Without Land, Occupation, Rights, or Marriage Privilege: The Büttner Family from Bavaria to New York

By F. Warren Bittner, CG

Documenting poverty-stricken peasants often is impossible, but the Büttners’ desire to marry and the requirement to get approval from church, town council, and district court left a record trail yielding a detailed story.

Born on 9 April 1742 in a small cottage crowded against the street in the village of Eyb, Johann Michael was the only son among six Büttner children.1 Situated in the central German area known as Mittelfranken, Eyb lies in forested hills between the Danube and the Main River. Ansbach designates both Eyb’s district and its ancient capital city.

Michael’s father inherited tenure in their tiny home from his wife’s family.2 At approximately twenty by thirty feet, it included a small kitchen, at least two other rooms on the main floor, and probably a sleeping loft.3 Among the village’s fifty-three houses, this home—like seven others—was a Söldengütlein—a small

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Editors’ note: For the first time in the Family History Writing Contest’s history, the 2011 competition had two winners. The other winning essay will appear in the December issue of the NGS Quarterly.

1. Evangelische Kirche [Lutheran church] (Eyb), Kirchenbücher [registers], Band [vol.] 2, fol. 152 verso, No. 8; Signatur [collection] 48-2; Landeskirchliches Archiv, Aussenstelle Kirchenbucharchiv [state church archive, church book branch archive] (LkAAK), Nürnberg. The home was built in 1731 on a small piece of “unusable” land behind the home of the village herder. See Landgerichts, älter Ordnung, Ansbach Grundakten [district court, old series, Ansbach land files] Eyb, Haus [house] 24, pp. 1–24; Staatsarchiv [Bavarian state archives] (StAN), Nürnberg. An 1826 map shows its location against the street. See Uraufnahmeblatt [original survey map] Eyb, 1826, Blatt-Nr. [map no.] N.W. 64-33; Landesamt für Vermessung und Geoinformation, München, Bayern [regional office for surveying and geographic information, Munich, Bavaria].
3. Landgerichts, älter Ordnung, Ansbach Grundakten Eyb, Haus 24, pp. 1–24; StAN.
cottage with no farmland. Almost every household in Eyb’s rural economy combined a craft with farming, as both were essential to survival. The Büttners, linen weavers, were among the poorest residents. Without land the family struggled financially, weaving as much as guild quotas allowed and laboring on others’ farms.

Michael probably worked periodically for neighboring farmers. At home he almost certainly had the dirty job of combing seeds and leaves from parched flax stems while sitting for long hours at a table fixed with a hinged bar to break the stems and make them pliable for weaving. Because dry flax is flammable, this work occurred in a stone “break house” outside the village. After breaking the flax Michael had to wash it in a stream, and then likely tussled with other weavers’ children for the sunniest places to dry it. Like his father, he probably learned to weave Barchend, a cloth with a linen warp and a cotton woof softened by rubbing with a fine wire brush.

Michael’s life changed abruptly in January 1759, when his father died of consumption. Michael, sixteen, probably had not finished his apprenticeship under his father. His widowed mother petitioned the stewards of margrave Christian Friedrich Karl Alexander, who granted delay in payment of the death tax of 125 Gulden—a large amount, considering farm laborers earned about 45 Gulden a year. Her debts unpaid a decade later, she had to sell the cottage.

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9. Evangelische Kirche (Eyb), Band 5, p. 27, No. 1.


11. Landgerichts, älter Ordnung, Ansbach Grundakten, Eyb, Haus 24, pp. 1–4. The sale year appears to have been altered to read 1761, over the original 1771. Other documents show 1771. See Rentamt Ansbach, vols. 3012:179 and 3016:596.
Before the cottage was sold Michael had become a journeyman weaver. Because the area’s craft guilds forbade journeymen from marrying before attaining master status, they often delayed marriage a decade or more, waiting for a guild slot to open at a master craftsman’s death or retirement. Michael’s marriage at age thirty-five suggests he waited ten years. At the time, 1778, he was a master weaver, probably recently admitted to the guild. His bride, Anna Eva Braun, had no guild connections, and the guild had to approve her qualifications.

Michael’s guild membership helped, but also hindered, efforts to support his family. It gave him means of selling cloth; but by setting the price, size, and quantity of what he could sell, it gave no incentive to work harder to make a better living.

EVA BRAUN’S YOUTH
Eva Braun was born in 1747 in the tiny hamlet of Hechelbach, a cluster of nine farmhouses on the rural estate of Virnsberg. The family’s home, a “half estate,” included a brick farmhouse, courtyard, barn, and other outbuildings. With ten and a half Morgen (about eight acres), the family farmed almost enough to eat comfortably.

Eva did not live there long. When she was three her father died and another family took tenure of the house. Fathers’ deaths often pushed their families into poverty. Eva may have started working at a tender age, possibly as a goose girl at age seven or eight, then as a cook or maid by fourteen. Her marriage age, almost thirty-one, suggests she had worked at a dozen farms.

13. Evangelische Kirche (Eyb), Band 2, fol. 92v.
16. Deutscher Ordens Kommende Virnsberg [commandery of the Teutonic Knights of Virnsberg], vol. 209, fol. 142 recto; StAN. For Eva’s birth, see Evangelische Kirche in das Katholisches Pfarramt Sondernohe (Unteraltenbernheim) [Lutheran church records in the Catholic Parish of Sondernohe] (Unteraltenbernheim), Band 1:39; Archiv des Erzbistums Bamberg [Archive of the archbishopric of Bamberg].
17. If the plot was particularly fertile, a family in Franconia could survive on as little as 5.2 Morgen, but families usually needed more than ten Morgen. See Thomas Robisheaux, Rural Society and the Search for Order in Early Modern Germany (Cambridge: Cambridge University Press, 1989), 154.
MICHAEL BUYS AND LOSES A HOUSE

In 1785, seven years after his marriage, Michael borrowed money to buy tenure in a small home in Meinhardswinden, where his wife, children, and other relatives probably lived together. Atypically, the tenure included neither farmland nor village residency rights. The family could not gather firewood, keep livestock, use the village common, fish in the stream, plant vegetables in the village garden, or vote at village meetings. Michael sold the home after two years. Poor craftsmen who purchased cottages often lost them shortly afterwards. Michael never owned a home again. Consequently, every village would have seen him and his family as suspect outsiders. A house and land tenure divided those who belonged in a village from those who did not.

The family's two oldest sons were born in Meinhardswinden in 1782 and 1784, before their father bought the cottage. The youngest son, Johann Leonhard Büttner, was born in 1789, while the family lived in rented rooms in Hennenbach. About three years after Leonhard's birth, the family moved to noisy rooms in Wernsbach's hammer mill. Movement was the hallmark of the rural poor. Peasants with land were bound to it for generations, but the landless were forbidden to stay.

The Büttners moved approximately every five years during their marriage, but never far. Each time the family had to petition the village council for a

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20. Landgerichts, älterOrdnung, AnsbachGrundakten, Meinhardswinden, Haus 2; StAN. The price was 275 Gulden, borrowed half from his sisters Anna Elizabetha and Susanna Büttner; and half from his cousin Johann Simon Schletterer.
21. Smallholdings and cottages like Michael Büttner's were more frequently sold; these properties turned over rapidly and few people held the land long enough to pass them on to an heir. See Robisheaux, *Rural Society and the Search for Order*, 83.
23. St. Johannis Evangelische Kirche (Ansbach), Kirchenbücher, Band 15, male baptisms (1782), No. 102; (1784), No. 192; and Band 16, male baptisms (1789), No. 97; Stadarchiv Ansbach [Ansbach city archive] (StAA); microfilm 1,732,662, items 2 and 3, Family History Library (FHL), Salt Lake City. This church lists baptisms of males and females in separately numbered columns. The absence of ownership records indicates they rented.
24. Ansbach Bezirksamt (BA) [county], Ansässigmachungs- Verehelichungs- u. Konzessionsakten [residency, marriage, and permission papers], Serie 1, 1818–1840, Büttner–Weiß, Protokoll No. 61, Jahr [year] 1816, 23 December, affidavit; Staatsarchiv Nürnberg, Aussenstelle Lichtenau [Bavarian state archives, Nürnberg, Lichtenau branch] (StANAL); FHL microfilm 1,633,229. Comprising more than three thousand microfilm rolls, nineteenth-century Bavaria marriage hearings, unindexed, are among the FHL's largest sets of German records. The catalog lists them at the county [Bezirksamte (BA)] level under Public Records or Civil Records.
26. Ansbach BA, Ansässigmachungs, Serie 1, Protokoll No. 61, Jahr 1816, 23 December, affidavit.
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brief stay. After about five years, the village bailiff would evict them. Bavarian communities vigilantly turned out the poor before they could establish residency and claim relief.27

After losing the cottage Michael Büttner was in a restricted social status known as the Schutzverwandter; he was a “tolerated” person without rights.28 His frequent movement suggests his family was never accepted into any town’s inner network of exchange, comradery, gossip, and support. Social status was tied directly to farm size and tenure.29 With neither, the Büttners remained at the bottom of the village hierarchy.

Neither Michael nor Eva lived to see their sons marry. Eva, fifty-two, died in 1800.30 The family soon moved again, to Schmalach. Four years later Michael, sixty-two, died of a stroke, leaving young sons with scant inheritance and little to offer when searching for a bride.31 The poor, especially younger sons, found it difficult to marry because of regional restrictions on marriage rights.32

THE NEXT GENERATION

On a cold November morning in 1821 Leonhard, the youngest Büttner son, approached the Royal District Court in the medieval-walled city of Ansbach to beg permission to wed.33 For ten years he and his fiancée, Anna Margaretha Weiss, had wanted to marry, but the village council in Schalkhausen had repeatedly refused permission. Leonhard hoped the district judge would grant the union.

Bavarian law forbade “frivolous marriage” between “slovenly people who will breed only beggars and idlers.”34 Such laws set tight marriage restrictions.


28. See, for example, Evangelische Kirche (Wernsbach), Kirchenbücher, Band 5, Johann Micahel Büttner death, 5 August 1804; parish office, Wernsbach. Also, Eugen Haberkern and Joseph Friedrich Wallach, Hilfswörterbuch für Historiker: Mittelalter und Neuzeit [helpful dictionary for historians: medieval and modern times] (Tübingen: A. FranckeVerlag, 2001), s.v. “Schutzverwandter.”


30. Evangelische Kirche (Weihenzell), Kirchenbücher, Band 11:213, No. 12; Signatur 385–89; LkAAK.

31. Evangelische Kirche (Wernsbach), Kirchenbücher, Band 5, chronologically arranged, 5 August 1804.

32. The family’s poverty suggests they had no inheritance. See Sabean, Property, Production, and Family, 247–99.

33. Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll [minutes] 345, 28 November, notes.

34. Walker, German Home Towns, 152.
Substantial property holdings and adequate savings were essential, as was community council consent. As the village authorities saw it, Leonhard Büttner and his kind did not belong. “Let him go back to his own village and get married there.” But Hennenbach, his native village, would not admit the couple. As Margaretha’s family claimed no respect, she also was subject to contempt.

LEONHARD’S AND MARGARETHA’S EARLY YEARS

From boyhood Leonhard had known that marrying would be difficult. Guilds allowed only two sons to be trained in a profession. Leonhard was the third son. Keeping the two older boys home to learn the weaver’s trade, Leonhard’s father sent him to work for a local farmer. Leaving home to toil was part of rural life for many eleven- or twelve-year-old German children. Some returned home, received a portion of their father’s land, and became farmers themselves. Leonhard’s father, however, had no land. Any hope Leonhard had of advancement ended when his father died. He became one of many day laborers, a group subject to intense prejudice, particularly by the established farmers who employed them. Without inheritance, Leonhard had no hope of marrying into a landowning family.

Margaretha lived in Neudorf, a village of nineteen houses nestled at the bottom of a vale. Ansbach’s nobles owned Neudorf’s land and houses, including the cottage where Margaretha’s family had lived for generations. Her father, Johann Wolfgang Weiss, owned the smallest land tenure in Neudorf, only six and a half Tagwerke (about 7.6 acres) of farmland. Acreage determined villagers’ social standing, and Wolfgang’s small farm was a constant reminder of his inferior rank.

In 1807 a court declared Wolfgang insane. Perhaps the insanity arose from fear of losing his farm for delinquent taxes, his second son’s premature death.

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35. Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 26 March, petition.
37. Ansbach BA, Ansässigmachung., Serie 1, Protokoll No. 61, Jahr 1816, 16 May and 23 December, affidavits; and No. 85, Jahr 1821, Protokoll 345, Johann Strumm and Johann Kinzler, undated statements.
38. Moch, Moving Europeans, 10, 16, and 32–34.
41. Kataster Selet Steuergemeinde Schalkhausen [cadastral records for the municipal tax district of Schalkhausen], Band 1; accession no. 6, StAN.
42. Schulte, The Village in Court, 41–42.
43. Landgerichts, älter Ordnung, Ansbach Grundakten, Haus 2, Neudorf, 14 November 1807 mortgage.
pillaging by French troops in 1806, hunger, or a combination. Perhaps his mental illness was inevitable, the effect of a slow-ticking genetic time bomb. For a while Wolfgang stayed at home, but he eventually was committed to an asylum.44

Tainted by her father’s illness, Margaretha’s reputation sank, as did any chance she had of marrying well, possibly of marrying at all.45 She expected a small dowry, but decades might pass before her mother could afford it. Margaretha was both socially and economically destitute when she laid eyes on Leonhard Büttner.

At not quite five feet two inches tall, Leonhard was short—even among his contemporaries—yet he had a muscular build and a high forehead that made his oval face slightly long. He had light brown hair, a beard, grey eyes, a pointed chin, and a slightly upturned mouth.46 Leonhard and Margaretha were equally bankrupt—a landless day laborer and a madman’s daughter were near the bottom of the social hierarchy.

Young rural peasants like Margaretha and Leonhard often courted during social gatherings known as Rockenstuben.47 On winter nights after the harvest was in, village women gathered in a barn ostensibly for a quiet evening of spinning and sewing. Girls anticipated the arrival of young men to disrupt their work and entice them away for playful frolics. As evening ended, village gossips strained to see who paired with whom for the dark walk home.48 Knowing Margaretha would attend a Rockenstube, Leonhard may have made the long trip to Neudorf more than once.

Friedrich August Dubois, pastor at Schalkhausen, where Margaretha lived, complained to his superiors about Rockenstuben in the parish:

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44. Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 6 October, letter.
46. Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 24 November 1817, military papers.
47. The closest English equivalent is “spinning bee,” but the English expression does not convey the German word’s provocative overtones.
During the winter, late at night, people of both genders shamelessly mingle together, (and participate in Rockenstuben). The mayor should assume his rightful duty to supervise the peasants who have neither the self-control nor the willpower to behave morally or act decently; but he shuns every responsibility and makes no attempt to control the people or enforce any discipline.49

This account reveals the division in Margaretha’s world between upper and lower peasant strata. The pastor never implies the mayor or other leaders participated in these raucous affairs, only that they ignored them.

Pastor Dubois complained, “both sexes come running together in the evenings.”50 He may have been referring to a common activity known as fenstern (literally, “windowing”). Young men going through a village at night stopped at single girls’ homes to persuade them to open their windows. If persuaded, the girl chose the boy she liked best and let him climb in. “If it were his first visit, he would probably spend the night atop the covers; [but] if he knew her well, he would climb beneath the covers, but remain clothed.”51 The girls’ parents elicited a promise that petting would not advance “too far.”52

If a girl admitted an undesirable boy, her parents’ might nail her window shut. If pregnancy resulted from a visit, a hasty marriage was arranged, usually with the young intruder, but occasionally with someone else. The shame of a mésalliance with the wrong type of young man surpassed the shame of lost virtue.53 None of Franconia’s peasants expected newlyweds to be inexperienced on their wedding night.54 Leonhard’s early nighttime visits with Margaretha likely were not in a barn or in the woods, but in her home, with her mother’s knowledge and consent. Yet, their lack of financial resources made marriage impossible.

49. Bayerisches Dekanat Ansbach [Bavarian deaconry of Ansbach], No. 45, Jahresbericht [annual reports], 1826, and parenthetical insert from 1828 report; Landeskirchliches Archiv der Evangelisch-Lutherischen Kirche in Bayern [state church archive of the Evangelical Lutheran church of Bavaria], Nürnberg; translation by Baerbel Johnson and the author.
50. Ibid.
THE MORAL CLIMATE

The popularity of activities leading to sexual encounters between unmarried youth provoked only mild disapproval. Why, then, did farming communities react severely against Margaretha and Leonhard? A partial answer is that Margaretha and Leonhard were poor and low on the social spectrum. They knew church marriage was not their lot in life. A high percentage of their society, destined never to marry legally, were expected to remain moderately celibate.

That expectation and village objections notwithstanding, couples increasingly chose to have children out of wedlock. Illegitimacy in families of poor day laborers became an accepted norm. Still, marriage mattered. Economic, social, and political viability depended on it. Margaretha and Leonhard faced this conundrum—in their small subculture of the poor, illegitimacy was common, but marriage was essential to build an independent or economically secure life. Couples who wanted to marry had to demonstrate economic stability through inheritance, savings, or by promise of employment in a craft guild.

A BETROTHAL AND AN ILLEGITIMATE SON

When Margaretha's pregnancy became apparent, the couple became betrothed. The lowest peasant strata viewed engaged couples as husband and wife, and sexual relations could begin—or continue. The church had tried for centuries to impose a religious ceremony on this ancient peasant custom; the state also attempted marriage control through formal application processes, both to little avail; the poorest peasants entered private or secret engagements. Respected peasant farm owners, concerned about social propriety and land inheritance, viewed this practice with disdain.

58. Hull, Sexuality, State, and Civil Society in Germany, 30–34.
Leonhard and Margaretha's first child, Johann Georg, was born in Neudorf on 23 June 1812. The child's baptismal record identifies Leonhard as the father.\textsuperscript{61} Because he did not have Neudorf residency, Margaretha and their son lived with her mother, while Leonhard boarded with farmers who employed him several miles away.\textsuperscript{62}

The Napoleonic wars brought cataclysmic change to Europe and the collapse of hundreds of Germanic governments. For Ansbach and its villages, five hundred years of rule by margraves ended, followed by brief periods under Prussian and French control. The territory ended up in the new Kingdom of Bavaria.\textsuperscript{63} To help unite his lands, the Bavarian king established a uniform criminal code across his broad and newly conglomerated kingdom. To prevent hundreds of towns from moving in divergent directions, he revoked town rights to approve residency and marriage and created new royal district courts with these rights. Community leaders, jealous of their lost power, fought the new judges over many marriages. The judges' arrival in Ansbach gave Leonhard the opportunity to apply for marriage without village input.\textsuperscript{64}

\textbf{A MARRIAGE REQUESTED AND DENIED}

On 27 May 1816 Johann Leonhard Büttner, twenty-seven, appeared before the Royal District Court of Ansbach to ask permission to marry. Margaretha was pregnant with their second child, due in weeks. Likely petrified in the centuries-old judicial building, Leonhard told the judge he had 50 Gulden in savings and humbly requested residency in a local village so he could settle down and marry.\textsuperscript{65} Margaretha had residency in Neudorf, but Leonhard could not live there.

After scrutinizing every aspect of Leonhard's case, the new judge focused on his military status. Leonhard explained that ten years earlier he had been summoned to register at the conscription office, but the officer laughed, told Leonhard he was too short for the military, and sent him home.\textsuperscript{66} Dropping the marriage issue, the judge began a two-year diversion seeking evidence that Leonhard had "shirked his military duty."\textsuperscript{67} He probably left court despondent and confused.

\textsuperscript{61} Evangelische Kirche (Schalkhausen), Kirchenbücher, Band 8:147, No. 8; parish office, Schalkhausen.

\textsuperscript{62} Ansbach BA, Ansässigmachungs., Serie 1, Protokoll No. 61, Jahr 1816, 23 December, affidavit.

\textsuperscript{63} James J. Sheehan, 
\textit{German History: 1770–1866} (Oxford: Clarendon Press, 1989), 144–205. Also, Hajo Holborn, 

\textsuperscript{64} Hull, Sexuality, State, and Civil Society in Germany, 333–70.

\textsuperscript{65} Ansbach BA, Ansässigmachungs., Serie 1, Protokoll No. 61, Jahr 1816, 27 May, petition.

\textsuperscript{66} Ibid., 27 May 1816, 23 December 1816, and 28 August 1817, affidavits.

\textsuperscript{67} Ibid., 26 March 1817, court notes.
Six weeks later Leonhard and Margaretha’s second son was born. Six months afterward, in December 1817, the court ordered Leonhard to pick up his military release papers, granted based on testimony of two witnesses who knew nothing about his draft registration. Leonhard showed up late in January 1818, paid a substantial fine, and left. Had he asked about his marriage application, the judge might have granted him residency and marriage rights. Within weeks the Bavarian crown restored community councils’ rights to decide who could marry, but the district court judges could veto the towns’ decisions.

MARGARETHA’S DOWRY

In summer 1820 Margaretha received her dowry of almost 160 Gulden. This and the money the couple had scrimped from wages satisfied the requirement of 200 Gulden in savings needed to wed. Though not a fortune, this was more than she could have saved in ten years as a milkmaid. Margaretha asked Pastor Dubois to petition the district court to permit her marriage. He wrote that Margaretha and Leonhard had waited nine years to marry, and Margaretha now had the money needed. He urged the court to allow the wedding since “forcing this couple to separate would bring unfortunate consequences,” especially for their children. Perhaps in a subtle attempt to circumvent council action preventing the marriage, Dubois—and no other council member—signed the letter. Dubois knew the court needed the entire town council’s permission to allow the marriage. He also knew the rest of the council would not consent to a day laborer’s marriage and the others disliked “the Büttner,” as they called him.

Few events in Schalkhausen parish’s hamlets escaped community council scrutiny. The council and local nobility decided who moved in and out, who worked as laborers, who kept cows or sheep, who planted what crops, who learned a trade, who built a house, who worked the fields, who buried the dead, who sold beer, who collected firewood, and who had water rights. This structure of tight control held society together and guaranteed survival. No one expected otherwise.

68. Evangelische Kirche (Schalkhausen), Band 9:52, No. 17.
69. Ansbach BA, Ansässigmachungs., Serie 1, Protokoll No. 61, Jahr 1816, 17 December 1817 and 19 and 31 January 1818, court notes.
70. Walker, German Home Towns, 260–81 and 336–47.
71. Landgerichts, älter Ordnung, Ansbach Grundakten, Haus 2, Neudorf, 21 July 1820 mortgage.
73. Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 14 February 1821, letter.
74. Ibid., for example, 6 and 21 October 1821.
75. Walker, German Home Towns, 46 and 72. Also, Hull, Sexuality, State, and Civil Society in Germany, 36. Also, Blum, End of the Old Order, 123–28.
THE FAMILY WEIGHS IN

Margaretha's brother, Johann Adam Weiss, told her that she and Leonhard could build a cottage on a corner of his land, but his wife had different ideas. She knew the Weiss farm was too small to feed her own family, let alone two families, and she was embarrassed by the complaints of prominent farmers' wives about the "sinful relationship" and "concubinage" in her house.\textsuperscript{76} Margaretha's sister-in-law complained to her father, who told the village council of the pastor's letter to court and said he did not want the wedding or the cottage.\textsuperscript{77}

The rest of the council was furious when they learned of Dubois's letter. Except for the pastor, town leaders united to block the marriage. They wrote a follow-up letter to court stressing that Leonhard was not from Neudorf, he could not live there, and the couple was living "in blatant sin," which the community would no longer tolerate. The parish of Schalkhausen "refuses to protect and give right of residency to the laborer Büttner, because he was born in Hennenbach and belongs there."\textsuperscript{78}

THE COUPLE IN COURT

The royal court in Ansbach summoned Leonhard and Margaretha and told them they could no longer live in "premarital sin." They must marry or be forcefully separated.\textsuperscript{79} Early on 4 May 1821 the couple presented the court with a small mountain of documents. Leonhard told the judge that they wanted to wed, but no community would take them. He explained:

The community of Hennenbach does not refuse to accept me, but will not give residency to my fiancée and refuses to grant us permission to marry. But I believe that they will give in and grant us permission because my fiancée cannot provide for herself and her children without my support. Besides, I want to legitimize my children and become their legal father.

The community of Neudorf does not refuse to let my fiancée live there, but they refuse to grant me the same right, and I think they are not likely to change their minds. The people [of Neudorf] are not sympathetic towards me. I find more support in Hennenbach than in Neudorf, so I ask permission to reside in Hennenbach and marry there. . . . I believe that I can convince the village council in Hennenbach to grant me residency when I show them the list of farmers for whom I have worked as a laborer, as they have testified to my good work and diligence.\textsuperscript{80}

\textsuperscript{76} Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 26 March, letter, and 12 April, summons.

\textsuperscript{77} Ibid. Those documents support two assumptions underlying the text's description: That Margaretha told her sister-in-law about the pastor's letter; and that her father roused the council.

\textsuperscript{78} Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 26 March 1821 letter; translated by Marion Wolfert.

\textsuperscript{79} Ibid., 13 April 1821, summons.

\textsuperscript{80} Ibid., 4 May 1821, testimony; translated by Marion Wolfert.
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The judge gave tentative approval for Leonhard to settle in Hennenbach, if he could convince its council to agree. When Leonhard made overtures, however, Hennenbach’s elders were outraged. The mayor and a councilman protested, “all of Hennenbach was in uproar.” They would never allow this “Büttner,” a day laborer, to marry and live among them.

FORCED SEPARATION AND CRISIS

For five months the towns fought; each insisted the other take the pair; each asserted the merits of its case. Hennenbach argued, “Neudorf must accept [Leonhard], since he has lived there with his fiancée in a sinful state for years without anyone complaining, and he fathered his children there. If all of a sudden this immoral living condition can no longer be permitted, then Büttner must be expelled from Neudorf.” If Hennenbach were forced, they would take Leonhard, “but for his mistress and the children we will not take responsibility for them.”

At the height of this battle Margaretha’s third illegitimate pregnancy became obvious. Schalkhausen councilmen were incensed, but their wives took action. In late summer 1821 Margaretha apparently was the victim of a custom in which respected farmland-owning women gathered outside an unwed mother’s home to hurl epithets, throw stones, and drive the mother and her children from town. In Margaretha’s case, they might have overlooked one child, but not three. Fleeing the disapproving village scolds, Margaretha sought refuge in an illegally built shanty outside town borders. Prying eyes were not likely to catch Leonhard when he came or left the forest hut during their weekend trysts.

Schalkhausen apparently also sent its bailiff to evict Leonhard and tell him he would be arrested if he returned. Leonhard found living quarters in Hennenbach, where he had not lived since infancy. Leonhard and Margaretha’s worst fears were coming true—they were forced to separate. Margaretha could not leave her children to work, but she needed work to feed them. Her meetings with Leonhard became difficult to arrange, their survival was threatened, and they faced the reality that they might never wed.

81. Ibid., 7 May 1821, testimony.
82. Ibid., 7 July 1821, letter.
83. Ibid.
85. Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 29 July and 6 October, documents.
86. Hull, Sexuality, State, and Civil Society in Germany, 67 and 364–8.
87. Ansbach BA, Ansässigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 20 October, court notes.
SCHALKHAUSEN CONCEDES

In October 1821, five months after the debate between the two villages began, Schalkhausen suddenly capitulated, petitioning the court to grant Leonhard residency in Neudorf. Council documents do not explain the abrupt reversal, but the reason is obvious: Pastor Dubois intervened. For over a decade, he had opposed the council’s marriage policies for the poor. In his annual report to the consistory, he complained about this discrimination’s adverse effects. He likely realized that after Leonhard and Margaretha’s ten-year relationship and two illegitimate children, the town’s claiming it would no longer tolerate Leonhard was unconvincing. The Hennenbach council was right: if Schalkhausen objected to Leonhard, they should have evicted him long before.

Besides Dubois, Margaretha helped sway the council. She never uttered a syllable, but her influence was just beyond view, perpetually tacit. Though she was of the community, she lived in inadequate shelter, pregnant, with two children and winter approaching. The community could not let a legal resident stay in the forest and freeze. The town leaders soon would be responsible for Margaretha and three children. Her urgent circumstances forced their hand.

Graft also may have swayed the council. Margaretha’s funds decreased by more than full year’s wages. Every year the Reverend Dubois read from the pulpit the statement against bribing officials, suggesting the custom was endemic. The councilmen expected their palms to be greased.

On 6 October 1821 the council sent the court a letter. Its wording noticeably resembles phrases in Pastor Dubois’s annual reports:

Leonhard Büttner, born in Hennenbach, has been engaged to Anna Margaretha Weiss of Neudorf for the past nine years, and has fathered two sons with her, and as she is now pregnant, again, by him; and because this couple is young, strong, and healthy, and have proven to be industrious and willing to work hard. And because Miss Weiss is also in possession of 175 Gulden: it can be assumed that they will be able to support themselves. They want to build a small home. The village council has granted permission for permanent residency and their marriage.

Dubois added one other point:

88. Ansbach BA, Ansässigmachungs., Serie 1, folder no. 85, Jahr 1821, Protokoll 345, 6 October, letter.
89. Bay. Dekanat Ansbach, Jahresbericht 1818 and 1820.
91. Ansbach BA, Ansässigmachungs., Serie 1, folder no. 85, Jahr 1821, Protokoll 345, 14 February and 6 October, letters.
Forcefully separating this couple, after they have lived together for such a long time, could bring devastating consequences; considering that the deceased father of Miss Weiss spent time in a lunatic asylum. 93

The pastor apparently thought the pressures of single motherhood were taking their toll.

A WEDDING AT LAST

On 28 November 1821 Leonhard, a thirty-two-year-old peasant laborer, approached the Royal District Court in Ansbach to beg final permission to marry. Margaretha, eight months pregnant, may have accompanied him to the chancellery and waited anxiously in the street outside. After reading the statement from the Schalkhausen council, the judge announced that Leonhard could become a resident in Neudorf and he and Margaretha could marry “without further interference.” 94 Their ten-year wait for permission to marry was over. 95

On Sunday 9 December 1821 Leonhard and Margaretha married in Schalkhausen’s old Lutheran church. Pastor Dubois conducted the ceremony. The brief church record gives no hint of the years of tedious hearings, summons, letters, legal red tape, or quarrels between villages. Nor does it reflect the couple’s and children’s joyful relief to be a family at last. The church entry simply states that Leonhard Büttner, “the new resident and day laborer in Neudorf, without rights of citizenship,” married Anna Margaretha Weiss. 96 Ten days after the wedding their third child was born. 97

For ten years Leonhard and Margaretha’s deliberate choice to live together unmarried and have children defied community leaders. It challenged their right to sanction marriage and mocked the town’s power and strength. What social reformers strove to do from above, by broadening privilege to include a larger portion of the populace, Leonhard and Margaretha did from below, by usurping the rights denied them of sexual expression and family life. Their choices announced their belief that the village’s upper strata were ineffective, outmoded, and irrelevant. By marrying, Leonhard and Margaretha won their battle.

A NEW RESPONSE TO MARRIAGE RESTRICTIONS

Leonhard and Margaretha lived together in Neudorf for twenty more years and became parents of seven children. In 1830, after another protracted battle with

93. Ansbach BA, Anssüßigmachungs., Serie 1, No. 85, Jahr 1821, Protokoll 345, 6 October, letter; translated by Marion Wolfert.
94. Ibid., 28 November, marriage contract.
95. The couple became engaged nine years earlier. They had probably wanted to marry from the time of their first child’s conception the preceding year.
96. Evangelische Kirche (Schalkhausen), Band 9:11, No. 5.
97. Ibid. 9:74, No. 29.
the village council, Leonhard built a cottage just outside town. Margaretha died in 1840. Two years later Leonhard married Sabina Margarethe Mohr. Again he had to fight with the town council and appeal to the district court for permission to marry and obtain residency for Sabina and her illegitimate children.

Leonhard died of pneumonia in his home in Neudorf on 4 January 1849. His small house passed to his oldest son. The next year Schalkhausen granted his oldest son, Johann Georg, permission to marry and take his father’s slot in the village. His wife Anna Barbara had a ten-year-old illegitimate son with another father. In 1852 Georg and his wife had twins, but both died at two days. They had no other children. Thirty years later, in the 1880s, his wife’s illegitimate son inherited Leonhard’s house and farmland. But many years earlier Leonhard’s other children had found a new solution to the problem of German marriage restrictions. In the 1850s Leonhard’s three younger sons emigrated to America, where marriage choice was nobody’s business but theirs.

ANOTHER GENERATION AND THE DECISION TO LEAVE GERMANY

The difficulty Leonhard and Margartha’s second son, Johann Christoph Büttner, would have had marrying in Germany probably influenced his decision to emigrate to America. The village of Neudorf likely would never have allowed Leonhard’s second son to marry. His older brother would get the only marriage the town would allot the family. No other community would let him marry without substantial resources or land. His confirmation in 1830 at age thirteen in Schalkhausen’s parish church is his last European record. His low social

98. Amtsgericht Ansbach [district court of Ansbach], Kaufbriefe Protokoll [records of bills of sale], 1829–30, No. 605, Band 2.
99. Evangelische Kirche (Schalkhausen), 9:302, No. 16.
101. Evangelische Kirche (Schalkhausen), Band 9:326, No. 1.
102. Ansbach Landgericht [Ansbach district court], Hypotheken-Protocoll [estate records], Band 3, No. 98, pp. 258–9; also, Band 8, No. 99, pp. 169–70; StANAL.
104. Evangelische Kirche (Schalkhausen), Band 12, arranged by date, 17 August 1852.
108. Evangelische Kirche (Schalkhausen), Band 10, unpaginated, 1830, entry 2.
standing, the area’s lack of industry, the tight land market, and strict rules about joining trade guilds greatly limited his options. He had no rights, no job, no land, and no prospects. America offered him all these things. By 1841 he had left the Ansbach area. By the early 1850s he was in New York City.

In 1854 he met and married Anna Maria Bader. They lived in tenements in Manhattan’s squalid eleventh ward, teeming with twenty thousand other German-speaking immigrants. In 1855 Christoph renounced his allegiance to the King of Bavaria and began the naturalization process.

At the first call for Civil War volunteers he enlisted in the Union Army for a three-year term. His wife reported, “He left me at home with four children the oldest of which was seven years and the youngest six months—I worked to support my children while my husband was in the service of his country washing for families.” Christoph was wounded on 30 June 1862 at the battle of Malvern Hill, where he fell from his horse. Discharged because of his injuries, he never was well again. About 1875 the family moved from Manhattan to East New York on Long Island, where Christoph died two years later from complications of his injuries.
Christoph applied unsuccessfully for a Civil War pension. Twenty years later his widow hired an attorney who helped her get a pension for his service. She worked as a washer woman and a cook to support herself and died penniless in Brooklyn in 1909.116

### GENEALOGICAL SUMMARY

#### First Generation

1. Johann Michael Büttner\( ^{8} \) (Georg Christoph\( ^{c} \), Michael\( ^{p} \)), born 9 April 1742 in Eyb, a village in the principality of Brandenburg–Ansbach in the loose confederation of the Holy Roman Empire of German States (now Mittelfranken, Bavaria, Germany).\(^{117}\) He was the son of Georg Christoph and Anna Margaretha (Herzog) Büttner.\(^{118}\) Michael died 5 August 1804 in Schmalach, also in Ansbach.\(^{119}\) He married at age thirty-five 27 January 1778 at Eyb, Anna Eva Braun, daughter of Johann Georg and Eva Dorothea (Baumgartner) Braun.\(^{120}\) Anna Eva was born 28 October 1747 in Hechelbach, in the commandery of Virnsberg (also now in Mittelfranken),\(^{121}\) and died 25 June 1800 in Gebersdorf, Ansbach.\(^{122}\) (Unless otherwise stated, all events occurred in today’s Mittelfranken.)

Johann Michael and Anna Eva had three sons:\(^{123}\)

+ 2 i. **Johann Michael Büttner**, born 2 August 1782, Meinhardswinden; died 4 September 1864, Lehrberg.\(^{124}\)

3 ii. **Johann Christoph Büttner**, born 30 November 1784, Meinhardswinden; died of typhus, 6 March 1823, in the city of Ansbach. A journeyman weaver, he did not marry.\(^{125}\)

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117. For birth and parentage of Michael\(^{8}\), see Evangelische Kirche (Eyb), Band 2, fol. 152v, No. 8. For parentage of Michael\(^{p}\), see ibid., Band 2, fol. 53v, Büttner-Herzog marriage, 1731.

118. Ibid.

119. Evangelische Kirche (Wernsbach), Kirchenbücher, Band 5, chronologically arranged, 5 August 1804.

120. Evangelische Kirche (Eyb), Band 2, fol. 92v.

121. Evangelische Kirche in das Katholisches Pfarramt Sondernohe (Unteraltenbernheim), Band 1:39.

122. Evangelische Kirche (Weißenzell), Kirchenbücher, Band 11:213, No. 12; Signatur 385–89.

123. The births are recorded in St. Johannis Evangelische Kirche (Ansbach), Kirchenbücher, Band 15, male baptisms (1782), No. 102; (1784), No. 192; and Band 16, male baptisms (1789), No. 97.


Second and Third Generations

2. Johann Michael Büttner (Johann Michael, Georg Christoph, Michael), born 2 August 1782 in Meinhardswinde, died 4 September 1864 in Lehrberg. After waiting twenty years for his future father-in-law’s slot in the weaver’s guild, Michael married at age fifty-two, 11 January 1835, in Lehrberg, Anna Rosina Meyerhöfer, daughter of Johann Michael and Anna Christina (Hufnagel) Meyerhöfer. Rosina was born 18 September 1806 in Eyb, and died 8 March 1851 in Lehrberg.

Johann Michael and Anna Rosina had four children born in Lehrberg:

5 i. Johann Leonhardt Büttner, born 19 October 1835; died 9 December 1889, Lehrberg. He married 18 February 1873 in Lehrberg, Maria Barbara Körber, daughter of Johann Martin and Anna Sabina (Büttner) Körber. She was born 1 November 1845, Oberdachstetten; died 8 February 1885, Lehrberg.

6 ii. Anna Katharina Büttner, born 14 December 1837; died 15 March 1903, Lehrberg. Katharina, with three men, had children out of wedlock in 1866, 1870, and 1879. Permission for her to marry any of the men was unlikely because they were poor with no land, residency rights, or savings. Village records refer to her children with disdain.
7 iii. MARIA (OR ANNA) APOLLONIA BÜTTNER, born 20 January 1842; died 29 January 1842.


4. Johann Leonhard Büttner (Johann Michael, Georg Christoph, Michael), born 22 March 1789 in Hennenbach, died 4 January 1849 in Neudorf. After a ten-year battle for marriage, Leonhard married 9 December 1821 in Schalkhausen (1) Anna Margaretha Weiss, daughter of Johann Wolfgang and Anna Sabina Margaretha (Bader) Weiss. She was born 8 September 1789 in Neudorf and died there 8 December 1840. Leonhard married 19 June 1842 in Schalkhausen (2) Sabina Margarethe Mohr, daughter of Johann Adam and Margaretha Barbara (Siller) Mohr. Sabina was born 26 August 1792 in Hinterholz and died 8 August 1856 in Schalkhausen. Sabina had two children out of wedlock fifteen years before she married Leonhard.

Johann Leonhard and Anna Margaretha's seven children were born in Neudorf:

9 i. JOHANN GEORG BüTTNER, born 23 June 1812; died 13 May 1893, Neudorf. Georg married 17 July 1850 in Schalkhausen, Anna Barbara Nölp.
Daughter of Michael and Margaretha Barbara (Knörr) Nölp, she was born 15 February 1809, Petersdorf; died 17 August 1885, Neudorf.  

10 ii. JOHANN CHRISTOPH Büttner, born 11 July 1816; died 20 July 1877, East New York, New York. Christoph married 18 June 1854 in New York City, Anna Maria Bader, daughter of Johann Ludwig and Maria Anne (Schweizer) Bader. Maria was born 30 December 1835 in Oberhausen, in the Oberamt of Reutlingen, Kingdom of Württemberg; died 14 April 1909, in Brooklyn, New York.  

11 iii. ANNA BARBARA Büttner, born 20 December 1821; died before 1889. Barbara had a son out of wedlock in 1849. She may have wanted to marry the child’s father but was denied permission. Barbara married on 26 December 1857 in Ansbach, Johann Martin Beck, son of Michael and Maria (Müller) Beck. Born 13 March 1825, Ansbach, he was legitimized when his parents were allowed to wed. He died in Ansbach 2 February 1868. The Ansbach city council strongly opposed Martin’s marriage to Barbara, but after two appeals the district court overturned the council and permitted the wedding.  

12 iv. JOHANN MICHAEL Büttner, born 8 August 1824; died 8 September 1865 in a New York City boiler explosion. Michael married about 1858, Eva Dorothea Lanzendorfer, daughter of Johann and Kunigunde (Hubner)
Lanzendorfer. She was born 4 April 1830, Melkendorf, Oberfranken, Kingdom of Bavaria; died 19 September 1905, Brooklyn, New York.

13 v. **ANNA MARGARETHA BüTTNER**, born 29 September 1825. She had an illegitimate daughter on 5 December 1852, who died six days later.

14 vii. **JOHANN BüTTNER**, born 13 March 1828; died 14 November 1878, New York City. Johann married in 1858, Margaretha Louisa Karoline Popp, daughter of Johann Georg and Ursula (Hein) Popp. She was born 13 July 1837, Knetzgau, Unterfranken, Kingdom of Bavaria; died 27 November 1900, New York City.

15 vii. **ELISABETHA DOROTHEA BüTTNER**, born 18 August 1831, Schalkhausen. In 1860, still single at twenty-nine, she was godmother for her niece, Magdalena Lissetta Beck (daughter of her sister Anna Barbara) in Ansbach.

CONCLUSION

The Büttners’ experience provides insight into the meaning of marriage in one rural Germanic area. For farmers and guildsmen at the top of the social structure, marriage was a right guaranteed by wealth and power. Marriage for them frequently was an impersonal economic arrangement, a merger to unite adjacent landholdings. Romance in marriage was rarely considered. This social

167. The couple arrived together in August 1858 in America, where the maiden name suggests they were unmarried. They probably married before their daughter Margaret was born in January 1859. See *Passenger Lists of Vessels Arriving at New York, 1820–1897*, roll 187, chronologically arranged, SS New York, 28 August 1858, passenger manifest, 4th p., nos. 171–74, Joh: Mart: Büttner and Doris Lanzendorfer.

168. Evangelische Kirche (Melkendorf), Kirchenbücher, Band 8:46, No. 19; Signatur 174-6, LkAAK.

169. New York City Department of Health, Brooklyn death certificate no. 1791, Dorothea Schmidt (1905); NYCMA; FHL microfilm 1,324,108.

170. Evangelische Kirche (Schalkhausen), Band 10:15, No. 3.

171. New York City Department of Health, Manhattan Death Certificates, 1866–1919, no. 305108, John Buettner (1878); NYCMA; FHL microfilm 1,322,574.

172. The couple arrived together in August 1858 on the same ship with the next older brother and his future wife, where the maiden name suggests they were unmarried. As America had no marriage restrictions it is assumed they married before their son John was born in December 1858. See *Passenger Lists of Vessels Arriving at New York, 1820–1897*, roll 187, chronologically arranged, SS New York, 28 August 1858, passenger manifest, 4th p., nos. 172–73, Maria Popp and Joachim Büttner.

173. Katholische Kirche (Knetzgau), Kirchenbücher, Taufen [baptisms], 1837, p. 89; Diözesanarchiv Würzburg [Würzburg diocesan archive].

174. New York City Department of Health, Manhattan Death Certificates, 1866–1919, certificate no. 35942 (1900), Margarethe Young; FHL microfilm 1,322,983.

175. Evangelische Kirche (Schalkhausen), Band 9:119, No. 12.


group rarely had children out of wedlock. They also rarely chose to emigrate.

Leonhard and Margaretha lived in a different world in the same villages as their neighbors with higher status. Marriage for this couple seems to have meant dedication to a union and the children of that union, despite opposition. A relationship existed between Leonhard and Margaretha a decade before church rites formalized it, sanctioning their intimate bond. For ten years Leonhard and Margaretha wanted to marry. Perhaps in the end, it was a victory of love. Decisions to have children out of wedlock were as varied as the parents who conceived them, but poverty and glass social ceilings often limited their options.

Lack of basic rights often plays a role in decisions to emigrate. Life in Europe was rife with limits. Marriage restrictions, common in Germany, and particularly onerous in Bavaria, were only one area where freedoms were denied. Laws or culture restricted movement, occupation, residency, access to land, and social advancement. America’s boundless options enticed many. Europeans between the 1840s and 1890s deluged America’s shores with hundreds of thousands of men and women eager for America’s promises. For many of them, the decisions to migrate were affected by complex “push and pull” influences. Perhaps for most the biggest “pull” was that America truly was a land of freedom and opportunity.

Three generations of the Büttner family struggled to make a living, fought to get a legal marriage, chose to have children out of wedlock, and decided to come to America. Complex circumstances influenced their actions. Scrutinizing lives like theirs yields a comprehensive picture of a time and place. This micro-history provides evidence for rethinking macro-historical assumptions regarding illegitimacy and emigration and to view them as outcomes of self-determination and defiance.

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179. This is more true in areas like Mittlefranken, where inheritance was impartible, than in, say, Baden or Württemberg, where every generation inherited less farmland.