
HA/9518

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1797 Aug 30: Landvogt, Schloss Lenzburg

Samuel and Rudolf Lehmann from Muhen, both without money, worked elsewhere (including the capital) in quarries and learned the trade of quarrymen, and now would like to continue working in a quarry located in the forest near Muhen which had been established earlier, and which contains stone for construction works, but hasn't been exploited thoroughly as yet. The community does not want them to do so and burdens them with high fees for using the quarry. According to the brothers Lehmann, the quarry is located in the Hochwald, and therefore the concession to use the quarry needs to come from the [Adressat] of this letter. The Landvogt finds the community's demands too high and supports the assumption that the concession needs to come from the [Adressat] of this letter.

Undated, supplication

The brothers Samuel and Rudolf Lehmann from Muhen, Lenzburg county, two young quarrymen, went away from their home in past years, being poor and left-behind sons of the poor Rudolf Lehmann who had 7 children, and tried to find subsistence elsewhere. The older one was in Hettisweil, working for a farmer. There he met the master of the local quarry who employed him, and later also his brother, as assistants in the quarry. They learned so much that they finally were employed by him as journeymen and workers in the quarry, and thus completely learned the profession. Then they were employed as quarrymen in Bern by Herr [Werkmeister] Im Hoof, and now are masters of the trade.

The quarry in the forest in Lottenberg, which belonged to the [Obrigkeit] and only was given to the community for use has high-quality sandstone. The upper layers are only good for fireplaces, but the lower ones are very good for construction works. When the brothers tried to use the quarry, however, they were hindered by the community which demanded one tenth of the income from it, and, when this was refused, managed to obtain a prohibition from the administration. The brothers offered to pay for any damage to the forest which would not be high anyway because the quarry is located near to the [diesseitiges Ende] of the forest and thus next to the road, and they would [wieder aufforsten] the areas where the actual stones would be taken out.

The brothers are citizens in Muhen and qualified quarrymen. For that reason, they think it would be appropriate if they would be allowed to work the quarry, and ask for the concession to do so, under condition that they pay the damage done to the forest.

Undated, counter-supplication, community Muhen against the brothers Lehmann

The community did all to support the brothers Lehmann and yet were sued by these stubborn and ... people ("von diesen störrischen und von einem unbändigen Eigensinn geleiteten Leuten"). It is not correct that the brothers left their parents on the grounds given by them. "Zur Zeit, da dieses geschehen, hatte ihr Vatter neben ihnen nur 2 andere Kinder, und ware allemal im Vermögen, seine ganze Familien ehrlich durchzubringen, sobald diese letztere einmal gehorchen und arbeiten wollte. Die Gebrüder Lehmann hatten sich aber in ihrer Jugend eben nicht erbäulich betragen, wie hierüber verschiedene Beyspiele auzuführen wären, wann man ihnen hierseits ihre Jugendfehler wieder aufdauen wollte. Sie hatten dardurch die allgemeine Verachtung auf sich gezogen, und so wie sie diese nicht ertragen mochten, so ware wesentlich hierinn der Grund ihrer Entfernung gelegen. Indessen geraichte es der unterthänigst exponirenden Gemeinde nichts destoweniger zu einer ganz besondern Freude, als sie bey der vor einichen Jahren erfolgten Zurückkunft dieser beiden Bürger gesehen, daß selbige durch die mittlerweile erlernte Steinhauerprofession sich in Stand gesetzt hätten, ihren Unterhalt mit Ehren verdienen zu können, und daher fanden sie dieselbe auch sogleich geneigt, ihnen zu Vergrößerung ihres Verdiensts die Bearbeitung des in Frage ligenden Steinbruchs unter den billichsten Gedingen zu vergünstigen."

The quarry is located in the community's forest, "auf dem sogenannten Lotten beim Reutihof gelegen". The community does not believe it to be part of the Hochwald which is a fief from the [Obrigkeit], but

in any case the right to use it is with the community. The community needs the stones from the quarry because it owns three bridges over the Suhr river, one of them indeed made of stone, and for the other two there might come the necessity to rebuild them in stone. The neighbouring communities also demand one tenth of the income from those who work their quarries.

When the brothers asked for the community's permission to work the quarry a few years ago, it was given to them in analogy to the use in the neighbouring communities (which the community meant to be paying the 10th); the fee would usually be added to the price the stones are sold, so that the quarry workers do not have any loss from it.

The heavy loads from the quarry would damage the community roads. Also, the quarry itself is not located in the beginning of the forest, but 1800 steps away from the beginning.

The brothers Lehmann required a document giving them the permission to use the quarry forever, for a small fee, and also the possibility to open a new quarry wherever they want in this forest.

If the community agrees that just the damage is to be paid, this will be the reason for many conflicts, especially because the Lehmanns do not have any money

1797 Mar 19: Landschreiberei Lenzburg, extract from the book of permissions and prohibitions, vol. 3, page 539

The bricklayers Rudolf and Samuel Lehmann in Muhen are forbidden to take any stones out of the quarry without the community's permission, and each master may not employ more than one journeyman so that the damage to the forest will not become too bad.

1797 Jul 25

Description of the location of the quarry and/or the forest, made on behalf of the community.

Mentioned place names: Schwabenthaler Straße. The quarry is located deep in the forest.

Undated: the brothers's answer to the counter-supplication

The quarry was not started by them, but was used by other citizens before, but in a very unorderly manner, not digging as deep as possible, but starting new places every now and then, even though the lower layers are the better ones. The quarry is not located 1800 steps deep in the forest, and its stones are sufficient for 100 bridges and whole villages.

The brothers would not be able to pay one tenth of the income. They are willing to pay 12 fl. each per year for the use of the quarry, the damage of the forest, and also repair the road through the forest.

1786 Jan 13: Landschreiberei Lenzburg [copy, seems to be part of the community's answer]

The quarry was already in possession of the community in 1753.

1797 Jul 11: Landvogt Lenzburg

Permission to take away the stones for Andreas Hafner from Aarau.

1797 Aug 31, Aarau: Johann Samuel Grüner, mining director (Bergdirektor)

The quarry near Muhen contains very good sandstone useful for buildings, windows and doors, and is [unverwitterbar] so that it can also be used for [Grenzsteine]. Samuel and Rudolf Lehmann started exploiting the quarry four years ago, and delivered their "very good and nice stones" ("ungemein gute und schöne Steine") not only to Muhen but also elsewhere, especially to Aarau. "Nicht nur ihre vortreffliche Qualitaet, sondern auch ihr äußerst billiger Preis, redliche und prompte Bedienung, und saubere Arbeit, sicherte diesen fleißigen und sehr genügsamen Brüdern schnell einen starken Zulauf zu." It is regarded as necessary that this [Unfug] with arbitrary fees requested by the communities in Aargau finally stops.

Extracts from tax registers

1566 Sep 5, mentions Rudolf and Hans Lemann [probably in connection with the community, not with the quarry].

1801 May 6, Muhen, confirmed by the administration in Aarau 1801 Jul 18

Because the conflict about the use of the quarry has not yet been resolved, the community forbids the brothers Rudolf and Samuel Lehmann to further use the quarry.

1801 [Herbstmonat] 28, Bern: Samuel and Rudolf Lehmann to the mining administration in Bern

The community primarily wants remuneration for the damage done to the forest and roads. The

brothers Lehmann are willing to pay that. However, until now it has not been determined who the owner of the forest is, and for that reason they cannot pay any additional fees. At the moment the quarry stands still, the brothers Lehmann are without income, and therefore ask the mining administration to finally decide this matter.

Signed by Samuel for himself and his brother.

1801 Nov 5:

The district court in Aarau sentences Rudolf and Samuel Widmer for trespassing on the prohibition to use the quarry.

One of the documents in this context mentions Samuel's and Rudolf's unnamed sister who, in their absence, receives a letter regarding the proceedings.

1802 Feb 8, Muhen: Samuel and Rudolf Lehmann ask the mining administration in Bern for support. [Hard to read.]

1800 Dec 10, Aarau: Canton administration to a minister

Describes the chronology of the conflict. The forest in question was in hands of the community at least since 1566, since which time it paid taxes to the government for it. The brothers Lehmann destroyed a lot of the forest around the quarry, and it is necessary to stop them.

1801 Jul 2, Aarau: Proceedings at the district court

There was a procedure under the old government regarding the conflict about the quarry. The new Aargau administration did not want to decide the case. The brothers Lehmann did not agree to an agreement out of court, for which reason the proceedings are done today. The court wants to wait for the proceedings from the Aargau administration. The brothers declare that they find all this "strange" ("seltsam"), and ask for a copy of everything the contrahents might take into the court, and time to ponder about it.

1801 Feb 2, Canton administration (Unterstatthalter)

The brothers Lehmann are forbidden to work the quarry.

1801 Apr 27, Aarau: Canton administration

The mining administration in Bern cancelled the prohibition, about which the lower levels of the administration are now informed.

1801 [Herbstmonat] 14, Muhen: Community to the district court in Aarau

Describes the proceedings so far. The mining administration cancelled the prohibition. Now the community asks, if the current court does not want to decide the case, to be forwarded to another judge.

1801 Jun 26: Canton administration Aargau, extract from the protocol vol. 11, p. 370

As of recently, the community wanted fees of 7 bz. 2 hr., and then of 6 bz. 2 hr. per [Fuder] of quarry stones from the brothers Lehmann. The brothers do not agree in anything and ask the court to decide.

[The case does not seem to have been decided until the beginning of 1802.]

Repository

Name:

Aarau StA