Small Landlords: Land Transactions in and around Bozen (South Tirol) in the Mid-Thirteenth Century*

Abstract: The notarial registers (imbrreviatura) of Jakob Haas are used in this paper to describe the land market in Bozen and its hinterland in the middle of the thirteenth century. The analysis of the transactions documented by the notary demonstrates that this property market was both complex and dynamic. Several social groups ranging from nobility to urban population and peasants were engaged in the trade of a great variety of plots (urban, agrarian, with and without farmsteads) applying different kinds of legal transaction forms (fief, sale, pledge, etc.). To further profile the mid-thirteenth-century land market in and around Bozen, a comparison is made with the conditions in the same region at the end of the same century and with Montpellier in the first half of the fourteenth century. The general picture that emerges from the study is that of a dynamically unfolding land market used by people of varying social backgrounds to further their individual purposes – the main aim being the enlargement of one’s own property or securing a short-term or long-term credit.

Keywords: Late Medieval Land Market – Late Medieval Factor Markets – Land and Credit – Bozen – Tirol – Montpellier

JEL-Codes: D1, D4, NQR

I. Introduction

For many decades, the study of rural history in Tirol did not focus on the land market, but instead revolved around the political, legal and social status of the peasants.¹ The great political significance of the peasants was explained by the disappearance of serfdom, the secure peasant property rights of hereditary tenure and the peasants’ involvement in the political estates of the mountainous land.² While this research upheld the conventional distinction between the landlords and the peasants, more...
recent studies have falsified this dichotomy and drawn attention to the intermediary social groups who considerably shaped rural history in Tirol. The social background of these groups ranged from the minor nobility (*ministeriales*) to the burghers of small cities to the wealthy peasants. Living in urban centres, in their rural surroundings or in castles, these people played a crucial role in the land and real estate market. They bought and sold houses and farms, plots of land, rents and usage rights within the cities’ walls and in the countryside.

This paper will illustrate the characteristics of a land market that involved very different social groups living both in the city and the countryside. As an example, I will look at the South Tirolean town of Bozen and its surroundings in the mid-13th century. The results of the empirical data contribute to two on-going discussions: Firstly, the property and capital market in Bozen and its hinterland was significant by this early date. Lying in the transition area between northern Italy and north-alpine Europe, this may be an indication that the factor markets in this latter region may have been underestimated by historical research. Secondly and more importantly, the engagement in the South Tirolean land market provides evidence of the complex complementarity of and interaction between town and countryside. Of course, burghers and urban institutions had a great impact on the nearby land market, a concept that has been studied in relation to many European cities and regions. However, people living in the countryside, both nobles and peasants, also played their part in shaping the land market and the city-countryside interaction. The study of mid-13th century Bozen and its land market may deliver further evidence for this point of view.

The sources for this paper are the notarial registers (*imbreviatura*) of Jakob Haas. The notary, resident of Bozen, left two manuscripts with his notarial notes from the period between June and December 1237 and May and October 1242. While the office

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of the notary was already widespread in some parts of South Tirol in the 13th century, the notarial registers of Jakob Haas are among the oldest preserved examples. They include shortened texts, within which legal formulas were particularly affected by the abridgements. These sections have been reproduced in full in the notarial instruments that were drawn up based on these registers. However, only a few of Jakob Haas’ original instruments have been preserved. Presumably, notarial instruments were not made from all the entries, meaning that some contractual partners contented themselves with the knowledge that, in cases of dispute, the texts could simply be found in the register.

The notary Jakob Haas primarily dealt with persons from the minor noble and urban middle and upper classes who wanted to have their business matters recorded in writing. In the older manuscript, the notary documented 385 legal transactions in the second half of 1237, while the more recent manuscript included a total of 483 notarial entries for the year 1242. These manuscripts included diverse cases, ranging from the pledging of a coat of grey rabbit fur (II.111) to numerous loans for wine purchases and the establishment of dowries. All the commercial activities of the residents of Bozen and the surrounding areas appeared in Jakob Haas’ records. The monetary values mentioned ranged from two pounds to 800 pounds, two pounds being the price for two urnae of wine (= 150 litres). The average value of a transaction was 30 pounds.

Transactions with land and property made up a large percentage of the entries. They included farmsteads, vineyards, fields, meadows, various buildings, mills and cellars. In 356 of the 868 notarial notes (ca. 40% of the entries), land or property played a role. Land used for agriculture was the most common, which is not surprising as land that could be used agriculturally was a key source of income in late medieval society. Accordingly, other administrative primary sources such as rent-rolls and deeds offer a great deal of information on the commercial dealings with land. The notarial record books, however, differ from these sources in their special perspective and legal outline. Although those persons mentioned in the records owned or had leased agricultural property, they were not landlords in a conventional manorial system. They did not own large manors, rule over a socially and economically dependent group of unfree peasants or carry out judicial rights on the people working on the land. These “small landlords”

12 Von Voltelini: Notariats-Imbreviaturen, (see n. 8), 1237 Juni 30 bis Dezember 24, pp. 283–494; pp. 578–963.
13 Klaus Schreiner: „Grundherrschaft“. Entstehung und Bedeutungswandel eines geschichtswissenschaftlichen Ordnungs- und Erklärungsbegriffs, in: Hans Patze (ed.): Die Grundherrschaft im späten Mittelalter,
instead had a purely economic tie to the plots of land they owned or had leased – and to the people sitting on these plots. Additionally, the landowners considered the land to be an investment, which resulted in the many transactions of it. Through examining these sources, this study may contribute to the discussion on the impact of the public notary on legal contracts and the different ways of doing business.

The activities of an entrepreneurial peasant from Fleims Valley (Val di Fiemme), an area to the southeast of Bozen, illustrate several aspects of the commercial dealings with land that should help to more precisely analyse our topic. On 11 July 1237, Ropret, son of Ropret Fleimar, took out a loan of 42 pounds (I.597) and promised to pay back the sum by 16 October. The small-scale entrepreneurial peasant used the money to buy several properties near Bozen and in Campoledro (a site in St. Jakob in der Au, south of Bozen) (I.598). The seller of the plots was a certain Gebhard with his siblings. It was said of the properties that Ropret had thus far worked them himself (quod ab eo laborat). A redemption possibility was incorporated into the contract: If Gebhard and his siblings paid back the purchase price by 16 October, the sale would become void. Gebhard’s siblings certified the sale with a second notarial act on 25 July 1237 (I.624). On 12 September 1237, Ropert invested again. For eight pounds, he purchased the tithe of a farmstead with land (mansus) secured by a pledge (iure pignoris) from a certain Heinrich. Ropret also had worked on this estate himself (que collitur per ipsum Ropretum ad Villa). The contract again included a right of redemption: If Heinrich paid back the obligation of eight pounds by 25 December 1237, the tithe would be transferred back to him once again. The overlord of this mansus was the same Gebhard from whom Ropret had bought properties two months prior. For a security on the tithe, Gebhard transferred to Ropret half of a garden and half of a vineyard (I.682). On 17 November 1237, Ropret again appeared in the register: He testified that the Benedictine monastery Rott (Upper Bavaria) promised to pay Dietrich von Lengenstein a sum of money and had mortgaged a farm for this (I.869).

Several pivotal questions and issues that appear in Ropret’s transactions are important for research on the medieval land market overall and for the land market around Bozen in particular:

1. Property and land were used as guarantees for loans and thus served to enable and hedge capital-intensive transactions. Land did not always change holders or owners in these transactions. In many cases, the title was only transferred if the loan was not paid. The transactions were often short-term.

2. Familial connections were important. Spouses, siblings and married couples with children appeared as buyers and sellers. Even the bride’s dowry was often secured on collateral of real estate. However, transactions often involved people outside of the family.
3. Usage rights and rents were often transferred, not the land itself. The landlord was only involved to some extent; his consent appears to have been expected.
4. It was not only burghers living in the city or nobles living in nearby castles who were involved in the land market, but peasants as well.
5. The plots of agrarian land were small and fragmented. Between the landlords as owners (dominium directum) and the peasants as workers in the fields (dominium utile), a dynamic, mostly urban middle class was established, emerging as agricultural entrepreneurs.

II. The Land Market in and around Bozen (1237/1242)

Below, the focus will turn from an individual case to an analysis of all land transactions documented in the notarial registers. These transactions involved vineyards, farmsteads with land (mansio) and agrarian land (such as meadows, pastures and gardens), as well as town houses and occasional other holdings, including towers, sheds, etc. Table 1 provides the numbers for the different kinds of properties. These properties were often transferred together rather than individually. For instance, vineyards were separately traded in 64 cases, while 24 transferred vineyards were linked to other holdings, such as arable land or entire farms (mansio). The total amount of 88 transfers including vineyards (ca. 25% of all transactions of land) highlights the importance of viticulture in the region around Bozen.

The cultivation and trade of wine has been one of the most important components of South Tirolese agriculture since the Middle Ages. In the 13th century, the cultivation and trading of wine was intensified considerably.14 While wine was also grown in the low-lying valleys, it was primarily cultivated on the hillsides that surrounded the city of Bozen. Grapes were a cash crop of significance in the Bozen hinterlands (and still are today). The consumer loans in Jakob Haas’ notarial documents, for example, clearly reflect this importance. Producers and traders of wine gave their customers from Bozen, Innsbruck and other nearby places both large and small amounts of wine on credit. Land often served as collateral of this credit, but in other cases the oath of a trustworthy person was enough. The transregional trade in wine from the Bozen area mostly went over the Alps to the north, to Innsbruck in the North Tirolese Inn Valley and on farther to Bavaria.

Farmsteads with agricultural land were referred to as “mansus” in the notarial documents. These properties changed owners in 94 transactions. Along with the sale of 58 agricultural properties or buildings without farmsteads and wine, trade in agricultural

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holdings (with or without farmsteads) formed the largest single item of land transactions in the notarial documents.

In addition to the transfer of agrarian land, the Bozen burghers, nobles and peasants also had the notary Jakob Haas record trade in houses. In a few cases, agricultural land, such as fields and gardens, or farm buildings, such as barns or stalls, were included among these houses. Two houses had towers. In most cases, however, the houses were transferred without these additional holdings. The majority of the houses were located in the urban area of Bozen.

Table 1: Holding Types on Trade (Value in Veronese denarii ("Berner"): one pound equals 2.40 denarii)

<table>
<thead>
<tr>
<th>Type</th>
<th>No.</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>320</td>
<td>17,807</td>
</tr>
<tr>
<td>Vineyards only</td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>Vineyards with other land</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>Vineyards total</td>
<td>88</td>
<td>4,458</td>
</tr>
<tr>
<td>Domus</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Domus with additional holdings</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Domus total</td>
<td>80</td>
<td>4,560</td>
</tr>
<tr>
<td>Mansi</td>
<td>94</td>
<td>9,329</td>
</tr>
<tr>
<td>Land only</td>
<td>58</td>
<td></td>
</tr>
</tbody>
</table>

Size and value of the transferred properties fluctuated heavily. The most valuable transactions were ten mansi and houses that cost 200 or 300 pounds of Veronese denarii ("Berner"). Only three mansi cost more than this, at 400, 500 and 900 pounds. Overall, mansi were among the more valuable properties, with an average price of 100 pounds per mansus. Only city houses were more expensive with an average price of 114 pounds. However, even mansi and city houses varied significantly in price. 31 mansi cost less than 100 pounds each (average of 44 pounds) and 16 cost between 100 and 200 pounds (average of 111 pounds). The price for 18 of the mansi was higher than 200 pounds each (average of 343 pounds).

The price of the wine estates was 70 pounds on average, although these prices varied significantly as well. For example, a wine estate (pecia terre cum vineis) went for 130 pounds, a half of a wine estate (dimidia pecia terre cum vineis) for 40 pounds, two wine estates (2 pecie terre vineate) for 26 pounds and another two wine estates (2 pecie terre cum vineis) for 13 pounds, 10 solidi. Wine estates could therefore bring in the prices of entire farmsteads, as well as be substantially lower. As half of the wine estates cost less than 70 pounds, costing 44 pounds on average, trade in medium and small wine estates seems to have been the most common.

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The land market and the urban property market were not separated in Bozen. This is not surprising, as it were the same groups of people who invested in both country estates and city houses. Although Bozen was a trade city with a regular trading fair of transregional significance, the link with the land remained strong. While the surrounding countryside was the source of food and raw material, it was also a field of urban investment. As a consequence, urban residents bought rural land, adding it to their urban real estate properties. Conversely, nobles and peasants living in the countryside were also active participants in the land and housing market within and outside Bozen’s city wall. These investments were varied and included city houses, farmsteads with or without land and wine estates. While high-value transactions of several hundred pounds were carried out, smaller properties costing up to 75 pounds were most common.

Table 2: Contract Forms of Transaction

<table>
<thead>
<tr>
<th>Fief</th>
<th>Pawn for Credit</th>
<th>Sale</th>
<th>Leasehold</th>
<th>Dowry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>40</td>
<td>127</td>
<td>32</td>
<td>49</td>
</tr>
<tr>
<td>Aggregate Value</td>
<td>Rent</td>
<td>14,889</td>
<td>2,129</td>
<td>Rent</td>
</tr>
</tbody>
</table>

Property transfer arrangements both in the city and the countryside were complex. Legal disputes, inheritance issues, wills and other transactions relating to country estates were mentioned in the notarial registers. The majority of the entries, however, dealt with land transfers that were either permanent or for a fixed period of time. As Table 2 illustrates, most of the transfers of land were sales, enfeoffments, leaseholds, dowries or temporary pawns for credit. The types of transfers as well as their frequency of occurrence are important elements for describing the property market in and around Bozen.

The sale (venditio) as ownership transfer of alodial titles only played a minor role in these documents, and the terminology was not always clear. For instance, leasehold estates or pawns in which allodium did not pass from one hand to the other could also be sold. The actual transfers of ownership involved predominantly agricultural land, including vineyards as well as fields, meadows and wine-cellars (canipa). The price for these plots of land was an average of 40 pounds, but in five cases, the price was significantly lower, between four and 20 pounds.

More frequently, the notary certified the transfer of land in the form of a leasehold, enfeoffment or pawn. The leasehold came from Roman law and was originally referred to as emphyteusis. As locatio perpetua, it was first used in Italian cities by medieval lawyers and notaries trained in Roman law, but then also moved to the rural properties. It was a type of loan in which the owner, the locator, granted the lessee, the conductor, free usage for himself and his heirs against payment of a mostly monetary rent and

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also guaranteed an almost unlimited right of disposal. This ownership of usage was
termed as “dominium utile”. Generally, the owner reserved his right of first refusal. If
the rent was not paid, it was to be doubled in the following year. If it remained unpaid,
the locator could confiscate the leased object. If a conductor wanted to transfer one of
these objects, he had to declare his intention to the owner and grant him a right of first
refusal at a purchase price usually reduced by 20 solidi.

In Jakob Haas’ notarial documents, the transfer of properties as leaseholds was
an important form of transaction. City houses, farmsteads and agricultural land were
transferred. The rent to be paid was either monetary or in kind, such as wine (in many
cases) or chickens, capons or pepper (in rare cases). Three urns of wine or approxi-
mately five pounds of rent per annum was common. However, the interest was occa-
sionally three times as high.

Transactions with leaseholds made up a considerable part of the proceedings, as
a middle class had emerged between the old ecclesiastical and aristocratic landlords
and the peasants, who, as conductores, purchased properties and then traded with
them. To a large extent, these borrowers were small nobles (ministeriales). The noble
leaseholders often treated as their property the land they held as fiefs and acted inde-
pendently in the disposal or the pledging of the land, without obtaining the consent
of the overlord. For the owners, this posed the problem that the rents could be trans-
ferred to someone else.17

Enfeoffments occurred iure recti feudi. Mansi and wine estates in particular were
transferred as fiefs. The overlord who held the dominium directum was mentioned nine
times. The church was mentioned six times and secular lords five times. In two cases,
clerical and secular owners shared the property. In the remaining cases, an overlord
was not mentioned. Land and properties were often used in the allocation of dowries.

Jakob Haas’ most recorded form of land transfer was the pawn for credit. This form
of transaction was very diverse in its design. It involved all types of properties: city
houses, mansi, wine estates, other agricultural lands, real estate, half ovens (II.453),
horses (II.201), commercial goods, such as cloth (II.453), and even official positions
(I.797). It was not only personal property that was mortgaged, but also tenant farms
and fiefdoms whose proceeds went to the owner or mortgagee (I.601, I.625, I.847,
I.869) until the obligation had been paid (II.201). The transfer of previously pledged
properties to third parties (I.878, I.909, I.911) as well as the safeguarding of a guarantor
by pledge was also present (I.826). The consent of the overlords was assumed – his
approval was only rarely explicitly mentioned or documented (II.105, II.436).

A key element in pledging was the use of land as collateral for a debt. In approximate-
ly half of the cases, the land initially remained in the hands of the debtor. The land usage
was to pass to the creditor if the repayment was not made by the agreed-upon time. The
terms varied and were, for instance, from 18 December 1237 to 2 February 1238, about
six weeks long (I.951). After these six weeks, the property was to be transferred to the

17 Andreolli: Gestione della proprietà (see n. 14), pp. 237–239.
creditor until the repayment of the loan. However, there were also contracts in which the land was transferred to the creditor after only a week (I.899). Common terms were between three weeks and six months. Occasionally, terms were also granted for one year or – rarely – several years. With loans of 100 pounds or more, the term tended to increase (although not in all cases) and often amounted to six months or more.

In the other half of the cases, however, the land was immediately transferred to the mortgagee in accordance with the notation: *Investit iure pignoris, uti quod [Name of the peasant] habeat*. During the term set by both parties, the mortgagee could not dispose of the seized property. It then passed into his possession and could be disposed, as was at times explicitly mentioned (*prostas vendendi: I.888, II.477*) or was stated in court (II.439, II.440). The transfer after the end of the mortgage period was occasionally documented in writing. A reference to this appears to be in the document I.836 of November 1237. In this short text, Hartwig von Winkel and his brother Heinrich vested a vineyard in Hermann von Keller as pledged property for 4 pounds, 6 solidi. Heinrich had previously mortgaged the same property to Hermann at 10 pounds. It seems as if the creditor received the pledged property after the term had ended, but in return granted his debtor an additional loan. The situation is expressed more clearly in a text from April 1242 (II.150). The debtor transfers all his rights to the property, which had previously been mortgaged for 26 pounds, to the creditor. For this, the creditor paid an additional three pounds. The amount of money with which the final property transfer of a mortgaged property was sealed had no apparent relationship to the credit sum in either case. The execution of a mortgage could also be claimed in court. In October 1242, the Bozen municipal judge delivered a sentence stating that a debtor must vacate a pledged house for the creditor (II.362). The opposite case of a successful repayment of the obligation was only rarely documented (II.118). In one case, the creditors agreed that after a successful repayment, *si ipsam cartam pignoracionis invenirent, quod sibi reddant ut cassa et vana* (II.102).

A similar case took place on 18 September 1237, for which three notarial acts were recorded. In the first, a Friedrich von Sibidat returned a fief to his overlord, who then sold the fief to Konrad von Haselbach for 130 pounds as allodium (I.691). In the second entry, Friedrich von Sibidat promised to vacate the fief and to see to the enfeoffment of Konrad (I.692). In the third entry of the same day, Konrad stated that the pledge due to him for Friedrich’s properties was cancelled after the payment was made (I.693). Friedrich had evidently not paid back his debts within the period prescribed and now had to transfer a fiefdom used by him to his creditor. It is beyond our knowledge how or if the overlord was compensated.

The conditions of the pledging transactions varied. In November 1237, for example, a debtor promised to supply his creditor with two cartloads (1,800 litres) of wine at the next harvest in the autumn of 1238 for 9 pounds, 10 solidi. As a guarantee, the creditor received a wine-cellar (canipa) as a collateral. It was therefore a forerunner of future trading, meant to guarantee the pledging of a property (I.900). With transactions of this type, there were two possibilities for payment – the purchase price was either paid at the conclusion of the contract or upon delivery (I.731). These transactions could
also take place on a much larger scale. In November 1237, a married couple transferred their collateral on a house in Bozen in the amount of 400 pounds to a second married couple (I.849). On the same day, a second notarial document was drawn up in which the second married couple agreed to deliver four cartloads of wine each year for the following five years, all together 18,000 litres of wine (I.850). The wine suppliers therefore received the collateral on the house and agreed to make large wine deliveries over the course of several years.

A collateral could be very similar to a lease. In October 1237, Berthold von St-Justina and his son mortgaged two vineyards for 40 pounds. They agreed to supply their creditor with a cartload of wine every year until the debt had been repaid (I.778). As was the norm, the interest payment was listed as “ex dono” (gift) in order not to appear as usury and to not lessen the obligation.\textsuperscript{18} As a cartload of wine usually cost about 10 pounds, the interest rate of the loan in this case (in addition to the proceeds of the two vineyards?) was an expensive 25 per cent. A month later, father and son again mortgaged two vineyards for 100 pounds and in return had to supply half a cart of wine with a value of five pounds every year. The interest rate this time was five per cent (I.833). Another married couple vested a mansus in its creditors against a pledge sum of 200 pounds. In return, the pair of borrowers agreed to pay five cartloads of wine from the production of the farm each year and also to invite a representative of the creditor to the grape harvest (for monitoring) (I.790). As five cartloads of wine corresponded to approximately 50 pounds of interest per annum, there was an interest rate of 25 per cent in this case as well. In another transaction, the annual interest for a pledged property of 60 pounds was two cartloads of wine or 20 pounds. The interest rate here was 33 per cent (II.301).

In other cases, the lease resembled a sale with a redemption right. This was particularly true for those transactions in which a borrower immediately vested the mortgaged lands in his creditor against a cash payment and the creditor was guaranteed continued and inheritable ownership of the land. The possibility to release the land again through repayment of the granted sum at an unspecified time was often seen in this type of contract (not in II.477). The proceeds of the transferred property formed the interest of this loan, which was not supposed to lead to a reduction in the pledge sum (I.718).

The temporary mortgage could also serve to pay a loan that was not paid back within the period prescribed. In February 1242, Heinrich Hader received four pounds from a creditor. If Heinrich did not pay back the sum within three weeks, the creditor would receive the interest from the wine estate, which Heinrich possessed as a fief, for one year. As the interest per annum of a property corresponded to the amount of credit, the creditor was satisfied with this agreement (II.64). Such fixed-term pledges of proceeds that (usually) corresponded to the repayment of a monetary loan occurred frequently (II.9, II.198).

\textsuperscript{18} For theological discussion on the topic, see Marcin Bukala: Risk and Medieval Negotium. Studies of the Attitude towards Entrepreneurship: from Peter the Chanter to Clarus Florentinus. Spoleto 2014.
Pledging could be combined with other forms of transaction. This occurred, for example, when Jakob Kreuzer and his wife transferred a mansus for ten years as a leasehold that they had received from the Bishop of Brixen as a collateral. The *conductor* (the new leaseholder) lived in the mansus himself and paid an annual interest of nine urns of wine (1.75). These three-quarter cartloads of wine corresponded to an interest of nine pounds annually. In December 1242, a certain Jakob mortgaged a vineyard for 30 pounds to a creditor without a fixed-term. However, in the same document, the pledgee transferred the vineyard to his creditor in leasehold for the annual interest of a cartload of wine. Jakob had borrowed 30 pounds and now cultivated his own land as a free tenant. The annual interest corresponded (with a cartload price of 10 pounds) to 33 % of the pledge sum (II.474).

Wine purchases played a major role in the mortgaging of land. However, debtors also borrowed on collateral of real estate for credit on other goods, such as cloth (I.886, II.274), for a certain amount of money or to settle debts with a third party (II.436). The loan repayment was at times carried out over several years at fixed rates (I.636). Husbands could also pledge land to their wives, thus providing them with a fixed and inheritable morning gift. Leopold Kreuzer, for example, used land that he had as a fief from the lords of Wanga (I.746) for a morning gift to his wife.

### Table 3: Social Groups Active in the Land Market

<table>
<thead>
<tr>
<th></th>
<th>Nobility</th>
<th>Burghers</th>
<th>Church</th>
<th>Peasants</th>
<th>Women (all social classes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities</td>
<td>164</td>
<td>134</td>
<td>32</td>
<td>77</td>
<td>311</td>
</tr>
<tr>
<td>With Social Peers</td>
<td>112</td>
<td>72</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Across Social Ranks</td>
<td>52</td>
<td>62</td>
<td>32</td>
<td>77</td>
<td>311</td>
</tr>
</tbody>
</table>

The group of people active in the land market encompassed all social classes and ranged from the counts of Tirol and the Bishop of Trent to the regional nobility, as well as from the Bozen burghers to unfree peasants. Deals on the property market transcended all estate barriers. For example, Count Albert of Tirol pledged a farm in Valein for 200 pounds to a certain Ulrich of Valein, his wife and his son in October 1237. It was stated that the farmstead would be farmed by Ulrich himself (*collitur per ipsum Ulricum*), that Ulrich would thus work the pledged land from his territorial lord as a peasant (I.816). We may assume that it was due to the entrepreneurial peasant’s initiative that this transaction ensued.

The most important groups of people in the land market were the minor nobles and burghers of Bozen. In both groups, the married couples acted together in most cases. Children also appeared frequently with their parents or with a parent. Women, usually widows, also made transactions, either alone or with their children, in which they appeared as seller or lessor in most of the cases. Women were also owners of land themselves, as in their dowries they were often provided with land as alodion or leasehold. Accordingly, the women’s business partners were often their husbands who pledged or disposed of the dowries.
The members of the nobility who bore the *dominus* title were the biggest individual social group and were responsible for the biggest turnover in the land market. The transactions with fiefdoms were heavily determined by this group, as there were hardly any non-noble overlords and the church was only minimally represented in the notary registers of Jakob Haas. The nobility also took part in leasehold and mortgage transactions. While their transaction partners were often other noble lords and families, the noble lords also did business with church institutions and, above all, with the non-noble burghers of the city of Bozen. Besides the nobility, the merchants and craftsmen of Bozen were the most important group of people who invested in property and land or who encumbered these properties in order to take out a loan. Similar to the nobles, the urban merchants also liked to do business with people of their own social rank; however, they did a great deal of business with the nobility as well.

Ninety-three peasants were mentioned in 77 transactions, which mostly dealt with mansi. In his notarial records, Jakob Haas forwent listing people’s names 18 times and simply left space in the text. In the documents that had been issued based on the notary’s book, however, these names were certainly recorded. Presumably, this list contained additional peasants. In the majority of the recorded cases, the 59 peasants only had a first name and thus evaded further identification. In 27 cases, the peasants also had a surname, such as Ropretus ad Villa, Fridericus molandiniarius, Heinricus de Campsne, Trovtemannus de Azzewanch, Ulricus de Campsne, Ropretus frater Ulrici de Campsne, Bernardus de Obergasse, Ropretus Tuckus, etc. The wives and sons were also named in several cases, which is an indication that the peasants could pass down the properties to their children (II.207, II.476). The wife of the parish priest of Maleto and her brother-in-law, who worked a farm as well, constituted a special case (II.129).

The peasants were mostly passive participants in the land market. Both their farms and they themselves were sold, transferred as a fief or pledged without their having been consulted. People were traded like commodities, and the price for a person was apparently not any higher than the price for a horse. For instance, Jakob Haas listed the purchase of a horse for 10 pounds in his records and once listed the sale of a woman with two children, a daughter and a son, for the same sum (II.233). The peasants were seemingly little affected by the land transactions, continuing to pay dues as they had before. These dues were usually to be paid with money, although often in kind as well. There seems to have been a certain type of flexibility in the choice of dues. Provided that the agreed upon amount was paid, the peasants could deliver money instead of wine or wine instead of money. This freedom of choice could also be explicitly noted in the text (II.135).

In any case, many peasants had a certain legal security. They therefore carried out their duties and paid their dues according to their legal customs (*salvo eorum iure*). The unfree peasants could express their consent by appearing among the witnesses in court and stating that they agreed to the contractual terms (II.153). There were also peasants who were active in the land market themselves and often acquired the properties where they already lived – whether it was as a pledge, such as in the above-mentioned case with Count Albert of Tirol, or as leasehold (I.755).
Several peasants worked as tradesmen and were involved in the land market accordingly. For example, Ropret Tuch, with his wife Gisla, loaned Heinrich caniparius of Gries a meadow for 10 months and in exchange received three pounds for the expected proceeds (cum frugibus ipsius anni) (I.943). Several days later, Ropret, this time alone, mortgaged a vineyard for two months for the sum of 5 pounds, 5 solidi (I.951). Both business partners were non-noble. The value of the land suggests that it involved very small items. Ropret Tuch was also active in 1242. In February, he gave his daughter Engelweisa 30 pounds as a dowry and pledged a farm in Platten to his son-in-law (II.36). Several days later, Ropret returned a vineyard that he had possessed as a fief to his overlord to sell it together with the farm for 40 pounds. Half of the sale price went to Ropret (II.43). At the end of February, he bought a vineyard for 30 pounds from the noble Hildegrim von Welsberg. This was a vineyard that Ropret himself had cultivated (collitur per dictum Ropretum Tuckum) (II.81). The peasant Ropret Tuch, therefore, used the land market to obtain credit to provide for his daughter and to expand and realign the boundaries of his cultivable land. Just like the Ropret mentioned above, his namesake Ropret Tuch acted as a small-scale entrepreneurial peasant. Economically and socially, peasants around Bozen were able to do business with higher social classes, even with the count himself. However, this may have been an exception as most peasants “cultivated a property for their landlords against an annual interest in money or in kind and were tied to this property in different degrees.” They “had their personal liberty, yet had a precarious usage right on the farms loaned to them by the landlords.”

While this was true for the majority of the rural working class, economic and social rise was nevertheless possible. A result of such a rise was the visible and active participation in a land market that united nobles and non-nobles, burghers and peasants, town dwellers and countrymen.

Table 4: Town Dwellers as Landlords

<table>
<thead>
<tr>
<th>Households</th>
<th>Tax</th>
<th>Transaction in 1.5 Years</th>
<th>Wealth</th>
<th>Land Market One Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>500</td>
<td>1,000 lb</td>
<td>17,807 lb</td>
<td>100,000 lb</td>
<td>11,871 lb</td>
</tr>
<tr>
<td>Egeno Klein</td>
<td>50 lb</td>
<td>698 (14)</td>
<td>5,000</td>
<td>500 (10)</td>
</tr>
</tbody>
</table>

To assess the scope and turnover rate of the land market in Bozen and its surrounding, some remarks about the city are necessary. Bozen was founded by the bishop in the second half of the 12th century and was the economic centre of the land in the late Middle Ages. While the city was the regional centre of the surrounding valleys, it was also the intersection for trade between the upper German cities and the munici-


palities of upper and central Italy. In the second half of the 13th century, the count of Tirol-Goeztz was able to gain power over the city. Approximately 1,500 to 2,000 people lived in Bozen at this time. There were 80 houses in the *burgum vetus*, and about 250 in the “new city” and in the adjacent quarters. Burghers, nobles and those of peasant origin lived in the city as renters or homeowners. While the burghers complained about the nobility of the surrounding area to the city rulers in 1256, for the most part the various social groups lived together peacefully. Almost all nobles were ministeriales of the bishop of Trent. They were propertied in the city, owning houses, sometimes with towers, in which they either lived themselves or rented out. In addition to these houses, they had properties in the surrounding countryside – similar to their noble peers who lived in castles in the countryside and purchased houses in the city. The nobility had close links to the urban upper class, some of whom were married to noble families. A strict class boundary between the groups did not develop until the end of the Middle Ages. Both the nobility and burghers held important municipal offices, owned houses and properties inside and outside of the city and were active in trade and business.

In 1256, the annual city tax amounted to 1,000 pounds. All families who owned houses in Bozen were subject to taxation – whether they themselves lived in or outside of the city. Only the nobility were able to obtain tax exemption in certain cases. Household assets were the basis for the tax. The tax rate was presumably one per cent – as was proven to be the case in Innsbruck at the turn of the 14th century. If the self-assessment of the residents of Bozen is true, then their total assets were approximately 100,000 pounds.

The sales in the land market in Bozen and the adjacent region that the notary Jakob Haas recorded in a year accounted for a little more than 10,000 pounds. It was not only the residents of Bozen who were involved in these investments, but nobles and peasants in the nearby area as well. The majority of the transactions, however, involved town dwellers. From these details, we can assume that at least ten per cent of the available assets flowed annually into the property and land market. That being said, it is likely that investments were even higher, as Jakob Haas was not the only notary active in Bozen.

23 Haidacher: Rolle (see n. 21), p. 47.
25 Nössing: Bozen (see n. 20), p. 331.
27 Ibid., p. 153.
29 Ibid., p. 172.
Six additional notaries were mentioned in Jakob Haas’ own register, one of whom was listed as deceased (II.150). These notaries were each mentioned only one time (I.917, II.440, II.453, II.474), except for the notary Bertoldus, who appears in four entries (II.55, II.207, II.234, II.253). We can therefore assume that Jakob Haas was not the only notary who recorded the transfer of property in Bozen. In fact, it has been estimated that a total of 100 notaries were active in South Tirol in the 13th century. While suggesting the dimension of this market based on the number of notaries is speculative, we may nevertheless assume that there were considerably more land transactions in Bozen and the region than those documented in the extant manuscript of Jakob Haas.

The annual investment volume of ten per cent also applied to Egeno Klein. Egeno was a successful businessman and was perhaps the richest burgher in the city in the mid-13th century. His taxable assets amounted to – calculated based on the amount of taxes he paid – 5,000 pounds. His numerous transactions in the land market amounted to approximately 500 pounds in the year being examined, so exactly ten per cent of his assets.

III. Comparative Remarks

Two brief comparisons shall help to place this study in a broader context. First, a Bozen notarial register from 1295 will be examined. This comparison should illustrate that the conditions in Bozen in the second half of the 13th century did not change significantly and that the land market was also flourishing around the year 1300. In a second comparison, Bozen in the second half of the 13th century will be compared to Montpellier in the first half of the 14th century. This comparison should show differences and similarities of land markets near cities in the border areas among southern Europe as well as among western and central Europe.

In addition to Jakob Haas’ registers, another manuscript by a Bozen notary also exists from the 13th century. This manuscript is Jakob Tugehenn’s notarial register, recorded by this notary from January to September 1295. Comparing this register to the records of Jakob Haas makes it possible to discuss the further development of the property and land market in the region during the second half of the 13th century. Jakob Tugehenn’s register contains 187 entries, 79 of which deal with transactions of property. This proportion of 42% is the same as the proportion of property matters documented in the register of Jakob Haas half a century earlier. We may take this as evidence that property and land transactions did not lose their significance for the regional economic activities during this time period.

30 Von Voltelini: Notariats-Imbreviaturen Vol. 1 (see n. 8), XXXIII.
31 On comparative studies of the late medieval and early modern factor markets, see Bavel: Markets for Land (see n. 6), p. 506.
32 Von Voltelini / Huter: Notariats-Imbreviaturen Vol. 2 (see n. 8), XII–XV and pp. 375–452.
The types of holdings also remained the same over the years. Entire farms (mansi) (14), houses in Bozen and nearby villages (14) and land used for agriculture (38) were traded. Vineyards, which were mentioned either alone or together with other holdings in 25 transactions, once again played a special role. Neither the variety of the different holdings nor their specific percentage in the market shifted in the second half of the 13th century. The prices in the property market also seem to have remained stable.
throughout the years. The median price of notarized property transactions in 1295 was 31 pounds and the average of the prices was 75 pounds. The price range was wide and ranged from a field (pecia terre aratorie) for 9 pounds to a piece of land (pecia terre) for 450 pounds (698 and 744). As in the mid-13th century, properties that cost up to 50 pounds were the most common.

There is also no change to be seen in the types of contracts. Sales (iure venditionis) and leaseholds (iure locationis) were the most common. With the leaseholds, the vineyards and other holdings were mostly transferred from the locator to the conductor with terms for a specific period of time. A rent was to be paid in return – for a vineyard, often half of the proceeds. While the conductor could sell the leased property to someone else, the locator had a right of first refusal with a price reduction. Selling to nobles or to churches was not allowed, as these groups could compromise the ownership structure (qui dominum impediat) (586, 587, 769). The sales were often not very different from the leaseholds, as a right of repurchase was also guaranteed in these cases. Land also played a role in other legal transactions, such as morning gifts, dowries, pawns for credit, credit protection, enfeoffment and legal proceedings regarding ownership titles.

The groups of people involved in these transactions included nobles, burghers and peasants, just as 50 years prior. However, the non-noble burghers and residents of Bozen and the surrounding villages were now more present than in the mid-13th century. They made up close to two-thirds of the people involved in the market. One-third of the buyers and sellers held the dominus-title, a sign that they belonged to the nobility. Class barriers were not an obstacle for business relationships: For instance, the noble Vilius von Trojenstein sold a yearly wine rent (635) to the bricklayer Nikolas.

As in the mid-13th century, spouses and families often acted together in the land market. Most transactions were not conducted with family members, however, but rather with non-family members. Dowries and a few matters of inheritance were an exception. Women rarely appeared alone; when they did, then it was usually as a widow (771). Nevertheless, married women also had their own assets, as illustrated by the will of Gesa, wife of the shoemaker Hermann (750): In the will, she bequeaths both cash and several other items, such as a container with oil, some fabric, a bed and some pillows to various churches in Bozen. Gesa also left her husband, daughter and brothers clothing, fabric, a bed and pillow. Additionally, Gesa owned a field, two meadows and three vineyards, all located in different places, which she also left to her family. Although she was the wife of a tradesman, Gesa had several assets and could dispose of them freely. This may suffice as evidence that women could act independently in the land market. This was also the case for Diemut Wuchererin of Bozen, for instance, who bought wine on credit from her business partner Meza Gentererin and pledged her house in Bozen, her vineyard and her entire property for it (760). Men were not involved in this transaction.

The second comparison examines the southern French city of Montpellier. Property relations in Montpellier and its immediate region have been recorded in the earliest extant notarial registers of Montpellier, covering the years 1293 to 1348. These
transactions have been studied thoroughly by Kathryn Louise Reyerson. Although the southern Languedoc town was considerably larger than Bozen (with a population of 30,000–40,000 by the early fourteenth century), the city shared several similarities with its South Tirolean counterpart: both cities were surrounded by a fertile hinterland with highly diversified agriculture and with a focus on viticulture (58% of sales), each town’s citizens were heavily engaged in the land market inside and outside the city, and the transfers of complex property holding arrangements in both towns were documented by public notaries – the earliest extant notarial register in Montpellier covering the years from 1293 and beyond. Despite the very different sizes of the two cities, our comparison may shed some light on the development of property markets in and around cities in the transition zone of southern and north-western Europe.

As in Bozen, the types of transactions in Montpellier varied greatly. People of Montpellier were involved in rentals, long-term leases, sharecropping and land exchanges. They sold revenues and use of houses, shops, and lands. This was largely due to the fact that a complexity of property rights existed here as well, from full-scale ownership to multiple subdivisions of entitlements in real estate to concrete rights of use. With these rights of use, as in Bozen, one could receive the proceeds from a holding, as well as make various changes to the property or even sell or transfer it, as long as the appropriate payments had been made.

The most common transfer arrangements in Montpellier were sales (venditio) and different forms of lease. Long-term hereditary leases occurred most frequently, consisting of a perpetual tenure for a fixed annual rent or census paid in cash (only rarely in kind). Short-term rentals did not play an important role in the Montpellier land market. Interestingly, the difference between sale and lease was just as blurred in Montpellier as it was in Bozen: The widespread practice of provisional sales guaranteed that a repurchase of the possession was possible during a set period of time if the sale price or debt were reimbursed (88).

Members of every level of society were engaged in land transactions, revealing the involvement of urban inhabitants in land-holding in the immediate countryside. While land was an asset that could be sold to generate cash capital, selling land could also indicate a decision to alter investments, to place capital elsewhere (43). Merchants and artisans were the most prominent group of people selling or leasing property. Those taking on a lease included the same merchants and artisans as well as peasants. Although women participated in the land market, they were mainly wives and widows and mostly belonged to the rural population.

From her study, Kathryn Louise Reyerson found that: “The purchase of land was an investment choice in Montpellier as elsewhere in Europe in this period.” (54) This investment choice was also popular in Bozen and its hinterland based on very similar property arrangements, transfer patterns and people involved. Reyerson was, how-

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ever, strongly focused on the question of how “urban inhabitants began to buy rural lands, adding them to their possessions in urban real estate.” (39) The circumstances in Bozen and its hinterland and our perspective on complementarity of and interaction between town and countryside produced a slightly different picture. It was not only people and money from the city which permeated the property market in the countryside, but also noble and rural countrymen who participated in this market. From this perspective the property market was one means to unite city and countryside and unravel similar interests and strategies of city-dwellers and countrymen.

IV. Results

The study of Jakob Haas’ register provides evidence that there was a dynamic property and land market in Bozen and the adjacent region in the mid-13th century. Characteristic for this market was the dissolving of the border between city and country, the engagement of very different social groups, a variety of economic strategies and financial techniques and the similarities and dissimilarities with other late-medieval land markets.

City and countryside merged: One exemplary case is the will of Fridericus molendinarius (miller Frederick) from February 1242. In addition to several outstanding debts, the miller left his relatives the following property: a house with a garden and a second house with a cellar in Bozen, in which a certain Giroldus lived. At the cemetery of the church Sankt Johann im Dorf, Frederick owned a cellar that yielded an annual interest of 6 solidi. The miller also owned two vineyards and three half vineyards. He had leased another vineyard for an annual rent of two pounds and owned another one as a pledge for which he had paid a sum of 6 pounds, 10 solidi. The two houses and seven vineyards were scattered in and around Bozen. No two properties lay next to each other. The miller Frederick had diversified and invested his wealth in property and vineyards, a type of economic behaviour that seems to have been common among his South Tirolean contemporaries. The difference between him and wealthy merchants, such as Egeno Klein, or between him and noble landowners was not in the investment strategy but rather in its scope, which was ten times higher in the elites than among simple peasants. In the late Middle Ages, it was not only in Tirol that fragmented manorial circumstances of this type were common34, but perhaps they were additionally advanced here by the mountainous structure of the land, which made the formation of vast manors even more difficult.35 There were of course ecclesiastical and secular landlords in Tirol with many holdings, particularly monasteries and the count of Tirol

who owned several hundred farms and vineyards at the end of the 13th century. The great majority of landlords, however, owned only one or very few plots of land, leasing those they did not take care of themselves – this was still the case in the 15th century. In the vicinity of many European cities, this type of small-scale land ownership in the hands of noble and non-noble town dwellers and countrymen had increasingly spread since the 13th century. There is no doubt that viticulture as a specialized and labour-intensive form of agriculture has further accelerated this process.

All social classes were active: While all social groups were active in the land market, the activity level increased with one’s social status: the nobility living in Bozen and the adjacent castles and villages were largely involved, the urban population a little less and the peasants were only able to be marginally present. Church and urban institutions rarely appeared in the notarial documents of Jakob Haas, as the administration of their manorial properties was documented in other written sources. While it was preferable to have business ties with those of one’s own social rank, people frequently conducted business transactions across social boundaries. This is why transactions between the nobility and the urban population on the one hand and peasants on the other can be found. Even the count of Tirol did business with members of the peasantry.

Among all social classes, the family, as a unit acting jointly, played an important role. In most cases, however, transactions were not conducted within the family, but rather with other family groups. It does not appear to have been common for landowners to have a special and stable relationship to their land or for there to have been generation-spanning property stability. For this reason, the land market was a predominant area of economic activity without stable social and limitations and strong local ties. Moreover, the market was an important field for economic climbers and successful businessmen. This is illustrated, for example, by the fact that merchants such as Egeno Klein invested at least 10 per cent of their wealth in property and land transactions.

The peasantry was involved only marginally in the land market. Several of these peasants bought and sold several properties within a short period of time and thus proved themselves as entrepreneurs who profited from the market and strove to improve their economic position. This class of wealthy peasants is evidence that the social barriers were permeable and that the land market offered opportunities to both the urban and the rural population in Bozen. As mentioned, peasants were even able to do business with the count, the territorial lord. This indicates not only the social

and economic advancement of several peasants but can also be interpreted as evidence for another development: Since the 13th century, the count of Tirol had gained the upper hand against the nobility and restricted their rights in the country. Peasants benefited from this, as their ownership rights and their political rights were strengthened.40

**Economic strategies and financial techniques:** The activity in the land market was varied and attractive for very different groups of people. Some investors farmed the land that was transferred themselves. In most cases, the investors were residents of the city of Bozen or the surrounding area. They came from both the nobility as well as various urban classes. Merchants were just as well represented as tradesmen and innkeepers. However, trade with land was not the main occupation for these people, but rather an additional business. This was the case for Heinrich Gansel, for example, who in 1295 authorised the innkeeper Rudeger to lease his two fields in the countryside in the next six years, to levy the rent and to render him yearly account (631). Heinrich Gansel transferred the lease transaction and limited himself to the regular intake of rents. In the course of the 13th century, a large and heterogeneous group of noble and non-noble small-scale entrepreneurs were involved in the land market in this manner. The properties which were traded were usually medium or small in size and just as diverse as the people involved: Entire farmsteads were just as present as houses and commercial buildings within the town and nearby, as well as fields, meadows and particularly vineyards.

The property market was strongly connected to the capital market. Those who wanted to take out a loan generally needed landed property as a guarantee. These loans were used for very different purposes: to settle a debt, to purchase wine on credit, to settle a morning gift or a dowry, to obtain the financial means to buy property, etc. Credit transactions could have various forms: Either land, in addition to movable goods, served as security for the case of default or property was transferred to the creditor as a pledge until the repayment of the loan. The terms and conditions varied from case to case, as did the term periods. In summary, however, it can be concluded that the connection between land and credit led to the fact that the landowning residents could quickly obtain credit if needed.

**The comparative context:** The brief comparative remarks have made two points clear: First, the property and land market in and around Bozen continued to develop in the second half of the 13th century. It is not possible to determine the volume of trade, as the extant notarial registers only show part of the activity in the area. However, it is certain that there was a dynamic land market in this region between northern Italy and north-alpine Europe as of the mid-13th century at the latest and that the market was also flourishing at the turn of the 14th century. Whether conditions were similar in other regions of central north-alpine Europe, we do not know – there is a lack

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of sources for this as well. The notarial register of Jakob Tugehenn from 1295 offers a similar variety of land transactions and financial strategies to Jakob Haas’ registers of 1237 and 1242. Houses and land were also an important opportunity to invest available capital. Conversely, the pledging of land was a requirement for receiving a loan. As in the mid-13th century, a considerable part of society was active in the land market. Their goals were multifaceted: to expand their own arable land and to realign their boundaries; to procure capital for purchases and investments; to generate and secure sources of income.

A comparison with the land market around Montpellier in the first half of the 14th century also helps to place the situation in Bozen into a larger context. Once again, the similarities of the two property markets abound. Complex property arrangements, the participation of diverse social classes and a strong connection between the land and credit market are visible in both cases. By comparing the situation in Montpellier, the Bozen case illustrates some remarkable characteristics: As early as the mid-13th century, there was a vivid property and capital market in and around this tiny Alpine town. Thus the factor market blurred the borders of the city by uniting city-dwellers and countrymen of very diverse social backgrounds.

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