

**CHRISTOPH SCHEURL'S ROLE AS LEGAL ADVISER TO THE  
NÜRNBERG CITY COUNCIL, 1512 TO 1525**

**Dissertation**

**Presented in Partial Fulfillment of the Requirements for  
the Degree Doctor of Philosophy in the Graduate  
School of The Ohio State University**

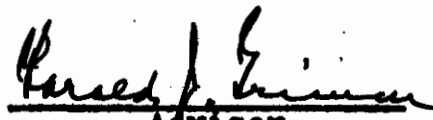
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**The Ohio State University  
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## PREFACE

This study could not have been completed without the aid of numerous institutions and individuals. The Graduate School of The Ohio State University through its grant of a Dissertation Year Fellowship enabled me to research in Nürnberg, Germany. The Center for Medieval and Renaissance Studies at The Ohio State University prepared the basis for my later research by generously acquiring primary source materials on microfilm.

In Nürnberg, my research was facilitated largely by the encouragement and scholarly advice of Professor Gerhard Pfeiffer, University of Erlangen; the late Dr. Josef Pfanner; Archivdirektor Dr. Otto Puchner, Staatsarchiv of Nürnberg, and Archivdirektor Dr. Gerhard Hirschmann, Stadtarchiv of Nürnberg, and their respective staffs; Dr. Fritz Schnelbögl, retired Archivdirektor of the Staatsarchiv, and Dr. Werner Schultheiss, retired Archivdirektor of the Stadtarchiv.

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## LIST OF ABBREVIATIONS

Ausstellungskatalog: Ausstellungskatalog der Stadtbibliothek Nürnberg, 62 (1969).

Bauch, "Scheurls Briefbuch": Gustav Bauch, "Zu Christoph Scheurls Briefbuch," Neue Mitteilungen aus dem Gebiet historisch-antiquarischer Forschungen, XIX (1898), 400-456.

BB: Briefbücher, StAn.

MVGN: Mitteilungen des Vereins für Geschichte der Stadt Nürnberg.

Pfeiffer, Quellen: Gerhard Pfeiffer (ed.). Quellen zur Nürnberger Reformationsgeschichte. ("Einzelarbeiten aus der Kirchengeschichte Bayerns," XLV) Nürnberg, 1968.

Ratschlagb.: Ratschlagbücher, StAn.

RB: Ratsbücher, StAN.

Reicke, Geschichte: Emil Reicke. Geschichte der Reichsstadt Nürnberg. Nürnberg, 1896.

Reicke, Pirckheimers Briefwechsel: Emil Reicke (ed.). Willibald Pirckheimers Briefwechsel. 2 Vols. Munich, 1940-1956.

RTA: Deutsche Reichstagsakten, Jüngere Reihe: Deutsche Reichstagsakten unter Kaiser Karl V. Vols. I-IV. Eds. August Kluckhohn and Adolf Wrede. Göttingen, 1962-1963. Reprint.

RV: Ratsverlässe, StAN.

Scheurls Br.: Franz von Soden and J. K. F. Knaake (eds.). Christoph Scheurls Briefbuch. Ein Beitrag zur Geschichte der Reformation und ihrer Zeit. Potsdam, 1867.

Scheurls Epistel: "Christoph Scheurls Epistel über die Verfassung der Reichsstadt Nürnberg. 1516," Die Chroniken der deutschen Städte. Vol. XI Leipzig, 1874. Pp. 781-804.

SFA: Scheurl Familienarchiv, Fischbach über Nürnberg.

Soden, Beiträge: Franz von Soden. Beiträge zur Geschichte der Reformation und der Sitten jener Zeit mit besonderem Hinblick auf Christoph Scheurl II. Nürnberg, 1855.

StAN: Staatsarchiv, Nürnberg.

## INTRODUCTION

Because of the extent of Nürnberg's influence in the economic, political, and cultural affairs of the Holy Roman Empire of the German Nation in the late fifteenth and early sixteenth centuries, the study of the history of this free, imperial city is more important than a mere investigation into the local history of a German "state." That it was, in fact, historically important in the evolution of the Empire is authenticated by the provisions of the Golden Bull of 1356 promulgated there by the Emperor Charles IV. Although the city was granted the privilege of holding the first Reichstag after the election of each new emperor, this alone does not account for its extra-constitutional prominence.

As important as the Golden Bull, and perhaps accounting for the statements in this document, was the geographical location of the city which enabled her to receive imperial preferments. To be sure, one of the major reasons the city was prized by the emperors was due to her location in the middle of economic and



military roads from North to South and East to West.<sup>1</sup> Because the city possessed an almost impenetrable castle which was part of the wall surrounding Nürnberg, the emperors visited the city frequently. As a result Nürnberg acquired freedoms and privileges which gradually resulted in the city's independence from the margraves of Brandenburg who originally constituted the city's imperial overlord.<sup>2</sup> By the end of the fifteenth century, then, Nürnberg was politically and economically independent of any authority save that of the emperor.

The city was not only independent in these areas, but in addition it was exceedingly prominent in them.<sup>3</sup> Governed by a small council of men (Rat) who had become

<sup>1</sup>Werner Schultheiss, "Die Einwirkung Nürnberger Stadtrechts auf Deutschland, besonders Franken, Böhmen und die Oberpfalz (Der nürnbergische Stadtrechtskreis)," Jahrbuch für fränkische Landesforschung (Erlangen, 1936), Sonderdruck 2, p. 18. Because of this centrality, most of the privileges which were granted insured the city's independence and development of self-government; cf. Gerhard Pfeiffer, "Nürnberg's Selbstverwaltung 1256-1956," MVGN, XLVIII (1958), 1-25.

<sup>2</sup>See Christian Meyer, Geschichte der Burggrafschaft Nürnberg und der späteren Markgrafschaften Ansbach und Bayreuth (Tübingen, 1908).

<sup>3</sup>The literature on the history of Nürnberg is extensive and not always impartial. For the more balanced accounts, see Reicke, Geschichte; Eugen Franz, Nürnberg, Kaiser und Reich (Munich, 1930); Gerald Strauss, Nuremberg in the Sixteenth Century (New York, 1966). A more biased, but still sound, work is Georg Ludewig, Die Politik Nürnbergs im Zeitalter der Reformation (Göttingen, 1893).

economically prosperous, the city flourished. This group of patricians assumed all the power and direction of the government, and therefore identified the city's prominence with its own. The key to Nürnberg's success was inextricably connected to its patrician government.

As a center of trade, the city became also an intellectual center due to the exchange of ideas. Buttressed occasionally by the support of the city council, schools were established, a library begun, and a paper mill developed which later supported Nürnberg's printing houses. Significantly, also, the council members were often well educated and therefore interested in developing the intellectual life of the city. In this atmosphere Conrad Celtis lived and worked on his history of Nürnberg, and Johannes Cochlaeus taught.<sup>4</sup> Thus, at the onset of the sixteenth century only Augsburg in Upper Germany was the intellectual equal of Nürnberg.

Since the members of the city council were wealthy, it is not surprising that they possessed the leisure to engage in, if not to control, all the areas of individual activity. Prosperous, educated, and politically powerful,

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<sup>4</sup>For an excellent summary of this material, see Friedrich Roth, Die Einführung der Reformation in Nürnberg (Würzburg, 1885), pp. 1-48 (Hereafter cited as Roth, Die Einführung).

these council members governed a city which became prominent throughout Europe. In humanism, law, and religion, Nürnberg was important, and because the same men basically were active in these areas whatever affected one area would affect others. This was precisely the case with the central event in the city's history during the sixteenth century: the religious discussion and the official adoption of Lutheranism in 1525.

Due to the fact that the government of Nürnberg was sovereign, an understanding of the structure of the government is fundamental to an understanding of any changes that occurred in the activity of the city. Fortunately, some studies have already been made about this structure on the basis of contemporary records so that clarification only is needed.<sup>5</sup> One important aspect of this government has, however, been rather neglected, namely the judicial arm. Legal studies have been published about particular themes like the history of Nürnberg's use of lawyers and an analysis of the city's

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<sup>5</sup>In addition to the works cited in note 3 above, see Kent Robert Greenfield, "Sumptuary Law in Nürnberg: A Study in Paternal Government," Johns Hopkins University Studies in Historical and Political Science, XXXVI, 2 (1918); Julie Meyer, "Die Entstehung des Patriziats in Nürnberg," MVGN, XXVII (1928), 1-96; Gerald Strauss, "Protestant Dogma and City Government: The Case of Nuremberg," Past and Present, No. 36 (April, 1967), 38-58.

legal code in the history of law,<sup>6</sup> but few have been made about the practical function of lawyers and the inter-relationship between the judicial, legislative, and executive branches of the government. The reason for this is difficult to surmise for the Bayerisches Staatsarchiv and the Stadtarchiv in Nürnberg house almost all the necessary contemporary sources.

In an attempt partially to fill this gap, this study will investigate the life of one of the city's employees, Dr. Christoph Scheurl, who was a legal adviser, or jurisconsult (Ratskonsulent), for the city council. As one of the most important servants of the city, Dr. Scheurl's name was often found in the records of the council's decisions, together with those of the other lawyers who advised this council on legal problems. Furthermore, the descendants of Dr. Scheurl today continue to live near Nürnberg on a family estate which contains many of his personal and public papers.

As a humanist as well as a lawyer, Dr. Scheurl

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<sup>6</sup>For example, Friedrich Ellinger, "Die Juristen der Reichsstadt Nürnberg vom 15. bis 17. Jahrhundert," Genealogica, Heraldica, Juridica. Reichsstadt Nürnberg Altdorf und Hersbruck (Nürnberg, 1954), pp. 130-222 (Hereafter cited as Ellinger, "Die Juristen"); and Daniel Waldmann, "Die Entstehung der Nürnberger Reformation von 1479 (1484) und die Quellen ihrer prozessrechtlichen Vorschriften," MVGN, XVIII (1908), 1-98.

wrote extensively, not only the letters for which he is most widely recognized today, but also reports, histories, and essays which have not been published.<sup>7</sup> By using these numerous sources which indicate Dr. Scheurl's many interests, I hope this study illuminates not only an important part of the life of the legal adviser but also the interactions between various spheres of governmental activity which led to the religious Reformation of Nürnberg in 1525.

Like many humanists, Scheurl remained Catholic during the Reformation of the sixteenth century. Despite his religious convictions, however, the city council continued to employ him until his death in 1542. Moreover, Dr. Scheurl presided at the religious colloquy of 1525 wherein the city officially adopted Protestantism. Because of his role prior to and during this important event in the city's history, this study will be an analysis of the period between 1512, when he accepted Nürnberg's offer of employment, and 1525. It was during this period of thirteen years that the major functions of Scheurl's activities as a jurisconsult became fully outlined.

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<sup>7</sup>For Scheurl's published works, see the recent article by Maria Grossmann, "Bibliographie der Werke Christoph Scheurls," Archiv für Geschichte des Buchwesens, LXX (1968), 658-70 (Hereafter cited as Grossmann, "Bibliographie").

## CHAPTER ONE

### CHRISTOPH SCHEURL II AND THE GOVERNMENT OF NÜRNBERG

The Scheurl name was identified with the most prominent Nürnberg families by the beginning of the sixteenth century although, since the Scheurls were not patricians, it was not listed in the records as the name of one of the governing families. This identification was the result of the marriage in 1480 between Christoph Scheurl I and Helene Tucher, a daughter of an illustrious local family. Because of this marriage, Christoph Scheurl I had immediate contacts with other important citizens through his wife's relatives, for example the Fürers and Pfinzings. Significantly, such connections were made only a short time after Christoph Scheurl I decided to reside in Nürnberg.

Originally stemming from Swabia where they settled in the fourteenth century, members of the Scheurl family were found in a number of places by the end of the

fifteenth century.<sup>1</sup> They were represented not only in Breslau and Leipzig but also in Nürnberg where the nine-year-old orphan Christoph Scheurl came in 1467 with his guardian. This man began the Scheurl line in Nürnberg and in his first son, Dr. Christoph Scheurl, who was born in 1481, he fathered perhaps the most significant member of the still existent family.<sup>2</sup> A second son, Albrecht, was born in 1482; like his father, Albrecht became a businessman and, before his untimely death in 1531, was a ducal official in the Saxon town of Annaberg.<sup>3</sup>

As an increasingly successful businessman who began as an employee and moved through the ranks of a trading company with connections as widespread as Russia, Prussia, Poland, and Venice, Christoph Scheurl I was interested in educating not only his own sons but also

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<sup>1</sup> A. von Scheurl, "Christoph Scheurl, Dr. Christoph Scheurls Vater," MVGN, V (1884), 13-46 (Hereafter cited as A. von Scheurl, "Christoph Scheurls Vater,"); the source of this essay was the Scheurlbuch, written by Dr. Christoph Scheurl and presently located in the private family archive in Fischbach über Nürnberg, Germany. See also Soden, Beiträge, pp. 1-5.

<sup>2</sup> During the year of Dr. Scheurl's birth, his father was accepted into the large advisory council (Grosse Rat) of Nürnberg, membership in which was based upon honor and prestige in the city.

<sup>3</sup>Soden, Beiträge, pp. 361-62.

those of his fellow citizens.<sup>4</sup> Evidence of this was the tutor, Leonhard Vogel from Coburg, whom the elder Scheurl brought to Nürnberg to prepare his sons for entrance into school. Vogel taught not only the two Scheurl boys but also the sons of the city's most prominent families in Latin, mathematics, and the rudiments of Greek.<sup>5</sup> Instead of traveling with Scheurl's children when they left Nürnberg to undertake university studies, as originally intended, however, Vogel remained and began a private school with the aid of his benefactor.<sup>6</sup>

Dr. Scheurl's father endeavored also to educate the young people around him in his own ethical outlook. In 1488, he wrote to Hieronymus Haller, the son of a patrician family who was studying in Venice, to fear God and conduct himself morally. He admonished the young man to be industrious, avoid frivolous people and sin, and even told him when to go to sleep.<sup>7</sup> These same admonitions made an

<sup>4</sup>A. von Scheurl, "Christoph Scheurls Vater," p. 15.

<sup>5</sup>Reicke, Geschichte, p. 730.

<sup>6</sup>Vogel later became a successful merchant in Breslau. Dr. Scheurl corresponded with his former teacher, and the latter sent his two sons to study at Wittenberg in 1508 when Scheurl taught there; cf. Scheurls Br. 38, and Bauch, "Scheurls Briefbuch," Nos. 29a, 33b, passim.

<sup>7</sup>Part of this letter and a summary are printed in A. von Scheurl, "Christoph Scheurls Vater," pp. 16-17.



impact upon Dr. Scheurl who later emphasized them in his speeches and letters to students.<sup>8</sup>

Even though Scheurl's father influenced him, a greater influence because it affected his choice of vocation was exerted by his mother and his uncle, Sixt Tucher. It was Helene who directed Christoph away from studying for the clergy and toward law. Equally important, Sixt Tucher was a patrician and therefore connected with the most influential families of the city.<sup>9</sup> Because he was a lawyer and because of the local practice that no professional man was admitted to the city council, Sixt was not immediately involved with governing the city. However, as provost of St. Lorenz, one of Nürnberg's two parish churches, and with relatives on the ruling council, he was able to procure financial aid from the city to abet Scheurl's education;<sup>10</sup> indeed, he was integrally involved

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<sup>8</sup>These remarks constituted part of Dr. Scheurl's speech that he presented upon his arrival at Wittenberg and his election as university rector in May, 1507; Soden, Beiträge, pp. 11-14. See also Scheurl's letters to his cousin Johann Tucher in Bauch, "Scheurls Briefbuch," Nos. 191c, 198a, 225a.

<sup>9</sup>His mother was Barbara Stromer, and his older brother, Anton Tucher, was the most important man (Losunger) in Nürnberg's government.

<sup>10</sup>Scheurls Br. 3, 4; an earlier stipend from 1500 for Scheurl is found in the SFA, see Ausstellungskatalog, No. 23.

in Scheurl's decision to study law at Bologna where he himself had studied previously.

A few months before his fifteenth birthday, Christoph along with his younger brother, traveled to Heidelberg where they entered the gymnasium. Here they were received by the Dominican Professor of Theology, Peter Siber, a man who seemed to have a strong hold upon the young Christoph. Since Scheurl was not studying law at this point, it can be assumed that much of his interest in the arts--Siber apparently belonged to the arts faculty of the university--and in theology was stimulated by this monk who later became provincial administrator of part of Germany.<sup>11</sup>

Late in 1498, when Scheurl turned seventeen, he went to study law at Bologna; Albrecht traveled to Venice, instead, to learn the business techniques necessary for his vocation. Christoph remained in Italy from 1498 till 1507, and during this time he not only received his degree as doctor of both canon and civil law but also became

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<sup>11</sup>On Scheurl's studies in Heidelberg and the influence of Siber, see Wilhelm Graf, Doktor Christoph Scheurl von Nürnberg (Leipzig and Berlin, 1930), pp. 12-13. At this time and continuing for the next few years, Scheurl appeared to be closely tied to the Dominicans; see his letters to Siber and the prior of the Dominican Order in Nürnberg, Henlein; Scheurl's Br. 1, 2, 22, 28.

acquainted with Italian humanism. His feeling for humanist endeavor never left him and most of his later literary pursuits were a direct outgrowth of this acquaintance.

While at Bologna Scheurl met and studied under many men who influenced his subsequent activity. The teachers he was most indebted to were Giovanni Monteferrato, Giovanni Campeggio and his son Lorenzo, who became cardinal in 1517, Ludovico Bolognino, and the elder Filippo Beroaldus.<sup>12</sup> Scheurl later confronted Cardinal Campeggio, who had privately tutored him in law, during the third Diet of Nürnberg in 1524.<sup>13</sup> In addition to these instructors in law, he apparently studied under or heard the lectures of Codrus Urceus and Giovanni Garzo in belle-lettres. It was the latter's interest in history perhaps that spurred Scheurl's desire to write a history of his native city;<sup>14</sup> certainly the study of the past was one of his life-long preoccupations.

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<sup>12</sup>Scheurl paid his respects to these scholars in his letters; Scheurl's Br. 1, 10, 25, 48, 138. On his close connection to Monteferrato, see Bauch, "Scheurl's Briefbuch," and SFA. Codex K, fols. 7ff.

<sup>13</sup>See below, pp. 51-56.

<sup>14</sup>Scheurl's Br. 3, to the council of Nürnberg. He remembered both Urceus and Garzo in letters written to Georg Spalatin. Scheurl's Br. 55; Bauch, "Scheurl's Briefbuch," No. 57a.

Another man whom Scheurl met at Bologna and later became well acquainted with was Johann von Staupitz, Luther's spiritual teacher and vicar general of the reformed Augustinian Eremites from 1503. Staupitz had been the first dean of the theological faculty at the recently founded University of Wittenberg, and was in the service of Pope Julius II during the early years of the sixteenth century. Along with other dignitaries, Staupitz attended Scheurl's graduation in December, 1506.<sup>15</sup> Shortly thereafter, Scheurl was appointed to a lectureship in law at Wittenberg.<sup>16</sup>

The relationship between the two obviously became stronger as evinced by the leading role Scheurl played in Nürnberg's humanist group, named the Staupitziana in honor of the vicar general,<sup>17</sup> and his edition of the advent

<sup>15</sup>See Scheurls Br. 25 for a list of the men who attended his graduation.

<sup>16</sup>It was not Staupitz, however, who procured Scheurl's appointment, although it seems likely that he recommended the lawyer to Frederick the Wise, but rather the intercession of Sixt and Anton Tucher, Deginhard Pfeffinger, and Scheurl's father; Gustav Bauch, "Christoph Scheurl in Wittenberg," Neue Mitteilungen aus dem Gebiet historisch-antiquarischer Forschungen, XXI (1903), 34 (Hereafter cited as Bauch, "Scheurl in Wittenberg"). This verbatim account was taken from the Scheurlbuch, see n. 1 above; also Ernst Mummenhoff, "Scheurl," Allgemeine Deutsch Biographie, XXXI (1890), 145.

<sup>17</sup>Scheurls Br. 150, 159. Cf. Theodor Kolde, "Bruderschaftsbrief des Joh. von Staupitz für Christoph Scheurl den Älteren und seine Familie. 1511, 6. Oct.," Zeitschrift für Kirchengeschichte, VI (1883-1884), 296-98.

sermons which Staupitz preached in the city in 1516.<sup>18</sup> Due to this connection, Staupitz's request from Scheurl for an account of how the city was governed resulted in one of the most important contemporary documents regarding Nürnberg's ruling machinery.<sup>19</sup>

In Italy Scheurl traveled throughout the peninsula, at one point taking minor orders.<sup>20</sup> He also was elected as one of the syndics of the University of Bologna, and was used as an interpreter and translator for the imperial embassy in Italy.<sup>21</sup> When he became a member of the law faculty at Wittenberg, Scheurl possessed some experience of the political and diplomatic world other than that obtained solely through academe. That he put this experience to work for him was immediately evident at the Saxon University.

When Scheurl entered Wittenberg in 1507, he left his imprint at once upon the history of the school. This happened through two separate occurrences. Not more than a

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<sup>18</sup>See below, n. 42.

<sup>19</sup>See below, pp. 22-26.

<sup>20</sup>Ausstellungskatalog No. 24, a sealed document by the papal treasurer, Cardinal Raphael, dated April 21, 1506. See Scheurl's Br. 279.

<sup>21</sup>Scheurl's Br. 20.

few days after his arrival, he was elected to the important post of rector.<sup>22</sup> About the same time he published a list of the teachers and the courses offered.<sup>23</sup> Scheurl listed himself as presenting the ordinary lectures on the nova juris (Liber Sextus) and the extraordinary ones on the usus feodorum, or feudal law. He did not, however, abandon his interest in humanistic studies for he also lectured on Suetonius.

Scheurl appeared to be an able administrator as well as lecturer as evinced by his other activities at Wittenberg. Elected deacon of the law faculty in May, 1508,<sup>24</sup> he began another work important for the school's history, the Liber Decanorum, or Book of the Deans.<sup>25</sup> Later the same year, he was commissioned to edit the new laws bestowed on the university by Elector Frederick.<sup>26</sup>

<sup>22</sup>Bauch, "Scheurl in Wittenberg," p. 36; Scheurl's Br. 26. The document, dated May 1, 1507, is reproduced in Walter Friedensburg, ed., Urkundenbuch der Universität Wittenberg, Teil I (1502-1611) (Magdeburg, 1926), p. 17 (Hereafter cited as Friedensburg, Urkundenbuch).

<sup>23</sup>Known as the Rotulus; Friedensburg, Urkundenbuch, pp. 14-17.

<sup>24</sup>Friedensburg, Urkundenbuch, p. 18.

<sup>25</sup>Walter Friedensburg, Geschichte der Universität Wittenberg (Halle, 1917), p. 60.

<sup>26</sup>Reprinted in Friedensburg, Urkundenbuch, pp. 18 ff.

Perhaps in recognition of the role he was playing at the university, he was also accepted as an adviser of the Saxon dukes and appointed as an assessor to the supreme court of Saxony which met at Leipzig and Altenburg.<sup>27</sup> At this post he cemented his relationship to Duke George which continued until the latter's death in 1539.

Dr. Scheurl thus was in the employ of the dukes of Saxony as a teacher, adviser, lawyer, and representative for almost five years. Even though he was successfully fulfilling his obligations, however, he was tempted to return and work for his native city. This temptation became greater when, in October, 1511, the head of Nürnberg's government, Anton Tucher, wrote to him.<sup>28</sup> Tucher asked Scheurl if he was interested in accepting an important legal position for the city council. On December 9, Tucher continued his overtures with a second letter.<sup>29</sup> This was followed shortly thereafter by a gift of wine from the council.<sup>30</sup> Granted a few months to conclude his affairs in Saxony, Scheurl finally agreed and in

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<sup>27</sup>Bauch, "Scheurl in Wittenberg," p. 38. On this see Graf, Doktor Christoph Scheurl von Nürnberg, pp. 44 ff.

<sup>28</sup>BB 67, fols. 186r-187r.

<sup>29</sup>BB 67, fols. 239r-v.

<sup>30</sup>RV 539, fol. 4r.

April 1512, he entered into the service of Nürnberg as a legal adviser.<sup>31</sup> By this decision the city gained not only a servant experienced in law, diplomacy, and politics, but also a man who had achieved a certain reputation as a writer and orator. This reputation resulted from his activities at Bologna and Wittenberg, a summary of which will shed some light on his role in Nürnberg.

During his final years in Bologna, Scheurl wrote and edited a number of works that later were published.<sup>32</sup> Of particular importance because it emphasized his religious as well as humanist concerns was his Utilitates Missae which he dedicated to Charitas Pirckheimer in 1506. Charitas, sister of the humanist Willibald Pirckheimer and abbess of St. Clara's in Nürnberg since 1503, was a leading intellectual light of the city and highly respected by Scheurl. Presumably to win favor with the abbess and to gain access to the elite circle of Nürnberg humanists, he collected a series of spiritual sayings by the church fathers and transmitted them to her by his uncle Sixt Tucher.<sup>33</sup> In his dedicatory statement to Charitas, Scheurl

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<sup>31</sup>RV 539, fol. 8v; RV 540, fol. 18r; RV 542, fol. 10v.

<sup>32</sup>See Grossmann, "Bibliographie."

<sup>33</sup>Josef Pfanner, ed., Briefe von, an und über Caritas Pirckheimer (aus den Jahren 1498-1530) (Landshut, 1966), pp. 138-43.



extolled the virtues of learning, particularly Latin and Greek, and the honor of the Pirckheimer house. This work no doubt eased his entrance into the city's intellectual society in 1512.

In 1506 Scheurl also delivered and published a speech "in praise of Germany."<sup>34</sup> As early as January, 1506, he wrote to Sixt Tucher asking him to transmit it to Deginhard Pfeffinger so that the latter could present it to the Elector Frederick; Scheurl wanted to dedicate it to Frederick.<sup>35</sup> In typical humanist fashion, perhaps drawing upon Celtis, he romantically lauded the virtues of Germany. Singling out Nürnberg, "the German Venice," for special praise, he proceeded to list some of the city's prominent scholars: Sixt and Anton Tucher, Willibald Pirckheimer, Albrecht Dürer, and Erasmus Topler. Finally, Scheurl applauded the territories and dukes of Saxony, and both the city and university of Wittenberg. Throughout the speech he gave witness to his interest in historical studies, even expressing the wish to write a history of Nürnberg, and to his desire to serve the emperor.

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<sup>34</sup>Oratio panegyrica in laudem Germaniae et Ducum Saxoniae, published in 1506 and 1508 as Libellus de Laudibus Germaniae et Ducum Saxoniae; cf. Christian Conrad Nopitsch, Georg Andreas Will's Nürnbergisches Gelehrten-Lexicon (Altdorf, 1802-1808), IV, 70.

<sup>35</sup>Scheurl's Br. 6.

In another speech which Scheurl presented upon the conferral of the doctor's dignity to two of his colleagues in 1508, he commended the familiar humanist themes and again emphasized the importance of studying history. In the audience were a number of notables including the Elector's court painter, Lucas Cranach, the elder. After hearing the oration, Cranach and others requested a copy and Scheurl responded by having it published in 1509.<sup>36</sup> He dedicated this work to Cranach and prefaced it with an essay honoring the painter whose fame was, Scheurl wrote, second only to that of Dürer's throughout Europe.<sup>37</sup> Thus by his explicit acknowledgement of the significance of many politicians and humanists and his continual reemphasis of the themes particular to German humanism, Scheurl paved his way into various intellectual circles.

When Scheurl returned to Nürnberg in 1512, there existed two not wholly dissimilar factors which aided his blending into this society and which he in turn helped to bring together. The oldest and most pervasive of these

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<sup>36</sup>Oratio doctoris Scheurli attingens litteraru prestantiam necnon laudem Ecclesie Collegiate Vittenburgensis; cf. Franz von Soden, Christoph Scheurl der Zweite und sein Wohnhaus in Nürnberg (Nürnberg, 1837), pp. 13-14.

<sup>37</sup>This panegyric to Cranach, still a major source for the painter's earlier life, was translated into German by Christian Schuchardt, Lucas Cranach des Aeltern Leben und Werke (Leipzig, 1851-1871), I, 27-35.

factors was a tradition of adherence to late medieval mysticism among the burghers with its emphasis on inner spirituality and Christian ethics.<sup>38</sup> This emphasis was reinforced by the government of the city as it successfully strove to acquire freedom from the ecclesiastical control of the bishop of Bamberg. Scheurl attested to the effects of this tradition in a letter to his friends Luther and Otto Beckman in 1519 that discussed two native women, both of whom were connected with the Ebner family, in relation to German mysticism in the fourteenth century.<sup>39</sup>

The second factor was an outgrowth of the activity of Conrad Celtis in the city during the latter years of the fifteenth century, namely the establishment of the humanist circle called the Sodalitas Celtica.<sup>40</sup> Composed primarily

<sup>38</sup>Irmgard Höss, "Das Religiös-Geistige Leben in Nürnberg am Ende des 15. und am Ausgang des 16. Jahrhunderts," Extrait des Miscellanea Historiae Ecclesiasticae II ("Bibliothèque de la Revue d'Histoire Ecclesiastique," Fasc. 44, 1967), pp. 17-36. Wilhelm Reindell, Doktor Wenzeslaus Linck aus Colditz, 1483-1547. Nach ungedruckten und gedruckten Quellen dargestellt. Erster Teil: Bis zur reformationschen Thätigkeit in Altenburg. Mit Bildnis und einem Anhang enthaltend die zugehörigen Documenta Linckiana 1485-1522 (Marburg, 1892), pp. 54-56 (Hereafter cited as Reindell, Wenzeslaus Linck). Roth, Die Einführung, pp. 26-48.

<sup>39</sup>Scheurl's Br. 201.

<sup>40</sup>Ludwig Keller, Johann von Staupitz und die Anfänge der Reformation (Nieuwkoop, 1967), p. 28 (Hereafter cited as Keller, Staupitz).

of members of the patrician government, this group espoused many of the same principles found in German mysticism but under the name of Christian humanism.<sup>41</sup> The themes emphasized were study, civic responsibility and an ethical concern that reinforced not only the Christian's attitude toward others but also the reciprocal bond between government and community. In this climate Scheurl rapidly became one of the leaders of this circle.

When Johann von Staupitz visited Nürnberg, the townspeople received him with enthusiasm. He accepted humanism, as had the reformed Augustinians in general, and stressed preaching, emphasizing ethics and spirituality; and, like most of the Augustinians, he was popular. When he preached in the city in 1512, 1516, and 1517, large crowds turned out to hear him. Many people made copies of these sermons, and Scheurl published part of his own in 1517.<sup>42</sup> Because Staupitz often entertained

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<sup>41</sup> Bernd Moeller, "Die deutschen Humanisten und die Anfänge der Reformation," Zeitschrift für Kirchengeschichte, LXX (1959), 46-61

<sup>42</sup> The sermons appeared in both a Latin and German edition; Grossmann, "Bibliographie," p. 665. Scheurl's notes are found in SFA. Codex C, fols. 180r-210r, the latter part of which is entitled, "Etlich Nutzlich leren und facecion die der Erwirdig und gaistlich herr Johann von Staupitz doctor vicarius Augustiner ordens etlichen erbern personen, die mit ime die malzeit genomen mundtlich also uber tisch mitgetailt hat."

the leading Nürnberg personalities at his table, the humanist group began to refer to itself as the Staupitziana. During one of these occasions, the vicar general spoke to Scheurl so highly of Martin Luther that Scheurl wrote Luther at Wittenberg asking him to become part of the Nürnberg circle.<sup>43</sup>

The popularity of the Augustinians in Nürnberg immediately preceding the Reformation was due to a number of factors, some indigenous and some extraneous. The ideas of Staupitz, the Augustinian prior Wolfgang Volprecht, and the Augustinian preacher Wenceslaus Linck appealed to the religious feelings of the townspeople and the views of the city's humanists. The spokesman of these humanists who met in the Augustinian monastery was Christoph Scheurl. As noted above, it was Staupitz's request to Scheurl for a description of the city's government that led to the significant letter of 1516.

In December of this year, Scheurl sent Staupitz a brief but important statement portraying in some detail

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<sup>43</sup>Scheurl's Br. 114. After 1518, the Staupitziana became the Martiniana in honor of the reformer; cf. Hans von Schubert, Lazarus Spengler und die Reformation in Nürnberg, "Quellen und Forschungen zur Reformationsgeschichte," XVII, ed. Hajo Holborn (Leipzig, 1934), p. 163.

the formation and functions of Nürnberg's government particularly stressing its legal aspects.<sup>44</sup> Because the government dictated the rules and responsibilities of its legal advisers, the delineation of the formation of this power is necessary to understand the activities of the city's lawyers.

Ostensibly, the sovereign power of Nürnberg resided with the citizens who swore to uphold the laws of the community. This power was limited, however, to a merely consultative and advisory capacity as exemplified in the largest organ representing the burghers, the large council (Grosser Rat). The composition of this council consisted of about two hundred of the city's more prosperous and respected citizens (Genannte). Though this body possessed a seal, it could not initiate legislation; its main purpose was therefore the dissemination of the ideas and decisions of the real locus of power, the small council (Rat).<sup>45</sup>

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<sup>44</sup>"Christoph Scheurl's Epistel über die Verfassung der Reichstadt Nürnberg. 1516." The number of editions that exist of this letter, many of which can be found in the Stadtbibliothek, Nürnberg, attest to its importance; cf. StAN. Amts- und Standbücher, No. 1.

<sup>45</sup>The large council was consulted, Scheurl stated, "wann man steyer auflegen, krieg anfahen oder die underthanen vor kunftigen geferligkaiten verwaren will." Scheurl's Epistel, p. 787.

Even though a few of the large council's members participated in electing the members of the small council, the electoral procedure was so circumscribed that the ultimate effect was the perpetuity in office of the same councillors year after year.<sup>46</sup> These men were the patricians (Geschlechter), members of the oldest and most respected families in Nürnberg who had, Scheurl noted, ruled the city from its origins.<sup>47</sup> Thirty-four of the forty-two seats in the small council were occupied by these patricians. The eight remaining belonged to commoners who were elected but devoid of any power.

The divisions within this ruling council were important because they differentiated further the reins of power. Eight members of the thirty-four, elected by the council itself, composed a group (Alte Genannte) which was, practically, honorific.<sup>48</sup> The twenty-six

<sup>46</sup>Scheurl wrote that occasionally, through old age, preference, or misdeed a councillor was replaced, but such an occurrence was rare. Scheurl's Epistel, pp. 788-89.

<sup>47</sup>"... dero anen und uranen vor langer zeit her auch im regiment gewest und uber uns geherscht haben." Scheurl's Epistel, p. 791. He added, however, that sometimes more recent citizens who had distinguished themselves were admitted to the small council.

<sup>48</sup>Scheurl's Epistel, p. 795. For the names of the men in 1516 who occupied the various offices of the city, see the "Rathsverzeichniss und Aemterbüchlein vom Jahre 1516," Die Chroniken der deutschen Städte. Nürnberg. Vol. XI (Leipzig, 1874), pp. 805-820.

remaining members were subdivided twice into four groups of thirteen each: the first division resulted in mayors and jurors (Schöffen), the second in senior and junior mayors.<sup>49</sup> One senior and one junior mayor combined then to act as the city's governors for four weeks. In so doing, the two governing mayors possessed a great deal of power during their term in office.<sup>50</sup>

Further divisions within the group of senior mayors marked the hierarchy of power. Although the small council was the political sovereign of the city, it convened only upon the expressed wish of the senior governing mayor. Seven of the thirteen senior mayors constituted an organ known as the elders (Ältere Herren) which carried on the day-to-day business of government.<sup>51</sup> These seven possessed therefore the real power within the small council. Of the seven, three were appointed captains of the city (Oberste Hauptmänner) in which post they acted much like sergeants-at-arms.<sup>52</sup> Two of these three

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<sup>49</sup>Scheurle Epistel, pp. 786-87.

<sup>50</sup>Scheurle Epistel, pp. 790-91

<sup>51</sup>Scheurle Epistel, pp. 794-95.

<sup>52</sup>Scheurle Epistel, p. 794.



occupied a special role as treasurers (Losunger), and the senior treasurer was regarded as the first man, the highest official, of Nürnberg.<sup>53</sup>

In skeletal form this was the government of Nürnberg which Scheurl described to Staupitz. The appeal to God and tradition were the explicit binding factors which enabled it to function and to perpetuate itself. Since the councillors were paid according to their responsibilities, they could devote most of their time to their positions, although they were generally quite wealthy and needed no salary. As sovereign, the council monopolized the legal power of the city and sat as the final court of appeals for incidents arising among its citizenry. But there were also a number of other courts in Nürnberg and its territories that Scheurl described to Staupitz. These must be described to elucidate the functions of the legal advisers.

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<sup>53</sup>" . . . der ist darnach im gantzen rat der furnemist und oberste von ieder man geachtet." Scheurl's Epistel, p. 787. Throughout the period of this study, there were only four Losunger: Anton Tucher, Anton Tetzl, Hieronymus Ebner, and Caspar Nützel; cf. StAN. Handschriftensammlung No. 188, fol. 32lv.

## CHAPTER TWO

### THE ROLE OF NÜRNBERG'S LEGAL ADVISERS

Subsidiary in importance to the council members but reinforcing Nürnberg's growing prominence as a free imperial city were the lawyers trained in canon and Roman law employed by the government. To be sure, the establishment of legally trained scholars as an integral part of Nürnberg's ruling machinery was not the result of any one legislative decision. Rather, such an establishment was inexorably connected to the later medieval educational and juridical history of Germany; as a result of changes in economic and church-state relationships, a greater number of men received legal education. With increasing supply and demand, many of these juristically trained men found employment in the varied principalities throughout the empire. Due to the education and position of these lawyers, changes occurred in the traditional and rather ambiguous German customary law.

Like all states, Nürnberg utilized the talents of lawyers. The first documentary evidence of a jurist employed by the council was a Master Erhard, explicitly referred to as "our jurist," a man who was obliged to perform the functions of a secretary and adviser to the government and citizens of Nürnberg.<sup>1</sup> The fact that Master Erhard's contract noted him as a secretary was indicative for the development of the group of legal advisers in the city because it showed that the secretaries were knowledgeable in law. Furthermore, it pointed out that the secretaries might be called upon to render advice in particular instances.

Since the members of the council were not required to know Latin in executing their executive, legislative, and judicial functions, it was not imperative that the secretaries who recorded the council proceedings and decisions be conversant with the language. But because of the city's political importance and constant concern with its sovereignty, a large number of transactions were carried out in the international language. This indicated that the counsellors, and hence their secretaries,

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<sup>1</sup>Johann Christian Siebenkees, Materialien zur Nürnbergischen Geschichte, III (1794), 96. Although the exact dates during which Erhard served the council are not known, Ellinger concludes that he was employed between 1369 and 1392; "Die Juristen," pp. 132-33.

had to be at least partially familiar with Latin. Those most knowledgeable with regard to the Latin tongue were the students, clerics, and humanists; and the council, to insure itself of an available supply of skilled Latinists, often patronized students whom it would later employ.<sup>2</sup> Some of these students thus became jurists.

The existence of a jurist in the city did not, however, indicate what legal codes were represented. The sources revealed though that men educated both in Roman and canon law traditions were found in Nürnberg late in the fourteenth century. Georg Herdegen, for example, a man who became a council secretary in the middle of this century, was designated as a notary (notarius civium) in the contemporary records; similarly Gabriel Schütz was noted as a canon law scholar (decretorum doctor).<sup>3</sup> Both designations referred to specific juridical offices and training.

Despite the decretal of Honorius III forbidding clerics to study Roman law, many church administrators

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<sup>2</sup>Christoph Scheurl was just one of a number receiving such aid. See above, p. 10.

<sup>3</sup>Ellinger, "Die Juristen," pp. 133-34, 157-59. Schütz was cited as Nürnberg's first adviser in the official list of the government's legal employees; StAN. Handschriftensammlung No. 203.

by the fifteenth century knew the civil code as well as that of the church. This applied to the priests of Nürnberg's two parish churches, St. Sebald and St. Lorenz. When the council received the privilege in 1477 from Sixtus IV to appoint its own provosts during specific months, thereby undercutting some of the authority of the bishop of Bamberg in the city, the government insured itself of loyal administrators.<sup>4</sup> Thereafter, provosts such as Erasmus Topler of St. Sebald and Sixt Tucher of St. Lorenz had received their doctorates in both canon and Roman law before being appointed to their posts.<sup>5</sup>

By means of its secretaries and church officials, then, the council employed scholars who were skilled Latinists and jurists. Some of these employees were specifically called legal advisers, a term which set those who possessed it apart from other servants of the council.

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<sup>4</sup>This privilege also broadened the jurisdiction of the administrators; cf. Reicke, Geschichte, p. 689. After receiving this right, the council attempted to gain the privilege of appointing the provosts during the months reserved for the bishop, and it eventually succeeded in obtaining it. See Adolf Engelhardt, "Der Kirchenpatronat zu Nürnberg," Zeitschrift für bayerische Kirchengeschichte, VII (1932), 1-16.

<sup>5</sup>Concerning Topler, who was provost from 1495 to 1512, see Georg Andreas Will, Nürnbergische Gelehrten-Lexicon (Nürnberg and Altdorf, 1755-1758), IV, 39-40.

These advisers were professionally trained men who signed a contract with the government for their position. Because they were professional men, however, they could not be a councillor nor could they attend the council sessions even if they were from the city's patrician families.<sup>6</sup>

In his letter to Staupitz, Scheurl stated that the main function of these juriconsults, of whom there were only a handful, was to render legal opinion when asked by the council.<sup>7</sup> These opinions were then used to aid the councillors in making their decisions and pronouncing law. Because the council remained sovereign and the lawyers' role was merely advisory, the decisions and statutes of Nürnberg reflected civil and canon law principles only to the extent the government deemed them practical.

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<sup>6</sup>Scheurl wrote, ". . . noch ains ban ich anzezaigen nicht umbgeen, das kain doctor, er sei vom geschlecht wie edel er imer woll, in rat gesetzt würt." Scheurls Epistel, p. 792. For the history of the position of the legal adviser in Nürnberg, see Otto Stobbe, Geschichte der deutschen Rechtsquellen (Leipzig, 1860-1864), II, 59-61; Ellinger, "Die Juristen," pp. 159-75.

<sup>7</sup>When a case was so important that legal advice had to be obtained, ". . . so erweelet man zwen auss den rathsherrn die nach dem früe essen bei den doctorn rathschläg suchen und nachmals den andern tag solichs im rath wider ansagen. . . . sie haben aber gemainglich fünf oder sechs doctores der rechten, die sie also allein in rathschleggen geprauchten." Scheurls Epistel, p. 802.

The codification of Nürnberg's laws, published by Anton Koburger in 1484 and known as the Reformation,<sup>8</sup> was significant not only because it was the first city statute book published in Germany but also due to its influence on other German territories.<sup>9</sup> This compilation of existing laws and procedures was an attempt at comprehensiveness by the council. Its publication in the vernacular was clearly designed in part to announce the independence and sovereignty of the city to other powers since the burghers themselves had little cause to doubt to whom they owed their allegiance.

As "Nürnberg's legal advisers aided the committee established to formulate the Reformation,<sup>10</sup> it was not surprising that the published civil code exhibited Roman

<sup>8</sup>Gesetze der neuen Reformation der Stat Nuremberg Nach crist gepurt Tausend vierhundert Und in dem neun u. sibentzigsten Jare fürgenommen.

<sup>9</sup>Roderich Stintzing, Geschichte der Deutschen Rechtswissenschaft (München and Leipzig, 1880), p. 541; Stobbe, Geschichte der deutschen Rechtsquellen, II, 298; also see above, p. 2 n. 1.

<sup>10</sup>The importance of the lawyers in creating the legal code was mentioned in the introduction to the Reformation; these laws ". . . nach rat vil hohgelerter Doctor u. den gemeinen geschribenn Rechten, so vil sich das nach der Stat Nüremberg gelegenheyt Herkomen unn leuffte hat erleiden mügen, gemess gemacht sind."

law principles and Roman and canon legal procedures. In large measure the inclusion of these principles and procedures must be attributed to the advisory lawyers because these men were the most familiar with such codes. The result was a series of prescribed formulae by which complaints were to be submitted, witnesses heard, and appeals made.<sup>11</sup> For the most part these procedures were innovations in Nürnberg's courts, and their effect was to insure the continued importance of the lawyers in the internal affairs of the city.

Although republications of the code were issued in 1488, 1498 and 1503, the council decided in September, 1514, to review the entire Reformation. The protocol of September 19 of this year stated that all laws were to be inspected in order to determine if they were necessary or in need of change. If some of these laws were to be changed, then the corrections should

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<sup>11</sup>The episcopal courts and, often, the imperial courts followed canon and Roman procedures. Because of the number of monasteries, churches, benefices, and territories over which Nürnberg claimed jurisdiction, the city had to be represented at these courts. Thus, members of the council if not the burghers, were familiar with these processes. See Daniel Waldmann, "Die Entstehung der Nürnberger Reformation von 1479 (1484) und die Quellen ihrer prozessrechtlichen Vorschriften," MVGN, XVIII (1908), 1-98.



be submitted to the whole council in writing for its decision.<sup>12</sup> The commission appointed for the task consisted of three councillors, three jurors of the city court, and the legal advisers.<sup>13</sup>

The revision of the city statutes took more than seven years to complete, and its progress can be followed in the minutes of the council meetings from 1514 to 1522. Virtually finished by the end of June, 1521,<sup>14</sup> the decree announcing its publication did not appear until the end of January, 1522. It was printed by the Nürnberg publisher Friedrich Peypus and embellished by a Dürer woodcut. The council promised that another issue of the code would not be forthcoming for three or four years.<sup>15</sup>

<sup>12</sup>RV 575, fol. 9v: ". . . soll man pessern enndern vnd in schrifften verfassen vnd herwiderbringen. . . ." CF. RV 575, fol. 8r.

<sup>13</sup>There were five legal advisers at this time. Although the protocol stated simply "alle gelertn," this referred to Ulrich Nadler, Peter Dotzler, Johann Protzer, Marsilius Prenninger, and Scheurl.

<sup>14</sup>RV 664, fol. 24r: "die reformation vom anfang corrigirn, damit die furderlich mag gedruckt werden."

<sup>15</sup>RV 672, fol. 16r: ". . . die reformation in 3 oder 4 Jarn nicht werd nachgedruckt." Actually, Peypus had been considered for the publishing commission as early as September, 1516; "So man mit der Reformation fertig wirdet alsdann beym rat furlegen fritz pepas des puch-truckers begern, ob man Im vergonnen woll die zu trucken." RV 602, fol. 4v.

It seems that the actual work of drawing up the statutes was in the hands of the lawyers while the other commissioners acted as advisers and intermediaries between the committee and the council. Ultimately, of course, changes in the code rested upon the decision of the council, but this should not obscure the influence of the doctors on the formation of the new Reformation. Both Scheurl and Marsilius Prenninger, for example, were involved in writing a new fugitive law,<sup>16</sup> and Scheurl was explicitly mentioned in a protocol of 1518 with regard to a new law of witnesses testifying in civil cases.<sup>17</sup>

To enforce this code and to administer justice to the people over whom the council acquired jurisdiction, Nürnberg possessed an elaborate court structure that treated criminal as well as civil cases. Because the council was sovereign, however, all the courts were responsible to it. Furthermore, the council itself acted as the sole court deciding upon serious transgressions of

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<sup>16</sup>RV 626, fol. 2lv; cf. Ratschlagb. 2, fols. 40v-46v.

<sup>17</sup>"Mer ist zugelassen ein new gesetz von vertrag der glawbigen laut doctor Scheurls gestelt verzeichnuss . . . ." RV 628, fol. 4r.

the criminal code.<sup>18</sup> Such cases as murder, theft, treason and slander were handled by the entire council which was represented by the thirteen jurors.<sup>19</sup> Some of these jurors presided over the torture of a suspected criminal and copied his confession; all were present, however, when judgment was pronounced.<sup>20</sup>

In less serious criminal cases, a smaller court of five councillors operated (Fünfergericht). The composition of this court changed every month due to the fact that the two outgoing mayors as well as the two presiding mayors and one other councillor sat on it. Here, Roman legal procedures were not held to, and judgment was, as Scheurl stated, "quick and speedy."<sup>21</sup> Although no appeal could be made from its judgment, the more serious

<sup>18</sup>Siebenkees, Materialien zur Nürnbergischen Geschichte, II (1792), 532-50; "Nürnbergische Halsgerichts-Ordnung vom Jahr 1481."

<sup>19</sup>See above, p. 25.

<sup>20</sup>Scheurl's Epistel, p. 796. The council decided this judgment beforehand by a majority vote and the jurors simply pronounced it." . . .dann ein ieder rathsherr muss ein leiblichen ait zu gott schweeren, das er der maisten stim, ungeacht welcher mainung er bei ime selbs sei, nachvolgen wolle."

<sup>21</sup>". . . kürtzlich und schleinig." Scheurl's Epistel, p. 797. Scheurl wrote that this court neither accepted written complaints nor permitted lawyers to advocate before it. Only rarely would it hear witnesses.

of the crimes handled by this court were discussed and decided upon in the council prior to the final decree.<sup>22</sup>

The courts of the council and the five employed the legal advisers only on an ad hoc basis. But they were permanently attached to the municipal court for civil affairs (Stadtgericht). This body consisted of eight men selected by the councillors from the large council and was divided into two benches which met at established times each week. On each bench sat one council member and one or two legal advisers as assessors. Again, the lawyers served chiefly to interpret the written law and to recommend action.<sup>23</sup>

The cases treated by the city court were generally divided into two categories, those involving claims of less than thirty-two gulden and those involving more.<sup>24</sup> In the former, judgment was rapid, but in the latter it was

<sup>22</sup>In the controversy between Willibald Pirckheimer, a councillor, and Hans Schütz, a citizen, which had been dragging on in the council for a number of years, the council decided in March, 1518, to let Pirckheimer bring his complaint before this court. "So soll vnd mög er [Pirckheimer] Schutz durch ein Statknecht fur die funff vordern lassen vnd daselbst sein clag furpringen." RV 620, fol. 20v; Cf. RV 622, fol. 5v.

<sup>23</sup>". . . die gerichtshändel zuberathschlahen und das so derhalben in geschribnen rechten geordnet ist anzuzaigen." Scheurl's Epistel, p. 801.

<sup>24</sup>Scheurl's Epistel, p. 801.

exceedingly more thorough probably because an injured party could appeal the judges' decision. In cases involving more than 600 gulden, appeals could be made to the imperial supreme court;<sup>25</sup> for cases involving less, the council acted as an appellate court. Since the council did not care to countenance any kind of appeal, either to itself or an imperial court, the competency of the city court was extensive and its proceedings preserved in writing.

Although these were the primary courts to which the legal advisers were attached, depending upon the desire of the council, Scheurl described several others that sporadically made use of the lawyers' talents. Of utmost importance because it operated as a training ground for future councillors was the peasants' court (Bauerngericht).<sup>26</sup> Composed of the sons of the councillors chosen from the large council, its number was not fixed but fluctuated according to the desire of the government. From this court, depending upon the extent to which legal procedures were learned, one could be

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<sup>25</sup>This was the result of a privilege granted to Nürnberg by Emperor Maximilian in 1508; see Reicke, Geschichte, p. 640.

<sup>26</sup>For the history of this court, see Horst Esprig, Das Bauerngericht von Nürnberg (Würzburg, 1937).

elected a juror of the municipal court and finally a councillor.<sup>27</sup> This court was competent to settle disputes arising between peoples in the territories over which Nürnberg claimed jurisdiction.<sup>28</sup>

In addition to the peasants' court, there was a special court devised to handle cases arising between a subject living in the city's territorial sphere and a citizen. This was the territorial court (Landpflegamt), composed of councillors who also acted as administrators of the villages, towns, and castles outside the city.<sup>29</sup>

The lawyers were often associated with these courts by direct command of the council. With the remaining courts such as those dealing with the forests,

<sup>27</sup>" . . . macht man nachmals auss inen die schopfen des statgerichts und zuletzt auch ie die ratsherrn." Scheurls Epistel, p. 802. In 1521, the council decided that four councillors should also sit on the peasants court; RB 12, fols. 39r-v.

<sup>28</sup>Often, however, the margrave of Brandenburg claimed authority over some of the same territories resulting in the dispute being heard at the imperial county court (kaiserliche Landgericht Burggraftum Nürnberg). The competency of this court was established by the Harras Treaty of 1496; see, for example, Rat-schlagb. 1, fols. 61r, 62r, 90v, passim. On the background of the Harras Treaty, see Reicke, Geschichte, pp. 466-69, 535-36.

<sup>29</sup>Scheurls Epistel, p. 798.

inferior goods, and the widows and orphans, the legal advisers had little contact.<sup>30</sup> Other lawyers known as advocates and procurators handled these.<sup>31</sup> For minor infractions of the civil code, those not exceeding five gulden in damage, a court of four bailiffs (Fronbotten) existed.<sup>32</sup> Yet over all these courts and proceedings, despite the apparent triviality of some of the cases treated, the council played an authoritative role. Through their servants the councillors were constantly aware of any circumstances occurring in and around the city.

With regard to Scheurl's particular role as a jurisconsult, there was little difference between what he communicated to Staupitz in 1516 and the contract he signed in 1512. After four years employment, however, he wrote with more experience about the obligations the office entailed.

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<sup>30</sup>For a partial list and description of the court structure in Nürnberg, see Hans Hubert Hofmann, Historischer Atlas von Bayern: Teil Franken, Nürnberg-Fürth (München, 1954), p. 55.

<sup>31</sup>Scheurl referred to these men who possessed doctoral degrees as "geschworne und gemaine advocaten." Scheurls Epistel, pp. 802-03. For the development of this class of lawyers, see Ottmar Böhm, Die Nürnbergische Anwaltschaft um 1500 bis 1806 (Erlangen, 1949).

<sup>32</sup>Scheurls Epistel, p. 801.

Scheurl stated that certain cases discussed in the council were so important that two of the councillors would be dispatched to the advisers in order to obtain the lawyers' professional opinions. Only with regard to the most important of these cases, however, were all of the advisers polled. More often, the advice of a few of the lawyers was sufficient to evoke a decision.<sup>33</sup> These opinions were then submitted to the council for final judgment, and then collected and bound by the secretaries for future reference.

Other obligations included defending the interests of the commonwealth as ambassadors on embassies, and representing the city at appellate courts where they were also required to compose opinions. They were prohibited, however, from representing private citizens without having previously obtained permission from the council.<sup>34</sup> For these duties each one of the advisers received about two hundred gulden annually and were held in as high esteem as were

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<sup>33</sup>Most of the time one or more of the jurisconsults were not in the city, having previously been commissioned by the council to represent its interests elsewhere.

<sup>34</sup>Other lawyers represented individuals. See above, n. 31. In rare cases an advocate could be promoted to the level of a legal adviser. Thus, for example, Dr. Michael Marstaller entered the service of Nürnberg in 1514 as the city's first verifiable advocate; by 1517, he was an adviser. StAN. Ämterbüchlein Nos. 34, 37. Cf. Ellinger, "Die Juristen," p. 184.



the seven elders and the senior mayors.<sup>35</sup>

These duties were elaborated and extended in the contract which Dr. Scheurl swore to uphold in the name of God and the saints, and to which he affixed his seal on April 5, 1512.<sup>36</sup> In return for fifty gulden given to him every three months, Scheurl obliged himself to perform any function asked of him as an employee by the council.<sup>37</sup> Specifically, in addition to the duties enumerated in his letter to Staupitz, Scheurl could not refuse the demands of the council; he was to warn the government of any subversion or injury he might uncover; to disclose no secret

<sup>35</sup>Scheurl's Epistel, pp. 802-03.

<sup>36</sup>StAN. 35 neue Laden der unteren Losungsstube, V 43/i No. 1604. These contracts, renewed every five years, were preserved by the chancellory. Each document was written on parchment and contained Scheurl's seal. All were formal, embodying no change in the obligations required. The only difference occurred after the religious colloquy of 1525; in his contract of December 13, 1527, Scheurl swore in the name of God only, the "saints" being removed. See this collection, V43/i No. 1633. Scheurl's first Bestallungsbrief was printed by Soden, Christoph Scheurl der Zweite und sein Wohnhaus in Nürnberg, pp. 129- 32.

<sup>37</sup>". . . Inen auch In allen und yegklichen Iren sachen, Was mir von Inen bevolhen wirdet, und warzu sie mich alls einen doctor geprauchten wollen." StAN. 35 neue Laden der unteren Losungsstube, V 43/i No. 1604.

of the council as long as he lived even if he severed his relationship with the city; to translate Latin into German and German into Latin both orally and in writing upon the council's command; and to represent the city's interests in both ecclesiastical and secular affairs. As an ambassador or diplomat, Dr. Scheurl's expenses would be assumed by the council, and if the councillors were satisfied with his activity a suitable recompense (zimliche belonung) might be granted.<sup>38</sup>

Scheurl's contract expired every five years, to be renewed by the council if it was pleased with his work. He could not break the contract during this time. On the other hand, the council could annul the agreement at will. The councillors exercised, thus, a large degree of control over Scheurl when he entered

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<sup>38</sup>StAN. Stadtrechnungen Nos. 181, 182, indicate income and expenditures of the city as well as miscellaneous information over problems (frage) submitted by the reigning mayors to the councillors during the years discussed in this essay.

the service of Nürnberg.<sup>39</sup>

At the beginning of his service, an analysis of Scheurl's previous history would seem to indicate that he was destined to fulfill certain obligations more than others. Since the council was well aware of his background, it made special use of his talents. Because of his Italian experience and his connections with clerics and humanists, he was designated as the speaker on a number of state occasions where his education would prove beneficial to the city. His familiarity with feudal law, upon which he lectured at Wittenberg, and with the dukes of Saxony were similarly kept in mind when situations arose to employ this knowledge. Finally, the fact that Scheurl had a strong interest in religion and had friends and relatives in one of the city's cloisters indicated his value in treating ecclesiastical affairs.

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<sup>39</sup>In fact Scheurl appeared to have entered the service of the city before April, 1512, because in January of this year the council granted him permission to aid an individual who was not residing in Nürnberg; "daneben soll im [Scheurl] auch vergonnt werden den Semlerin zu Schlewsing in versprechen zeyt biss auff Bartholamey [August 24] schirist zudienen, so es yezuzeytten denselben not sein wirdet." RV 539, fol. 5r, Cf. fol. 8v.

Thus, in terms of the existing legal structure in Nürnberg and the obligations expressed in his contract, Dr. Scheurl accepted a life which appeared much more exacting of his talents than he had previously known.<sup>40</sup> Nonetheless, it was obvious that he successfully fulfilled the council's demands since his contract was continually renewed until his death.

Thematically, Scheurl's role as a legal adviser can conveniently be divided into four main areas: first, as an adviser he was required to submit opinions, represent the city, and act as an assessor on the city court; second, he represented individuals and cloisters both within and without the city; third, he was employed as an ambassador by the city; and finally, he was integrally involved in the religious affairs of Nürnberg and chosen to preside at the colloquium whereby the city became officially Protestant in 1525. Each of these areas will now be explored.

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<sup>40</sup> Scheurl wrote to his friends a few months after accepting employment that his official duties kept him so busy he had little time for humanist scholarship. Scheurl's Br. 63, 66, 69-70.

## CHAPTER THREE

### OFFICIAL REPRESENTATION INSIDE NÜRNBERG

The demands made upon Scheurl by the council often inhibited his personal life in the city. This was the case, for example, when he had to travel to Spain in 1519 immediately after his marriage to Catharine Fütterer, the daughter of a local patrician.<sup>1</sup> On the other hand, these demands must have been offset by the salary and various benefits he received because he continued in his regular position as jurisconsult.

Much of Scheurl's activity was accomplished directly within the city. That is, he performed the functions designed by the council quite often within the city's walls. This did not mean, however, that the ramifications of his commissions were only of local consequence. In fact, only his advice and assistance on the various courts in particular, indigenous problems were of concern to Nürnberg. When Scheurl was employed as

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<sup>1</sup>Eugen Löffelholz, "Dr. Christoph II. Scheurls Hochzeit mit Katharina Füttererin am 29. August 1519," MVGN, III (1881), 155-68. For Scheurl's trip to Spain, see below, pp. 102-109.

an orator to receive visiting personages in the city, the import of what he said transcended local boundaries. Similarly, when commissioned to write for the council and to give advice to other cities upon their request, his influence was evinced beyond Nürnberg's walls. Thus, the council in obliging its legal adviser to perform certain tasks insured itself of the presence of the scholar while at the same time knowing that his activity often transcended the jurisdictional boundaries of Nürnberg.

Drawing perhaps upon Scheurl's previous experience as a speaker, the council often ordered him to present speeches both inside the city and as an ambassador at foreign courts.<sup>2</sup> In every case the council employed him in areas where his particular talents were most obvious and where his experience would be most beneficial to the city's interests. Certainly the commissions to represent the government when church officials visited Nürnberg indicated the role the council assigned to Scheurl. On most occasions he was one of the official receptionists honoring Italian cardinals to the city.

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<sup>2</sup>For Scheurl's role as a diplomat, see below, Chapter 5. On a number of occasions, Scheurl was also appointed the speaker at meetings held near the city. For example, in June, 1515, he served as the speaker of the Nürnberg embassy at Schwabach in a case dealing with transgressions of the forest laws. See RV 585, fol. 13v.

In his first role as a public speaker in Nürnberg, Dr. Scheurl, along with two councillors, Hieronymus Holzschuher and George Fütterer, was commissioned to receive the Cardinal Hippolyte d' Este in January, 1513.<sup>3</sup> This was the brother of the duke of Ferrara with whom Scheurl had had previous contact in 1506.<sup>4</sup>

Scheurl delivered two Latin speeches upon this occasion, one upon the cardinal's entrance into the city and the other upon the presentation of wine and fish, the traditional gifts given to important figures. Graciously extolling the virtues of the cardinal and placing the people of Nürnberg at his disposal, Scheurl asked that the prelate accept the city's offerings as evidence of its good will and in turn to protect the city with his holy authority.<sup>5</sup> According to Scheurl's own account of the cardinal's six-day visit, detailed in a letter to his Wittenberg friend Otto Beckmann,<sup>6</sup> Hippolyte d' Este was

<sup>3</sup>RV 552, fol. 17v.

<sup>4</sup>When Scheurl belonged to the imperial embassy in Italy, he was sent to Duke Alfonso's court in September, 1506; see Scheurl's Br. 20.

<sup>5</sup>SFA. Codex K, fols. 80v-81v.

<sup>6</sup>Scheurl's Br. 69-70.

delighted with Scheurl's knowledge of Italy and diverse political affairs. As a result, the jurisconsult was the cardinal's constant companion and guide.

The council apparently recognized the affinity between its servant and the church prelate for a few months after this meeting Scheurl was commissioned to write to him. In August, 1513, the council told Scheurl to write the newly elected Pope Leo X on behalf of the nuns of St. Clara, asking that the number of fasts be limited and the eating of meat be permitted.<sup>7</sup> A copy of this letter was to be given to the cardinal, and both were to be delivered by Dr. Caspar Wirt, the city's syndic in Rome.<sup>8</sup>

The austuteness of the council's selection of Dr. Scheurl as an official receptionist for Nürnberg was demonstrated in a second major occasion upon which he was commissioned to speak. Late in February, 1519, Cardinal Cajetan came to the city as a papal envoy in order to enlist support for a crusade against the Turks.<sup>9</sup>

<sup>7</sup>"damit den closter frawen zu Sannt Claren, die vasten geringtn vnd dy flaisch erlaubt werde. . . ." RV 561, fol. 11r.

<sup>8</sup>SFA. Codex K, fols. 167v-168r.

<sup>9</sup>RV 633, fol. 14r. RB 11, fol. 198r. See also Scheurl's "Geschichtbuch der Christenheit von 1511



Again, Scheurl delivered two speeches in Latin.<sup>10</sup> Praising Cajetan's erudition, Scheurl presented a brief biography of the cardinal and extolled his knowledge of Aristotle and St. Thomas. Then Scheurl stated that Nürnberg, "a true daughter of the pope and special residence of the Holy Roman Emperors," was obedient to Pope Leo X. Although he did not elaborate, Scheurl's reference to the ecclesiastical orthodoxy of Nürnberg probably referred to Cajetan's meeting with Luther at Augsburg a few months previous. At any rate, his statements most certainly exhibited that the city wished no difficulty with the papal authorities in the impending imperial election.

If Cajetan was not personally won over to Scheurl by the latter's speeches, he was publicly. Before he left Nürnberg on February 28, he thanked the representatives of the city for his reception and offered them his aid.<sup>11</sup> In addition, he presented Scheurl with a

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bis 1521," in Vol. I of Jahrbücher des deutschen Reichs und der deutschen Kirche im Zeitalter der Reformation, ed. J. K. F. Knaake (Leipzig, 1872), p. 135; in this little known work of the author's he stated that this was the last cardinal who entered Nürnberg by blessing all the citizens.

<sup>10</sup>SFA. Codex C, fols. 254r-256v, 260r.

<sup>11</sup>Soden, Beiträge, p. 74.

fraternal letter which indicated his favor for the lawyer.<sup>12</sup>

Scheurl referred to the previous visits of Hippolyte d' Este and Cajetan upon a third important occasion in 1524 when he spoke with Cardinal Lorenzo Campeggio, the papal legate to the Diet held in Nürnberg. Since Campeggio had been one of Scheurl's instructors in law at Bologna, it was not surprising that the council commissioned its adviser to receive the cardinal.<sup>13</sup> The reception did not occur, as the council had planned, however, due to the social unrest in the city wrought by the new religious ideas sweeping Germany. Coming to Nürnberg from Augsburg where he had been mocked, caricatured, and slandered,<sup>14</sup> Campeggio entered the city incognito and refused to go into the church of St. Sebald.<sup>15</sup>

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<sup>12</sup>Ausstellungskatalog No. 128: "Brüderschaftsbrief des Kardinals Sixte (de Cajetan) an Dr. Christoph II. Scheurl, v. 27. 2 1519."

<sup>13</sup>RV 700, fol. 21r. RB 12, fol. 227v. See above, p. 12.

<sup>14</sup>Edward Victor Cardinal, Cardinal Lorenzo Campeggio (Boston, 1935), p. 85.

<sup>15</sup>RV 701, fol. 4v. ". . . aber in die kirchn nicht komen, Darumb versamlung vnd gepring vergebens gewest." This was March 14, 1524.

Because of the pro-Lutheran feeling he perceived in Nürnberg, negotiation with Campeggio would be difficult. Probably drawing upon Dr. Scheurl's good relationship with the cardinal, the council ordered him on March 21 to visit the legate and try to obtain permission for the bestowal of a number of endowed benefices in the two city parishes.<sup>16</sup> Since the council did not press its request for this permission after Scheurl had met with Campeggio,<sup>17</sup> it was probably the adviser's major task to discover the legate's intentions regarding Nürnberg. This assumption accords with Scheurl's written statement about his discussion with the cardinal.<sup>18</sup>

The chief causes of Campeggio's visit, Scheurl stated, were the innovations undertaken and the preaching offered in the city's church services.<sup>19</sup> The cardinal expressed his surprise that the "wise government of Nürnberg" permitted the expression of Lutheran heresies

<sup>16</sup>RV 701, fol. 9r.

<sup>17</sup>See RV 702, fol. 24r.

<sup>18</sup>StAN. S. I L. 78, No. 12 fasc. 1. The following summary of the report is taken from this source.

<sup>19</sup>For the background of what had developed with regard to religion in Nürnberg, see Adolf Engelhardt, "Die Reformation in Nürnberg," MVGN, XXXIII (1936), chapters 5-6 (Hereafter cited as Engelhardt, "Die Reformation"). Cf. below, chapter 6.

such as the publication and sale of Lutheran books, the eating of meat on fast days, and public preaching against the pope within the city. Further, the government allowed these things to take place, believing that man would be saved through faith alone.<sup>20</sup> He concluded by saying that there were probably forty different religious conceptions (majung, vnd opinion) existing in the city; these had been allowed by the council for such a long time that it no longer had any authority over the burghers. Because the council had been lax, it could expect to experience the effects of its permissiveness.

When Campeggio finished by implying the possible invoking of ecclesiastical power,<sup>21</sup> Dr. Scheurl answered the cardinal's charges. First, Campeggio knew from the previous visits of Cajetan and d'Este that Nürnberg adhered to papal authority. The city never attempted to separate from the pope, and therefore it had given no occasion for one to think it had. Second, Scheurl believed that it was the "intention" of the common man to hold only to Christ. . . and His pure Gospel."<sup>22</sup>

<sup>20</sup>"In mejung allein durch den glauben selig zu werden."

<sup>21</sup>"Es were ye nit ein verechtliche macht Bebstlicher heiligkeit."

<sup>22</sup>" . . . des gemeinen mans furhaben, sich allein an christunn [sic] . . . vnd sein lauter Ewangelium zuhalten."

Thus, the citizens were not in league with Luther. Third, the government did not countenance heresy but, in fact, prohibited it. The lawyer supported this statement by referring to the fact that the council published the Edict of Worms, forbade the sale of pro-Lutheran books, and inhibited certain preachers because of the public disorder they caused by their sermons.<sup>23</sup>

After denying Campeggio's complaint that the government permitted unorthodoxy, Scheurl turned the argument toward the church. Stating that a number of God's laws have been "covered" (verdeckt) by those propounded by men, the pope had to acknowledge human folly in trying to adhere to them. He referred to St. Paul who said that man should enjoy what is placed before him; thus, eating meat was no sin. Furthermore, Scheurl maintained, neither the pope nor a church council was superior to the gospel, but both were subject to it.<sup>24</sup> Councils could and had, in fact, erred,

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<sup>23</sup>Scheurl specifically noted a Franciscan preacher whom the council prohibited from preaching.

<sup>24</sup>"das weder Babst noch Concilia vber das Ewangeliem, sonder demselben vnderworffen weren."

and this was readily apparent in the decisions made by one council which were later changed by another.

By telling the cardinal his views, Dr. Scheurl did two things. In the first place he appealed to the traditions of the city and the power of the city's government. Both, he declared, were loyal to the pope and to the notion of church unity. Secondly, however, if certain unorthodox innovations and sermons existed within the city, they were due not to the council's permissiveness but to the obscurity of some church laws and confusion arising over others. In this event the fault lay with the organization and traditions of the Roman Church, not with the government of Nürnberg. Certainly the common man who desired only Christ could not be held responsible. Since the government of the city was Christian and pious, Scheurl implied in his conclusion that papal power should not be brought against Nürnberg.<sup>25</sup>

When he finished, the cardinal responded to only two points which the lawyer recorded: the prohibition against the sermons and the council's acceptance of what its subjects were writing as merely an expression of the

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<sup>25</sup>He stated that more changes in church practices had occurred in other communities than in Nürnberg:  
". . . vnd bey vil andern Comunen mer dan hie gehandelt wirt."

desire for knowledge. Campeggio's views were, consequently, considerably softened by his discussion with Scheurl, at least according to the latter's notes. Although the meeting between the two lasted awhile longer, the conversation changed to personal considerations. Yet the substance of the preceding dialogue was important and destined to be reviewed a few months later at Regensburg where Scheurl again met with Campeggio.<sup>26</sup>

Scheurl's account of this discussion was filed with the chancellory for future reference. Its existence exhibited a different aspect of the adviser's activity within the city, namely the official commissions to compose letters and opinions sent to areas outside Nürnberg. In this sphere the council employed Scheurl in a manner similar to that used when appointing him to speak; he was assigned to communicate in those areas where he had the most knowledge either with respect to the individuals involved or the problem in question.

When Scheurl wrote to the papal authorities in 1513 regarding the nuns of St. Clara, the council was

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<sup>26</sup>See below, pp. 137-39.

utilizing his previous acquaintance with Cardinal Hippolyte d' Este as the basis for the commission.<sup>27</sup> Likewise his knowledge of Saxony and Bohemia, and particularly Breslau, which was at this time under Bohemian authority, led to official directives.<sup>28</sup> Scheurl was sometimes asked to write to his friends at Wittenberg and Leipzig, for example, for their views over certain problems Nürnberg confronted.<sup>29</sup> On other occasions he wrote directly to a government. This was the case at the beginning of August, 1513, when the council commissioned him to answer in German a request from the estates of Bohemia.<sup>30</sup>

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<sup>27</sup>See above, p. 49.

<sup>28</sup>Scheurl had a number of personal relationships with residents of Breslau including his uncle, Dr. Johannes Scheurl, Johannes Hess, and his former teacher, Vogel. For Johannes Scheurl, see G. Zimmermann, Das Breslauer Domkapitel im Zeitalter der Reformation und Gegenreformation (Weimar, 1938), pp. 498-99. Cf. Scheurl's Br. 79; SFA. Codex K, fol. 170r.

<sup>29</sup>The answers to some of these letters are preserved in the family archive. See for example, SFA. Akten II, No. 16, the law faculty of Wittenberg to Scheurl, dated December 11, 1512; and SFA. Akten II, No. 17, the law faculty of Leipzig to the lawyer, dated April 16, 1513.

<sup>30</sup>RV 560, fol. 19r. Although Scheurl's writing was not located, the protocol seems to have no connection with the subsequent council decision a few days later to write to Prague regarding the turmoil wrought by the territorial princes in Bohemia. RV 560, fol. 24r; cf. RV 561, fol. 9r.



A few years later, the council again ordered Scheurl to compose official letters. The first two commissions were of little import since they were merely responses from a knight Dietrich von Hardenberg for armed riders.<sup>31</sup> The third, however, signed by Scheurl himself upon his return from an embassy to Spain in 1519,<sup>32</sup> was significant both with respect to the council's bearing in political affairs and to the lawyer's desire to maintain contact with his acquaintances.

In February, 1520, one of the entries in the council's minutes stated that a letter was to be sent to the emperor thanking him for the gracious audience and hearing he gave to Nürnberg's ambassadors sent to congratulate him upon his election. Additional letters were to be sent to the imperial advisers--Chièvres, president of Charles' advisory council; the bishop of Badajos; the provost of Casella; and Johann Hannart, the secretary and official receptionist of the court. The council commissioned Dr. Scheurl to execute these in Latin.<sup>33</sup> Undoubtedly the councillors realized the

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<sup>31</sup>RV 634, fols. 3r, 19v. BB 79, fols. 178r-178v, 208v.

<sup>32</sup>See below, pp. 102-108.

<sup>33</sup>RV 646, fol. 7r. "Vnd ist doctor Scheurl gepotten soliche schrifften zestellen." For a summary of these letters, see Soden, Beiträge, pp. 101-104.

advantage of maintaining good relationships with the emperor's closest advisers because among other things the government was opting for a favorable imperial settlement of its problems with the margrave of Brandenburg. The fact that Scheurl wrote these letters indicated also his desire to remain friendly with the sources of royal power.<sup>34</sup>

Another type of official correspondence required from Scheurl was his response to troublesome legal problems encountered by various other cities, particularly those in Franconia. Generally the procedure followed in obtaining this help was that representatives of a city would request advice from Nürnberg's council. The council in turn would appoint two of its members to submit the particulars of the case to the lawyers for their opinions. After these were recorded and returned to the council, the councillors decided what to write the city. Only rarely did a city communicate directly with one of Nürnberg's advisers for purposes of advice, although Weissenburg did this in 1517 when Scheurl's opinion was solicited. Most of the time, however, the

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<sup>34</sup> Only one of these letters appears to be published; Scheurl's Br. 212. For unpublished letters to Gattinara, Hannart, and George von Linsack, the provost of Casella, see SFA. Codex C, fols. 250v, 251r, 252r.

council employed those advisers most familiar with an individual city in rendering advice.<sup>35</sup>

In March, 1517, representatives of the free imperial city of Weissenburg wrote to Dr. Scheurl that they were dissatisfied with judgments recently rendered in two cases. For this reason they desired his opinion on the judgments and offered to pay him for it.<sup>36</sup> A few months later, the council of Nürnberg noted that representatives of Weissenburg had complied with Scheurl's advice, and had agreed to meet him at Ansbach where the council was sending him to negotiate with the margrave's advisers regarding a man jailed by the court at Schwabach.<sup>37</sup> At the same time the council wrote to Weissenburg informing the government of its plan to send Scheurl to Ansbach.<sup>38</sup>

<sup>35</sup>Scheurl, for example, often granted advice to the free imperial city of Windsheim; and in 1537 the council appointed one of its lawyers, Dr. Christoph Gugel, sole adviser for Windsheim. See Johannes Bergdolt, Die freie Reichsstadt Windsheim im Zeitalter der Reformation, 1520-1580. (Leipzig and Erlangen, 1921), p. 23.

<sup>36</sup>SFA. Akten VI, No. 89. ". . . vnnd vns darinn ewrn Ratschlag der vrtail mittailen vnnd vns denselben mit disen hendeln auff das furderlichist Das ymmer gesein mag vff vnnsern Costen zuschicken. . . ."

<sup>37</sup>RV 611, fols. 8r-v.

<sup>38</sup>BB 77, fol. 10v.

Since such legal proceedings had a tendency to last for months and even years, it was not surprising that Weissenburg desired Scheurl's services again in August, 1517, for a court session at Ansbach. This time, however, Scheurl had received a previous commission from the council to go to St. Annaberg in a different case.<sup>39</sup> The councillors decided to send Dr. Prenninger, another of their advisers, to Ansbach in Scheurl's place,<sup>40</sup> and wrote to Weissenburg about this change.<sup>41</sup> At the same time the council instructed Scheurl to present the details of Weissenburg's case to Prenninger.<sup>42</sup> None of these writings, however, discussed the legal problems encountered or any of the particulars.

Two years later, in April, 1519, Nürnberg's legal advisers were asked their opinions about a case pending

<sup>39</sup>"doctor Scheurln vergonnen in G. Nutzels sachen zu ainm rechttag auff Sannt annaberg zereyten." RV 613, fol. 7r.

<sup>40</sup>RV 613, fol. 9v.

<sup>41</sup>BB 77, fol. 54r.

<sup>42</sup>"doctor marsilius solchs ansagt vnd das er vnnnterricht der sachen von doctorn Scheurln werd." RV 613, fol. 9v.

before the municipal court at Weissenburg. In a series of documents the lawyers expressed themselves about a complaint brought by an abbot against a man, Barthelmes Weylspacher, imprisoned for his participation in composing a libelous writing (libellus famosus) implicating the abbot in a crime.<sup>43</sup>

The case apparently continued because more than a year afterwards, on September 10, 1520, Dr. Scheurl composed an essay representing his advice for Weissenburg. This city was now accused by the margrave before the vice-regency court (Vikariatsgericht) for having violated his jurisdiction in sentencing Barthelmes Weylspacher to jail.<sup>44</sup> The judge of the city's court was Hans Herbst,<sup>45</sup> who was later found in Schwabach as Margrave Casimir's judge there. Thus there seemed to have been a continuity between Weissenburg's first letter to Scheurl in 1517 and the latter's advice in 1520. And this continuity indicated the long duration of legal processes in the

<sup>43</sup>Ratschlagb. 2, fols. 93v-94v, 101r-102r, passim.

<sup>44</sup>Ratschlagb. 2, fols. 220r-221v.

<sup>45</sup>Ibid., fol. 221r. It would have been possible for Herbst to act as judge in Schwabach in 1517; see above, p. 60 and n. 37.

early sixteenth century as well as the appeal of sovereigns to the court system before engaging in armed hostility.

Although Weissenburg originally wrote directly to Scheurl for his advice, the general manner employed by the cities in soliciting help was to ask for it from Nürnberg's council. For example, the free imperial city of Ulm sought aid late in 1516 in confronting two problems: how the city should reach to a complaint lodged with the imperial court by an agent of the imperial interests (Fiskal) regarding a criminal arrested while he was ostensibly within the asylum of a church; and about the rights of tenants "to advise" (raten) against their feudal lords. The council asked Georg Fütterer and Christoph Kress to obtain from Scheurl and three other advisers their opinions.

The collective result of January 7, 1517, signed by Scheurl, Prenninger, Dotzler, and Prötzer, stated that the officers of the city had done nothing illegal by arresting the criminal since he already had been under the ban and therefore was subject to imprisonment and torture.<sup>46</sup> Yet, if the agent persisted in his complaint, Ulm should assign a lawyer with complete authority to represent the city's interests at the court

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<sup>46</sup>Ratschlagb. I, fols. 104v-106v.

session. In the event the plaintiff pressed his charge, the city's representative was then to draw up counter-charges.<sup>47</sup> With regard to the second problem, Nürnberg's advisers were in complete agreement that where the interests of the commonwealth were at stake, testimonies of subjects were justified.

Although Scheurl's writings to other cities constituted a large part of his public activity within Nürnberg,<sup>48</sup> he could not have composed these without the sanction, official or unofficial, of the council.<sup>49</sup> That the council possessed the power to prohibit Scheurl's written activity was seen as early as 1515. In this year

<sup>47</sup>" . . . dy die von Vlm durch ain geschickten vnnnd gelerten mit ainem sonndern fleis furderlich lassen begreyffenn, Exceptional Artickel, darynn die geschichten mit ainem vertayl auch Ir freyhait." Ibid., fol. 105v.

<sup>48</sup>He was individually commissioned to offer advice to a large number of cities. Examples of these commissions, noted in the council minutes, were Eberndorf in 1518, RV 626, fol. 15v; Weissenburg in 1521, RV 671, fol. 14r; and Windsheim in 1522, RV 683, fol. 8v.

<sup>49</sup>See StAN. Amts- und Standbücher No. 144. This volume of legal and criminal acts in Nürnberg dealing with the years 1506-1509 did not appear to be officially sanctioned by the council. On the other hand the citation on fol. 1r, "Liber Christ. Scheurli," might indicate that the work was for Scheurl's private use and not intended for public consumption.

the adviser received the council's rebuke for having his Life of Anton Kress published.<sup>50</sup> When the council learned of the printing and sale of this work, it accused Scheurl

. . . of certain disgraceful, childish points and articles regarding the first people of the government and of having interfered with other people and affairs; . . . the council was displeased with this, [charging that the work] serves to dishonor the council and special people of the government more than to honor and praise.<sup>51</sup>

Accordingly, the council ordered Scheurl to collect the copies of his work and dispose of them. Furthermore, it prohibited the publisher from printing and selling anymore of them.<sup>52</sup>

The adviser protested privately against this rebuke which he regarded as the hostility of a few of

<sup>50</sup>Kress was the provost of St. Lorenz who died in 1513; RV 561, fol. 19r. This essay, entitled Vita Reverendi patris Dñi Anthonii Kressen, was published by Friedrich Peypus. See Melchior Goldast and Konrad Rittershausen (eds.), Opera politica, historica, philologica et epistolica. (Frankfort, 1610), pp. 350-55.

<sup>51</sup>„ . . . Vnd ettwovil schimpflichen kytnideschen punct vnd artickel die vordersten von Regiment alhie vnd anders psonen vnd sachen betreffend damit eingewegt hab. . . . Ist ertailt doctor Scheurl zusagen, ain Rate hab solchs gedichts vnd das er also drucken vnd ausgeen lassen hab, misfallen dann das dien aine Rate vnd sonder psonen dess Regiments mer zu vneer dann lob oder errt.“ RV 587, fol. 19v. See also, Soden, Beiträge, pp. 38-39.

<sup>52</sup>RV 587, fol. 20r.



the councillors toward him.<sup>53</sup> Nevertheless, he acceded to the demands of the council. From this time on, Scheurl appeared to cloak any animosity he felt for some of the councillors behind an impenetrable shield guarding his private life.<sup>54</sup>

That Scheurl was used extensively by the council in affairs involving the church and other cities was, however, only part of his obligation to Nürnberg. It might have appeared to him to be the most exciting aspect since his role as assessor to the city's court involved him in a number of local and, at first glance, trivial cases. Indeed, many of the complaints treated by the civil court were trivial, such as claims by widows for money owed to their husbands,<sup>55</sup> actions of one citizen against another for threats made upon his honor,<sup>56</sup> and whether an appeal from the judgment of

<sup>53</sup>See for example his letter to Dr. Erhard Truchsess on September 1, 1515. Scheurl's Br. 93.

<sup>54</sup>This does not seem to be the case, however, with regard to one councillor's opinion of Scheurl. See Felix Streit, Christoph Scheurl, der Ratskonsulent von Nürnberg und seine Stellung zur Reformation (Plauen, 1908), p. 40; Scheurl's Br. 214.

<sup>55</sup>Ratschlagb. 3, fols. 50r-51r.

<sup>56</sup>Ratschlagb. 4, fols. 8r-v.

the court to the council should be allowed.<sup>57</sup> Yet the common characteristic of all these and similar cases was that they were treated just as seriously as those of greater import. Because this was so, the obvious goal of the council was to dispense justice and at the same time to inhibit appeals to any superior court not within its control.

As an attendant to the city court, Scheurl's name was appended to almost all the opinions submitted while he was present in the city. In this advisory role, he was often obliged to research the history of a particular problem and present the results as a kind of prefix to his advice. When this was the case the problem invariably had been a continual one such as the conflicts between the city and the margraves.<sup>58</sup>

In a few instances the advice Scheurl submitted resulted in tension between a councillor and him. This was the case in an involved controversy between Hans Schütz, a citizen, and Willibald Pirckheimer, a well known humanist and a councillor. The contention was over Schütz's written statements to the council in 1514

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<sup>57</sup>Ratschlagb. 1, fols. 68v-69v.

<sup>58</sup>See Scheurl's relation over this problem, StAN. Differentialakten No. 1, fols. 148v-163v.

that Pirckheimer was responsible for Schütz's economic difficulties.<sup>59</sup> Eventually, since the case lasted more than four years, Scheurl and the other legal advisers were consulted for their opinions. Because the council itself was involved,<sup>60</sup> Scheurl advised the government to make its peace with Schütz.<sup>61</sup> This had the effect of alienating Pirckheimer from Scheurl.

Upon reading Schütz's complaint to the council, it was obvious that Scheurl was enmeshed in particulars of the case before the council asked his advice.<sup>62</sup> Part of the list of accusations made against Pirckheimer was that the councillor legally represented certain interests neither with the confirmation nor knowledge

<sup>59</sup>Reicke, Pirckheimers Briefwechsel, II, 340-50. See also Jackson Joseph Spielvogel, "Willibald Pirckheimer and the Nuernberg City Council" (unpublished Ph.D. dissertation, The Ohio State University, 1967), pp. 108-19, 125-29.

<sup>60</sup>See above, p. 37, n. 22.

<sup>61</sup>Ratschlagb. 1, fol. 172v. Cf. Ibid., fols. 189v-190v, 197r-198r, 215r-v; Ratschlagb. 2, fols. 3r-9r, 12v-15v, passim.

<sup>62</sup>Cf. SFA. Codex C, fol. 178v, a short note over the affair entered in the notebook in 1514.

of the council and in violation of his oath of office. This, Schütz wrote, brought mistrust upon the council.<sup>63</sup> Schütz claimed, for example, that Pirckheimer represented the concerns of Lienhart Rummel's relations in opposition to the interests of the city. Rummel, who had died in 1511, had fathered two daughters. One of these married Lucas Semler, the other Caspar Korn.<sup>64</sup> Scheurl had been involved with Semler as early as January, 1512,<sup>65</sup> and the council had appointed advisers in May, 1513 to represent the city's interests against Rummel's heirs.<sup>66</sup>

Perhaps it was due to Pirckheimer's request that Dr. Scheurl and Dr. Dotzler were excused from advising

<sup>63</sup>" . . . wider Rem publicam, gott, seinen ayd dermassen handeln und er dannoch ain regendt des gemainen nutz sein und gehaissen werden." Reicke, Pirckheimers Briefwechsel, II, 343.

<sup>64</sup>" . . . das Bircckheimer der Linhart Rumlin wider gmainer Stat ungelt(er) [sic] advocirt. . . ." Ibid., pp. 343, 347-48n. 7.

<sup>65</sup>See above, p. 44 n. 39. Cf. RV 549, fols. 3v, 18r, and RV 550, fol. 20r, for council decisions regarding Semler and Korn.

<sup>66</sup>"den frawen zu Sannt Katharina ist vergonnt, doctor Scheurl oder doctor Marsilius zu ainem advocatn anzenemen wider lenhart rumels selign erbn." RV 558, fol. 2v.

the council in a similar affair in 1522. Sometime after Schütz lodged his complaint, Lienhard von Ploben, a member of an honorable Nürnberg family, had accused Pirckheimer of insulting him.<sup>67</sup> Open hostility between the two broke out in March, 1522, and one of the first council decisions was to solicit advice from the lawyers, exclusive of Scheurl and Dotzler.<sup>68</sup> Typically, the case lasted for some time and included counter charges.

Because these charges were still being debated the following year, the council's failure to act decisively may have influenced Pirckheimer's decision to resign from the government. This occurred on April 5, 1523.<sup>69</sup> About this time there was a second opinion offered by the advisers to the council. This document was signed by Drs. Scheurl, Protzer and Prenninger, and was left undated.<sup>70</sup> Part of Scheurl's advice here was

<sup>67</sup>Reicke, Pirckheimers Briefwechsel, II, 423-24. Von Ploben was also mentioned in Schütz's accusation against Pirckheimer; ibid., p. 343.

<sup>68</sup>"Doctor peter Totzler vnd doctor Scheurlein sindt erlass inn sachen Hr. W. Birckh. vnd den von plaben zu raten." RV 674, fol. 8v. Ratschlagb. 3, fols. 151r-v.

<sup>69</sup>RB 12, fol. 160r.

<sup>70</sup>Ratschlagb. 4, fols. 49v-50r.

for the council to give both Pirckheimer and von Ploben "eight or ten days" in which to present verifying witnesses.<sup>71</sup> On April 27, the council announced to Pirckheimer that if he wished to submit witnesses to aid in deciding the case, he should do this within the next eight days. After this time a judgment would be made.<sup>72</sup> Since little was heard from the council afterward, Pirckheimer, who must have been tired of the whole business, apparently let the contention drop.

A further task was given Scheurl in April, 1522 when the council appointed him to a special position on the peasants' court.<sup>73</sup> On April 29, the council decision stated clearly that four of its members together with Dr. Scheurl would attend this court.<sup>74</sup> Although the formal copy of the council minutes did not mention Scheurl's name,<sup>75</sup> this oversight

<sup>71</sup>Ibid., fol. 50r.

<sup>72</sup>RV 689, fol. 16v. It can be assumed therefore that the council commissioned Scheurl's advice after Pirckheimer's resignation.

<sup>73</sup>See above, pp. 38-39.

<sup>74</sup>"dy kunfftig Jar solln am pawrngericht sitzen zezwen ein viertail Jarn B. paumgartner, f. beheim, H. haller, h. geuder, Sampt doctor Scheurl." RV 676, fol. 7r.

<sup>75</sup>RB 12, fols. 39r-v; cf. RB 13, fols. 275v-276r.

may perhaps be accounted for either by the fact that Scheurl received a commission the following day to form part of the embassy going to Ferdinand in Austria, which kept him away from Nürnberg for about four months;<sup>76</sup> or because his position on this court was extraordinary and the councillors did not consider him an integral part of it. At any rate, Scheurl's employment as an adviser in diverse affairs dealing with patronage and feudal claims indicated his familiarity with the types of cases treated by the peasants' court.

In these affairs that Scheurl handled within Nürnberg, exclusive of the mire of actions purely of local concern, a few patterns developed. The council attempted above all to keep any complaints which might lead to an appellate court in its own jurisdiction. Thus the lawyers had to try to offer advice not only favorable to the city's interests but also within the bounds of legality in order not to give cause for appeals. To inhibit reasons for appeal was exceedingly difficult due to Nürnberg's position vis-à-vis the territorial lords surrounding the city who would capitalize on any chance to increase their power at the expense of Nürnberg.

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<sup>76</sup>RV 676, fol. 8v.

Because this was so, a degree of specialization began to emerge in the types of cases handled by the city's legal advisers. One aspect of this specialization has already been noted in Scheurl's treatment of affairs related to Pirckheimer. Another aspect was his use in ecclesiastical problems. A third was his commission to represent certain vested interests in disputed feudal claims. In most of these Scheurl was continually employed from the beginning of an action to its conclusion, and had to travel during this time to a number of cities where court sessions were held.



## CHAPTER FOUR

### ACTIVITY ON BEHALF OF CLOISTERS AND INDIVIDUALS

During the first decades of the sixteenth century Nürnberg was at the apex of her power and fame. The acquisition of this power and the subsequent, almost imperceptible, decline of the city in the latter half of the century were the result of historical forces playing on Nürnberg from the outside and the council's desire to maintain and wherever possible to increase its authority from the inside. The variable in this equation was the council itself, an institution which was largely the result of forces unique to the city. In no small measure the council's success in the early part of this century was due to the legal advisers who, as agents of the council, represented and processed the claims of the citizens and government at different courts.

In addition to the controversies arising between Nürnberg and the petty Franconian nobles surrounding the city, there existed a number of constant and consistent

points of irritation. One of these was of course the problems arising between the city and the bishop of Bamberg, the city's ordinary. Another was between the city and the margraves of Brandenburg who controlled extensive territories around Nürnberg. Since the council preferred not to countenance appeals to the imperial supreme court, the majority of cases were handled locally or at courts established to treat contentious affairs between these sovereigns.

These courts were however only one aspect of the structure that adjudicated legal problems. Often the council sent an embassy to negotiate with the representatives of various bishops and territorial princes on what appeared as an ad hoc basis. Moreover, the Swabian League to which Nürnberg belonged maintained its own court to judge cases arising among its members or imperial cases in the absence of imperial authority. The latter was most obvious with regard to the treatment of the robber barons roaming the countryside.

One of the areas in which the council's policy seemed most explicit and consistent was in its handling of the religious establishments inside the city's jurisdiction.<sup>1</sup> The goal of this policy was one of

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<sup>1</sup>See Heinz Dannenbauer, Die Entstehung des Territoriums der Reichsstadt Nürnberg (Stuttgart, 1928). (Hereafter cited as Dannenbauer, Die Entstehung.)

control over the external administration of such establishments. It was in this connection that the acquisition of presentation rights to the two parish churches became understandable and desirable.<sup>2</sup> Because the activities of the provosts and priests affected the property, money, and citizens of the city, the council regarded these activities as an integral part of its concern with the commonwealth. In short, the council recognized little practical distinction between secular and ecclesiastical administration of concerns reflecting upon the community.

Similarly, the council extended its authority to include religious houses outside the city walls but lying within the city's territorial sphere. One obvious example of this was the convent at Engelthal in the early sixteenth century. Due to complaints of immoral conduct occurring there, the council investigated and by verification of the complaints applied for and received the transference of the cloister's privileges.<sup>3</sup> The resulting reformation of the convent was one of a number of like cases. In none of these, however, was the

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<sup>2</sup>See above, p. 30.

<sup>3</sup>Hans von Schubert, Lazarus Spengler und die Reformation in Nürnberg, pp. 131-38; Reicke, Geschichte, pp. 687-88.

council concerned at this time with the content of religious belief; the council's actions were not directed toward the development of a state church. The government was occupied only with the externalities of administration and discipline since these were reflective of the council's sovereignty.

In the years previous to the religious reformation of 1525, the lawyers were dispatched to aid these religious houses most often in cases entailing administration of their properties. These problems generally came to the attention of the council either through the councillor appointed as guardian (Pfleger) of the house<sup>4</sup> or through the prior of the order to which the establishment belonged. A third means was through the annual account required from the houses by the council.<sup>5</sup>

One of the first affairs in which Dr. Scheurl was involved occurred between the nuns of St. Catharine's and the heirs of a citizen, Lienhart Rummel.<sup>6</sup> The council decision in late May, 1513 did not delineate

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<sup>4</sup>For example, the head of Nürnberg's government, Anton Tucher, was administrator of the Dominican convent of St. Catharine's and the city's new hospital.

<sup>5</sup>Cf. RV 585, fol. 3r-v.

<sup>6</sup>RV558, fol. 2v. See above, p. 69 and n. 66.

the problem involved but a letter from Dr. Lorenz Beheim of Bamberg to Willibald Pirckheimer, dated May 10, mentioned the case.<sup>7</sup> Since the contention was already registered at Bamberg, it probably was a case dealing with the transmission of property through marriage. Indeed, it was very probably the same affair listed in Hans Schütz's complaint to the council a year later, accusing Pirckheimer of advocating against the interests of Nürnberg.<sup>8</sup> If this was so, the process concerned liability for accrued debts.<sup>9</sup>

In August, 1513, both Scheurl and Prenninger were employed in a different type of case. On August 17, the council protocol read that because of Dr. Johann Letscher's illness he was excused from advising on the "protracted affair of the fishing waters at Gründlach";

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<sup>7</sup>Reicke, Pirckheimers Briefwechsel, II, 228-30. Beheim was at this time canon of St. Stephan's in Bamberg; see Christa Schapar, "Lorenz und Georg Beheim, Freunde Willibald Pirckheimers," MVGN, L (1960), 120-221.

<sup>8</sup>See above, pp. 68-70.

<sup>9</sup>The details of this case including the legal advice do not appear extant. From Schütz's accusation, however, we know that Rummel owned a house and that he was highly in debt to an office collecting one of the city's taxes (Ungeldamt). Reicke, Pirckheimers Briefwechsel, II 348 n. 8.

instead, Scheurl and Prenninger were to be used.<sup>10</sup>

This affair involved the council's right as territorial administrator to protect the privileges of the convent at Gründlach, in this case the right to tax persons for the use of a fishing stream, and thereby insure recognition of its own rights.

The case was obviously important to the council because not only had it existed for some time but was continued for almost two years. Furthermore, it involved a relative of the patrician Anton Tetzl, a man who had been one of the two most important men on the council, and therefore the outcome of the process reflected directly upon the government of Nürnberg.<sup>11</sup> It was probably for this reason that the council decided in June, 1515, to commission three of its members in addition to Scheurl and Prenninger to investigate the claims of the abbess at Gründlach against the young Anton Tetzl.<sup>12</sup> Because Tetzl had refused to pay the

<sup>10</sup>"Doctor Johann Letscher soll man der muhe im langwirgen handel des vischwassers zu grundlach zeraten, in ansehung seiner schwachayt erlassen, Vnd sollen doctor Scheurl vnd marsilius darzu geprauchet werden." RV 560, fol. 26r. On Gründlach, see Helmut Haller von Hallerstein, Schloss und Dorf Gründlach (Nürnberg, 1965).

<sup>11</sup>Tetzl was released from his office for malfeasance late in 1514, and imprisoned in the tower.

<sup>12</sup>RV 584, fol. 27v.

fishing tax he was regarded as culpable. The opinion of the advisers in this process was that the claims of the abbess were apparently strong enough to inhibit causes for appeal. Thus, the advisers recommended that the council permit the case to be tried at the city court rather than within the council.<sup>13</sup>

In October, 1514, Scheurl was sent to the court at Neuburg on the Danube to treat with Palatine officials about a disputed legal claim.<sup>14</sup> Neuburg as well as Sulzbach became the central cities of the "young Palatinate" created for the sons of Count Ruprecht after the Bavarian War of Succession.<sup>15</sup> Superior courts resided in both cities, and because of Nürnberg's acquisitions during this war in 1504 a number of legal problems were handled by these courts.

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<sup>13</sup>RV 585, fol. 14r; cf. fol. 10v. There seems to be no connection between this case and another one at the same time in which Tetzl was involved. The latter concerned Tetzl's hereditary possessions at Mögeldorf and other villages. See RV 584, fol. 14r and Ratschlagb. I, fol. 59r.

<sup>14</sup>RV 576, fol. 3v.

<sup>15</sup>Reicke, Pirckheimers Briefwechsel, I, 272-73. For an excellent, recent discussion of the administration of the Palatine lands, concentrating on the Lower Palatinate, see Henry J. Cohn, The Government of the Rhine Palatinate in the Fifteenth Century (London, 1965).

A few weeks after Scheurl arrived in Neuburg the council minutes indicated that a letter was to be sent to him by an official in the city's new hospital. This was to announce that certain subjects around Hiltpoltstein complained about an exaction made on them. The council asked Scheurl to seek redress for these complaints in his negotiations with the advisers and receiving officer (Rentmeister) at Neuburg.<sup>16</sup> The letter sent to Scheurl in response to this decision stated that he should try to convince the Palatine officials to "undertake no similar action in the future."<sup>17</sup>

In December the adviser once again was in Neuburg treating the same affair. Between October and December the council inspected its records in order to discover if there had been a precedent for officers at Hiltpoltstein to demand exactions from certain of the hospital's peasants at Frettenhof.<sup>18</sup> In the final protocol commissioning Scheurl to prepare for Neuburg, it was noted that these officials were subjects of the Palatinate.<sup>19</sup> Nonetheless,

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<sup>16</sup>RV 576, fol. 15r. StAN. Stadtrechnungen 181, fol. 590v.

<sup>17</sup>BB 73, fols. 45v-46r. ". . . vnd hinfuro gegen Im dergleichen nit mer furzenemen. . . ."

<sup>18</sup>RV 576, fol. 24v.

<sup>19</sup>RV 578, fol. 13r.



it was certain that no settlement was reached at this time due to the council's later decision to send Scheurl's companion at Neuburg, Stephen Bairn, back to the city after Scheurl had returned to Nürnberg.<sup>20</sup>

After his return to the city, Dr. Scheurl was commissioned to travel to the universities at Wittenberg and Leipzig at the end of January, 1515, in order to obtain advice regarding Hans von Geisling, one of the prominent Franconian outlaws.<sup>21</sup> Geisling was associated with the most infamous of these robber barons who plundered the Franconian countryside and preyed upon the especially profitable Nürnberg merchant caravans. In the ensuing litigation which followed upon these raids, Nürnberg employed her councillors and advisers to treat with the Swabian League and with the imperial advisers for reparations.<sup>22</sup>

<sup>20</sup>RV 578, fol. 26r.

<sup>21</sup>RV 580, fol. 6v; cf. fol. 16r. A council decision of August 5, 1514 indicated that Drs. Scheurl, Nadler, Prenninger, and Letscher had been consulted with regard to Geisling previously. RV 573, fol. 20v.

<sup>22</sup>For the city's relations with these nobles, see Johann Kamann, Die Fehde des Götz von Berlichingen mit der Reichsstadt Nürnberg und dem Hochstift Bamberg, 1512-1514 (Nürnberg, 1893); Reicke, Geschichte, pp. 540-50.

Although the inability of the free imperial cities, the League, and the emperor effectively to control the marauding ventures of the lower nobility forms a separate chapter in the history of the empire, Nürnberg's relationships with these robbers seemed particularly problematic. Many of these nobles were connected to the margraves of Brandenburg and other secular and ecclesiastical princes, the bishops of Würzburg for example, through familial or feudal relationships. Oftentimes, therefore, these nobles had powerful protectors regardless of whether or not they were under the ban.<sup>23</sup> This fact accounted for many of the embassies Nürnberg dispatched to courts in Franconia, and the attachment of legal advisers to these embassies.

The same day that Scheurl was delegated to go to Wittenberg and Leipzig, an embassy consisting of Conrad Imhof, Georg Herl, and Dr. Nadler was sent to Würzburg because of Geisling's attempt to extend the terms of his compromise with Nürnberg.<sup>24</sup> This compromise centered around a rather uneasy peace and a cash payment that the

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<sup>23</sup>Reicke noted, for example, that the outlaw Hans George von Absberg was a member of the margrave's entourage in late 1512; ibid., p. 547.

<sup>24</sup>RV 580, fol. 6v. Imhof was rather consistently employed by the council for affairs with the bishop of Würzburg, Lorenz von Bibra.

nobleman owed the city as a result of his implication in one of the raids made upon Nürnberg's businessmen. Less than a week later the council wrote to Imhof that in his negotiations at Würzburg he was to regard Eustachius von Thüngen and his brother Bernhard, both of whom had feudal ties to the bishop, as guilty parties.<sup>25</sup> The letter also instructed Imhof to attempt to prolong these negotiations for a few months until the universities rendered their opinions.<sup>26</sup> That Nürnberg's claims against the two brothers in no manner hindered their activities was verified by the fact that a third brother, Conrad von Thüngen, became bishop of Würzburg in 1519, and employed his relatives in official positions.

In addition to Wittenberg and Leipzig, the University of Erfurt was placed on the list of schools Scheurl had to visit.<sup>27</sup> To be sure these were the universities with which he was most intimately acquainted.<sup>28</sup>

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<sup>25</sup>RV 580, fol. 9r.

<sup>26</sup>BB 73, fols. 170v-172r.

<sup>27</sup>RV 580, fol. 16r.

<sup>28</sup>On April 16, Scheurl wrote to his friend Dr. Trutvetter thanking him for the kind reception in Erfurt; Bauch, "Scheurl's Briefbuch," No. 91b.

The council sent an accompanying letter, dated February 10, 1515, with him to the law faculty of Erfurt asking for aid.<sup>29</sup> After Scheurl had obtained the advice, he was instructed by letter on March 1 to summarize it, send the result to the bishop of Würzburg, and return to Nürnberg as quickly as possible, bringing the originals with him.<sup>30</sup>

When Scheurl came to Nürnberg at the end of March, he was immediately sent to Neuburg to treat there regarding Geisling's case;<sup>31</sup> but about a month later he traveled to Erfurt again. This time however he was to represent the religious houses of St. Clara and Pillerreuth at Erfurt and to negotiate with the bishop of Mainz and the abbot of Fulda about the collection of some taxes which had fallen due.<sup>32</sup> Since the council decision recorded that the convents must pay for the lawyer's services, no mention of Scheurl's activity was made except in the minutes and in a letter that the council

<sup>29</sup>SPA. Akten VI, 28.

<sup>30</sup>RV 581, fol. 6v. BB 73, fols. 201r-v. SPA. Akten VI, 29. The council's account of expenditures noted that Scheurl's journey lasted thirty-five days. StAN. Stadtrechnungen 181, fol. 589v.

<sup>31</sup>The protocol of March 17, 1515 clearly stated that Dr. Scherul was to travel to Neuburg immediately, but if he did not return to Nürnberg soon another was to be commissioned in his place. RV 581, fol. 20v. StAN. Stadtrechnungen 181, fol. 589v.

<sup>32</sup>RV 583, fols. 10v, 20r; RV 584, fol. 4r.

sent to Dr. Valentin which stated that the latter "will be informed about the matter" by the adviser.<sup>33</sup> Scheurl must have dispatched the affair rather easily because the council protocols record no further action after the end of May, 1515.<sup>34</sup> And, judging by the council's bearing in similar cases, it would have done so if a decision unfavorable to the convents had been rendered.

Scheurl's expenses when he represented the religious houses were to be paid by them. Thus, he received no financial recompense from the council. Yet in every case the council had a vested interest because it claimed administrative rights over these houses both inside the city and outside. The functions of the advisers in handling these affairs, therefore, were important not only with regard to the maintenance of the foundations but to the recognition of the power of the council.

In purely secular claims of a feudal nature, the council also used its jurisconsults. These contentions

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<sup>33</sup>SFA. Akten VI, 30: "Burgermeister u. Rat der Stadt an Dr. Valentin von Sundthawsen, die Abfertigung von Dr. Chr. Sch. in Sachen der Klöster St. Clara und Pillenreuth betr.," dated May 14, 1515. So far as can be determined, Dr. Valentin was the abbot of Fulda.

<sup>34</sup>RV 584, fol. 16v.

invariably involved the council directly due to the fact that the disputes were between a neighboring prince and a councillor or a councillor's relatives. But even if a patrician was not concerned, the council remained an interested party because of its attempts to make Nürnberg's territorial sovereignty a reality. For this reason the council pursued these cases with as much alacrity if not more than those involving the religious houses.

With respect to these feudal cases, Nürnberg in the sixteenth century experienced controversies with a number of powers whose properties touched the city's territorial sphere. The crown of Bohemia was one of these powers. The crown held possessions dating from the reign of Charles IV and, later, from the Hussite Wars which the council regarded as within Nürnberg's territory.<sup>35</sup> Numerous deputations from the city for example were needed in the sixteenth century to establish the council's right to Gräfenberg which was originally a Bohemian fief.<sup>36</sup>

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<sup>35</sup>Dannenbauer, Die Entstehung, p. 123. Reicke, Geschichte, pp. 523-24, 527.

<sup>36</sup>Cf. Ratschlagb. 2, fol. 12r. Scheurl was often employed in problems of the possession of Gräfenberg, especially in regard to the city's contentions with a citizen, Wolf Ketzler; see below, pp. 95-99.

Another major power with which the city disputed about administrative rights was the margrave of Brandenburg who during the fifteenth century had sold most of these rights to Nürnberg. Although he retained some minor privileges, such as hunting and other rights associated with the nobility, by the end of the century he was attempting to reassert his authority on possessions held from him by Nürnberg citizens.<sup>37</sup> This led to difficulties between the council as territorial administrator of lands held by its citizens and the margrave and his advisers. Just a few months before he left for Spain in 1519, for example, Scheurl was commissioned to go to Ansbach with Nicolas Haller to treat with the margrave's representatives about the "Haller fief."<sup>38</sup> Previous to this Scheurl composed a legal brief in a contention concerning the testamentary bequest to two patricians, Peter and Endres Mendel, which was being heard at the margrave's court in Schwabach.<sup>39</sup>

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<sup>37</sup>The margrave's assertion of power was complicated by the bestowal on him of an imperial privilege in 1488-89 re-establishing his territorial court for Nürnberg. The growing number of disputes between the city and the prince in the following years was somewhat mediated by the so-called Harras Treaty which delineated the competency of this court. See above, p. 39n.28. Cf. RV 601, fol. 17r.

<sup>38</sup>StAN. Stadtrechnungen 182, fol. 60r. Cf. Ratschlagb. 2, fol. 75r.

<sup>39</sup>StAN. S. I L. 11, No. 11

The other powers that vied with Nürnberg on a major scale for rights of territorial administration were the counts of the Upper Palatinate and the bishops of Bamberg and Eichstätt. Of these, the bishops were more problematic, at least from Scheurl's point of view, due to the fact that even though the counts contended with the city concerning a number of possessions, Nürnberg had received imperial confirmation of its acquisitions in the Bavarian War of Succession.<sup>40</sup> Furthermore, the relatives of the elector were either not committed or strong enough, or were intimidated from pursuing their claims against the city.

The bishops as territorial lords, however, were not hindered from pushing for a recognition of their rights. Scheurl was employed in Hans Cöler's case with the bishop of Bamberg from 1515.<sup>41</sup> In this affair his role was basically passive in that after he was originally ordered to Bamberg to advocate for Cöler

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<sup>40</sup> A treaty of 1521-22 between the counts and Nürnberg mediated the hostility of these powers. For the background of these problems, see Reicke, Geschichte, pp. 508-23; Dannenbauer, Die Entstehung, pp. 181ff.

<sup>41</sup> This concerned Cöler's acquisition through inheritance of the village of Wimmelbach in the vicinity of Forchheim. Ratschlagb. 1, fols. 53v-55v. 115r-116v, passim.



"at the council's expense,"<sup>42</sup> he was used only in an advisory capacity.<sup>43</sup> Similarly, and more actively, Scheurl represented Jacob Groland in his claim "to the domicile and hamlet of Ödenburg" which Groland had inherited from his father.<sup>44</sup> The bishop of Eichstätt refused to recognize Groland's inheritance. In response the council nominated Scheurl to plead Groland's case beginning in 1518 at Eichstätt.<sup>45</sup> Since the case continued for a number of years,<sup>46</sup> Scheurl as Groland's advocate was often in the episcopal city.

The most notable distinction between the cases in which Scheurl represented the religious foundations and those for members of the council was that in the latter the council assumed his expenses. In the former Scheurl's services were "loaned" to the houses at their

<sup>42</sup>Both Scheurl and Prenninger were to advocate at the bishop's court; RV 580, fol. 16r. Since Scheurl was commissioned to travel to various universities at this time, Prenninger carried out the original order.

<sup>43</sup>Ratschlagb. 2, fols. 53r-v, 60r, passim.

<sup>44</sup>Ratschlagb. 1, fols. 183r-187r.

<sup>45</sup>RV 618, fol. 5v; cf. fol. 18v. StAN. Stadtrechnungen 182, fol. 18r.

<sup>46</sup>Ratschlagb. 2, fol. 77r; Ratschlagb. 3, fols. 172r-173r.

cost. At one point for example when Scheurl requested money from the council for representing the nuns of Engelthal at Amberg, the council tersely informed him to submit his claim to the convent.<sup>47</sup> This distinction was significant because even though the council was in fact continually extending its authority to include the religious foundations and assuming the powers of the ordinary, the legal relationship between these houses and ecclesiastical courts was maintained.

The council's reason for prosecuting cases dealing with inheritance for members of the council was obvious; if successful, the council gained rights on the territory acquired. With as much vigor the council proceeded against possessions which it regarded as lying within its jurisdiction as long as claims could be made. It was in this connection that the government acted against one of Nürnberg's former citizens, Wilhelm Rauscher. Rauscher had acquired the castle at Grünsberg near Altdorf after the Bavarian War of Succession, and later came into conflict with the council. He was declared an outlaw in 1512 and was jailed at Esslingen in the early 1520's.<sup>48</sup>

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<sup>47</sup>RV 620, fol. 6r.

<sup>48</sup>See Ratschlagb. 4, fols. 163r-164r, 198r-v, passim. On Rauscher, see Reicke, Pirckheimers Briefwechsel, II, 154 n. 4, 349 n. 21.

In 1518 the council authorized its jurisconsults to submit opinions regarding Rauscher's right to possess the castle due to the ban against him. Furthermore, since the taxes on the castle amounted to forty florins a year and payment of the tax had been delinquent, the council asked if Rauscher's relatives were liable. After receiving these opinions then, the council was prepared to plead its case at the imperial supreme court where the processes were already lodged.<sup>49</sup> The lawyers responded by stating that in default of payment the property could be bestowed on another; since Rauscher and his relatives had not paid the tax, the council granted control of the castle to Hans Durrenhöfer.<sup>50</sup>

In a manner akin to the continued use of a lawyer from the beginning of a case to its conclusion, the council's desire for the maximum efficiency of its employees was evident in other areas. Scheurl was repeatedly commissioned in contentions arising between the city and Saxony. Only a few months after he entered the city's service in 1512 he was specifically mentioned in a protocol as a possible intercessor for Nürnberg's businessmen with Duke George about a prohibition at the Leipzig fair.<sup>51</sup> Later,

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<sup>49</sup>Ratschlagb. 1, fols. 213v-214v.

<sup>50</sup>Ibid., fol. 213v.

<sup>51</sup>RV 547, fol. 4v.

in 1517, he was commissioned to represent the councillor Gabriel Nützel in a legal affair at St. Annaberg.<sup>52</sup>

Although no details were specified in these decisions, it was certain that Scheurl was well acquainted with the principal antagonists.

Similar cases occurred which lasted for some time and about which the council was constantly informed. For example, in September, 1515, one of the council's minor employees, Mathes Saurmann, was involved in an action with Lorenz Flack, a former citizen living in Saxony. Scheurl was permitted to go to Leipzig on Saurmann's behalf and at his cost.<sup>53</sup> One year later Scheurl went to St. Annaberg on the same case.<sup>54</sup> Apparently the action was of some importance due to the fact that Duke George wrote the council inquiring about the particulars.<sup>55</sup> Although these were never mentioned, the council sent Saurmann's petition to the prince a few days later along with a note explaining that Flack had been a disobedient burgher.<sup>56</sup>

<sup>52</sup>RV 613, fol. 7r.

<sup>53</sup>RV 588, fol. 21r.

<sup>54</sup>RV 601, fol. 14v.

<sup>55</sup>RV 602, fol. 15v.

<sup>56</sup>RV 602, fols. 17r-v. No advice for this proceeding was found; the council decision stated merely that one should investigate what it had previously written in the case and submit it at the following session.

Though Duke George was by no means inclined toward the Lutheran Reformation, the meetings of the imperial organs in Nürnberg during the early twenties of the sixteenth century resulted in his presence in the city. During these times the council often used Dr. Scheurl as an intermediary between itself and the prince. By all appearances the council extended itself to please the duke.<sup>57</sup> Scheurl's role was therefore rather significant in these years immediately preceding Nürnberg's religious Reformation. He was told for example not to accept any payment for the prince lodging within his house,<sup>58</sup> and he was specifically commissioned to intercede with George in March, 1522 for the preacher of St. Sebald's who had given pro-Lutheran sermons.<sup>59</sup> Indeed, Duke George most often stayed in Scheurl's house when he visited Nürnberg.<sup>60</sup>

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<sup>57</sup>RV 671, fol. 14r.

<sup>58</sup>RV 671, fol. 13r.

<sup>59</sup>RV 674, fol. 2v.

<sup>60</sup>Two letters from Duke George to Christoph and Albrecht Scheurl thanking them for their hospitality are in the SFA. Brief V, 45 and 46, dated October 28, 1521 and May 12, 1522 respectively. See also Felician Gess (ed.), Akten und Briefe zur Kirchenpolitik Herzog Georgs von Sachsen (Leipzig, 1905-1917), 2 vols.

In these cases in which Scheurl was defending the city's interests in Saxony and elsewhere, the council was concerned basically with maintaining its privileges and the status quo. Quite often it assumed a more or less passive role. Only in certain instances was it active; and these instances were more notable because they were so overt. Such a case was Nürnberg's ardent desire at the imperial organs to have the margrave's toll privileges curtailed.<sup>61</sup> Another, remarkable because of the government's ambitious pursuit, was the problem with a citizen, Wolf Ketzel.<sup>62</sup>

Throughout most of Ketzel's life he was at odds with the council. Incarcerated in the tower in 1497 and again in 1506, he was threatened with punishment almost continually thereafter.<sup>63</sup> In large measure the council's subsequent reaction to Ketzel was the result of connections he made by his marriage to Barbara Tetzl, a patrician's

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<sup>61</sup>See below, pp. 103-109.

<sup>62</sup>For an account of this well-known Nürnberg family, but one that does not discuss the city's problems with Wolf Ketzel after 1514, see Theodor Aign, Die Ketzl (Neustadt/Aisch, 1961); cf. above, p. 87 n. 36.

<sup>63</sup>Ibid., pp. 37-46. In 1505 Ketzl was involved in arguments with Hans Ebner and in the following year with Pirckheimer under whom he served in both the Swiss and Bavarian Succession Wars. Pirckheimer came to Ketzl's aid in 1506 so that Ketzl had only to pay one-half of his punishment; cf. RB 8, fol. 270r.

daughter. This marriage brought Ketzell into contact with other Tetzels and led to legal contentions over various claims to testamentary property when Barbara Tetzell died one year later.<sup>64</sup>

When Ketzell's mother-in-law, Anna Tetzell, died in 1513, there were three heiresses to the estate: Anna's two widowed daughters, Margaret Helchner and Catharine Müllner, and Ketzell's daughter Barbara. This inheritance included feudal rights to Gräfenberg which the Tetzells held from the crown of Bohemia. Since the council sought to extend its administrative rights to include Gräfenberg, actions arose not only between the council and the heirs but also between the two widows and Wolf Ketzell as father of Barbara.<sup>65</sup>

Although the council eventually succeeded in wresting control of Gräfenberg, albeit not until after Ketzell's death in 1544, it continued to have problems with

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<sup>64</sup> Ketzell married Anna Mair in 1492. After her death he married Tetzell in 1504. Ketzell, as father, was the guardian of his young daughter, Barbara, who had been designated as benefactress of her mother's estate. This consisted chiefly of portions of the castle and village of Gräfenberg, a town about seventeen miles north-east of Nürnberg. Cf. Reicke, Pirckheimers Briefwechsel, II, 348-49 n. 14.

<sup>65</sup> In these contentions, Helchner and Müllner were represented by Pirckheimer; ibid., pp. 493-500.

him in a number of related areas.<sup>66</sup> One of these involved the village of Hohenschwärz, a few miles north of Gräfenberg, which was held by the Tetzels as a fief from the margrave of Brandenburg. Ketzels claimed part of this village as his portion of the Tetzels inheritance. When the council proceeded against him, he found a defender in the margrave. In different cases the council acted against him because of his failure to pay the taxes due on his property in Wöhrd<sup>67</sup> and, later, his refusal to pay the city's chief property tax (Logung) which fell on every burgher.<sup>68</sup>

Beginning in 1519 and continuing for the next few years, Nürnberg's official records indicated numerous entries regarding Ketzels complaints against the city and the council's treatment of them. In these proceedings, most of which were carried out in Augsburg at the court of the Swabian League, Dr. Scheurl was constantly employed.<sup>69</sup>

<sup>66</sup>Dannenbauer, Die Entstehung, pp. 123-24.

<sup>67</sup>RV 659, fols. 11r-v, in January, 1521.

<sup>68</sup>Ratschlagb. 4, fols. 176v-177r, dated December 2, 1524.

<sup>69</sup>Scheurl and George Herl were commissioned to represent the city at Augsburg against Ketzels in May, 1520; RV 650, fol. 2r. Previous to this time the council's efforts at Augsburg were handled by its councillor, Leonhard Groland; see BB 80, fols. 142r-v. In StAN. Stadtrechnungen 182, passim, the multiple entries indicating the money payments to Scheurl for his pursuit of the city's interests against Ketzels reflect the government's desire to stop this citizen.



Despite Ketzels declaration in 1513 that he had abjured his citizenship, the council in its correspondence with the League's judges persisted in referring to him as "our citizen."<sup>70</sup>

What was notable about the council's actions against Ketzels was its dedication. In addition to composing a public letter disavowing any complaints Ketzels lodged at Augsburg,<sup>71</sup> a councillor handling the case was empowered "to give twenty-five florins to the secretary of the League's judges."<sup>72</sup> Furthermore, the advisers were consulted during every step of the process.<sup>73</sup>

Equally persistent and apparently successful was Ketzels desire to separate himself from the control of the council. In 1514 he sought asylum in the church of St. Egidien in Nürnberg, and the council renounced therefore its immediate claims on him. Later, in 1521, Ketzels succeeded in having the judges of the League commission the

<sup>70</sup>Aign wrote that Ketzels in May, 1513 refused to recognize the council as a judge (Richter) and disavowed his citizenship; Die Ketzels, p. 43. See BB 80, fol. 136v.

<sup>71</sup>BB 80, fols. 170v ff.

<sup>72</sup>"Hannsn Imhof schreibn vnd bevelhn der pundsrichter schreiber 25 fl. auff Ketzels hanndel zegeben." RV 656, fol. 6r.

<sup>73</sup>Ratschlagb. 3-4, passim.

abbot of St. Egidien to carry out the trials of the witnesses in the action.<sup>74</sup> Since meetings of the margrave's territorial court were often held at St. Egidien,<sup>75</sup> it appeared that Ketzell was under the protection of Casimir.<sup>76</sup>

The common characteristic of most of these cases was that they were treated mainly outside the city at various surrounding courts or princely meetings. In their entirety, the council's commissions to Scheurl indicated its preference to employ him in inheritance cases, particularly those involving the convents and individuals related to the government. Scheurl's travels to these courts, universities, and princely meetings constituted one stage in his evolution as a jurisconsult. Most of these types of commissions began to decline around 1519.<sup>77</sup> After this time he was increasingly used as a diplomat on the one hand, and for his legal knowledge within the city on the other.

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<sup>74</sup>Ratschlagb. 3, fols. 30v-32r.

<sup>75</sup>Reicke, Geschichte, p. 1019.

<sup>76</sup>While it is not factually known if the council ever captured Ketzell, certain evidence implies the council's failure. See Aign, Die Ketzell, p. 46.

<sup>77</sup>They by no means stopped; rather, what occurred was a different emphasis. Thus, for example, in September, 1521, Scheurl was "loaned" to the Portner family of Amberg for a meeting at Regensburg; RV 667, fol. 17r. On this family, see Rudolf Gerstenhöfer, "Das Geschlecht der Portner und seine Bedeutung für die Oberpfalz," Die Oberpfalz, LV (1967), 61-63, 79-82, 111-16, 127-29.

## CHAPTER FIVE

### DIPLOMATIC SERVICE FOR NÜRNBERG

Toward the end of the second decade of the sixteenth century changes in the types of commissions Scheurl received coincided with changes taking place within Nürnberg and in the city's relationship to the empire as a whole. While Scheurl was increasingly employed in imperial matters, the death of Maximilian and subsequent election of Charles in June, 1519, brought the possibility of constitutional transformations within the empire. Because of this possibility and despite the "capitulation of election" which imposed upon Charles the continuation of existing constitutional forms, the imperial estates courted the new emperor's favor.

Furthermore, changes in the economy were occurring which affected not only economic institutions but all constitutional levels of the empire in relation to one another and to the emperor. The economic growth of the cities in the late fifteenth and early sixteenth centuries generally reflected a relative decline in the economic

power of the territorial princes, and this proportion resulted in and was complicated by jurisdictional disputes of a constitutional nature. Because of the continual need for money to carry on imperial business with foreign powers, different means were employed to increase the imperial treasury. Thus, economic privileges for example were sought and sometimes received.

Moreover, the day before Charles' election, the Leipzig Debate began in Duke George's major market city. The very occurrence of the debate exhibited Luther's developing influence in the religious life of the empire. Since the publication of his Ninety-five Theses, Luther had acquired a significant number of influential followers. His views were aired from pulpits and found in broadsides, and there were Lutheran sympathizers and adherents in numerous German cities and towns. The Leipzig Debate taking place about the same time as the election of a new imperial sovereign marked a point of departure for a new turn in religious affairs; because of the polarization that resulted, the debate was a harbinger of religious developments in the empire.

In Nürnberg's attempts to adjust to these changes, the city encountered hostility from a number of sides. Chief among these were her traditional antagonist, the margrave, and the other estates which tried effectively

to control the supreme organs of the empire. And after Nürnberg became Lutheran, she experienced conflict on an ideological level due to her independent status guaranteed by the Catholic emperor.<sup>1</sup>

The first of the city's attempts which involved Scheurl occurred in September, 1519, when he was nominated to travel to Spain in order to extend Nürnberg's greetings to the newly elected emperor. Since this commission followed immediately upon his marriage to Catharine Fütterer, it certainly indicated the council's growing regard for Scheurl's abilities.<sup>2</sup> In addition to the jurisconsult, the embassy included the councillor Nicholas Haller, "who was to precede Dr. Scheurl," and any of the sons of the more prominent citizens who wished to ride with the embassy at his own expense.<sup>3</sup>

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<sup>1</sup>For a discussion of this ideological conflict, see Hans Baron, "Religion and Politics in the German Imperial Cities during the Reformation," The English Historical Review, LII (1937), 405-27, 614-33. On Nürnberg's adoption of Lutheranism, see below, pp. 130-48.

<sup>2</sup>RV 639, fol. 17r. A detailed description by Scheurl of the wedding festivities and the gifts received is found in the Pfinzing-Löffelholz genealogy begun by the lawyer and dedicated to his cousins Martin and Paul Pfinzing; see Löffelholz, "Dr. Christoph II. Scheurls Hochzeit mit Katharina Füttererin am 29. August 1519," MVGN, III (1881), 155-68. After his return to Nürnberg in February, 1520, the council decided that Scheurl "could remain with his wife for awhile," free from other commissions; RV 646, fol. 11v.

<sup>3</sup>RV 640, fol. 13r.

The council decision on August 30 which established this embassy did not note any instructions. It stated merely that Scheurl and Haller would be informed later by the elders.<sup>4</sup> When the ambassadors finally received their instructions, however, the purpose of the embassy became clear.<sup>5</sup> These comprised a number of points, most of which concerned the confirmation of Nürnberg's privileges and freedoms such as the city's imperial status and the emperor's agreement to hold his first Reichstag in the city. Almost as important were the desires for imperial affirmation of the city's acquisitions in the Bavarian War of Succession<sup>6</sup> and a favorable decision concerning Nürnberg's problems with the margrave of Brandenburg. Of these the most important, after the confirmation of the city's privileges, appeared to be the dispute with the margrave.

Although Nürnberg had constant difficulties with the margrave, a new focus to the problems was given in 1518. In response to aid given the emperor in order to have his grandson Charles elected as his successor,

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<sup>4</sup>RV 640, fol. 11r.

<sup>5</sup>These are summarized in Johannes Müller, "Nürnberg's Botschaft nach Spanien zu Kaiser Karl V. im Jahre 1519," Historische Zeitschrift, XCVIII (1907), 311-12. (Hereafter cited as Müller, "Nürnberg's Botschaft.") Soden, Beiträge, pp. 92-104.

<sup>6</sup>See above, pp. 80, 88-89.

Maximilian bestowed a toll privilege on the territories ruled by Margraves George and Casimir.<sup>7</sup> This privilege was that on each load (Fuder) of wine that passed through the margraves' territories, the merchant had to pay one-half gulden instead of the older tax of three pennies.<sup>8</sup> Since this tax obviously fell most heavily on Nürnberg's businessmen, it was not surprising that the council reacted.<sup>9</sup>

As soon as Margrave Casimir began to collect the toll the council sent a delegation to him to request that he recognize the city's privileges and the contract that had existed between Nürnberg and his father that stated in part that no new toll should be levied.<sup>10</sup> At the same

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<sup>7</sup>Casimir imprisoned his father, Frederick, in 1515, and began to rule the margraviate cojointly with his brother George. Because George was interested in Bohemia and Silesia, however, Casimir was the de facto ruler of the territories. Meyer, Geschichte der Burgergrafschaft Nürnberg und der späteren Markgrafschaften Ansbach und Bayreuth, chapter three. On Casimir, see Karl Schornbaum, Die Stellung des Markgrafen Kasimir von Brandenburg zur reformatorischen Bewegung in den Jahren 1524-1527 (Nürnberg, 1900).

<sup>8</sup>Müller, "Nürnberg's Botschaft," p.304. In RTA, I, 108 n. 1, the comment is made that the sole evidence for the existence of this new toll was Scheurl's "Geschichtsbuch der Christenheit von 1511 bis 1521." To be sure Scheurl did mention it, but so did the council and various councillors in their reports.

<sup>9</sup>See the extensive report creating a commission to treat with Casimir in October, 1518, regarding the new toll; RB 11, fols. 158r-v. StAN. S. I L. 16, No. 9.

<sup>10</sup>RB 11, fol. 158v. This treaty had been confirmed by Emperor Frederick.

time council representatives sought to have Maximilian ameliorate the new privilege. This he provisionally agreed to do, albeit only a few days before he died in January.<sup>11</sup> Because the margrave refused to stop collecting the toll, the city then attempted to enlist the support of the Swabian League. And while these negotiations were taking place, crimes were committed by both sides in the controversy.<sup>12</sup> Thus, Scheurl and Haller were instructed to work for the abolition of the toll at Charles's Spanish court.

When the embassy departed Nürnberg on September 12, its progress had been prepared beforehand. The council had sent letters to "friends" of the city enlisting support for the ambassadors. For example, Engelhart Schauer, an agent of the Fugger firm in Spain, was informed that Haller and Scheurl were traveling to the imperial court and if they appealed to him for aid the council would appreciate compliance.<sup>13</sup> In Augsburg Bartline Welser, writing for

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<sup>11</sup>RB 11, fol. 181r-182v. Müller, "Nürnberg's Botschaft," p. 305.

<sup>12</sup>StAN. S. I L. 16, No. 9 fasc. 1, 5-7; Müller, "Nürnberg's Botschaft," p. 309. For a description of this controversy and the ensuing negotiations, see Schubert, Lazarus Spengler und die Reformation in Nürnberg, pp. 271-84.

<sup>13</sup>BB 80, fol. 150v. Scheurl reported that the first act of the ambassadors when they arrived in Barcelona was to contact Schauer; StAN. S. I L. 16, no. 8, fol. 294r.



his firm, announced the embassy and instructed the recipient to give Nürnberg's representatives what they desired.<sup>14</sup> It appeared that these letters were not sent in vain because a few days before the embassy left Spain on its return trip an agent of the Welsers loaned the ambassadors eleven hundred ducats.<sup>15</sup>

The commission reached Barcelona on October 18, but found Charles's court meeting at a small town, Molin del Rey, outside the city due to the plague and problems that the Spanish king was having with the Cortes of Catalonia.<sup>16</sup> Three days later the king received the ambassadors. On this occasion Scheurl, as speaker of the delegation, presented in Latin the greetings of Nürnberg, the city's congratulations to Charles on his unanimous election, and its obedience to him as imperial sovereign.

<sup>14</sup>StAN. 35 neue Laden der unteren Lösungsstube. V 85/i, No. 386. It is not known to whom this letter, dated September 4, was sent but it may well have been Ulrich Eginger; see below, n. 15.

<sup>15</sup>StAN. Nürnberger Stadtrechnungsbelege, No. 208. This letter from Haller and Scheurl to the council, dated December 18, stated that they had received this sum from Ulrich Eginger, a Welser agent.

<sup>16</sup>Most of the following summary derives from Scheurl's official "Relation" of the embassy to Spain; StAN. S. I L. 16, No. 8, fols. 294r-330r. This report and Scheurl's rather lengthy epistel to Beckmann in Wittenberg are the major sources for the entire proceedings; Scheurls Br. 213.

On October 24 the ambassadors met with Charles's principal advisers. At this time Scheurl presented the council's requests, reportedly spending most of the session discussing the city's problems with the margrave. His solution to the toll controversy was rather simple: Maximilian had not known about the city's previous toll privileges and therefore the new toll was illegal. Moreover, Charles could declare that it was illegal without summoning the margrave because Nürnberg's embassy desired only a confirmation and clarification of the city's privileges. Scheurl did not deny the complementary problem regarding Casimir's complaints of injuries committed to him and his subjects by Nürnberg, but stated that the margrave had also injured the city. Since the council had been amenable to mediation, however, Casimir's complaints were to be discredited because he steadfastly refused to treat with the city's representatives about the injuries.

Following Scheurl's presentation, the ambassadors were informed that Charles would render his decisions to them shortly. Due to diplomatic delays, however--which the ambassadors interpreted, probably correctly, as vacillation on the part of the imperial advisers and which resulted in an exchange of letters between the embassy and the council<sup>17</sup>--Charles's opinions were not presented until the

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<sup>17</sup>BB 80, fols. 206r-v, 215v-217v.

middle of December. In the imperial mandate, dated December 18, the king concluded that with regard to the toll he could do nothing until he was crowned because of promises he had made to the electors. In the interim the toll was to be suspended and his commissioners would investigate the various claims in preparation for his final judgment. With respect to the other desires of the embassy, Charles either accepted them outright, as for example the recognition and confirmation of Nürnberg's status and privileges, or stated that nothing would be done to the detriment of the city without its knowledge and further hearings. This latter provision was most obviously in reference to the margrave's complaint of injuries against Nürnberg.<sup>18</sup> The same day that the mandate was signed, Charles sent a letter to the council informing it of having received the ambassadors and confirming their desires.<sup>19</sup>

When Scheurl and Haller returned to Nürnberg early in February, 1520, they were festively received by the

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<sup>18</sup>RTA, II, 24-25 n. 3. Cf. Müller, "Nürnberg's Botschaft," pp. 316-17.

<sup>19</sup>STAN. S. I L. 16, No. 12 fasc. 7; signed by Charles's receptionist, Hannart.

council and townspeople.<sup>20</sup> Undoubtedly the council regarded the embassy as a success due to the optimistic letters it had received from the ambassadors, from the imperial pronouncement affirming the city's privileges, and from the king's statement that he would hold his first Reichstag in Nürnberg. Although the council received no confirmation of its Palatine acquisitions, it had a promise that nothing detrimental to the interests of the city would occur before a trial took place. Finally, even though the new toll was not yet abolished, the council had received the promise that the toll's exactions would be suspended until Charles came to his final decision. Because the council later acquired agreements favorable to Nürnberg with the Palatinate and the margrave within the next two years, the view that the mission was successful appeared warranted.<sup>21</sup>

From an imperial point of view it became increasingly desirable to find favorable solutions to the problems encountered by the free cities, at least in the early years of Charles's reign. Due to the constant need for revenue

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<sup>20</sup>StAN. Stadtrechnungen 182, fol. 61r. StAN. S. I L. 16, No. 8, fols. 329r-330r.

<sup>21</sup>Müller, Nürnberg's Botschaft," p. 318, and above, p. 88 n. 40.

to support the recently reconstituted organizations of the empire and to protect the borders from foreign invasions, it was logical for the emperor to ally himself with those powers most apt to supply his wants. The cities as centers of economic power were obvious choices, as a letter of April 22, 1520 from the imperial commissioner to Charles explained.<sup>22</sup> Attempts to make such an alliance a reality were persistently thwarted, however, by the combined hostility of the territorial lords and princes. Since constitutional power was largely in the hands of interests opposed to the cities,<sup>23</sup> much of the history of the empire at the imperial level in the early fifteen twenties was the result of the controversies among the various estates. The meetings of the Imperial Council of Regency and the diets in Nürnberg during these years gave the city's council an excellent opportunity to advance its claims and work for greater understanding of the problems of the city and other cities by contact with the imperial representatives.<sup>24</sup>

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<sup>22</sup> ". . . dann bei den stetten find man gehorsam und gelt und durch si mag ander stend im reich auch in gehorsam behalten, aber den andern muss man alweg gelt geben. . . ." RTA, II, 74 n. 2.

<sup>23</sup> See for example the plans to raise money for the support of the Imperial Council of Regency presented early in 1521, and the cities' reaction to these; RTA, II, 403-19.

<sup>24</sup> Cf. RV 676, fol. 3r.

When the first diet met in Nürnberg in March, 1522, the most important concern was providing support against the imminent Turkish encroachment on lands bordering the Hapsburg territories in the southeast.<sup>25</sup> Furthermore, the double marriage between the Hapsburgs and the King of Hungary in June-July, 1521 had given Archduke Ferdinand a vested interest in the lands ruled by King Louis. Because the interests of Nürnberg and the other imperial cities were related to the strength of the imperial power, it was in their favor to halt the Ottoman approach to Hungary. Thus the creation of an imperial embassy to go to Vienna and negotiate about preparations for the approaching conflict was of importance to both the cities and the Hapsburgs.

The nomination of Dr. Scheurl by the imperial regent, Count Frederick of the Palatine, to membership in the commission was significant for both the development of the jurisconsult and Nürnberg.<sup>26</sup> Not only did Scheurl make

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<sup>25</sup>Source materials for the meeting of the first Diet of Nürnberg are in RTA, III, 1-214. For the meetings of the Imperial Council of Regency, see Ernst Wülcker and Hans Virck (eds.), Des Kürsächsischen Rathes Hans von der Planitz, Berichte aus dem Reichsregiment in Nürnberg, 1521-1523 (Leipzig, 1899), and Adolph Grabner, "Zur Geschichte des zweiten Nürnberger Reichsregimentes, 1521-1523," Historische Studien, XLI (1903), 1-104.

<sup>26</sup>RV 676, fol. 8v. Soden, Beiträge, pp. 142-43.

important contacts personally and professionally but the council acquired an agent who could mediate its claims at the imperial level.<sup>27</sup> Furthermore, in terms of the composition of the embassy, Scheurl was the only representative connected to the cities. The other five ambassadors were either princes or representatives of the princely estates.<sup>28</sup>

On the other hand, since the embassy lasted from May to August, the council was lacking the services of one of its most important advisers. In the council decision which permitted Scheurl to go to Vienna, "the expenses to be charged to the Imperial Council of Regency," he was told to inform the other lawyers before his departure about the proceedings against Wolf Ketzell and how they should conduct the present process at Amberg.<sup>29</sup> Because Scheurl had been consistently employed in the city's actions and

<sup>27</sup>Scheurl became an adviser to Archduke Ferdinand during this embassy and, later, in 1540 he received imperial status as an official advisor. Mummenhoff, "Scheurl," Allgemeine Deutsche Biographie, XXXI, 146; cf. Scheurl's Br. 281. Ausstellungskatalog, No. 20.

<sup>28</sup>These were Louis, Elector of the Palatinate, Count Ulrich von Helfenstein, Hans von Schwarzenberg, Sebastian von Rotenhan, and Philip von Feilitzsch; RTA, III, 96 n. 4. They fulfilled the demand by the estates for one prince, three military advisers, and two doctors: ". . . sechs person zu botschaft gein Wene zu verordnen, darunter ein furst sein soll, dri kriegsverstendigen und zwene gelerten." Ibid., p. 104 n. 1.

<sup>29</sup>RV 676, fol. 8v. For Ketzell, see above, pp. 95-99.

counteractions against Ketzell, he was the one adviser completely familiar with the particulars.<sup>30</sup> Indeed, as soon as he returned to Nürnberg in August he was commissioned to Augsburg to treat at the court of the Swabian League regarding Ketzell.<sup>31</sup> Nonetheless the council must have thought Scheurl's position as an imperial ambassador outweighed the juridical disputes it was having.

The result of the negotiations at Vienna, and later at Neustadt, could hardly have been pleasing to the Hungarian, Austrian, and Polish ambassadors pleading their case.<sup>32</sup> The recess of the imperial embassy, dated July 9, at Neustadt, offered the services of 3,000 soldiers to aid in defending the Hungarian borders.<sup>33</sup> Clearly the imperial estates were hesitant about committing themselves to resist a force they did not regard as demanding. Moreover, the absence of a strong imperial directive from Spain and the realization that they might be strengthening Hapsburg

<sup>30</sup>Cf. STAN. Stadtrechnungen 182, fols. 104v, 124v.

<sup>31</sup>Ibid., fol. 125v. RV 681, fol. 7r; cf. RV 679, fol. 12r.

<sup>32</sup>RTA, III, 197-214. For the history of the problems existing between the Hapsburgs, the imperial estates, and the Ottoman Turks, see Stephen A. Fischer-Galati, Ottoman Imperialism and German Protestantism, 1521-1555 (Cambridge, 1959).

<sup>33</sup>RTA, III, 211.



dynastic claims at the expense of the empire played a role in the formulation of the recess. A lack of understanding, perhaps, but certainly a lack of agreement between the emperor and the imperial estates characterized a policy of vacillation with respect to the imperial treatment of the Turkish problem in the following years.

After his return to Nürnberg in August, Scheurl resumed his role as jurisconsult and at the same time he continued to be an imperial adviser. In this latter position he was appointed as a commissioner to treat with the Hungarian legation attending the second Diet of Nürnberg in 1522-1523.<sup>34</sup> Again, despite the appeal for increased support to combat the Turks, no aid was forthcoming.<sup>35</sup>

Early in 1523, as Scheurl was advancing Nürnberg's claims against Ketzler, imperial affairs once again interrupted his pursuit.<sup>36</sup> This time the cause was the city's reaction in conjunction with that of the other municipal powers to some decisions of the second Diet of Nürnberg.

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<sup>34</sup>RTA, III, 288.

<sup>35</sup>Ibid., pp. 331-33.

<sup>36</sup>Scheurl had just returned from a court session at Augsburg in February. RV 685, fol. 21r. StAN. Stadtrechnungen 182, fol. 125v.

Among other things the estates had proposed certain economic measures detrimental to the well-being of the cities such as the imposition of a customs duty or toll in the empire, the prohibition of monopolies, and a ceiling placed upon the amount of capital held by a commercial company.<sup>37</sup>

In their reaction the cities decided to hold a meeting at Speyer late in March.<sup>38</sup>

At Speyer the cities agreed to send an embassy to the imperial court in Spain to inform Charles of the estates' proposals.<sup>39</sup> By this measure the cities hoped that the emperor would intercede for them and veto the plans. Four of the most important imperial cities--Metz, Strassburg, Augsburg, and Nürnberg--were therefore delegated at Speyer to create the embassy which would represent all the municipalities. The ambassadors were to meet at Lyon and then proceed to Valladolid. Thus in April, when the council of Nürnberg learned of this decision,

<sup>37</sup>RTA, III, 736-59. "Abschied des Reichstags." Cf. ibid., IV, 1-9.

<sup>38</sup>RV 687, fol. 4r. Nürnberg's representatives at this meeting were Christoph Tetzl and Leonhard Baumgartner.

<sup>39</sup>K. Klüpfel (ed.), Urkunden zur Geschichte des Schwäbischen Bundes (1488-1533) (Stuttgart, 1846-1853), II, 244-63. "Abschied der Städteversammlung zu Speier vom 22 März bis 2 April 1523."

it appointed Dr. Scheurl and a councillor, Clement Volckamer, to represent the city.<sup>40</sup>

The embassy arrived in Valladolid on August 6, and three days later Charles received the ambassadors. Upon this occasion Scheurl, as orator for the embassy, delivered a Latin speech.<sup>41</sup> After establishing the obedience of all the free imperial cities to the imperial majesty and the honor due to Charles as emperor, Scheurl asked that he respect the honest intentions of the delegation. The imperial cities wished Charles the greatest success, Scheurl stated, and in this they were not deviating from their position "as the most trusted subjects" of Charles's predecessors on the imperial throne. Scheurl thus attempted to establish the embassy's sincerity in coming to Spain.

Due to a report composed after the conclusion of the mission, the content and progress of the negotiations that took place at Charles's court were made clear.<sup>42</sup> The

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<sup>40</sup>RV 689, fol. 19v. See Schubert, Lazarus Spengler und die Reformation in Nürnberg, pp. 408-09.

<sup>41</sup>StAN. S. I L. 212, No. 2.

<sup>42</sup>SFA. Akten XII, 10. "Der Reichsstädte Botschaften beim Kaiser in Valladolid, 1523."

ambassadors discussed six points: the legal position of the cities, the toll, aid for combating the Turks, certain individual complaints of the cities, peace within the empire, and the regulation of the monopolies and companies.<sup>43</sup> Of these the two most important problems from Nürnberg's point of view were the toll and support against the threatening Turkish invasion.<sup>44</sup> The council decided that slightly less important were the proposals to prohibit the monopolies and to place a ceiling on a company's capital.<sup>45</sup> In terms of Nürnberg's priorities, then, the most significant purpose of the embassy was to deal with the economic propositions of the estates and the security of the empire from possible foreign inroads.

The negotiations between the ambassadors and the imperial advisers, among whom was Hannart, appeared singularly successful for the cities.<sup>46</sup> Balthasar Merklin, the provost of Waldkirch and one of the emperor's advisers,

<sup>43</sup> ". . . nemlich die Stym oder Session, den Zol, die beharlich Turckhen hilf, Etlicher Supplicirender Stet beschwernuss, Besserung des Landfrids, und die Monopolia und Kaufmans handel. . . ." Ibid.

<sup>44</sup> RV 689, fols. 13r, 14v, 19v; cf. fol. 15v. BB 85, fols. 40r-41r.

<sup>45</sup> Cf. RV 689, fol. 19v.

<sup>46</sup> Grabner, "Zur Geschichte des zweiten Nürnberger Reichsregimentes, 1521-1523," Historische Studien, XLI, 79.

announced in German "behind closed doors" that Charles planned to assume control of the government of the empire. Furthermore, the emperor was directing the regent and the Imperial Supreme Court not to enforce the toll, and informing the Imperial Council of Regency not to proceed either against the monopolies or the commercial companies without clearing its actions beforehand.<sup>47</sup> With these promises the embassy left Valladolid late in August.<sup>48</sup>

The significance of the promises was quite clear to the ambassadors: the emperor was allying with the financial interests for it was through such a connection that financial support for the imperial administration and defense of the frontiers would be forthcoming. The decision to send Charles's chief adviser, Hannart, as the emperor's personal representative to the Diet of Nürnberg in 1524 confirmed these promises. Hannart's instructions paralleled the verbal statements made in Spain to the ambassadors.<sup>49</sup>

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<sup>47</sup>SFA. Akten XII, 10. Cf. Karl Brandi, The Emperor Charles V, trans. C. V. Wedgwood (Oxford, 1939), p. 187.

<sup>48</sup>On the return trip, see SFA. Akten XII, 10. On December 2 the council wrote to Scheurl and Volckamer announcing hostilities between Nürnberg and the margrave; because of these they were to avoid the margrave's villages. BB 86, fol. 104v; cf. fols. 123r ff. RV 697, fol. 12r.

<sup>49</sup>RTA, IV, 290-296; cf. ibid., p. 256.

It is difficult to determine how significant a role Scheurl played amid the discussions at the imperial court. Yet it is certain that he was acquainted with some of the emperor's chief advisers, such as Hannart. Moreover, shortly after Scheurl and Volckamer returned to Nürnberg in December, they were commissioned along with Christoph Tetzl to attend another meeting of the cities.<sup>50</sup> If the council was displeased with the activities of its ambassadors, it would have been inconsistent to reappoint them to another meeting dealing with the same problems.

By 1524 Scheurl was rather well established as a diplomatic representative for Nürnberg. He was in addition one of the city's chief jurisconsults. His abilities were being utilized not only by the council of Nürnberg but also by the imperial representatives who were meeting in the city. In this connection the council fortuitously acquired an invaluable mediator in imperial circles for its own actions. And the Nürnberg councillors realized this. Thus when the imperial regent nominated Scheurl among others in April, 1524 to handle a contention between Duke Anthony of Lorraine and imperial interests, the council immediately gave its adviser the permission.<sup>51</sup>

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<sup>50</sup> RV 699, fol. 6r.

<sup>51</sup> RTA, IV, 575; cf. ibid., pp. 556-57, 599. RV 702, fol. 9r.

The confluence of events that brought Cardinal Campeggio as papal legate to Nürnberg for the diet of 1524 worked in the city's favor. As Scheurl's former tutor in law and personal friend at Bologna, it was logical that the council appointed Scheurl to receive and discuss the city's problems with the nuncio.<sup>52</sup> Since Scheurl's experience at imperial courts was now more developed, his negotiations with Campeggio were more catholic. His knowledge of religious events occurring in other cities certainly must have aided him in his talks with the cardinal.

When Archduke Ferdinand announced a special meeting to be held in Regensburg in June, 1524, in which Campeggio was to play a large role, it was advantageous for Nürnberg to commission its most knowledgeable and skilled diplomats to attend.<sup>53</sup> Since religious innovations undertaken in Germany in the territories of the various powers were major topics of discussion at Regensburg, it was no accident that Dr. Scheurl, Clement Volckamer, and Christoph Kress received the council's appointment.<sup>54</sup> Furthermore, in the case of Scheurl, the council was able to utilize the personal relationship existing between its adviser and

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<sup>52</sup>RTA, IV 44. RB 12, fol. 227v. For an account of these discussions, see above, pp. 51-56.

<sup>53</sup>For this meeting, see below, pp. 133-37.

<sup>54</sup>RV 704, fol. 19r. Pfeiffer, Quellen, pp. 7, 26-63

Campeggio on the one hand, and that with Archduke Ferdinand on the other.

It was in this role as mediator as well as juriscult that Scheurl presided at the religious colloquy in Nürnberg early in 1525. The result of the colloquy was the city's official acceptance of Lutheranism, the bases of which had been in the process of development for some time. In this process leading to Nürnberg's religious Reformation, Scheurl had played both public and private parts, and he was therefore in some measure responsible for the city's religious transformation.



## CHAPTER SIX

### SCHEURL'S ROLE IN THE REFORMATION OF NÜRNBERG

The religious Reformation of the territories in the empire must be approached from at least two directions: from the outside, that is, the existing power structure that enabled a territory to adopt differing religious creeds in light of imperial and papal prohibitions, and from the inside with respect to the various arrangements within the territory that prepared the bases for the acceptance of religious innovations. In the former of these, the hostility exhibited between the municipalities and the imperial estates for the most part revolved around secular problems. The situation was different with regard to the religious problem. Most of the estates, Catholic as well as those favoring Lutheranism, banded together in reaction to the strict enforcement of the provisions of the Edict of Worms. The motivation behind this alignment was not religious, however, but constitutional due to the fact that the estates did not wish to strengthen the power of the emperor with the possible loss of their liberties.

Among the estates that adopted the evangelical position in the early years of the religious struggle, the free imperial cities played a conspicuous role. Nürnberg, the most prominent of the cities in Franconia and one of the two or three most influential municipalities in southern Germany, accepted Lutheranism quite early during the Reformation. In the process of the transition, one that was relatively peaceful and unhindered, it became clear that forces which paved the way for the transformation had been at work in the city for some time.

At the beginning of the sixteenth century, the history of Nürnberg had reflected the growth of the government's power and the consolidation of this power in the hands of a small and self-perpetuating number of burgher families. The development of the council's sovereignty to be sure was one of the most significant forces preparing the background for the official establishment of Protestantism in the city. Regulation of the activities of the citizenry and administration of the religious institutions in Nürnberg's territorial sphere were aspects of this sovereignty. The men who suggested the policies the council followed, thus, were important elements in the resulting Reformation.

In Nürnberg there were a number of people, some of whom did not hold official positions, who influenced

the actions of the council. This number included councilors, secretaries, lawyers, priests, and private citizens. Each one was to some degree educated, and a few were regarded as scholars. The ties that bound them together were a common sense of duty to and service for the community and a generally shared view of the value of education in relation to one's ethical conduct. In many respects these common concerns and values fell under the rubric of humanism and burgher ethics. Humanism, therefore, was one of the points of departure for the religious development in Nürnberg.<sup>1</sup>

Officially, humanistic endeavors were only indirectly sponsored by the council--for example, in the official reports of battles or negotiations authorized by the government. Implicitly, however, the council, through its power to prohibit the publication of certain works such as Scheurl's Life of Anton Kress,<sup>2</sup> spurred the pursuit of humanism. Moreover, the meetings of the Nürnberg humanist circle from the early years of the sixteenth

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<sup>1</sup>Bernd Moeller, Reichsstadt und Reformation, "Schriften des Vereins für Reformationsgeschichte," LXIX (Gütersloh, 1962), 19. See above, pp. 19-22.

<sup>2</sup>See above, pp. 64-66.

century, and the attachment of a number of councillors to this group gave a de facto authority to humanism.

Dr. Scheurl occupied a leading role in this humanist group, and through his connections he was able to influence in some measure the course of the Reformation. Because of his studies at Bologna and his activities while in the employ of the Saxon dukes, Scheurl had made a number of personal contacts which he attempted to maintain throughout his life. Two of the most notable of Scheurl's friends were Johann von Staupitz and Jodocus Trutvetter, both of whom had repeated contact with, and were in positions to influence, Martin Luther. As a professor at the University of Wittenberg, Scheurl also became associated with scholars such as Georg Spalatin<sup>3</sup> and Hieronymus Schurff. As a result of these relationships and Scheurl's voluminous correspondence, the Nürnberg jurisconsult was favorably situated to receive and transmit information concerning contemporary affairs.

Through Staupitz, Scheurl was moved to write Luther early in January, 1517.<sup>4</sup> The lawyer related the respect

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<sup>3</sup>For the most recent biography of Spalatin, see Irmgard Höss, Georg Spalatin, 1484-1545 (Weimar, 1956).

<sup>4</sup>Scheurl's Br. 114.

Staupitz had for Luther, and the Nürnberg humanists' desire that Luther become part of the circle. In the same month, Scheurl wrote to his friend Johann Eck at Ingolstadt about Staupitz and Luther. It was due to this correspondence, initiated by Scheurl, that Luther and Eck were introduced. Before November, 1517, Luther's contact with Eck, mediated by Scheurl, was directed along purely scholarly lines.<sup>5</sup>

In a different manner but still in an unofficial capacity, Dr. Scheurl influenced the development of reform ideas in Nürnberg. Because of his contact with the University of Wittenberg, he suggested that his co-citizens study there. In a letter to Spalatin in November, 1517, Scheurl recommended three Nürnberg burghers--Conrad Volckamer, Johann Tucher, and Hector Pömer--for university studies at Wittenberg rather than Ingolstadt.<sup>6</sup> All three were from prominent local families.

In the case of Pömer, who succeeded Georg Beheim as provost of St. Lorenz and in so doing became the last

<sup>5</sup>See, for example, Scheurl's letter to Melanchthon in 1519; Scheurl's Br. 202.

<sup>6</sup>"Quicumque igitur meo utuntur consilio, illos Wittenbergam mitto tanquam ad mercatum litterarum et religionis fertilissimum, sicut in praesenti mitto Conradum Volckhaimer quem una cum Johanne Tucher et Hector Pömer compatriciis tuae fidei diligenter commendo." Scheurl's Br. 149.

provost of this parish church, the cause of Lutheranism in the city was considerably advanced.<sup>7</sup> Moreover, it was on Pömer's recommendation in 1522 that Andreas Osiander, one of the most influential theologians and Lutheran enthusiasts in the sixteenth century, became the preacher at St. Lorenz.<sup>8</sup>

A few days before Scheurl wrote his letter of recommendation to Spalatin, Luther had posted his Ninety-five Theses in Wittenberg. One of Scheurl's oldest friends there, Ulrich Dinstedt, immediately sent a copy of Luther's propositions to the Nürnberg lawyer. While Scheurl sent copies of the theses to his friends Kilian Leib at Rebdorf, Conrad Peutinger at Augsburg, and Johann Eck at Ingolstadt,<sup>9</sup> the councillor and humanist Caspar Nützel was translating them into German for publication. The impact of the theses in Nürnberg had important ramifications in the humanistically oriented intellectual circle. Scheurl wrote to his Augustinian friend Caspar Güttel that "Pirckheimer, Anton Tucher, and Wenceslaus [Linck] all

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<sup>7</sup>Siebenkees, Materialien zur Nürnbergischen Geschichte, II, 559-66. "Von Hector Pömer, dem letzten Probst zu St. Lorenzen."

<sup>8</sup>See Gottfried Seebass, Das reformatorische Werk des Andreas Osiander (Nürnberg, 1967).

<sup>9</sup>Scheurls Br. 154-156.

admire and treasure Luther's views."<sup>10</sup> In the same letter, Scheurl mentioned that Eck was willing to travel many miles just to debate with Luther.

Less than a year later, in September, 1518, Elector Frederick the Wise wrote Scheurl requesting that the lawyer accompany Luther to Augsburg for the reformer's hearing before Cardinal Cajetan.<sup>11</sup> At the same time Frederick wrote to Anton Tucher, the head of the Nürnberg government, asking the council's permission for Scheurl to travel with Luther. Since the council had commissioned its jurisconsult to go to Aschaffenburg on legal business, however, he was unable to represent Luther.<sup>12</sup>

When Scheurl returned from Aschaffenburg, he wrote to Spalatin saying that Luther had favorably impressed the citizens when he stopped in Nürnberg on his way to Augsburg. Scheurl assured Frederick's secretary that the council would do everything possible to aid the monk in

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<sup>10</sup>" . . . eius conclusiones de indulgentiis admirantur ac in pretio habent Pirckhamer, A. Tucher et Wenzeslaus . . . ." Scheurl's Br. 160.

<sup>11</sup>Roth, Die Einführung, p. 63.

<sup>12</sup>RV 628, fol. 6v. Cf. StAN. Stadtrechnungen 182, fol. 38r.

his safe return to Saxony. In addition, he said that he would keep Spalatin informed of the council's decisions with respect to Luther's affairs.<sup>13</sup>

Scheurl's subsequent letters to both Spalatin and Luther, especially those of the middle of December, 1518, did precisely this. In these letters of December, Scheurl kept the Saxon scholars abreast of the machinations of Carl von Miltitz, the papal nuncio sent to deal with the reformer. On December 22, for example, the lawyer wrote Spalatin that he and Deginhard Pfeffinger had dined with Miltitz who had stopped in Nürnberg while on his way to Saxony to see Luther and Frederick. All talk, Scheurl related, had centered around the "Christian Luther." Since Scheurl felt that the greatest hope for ameliorating the Roman wrath lay with Spalatin and Elector Frederick, he implored Spalatin to heal the widening rift between Wittenberg and Rome, and not to let Miltitz depart from the impending meeting with acrimony.<sup>14</sup> The meeting between Luther and the nuncio, which occurred at Spalatin's home in Altenburg January 4-6, 1519, appeared to accomplish what Scheurl desired.

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<sup>13</sup>Scheurl's Br. 172. "Quidquid apud nos communicato consilio in re Martiniana decretum fuerit, perscribam ad te."

<sup>14</sup>Scheurl's Br. 184.



The conclusion to Scheurl's letter to Spalatin of December 22 was indicative of the lawyer's bearing throughout the early years of the Reformation. Above all else, Scheurl wrote, he wanted peace so that one's work on letters could continue.<sup>15</sup> He was desirous of reform, but only to the extent that God granted it. Thus, during these years Scheurl attempted to mediate the growing hostility between his friends in Wittenberg and elsewhere.

By 1522, the evangelical movement had become fairly well established in Nürnberg, both popularly and administratively. This establishment was the result of a number of factors such as the rather typical German reaction, publicized by the humanists, to the financial exactions of the Roman church, the merging of burgher ethics with the views expounded by such theologians as Staupitz and Linck, and the council's regulation of the religious houses in the city and concern with the conduct of its citizens. In the development of the climate of opinion favorable to church reform, the papal bulls of

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<sup>15</sup>" . . . quantum cum deo fieri potest et cum decore, fiat pax, ut tranquille possimus litteris navare operam."  
Ibid.

excommunication directed toward Luther acted as a catalyst.

In the bulls Exsurge domine of June, 1520, and Decet pontificem romanum of January, 1521, the names of two of the most prominent citizens of Nürnberg, Lazarus Spengler and Willibald Pirckheimer, were found.<sup>16</sup> The inclusion of their names in the former, along with Luther's and others, was due to Johann Eck who had been appointed papal commissioner responsible for the publication of the bull. By 1520, Eck had estranged a number of the city's patricians, and his addition of Spengler and Pirckheimer to the bull which promised excommunication if they did not recant and seek absolution within sixty days served to alienate further the councillors from the Ingolstadt professor. Because the council regarded this attack on two citizens as an attack on the city, it quickly involved itself in seeking absolution from Eck, a business the council regarded as humiliating and distasteful. As evidence of this distaste, the council commissioned Spengler to attend the diet at Worms before he had been absolved. The fact that both Pirckheimer and Spengler were included

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<sup>16</sup>Cf. Karl Schornbaum, "Nürnberg und die Bulle exsurge domine," Zeitschrift für bayerische Kirchengeschichte, X (1935), 91-96; Georg Ludewig, Die Politik Nürnbergs im Zeitalter der Reformation, pp. 8-15; Engelhardt, "Die Reformation," chapter 3.

in the latter bull excommunicating Luther seemed to alienate the council from the church even further.

Between 1520 and 1522, the offices of the two parish churches were occupied by evangelically inclined clergymen appointed by the council. Hector Pömer, as we have seen, replaced Georg Beheim as provost of St. Lorenz when the latter died in 1520. When Melchior Pfinzing, the provost of St. Sebald, resigned his post in 1521, the position was tendered to Hieronymus Baumgartner, who later became an avowed Lutheran. Although Baumgartner refused the offer on the basis that he was too young, another student at Wittenberg and a friend of Staupitz, Georg Pessler, accepted. Both provosts then proceeded to nominate reform minded preachers for the parish churches, Andreas Osiander at St. Lorenz, and Dominicus Schleupner, after the death of the incumbent Hübschenauer, at St. Sebald.<sup>17</sup>

During the very years when the imperial diets and regency were meeting in Nürnberg, pro-Lutheran sentiment spread rapidly. This sentiment was reinforced, politically, by the final decisions of the diets of 1522-1523 and 1524 which stated, in part, that until a general church

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<sup>17</sup>Roth, Die Einführung, pp. 98-103, 108-10.

council met to decide the religious question, the holy gospel was to be preached in accord with old and established interpretation. Since the church fathers varied in interpretation, these imperial decisions permitted great latitude in preaching.

When Cardinal Campeggio, appointed papal representative to the diet, came to Nürnberg early in 1524, he immediately encountered the hostility of the townsmen.<sup>18</sup> Because of this, he remained in the city for a short time only. During this time, however, the council delegated Dr. Scheurl to talk with his former tutor in order to discover Campeggio's intentions. Presumably due to the nuncio's desire to leave the unfavorable religious atmosphere he perceived in Nürnberg, the discussion between the jurisconsult and the cardinal was continued later at Regensburg where Archduke Ferdinand had called a meeting for June.

Because Ferdinand and Campeggio desired further discussions regarding the problems of political and religious unrest in the empire, the council on June 17, 1524, appointed two of its members, Clement Volckamer and Christoph Kress, and Dr. Scheurl to attend the

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<sup>18</sup>See above, pp. 51-56.

session at Regensburg.<sup>19</sup> The instructions given to the commission reflected the familiar themes of Nürnberg's imperial status and obedience to the desires of the emperor and his representatives.<sup>20</sup> Furthermore, the instructions stated, the council had obeyed the recent imperial decision directing the estates to carry out the provisions of the Edict of Worms in so far as they were able.<sup>21</sup> In particular, the council had prohibited the publication of Lutheran works and lampoons against the church. Certain other provisions could not be enforced, however, and for this reason the present embassy had been formed.

Of major importance was that section of the instructions informing the ambassadors of the answers they should give to questions raised by the imperial advisers. If they were asked about the changes that had occurred in the ceremonies and services held in Nürnberg's parish churches, the ambassadors were to answer that the changes were introduced without the council's knowledge

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<sup>19</sup>RV 704, fol. 19r. Pfeiffer, Quellen, p. 7.

<sup>20</sup>SFA. Codex C, fols. 94r-98v. StAN. S. I L. 30, No. 5. Pfeiffer, Quellen, pp. 261-63. Cf. Soden, Beiträge, pp. 182 ff.

<sup>21</sup>RTA, IV, 615-20.

or desire. The council "had neither commanded, advised, nor agreed to these changes."<sup>22</sup> The provosts, when summoned by the council to account for the innovations, had responded that the changes were valid.

The ambassadors were also instructed to remind the imperial advisers of the decision of the second Diet of Nürnberg, in 1522-1523, namely with respect to the provision permitting preachers to teach the holy gospel as interpreted by the church fathers until a general church council had decided otherwise.<sup>23</sup> Although some authorities had already decided the provosts had erred in making their changes and had instructed the council to punish those preachers who did not abstain from erroneous teachings, the council maintained that the populace was so enthused by the word of God that to rescind such changes before the meeting of a church council was to risk bloodshed and rebellion. The council knew that the emperor and his advisers did not desire

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<sup>22</sup> . . . die auch das bey dem höchsten glauben weder bewilligt, beratschlagt noch bevolhen hetten." Pfeiffer, Quellen, p. 262.

<sup>23</sup> Cf. RTA, III, 745-48. See also Harold J. Grimm, "Lazarus Spengler, the Nürnberg Council, and the Reformation," in Luther for an Ecumenical age, ed. Carl S. Meyer (St. Louis, 1967), p. 114.

rebellion; yet, at the same time, the council wished to remain obedient.

On June 25, Ferdinand and his advisers received the Nürnberg legation.<sup>24</sup> From Scheurl's report of the discussion with Ferdinand, the archduke recognized the city's continued obedience and service to the emperor and to Austria.<sup>25</sup> Ferdinand was pleased that the city had carried out part of the provisions of the edict of Worms; but with respect to the council's failure to fulfill the remaining provisions, the embassy had to answer to the imperial viceroy who possessed the power and authority to proceed against the city. After some discussion between Ferdinand's advisers and the ambassadors--which resulted in the reiteration that Ferdinand, since he was not meeting with the Council of Regency, could do nothing legally to delay any process against Nürnberg for the city's failure to carry out all the demands of the Edict of Worms--, the advisers stated that Ferdinand

<sup>24</sup>SFA. Codex C, fols. 99r-101r. StAN. S. I L. 30, No. 5. Pfeiffer, Quellen, pp. 264-65.

<sup>25</sup>„ . . mit was gehorsamer untherthenikait ain e. rat sich alzait gegen ro. kaissern und kongen und sonderlich die osterreichische erzaigt heten. . . .“ Pfeiffer, Quellen, p. 264.

would attempt to aid the council if it desired.<sup>26</sup>

When the embassy prepared to depart from Regensburg, Campeggio called Scheurl to discuss "in a brotherly fashion" problems disturbing the cardinal. In many ways, the content of this meeting was similar to that of their conversation a few months previously.<sup>27</sup> From Scheurl's report to the council, composed on June 29, it was clear that Campeggio desired information about a number of specific occurrences in Nürnberg, all of which, however, reflected upon the council's behavior during this time.<sup>28</sup> Particularly vexatious to the cardinal was the treatment accorded to the city's priests by the populace. One priest, Campeggio said, had been recently expelled from the city, and others were slandered, caricatured, and maligned in their person and property. Furthermore, changes had been made in the office of the mass, the service was presented in German, and communion in both kinds was permitted.<sup>29</sup> And all these actions were

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<sup>26</sup>"Stellet es zu eins rats wolgefallen, ob si bei dem nachgesetzten stathalter und regiment dise ir entschuldigung, verhindernus und beschwernus anzaigen und furwenden wolten oder nit." Ibid., p. 265.

<sup>27</sup>See above, pp. 51-56.

<sup>28</sup>StAN. S. I L. 78, No. 12 fasc. 2. Pfeiffer, Quellen, pp. 265-67. Soden, Beiträge, pp. 188-91.

<sup>29</sup>Pfeiffer, Quellen, p. 266.



countenanced by the council.

Campeggio concluded his statements in a manner akin to the conclusion of his previous conversation with Scheurl when he had implied the possible use of papal power against Nürnberg.<sup>30</sup> Now, the cardinal clearly said that the government of Nürnberg did not realize the extent of papal authority.<sup>31</sup> Nürnberg had received many privileges and favors from the papacy in the past, but these could be withdrawn if the city was disobedient. These threats, as well as his complaints, Campeggio wanted Scheurl to transmit to the council.

Similar to the embassy's response to Ferdinand and his advisers, Dr. Scheurl informed Campeggio that the council remained steadfast in its allegiance to God, the pope, and the emperor, giving what was due to each. He did not deny that a priest had been expelled from Nürnberg, but maintained, instead, that this punishment had been the result of disobedience and was justified. The council had never proceeded against the priests; on the contrary, it continued to protect them as it always had. Finally, Scheurl

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<sup>30</sup> See above, p. 53.

<sup>31</sup> "Wir wusten nit, wi weit sich des babsts gwalt [sic] erstrecket. . . ." Pfeiffer, Quellen, p. 266.

claimed lack of knowledge with respect to the lampoons and slander of the clergy and pointed out that these were forbidden by the government.

During his discussion, Scheurl referred to the fact that the council refused to permit any religious action in the city which had been prohibited by an imperial mandate. If some travesty had occurred in Nürnberg, however, it was done from ignorance; and if this was the case, Scheurl was convinced, the council desired to be better informed, not by threats and bulls but by Scripture (mit grundiger schrift). At the same time he mentioned that the provosts of the city's churches had presented to the council an extensive report justifying the changes they had introduced in the church service. Because the provosts believed these changes were theologically justified, the alterations would probably be retained.<sup>32</sup> In these statements, Scheurl implied that the responsibility for any changes made lay with the clergy who were trained in theology, not with the council.

Scheurl's implication was the major point of the instructions given to another embassy sent to Bamberg

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<sup>32</sup> . . . di probst heten meinen herrn durch ein 40 plitriche schrift mit etwovil ergrundter allegation irs versehens diser irer handlung rechnung geben, dorauf vermainten sie zu beharren." Ibid., p. 267.

in July, 1524.<sup>33</sup> The purpose of this commission, composed of the councillors Christoph Kress and Martin Tucher, and Dr. Scheurl, was to report the innovations undertaken in the city's parish churches to the bishop. The council protocol of July 19, the day that the embassy was formed, clearly indicated that the council was working in conjunction with its officials in the churches for the provosts and preachers were to be "informed of the council's intention." Written in the same manner as were the instructions for the embassy to Regensburg a month earlier,<sup>34</sup> the ambassadors were to inform the bishop that "recently the provosts of Nürnberg's two parish churches introduced certain changes in the holy service and ceremonies by themselves, and these were not agreed to, commanded, or advised by the council."<sup>35</sup> Because complaints had been submitted to the council, the instructions stated, it had ordered the provosts to answer for the changes. This the provosts did, both orally and in writing.

When Scheurl presented the council's instructions to the bishop and his advisers on July 22, he reiterated

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<sup>33</sup>RV 705, fol. 21r. Pfeiffer, Quellen, pp. 13-14.

<sup>34</sup>See above, pp. 134-36.

<sup>35</sup>Pfeiffer, Quellen, pp. 271-73.

the council's plea of innocence with respect to the changes.<sup>36</sup> He then went on to state that if the bishop desired more information, he should hear the provosts and preachers at a special trial since such proceedings were authorized as part of his clerical office. If the bishop desired this trial, the council would dutifully obey.

If the council had intended to suggest to the bishop that he summon the parish officials to Bamberg, then its wish was fulfilled. In his answer to the ambassadors, the bishop stated that he did not know whether the council was pleased or displeased regarding the changes in the church service, but he accepted and would remember the council's apologies transmitted to him by the embassy. As proof of the council's sincerity, however, the bishop expected the council's aid if the city's parish officers proved recalcitrant in responding to his forthcoming summons.<sup>37</sup>

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<sup>36</sup>SFA. Codex C, fols. 101r-104r. Pfeiffer, Quellen, pp. 273-75. Cf. Soden, Beiträge, pp. 193-97.

<sup>37</sup>Pfeiffer, Quellen, pp. 275-76. SFA. Codex C, fols. 104r-106r; at the bottom of fol. 106r, Scheurl wrote that the two provosts, Pessler and Pömer, as well as the Augustinian prior, Volprecht, were summoned to Bamberg for a meeting on September 12, and a few days later they received the bishop's sentence. Scheurl also noted that "many burghers had attended the meeting" at Bamberg.

This meeting, which took place in September, resulted in the pronouncement of a major excommunication against the provosts and the Augustinian prior, and their subsequent removal from office.<sup>38</sup>

Although the proceedings did not end with the bishop's sentence, since appeals were made, the council appeared to have effected its purpose. Through Scheurl, the council suggested to the bishop that those responsible for changes in the church service be summoned before the ordinary of the diocese, the bishop himself. Because the bishop knew, certainly, the extent of his authority, the suggestion of the council must probably be interpreted as signifying the council's willingness to send its officials to such a meeting. Yet when the trial, in fact, occurred, Nürnberg's officials refused to recognize the competency of the bishop to judge the proceedings because he was one of the contending parties.

Throughout Scheurl's negotiations with Archduke Ferdinand, Cardinal Campeggio, and the bishop of Bamberg, a rather consistent defense was argued from the city's point of view. The line of continuity was twofold. With regard to imperial affairs, the council referred to the

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<sup>38</sup>For the substance of the trial and the bishop's sentence, see Pfeiffer, Quellen, pp. 286-88.

estates' provision that until a general church council decided the religious problem the gospel was to be preached in accordance with the views of the church fathers. In spiritual affairs, the council maintained that the innovations were undertaken by the clergy, not by the government. Because this was so, it was not the council's prerogative to interfere in the internal affairs of the church.

From Scheurl's return from Bamberg late in July<sup>39</sup> until the following year, he remained within the city and was employed by the council almost exclusively in religious affairs. Due to the apparent rapidity of the changes occurring in the city's religious houses and customs during this period, the jurisconsults were asked to advise about a large number of legal questions. For example, in January, 1525, Drs. Scheurl and Marstaller, in conjunction with two council members and two theologians, were to compose a new marriage service;<sup>40</sup> in February, Scheurl and Marstaller advised regarding the administration of the abbacy at Gründlach and the treatment of the abbess.<sup>41</sup>

<sup>39</sup>StAN. Stadtrechnungen 182, fol. 166r.

<sup>40</sup>RV 712, fol. 13r. Pfeiffer, Quellen, p. 42.

<sup>41</sup>Pfeiffer, Quellen, p. 45. Pfeiffer noted that he was unable to locate these opinions.

During these months, the council also nominated Scheurl to commissions investigating several of the city's monasteries. Late in January, for example, Scheurl, Pistorius, the abbot of St. Egidien, Schleupner, the preacher at St. Sebald, and the councillor Bernhard Baumgartner visited the Carthusian house to question the monks and discover the causes of disunity there.<sup>42</sup> This disunity was the result of the expulsion, despite the council's injunction, of the order's prior, Blasius Stöckl, and a few of his followers for preaching so-called heretical sermons. Since the expulsion directly contravened the decision of the council, formulated on the basis of previous visitations to the monastery, the monks were guilty of disobedience. As protector (Schutzherr) of the monastery, therefore, the council ordered that no new prior was to be elected before the monks submitted a defense of their actions.<sup>43</sup>

Following the visitation, the commission reported that the sole reason for the removal of the prior was that

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<sup>42</sup>RV 712, fol. 18v. For the proceedings of this commission, see Pfeiffer, Quellen, pp. 329-40. Cf. Engelhardt, "Die Reformation," pp. 163-67. Late in February, Scheurl, Christoph Coler, and Bernhard Baumgartner formed another commission instructed to inspect the Dominicans, Franciscans, and Carmelites; RV 713, fol. 22v. Pfeiffer, Quellen, pp. 52-53.

<sup>43</sup>Soden, Beiträge, p. 212.

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and occasionally protected by the threat of raising arms.<sup>45</sup>

When, finally, the council decided to hold a religious colloquy in order that uniformity in the practices of the city's churches could be achieved, thereby removing some of the basic causes of unrest among the citizenry, it appointed Dr. Scheurl as chairman.<sup>46</sup> Scheurl's functions were to give the opening address and to act as moderator by placing each of the twelve articles--previously decided upon by the city's clergy as those points most essential for one's salvation--into discussion. Because of the council's other preparations for the colloquy, it can be assumed that Scheurl's selection as chairman had been astutely planned.

The colloquy began on March 3 and closed on March 14.<sup>47</sup> From the outset, it was clear that scholarly as

<sup>45</sup>In 1523, for example, when the papal nuncio demanded the imprisonment of Nürnberg's evangelical preachers, the council responded that it would protect them militarily if necessary. See Gottfried Seebass, "Die Reformation in Nürnberg," MVGn, LV (1968), 257.

<sup>46</sup>RV 713, fols. 20v-21r. Pfeiffer, Quellen, p. 51.

<sup>47</sup>The literature covering Nürnberg's religious discussion is extensive. See, for example, Engelhardt, "Die Reformation," pp. 163-82; Roth, Die Einführung, pp. 176-99; Soden, Beiträge, pp. 224 ff. For source materials, including the council's published report of the colloquy entitled Handlung eynes ersamen weysen rats zu Nürnberg mit iren predicanten neulich geschehen etc. MDXXV, see Pfeiffer, Quellen.

well as public opinion was heavily in favor of the evangelical, or Lutheran, faction. In fact, the majority of the opposition resided largely in the Dominican, Franciscan, and Carmelite monasteries and the two female houses of St. Clara and St. Catharine. Arrayed against the representatives of these houses were the clergymen representing the city's churches and other orders.

Scheurl's opening address was of some importance because of the nature of the discussion itself. The previous autumn, Emperor Charles had forbidden the holding of any religious disputation in the empire in an imperial mandate known as the Edict of Burgos.<sup>48</sup> In his speech, Scheurl clearly stated that no one should evoke Charles's edict in an attempt to abolish or discredit the meeting in Nürnberg because the colloquy was not a disputation. It was, rather, a Christian and brotherly discussion directed toward reestablishing unity among the preachers in an effort to avoid "uproar and rebellion."<sup>49</sup> As a friendly discussion, Scheurl admonished the participants to be kind to one another, refrain from slander, and to present their

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<sup>48</sup> See Spengler's lengthy opinion concerning the edict and other problems in Pfeiffer, Quellen, pp. 168-77; dated after October 26, 1524.

<sup>49</sup> The speech is printed in Soden, Beiträge, pp. 225-26.

opinions slowly, in German, so the secretaries could record them.

Despite Scheurl's statement that the discussion was not a disputation, the recalcitrant opposition referred to Charles's edict in refusing to recognize the validity of the proceedings. Nonetheless, the discussion continued and was finally concluded by the council's official adoption of Lutheranism.

## CONCLUSION

The year 1525 was, in some respects, a turning point in Dr. Scheurl's personal life. Although there were no immediate, explicit changes in his activities as a result of Nürnberg's adoption of Lutheranism, the fact that he remained Catholic led eventually to certain clashes with some of the city's officials. At the same time, however, these disagreements seemed to result as much from his personality and intellectual concerns as from his religious preference.

Since Nürnberg remained Protestant, most histories of the city dealing with the sixteenth century and the official acceptance of Lutheranism were biased in varying degrees. In general, Scheurl has been charged with inconsistency and lack of strong religious conviction by Protestant historians, perhaps inaccurately. As this study has demonstrated, he was consistent in recognizing the overriding reality of Nürnberg's historical position, the sovereign control of the council.

Between 1512, when he accepted the council's offer of employment, and 1525, the year of Nürnberg's religious colloquy, Scheurl's activities evinced an

interesting course of development. In this course, there were certain patterns throughout the thirteen years. The council employed its jurisconsult continually in cases, civil as well as ecclesiastical, dealing with feudal tenure. Likewise, the council made use of Scheurl's personal contacts, for example, in his commissions to act as mediator between the city's interests and those of the dukes of Saxony. His conversations with Cardinal Campeggio were exemplary of such a pattern.

The council also was consistent in continuing to employ its advisers from the beginning of an action until its termination. This was readily apparent with respect both to the "loan" of a jurisconsult to another imperial city and to an action in which Nürnberg's interests were at stake. In this connection, the adviser conducted the case through the various courts treating the contention.

During these thirteen years, however, Scheurl became involved in several new activities which exhibited his growing importance to the council. Fundamentally, these activities were twofold and interrelated: his diplomatic service for Nürnberg and his employment in imperial affairs. Previous to 1519, Scheurl's role as a diplomat was only an adjunctive aspect of his juridical responsibilities. Therefore, his involvement in Nürnberg's political relationships with the imperial estates and the

empire was indirect and secondary. Beginning with his commission to Spain in 1519, though, Scheurl entered a new stage of development, one which lasted for the rest of his life. As a diplomatic representative for the city, he eventually occupied a position of some importance with respect to the affairs of the empire.

The result of Scheurl's role as legal adviser to the Nürnberg city council, despite the implicit and explicit attacks of some of his contemporaries, especially after 1525, was the council's renewal of his contract every five years until his death in 1542. Scheurl's continued employment must be accepted as indicative of the fact that his refusal to abjure the Catholic faith did not interfere with his functioning as a jurisconsult. Certainly the council would not have continued to employ him if he had not fulfilled the obligations demanded of a legal adviser.

## BIBLIOGRAPHY

### I. Primary Sources

#### A. Manuscripts

Germanisches National-Museum, Nürnberg. Historisches Archiv Familien Scheurl von Defersdorf. Fischbach bei Nürnberg.

Germanisches National-Museum, Nürnberg. Katalog Bibliothek Scheurl.

Scheurl Familienarchiv, Fischbach über Nürnberg.  
Akten II, Nos. 16; 17; 18:2; 19; 20; 38.  
Akten VI, Nos. 2; 5; 28; 29; 30; 89.  
Akten XII, No. 10.

Scheurl Familienarchiv, Fischbach über Nürnberg.  
Brief V, Nos. 45, 46.

Scheurl Familienarchiv, Fischbach über Nürnberg.  
Codices C, F, I, K, M, O, W, 266, 306.

Staatsarchiv, Nürnberg. Ämterbüchlein, Nos. 30-50.

Staatsarchiv, Nürnberg. Amts- und Standbücher, Nos. 1, 144, 321.

Staatsarchiv, Nürnberg. Briefbücher, Nos. 65-90.

Staatsarchiv, Nürnberg. Differentialakten, Nos. 1, 3.

Staatsarchiv, Nürnberg. Handschriftensammlung, Nos. 46, 188, 203, 241, 249, 257, 315.

Staatsarchiv, Nürnberg. Ratsbücher, Nos. 8-12.

Staatsarchiv, Nürnberg. Ratsschlagbücher, Nos. 1-5.

Staatsarchiv, Nürnberg. Ratsverlässe, Nos. 530-720.

Staatsarchiv, Nürnberg. S. I L. 2, No. 11. S. I L. 11, No. 11. S. I L. 16, Nos. 8; 9; 12, fasc. 7, 8. S. I L. 30, No. 5. S. I L. 78, No. 6, fasc. 4; No. 12, fasc. 1, 2. S. I L. 102, Nos. 19, 20. S. I L. 134, No. 23. S. I L. 212, No. 2.

Staatsarchiv, Nürnberg. Stadtrechnungen, Nos. 181, 182.

Staatsarchiv, Nürnberg. Stadtrechnungsbelege, No. 208.

Staatsarchiv, Nürnberg, 35 neue Laden der unteren  
Losungsstube, V 43/i Nos. 1604, 1605, 1633.  
V 43/2 Nos. 1727, 1734, 1733.  
V 85/i No. 386.

Stadtarchiv, Nürnberg. Scheurl Papiere.

Stadtbibliothek, Nürnberg. Scheurl Ausstellung. 1969.

## B. Printed Sources

Baader, Joseph (ed.). Nürnberger Polizeiordnungen aus dem XIII bis IX Jahrhundert. ("Bibliothek des litterarischen Vereins in Stuttgart," LXIII.) Stuttgart, 1861.

Bauch, Gustav. "Christoph Scheurl in Wittenberg," Neue Mitteilungen aus dem Gebiet historisch-antiquarischer Forschungen, XXI (1903), 33-42.

\_\_\_\_\_. "Zu Christoph Scheurls Briefbuch," Neue Mitteilungen aus dem Gebiet historisch-antiquarischer Forschungen, XIX (1898), 400-456.

Deutsche Reichstagsakten, Jüngere Reihe: Deutsche Reichstagsakten unter Kaiser Karl V. Vols. I-IV. Edited by August Kluckhohn and Adolf Wrede. Reprints. Göttingen, 1962-1963.

Friedensburg, Walter (ed.). Urkundenbuch der Universität Wittenberg. Teil I (1502-1611). Magdeburg, 1926.

Gesetze der Newen Reformacion der Stat Nuremberg. Nach Crist gepurt Tausendvierhundert Vnd in dem newn vnd sibentzigsten Jare fürgenommen. Nürnberg, 1484.

Gess, Felician (ed.). Akten und Briefe zur Kirchenpolitik Herzog Georgs von Sachsen. 2 vols. Leipzig, 1905-1917.

Goldast, Melchior, and Rittershausen, Konrad (eds.). Opera politica, historica, philologica et epistolica. Frankfurt, 1610.

Kleehoven, Hans Ankwicz von (ed.). Johann Cuspinians. Briefwechsel. München, 1933.



Klüpffel, K. (ed.). Urkunden zur Geschichte des Schwäbischen Bundes (1488-1533). ("Bibliothek des litterarischen Vereins in Stuttgart," XIV, XXXI.) Stuttgart, 1846-1853.

Kolde, Theodor. "Bruderschaftsbrief des Joh. von Staupitz für Christoph Scheurl den Älteren und seine Familie. 1511, 6. Oct.," Zeitschrift für Kirchengeschichte, VI (1883-1884), 296-298.

König, Erich (ed.). Konrad Peutingers Briefwechsel. München, 1923.

Liber Decanorum. Das Dekanatsbuch der theologischen Fakultät zu Wittenberg. Halle, 1923.

Löffelholz, Eugen. "Dr. Christoph II. Scheurls Hochzeit mit Katharina Füttererin am 29. August 1519," Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, III (1881), 155-168.

Nopitsch, Christian Conrad. Georg Andreas Will's Nürnbergisches Gelehrten-Lexicon. 4 vols. Altdorf, 1802-1808.

Pfanner, Josef (ed.). Briefe von, an und über Caritas Pirckheimer (aus den Jahren 1498-1530). Landshut, 1966.

Pfeiffer, Gerhard (ed.). Quellen zur Nürnberger Reformationsgeschichte. ("Einzelarbeiten aus der Kirchengeschichte Bayerns," XLV) Nürnberg, 1968.

"Rathsverzeichniss und Aemterbüchlein vom Jahre 1516," Die Chroniken der deutschen Städte, XI (Leipzig, 1874), 805-820.

Reformation der Stat Nüremberg. Nürnberg, 1522.

Reicke, Emil (ed.). Willibald Pirckheimers Briefwechsel. 2 vols. München, 1940-1956.

Scheurl, A. von. "Christoph Scheurl, Dr. Christoph Scheurls Vater," Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, V (1884), 13-46.

Scheurl, Christoph. "Christoph Scheurls Epistel über die Verfassung der Reichsstadt Nürnberg. 1516," Die Chroniken der deutschen Städte, XI (Leipzig, 1874), 781-804.

\_\_\_\_\_. "Geschichtsbuch der Christenheit von 1511 bis 1521," in Jahrbücher des deutschen Reichs und der deutschen Kirche im Zeitalter der Reformation. Edited by J. K. F. Knaake. I (Leipzig, 1872), 3-179.

Siebenkees, Johann Christian (ed.). Materialien zur Nürnbergischen Geschichte. 4 vols. Nürnberg, 1792-1795.

Soden, Franz von and Knaake, J. K. F. (eds.). Christoph Scheurls Briefbuch. Ein Beitrag zur Geschichte der Reformation und ihrer Zeit. Potsdam, 1867.

Will, Georg Andreas. Nürnbergisches Gelehrten-Lexicon. 4 vols. Nürnberg and Altdorf, 1755-1758.

Wülcker, Ernst and Virck, Hans (eds.). Des Kürsächsischen Rathes Hans von der Planitz Berichte aus dem Reichsregiment in Nürnberg, 1521-1523. Leipzig, 1899.

## II. Secondary Accounts

Aign, Theodor. Die Ketzler. Neustadt/Aisch, 1961.

Barge, Hermann. Andreas Bodenstein von Karlstadt. 2 vols. Leipzig, 1905.

Baron, Hans. "Religion and Politics in the German Imperial Cities during the Reformation," The English Historical Review, LII (1937), 405-427, 614-633.

Bergdolt, Johannes. Die freie Reichsstadt Windsheim im Zeitalter der Reformation. Leipzig and Erlangen, 1921.

Böhm, Ottmar. Die Nürnbergische Anwaltschaft um 1500 bis 1806. Erlangen, 1949.

Brandt, Karl. The Emperor Charles V. Translated by C. V. Wedgwood. Oxford, 1939.

Cardinal, Edward Victor. Cardinal Lorenzo Campeggio. Boston, 1935.

Cohn, Henry J. The Government of the Rhine Palatinate in the Fifteenth Century. London, 1965.

- Dannenbauer, Heinz. Die Entstehung des Territoriums der Reichsstadt Nürnberg. Stuttgart, 1928.
- Ellinger, Friedrich. "Die Juristen der Reichsstadt Nürnberg vom 15. bis 17. Jahrhundert," Genealogica, Heraldica, Juridica. Reichsstadt Nürnberg, Altdorf und Hersbruck. Nürnberg, 1954. Pp. 130-222.
- Engelhardt, Adolf. "Der Kirchenpatronat zu Nürnberg, seine Entstehung und Gestaltung im Wandel der Zeit," Zeitschrift für bayerische Kirchengeschichte, VII (1932), 1-16.
- \_\_\_\_\_. "Die Reformation in Nürnberg," Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, XXXIII (1936), 3-258.
- Esprig, Horst. Das Bauerngericht von Nürnberg. Würzburg, 1937.
- Fischer-Galati, Stephen A. Ottoman Imperialism and German Protestantism, 1521-1555. Cambridge, Massachusetts, 1959.
- Franz, Eugen. Nürnberg, Kaiser und Reich. Munich, 1930.
- Friedensburg, Walter. Geschichte der Universität Wittenberg. Halle, 1917.
- Gerstenhöfer, Rudolf. "Das Geschlecht der Portner und seine Bedeutung für die Oberpfalz," Die Oberpfalz, LV (1967), 61-63, 79-82. 111-116, 127-129.
- Grabner, Adolph. "Zur Geschichte des zweiten Nürnberger Reichsregimentes, 1521-1523," Historische Studien, XLI (1903), 1-104.
- Graf, Wilhelm. Doktor Christoph Scheurl von Nürnberg. Leipzig and Berlin, 1930.
- Greenfield, Kent Roberts. "Sumptuary Law in Nürnberg: A Study in Paternal Government," Johns Hopkins University Studies in Historical and Political Science, XXXVI (1918), 151-289.
- Grimm, Harold J. "Lazarus Spengler, the Nürnberg Council, and the Reformation," in Luther for an Ecumenical Age. Edited by Carl S. Meyer. St. Louis, 1967. Pp. 108-119.

- Grossmann, Maria. "Bibliographie der Werke Christoph Scheurls," Archiv für Geschichte des Buchwesens, LXX (1968), 658-670.
- Hallerstein, Helmut Haller von. Schloss und Dorf Gründlach. Nürnberg, 1965.
- Hausdorff, Urban Gottlieb. Lebens-Beschreibung eines christlichen Politici, nemlich Lazari Spenglers. Nürnberg, 1741.
- Hemmerle, Josef. Die Klöster der Augustiner-Eremiten in Bayern. München, 1958.
- Hofmann, Hans Hubert. Historischer Atlas von Bayern: Teil Franken, Nürnberg-Furth. München, 1954.
- Holborn, Hajo. The Reformation, Vol. I of A History of Modern Germany. New York, 1964.
- Höss, Irmgard. Georg Spalatin, 1484-1545. Weimar, 1956.
- \_\_\_\_\_ . "Das Religiös-Geistige Leben in Nürnberg am Ende des 15. und am Ausgang des 16. Jahrhunderts," Extrait des Miscellanea Historiae Ecclesiasticae II. ("Bibliothèque de la Revue d'Histoire Ecclesiastique," Fasc. 44) Louvain, 1967. Pp. 17-36.
- Kalkoff, Paul. Die Reformation in der Reichsstadt Nürnberg, nach den Flugschriften ihres Ratsschreibers Lazarus Spengler. Halle, 1926.
- Kamann, Johann. Die Fehde des Götz von Berlichingen mit der Reichsstadt Nürnberg und dem Hochstift Bamberg, 1512-1514. Nürnberg, 1893.
- Keller, Ludwig. Johann von Staupitz und die Anfänge der Reformation. Nieuwkoop, 1967.
- Kircher, Albrecht. Deutsche Kaiser in Nürnberg. Eine Studie zur Geschichte des öffentlichen Lebens der Reichsstadt Nürnberg von 1500-1612. Nürnberg, 1955.
- Klaus, Bernhard. Veit Dietrich: Leben und Werk. Nürnberg, 1958.
- Kolde, Theodor. "Über das Kirchenwesen in Nürnberg im Jahre 1525," Beiträge zur Bayerischen Kirchengeschichte, XIX (1913), 57-74.

Krodel, Gottfried G. "State and Church in Brandenburg-Ansbach-Kulmbach, 1524-1526," Studies in Medieval and Renaissance History, V (1968), 137-213.

Lochner, Georg. Reformationsgeschichte der Reichsstadt Nürnberg. Nürnberg, 1845.

Ludewig, Georg. Die Politik Nürnbergs im Zeitalter der Reformation. Göttingen, 1893.

Meyer, Christian. Geschichte der Burggrafschaft Nürnberg und der späteren Markgrafschaften Ansbach und Bayreuth. Tübingen, 1908.

Meyer, Julie. "Die Entstehung des Patriziats in Nürnberg," Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, XXVII (1928), 1-96.

Moeller, Bernd. "Die deutschen Humanisten und die Anfänge der Reformation," Zeitschrift für Kirchengeschichte, LXX (1959), 46-61.

\_\_\_\_\_. Reichsstadt und Reformation. ("Schriften des Vereins für Reformationsgeschichte," LXIX.) Gütersloh, 1962.

Müller, Johannes. "Nürnberg's Botschaft nach Spanien zu Kaiser Karl V. im Jahre 1519," Historische Zeitschrift, XCVIII (1907), 302-328.

Mummenhoff, Ernst. "Scheurl," Allgemeine Deutsche Biographie, XXXI (1890), 145-154.

Pfeiffer, Gerhard. "Nürnberg's Selbstverwaltung 1256-1956," Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, XLVIII (1958), 1-25.

Reicke, Emil. Geschichte der Reichsstadt Nürnberg. Nürnberg, 1896.

\_\_\_\_\_. "Willibald Pirckheimer und sein Ehrenhandel mit Hans Schütz," Jahresbericht des Vereins für Geschichte der Stadt Nürnberg, XXIV (1921-1922), 35-38.

Reindell, Wilhelm. Doktor Wenzeslaus Linck aus Colditz, 1483-1547. Nach ungedruckten und gedruckten Quellen dargestellt. Erster Teil: Bis zur reformatorischen Tätigkeit in Altenburg. Marburg, 1892.

- Richter, Ernst. Der Reichstag zu Nürnberg, 1524. Leipzig, n.d.
- Roth Friedrich. Die Einführung der Reformation in Nürnberg, 1517-1528. Würzburg, 1885.
- Schaper, Christa. "Lorenz und Georg Beheim, Freunde Willibald Pirckheimers," Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, L (1960), 120-221.
- Schnelbögl, Fritz. "Die fränkischen Reichsstädte," Zeitschrift für bayerische Landesgeschichte, XXXI (1968), 421-474.
- Schornbaum, Karl. "Nürnberg und die Bulle exsurge domine," Zeitschrift für bayerische Kirchengeschichte, X (1935), 91-96.
- \_\_\_\_\_. Die Stellung des Markgrafen Kasimir von Brandenburg zur reformatorischen Bewegung in den Jahren 1524-1527. Nürnberg, 1900.
- Schubert, Hans von. Lazarus Spengler und die Reformation in Nürnberg. Edited by Hajo Holborn. (Quellen und Forschungen zur Reformationsgeschichte," XVII.) Leipzig, 1934.
- Schuchardt, Christian. Lucas Cranach des Aeltern Leben und Werke. 2 vols. Leipzig, 1851-1871.
- Schultheiss, Werner. "Die Einwirkung Nürnberger Stadtrechts auf Deutschland, besonders Franken, Böhmen und die Oberpfalz (Der nürnberger Stadtrechtskreis)," Jahrbuch für frankische Landesforschung, Sonderdruck (Erlangen, 1936), 18-54.
- \_\_\_\_\_. "Nürnbergs Bedeutung für die deutsche Rechtsentwicklung," Stadt-Amtsblatt Nürnberg, Nos. 81-83 (October, 1935).
- Seebass, Gottfried. "Die Reformation in Nürnberg," Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, LV (1967-1968), 252-269.
- \_\_\_\_\_. Das reformatorische Werk des Andreas Osiander. Nürnberg, 1967.
- Soden, Franz von. Beiträge zur Geschichte der Reformation und der Sitten jener Zeit mit besonderem Hinblick auf Christoph Scheurl II. Nürnberg, 1855.

- \_\_\_\_\_. Christoph Scheurl der Zweite und sein Wohnhaus in Nürnberg. Nürnberg, 1837.
- Spielvogel, Jackson Joseph. "Willibald Pirckheimer and the Nuernberg City Council." Unpublished Ph.D. Dissertation. The Ohio State University. 1967.
- Spitz, Lewis. The Religious Renaissance of the German Humanists. Cambridge, Massachusetts, 1963.
- Stintzing, Roderich. Geschichte der Deutschen Rechtswissenschaft. München and Leipzig, 1880.
- Stobbe, Otto. Geschichte der deutschen Rechtsquellen. 2 vols. Leipzig, 1860-1864.
- Strauss, Gerald. Nuremberg in the Sixteenth Century. New York, 1966.
- \_\_\_\_\_. "Protestant Dogma and City Government: The Case of Nuremberg," Past and Present, No. 36 (1967), 38-58.
- Streit, Felix. Christoph Scheurl, der Ratskonsulent von Nürnberg, und seine Stellung zur Reformation. Plauen i. V., 1908.
- Waldmann, Daniel. "Die Entstehung der Nürnberger Reformation von 1479 (1484) und die Quellen ihrer prozessrechtlichen Vorschriften," Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, XVIII (1908), 1-98.
- Zimmermann, Gerhard. Das Breslauer Domkapitel im Zeitalter der Reformation und Gegenreformation (1500-1600). Weimar, 1938.