

# ANALYSIS OF THE MEDIEVAL DEVELOPMENT OF MINING LAWS AND SETTLEMENTS IN THE SAXON ORE MOUNTAINS

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The PhD project "Analysis of the medieval development of mining laws and settlements in the Saxon Ore Mountains (Erzgebirge/Germany)" (working title) is based in historical sciences and therefore will examine the written sources of the first mining phase in the aforesaid area and combine them partly with archaeological results.

The Ore Mountains build a natural border between Germany and the Czech Republic. On the German side, the Saxon Ore Mountains, mining is supposed to have started in the 12<sup>th</sup> century. In this case, the results of the archaeological and historical research are fitting together. The first findings of silver ore, near today's Freiberg, were dated about 1168 by means of written sources (Herrmann, 1953, p.13).<sup>1</sup> Archaeological research has been intensified since relicts of 12<sup>th</sup> century mining were detected underneath the city of Dippoldiswalde, close to Freiberg. Current projects<sup>2</sup> are engaged in dating mining traces and getting new results on the extent and character of medieval mining on the German and Czech side of the Ore Mountains.

Because of the legendary silver ore findings in the 12<sup>th</sup> century many miners, their families and other people came to the place called Christiansdorf and settled down. Christiansdorf merged into the quickly developing districts of the city of Freiberg and further settlements started to grow (Ermisch, 1887, pp.XVIII-XXV). Only to some extent this has to be imagined like an uncoordinated digging and settling. There were political, social and of course natural conditions which led the activities.

Margrave Otto of Meissen got the mineral royalty (German "Bergregal"), the right to dispose of the resources in his territory (Herrmann, 1953, pp.12-13). If he wanted to, he could transfer this right to third persons. What he did was to permit everyone to dig for ores. This general mining permission is called "Bergbaufreiheit" and is one of the reasons why so many miners were attracted to work in the margraviate of Meissen. A positively silver rush (cp. German "Berggeschrey") took place. Bergbaufreiheit not only

meant the possibility to dig wherever they wanted, but also meant personal freedom and no serfdom, release from obligations and many other privileges (Bartels/Klappauf 2012, p.182). The miners came from different regions of the empire. Many of them are supposed to have come from Saxony, where mining became difficult because of the war between Henry the Lion and Frederick I Barbarossa (Bartels, 2004, p.152). Farmers, who were already there, probably also tried to find ores (Clauß, 1957, p.34). To solve and avoid conflicts between all those settlers it was necessary to regulate mining activities.

The so called "Freiberger Bergrecht" is preserved in two versions. According to Hubert Ermisch they derive from the 14<sup>th</sup> century (version A after 1307, version B after 1346 [Ermisch, 1887, pp.LXXI-LXXV]) but the detailed regulations on the diggings, or some of them, have been valid before that time (Clauß, 1957, p.33). There are written sources from the 13<sup>th</sup> century speaking of a "jus Freibergense" but there is no other codified law preserved before foresaid version A. It could be a matter of lost sources or there were regulations within a non-written law system based on customary law (cp. Ermisch, 1887, p.XXVI).

If the written law was not just theory, but has also been implemented in practice, it must have had an impact on the arrangement of mines and with it on the shape of the mining landscape.

Until today, many traces attest to past mining activities of different age and not all of them are investigated or even known. Apart from considerations on potential earlier mining activities<sup>3</sup> the Ore Mountains as a whole are deeply shaped by medieval and younger mining with all its related stages of processing and production.

In an interdisciplinary part of the dissertation, some of the countless traces of mining in the Saxon Ore Mountains shall be analyzed by comparing them with the mining law regulations. Today it is not even necessary to do all the measurements in the field because most of the traces are visible on the airborne laser scans. A cursory investigation should suffice to

read a tendency: is it possible to see the theoretical regulations in the left traces?<sup>4</sup>

By using the written sources of the early times of mining in the area of today's Freiberg the development of mining law will be investigated. Therefore the mining laws and the municipal law of Freiberg and the early documents of the area will be compared. Comparisons with other mining laws will help to understand connections between mining regions and answer specific questions of work organization, ownership structure or mining technique. The criteria which lead to certain changes in the laws will be filtered out to show the connection between practice and theory. In combination with results of modern interpretations of politics in the 12<sup>th</sup> to 14<sup>th</sup> century and questions of the practice of seignorage and mineral royalty, a many-sided approach on medieval history of mining law in a famous mining landscape will be done.

## Notes

- <sup>1</sup> There are many examples for places where mining started much earlier than the earliest preserved written sources say (Steuer, 1993). This gap between first written proofs and actual (pre) historical event is a known matter for medieval studies in all fields.
- <sup>2</sup> Especially the German-Czech „Ziel 3/Cíl 3“ project ArchaeoMontan ([www.archaeomontan.eu](http://www.archaeomontan.eu), retrieved 29 January 2013)
- <sup>3</sup> There are reasons to suppose mining activities before the 12<sup>th</sup> century, whereas until now there is no proof for it (cp. eg. Niederschlag et al., 2003).
- <sup>4</sup> Josef Večeřa analyzed mining traces in the High Ash Mountains (Hrubý Jeseník) in Czech Republic and found different medieval measurements in the field.

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