien zu den Anfängen des europäischen Städtewesens* (1958), pp. 297–362 (p. 316).

<sup>25</sup> Stephanie Wolf, ‘Zur Mainzer Heberolle und ihren Erfurt betreffenden Vorlagen’, *Zeitschrift des Vereins für thüringische Geschichte*, lvii (2003), pp. 43–54 (p. 48).

<sup>26</sup> Willibald Gutsche (ed.), *Geschichte der Stadt Erfurt* (Weimar, 1986), p. 78.

created *Freigüter* became common, appearing from 1321 onwards in the section of the registers which is headed ‘Infrascriptorum bonorum quedam fuerunt feodalia quedam propria et quedam hereditaria nunc effecta libera.’

A number of sources show exactly how nominal both old and new rents now were, for instance even before 1249 a property rented out for seven shillings, six pence and four chickens paid four pence in *Freizins*.<sup>27</sup> In this source the prominent patrician Ulrich Quadrans donates a series of properties to the Augustinian canons, most of which were burdened with nominal payments ‘ad liberum censum’, but these payments were to be made to fellow patricians. It seems that, as the monks of Reinhardsbrunn were to do later (see above, p. 6), *Freigut*-owners had sold the usufruct of the property but retained the *Freizins*-title, presumably because of the privileges connected with this. They paid the *Freizins* themselves, but naturally extracted it from the party enjoying the use of the property. This procedure is not visible in the fourteenth century, and instead another method of holding *Freigut* is frequently documented in the British Library registers, that of *manu fideli* tenancy. The term was a common one for being empowered to act on another person’s behalf, and is used as such in an Erfurt source from 1270;<sup>28</sup> in its German translation it appears in the sense of holding property in trust at Kindelbrück, north of Erfurt, in 1332. But in Erfurt itself these arrangements are so frequent and long-lasting that they cannot be trusteeships in the usual sense: under the particular conditions of the *Freizins* constitution the notion of temporary trusteeship appears to have been extended to create a system whereby the occupant or tenant of a property paid the rent him or herself, whilst acknowledging the owner in possession of the *Freizins*-related privileges. A 1320 source explicitly mentions the ‘ius, quod frie volgariter nuncupatur’ as part of the sale,<sup>30</sup> suggesting that property could be sold without this *ius*. This system was more efficient than the clumsy double-payment mechanism described above, but with the owner no longer performing the physical act of payment each year some kind of written record of his rights would have been indispensable. Did the registers play a role in this?

### The *Freizins* Registers

The registers saw most of their use in the annual *Freiwoche*, described with increasing precision by all three of the main sources for the constitution of the *Freizins* mentioned above. For seven days following St Martin’s Day (11 November), excluding Sundays, the Brühl *Schultheiß* and the *notarius allodii* (later called the *Küchenschreiber*) with two court servants sat in the church of St Severus ‘next to the quire by the altar of Our Lady’<sup>31</sup> with a table in front of them on which must have sat the registers. The same procedure was followed in the merchants’ church by the officials there. When each person had paid their *Freizins* – in specially minted silver coins only – a line was drawn before the corresponding entry to record the payment (‘das die bürger nicht verkürzt werden’).<sup>32</sup> The sittings in the churches were in the mornings only, and according to the *Freizinsordnung* the afternoons were given over to dealing with any business arising in the morning: if entries in the registers needed updating the payees had to return in the afternoon to the main buildings of the Mainz administration, where they would have at least a *Schreibschilling* to pay as well as the *Freizins*. There is no evidence of a running total being kept in the registers; simply the amount received at the

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<sup>27</sup> UB Erfurt, i, 147. See also 199, 266.

<sup>28</sup> UB Erfurt, i, 151.

<sup>29</sup> Arthur Wyss, *Urkundenbuch der Deutschordens-Ballei Hessen*, 3 vols (Leipzig, 1878–1899), vol. ii, no. 574.

<sup>30</sup> UB Erfurt, i, 628.

<sup>31</sup> FO, p. 309.

<sup>32</sup> FO, p. 309.

end of each day was noted on the back of the booklet. The reckoning was probably done on a counting-board, which Engelmann stipulates the officials should have in front of them as well as the table.<sup>33</sup> At the end of the process the entries for any sums outstanding were, in Engelmann's time, copied out on to paper slips which were taken to the properties as part of the warning process prior to confiscation of the property.<sup>34</sup>

We can see from this how the registers were used as basic check-lists for the payments. How else were they used, and how were they created? The earliest known list of *Freizinse* at Erfurt has survived as part of the so-called 'Heberolle', in fact a thirty-folio codex mostly in a single hand but containing a variety of administrative writings which has recently been studied by Stephanie Wolf.<sup>35</sup> Within it is a list of incomes pertaining to the offices of Brühl *Schultheiß*, *magister fori* and *officium villicationis*, the first two including the *Freizinse* for which they were responsible. Wolf dates this to 1250–56 based on names within the text, but believes that what we have now is an updated version of a list first made in 1248 when the offices of Brühl *Schultheiß* and *officium villicationis* were pledged to the patricians Hartung Hottirman and Rudolf von Nordhausen. In Wolf's assessment it was created by Mainz to safeguard its rights during this temporary alienation and copied into the 'Heberolle' manuscript when this was created some years later, perhaps in the 1270s. Apart from the division into the three official posts there appears to be no organization within the entries, which usually give only the type of property and the name of the payee, suggesting that this was a very early attempt at listing the payments, if not the very first: certainly the 1248 pledging is the first event that we know of which created a compelling reason to begin writing down the *Freizins* income.

The next surviving register is from 1293, for St Severus only (the oldest for the merchants' church is from 1310). From this point on the registers for St Severus are extant for 1293 and 1294, 1321–1332, and with some interruptions from 1350 to 1486. They were all titled *Liber censuum*, but also known as *Liber allodii*<sup>36</sup> or *register allodii*<sup>37</sup> and more often, in the vernacular, *Freibuch*. The registers of 1293/4<sup>38</sup> are a significant improvement on the 'Heberolle' list as they employ alphabetical ordering for ease of reference. If such a list had been used during the *Freiwoche*, experience would soon have shown that payees' names needed to be found quickly, and this also engendered the practice of beginning each entry on a new line, which was still not established procedure in accounting at the time.<sup>39</sup> It is likely that 1293 was not the first time that such a register had been created, as the number of deleted entries is consistent with the corrections occasioned by the annual updating of the later registers. However, there are no marginal notes, and no allowance is made for them, as the registers are written on tall, thin folios typical of tax lists of the period<sup>40</sup> with very small margins. At this stage the administration was still recording only a minimal level of information, with entries themselves differing from the brief notes in the 'Heberolle' list only by the addition of names of former owners. The script is also a *textura rotunda* with occasional features of a documentary hand (e.g. hooked ascenders), giving the impression that the scribe was uncertain about precisely what sort of text he was writing and again suggesting that it was a relatively new departure.

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<sup>33</sup> FO, p. 309.

<sup>34</sup> FO, p. 311.

<sup>35</sup> Stephanie Wolf, 'Zur Mainzer Heberolle und ihren Erfurt betreffenden Vorlagen'. Edition: Erhard, 'Erzbischöflich-Mainzische Hebe-Rolle aus dem dreizehnten Jahrhundert'. Manuscript: Staatsarchiv Darmstadt, C 1 B Nr. 35.

<sup>36</sup> Alfred Overmann (ed.), *Urkundenbuch der Erfurter Stifter und Klöster*, 2 vols, *Geschichtsquellen der Provinz Sachsen und der Freistaatsanhalt*, Neue Reihe, v, vii (Magdeburg, 1926–1929), vol. i, no. 1104 (1319).

<sup>37</sup> Kirchhoff, *Weisthümer*, pp. 86–7.

<sup>38</sup> LHASA Cop. 1399 A 1.

<sup>39</sup> Mark Mersowsky, *Die Anfänge territorialer Rechnungslegung im deutschen Nordwesten. Spätmittelalterliche Rechnungen, Verwaltungspraxis, Hof und Territorium*, *Residenzenforschung*, ix (Stuttgart, 2000), p. 112.

<sup>40</sup> Vogeler, 'Steuerbücher', vol. i, 242.

In 1321, however, there is no doubt: a documentary hand is used throughout, the page size allows for annotations, entries have become more detailed and pledges of *Freigüter* are now recorded at the end of the register.<sup>41</sup> It is impossible to tell whether this represents a gradual evolution since 1294 or whether the system had been re-modelled by the *provisor allodii* Hermann von Bibra, who also created the list of the archbishop's rights and accounts for 1323–4 which were at the forefront of the growing sophistication in account-keeping at the time.<sup>42</sup> From this point on the form of the registers is relatively fixed, except for the continual growth of the list of newly created *Freigüter*, which first appears in 1321 and in 1378 becomes the 'New Book' (*novus liber*), receiving its own alphabetical structure the following year. The original list now came to be called the 'Old Book' (*antiquus liber*), but actually continued to have new properties added to it as well; both became colloquially known as the 'antiquus/novus liber Severi'. The registers were probably made each year by copying out the previous year's corrected register – the only element of either the content or structure of the text that I have found contradicting this is the repetition of the entry for Aplo Pilleatorum and Heinricus Cridenbörner in 1356 after it had been crossed out in 1355. There were, however, other books in the possession of the archbishop's administration of related content, which are cross-referenced with the *Freizins* registers at one point: on f. 9v of the British Library manuscript it is recorded that Hartungus de Smidestete owes *Freizins* for eleven fields but also noted that 'in other books' ('in aliis libris') is written twenty-three fields.

The increasing detail of the entries shows that the archbishop's administration was steadily improving its means of keeping a hold on its rights. We know that in the fifteenth and sixteenth centuries many properties were 'lost' because the memory of their location was not passed between generations and the entry in the register was insufficiently detailed or up-to-date to identify them,<sup>43</sup> and this was probably always an issue. But the townspeople were also making use of the registers as records: for instance in 1351 a marginal note (f. 9r) shows that someone, probably Albertus Swanning, had asked for it to be noted that his daughters had no share in a *curia* on the Fischmarkt which his sons held in common ('notandum quod alb' voluit ponere') – such arrangements for minors are quite often noted. However, the most significant way in which the registers were used beyond their function as simple lists benefited both the administrators and the townspeople by keeping track of the ownership of property when the duty of paying *Freizins* passed out of the owner's hands. If anyone was advanced credit on the security of *Freigut* the creditor was responsible for paying the *Freizins* as long as the debt was outstanding. Hence the *Freizinsordnung* stipulates that the creditor should be written in the main text, and the actual owner in the 'nota' or 'Besserung'.<sup>44</sup> Earlier notes of pledges, of which there are two or three at the end of each register in the 1320s, fulfilled the same function. Another passage from the *Freizinsordnung* suggests that creditors would seek to have the debt recognized ('bekenth und geschrieben') in the *Freibuch*, along with a payment deadline.<sup>45</sup> In a similar vein, a document recording the sale of a vineyard, but leaving the seller the option to buy it back for a fixed sum after six years, was copied in full into the relevant entry in 1351 (f. 8r), and appears again in 1352, though not after this. The most important notes in this category were those concerning *manu fideli* tenure, mostly within the main text. It must have been difficult to keep track of this system, and the registers show this through corrected mis-attributions, where the real owner has been listed as the payee when in fact this should be the *manu fideli* tenant (e.g. f. 11v). There is no record of *manu fideli* tenure in the 1293/4 registers, and it appears very infrequently in the early 1320s, but in 1327 it is becoming more common. In the early 1320s great care was taken over the recording of pledges, so it seems unlikely that *manu fideli* arrangements would have escaped

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<sup>41</sup> LHASA Cop. 1399 A 2.

<sup>42</sup> LHASA Cop. 1384 A; Mersiowsky, *Rechnungslegung*, pp. 98–9.

<sup>43</sup> FO, p. 323; Faber, *Abhandlungen*, pp. 98–9.

<sup>44</sup> FO, p. 319.

<sup>45</sup> FO, pp. 319–20.

the administrators' attention had they existed. It seems therefore that the growth of *manu fideli* tenure follows hard upon the developing sophistication of the registers, especially if this sophistication was a new introduction by Hermann von Bibra, and that the registers may in fact have stimulated a shift to the *manu fideli* system by making the necessary written record available from a reliable and independent third party for the payment of the *Schreibschilling* at most.

Further technical difficulties for the administrators were caused by the issue of properties passing to the 'dead hand' of the city council and religious institutions. This happened frequently throughout the thirteenth century, but was banned by Archbishop Werner in 1273. He described the practice only as damaging to his rights and the cause of 'questiones et vexationes',<sup>46</sup> and the precise reasons for his act are not immediately obvious. The Mainz administration gained only the *Schreibschilling* when *Freigüter* were inherited by private individuals, and this payment remained in the hands of the local officials in any case.<sup>47</sup> The properties listed in the registers for the council and religious houses do show a considerable stability, so perhaps property was unlikely to be sold once it came into the possession of these bodies, and so the administration would in practice lose the fees from sales too. The ordinance was only confirmed by Erfurt's council in 1281,<sup>48</sup> probably in the course of retreating from a confrontation with the archbishop.<sup>49</sup> Klaus Friedland reports that in the 1351 register for the merchants' church a marginal note points out that religious persons are forbidden by the archbishop to hold *Freigut* in *manu fideli* tenure too.<sup>50</sup> But *Freigut* nonetheless continued to be donated or sold to the institutions, often with the archbishop's explicit permission.<sup>51</sup> This may have been because the fees at stake were small enough that exceptions could quite easily be obtained, or because a compromise solution had been reached: for each of its *Freigüter* an institution could supply the name of one of its members, and pay a certain amount on his or her death. This can be seen in detail in 1486, when the convent of St Cyriacus agreed to pay ten florins on the death of each abbess, so long as this happened more than six years after the last payment had been made.<sup>52</sup> These names obviously had to be written down, but I have found no such notes in the *Freizins* registers that I have seen. Probably we can see here one of the connections between the registers and a mass of other records which must be borne in mind when seeking to understand the surviving material.

But as well as recording detailed and shifting circumstances of life in the town, the registers also give us an example of an administrative fiction, and one with a less than clear purpose. This arose after the expulsion of Erfurt's Jewish community, which in 1349 fell victim to the pogroms then breaking out across Germany. In August of that year the council had to agree to pay everything that the Jews had formerly rendered to the archbishop, including their *Freizins* dues.<sup>53</sup> These had been recorded since 1293 in a separate section of the registers, mostly in those for St Severus (the Jewish quarter was on the left bank of the Gera). The property market within the Jewish community was either not very lively or the administrators were ill-informed about it, because the entries show much less change over the years than those for the Christian inhabitants. However, from the 1350 register onwards the entries are entirely free of variation that could not be scribal error, and indeed some of the scribal errors prove that the Jewish names now written out every year were a fossilized record of the situation before 1349: Gutta of Weimar at one stage becomes Gunther, and then reverts back to Gutta in 1379,<sup>54</sup> when the

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<sup>46</sup> UB Erfurt, i, 263.

<sup>47</sup> FO, p. 318.

<sup>48</sup> UB Erfurt, i, 311.

<sup>49</sup> See Wolf, *Erfurt im 13. Jahrhundert*, p. 196.

<sup>50</sup> Friedland, 'Bürgerfreiheit und Grundeigentum', p. 66.

<sup>51</sup> UB Erfurt, i, 615, 628; ii, 81, 266.

<sup>52</sup> Faber, *Abhandlung*, p. 91.

<sup>53</sup> UB Erfurt, ii, 316.

<sup>54</sup> LHASA Cop. 1399 A 6.

scribe seems to have gone back to an older list to correct the text (this was the year in which the *novus liber* was also improved with an alphabetical ordering). A 1491 copial of the city council includes this fossilized list alongside the ordinary *Freizins* which it owed.<sup>55</sup> Jews did in fact return to Erfurt in 1354,<sup>56</sup> but the state of the community before that year continued to be written out in the *Freizins* registers annually and in full as if it were still a reality, instead of, for instance, being summarized and placed under the other payments made by the council.

The registers probably owe much of their current condition, and indeed survival, to Nicolaus Engelmann (*Küchenmeister* 1494–1516). He describes how they were to be written up each year on parchment, ‘collationirt’, bound for use in an old *coopertorium* (a parchment cover to which the quire could be tied in various ways)<sup>57</sup> and then rebound in a new *coopertorium* and labelled for storage.<sup>58</sup> This practice of binding may have been new, if not introduced by Engelmann himself, as most of the surviving registers from before 1486 have damaged outer sides from having lain unbound. They are also gathered into groups, mostly of 5–8 years, which were originally bound in a *coopertorium*: LHASA Cop. 1399 A 13 (1471–1478) retains this binding, and the other manuscripts at Magdeburg, though rebound, preserve a title which was written on the outer cover in the same script as on the 1471–78 collection. Mau-Pieper believes from comparison with other *coopertoria* that this binding is of the sixteenth century,<sup>59</sup> and it is likely that such binding and labelling existed under Engelmann as he writes that each year’s register should be labelled in the same way as the others. The British Library collection probably represents one such group of registers bound together c. 1500. The specifically prescribed use of parchment is interesting – was this merely the tradition for a set of records which had begun before paper was widespread, or was it out of consciousness of their long-term record value?

Engelmann sought to improve the usefulness of the registers in ways other than their physical condition. He was most concerned with the continuing problem of the ‘loss’ of properties, and so he stipulated that the *Küchenmeister* should write down in his ‘manual’ the place of residence of the buyer and seller of any *Freigut* and where the property was to be found in the register (‘in welchen tittel die güther liggen’).<sup>60</sup> Ironically no registers survive from Engelmann’s term of office, but already beforehand their entries were being used in a manner approaching a legal definition of the property: for instance in 1476 the text of ‘das alde buch [Severi]’ was quoted in a sale document,<sup>61</sup> and Engelmann wrote that the entry should be read out to buyers of *Freigut* so that they could compare it with the seller’s description.<sup>62</sup> Although the exact location or extent of the property was still not specified, so that its identification relied partly on the memory of what had been held by the previous owners named, the value to both administrators and townspeople of the written record in the registers was still increasing.

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<sup>55</sup> LHASA Cop. 1383.

<sup>56</sup> Reinhold Ruf, ‘Juden im spätmittelalterlichen Erfurt: Bürger und Kammerknechte’, in Frank G. Hirschmann and Gerd Mentgen (eds.), ‘*Campana pulsante convocati*’: Festschrift anlässlich der Emeritierung von Prof. Dr. Alfred Haverkamp (Trier, 2005), pp. 487–518 (p. 503).

<sup>57</sup> Maren Mau-Pieper, *Koperte als Einband bei Gebrauchsschriftgut in Mittelalter und früher Neuzeit* (unpublished Magisterarbeit, Tübingen, 2005), pp. 70–80 (p. 2). Accessed at: [http://w210.ub.uni-tuebingen.de/dbt/volltexte/2005/1808/pdf/Magisterarbeit-Koperten\\_withpics.pdf](http://w210.ub.uni-tuebingen.de/dbt/volltexte/2005/1808/pdf/Magisterarbeit-Koperten_withpics.pdf) [30.06.2011].

<sup>58</sup> Michelsen, *Mainzer Hof*, p. 20.

<sup>59</sup> Mau-Pieper, *Koperte*, p. 80.

<sup>60</sup> Michelsen, *Mainzer Hof*, p. 18.

<sup>61</sup> Faber, *Abhandlung*, pp. 88–9.

<sup>62</sup> FO, p. 321.

## The Registers in Erfurt Society

It was commonly specified that *Freizins* were paid ‘on the archbishop’s table’<sup>63</sup> – was this a piece of legal exactitude, or a phrase that once had a specific meaning and had become an empty formula, or was it a formula that became commonplace because it expressed a strong consciousness of the occasion of the *Freimoche* and the moment of payment at the table? Both the citizens of Erfurt and the archbishop’s administration had every reason to remember the *Freimoche* not just as an accomplishment of a task, but as an event with a bigger part in their lives. It was certainly accompanied by a degree of ceremony: the legal processes tended to develop a ritual character and Friedland notes that the specially minted *Freipfennige* ‘trug Jahr für Jahr ein neues Münzbild in der Art einer Gedenkmünze oder Medaille’.<sup>64</sup> The officials dined on chicken and goose each morning, with the town’s jurors (*Schöffen*) invited to the meals at St Severus,<sup>65</sup> and there seems to have been singing on the anniversary of the death of St Elizabeth of Hungary (17 November): in 1495 four pence was to be paid to the boys who sang the alleluia ‘in der Elisabeth’.<sup>66</sup> Most significantly, this annual ceremony expressed the perpetual contract between the archbishop and his subjects.

Within this contract the registers stood out as the guarantors of the mutual rights and privileges. Like the table, the physical action of writing names into the *Freibuch* became part of the jargon of the business, so that in 1349 the *Freigut*-ownership of the Jews was expressed by saying that they had been ‘ane daz frye gescriben’.<sup>67</sup> But whereas, for the townspeople, the *Freimoche* as a whole stood for the continuance of a general right to unburdened hereditary ownership of property and certain privileges that went with it, the registers themselves were prominent in their consciousness as guardians of the much more specific right to each individual piece of property. But despite this narrow function, the registers had a very broad significance for the town’s property-owning society. As records of ownership they were a part of the way men did business all year round, and they may even, through the development of *manu fidei* tenure, have had an active role in the development of the customs and procedures which laid the material foundations for everyday life in late medieval Erfurt.

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<sup>63</sup> E.g. 1289 (Kirchhoff, *Weistümer*, p. 8): ‘Dit ist daz recht von deme frigen Gute. Daz da tzinzset uff des Ertzebischoves Tisch’. UB Erfurt, i, 160: ‘super mensam domini nostri archiepis Moguntini’; 202: ‘super mensam nostram’; 208: ‘super mensam episcopalem’; ii, 517: ‘uff unsern tisch’.

<sup>64</sup> Klaus Friedland, ‘Bürgerfreiheit und Grundeigentum. Die Erfurter Freizinsregister’, *Mitteilungen des Vereins für die Geschichte und Altertumskunde von Erfurt*, NF, ix (2001), pp. 57–70 (p. 61).

<sup>65</sup> FO, p. 310.

<sup>66</sup> FO, p. 312. Kirchhoff asserts that ‘Die Scholaren des Severstifts sangen, wahrscheinlich beim Beginn der Erhebung (am ersten Tag oder auch allen folgenden), Halleluja’ (p. 227) without citing a source.

<sup>67</sup> UB Erfurt, i, 316. See also Faber, *Abhandlung*, pp. 88–9.