



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

Original text published in Polish:
Śląski Kwartalnik Historyczny Sobótka,
1981, vol. 44, no. 1, p. 89-99
PL ISSN 0037-7511

BENEDYKT ZIENTARA

**INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL
EUROPE BETWEEN THE 12TH AND 14TH CENTURY**

1: One of central conductors of the settlement of the territory of East Germany, Poland, Bohemia and Teutonic Prussia was the so-called *zasadźca*, by most of the sources referred to as *locator*, and more rarely (in Pomerania and Mecklenburg) as *possessor*¹. While planning and managing the process of colonization (which during its initial stage included also the task to exercise care over the settlers) was performed on the initiative of local rulers and—later—feudal lords, and the supply of individuals willing to engage themselves in a risky enterprise of migrating to alien lands in search for better future was the basic condition of launching the very activity, the figure of *locator*, who managed the incorporation process and determined both initial and subsequent living conditions of the new community of settlers, was an indirect, yet essential, element on which depended the success of the entire initiative. The role of *locator* did not lose its importance even in the case of ever more frequent acts of colonization based on German legal code, entailing adaptation of existing settlements to the German legal system and introduction of a radically new organization of agriculture.

Acts of incorporation—even when performed only on a small, single-village scale—required substantial organizational effort and technical competencies². It required one to gather a group of people willing to take a risk of moving to often very remote areas (in the 12th century migrants from the vicinity of Luxembourg and the Moselle river settled as far as in Transylvania) and except for organizing their transport, provide them—most probably—with food supplies. The spot dedicated for a future settlement would have to be marked out in line with conditions such as easy access to drinking water and road infrastructure facilitating communication with nearby settlements. What was also determined was the location of farmsteads, church (and often also inn and mill). The land allotted to the village was then divided into *niwy* (parcels) and the farmland contained within the parcels—to particular farms. In the case when an existing settlement was to be adapted to the requirements of newly introduced code, there was no need of importing new settlers (or their number was simply reduced); however, what

¹ The issue of *locators* has been so far addressed only by two monographic works: an excellent dissertation of P. R. Kotzschke, *Das Unternehmertum in der ostdeutschen Kolonisation des Mittelalters*, Bautzen 1894, and article by K. Schunemann, 'Zur Geschichte des deutschen Landessaubaus im Mittelalter' (*Süd-Ostdeutsche Forschungen*, 1, 1938, pp. 30–46). Further in this text, I also make use of materials collected by M. Barański in his unpublished works devoted to *locators* operating in Silesia, Greater Poland, Lesser Poland and Warmia. I would like to thank the author for making them available to me.

² R. Koebner, 'Locatio. Zur Begriffssprache und Geschichte der deutschen Kolonisation' (*Zeitschrift des Vereins für Geschichte Schlesiens*, 63, 1929 pp. 1–32); B. Z i e n t a r a, 'Przemiany społeczno-gospodarcze i przestrzenne miast w dobie lokacji' (*Miasta doby feudalnej w Europie środkowo-wschodniej*, Warszawa 1976, pp. 67–97).



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

was still needed to be done was the measurement works connected with delimiting the borders of new farmsteads, parcels and farmland.

In some cases *locators* conducted the measurement works personally by means of special rods or measurement string (*virga, funiculum mensurationis*); over time, however, only specialists in geometry (*mensuratores*), and their assistants (mostly in the process of incorporation of towns), were allowed to perform this activity. At the close of the 14th century, a measurement manual was produced in the State of Teutonic Order in Prussia named *Geometria Culmensis* ³.

Incorporation was also coupled with organization of social life in newly established settlements, including the introduction of institutions of self-governance, such as village court and parish (together with all its necessary facilities). Another task involved establishing laws that were to regulate the relations between the settlers, as well as their obligations towards their landlords and Church. As the new settlements developed, according to the needs of their communities, mills, inns, as well as craftsmen and artisan markets etc., were introduced.

All these activities were becoming much more complex when it came to incorporation of towns: defensive settlements with different functions. Geometricians, who were marking out new municipal centres of Central Europe between 13th and 14th century, adhered to a type of urban plan which was ideally suited to the needs of merchant-craftsman centres and which drew from theoretical foundations of urban planning developed by the Romans. It was necessary for the plan to be adapted to natural conditions and match the existing road network.

2. Incorporation specialists do not yet operate at the first stage of colonization. At the time, the initiative in this sphere was on the side of peasants, who through their delegates negotiated the conditions with landlords. In the agreement of 1106 between Archbishop Frederic of Hamburg-Bremen and Dutch settlers, the latter ones are represented by priest Henryk and five other delegates ⁴. Similarly, Bishop Udo of Hildesheim (1079–1114) held talks with four representatives of peasantry who were being settled in Eschersheim ⁵. Identical were relations between landlords and communities of colonists from the mid-Elbe region, where privileges were granted by the Archbishop of Magdeburg, and bishops of Naumburg and Meissen. Although they were usually represented by *magister incolarum*—also referred to as *burmestere, magister ville* or *scultetus (sołtys)*—the receptor of the privilege was always collective and comprised an entire village community. Thanks to some of the privileges peasants were given a free hand to elect their *sołtys*, who was then granted rights, which made him superior in status in relation to other peasants. These included the position of a chairman of the village court, the right to receive 1/3 of the court's income, and the right to own 1 or 2 rent-free *łans* of land ⁶. According to a particularly interesting privilege of

³ *Geometria Culmensis*, published by H. Mendthal, Leipzig 1886.

⁴ A selection of sources on the history of incorporation in Central Europe was published by H. Helbig and L. Weinrich, *Urkunden und erzählende Quellen zur deutschen Ostsiedlung im Mittelalter*, vol. I–II, Darmstadt 1968–1970; due to their easy accessibility I shall make quotations based on this collection, (hereafter referred to as UEQ) UEQ I, 1.

⁵ UEQ I, 23.

⁶ The most intrinsic study on the beginnings of village *gminas* within the colonized territory of Central Germany in the 12th century was produced by W. Schlesinger, *Bauerliche Gemeindebildung in den mitteldeutschen*



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

Archbishop Wichman of Magdeburg issued for the Flemish colonists in Wusterwitz (in 1159) the aforementioned Henryk's post is viewed as unique: his name is placed first on the list and he is described as one 'from whose initiative and with whom [the colonists] came' ⁷. Hence, it would be reasonable to perceive Henryk as the principal conductor of the process of incorporation, which could be justified by both by the fact that he was singled out from the rest of the group and awarded by the Archbishop a unique hereditary title of the village judge and the right to receive 1/3 of the court's income, 4 rent-free *lans* and 1 pound from the total sum of village rent collected.

In the very same year, Archbishop issues yet another privilege, this time concerning the incorporation of the village Pechau. However, its addressee is no more a group of settlers but '*quidam Heribertus*', who obligates himself to lead the new village to a flourish: '*excolere et fructificare*'. He is also granted a hereditary office of judge with the right to collect 1/3 of the total income and 6 *lans* of feudal land. Heribert, who is at that time only about to initiate the incorporation activity, secures a right for himself to purchase some of the neighbouring villages in order to make them subject to an incorporation process based on that very same code that was to be introduced in Pechau (and which in fact originated from as far as Burg) ⁸.

What becomes self-evident here, is that this man did not treat his tasks simply as intermediation between the settlers and their new landlord, but as an enterprise that was to bring him material benefits and social advance. Heribert may be then described as a *locator*, who was not only a specialist in the organization of settlement, but also an entrepreneur.

Soon later, the number of new *locators* grew rapidly. They first emerged in the territory of initial Dutch settlement in the low-Wezer region, where the marshy areas of later Stedingerland were granted in 1149 to two individuals named Jan and Szymon, whose task was to sell them to the settlers and launch their farming. New settlers would then purchase the right to their farmsteads from their *locators*. In the closing part of the document Jan is referred to as '*emptor*', which shows that he also purchased from the Archbishop the right to perform acts of incorporation ⁹. The privilege does not mention the subject of judicature, but it is highly probable that the power over this segment also went into the hands of *locators*. The introduction of incorporation fees (later in the south called *arrha*) shows that management of settlement process proved to be a success and a profitable enterprise. Soon, also the aforementioned Archbishop Wichman, who took his first steps in this area as conductor of direct negotiations with the settlers and then ceded this duty to his intermediaries, we come across a system of purchasing the rights to perform acts of incorporation: a cathedral provost Gerhard granted *locators* Burchard and Szymon the right to develop ('*ad excolendum*') the village of Kraków (Krakau) '*sub assignacione cuiusdam certe pecunie*'; the agreement was confirmed by the Archbishop¹⁰.

Further examples of such activity—taking place both in the low- and mid-Elbe region— may be multiplied. However, we have no hard evidence on the origin of

Landen im Zeitalter der mittelalterlichen deutschen Ostbewegung (Die Anfänge der Landgemeinde und ihr Wesen, published by T. Mayer, vol. II, Lindau–Konstanz 1964. Vorträge und Forschungen VIII/2, pp. 25–83).

⁷ UEQ I, 12.

⁸ UEQ I, 10.

⁹ UEQ I, 2.

¹⁰ UEQ I, 9.



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

locators. While first '*magistri incolarum*' and '*burmestere*' were surely peasants-colonists, it is hard to say so about individuals who purchased the right to perform incorporation acts and personally managed the process of immigration and settlement of peasants. It is possible that they were members of wealthy peasant families and sought social advance, but what is much more probable is that they were burghers: like for example *locator* Heribert, who introduced in Pechau legal code of the town Burg (north-east of Magdeburg). This makes it possible that Burg was actually Heribert's home town ¹¹. Most probably, Werner of Paderborn, one of the *locators* of Poppendorf established by Archbishop Wichman (1164), was a burgher too ¹². Whereas Frederic of Machtenstede, *locator* working in service of Archbishop of Hamburg-Bremen (1170, 1180–1183) was also archbishop's ministerialis, that is a representative of local knighthood ¹³. The only element that linked all these individuals of different social backgrounds was their remarkable resourcefulness, willingness to take risk, technical and organizational skills and welcoming opportunities of social advance created by the quickly growing incorporation business.

A rapid growth of incorporation activity was attributed to the fact that it was not a spontaneous process: despite the fact that at its initial stage the archbishops of Hamburg-Bremen accepted only offers made by colonists immigrating from the Netherlands, their neighbours—who noticed that participation in the settlement of newcomers, who made laborious and excellent farmers, could bring lots of material benefits, became the first ones to take the initiative. This mostly concerned the princes, who regularly raided and annexed Slavonic territories: their aim was to protect their sovereignty by populating the conquered lands with German peasants. For instance, Adolphus II, Count of Holstein, 'sent his men everywhere—to Flandria, the Netherlands, Utrecht, Westphalia and Frisia—and told them to spread a message that anyone with an appetite for a new land is invited to come, together with their family, and will be given very much land' ¹⁴. Also Albert the Bear, Margrave of Brandenburg, 'started to recruit new settlers in Utrecht and Rheinland and soon later among those who live by the Ocean and endure adverse sea weather conditions—the Dutch, Zealanders and Flandrians—thereby bringing very many of them' ¹⁵. Henryk, Count of Ratzeburg, 'located in the land of Polabians, brought plenty of people from Westphalia to settle them in the land of Polabians, and divided their land by means of a measurement string' ¹⁶. Similar settlement policy was followed by princes who did not engage in the procedure of annexation but exercised power over scarcely populated areas. For example, Count Wiprecht of Groitzsch travelled to Franconia and 'brought from there many local peasants, who settled on the site they had earlier cleared of woodland (around the Pegau abbey) and which was awarded to them as hereditary property and [what may seem amusing] told them to call the newly founded estates and villages with their own

¹¹ Cf. footnote no. 8.

¹² UEQ I, 11.

¹³ UEQ I, 3; *Hamburgisches Urkundenbuck*, vol. I, published by J. M. Lappenberg, Hamburg 1842, 260.

¹⁴ *Helmoldi presbyteri Bozoviensis Chronica Slavorum*, published by B. Schmeidler, H. Stoob, Darmstadt 1963; I, 57. Polish translation by J. Matuszewski.

¹⁵ *Ibidem* I, 89.

¹⁶ *Ibidem* I, 92.



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

names'¹⁷. These village founders were most probably '*burmestere*', and it is probably to them that the names of Ottendorf, Everhardsdorf etc. owe their origin. As time went by, the custom of naming villages after their founders gradually spread across the entire Central and Eastern Europe.

Well-organized and far-sighted incorporation policy was conducted by Archbishop Wichman; and most probably also by the margraves of Meissen from the Wettin family, although no detailed information on the subject have survived. Principal aspect of this policy involved sending out delegates to the territories potentially abundant in colonists, supervising their migration and, finally, dealing with their settlement, this including providing them with food and animal fodder in the course of journey and at the initial stage of settlement. This required a lot of effort and resources. Landlords allowed the settlers to obtain their building materials from the nearby woodland with no limitations.

Whereas it would be reasonable to expect that the first group of '*locators*' comprised '*burmesteres*'—who were chosen by the settlers themselves—the second group was composed of functionaries of dukes and bishops—knights and ministeriales—who having engaged in the process of colonization on behalf of their seniors and began to treat this task as source of income and means of social advance. From that moment onwards (and in the case of the Elbe river region from 1150) the settlement policy was much improved and local landlords even started to gain profits from the settlement actions.

Much more difficult was the situation of landlords who were importing colonists to their properties located further to the east. For a long time they were forced to perform incorporation either personally or by means of their *locators*, to whom they had to grant free incorporation privileges and who often established new settlements with the help of their money. Incorporation activity also involved granting vast woodland or swampy areas to abbeys and other church institutions—sometimes even secular lords—on the condition that they would be settled with colonists, naturally to their own benefit.

Only after 1240 the process of colonisation of Polish and Bohemian lands became full-fledged, and the function of *locator* started to be perceived as a reasonable means to advance ones career; following 1260 incorporation fees were introduced in Silesia and Bohemia. These were often considerably high (up till 50 *grzywnas*). Incorporation activity in Prussia speeded up by the end of the 13th century, but incorporation fees were introduced as late as in the 14th century and were comparatively lower. The state was still the main initiator of the settlement of vast woodland areas where colonization was continued following the 14th century, which resulted in the fact that in the second half of the century Prussia suffered serious settlement crisis due to the lack of sufficient number of newcomers.

The study of incorporation activity in the territory stretching from the river Elbe to the river Bug and south-eastern extension of Carpathia, is connected with great difficulties. The reason of these difficulties is insufficient reliable source material available. Whereas scholars are in possession of a considerable number of incorporation privileges relating to the territories of the mid-Elbe river—especially Silesia, Bohemia and Prussia—in the case of Brandenburg, Mecklenburg and Pomerania their only material are privileges of town incorporation, since these were the only type of

¹⁷ *Annales Pegavienses*, G. M. Pertz (MGH SS XVI, s.a. 1104, p. 247).



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

documentation issued there. In the case of village incorporation, the activity of *locators* (called '*possessores*') is confirmed only by incidental mentions in other documents and by agreements between princes and bishops regarding the payment of tithes (their existence is proven by—except for a few incorporation documents—the fact of granting *locators* with hereditary power over *sołectwo* (*scultetiae*)—which was a frequent practice of the time¹⁸.

Source material that documents the process of colonization of Hungary is also very scarce. Most of them contain not a single mention of *locators*. Instead, they inform that privileges concerning the liberties of the settlers are granted to all the newcomers and, what is more, that the colonists are awarded an ordinary right to elect their autonomous judge (*villicus*, *iudex*). Indeed, K. Schiinemann supported the view that *locators*—without the presence of whom the process of recruitment and migration of the German settlers to remote areas of Transylvania would be hard to imagine—in fact operated and he sought evidence for this fact in the names of certain localities¹⁹. Yet, Hungarian scholars (I. Szabó, A. Kubinyi) managed to produce very little source material to confirm his claim. Most of these individuals were not awarded with hereditary judiciary power in incorporated villages. Only the wave of settlement initiated after the Mongol invasion in the territory which is now part of Slovakia and in the Spiš region was managed by *locators* from Silesia and Lesser Poland, and their actions were modelled after incorporation policy developed earlier in Germany and Poland. What was also at force in these territories was the privilege of hereditary title of *sołtys*²⁰.

As we have already mentioned, *locators* received remuneration for their activity from their commissioners. In most of the cases, this was the office of *sołtys*, namely the judge of an autonomous village court (*iudex*, *scultetus*, *villicus*), which usually entailed also other privileges: a number of rent-free *łans* (and often also free from the church tithes), the right to establish mills, inns, craftsmen markets and craftsmen guilds. *Sołtys*-owned land varied in surface. For example, some officials received only 1 rent-free *łan* and others—every 6th *łan* in the newly incorporated villages whose total area was often larger than 50 *łans*. *Sołtys* had the liberty to settle this territory with his peasants, farmers and craftsmen. The position of hereditary judge usually brought him income of 1/3 of all court fees. *Sołtys* was the vassal of the village landlord on behalf of whom he often collected rents from the peasants (and naturally kept part of the total income to

¹⁸ Mecklenburg lacks a monograph on colonization between 12th and 13th century: cf. an outline by H. Wille, *Mecklenburgische Geschichte*, vol. I, Wismar 1909, and a study by P. Steinmann, *Bauer und Ritter in Mecklenburg*, Schwerin 1960, chapter I and II; an antiquated work on Pomerania by W. von Sommerfeld, *Geschichte der Germanisierung des Herzogtums Pommern oder Slavien bis zum Ablauf des 13. Jahrhunderts*, Leipzig 1896. Agreements on the payment of tithes: *Mecklenburgisches Urkundenbuch*, vol. I, Schwerin 1863, 59, 88; *Pommersches Urkundenbuch*, vol. II, Stettin 1885, 975, 976. Cf. Kotzschke, *op. cit.*, pp. 28 and following.

¹⁹ Schunemann, *op. cit.* p. 34.

²⁰ A. Kubinyi, *Zur Frage der deutschen Siedlungen im mittleren Teil des Königreichs Ungarn (1200, 1541)* (Die deutsche Ostsiedlung des Mittelalters als Problem der europäischen Geschichte. Vorträge und Forschungen XVIII, Sigmaringen 1975, pp. 553 and following). Cf. also A. Roth, *Deutschrechtliche Ansiedlung und Gemeinschaftsbildung in Ungarn* (Deutsches Archiv für Landes- und Volksforschung, 7, 1943, p. 406); A. Kormendy, *A soltesz (more scultetorum) telepítette falvak a Szepesegben (XIII–XIV sz.)* (Agrartörténeti Szemle, 3–4, 1974, pp. 305–348); J. Beňko, *Osidlenie severneho Spisa do polovice 14. storocia* (Historické štúdie, 15: 1970, pp. 161–187).



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

himself). From the second half of the 13th century he was required to perform cavalry service and at times work as a horse courier.

Much higher were the incomes of a town *sołtys*, more frequently referred to as *wójt* (*advocatus*). *Wójt* was not only granted ownership over municipal land, but also over parts of town squares and merchant stalls he later let on lease. Furthermore, he was also granted an exclusive right to establish mills, baths, slaughterhouses and inns and, interestingly enough, to keep part of their rent. In towns with greater potential of development, incomes of *wójts* were much higher than those of landed nobility; as *wójts* had the resources to purchase a significant number of landed estates, they were quickly accepted as its members; being most powerful vassals of town lords, they were active participants of what may be called great politics. As towns increasingly suffered from being reliant and exploited by the *wójts*, they quite quickly took actions to buy their independence. Feudal *wójts* were absent from Hungarian towns.

The office of *wójt* was often treated as a vehicle to promote oneself to a knightly or noble status, but this opportunity also stood open for holders of a title of *sołtys*—no matter whether they were burghers or even peasants in origin—especially those wealthy in vast territorial properties and power over many people. Social advance of *sołtyses* was further facilitated by the fact that they were subject to cavalry service, which opened the door to the knightly circles. This was probably the aim of Siegfried Rindfleisch, *sołtys* of Henryków abbey in Silesia, who from his own initiative entered feudal military service for the Duke of Wrocław. Having freed itself from an inconvenient and sloppy *sołtys*, the abbey was forced to remunerate the Duke for Rindfleisch's service²¹.

Incorporation activity was often a risky business, which is confirmed by a number of sources mentioning cases that proved unsuccessful. One of the most spectacular ones is the story of Budzow (Silesia), whose incorporation was launched in 1221 by Menold; however, the task was not completed due to obstacles posed by the local knights; Menold's successor Sibodo had to face similar problems. The abbot of Henryków, who later came into possession of this territory, entrusted the task of land measurement to the *sołtys* of one of the neighbouring villages, but the proper incorporation process was commissioned to 'the son of some priest'²².

Bronisz, a magnate from Greater Poland, commissioned a *locator* named Franko to settle the village of Gościkowo, the latter, however, did not manage to fulfil this task 'due to being in a state of abject poverty'; similar was the case with another *locator* chosen to perform this procedure, a miller called Wilhelm²³.

One of three individuals—who took up the challenge to establish the town of Brzeg by the river Odra prior to 1250—died and remaining two 'burdened with poverty' sold their incorporation rights awarded by the duke to Konrad, a burgher from Nysa²⁴.

3. With the boost of colonization-related prosperity one may observe more and more representatives of various social classes to engage in incorporation activities. Peasants were least numerous members of this group and they participated mainly in

²¹ *Księga Henrykowska*, published by R. Grodecki, Poznań 1R49, II, 4, p. 337.

²² *Księga Henrykowska*, I, 9, pp. 285–298.

²³ UEQ II 47; cf.

²⁴ UEQ II, 25.



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

the initial stage of the process (which did not involve extensive incorporation payments provided they were representing colonists) or in the stage of developing the economic systems of particular estates, which they did on commission of landlords (especially church administration and wealthy aristocracy) and which involved the introduction of the so-called *łan* system, and more rarely settling territories that were previously left idle. Peasants-*locators* also received smaller remuneration for their work than *locators* of other background. Bishop of Kraków, Nanker commissioned the incorporation of the village Biskupice (today Jangrot) in 1324 to his so-called *przypisańcy*—that is peasants that were highly dependent on him—Świętosław and Radosz ²⁵. Despite all the difficulties, incorporation activity was still often a vehicle to social advance for many members of this group.

Soon after colonization became full-fledged, its initial leaders—dukes and other sovereigns of Central Europe—were replaced by their subordinate and loyal functionaries-servants, whose social background was of minor importance and, in most of the cases, difficult to determine. The new incorporation managers included knights, ministeriales and burghers, but their success and further career depended not on their origins but on maintaining close relationship with their ruler's court and quality of their service. Initially, they operated on the account of the ruler, yet over time, they were becoming more and more self-dependent and as *locators* they took over not only the duty of village incorporation but—those most successful—also managed the process of colonizing greater territories 'en gros' and ceded part of incorporation tasks onto their deputies. This was most frequently observed in Silesia, where dukes and bishops conducted large-scale woodland clearance and settlement activity. For instance, in 1223 Walter, *wójt* of Nysa in service of the Bishop of Wrocław, was ordered to conduct the incorporation—based on the German code—of the Bishop's property in Ujazd ²⁶; similar mission was said to be conducted by Witko in the lands of Otmuchów ²⁷; in 1237 Piotr, *sołtys* of Nysa, incorporated 200 *łans* of the land of Nysa ²⁸. Similar was the case in other territories: in the land of Chełm, the Bishop Albert of Wrocław commissioned two Silesian magnates to incorporate 1000 *łans* of land, half of which was to be afterwards left in their possession ²⁹.

Large-scale incorporation activity led to the development of dense judicial-administrative districts, so-called *weichbilds*, whose village courts were subject to higher, municipal courts. In such cases *wójts* were often ordered to conduct incorporation activity in villages, whose system was not yet adapted to the German code and either retained the benefits connected with the title of *sołtys* to themselves or sold them. The system of *weichbilds* was most developed in Silesia ³⁰.

The group of *locators* mainly comprised burghers, who were first recorded to perform this function as early as in the 12th century. Later on, they mostly occupied themselves with incorporation of towns—a task which was highly complex and required

²⁵ UEQ II, 81.

²⁶ UEQ II, 22.

²⁷ *Codex diplomaticus et epistolaris Moraviae*, vol. III, published by A. Boczek, Brno 1841, pp. 359.

²⁸ UEQ II, 20.

²⁹ UEQ I, 123.

³⁰ H. von Loesch, *Die schlesische Weichbildverfassung der Kolonisationszeit* (Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung, 58, 1938, pp. 311–336).



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

great financial investments, as well as long-term organizational efforts and measurement works. No wonder that from the very outset the formation of partnerships between individual *locators* was a frequent practice: this happened for example in Przemysław (Prenzlau) in 1234 (8 burghers from Stendal ³¹) in Brzeg prior to 1250 ³², in Bochnia in 1253³³ and in Kraków in 1257 (3 burghers each) ³⁴.

Burghers were one of the most active performers in the area of incorporation, who treated this activity, most probably, as a convenient way of investing their capital and an important contribution to their social advance. Their incorporation activity was most intensive in the neighbourhood of their towns: in most of the cases this involved reorganisation of existing villages. This strategy is visible in the case of many burghers from Wrocław, Legnica, Rychbach (now Dzierżoniów) in Silesia; Poznań, Kalisz and Pызdry in Greater Poland; as well as Kraków and Nowy Sącz in Lesser Poland. During the period of major repressions by the duke in revenge for the uprising of the Kraków burghers in 1311, as many as 8 *sołectwos* were confiscated. 16 in 28 *sołtyses* of the villages neighbouring Kraków (in 1250–1333) were burghers, and as many as 11 of them originated from Kraków ³⁵. These were mostly merchants, who allocated part of their capital into incorporation activity or purchasing the title of *sołtys* from *locators*, yet, curiously enough, the group also included a tailor, a couple of butchers, a writer, a doctor, and a glass-making master. *Sołectwos* were often a subject of trade between wealthy burghers: in such cases *sołtys* naturally did not fulfil the functions connected with the purchased office but was substituted by one of the peasants.

A vast majority of latter *locators* (from 13th century onwards) originated from the so-called '*locator*' families: they were descendants of *sołtyses* and *wójt*s, who continued the activity of their forefathers in new territories. This was how *locators* from the area of the Archbishopric of Magdeburg actually conducted the incorporation of lands in Silesia. So did their Silesian successors in Lesser Poland, Greater Poland, Chełmno Land, in the Spiš region; and so did *locators* from Lesser Poland in Red Ruthenia, and those of Chełmno—in Prussia and Mazovia. The number of incorporations between the 13th and 14th century was as follows: 7 were conducted in the 14th century by *sołtyses* in Warmia; 7 in the 13th century and 13 in the 14th century were conducted in Bohemia; and 6 in the 13th century and only one in the 14th century in Moravia. ³⁶ This very group included *locators*, who had completed more than one act of incorporation. Gedko Stilvoyt of Wrocław, whose name hints at his *wójt*-related background and who was one of the founders of Kraków in 1253, soon later founded the New City of Wrocław ³⁷, and one of his partners at incorporation of Kraków, Detmar Wołk, in 1267 located also Skała

³¹ UEQ I, 87.

³² Cf. footnote 24.

³³ *Kodeks dyplomatyczny Małopolski*, published by F. Piekosiński, vol. II, Kraków 1886 (hereafter referred to as KDMp), p. 439.

³⁴ UEQ II, 77.

³⁵ A. Gąsiorowski, 'Ze studiów nad szerzeniem się tzw. prawa niemieckiego we wsiach Ziemi krakowskiej i sandomierskiej (do 1333)', (*Roczniki Historyczne*, 26, 1960, p. 162).

³⁶ Data from Warmia according to M. Barański; data from Bohemia and Moravia according to E. Graus, *Dejiny venkovskeho lidu v Cechach v dobe predhusitske*, vol. II, Praha 1957, p. 37.

³⁷ UEQ II 35; cf. S. Estreicher, *Kraków i Magdeburg w przywileju fundacyjnym krakowskim* (Ku uczczeniu E. Ulanowskiego, Kraków 1911, p. 411, footnote no. 12).



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

³⁸. Kraków burghers Gerhard and Henry joined their forces to incorporate Pobiednik, Lubocza and Prędocin ³⁹. An interesting figure was Konrad of Lowendorf, who was commissioned by Przemysław Ottokar II in 1265 to incorporate the town of Policzki and its neighbouring villages, for Ottokar 'heard that he has vast experience in this field' ⁴⁰. Jan of Dobrzyń, who was a long-term measurer in service of the bishop of Warmia, also engaged himself in incorporation activity (1313, Glottau) ⁴¹.

Representatives of knighthood were always actively engaged in incorporation activity. The group included minor knights with no material goods whatsoever—often German ministeriales—as well as ducal courtiers and functionaries, who were ordered to exercise general supervision over the process of incorporation led by their subordinates of burgher or peasant background. It was often the case that commissioned acts of incorporation and benefits they were to bring to the actual *locators*, were granted as reward for the knights' service: this was the reason why Bolesław Rogatka, Duke of Legnica in 1252 awarded his *stolnik* Radwan with the title of *wójt* of Legnica ⁴², and why Bishop Thomas of Wrocław in 1248 commissioned the knight Wrociwoj to incorporate 40 *łans* of land⁴³. Bishop Henryk of Warmia commissioned the incorporation of Frombork and Brunsberg (Braniewo) to his brothers Gerhard and Jan ⁴⁴. In such cases, the knightly *locators*—provided they completed the process of incorporation—were granted ownership of part or entire incorporated area. This system was most frequently adopted in depopulated lands of Prussia, especially at the early stage of their re-settlement: as early as in 1236, knight Dietrich von Tiefenau received from the German Order a *gord* (*gród*) with 300 *łans* of land⁴⁵, and in 1235 knight Dietrich Stange—*gród* with 100 *łans* of land⁴⁶. Much the same policy was followed in Warmia by the local bishops. Similar acts of granting the knights ownership over incorporated areas took place in Mecklenburg, Pomerania and Brandenburg, where the practice led to the establishment in New March of great knightly landed properties. These endowments were usually feudal properties and in the 14th century they were also frequently used in Red Ruthenia by the Polish King Casimir the Great and by the governor of Casimir's successor—Duke Ladislaus of Opole.

In Mecklenburg and Pomerania knights-landlords often performed incorporation of land in the neighbouring church-owned properties in exchange for feudal ownership over part of the land, entitlement to part of the total sum of rent collected and judicial

³⁸ KDMp I, 75.

³⁹ *Zbiór dokumentów małopolskich*, published by S. Kuraś i J. Sułkowska-Kuraś. vol. IV, Wrocław 1969, 878; *Monografia opactwa cystersów w Mogile*, Kraków 1867, part II; *Zbiór dyplomów klasztoru mogińskiego*, published by E. Janota, 35.

⁴⁰ UEQ II, 96.

⁴¹ *Codex diplomaticus Warmiensis*, published by C. P. Woelky, vol. I, Mainz–Braunsberg 1860 (hereafter referred to as CDW), 167.

⁴² *Urkundensammlung zur Geschichte des Ursprungs der Städte und der Einführung und Verbreitung deutscher Kolonisten und Rechte in Schlesien und der Oberlausitz*, published by G. A. Tzschoppe i G. A. Stenzel, Hamburg 1832, 36.

⁴³ *Breslauer Urkundenbuch*, vol. 2nd edition, W. Irgang, Wien etc. 1978, 352.

⁴⁴ CDW I, p. 141 and following., footnote no. 2.

⁴⁵ UEQ I, 121.

⁴⁶ UEQ I, 128.



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

power. Exceptional was the case of incorporation of 100 *łans* of land, performed following the year 1263 by Voivode Mroczek for the Cistercian abbey in Budy (Opole Silesia) in exchange for a perpetual right to earn income from the total sum of rent collected from the villagers; however, due to the fact that the settlers were granted a 15-year suspension in their feudal obligations and the voivode was an elderly man, one may think that this transaction was concluded only for devotional purposes ⁴⁷.

Large proportion of knights-*locators* operated in Bohemia; in the 13th century they conducted there 7 incorporations and in the 14th century—as many as 15 ⁴⁸.

Sometimes even clerics became *locators*. As we know from the privilege of Archbishop Hamburg-Bremen, Frederic, issued for Dutch colonists in 1106, the latter ones were led by priest Henryk ⁴⁹. There might have been other similar cases at the initial stage of the process, when the settlement initiative was largely on the side of the colonists themselves. Clerics much more rarely appeared in the role of incorporation agents, but it was not completely unlikely for them to do so. In 1253, Idzi, a chaplain from Namysłów, most probably of Wallonian origin, became involved in the process of incorporation of Teutonic villages around Namysłów, which he then settled with Wallonian peasants ⁵⁰; in 1256 Dederin Clericus received from the Abbey of Canons Regular in Nowogrod by the river Bóbr the position of *sołtys* in the village of Brosznica ⁵¹. In this context, it would be difficult to see an entrepreneur in the person of Hinczka from the village of Słowików, canon of Wiślica and procurator of the Kraków Bishopric, who was ordered by the Bishop to incorporate the village of Zapniów; the title of *sołtys* of the village was awarded to Hinczka in reward for his service ⁵².

Initially, *locators* and their colonists shared both their origin and language: even Slavonic rulers and Hungarian kings who imported settlers to their states hired German (or Wallonian) functionaries who spoke the languages of the newcomers and were familiar with their native legal system. Nonetheless, already in the 13th century, a large-scale incorporation activity is performed by the members of Polish and Bohemian knighthood; it would be reasonable to think that they realized their tasks by means of agents who were familiar with the German code and who were mostly of German origin. Increasingly popular practice of adapting existing villages to the new economic conditions based on the so-called three-field farming system and the German code, required *locators* to be familiar with the German legal system. Hence, Polish, Bohemian, Slovak or Prussian villages were initially incorporated by *locators*-Germans. What soon followed, however, was the emergence of a growing number of *locators*, who were either of Slavonic or Prussian origin, and were familiar with both the German code and the rules of spatial planning. In the 13th-century Bohemia alone, scholar F. Graus identified as many as 6 native Bohemian *locators* (next to 13 Germans); in the 14th century the proportion was 25 Bohemians to 12 Germans; Graus did not focus on *locators*, who were unidentified or whose names pointed only to their Christian origin. M. Barański,

⁴⁷ *Codex diplomaticus Silesiae*, vol. II, 4, 10. Cf: S. Rybandt, *Średniowieczne opactwo cystersów w Rudach*, Wrocław 1977, p. 39.

⁴⁸ After Graus *op. cit.*

⁴⁹ Cf. footnote 4.

⁵⁰ UEQ II, 17.

⁵¹ *Codex diplomaticus Silesiae*, i. VII: *Regesten zur schlesischen Geschichte*, part 2, 912.

⁵² *Kodeks dyplomatyczny katedry krakowskiej*, published by F. Piekosiński, Kraków 1874, vol. I, 180.



INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

adopting a similar approach, claimed that as many as 82 German 32 Polish *locators* operated in the 13th-century Silesia; in Greater Poland (also 13th century)— 24 Germans and 9 Poles, and in the 14th century—12 Germans and 30 Poles; according to Barański *locators* of Warmia (13th century) were only of foreign origin, and between 1300 and 1370, the proportion of foreigners (including mostly Germans and only several Poles and Bohemians) to Prussians was 125 to 63. According to A. Gąsiorowski, from the total number of 81 *locators* of Lesser Poland (in the period until 1333), 28 were Germans and 30—Poles⁵³.

4. All the aforementioned data indicate that the name '*locatores*' (in the Baltic Sea region '*possessores*') referred to a highly complex social group, whose members were actively involved in the management of the colonization process. What they had in common besides the incorporation activity was the desire to raise their material or social status, although the example of *Comes Mroczek* proves that there were also other forces that drove their actions.

To simplify this complex picture, we need to omit representatives of knighthood and clergy, who received ownership or suzerainty over unpopulated lands: if their incorporation acts proved successful, they were accepted as members of the group of great landowners.

What is of most interest to us are *locators* (*scultetia* and *advocatia*) who offered their services, as well as management and technical expertise to the landlords and great seniors in exchange for a number of landed properties and privileges and whose ownership of land was based on hereditary feudal law. Their status as *sołtyses* and *wójt*s was not clearly regulated, especially in places where—like for instance in Poland, Bohemia and Hungary—privileges offered to the members of knighthood included the right to hereditary, not feudal land ownership, which was clearly inconsistent with feudal rights awarded to *wójt*s and *sołtyses*. As a result, the latter ones formed a separate social group, whose characteristics matched those of non-fully developed social class. This group comprised individuals, as we already mentioned, of different social background and status—peasants, burghers and noblemen. This was a typical product of the times which characterized with high social mobility, times when both migration to remote territories as well as shifting one's national and social affiliation was a natural behaviour; the principal aim of people who managed the process of incorporation was to raise their social and material status and to become accepted as members of a higher social rank. In the 14th-century, *wójt*s and *sołtyses* operating in certain territories (in Poland, Prussia and the Spiš region) may be characterized as members of a separate social class: they were subject to unique military duties, separate judicial system and unique system of private penalties (*główszczyzna*). Yet, they were reluctant to keep it that way: their goal was either transformation into feudal landlords or profitable sell of their title and moving to town—the bigger, the better.

In the Late Middle Ages, when class divisions were gaining on strength, only *sołtyses* with well-proven aristocratic origin could be awarded the status of landlord (especially in royal landed properties). Others, unless they managed to force their way into aristocracy, had to accept the fact that it would be impossible for them to take this step up the social ladder. Consequently, from the 15th century onwards, the nobility were

⁵³ Gąsiorowski, *op. cit.*, p. 167.



NARODOWY PROGRAM
ROZWOJU HUMANISTYKI

INCORPORATION ACTIVITY AS MEANS OF SOCIAL ADVANCE IN CENTRAL EUROPE BETWEEN THE 12TH AND 14TH
CENTURY

buying out villages on a massive-scale: material privileges were separated from judicial functions that were previously fulfilled by *sołtyses* and were now performed by one of the peasants on landlord's request. In the 17th century, feudal villages were only a rare occurrence.

Translated by Katarzyna Hussar