



Carl I. Hammer: Bavarians at Verdun, 843, in: *Francia* 41 (2014), S. 49-73.

DOI: 10.11588/fr.2014.0.40742

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BAVARIANS AT VERDUN, 843

In August 843 the three surviving sons of Louis the Pious, Lothar, Ludwig and their younger half brother, Charles, met at Verdun to finalize an agreement which had been negotiated over the previous year by their respective magnates¹. This agreement, the so-called »Treaty of Verdun«, for which no text survives, evidently defined their respective realms within the Frankish empire and their obligations towards one another. It was viewed by the nineteenth-century nation-builders of Germany and their historians as the birth charter for an independent German nation and state, and its millennial anniversary was marked accordingly². However, a variety of later events were subsequently introduced into the scholarly discussion, and, particularly over the past half century, German medievalists, understandably sensitive to the excesses of German nationalism and well aware of Germany's long-established territorial pluralism, have been notably reluctant to give such prominence either to the Verdun agreement or to any other particular date³. At best, they are only willing to acknowledge Verdun as a very early stage in a much longer medieval and even early-modern process by which a distinct German national identity and *Staatlichkeit* was gradually formed. As Johannes Fried wrote in his outstanding history of ear-

Three distinguished *emeriti* merit particular thanks for their assistance: Professors Janet Nelson (London), Rudolf Schieffer (MGH and Munich), and Wilhelm Störmer (Munich).

- 1 The best expositions of the process by which the agreement was realized are still the older studies by François GANSHOF, *Zur Entstehungsgeschichte und Bedeutung des Vertrages von Verdun (843)*, in: *Deutsches Archiv* 12 (1956), p. 313–330; and Peter CLASSEN, *Die Verträge von Verdun und von Coulaines 843 als politische Grundlagen des westfränkischen Reiches*, reprinted from the *Historische Zeitschrift* 196 (1963), p. 1–35, in: Josef FLECKENSTEIN et al. (ed.), *Ausgewählte Aufsätze von Peter Classen*, Sigmaringen 1983, p. 249–277 (Vorträge und Forschungen, 28), with supporting texts conveniently collected in CLASSEN's *Politische Verträge des Mittelalters*, Gernering 1966, p. 22–26; see also most recently: Janet NELSON, *Le partage de Verdun*, in: Michelle GAILLARD et al. (ed.), *De la mer du Nord à la Méditerranée. Francia Media, une région au cœur de l'Europe*, Luxembourg 2011, p. 241–254 (Publications du CLUDEM, 25). Relevant documents are summarized in the *Regesta Imperii*: vol. I (BÖHMER-MÜHLBACHER), n. 1103a (Lothar) and n. 1372i (Ludwig); and I,2,1, n. 328 (Charles), which are available through the *Regesten* tab at: www.regesta-imperii.de. *Monumenta Germaniae Historica* (MGH) documents cited are available on-line through the dMGH tab at: www.mgh.de.
- 2 Its claim as the charter for France seems to have been promoted much less enthusiastically by all sides.
- 3 See the remarkable analysis of the relevant historiography first published by Gerd TELLENBACH in the fateful year 1943: *Wann ist das deutsche Reich entstanden?*, reprinted with revisions from the *Deutsches Archiv*, in: Hellmut KÄMPF (ed.), *Die Entstehung des deutschen Reiches*, Bad Homburg 1963, p. 171–212 (Wege der Forschung, 1).

ly-medieval Germany, »Neither the German people nor Germany can celebrate a birthday«⁴.

However we may wish to evaluate the Verdun treaty's ultimate historical importance, we can nevertheless acknowledge that Bavaria played a prominent role in both its formulation and its documentation. In the negotiations leading up to its ratification three territories were reserved respectively to each of the three brothers: the former Langobard kingdom of Italy, to the oldest, Lothar, the Aquitaine to Charles, and Bavaria to Ludwig. Regardless of how the other portions of the empire might be apportioned, these three entities were to be reserved intact and exclusively to the brothers. In more than one respect this is odd. None was a core Frankish territory. All had been secured by conquest in the later 8th century and then allocated as royal appanages under Charlemagne and Louis. Nor were outstanding political ambitions and actual political authority fully recognized by these allocations. Lothar had, indeed, ruled in Italy since 822, but his claim as the imperial successor to their father also implied his control of Aachen. Charles did not even fully control the Aquitaine which continued for many years until 852 to remain under the effective authority of their nephew, Pippin II, who had been excluded from the Verdun settlement. Bavaria, on the other hand, had been effectively ruled by Ludwig since the late 820s and formed the core territory of his expanded east Frankish realm, but its modest resources could hardly be compared to the rich, highly-developed lands of the Aquitaine and northern Italy with their numerous ancient cities⁵. Still, we know more about Bavaria's participation at Verdun than we do about any of the other Frankish territories.

This is due to the survival of a remarkable deed in the Freising episcopal cartulary which records the sale of a significant complex of properties in northwestern Bavaria. On Friday, 10 August 843, »a certain noble man by the name of Paldric« sold to Bishop Erchanbert of Freising all of his Bavarian properties located at four named places for the fantastic sum of £ 250, and the investiture was completed on Wednesday, 22 August⁶. This transaction took place, »in the place called Dugny which is

- 4 Johannes FRIED, *Der Weg in die Geschichte. Die Ursprünge Deutschlands bis 1024*, Frankfurt, Berlin 1998 (Propyläen-Geschichte Deutschlands, 1), p. 29: »Weder das deutsche Volk noch das deutsche Reich können Geburtstag feiern.« Reinhard SCHNEIDER has recently published a dissenting view of this modern consensus, seemingly dismissing many of the qualifications characteristic of recent accounts, without, however, reestablishing Verdun's singular prominence: *Die Anfänge der deutschen Geschichte*, in: *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 124 (2007), p. 1–81.
- 5 For Ludwig's early rule in Bavaria see: Carl HAMMER, *From Ducatus to Regnum. Ruling Bavaria under the Merovingians and Early Carolingians*, Turnhout 2007 (Haut Moyen Âge, 2), Part 5, p. 201–270.
- 6 Trad. Freising: Theodore BITTERAUFG (ed.), *Die Traditionen des Hochstifts Freising*, vol I–II, Munich 1905–1909 (Quellen und Erörterungen zur bayerischen und deutschen Geschichte, N. S. 4), cited by document number, here: Nr 661 (Exhibit 1), p. 556: *in loco nuncupante Dungeih iuxta civitate Viriduma ubi trium fratrum Hludharii, Hludowici et Karoli facta est concordia et divisio regni ipsorum*. The manuscript does, indeed, specify *pro pecunia valente libras ccl*, but this must somehow be a mistake for *solidos*. Cf. Trad. Freising, Nr 888, and the other prices listed in Carl HAMMER, *Land Sales in Eighth- and Ninth-Century Bavaria: Legal, Economic and Social Aspects*, in: *Early Medieval Europe* 6 (1997), p. 47–76, here: Table 2, p. 58–59. For a digital reproduction of the manuscript, the »Cozroh-Codex«, Bavarian Central State Archives

next to the city of Verdun where the agreement of the three brothers, Lothar, Ludwig and Charles, and the division of their realm was made« (Exhibit 1). I believe this is the only document actually produced at that historic meeting to survive, albeit in contemporary copy, and it provides the only precise date for participants' presence. In addition to Paldric and Bishop Erchanbert, its extensive list of 99 witnesses provides the only identification by name of persons attending the assembly beyond those of the three royal participants (Exhibit 2)⁷. For those reasons, historians have long taken note of this document, but, despite this, I believe this remarkable deed's potential to illuminate the »Treaty of Verdun« remains largely unrealized⁸.

Paldric himself was clearly a man of some importance. The properties at Tandern and three other nearby places, Hilgertshausen, Klenau and Singenbach, »within the boundaries« or the »muster of the Bavarians« which he disposed of at such a high price were obviously extensive, and, although we do not know how they came into his possession, their prominence is subsequently well attested in the Freising record. Presumably, Paldric was selling up because his principal estates, political affiliations and other interests lay in the territories of one of the other brothers, perhaps, of Lothar if Paldric were indeed the former duke of Friaul as Wilhelm Störmer has suggested. We have many records of such persons, members of the imperial aristocracy in church and state, who were active in the Frankish regime in Italy and still retained close family ties and properties north of the Alps⁹. Moreover, Janet Nelson has recently proposed that this transaction was a part of Paldric's strategy to re-establish his long-eclipsed political fortunes under Lothar¹⁰. His current prominence at the Verdun meeting is underscored by the attendance of 15 men appended as witnesses who are identified as *vassalli Paldrici*, that is as men who had received some sort of benefice from Paldric and who thus were bound to him in a special relationship of service as his vassals. Perhaps Paldric had served over the previous year as one of Lo-

(HStA), HL Freising, 3a, see the Bavarian State Library's website, Bayerische-Landesbibliothek-Online, under Schwerpunkte/Handschriften, here: fo. 394^r–395^v; it is clear that the original deed also included two of Bishop Erchanbert's nephews, Reginbert and Anthelm, as beneficiaries, but the cartulary copy has suppressed Anthelm's name for reasons unknown.

- 7 For the deeds in Exhibit 2, I have provided the order of the witness in the text to facilitate identification.
- 8 In addition to CLASSEN, *Verträge* (as in n. 1), p. 263–264, see especially: Wilhelm STÖRMER, *Früher Adel. Studien zur politischen Führungsschicht im fränkisch-deutschen Reich vom 8. bis 11. Jahrhundert*, Stuttgart 1973 (Monographien zur Geschichte des Mittelalters, 6), here: Part 2, p. 274–275; Wilfried HARTMANN, *Ludwig der Deutsche*, Darmstadt 2002, p. 39; Kathy PEARSON, *Conflicting Loyalties in Early Medieval Bavaria*, Aldershot 1999, p. 204–208; and NELSON, *Le partage de Verdun* (as in n. 1), p. 253–254.
- 9 The most complete examination is still Eduard HLAWITSCHKA, *Franken, Alemannen, Bayern und Burgunder in Oberitalien (774–962). Zum Verständnis der fränkischen Königsherrschaft in Italien*, Freiburg/Breisgau 1960 (Forschungen zur oberrheinischen Landesgeschichte, 8).
- 10 NELSON, *Le partage de Verdun* (as in n. 1), p. 253; although it is not certain that he had actually retired to his Bavarian estates during his enforced political retirement since 828. A *Paldrib* does appear as a witness to Freising deeds between April 828 and April 830 (Trad. Freising, Nrs 556c, 567, 568a/b, 569, 585b, 591), but his very low precedence in these lists may raise doubts about his identity with the former duke; two *Paldrihs* occur together in January 836 for the last occurrence of the name before 843 when one, almost certainly not the seller, occurs at the investiture for which see below (Nrs 610, 703 and Exhibit 2). I am unable to discern any obvious pattern other than the chronological concentration.

thar's representatives, one of his 40 magnates who had been designated to negotiate the final agreement with the 40 representatives each of Ludwig and of Charles. If so, his August attendance with his personal retinue at Verdun is easily explained.

The rationale underlying the full membership of the witness list, however, is not so obvious¹¹. Such lists usually follow some sort of official or social hierarchy. Thus, it is not surprising that the first witness is a Fritilo identified as *palatinus comis*, that is, count palatine. But his actual sphere of authority is not so clearly defined¹². Like his predecessor, Timo, he seems to have been quite active in an official capacity around Freising and elsewhere in western Bavaria, but he is not prominent as a regular official further east. Similarly, the next five witnesses are all designated as *comis*, that is, Frankish sheriffs, the royal officials who were the backbone of imperial administration¹³. All of these persons are known from other Bavarian and particularly Freising sources. The two Cundpalds (2 and 3) who appear directly after Fritilo are difficult to separate in these documents; one is probably the *vassus dominicus*, the imperial vassal who appears at three important Bavarian judicial assemblies in 822¹⁴. The next sheriff, Ratolt (4), however, can be traced clearly. He too seems to appear first as an imperial vassal in 822 and then twelve times as sheriff between 837 and 855 repeatedly in the western part of Bavaria beyond the river Amper where Paldric's properties lay. In 855 a small place, Kienaden near Bergkirchen close to the river Amper, is said to be in Ratolt's *comitatus*, a very rare early reference to a comital jurisdiction¹⁵. Herilant (5), likewise, occurs eight times in the Freising record between 828 and 848; and Orendil (6), the second sheriff of that name is documented in the Freising record four times between 841 and 864. Thus, with the possible exception of one of the Cundpalds, all the sheriffs who witnessed Paldric's sale at Verdun seem to have been active as officials primarily within the diocese of Freising, and it is not surprising to see them standing up with Bishop Erchanbert to witness his important purchase. Perhaps, in addition, Fritilo had some sort of official responsibility for this particular group of sheriffs and their shires?

But these were not the only sheriffs active in Ludwig's Bavarian realms at this time. As we shall see, the important marcher officials from the far eastern colonial regions, intensively studied by Michael Mitterauer, are not included amongst the comital wit-

11 The following remarks draws upon two data-bases which I developed on Excel spread sheets for my studies in: *From Ducatus to Regnum* (as in n. 5), and in: *Town and Country in Early-Medieval Bavaria: Two Studies in Urban and Comital Structure*, Oxford 2012 (BAR International Series, S2437); the contents are displayed graphically there. The index to the Freising cartulary separately designates individuals as *comes* and thus allows references to be verified easily.

12 STÖRMER, *Früher Adel* (as in n. 8), p. 414–424; HAMMER, *From Ducatus to Regnum* (as in n. 5), p. 262–265; Christof PAULUS, *Das Pfalzgrafenamt in Bayern im frühen und hohen Mittelalter*, Munich 2007 (Studien zur bayerischen Verfassungs- und Sozialgeschichte, 25), p. 117–131, who is unable to document any official role outside Freising (p. 128–131) although it is reasonable to suppose some broader authority for the only *Pfalzgraf* known from Bavarian sources.

13 This is the spelling used in these documents rather than the more correct, classical *comes*; for full discussion of the office see: HAMMER, *Town and Country* (as in n. 11), Part II, p. 27–45.

14 Trad. Freising, Nrs 463, 466, 475.

15 Ibid., Nr 746; in 823 Vierkirchen, about 15 km to the north, is identified as *in ministerio Liutpaldi comitis* (Nr 484) for whom see below.

nesses¹⁶. Nor, apparently, does it include all of the sheriffs even from Old Bavaria lying between the rivers Lech and Enns, both southern tributaries of the Danube. I have argued elsewhere that in the early years of his reign Ludwig elevated the authority of the Old Bavarian sheriff and diminished his number¹⁷. From 840 for the balance of his reign and those of his successors, the number of sheriffs in Old Bavaria probably did not exceed ten to fifteen. While it is true that the relative scarcity of deeds in the Regensburg and Passau episcopal cartularies and from Salzburg affects our perception of these large Old Bavarian dioceses, sheriffs may be absent also from the parts of Freising diocese to the northeast and southeast of the river Isar. The witness list does not include at least five serving sheriffs, none of whom was notably active in far western Bavaria: Anzo, Hrodolt I, Oadalschalch, Willihelm I and possibly Papo I¹⁸.

Even within far western Old Bavaria where Paldric's properties lay, the number may be incomplete. In 837 an important court session met at Ainhofen about 10 kilometers to the southeast of his properties¹⁹. Four sheriffs were present there including Ratolt who witnessed as a sheriff at Verdun, but the other three, Liutpald, Engilhart and Rihho do not appear in the witness list. The first two, Liutpald and Engilhart, both amply documented in this same region by the Freising cartulary, may have been dead or retired from official duties by 843, but this was certainly not the case for Rihho who occurs repeatedly as a comital official in the Freising cartulary in western Bavaria between 819 and 855. He occurs along with Ratolt as a sheriff in a very important dispute settled at Paldric's former property at Tandern in 849 which involved two properties at nearby places also included in his sale: Singenbach and Hilgertshausen²⁰.

Rihho suggests another way to view this witness list: from the perspective of King Ludwig's court. We have two lists of prominent royal courtiers witnessing to grants in the East and executed at Regensburg very early in 837 and in October 848, that is, five to six years before and after Verdun²¹. The earlier list, a private deed recording a grant by Ratpot *comis*, provides 25 names and the later, the memorandum of a grant made at a royal court session, contains 21 names (Exhibit 3). The count palatine, Fri-

16 Michael MITTERAUER, *Karolingische Markgrafen im Südosten. Fränkische Reichsaristokratie und bayerischer Stammesadel im österreichischen Raum*, Vienna 1963 (Archiv für österreichische Geschichte, 123).

17 HAMMER, *Town and Country* (as in n. 11), p. 31–32.

18 *Id.*, *From Ducatus to Regnum* (as in n. 5), Table 5, p. 254.

19 *Trad. Freising*, Nr 626.

20 *Ibid.*, Nr 703 (Exhibit 2). The sheriff Fridarat who occurs first of the three sheriffs there is otherwise undocumented in Bavaria, but he was evidently the father of the sheriff Managolt who occurs sometime before 869 (*ibid.*, Nr 898), and who is evidently the fourth witness at Tandern (see also below).

21 Josef WIDEMANN (ed.), *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram*, Munich 1943 (Quellen und Erörterungen zur bayerischen und deutschen Geschichte, N.S. 8), Nr 29 (837), for which see HAMMER, *From Ducatus to Regnum* (as in n. 5), p. 257–260; MGH, *Diplomata regum Germaniae ex stirpe Karolinorum*, vol. 1 (Ludwig der Deutsche), Nr 46, there dated to 847 but corrected to 848 with text and commentary by Herwig WOLFRAM in his commentary on the »*Conversio Bagoariorum*«, c. 12: Salzburg, Bayern, Österreich. *Die Conversio Bagoariorum et Carantanorum und die Quellen ihrer Zeit*, Vienna, Munich 1995 (Mitteilungen des Instituts für österreichische Geschichtsforschung, Ergänzungsbd. 31), p. 325–330.

tilo, does not occur in 837 but his predecessor and possibly his father, Timo, does, and Fritilo appears as the fifth witness in 848 confirming that their office was considered an important one by the ruler²². On the other hand, amongst the sheriffs neither Cundpald, nor Herilant nor Orendil is present in either list of courtiers. Ratolt is found only in the 837 list although we have just seen that he was still active as a sheriff in 849, and his colleague Rihho, absent in 843, likewise occurs only in 837 where he is singularly designated amongst the later witnesses as *comis*. Thus it does not seem that any of the Freising sheriffs who witnessed Paldric's deed were clearly core members of Ludwig's royal entourage.

This conclusion is strengthened by the three most prominent persons named in both the Regensburg deed and the royal grant, Ernst, Ratpot and Werinheri, whom we know from other sources to have been Ludwig's chief lieutenants in western Old and eastern colonial Bavaria during this period²³. It is highly unlikely that none of them was present at Verdun. On the contrary, they must have been prominent amongst Ludwig's representatives in forging the final agreement and division. Yet none of them apparently attended such an important transaction by such an important magnate as Paldric. However, other, less prominent attendants at his court are found amongst the four persons who, without any indication of title, follow the sheriffs in Paldric's witness list: Adalperht (7), Managolt (8), Reginperht (9) and Adalhoh (10). A Reginpreht (*sic*), Adalhoh and Managolt all witnessed as a group towards the end of Ratpot's deed in 837, and Managolt, alone of the three, appears at the end of the grant's witness list in 848. Two Adalperhts occur in the royal grant of 848, and Adalperht's position as the seventh witness at Verdun, directly after the sheriffs, suggests that he was one of these two. In fact, a sheriff Adalperht occurs in Freising deeds in February 843 where he presided with Ratolt over a case of rent-payment (*census*) and in May 853 when he exchanged properties with Bishop Erchanbert²⁴. Both transactions involved places in far western Bavaria (Oberbachern, Überacker and Landsberied) so that Adalperht clearly had strong connections to this particular area like other sheriffs witnessing the deed, and perhaps his lack of a title in Paldric's deed is a scribal omission. In sum, just five of the 25 Ludwig's courtiers in 837 and only four of the 21 in 848 seem to occur in Paldric's witness list and none in a particularly distinguished position²⁵. Only the count palatine Fritilo could be reckoned to the core of Ludwig's court, and none of his other leading court magnates appears.

22 These identifications are accepted by PAULUS, Pfalzgrafenamt (as in n. 12), p. 129, although he apparently doubted (»ist fraglich«) Timo's identity a few pages earlier (p. 126, n. 133); he continues to use the MGH dating of Ludwig's Diplomata (as in n. 21), Nr 46, to 847, despite Wolfram's persuasive conclusions.

23 See STÖRMER, Früher Adel (as in n. 8), p. 226, and most recently Roman DEUTINGER, Königsherrschaft im ostfränkischen Reich. Eine pragmatische Verfassungsgeschichte der späten Karolingerzeit, Ostfildern 2006 (Beiträge zur Geschichte und Quellenkunde des Mittelalters, 20), p. 189–196 and *passim*.

24 Trad. Freising, Nrs 656, 736. Because I did not take account of the 848 grant, I did not note Adalperht's position in my From Ducatus to Regnum (as in n. 5), p. 260.

25 This differs from Eric GOLDBERG's conclusion of »considerable overlap«, drawn exclusively from name coincidence: Struggle for Empire. Kingship and Conflict under Louis the German, 817–876, Ithaca 2006, p. 116.

Below this initial group of ten witnesses who can be identified with some confidence, characterization of the balance of the 67 witnesses, excluding the 22 vassals, is much more hazardous. There is little doubt that the eleventh witness, Irinc, and the sixteenth, Piligrim, with their distinctive names, are the persons whom we find regularly in other deeds from western Bavaria²⁶. Piligrim, as a prominent Freising episcopal official, an *advocatus* or steward, would surely have accompanied his bishop and attended such an important transaction as did his colleague, Eparheri (26), who acted as the bishop's steward in the transaction itself. In fact, the *vir nobilis nomine Piligrim* made an important grant to the diocese in the presence of Bishop Erchanbert on 6 July 843²⁷. This must have been just as the episcopal party was about to depart for Verdun, and, besides Piligrim, the names of nine of its witnesses, about a quarter of the total, also occur as witnesses to Paldric's sale²⁸. Perhaps these ten made up the bishop's immediate travel party? Piligrim also attended the investiture twelve days later on 22 August as the fifth witness where an Adalperht leads the witness list and a Coteperht, possibly Piligrim's father and also a Freising diocesan officer, comes second²⁹.

Much further down the Verdun list, the 54th witness bears the supposedly exclusive Merovingian/Carolingian name, Hludowic, which was also borne in the previous century by an otherwise obscure western Bavarian witness, Hludiwic³⁰. Perhaps, the seven *Friesoni vassalli dominici*, also belong here: two Adalharts occur as witnesses to an earlier grant at Singenbach in 836 and were also at Verdun amongst these vassals³¹. A Freaso made a grant to Freising in 823 for the souls of *Keparohi et Erchanrata*, evidently his parents³². The place, the *curtem qui dicitur Poh*, is not certainly identified, but the first two witnesses are Engilhart and Liutpald who, as we just saw, were very active as sheriffs in western Bavaria at this time, and the fourth witness is a Ratolt who may be the sheriff who later succeeded Liutpald. Two Keparohs (33, 34) occur together as witnesses at Verdun, and the names of two other witnesses in 823 are also amongst Frieso's vassals twenty years later: Lantfrid (3) and Perhtolt (5). A Frieso appears as the 15th witness at Tandern in 849. These are all indications

26 For Irinc see, for example, Trad. Freising, Nr 701.

27 Ibid., Nr 660.

28 See Exhibit 2. In alphabetical order: Altolf (15/28), Altrih (25/31), Eparheri (6/26), Folmot (17/22), Friduperht (8/49), Jacob (22/62), Otperht (16/27), Reginhart (9/50), and one of the two Willihelms (4,5/32).

29 STÖRMER, Früher Adel (as in n. 8), p. 429–431. The place of the investiture is not given, but it conceivably took place in western Bavaria where custom would dictate. Otherwise, it is difficult to understand why it was delayed for twelve days. This would be a demanding journey but just possible by way of Strasbourg for a small party in a hurry. A Bavarian event would also be suggested by the presence of the two Hittos at the investiture (6,35) who also had witnessed Piligrim's grant on 6 July at Freising (12,35). Neither Hitto occurs amongst the Verdun witnesses although their common name indicates a close relationship to the western Bavarian Freising episcopal dynasty of which Erchanbert was the last representative.

30 Trad. Freising, Nr 73 (2 September 776 for Höchenberg or, more probably, Hohenbercha). For comment see Carl HAMMER, Pipinus Rex: Pippin's Plot of 792 and Bavaria, in: Traditio 63 (2008), p. 235–276, here: p. 243.

31 Trad. Freising, Nr 609; this grant by the priest Erchanfrid was the occasion for the later assembly at Tandern (Nr 703).

32 Ibid., Nr 495.

that these seven vassals do not bear an *ethnicon*, »Frisian«, as has sometimes been suspected. Rather, their bond was personal, and their absent lord, Frieso, evidently came from a family which had significant interests in western Bavaria although he never occurs as an official there.

Without entering into interminable prosopographic arguments, we may reasonably conclude that our brief examination supports Kathy Pearson's earlier suggestion that the 77 witnesses at Verdun were predominately members of the Freising diocesan contingent³³. Moreover, we can go quite a bit further and assert with some confidence that the far western portion of that diocese beyond the rivers Isar and Amper where Paldric's properties were located supplied the bulk of the witnesses. With the possible exception of the first ten witnesses, this skewed representation is only what we would expect in the witness list to an ordinary deed executed within the diocese, but not quite so far away as Verdun. I think we can exclude the possibility that so many ventured so far solely to witness the transaction, however important it was. But, if this is so, what are the implications for the assembly at Verdun?

The first is that the assembly at Verdun must have been very large indeed. But the numbers in our witness list are not so large as to be improbable when generalized. If each of the first ten witnesses, all of whom were royal officials or otherwise connected to the court, journeyed to Verdun with a retinue of five to ten others, we would easily attain our deed total. This retinue size is considerably less than Paldric's 15 vassals and Bishop Erchanpert's 10 putative travel companions, and not more than the seven vassals just reckoned to Frieso. Further, if we take account of the Bavarian sheriffs and courtiers not included in the witness list, we might imagine that our 77 witnesses constituted only one half to one third of the total Bavarian contingent at Verdun. To these we would need to add the similar contingents from Ludwig's other territories, certainly from Alemannia, Eastern Francia and Saxony. Thus, one might conclude that Ludwig's total entourage at Verdun numbered several hundred. If one assumes – once again admittedly arbitrarily – that Lothar and Charles brought similar contingents, then the total numbers present there might easily approach those of the Frankish host when fully mustered for campaign³⁴. Moreover, these numbers take account only of the freemen participants; each party would have brought along companions and various servitors suitable to its station. The place of the deed's transaction, Dugny, located on the river Maas 8 kilometers south of Verdun, may have been where the Bavarian contingent camped, but, if the assembly were as large as I have just argued, the main sessions with all participants would, of necessity, have been held outside the town. The *Dung-eih* or the »Oak Tree upon the Hill« may have been such an ancient and prominent meeting site capable of accommodating such a mass assembly.

But why would so many undertake this expensive, arduous and not unriskey journey – or require it of others? As we saw, Piligrim thought it prudent to make a pious gift to Freising just before setting out. Aside from the sheriffs, were the numerous

33 PEARSON, *Conflicting Loyalties* (as in n. 8), p. 205; it is not clear to me what she means by »west Frankish« there.

34 So, likewise, NELSON, *Le partage de Verdun* (as in n. 1), p. 254: »nous pourrions envisager des milliers plutôt que des centaines de *fideles*.«

witnesses merely supernumeraries filling the stage at Verdun but not actively involved in the proceedings to which they then acquiesced under oath³⁵? One answer may be their function as protection but beyond that to overawe and to intimidate the other parties through their collective demonstration of solidarity with their King Ludwig. After all, these were three rulers who had been at each other's throats only shortly before. Mutual trust was probably in very short supply. The »connectivity« which, as Janet Nelson has argued, characterized Frankish assemblies, must have been limited largely to the respective royal contingents³⁶. Still, the declarations, the *adnuntiationes*, that the three brothers swore to each other at Verdun to respect their respective territories were sworn not only by the rulers themselves but evidently also by their *fideles* as at Strasbourg in the previous year and were an essential part of the final settlement³⁷. Thus, this broad, mutual demonstration of royal power, which enlisted the direct participation of so many, despite its antagonistic elements, may nevertheless have served to ensure observance of the *concordia*, the »agreement«, to which Paldric's deed refers as one of the outcomes of the assembly.

It may also have served the *divisio* to which the deed likewise refers. In the first place, by producing large contingents from various territories, the rulers would be staking a claim to them. However, these contingents may also have played a more integral role in the administration of the *divisio*. To understand this, we must understand the work that was done in preparation for the meeting at Verdun. Thanks to Nithard's history we are exceptionally well informed by one who participated in the process by which the final settlement was negotiated. Together with the accounts in the east Frankish Fulda Annals, the west Frankish Annals of St Bertin, and the Xanten Annals we have a very complete and largely consistent account of the difficulties in reaching agreement on the *divisio* or partition amongst the three brothers³⁸. The basic problem was arriving at an agreeable distribution of the territories. When the rulers' representatives met at Coblenz in October 842 to work out such a division, they determined that they lacked the basic information to carry out their task. Accordingly, in the following month it was agreed that *missi strennui*, special commissioners noted for their vigor, should be dispatched immediately throughout the realms subject to their authority to collect the information needed to effect the most equitable division³⁹. Even the three »reserved« territories such as Bavaria

35 This seems to be the sense of Peter CLASSEN's remarks in his, *Verträge* (as in n. 1), p. 263, where he allows only that, »die bayerischen Grafen (...), die gewiß nicht zur ›Reichsaristokratie‹ im Sinne Gerd Tellenbachs gehörten, werden kaum unbeteiligt sein. Zumindest Treueide auf den jeweiligen Teilkönig dürfte man von allen verlangt haben.« Presumably, »allen« includes the balance of the witnesses (see below), but their oaths could have been extracted more economically at *placita* in Bavaria as was the established practice.

36 Janet NELSON, *How Carolingians Created Consensus*, in: Wojciech FALKOWSKI, Yves SASSIER (eds.), *Le monde carolingien: Bilan, perspectives, champs de recherches*, Brepols 2009, p. 67–81, here: p. 69–70.

37 CLASSEN, *Verträge* (as in n. 1), p. 260–263.

38 I here follow especially the account in GANSHOF, *Entstehungsgeschichte* (as in n. 1), p. 318–322; supplemented by CLASSEN, *Verträge* (as in n. 1), p. 255–259, and NELSON, *Le partage de Verdun* (as in n. 1), p. 241–246.

39 *Annals of St Bertin*, ed. Félix GRAT et al., Paris 1964, p. 43 (a. 842): *tandem inventum est ut missi strenui per uniuersum suae dicionis regnum deligerentur, quorum industria diligentior descriptio*

would have to be included to determine the basis for negotiating additions. The commissioners' findings were to be in the form of *descriptions* or surveys of all relevant properties, that is, of important bishoprics and abbeys, and of all estates pertaining to the Crown's domains, to comital jurisdictions, and otherwise to the fisc. These were to be collected during the balance of 842 and 843 and would form the basis for the final division at Verdun which meeting was now set for the following summer on 14 July 843.

Documents of this type are well known to historians, and the procedure for gathering them was undoubtedly well established amongst Frankish officials. Some standard formats evidently approved by the Crown are preserved in the fragmentary *Brevium exempla*, a formulary of sample estate surveys, which survives in a single manuscript and includes detailed descriptions of three widely separated property complexes from across Francia: one each from Bavaria (St Michael's church, Staffelsee, in Augsburg diocese with fragments of a complete diocesan survey), the Alsace (Weißenburg monastery), and Neustria (Annappes and four other Crown estates in northern France)⁴⁰. Thus, each type of property and territory anticipated at Coblenz was already covered in the formulary of the *Brevium*, and, although no date thus far proposed for the *Brevium* includes Verdun, its use cannot be excluded⁴¹. On the other hand, it is clear from the substantive differences between these surveys that there was no agreed single template which could be applied without adaptations to local conditions, since all three sets of surveys in the *Brevium* result from *ad hoc* situations with unique circumstances⁴². This diversity would impede summation and comparison. And this difficulty was only compounded by the tremendous scope of the proposed task and the limited time allotted. In fact, the only surviving *descriptio* thus far

fieret, cuius serie trium fratrum aequissima regni diuisio inrefragabiliter statuto tempore patraretur. It is not clear whether the reflexive *suae* refers to the *missi* or to the rulers; probably it is the latter, since there is no evidence for regular *missatica* in Bavaria at this time. In her excellent translation (The Annals of St-Bertin, Manchester, New York 1991), Janet NELSON renders this passage (p. 54): »It was finally decided that *missi* of outstanding ability should be selected from throughout the realms under their control, and thanks to their efforts a more detailed survey could be made, on the basis of which a really fair division of the realm between the three brothers would be completed by the time appointed.«

- 40 There is a diplomatic edition with manuscript facsimile in: Carlrichard BRÜHL (ed.), *Capitulare de Villis*. Cod. Guelf. 254 Helmst. der Herzog August Bibliothek Wolfenbüttel, Stuttgart 1971 (Dokumente zur deutschen Rechtsgeschichte in Faksimiles, Reihe 1. Mittelalter, 1), p. 6–7, 49–51; MGH, *Capitularia*, vol. 1, Nr 128, p. 250–256; there is a convenient introduction with links, Latin text, and English translation at: www.le.ac.uk/hi/polyptiques/brevium/site.html. A detailed examination of the Staffelsee portion of particular interest here is Konrad ELMHÄUSER, *Untersuchungen zum Staffelseer Urbar*, in: Werner RÖSENER (ed.), *Strukturen der Grundherrschaft im frühen Mittelalter*, Göttingen 1989 (Veröffentlichungen des Max-Planck-Instituts für Geschichte, 92), p. 335–369.
- 41 For a recent discussion which dates the original quite early to 794 see Darryl CAMPBELL, *The Capitulare de Villis, the Brevium exempla, and the Carolingian court at Aachen*, in: *Early Medieval Europe* 18 (2010), p. 243–264, here: p. 254; other dates into the early years of Louis the Pious' reign and as late as ca 830 have also been proposed.
- 42 In this limited sense, ELMHÄUSER, *Untersuchungen* (as in n. 40), p. 369, is right to insist that the Staffelsee survey which combines an inventory of the church and demesne estate with an extent or »Urbar« of the dependent servile holdings is not strictly a »Muster« or pattern, but it is a guide.

identified is the so-called »Churrätische Reichsguturbar« from southeastern Switzerland, obviously a document of exceptional character from an exceptional territory which may suggest exceptional circumstances for its compilation⁴³.

Indeed, this whole data-gathering exercise has elicited the scorn of Johannes Fried who maintains that, »So far as the sources reveal, no measuring or weighting was done at Verdun. No one counted up and distributed the resources. (...) If anyone had tried, he would inevitably have miscounted. (...) Division was made qualitatively, not quantitatively«⁴⁴. In a narrow sense, Fried is undoubtedly correct. Before the emergence of »political arithmetic« in the 17th century, European societies were able to collect immense amounts of data but not able to put them to good use. Historians still dispute the purpose of the largest such enterprise of the earlier Middle Ages, England's famous Domesday Book. There was certainly no »management by numbers« in the medieval period although, for particular properties, such surveys were surely consulted for such discrete activities as the collection of dues and itinerary planning. And, yet, well-informed contemporaries such as the St Bertin annalist still thought it was worth the immense effort to gather this information for the upcoming meeting at Verdun⁴⁵. It is unlikely that important and dynamic (*strennui*) magnates like the *missi* would waste their time on an imaginary exercise, particularly during the uncongenial season of winter. But are there other, documentary evidences that they did, in fact, succeed in collecting the desired *descriptions*?

In 1980 I published a short article on ecclesiastical inventories from early-medieval Bavaria⁴⁶. There I was concerned solely to place their lists of liturgical books, vestments and vessels within the appropriate cultural and cultic context, not otherwise to elucidate their precise historical circumstances. Even so, the fact that four of them from Freising were grouped so closely together in both place and date (842x3) caught my attention although circumstances prevented me from pursuing the matter⁴⁷. Two of these inventories (Nrs 3 and 6) probably are not immediately relevant to our concerns, since they concern only chattels and liturgical books owned by individuals⁴⁸. The other two Freising deeds, however, are in the form of estate surveys, that is, *descriptions* of three places apparently almost adjacent to one another. In fact, they are also adjacent to one another on facing folios in the Freising cartulary, and it is helpful

43 GANSHOF, Entstehungsgeschichte (as in n. 1), p. 325.

44 FRIED, Der Weg in die Geschichte (as in n. 4), p. 458–459: »Gemessen oder gewichtet wurde in Verdun, soweit die Quellen erkennen lassen, nicht. Niemand zählte und verteilte die Leistungskraft. (...) Hätte man es versucht, man hätte sich unweigerlich verzählt. (...) Man teilte qualitativ, nicht quantitativ.«

45 For the Annalist's (Prudentius?) view see the entry from 842 cited above in n. 39 which reflects a contemporary west Frankish perspective close to Charles' court, for which see: NELSON, Annals (as in n. 39), p. 7–9.

46 Carl HAMMER, Country Churches, Clerical Inventories and the Carolingian Renaissance in Bavaria, in: Church History 49 (1980), p. 5–17.

47 Ibid., Appendix: Nrs 3–6, p. 14–15.

48 Trad. Freising, Nrs 646 and 657; that is, no real property is described in these deeds as is also the case in the deed describing the church at Thankkirchen in 855 (Country Churches, Appendix, Nr 7; Trad. Freising, Nr 742), but a case could be made for including Nr 646.

to consider them together with a third, related document in the order of the cartulary manuscript rather than in the order adopted by the modern editor (Exhibit 4)⁴⁹.

These and other entries in this section of the cartulary were still being made by the Freising scribe, the priest and monk, Cozroh who had begun the cartulary about the year 824 under Bishop Hitto by first recording the older deeds of Hitto and his predecessors in the diocesan archive and then continued it to 848 entering contemporary deeds after first drafting them himself or as they came into his possession from others as with the Verdun deed⁵⁰. Everything indicates that he was an exceptionally conscientious and accurate transcriber of the original documents; his prologue to the cartulary emphasizes its pious character as a liturgical *liber memorialis* which would have called for particular care by its scribe⁵¹. All three places identified in these deeds are within the western part of Bavaria beyond the river Amper which we have been considering. The first, Bergkirchen lies just to the west of the modern county town of Dachau, and Feldgeding is only two kilometers due south of it. The third place, *Pipun*, is unidentified but is unlikely to be far away. Both Bergkirchen and *Pipun* had basilica churches which were well furnished and possessed significant agricultural holdings attached to each church as their endowments which was the usual practice required by canon law⁵². Feldgeding seems to have been merely an outlying estate in this small complex of properties. It clearly belonged along with *Pipun* to a priest named Oato about whom we know very little.

An *Oato clericus* appears amongst the clergy in a Freising deed from 813 who may be he, but he does not seem to have made his career there⁵³. Still, as his grant indicates, Oato was certainly the member of an important Bavarian family, since these two estates were his own property and possibly a part of his inheritance. It is also possible that Oato was the proprietor of Bergkirchen. None of these three documents has a contemporary header which was commonly provided by Cozroh to summarize the contents, and they are, perhaps, best read as three parts of a single, original document. The *descriptio* of Bergkirchen, the *Breve commemoratorium* or »account«, has no indication of ownership, but when the deeds are read in their manuscript order, it appears that the original, unidentified scribe (Cozroh himself?) moved on directly (*Nunc autem*) from Bergkirchen to describe »the same priest Oa-

49 Exhibit 4 follows the Cozroh-Codex, fos. 388^v (Trad. Freising, Nr 652) and 389^r–389^v (Nrs 654, 653).

50 No scribe is identified in Trad. Freising, Nr 661, and it is unlikely that Cozroh attended Verdun in what must have been his old age. The development of Cozroh's manuscript is described clearly in the introduction by Adelheid KRAH to the Bavarian State Library's on-line edition and is examined in greater detail in her: Die Handschrift des Cozroh. Einblicke in die kopiale Überlieferung der verlorenen ältesten Archivbestände des Hochstifts Freising, in: Archivalische Zeitschrift 89 (2007), p. 409–431.

51 Cozroh-Codex, fo. 3^r: *ut inperpetuum permaneret eorum memoria qui hanc domum suis rebus ditaverunt et hereditaverunt.*

52 The unique nature of the Bergkirchen deed within the evidence for early-medieval Bavarian estates is emphasized by Wilhelm STÖRMER, Frühmittelalterliche Grundherrschaft bayerischer Kirchen (8.–10. Jahrhundert), in: Strukturen der Grundherrschaft (as in n. 40), p. 370–410, here: p. 386–387. There is also a recent exposition of Bergkirchen's holdings in Thomas KOHL, Lokale Gesellschaften. Formen der Gemeinschaft in Bayern vom 8. bis zum 10. Jahrhundert, Ostfildern 2010 (Mittelalter-Forschungen, 29), p. 324–326.

53 Trad. Freising, Nr 307.

to's« properties in his second account or *ratio* of *Pipun* and Feldgeding which ends with the investiture. Both descriptions were then followed in Cozroh's manuscript order by Oato's actual grant or *traditio* to Freising which names no properties but refers, rather, to, »everything which is here above listed in this account (*ratione*)« which may intend only the properties at *Pipun* and Feldgeding but could conceivably also include Bergkirchen. At least, this is what Cozroh's arrangement in his cartulary seems to suggest.

None of these documents is dated, but the editor, Theodore Bitterauf, assigned them to 842 on the basis of their position in the manuscript. Cozroh did, indeed, follow a generally chronological order, and here he was evidently entering new or nearly contemporary documents. The two previous deeds in the cartulary are dated 14 January and 28 April 842, respectively; while the immediately following deed is dated only to the year 842, the next one is dated 8 August 842⁵⁴. Deeds from the summer of 843 occur somewhat later in the manuscript on folio 392^r, and Pilgrim's extensive grant of 6 July occupies folios 392^v to 393^v. However, manuscript sequence is not a totally secure method for dating, since we do not know the circumstances of the diocesan scriptorium and Cozroh's work habits precisely, and chronological anomalies occur throughout the manuscript⁵⁵. Three deeds explicitly dated to 4 January, 25 September and 22 December 843 all occur much earlier in the manuscript on folios 363^r and 364^v⁵⁶. Thus, the three documents under consideration here may well be from sometime in 842, but other nearby dates cannot be excluded.

Identifying the persons involved in the transactions may help to understand the proper chronology. The persons witnessing to the investiture (654) and to the grant to Freising (653) are similar but not identical suggesting that these were separate occasions as was normally the case⁵⁷. Of the 22 combined names in both documents, six are also found amongst the witnesses at Verdun⁵⁸. Of these, Pilgrim (16) as the bishop's steward, and Managolt (8) and, possibly, Reginperht (9) as royal courtiers are of particular interest. Likewise, sheriff Liutpald, who presided over Oato's grant (Nr 653), was clearly an important participant in these transactions. His absence at Verdun was noted above and is particularly striking in view of his unparalleled prominence in the Freising record between 807 and 837. However, from 837 onwards Raltolt seems to have been his successor in this western Bavarian *comitatus*, although Liutpald may have lived on. The third witness to Pilgrim's Freising grant of 6 July 843 was a Liutpald, possibly the former sheriff now in a non-official capacity although others of that name do occur⁵⁹. Thus, Oato the priest's original grant of prop-

54 Ibid., Nrs 643, 645, 647 and 648.

55 For examination of Cozroh's working procedures in assembling one portion of the cartulary see the codicological analysis in HAMMER, *From Ducatus to Regnum* (as in n. 5), Excursus 3, p. 305–325.

56 Trad. Freising, Nrs 655, 662 and 663.

57 Those of the 11 participants in 654 also amongst the 15 in 653 are, in order of the first document: Pilgrim, Managolt, Wuhas/Husamot, and Alpuni.

58 Pilgrim (16), Managolt (8), Regindeo (57), Immino (51?), Reginperht (9,25) and Kepahoh (33,34).

59 See Trad. Freising, 547c, from 827 where in addition to Liutpald *comes*, an *alius* Liutpald occurs as witness.

erties at (certainly) *Pipun* and *Feldgeding* may have taken place several years before 842 when Liutpald still held his comital office, and the investiture, possibly now also including *Bergkirchen*, took place later as can be seen from other transactions in the cartulary. Perhaps, the timing of the investiture was dictated by political developments similar to those which seem to have motivated *Paldric*: to dispose finally of properties located at a far remove from *Oato*'s primary interests.

The distinctive name of *Managolt*, a leading witness to both of *Oato*'s transactions, occurs in the *Freising* record and in western Bavaria from the mid-820s when was evidently already acquainted with *Piligrim*⁶⁰. He witnessed prominently at the important dispute held at *Tandern* in 849, but, evidently like his father sheriff *Fridarat*, his official career was elsewhere, and the only reference to a *Managolt comes* in the Bavarian record occurs when he witnessed to an undated deed sometime before 869⁶¹. As a magnate known to *Ludwig*'s court, *Managolt* would have been a good person to look after Crown interests in western Bavaria, since he would have been acquainted with the area and evidently still held property there⁶². But he was not compromised as a local official as was, for example, the local sheriff, *Ratolt*, or the bishop's steward, *Piligrim*. In short, *Managolt* would have had all the qualities of a *missus strennuus*. *Bergkirchen*, whether *Oato* the priest was its proprietor or not, and possibly *Pipun* and *Feldgeding* may have been among his interests.

In 814, »Bishop *Hitto* together with the sheriffs *Engilhart* and *Liutpald* assembled along with many others who came to the church which is called *Bergkirchen* to a court session«, to hear a plea regarding nearby *Odelzhausen*⁶³. Its role as the venue for a *placitum* seems to indicate that *Bergkirchen* with its important church and rich endowment either was then or formerly had been an immediate part of the fisc or attached to the support of the relevant *comitatus*, evidently that of sheriff *Liutpald* and later of *Ratolt*. In either case, its alienation would have been a matter of particular concern to the Crown. Perhaps, similar concerns included adjacent *Feldgeding* and *Pipun*? Given the issues raised by the magnates at *Coblentz* in October and implemented in November 842 (see above), *Ludwig*'s *missus strennuus* who was collecting *descriptions* in this region would certainly have wanted a precise accounting of such critical resources before they passed irrevocably into ecclesiastical possession.

The striking degree to which the survey of *Bergkirchen* follows, *mutatis mutandis*, the survey for *St Michael*'s church at *Staffelsee* in the *Brevium exempla* marks it out as an exceptional document within the *Freising* cartulary and within early-medieval estate documents⁶⁴. This similarity is even more remarkable given the variations in

60 See *ibid.*, Nr 547b.

61 See *ibid.*, Nr 703 (with Exhibit 2), and Nr 898a, where the two places granted by his sister, the nun *Peretkund*, at *Rohrbach* and *Rudlfing*, lie at the outer limits of our region; thus, *Managolt*'s title in this family deed may not indicate an official capacity but, rather, be to distinguish him from another of the same name: references to a »*Managolt*« without any title continue in the *Freising* record into the following century.

62 See *ibid.*, Nr 732 from 852 where the *nobilis homo nomine Manigolt presente coniuge sua* grants property at *Weilbach* for a benefice at *Bachern*.

63 *Ibid.*, Nr 327, p. 279: *Dum resedissent Hitto episcopus et Engilhardus comes et Liutpald comes ad ecclesiam qui dicitur Percchiricha et alii multi ibidem venerunt ad hoc placitum.*

64 *ELMHÄUSER*, Untersuchungen (as in n. 40), p. 341–342: »[*Bergkirchen*] bildet die wohl einzige Quelle, die der *Staffelseer* Beschreibung vom *Aufbau* her vergleichbar ist (...).« Like the other

the sample surveys of the *Brevium* noted above. Like the *Brevium* it begins with an inventory of the church at Bergkirchen listing liturgical utensils, vestments and books (*Brevium*, cc. 2-6), then it provides a survey of the demesne estate or home farm with its buildings, inventories of stock including resident servile labor, and the extent of its agricultural lands (*Brevium*, c. 7), and concludes with an account of dependent holdings with their servile inhabitants, renders of goods and services, and their stock (*Brevium*, c. 8)⁶⁵. The survey of *Pipun* and Feldgeding follows the same format in somewhat simplified form: the church and the demesne estate at *Pipun*, and then its dependent holdings nearby at Feldgeding. It is almost as though the scribe of these documents had the survey of Staffelsee before him! Perhaps, he did – or something very similar. The church of St Michael on an island in the Staffelsee, the seat of an 8th century rump diocese now incorporated into the diocese of Augsburg, is only about 90 kilometers south of Bergkirchen. There can be little doubt that the description of Bergkirchen from about 842 conforms faithfully to one of the standard forms approved by the Crown in official descriptions of properties, and those for *Pipun* and Feldgeding, likewise, fit well into this royal scheme⁶⁶.

Thus, these two unique accounts of church estates may, indeed, be connected to the meeting at Verdun where we know that Managolt and Pilgrim who were present at both of Oato's transactions attended along with other witnesses and where the now responsible sheriff, Ratolt, was also in attendance. We cannot know whether the *commemoratorium* of Bergkirchen and the *ratio* of *Pipun* and Feldgeding were brought along with other documentation to the meeting of the three rulers. We know of them only because these properties passed ultimately into Freising's possession and these particular accounts into Freising's archive where Cozroh then recorded them in his cartulary⁶⁷. Perhaps, they along with other descriptions were subsequently incorporated into a summary document which combined all relevant properties at some higher level for use at Verdun⁶⁸. This method was used in compiling the larger portion of the surviving Domesday Book manuscript where we have only the summary, not the raw data as here.

Or, perhaps, most such accounts were never recorded in writing with such obvious care. This may be another reason for the large turnout from a small country at Verdun. The witnesses to Paldric's sale may have come there as potential witnesses to various Crown properties and interests in western Bavaria of which they had personal knowledge. Declarations of fact under oath were regularly imposed on the king's *fideles* and other oath-worthy men to determine just such matters. When disparate facts needed to be gathered and delivered in a hurry, living documents could be more efficient than written ones. But the need to sort through so much data would also help to explain why the proceedings at Verdun seem to have been quite pro-

commentators, Elmhäuser does not consider the descriptions of *Pipun* and Feldgeding.

65 MGH, *Capitularia*, vol. 1, Nr 128, p. 250–252.

66 The use of the Classical technical terms for these estate surveys, [*breve*] *commemoratorium* and *ratio* may also indicate this, since they are, I believe, relatively rare in other Bavarian documents.

67 The church at Bergkirchen with its appurtenances and tithes was exchanged to a layman in the third quarter of the 10th century (Trad. Freising, Nr 1191).

68 This is evidently the view of Adelheid KRAH, *Die Entstehung der potestas regia im Westfrankenreich während der ersten Regierungsjahre Kaiser Karls II. (840–877)*, Berlin 2000, p. 194–196.

longed. If so, then the large numbers of men who attended there served not only the *concordia* as we noted above but also the *divisio*. And it appears that Ludwig did indeed profit from this procedure, since the relative poverty of his core territories, referred to at the beginning, was compensated by provision of territories west of the Rhine which, with the cities of Speyer, Worms and Mainz, provided – in Regino’s later gloss – »an abundance of wine« (*vini copiam*)⁶⁹.

Does all of this participation mean that the Treaty of Verdun should be viewed as a »popular« rather than a royal event? Was the outcome, the effective division of the Frankish Empire, something which the many participants, magnates, vassals and ordinary *fideles*, themselves promoted, perhaps even in opposition to their royal masters? Is it evidence, as many 19th century historians thought, of incipient national consciousness amongst the various peoples and polities whom the Carolingians had coerced over a century and a half into their multi-ethnic condominium? Peter Classen stressed, not without reason, that it was the magnates, the *primores regni*, who drove the whole process with the three rulers agreeing to everything their paladins proposed to them⁷⁰. However, these *primores regni* were members of the Frankish imperial aristocracy with interests, like Paldric, in several parts of the Empire and possibly uncertain prospects under any single ruler. Unwinding and consolidating their holdings to accommodate any division might, under favorable circumstances, be profitable but still extremely complex, risky and protracted. It is difficult to imagine why they would be so enthusiastic about any fundamental change in the *status quo* which seems to have served them quite well.

What the Frankish magnates clearly wanted was peace. If division were the only way to achieve that quickly by separating the belligerent monarchs, then some cooperation was warranted but only with extreme caution. Earlier proposals for division, as Classen emphasized, had stressed qualitative criteria, *affinitas* and *congruentia*, which addressed the trans-regional aristocratic interests of the *primores* directly rather than a quantitative concern for royal resources alone as was now the case⁷¹. At Coblenz in October 842 the 120 magnates charged with doing the deal may have been less than forthright in their declarations of incapacitating ignorance. Today, in government, business and all other large institutions, a popular strategy for delaying or terminating an unwelcome measure is to allege the need for »further study«. Perhaps, the ninth century was not so different, and the magnates were making extreme demands in order to shift the terms back to the earlier and more congenial ones.

Rather, it appears to have been the two half-brothers, Kings Ludwig and Charles, who were the ones with the most to gain from the division, since they would rule – or hope to rule – over coherent territories largely free of external interference or obligations, and for them sufficient resources to rule was the vital concern. Lothar, on

69 Regino von Prüm, *Chronicon*, with the *Annals of St Bertin*, cited in CLASSEN, *Politische Verträge* (as in n. 1), p. 22–23.

70 *Ibid.*, p. 259; the statement of Charles the Bald in 859 cited there strikes me as particularly disingenuous.

71 *Ibid.*, p. 258: »kann *affinitas* auch rechtlich gefestigte Freundschaft [amongst the nobility] bezeichnen. Unter *congruentia* wird man (...) am ersten den Maßstab des nach Recht und Billigkeit wie auch nach der politischen Lage Angemessenen zu verstehen haben.« Possibly, this is the source of the remarks cited above by Classen’s student, Johannes Fried.

the other hand, must have found any proposed division much less congenial, since it entailed, in effect, the diminution – even the liquidation – of his imperial authority just as the new concern for equality of shares rather than *congruentia* took no account of his precedence. Perhaps, then it was Ludwig and Charles, sitting together in Worms in late 842 and negotiating by messenger with a reluctant Lothar, who took up the magnates' challenge and pressed the dispatch of the *missi strennui* across the countryside to gather the missing information. In the event, all parties, the rulers and their followers, must have accepted certain conditions which were problematic to them. The least affected would have been the regional worthies like the western Bavarian sheriffs, Freising diocesan officials, and local landholders who accompanied Bishop Erchanbert to Verdun where they witnessed to Paldric's lucrative acceptance of the consequences of the work that had just been accomplished there.

Annexe

*Exhibit 1: Paldric's Deed of Sale at Verdun**(Freising, Deed Nr 661, 10/22 August 843, from the Cozroh-Codex)*

[fo. 394^r] *Notitia, qualiter Erchanbertus venerabilis episcopus necnon et quidam vir nobilis nomine Paldricus inter se communi conventionione placita sua constituerunt. In nomine domini dei et saluatoris nostri Jesu Christi. Notum sit omnibus Christianam religionem colentibus, quod Erchanbertus Frigisiensis ecclesie episcopus annuente gratia divina cum Paldrico viro venerando se coadunavit talium rerum, ut sequens ratio per ordinem demonstrat; hoc est quod idem episcopus idemque vir nominatus convenerunt in loco nuncupante Dungeih quod est iuxta civitate Viriduna ubi trium fratrum Hludbarii, Hludouuici et Karoli facta est concordia et divisio regni ipsorum condixeruntque, quod prefatus Baldricus proprietatem quam haberet in finibus Baiouuariorum pro pecunia valente libras CCL tradidisset ad domum sancte Marie et ut Erchanbertus dictus episcopus [duoque]⁷² nepo[tes] sui Reginbertus videlicet [et ...] eandem proprietatem usque ad exitum vite ipsorum ad proprium haberent censusque ab eis annuis temporibus ad iam dictam domum dei veniret de argento solidos II, hoc est de cuique illorum unus interdum cum viverent. Post hec accessit prenotatus Baldricus et tradidit in capsas sancte Marie ac in manus Erchanberti episcopi et nepotis sui [fo. 394^v] Reginberti atque advocati illorum Eparbarii talem proprietatem quam haberet in exercitu Baiouuariorum in locis nominatis Tan-nara, Helidkereshusir, Chleninuuua, Munninpah cum omnibus ad hec pertinentibus, hoc est curtem cum domo, mancipiis, territoriis, pratis, pascuis, silvis, aquis, aquarumve decursibus, mobile et immobile, totum et integrum cum omni integritate et iusta acquisitione pertinente ad loca vocata. Isti sunt testes per aures tracti secundum legem Baiouuariorum: [77 names as in Exhibit 2]. Et isti sunt Friesoni vassalli dominici: [7 names as in Exhibit 2]. Et isti vassalli Paldrici: [15 names as in Exhibit 2]. [fo. 395^r] Isti etiam sunt fideiussores Sigipoto Cundpald a quibus Erchanbertus episcopus et advocatus eius Eparbarius una cum nepoti[ibus] sui[s] Reginperhto [...] predictarum rerum XI. kal. sept. vestituras acceperunt coram multis testibus quorum nomina: [40 names as in Exhibit 2]. Anno incarnationis domini DCCCXLIII. indictione VI. Actum die decimo mensis VIII., hoc est IIII. id. aug.*

A notice that the venerable Bishop Erchanbert as well as a certain noble man by the name of Paldric settled their affairs by a mutual agreement between themselves. In the name of Our Lord God and Savior Jesus Christ. Be it known to all adhering to the Christian religion that Erchanbert, bishop of the Freising church, by the assent of divine grace joined together with the esteemed man Paldric regarding such matters as the following account in turn demonstrates. That is, that the same bishop and the same named man met in the place called Dungey which is next to the city of Verdun where the agreement of the three brothers, Lothar, Ludwig and Karl, and the division of their realm was made, and they agreed that the aforementioned Paldric should convey the property which he held within the boundaries of the Bavarians to the cathedral church of St Mary for money worth £ 250 and that Erchanbert, the already said bishop, [agreed] that his nephew[s], Reginpert to whit [and Anthelm]⁷³ should hold that same property as their own until the end of their life, and rent of two shillings in silver from them at annual terms should come to the already said cathedral of God, that is from each of them one shilling while they should live. After this, the afore noted Paldric approached and conveyed into the reliquary chests of St Mary and into the hands of Bishop Erchanbert and of his nephew Regin-

72 Erased or altered words indicated by italicized square brackets [].

73 Supplied from Trad. Freising, Nr 635.

bert and of their steward Eparhari such property as he held within the muster of the Bavarians in the places named Tandern, Hilgertshausen, Klenau, Munninpah together with all things pertaining to them, that is, the manor place with the dwelling, slaves, lands, meadows, pastures, waters and water courses, chattels and real, all and complete with everything integral and by just acquisition pertaining to the said places. These are the witnesses tugged by the ears according to the Law Code of the Bavarians: [77 names as Exhibit 2]. And these are Frieso's dominical vassals: [7 names as Exhibit 2]. And these the vassals of Paldric: [15 names as Exhibit 2]. These also are the guarantors: Sigipoto, Cundpald, from whom Bishop Erchanbert and his steward Eparhari together with his nephew[s] Reginpert [and Anthelm] accepted investiture of the aforesaid properties on the 11th calends of September in the presence of many witnesses of whom the names are: [40 names as Exhibit 2]. In the year of the Lord 843, in the 6th Indiction; done on day ten of the 8th month, that is the 4th ides of August.

Exhibit 2: Deed witnesses from Trad. Freising

	Testes Nr 660 Kberg/Ried/ Allhsn	Testes Nr 661/1 Verdun	Testes Nr 661/2-3 Vassali Dominici	Testes Nr 661/4 Vestitura	Testes Nr 703a/1 Tandern	Testes Nr 703a/2 Hilgertshsn	Testes Nr 703b Munn/Ried
1	Kepolf 1	Fritilo palcom 1	Ermfrid vdFr 1	Adalperht 1	Fridarat com 1	Pertolt 1	Engildrud 1
	Wicpald 2	Cundpald a com 2	Waldker vdFr 2	Cotaperht 2	Rihho com 2	Wichelm 2	Rihpald 2
	Liutpald 3	Cundpald b com 3	Lantfrid vdFr 3	Etih 3	Ratolt com 3	Piligrim 3	Zeizhilt 3
	Willihelm a 4	Ratolt com 4	Germo vdFr 4	Cundperht 4	Managolt 4	Amoto 4	Starcholf 4
5	Willihelm b 5	Herilant com 5	Perhtolt vdFr 5	Piligrim 5	Cotaperht 5	Waldker 5	Megin- perht 5
	Eparheri 6	Orendil com 6	Adalhart a vdFr 6	Hitto a 6	Piligrim 6	Wolmot 6	Willihelm 6
	Liutperht 7	Adalperht 7	Adalhart b vdFr 7	Eparheri 7	Purchart a 7	Alprihc 7	Eparheri 7
	Friduperht 8	Managolt 8	Sigipot vdPa 1	Jusiph 8	Cunzo 8	Meginfird 8	Wichelm 8
	Reginhart 9	Reginperht a 9	Kerans vdPa 2	Folmot 9	Eparheri 9	Hruod- perht 9	Isangrim 9
10	Choanrat 10	Adalhoh 10	Otachar vdPa 3	Willihelm 10	Adalker a 10	Otperht 10	Amoto 10
	Cundheri 11	Irin 11	Camanolf vdPa 4	Waldker 11	Adalo 11	Humperht 11	Erchanfrid 11
	Hitto a 12	Hunolf 12	Folchans vdPa 5	Oadalrih 12	Oadalrih 12	Jacob 12	Eccho 12
	Kaganhart 13	Cundalperht 13	Deotolf vdPa 6	Isankrim 13	Kysalfrid 13	Liutprant 13	Isanhart 13
	Nothart 14	Cundperht 14	Hiltihram vdPa 7	Isanhart 14	Cotauorht 14	Ippo 14	Cundpald 14
15	Altolf 15	Keio 15	Kerrih vdPa 8	Froimar 15	Frieso 15	Sigahart 15	Keio 15
	Otperht 16	Piligrim 16	Drudpald vdPa 9	Nordperht 16	Petto a 16	Stallo 16	Moricho 16
	Folmot 17	Heriperht a 17	Leipwin vdPa 10	Wisunt 17	Mahtuni 17	Reginhoh 17	Gaganhart a 17
	Engilpern 18	Meginolt 18	Engilperht vdPa 11	Reginpoto a 18	Eginolf 18		Gaganhart b 18
	Deotperht 19	Canto 19	Dincfrid vdPa 12	Perhtrih 19	Meginperht 19		Hruod- perht 19
20	Liutprant 20	Kepahart 20	Magnus vdPa 13	Pisin 20	Willihelm 20		Lantolt 20
	Arfrid 21	Liuthart 21	Reginperht vdPa 14	Jacob 21	Cundperht 21		Riholf 21
	Jacob 22	Folmot 22	Frumolt vdPa 15	Altolf 22	Pald a 22		Oadalscalh 22

	Testes Nr 660 Kberg/Ried/ Allhsn	Testes Nr 661/1 Verdun	Testes Nr 661/2-3 Vassali Dominici	Testes Nr 661/4 Vestitura	Testes Nr 703a/1 Tandern	Testes Nr 703a/2 Hilgertshsn	Testes Nr 703b Munn/Ried
	Reginolf 23	Petto 23		Lantperht a 23	Hitto 23		Amo 23
	Liutker 24	Regino 24		Talamot 24	Altolf 24		Cotaperht 24
25	Altrih 25	Reginperht b 25		Erchanolf 25	Cotahelm 25		Immino 25
	Irphinc 26	Eparheri 26		Rihheri a 26	Pald b 26		Otperht 26
	Rihilo 27	Otperht 27		Hucperht 27	Deotpald 27		Einwic 27
	Isanperht 28	Altolf 28		Frecholf 28	Hruodolt 28		Adalpero 28
	Hroadperht 29	Adalo 29		Paldrih 29	Hruod- perht 29		
30	Hroadhart 30	Eginolf 30		Ekkiheri 30	Folmolt 30		
	Cunzi 31	Althrih 31		Cozperht 31	Cundpald 31		
	Ampricho 32	Willihelm 32		Hrodperht 32	Odolt 32		
	Leo 33	Kepahoh a 33		Rihheri b 33	Rihheri 33		
	Ellanhart 34	Kepahoh b 34		Lantperht b 34	Eiio 34		
35	Hitto b 35	Tozzi 35		Hitto b 35	Waltfrid 35		
	Anthelm 36	Hringolf 36		Hiltolf 36	Meginfrid 36		
	Reginpato 37	Sigiwart 37		Hrodlant 37	Alprih 37		
		Cozzolt 38		Eparhelm 38	Jacob 38		
		Waltfrid 39		Reginolt 39	Liutperht 39		
40		Alphrih 40		Reginopot b 40	Hiltipald 40		
		Mahtperht 41			Cros 41		
		Rihperht 42			Wichelm 42		
		Willihart 43			Otperht 43		
		Rocholf 44			Crimuni 44		
45		Kernod 45			Meiol 45		
		Tozzilo 46			Juncman 46		
		Kartheri 47			Chuniperht 47		
		Job 48			Wicperht 48		
		Friduperht 49			Immino 49		

Testes Nr 660 Kberg/Ried/ Allhsn	Testes Nr 661/1 Verdun	Testes Nr 661/2-3 Vassali Dominici	Testes Nr 661/4 Vestitura	Testes Nr 703a/1 Tandern	Testes Nr 703a/2 Hilgertshsn	Testes Nr 703b Munn/Ried
50	Reginhart 50			Isanheri 50		
	Immo 51			Oadalscalh a 51		
	Tagaperht 52			Deotmar 52		
	Hiltikern 53			Isanhart 53		
	Hludowic 54			Cotafrid 54		
55	Erchanperht 55			Wolfolt 55		
	Irmfrid 56			Peradeo 56		
	Regindeo 57			Petto b 57		
	Chuniperht 58			Deotperht 58		
	Manno 59			Purchart b 59		
60	Enginpald 60			Adalwart 60		
	Cotaperht 61			Erlo 61		
	Jacob 62			Tunno 62		
	Alpkis 63			Liutker 63		
	Eccho 64			Starcholf b 64		
65	Helmuni 65			Eckyheri 65		
	Antres 66			Ranuolf 66		
	Oadalscalh 67			Tiso 67		
	Reginheri 68			Paldacchar 68		
	Perhtram 69			Oadalscalh b 69		
70	Urolf 70			Heriperht 70		
	Eigil 71			Umfrid 71		
	Ermperht 72			Stallo 72		
	Offo 73			Talamot 73		
	Rihheri 74			Eccho 74		
75	Heriperht b 75			Maricho 75		
	Engilrih 76			Adalker b 76		
	Meginperht 77			Kaganhart 77		

Exhibit 3: Witnesses at the Court of Ludwig the German

Regensburg Early 837	Regensburg 12 Oct 848
Ratpot com	Ernust
Ernost com	Ratpot
Werinheri	Werinheri
Timo	Pabo
Ermfrid	Fritilo
Ratpreht	Tacholf
Uto	Deotrih
Waning	Waninc
Willihelm	Gerolt
Rihheri	Liutolt
Wolfdregil	Deotheri
Poso	Wolfregi
Eginolf	Iezi
Perehtolt	Egilolf
Rihho com	Puopo
Adalo	Adalperht a
Ratolt	Megingoz
Popili	Adalperht b
Rodolt	Odalrih
Fritilo	Pernger
Reginpreht	Managolt
Adalhoh	
Managolt	
Papo	
Albker	

Exhibit 4: Freising, Deeds Nr 652, 653 and 654 in the order of the manuscript

[652: at head of fo. 388^v] *Breve commemoratorium hic innotescit, quod ibi invenimus ad Percchirichun: Inprimis basilicam, infra basilica altare tria, sindones XIII, capsam I deauratam, crucem I deauratam et aliam crucem de stagno paratam, coronam I deauratam, calicem et patenam I auro decoratas et alium calicem et patenam stagnates, lectionarium I, missalem I, campanas II una aera et alia ferrea, albam I, et planetam I; et ville qui ad illam basilicam decimam dant sunt VIII; curtem cum domo et horrea tria, infra domum mancipia VIII, servos VI et ancillas III, armenta XII, boves VII et alias iuniores V, porcos XXVI, oves II, aucas VII, et pullos IIII, caldarios II, unus minor et alter maior; vomerem I et ligonem I, falcem maiorem I, carras II, catenam I, cubam I et alia vasa ad cervisa utendem tria; de apibus alvearia II, de spelda modios X, et de ordea modios XI, et de segale modios XX; terram dominicam cultam colonia tria, de pratis carradas CC, et terram dominicam pleniter seminatum; et ibidem ad ipsam curtem aspiciunt mansos II vestitos; inter illos continentur mancipia X; uterque de ipsis mansis dant in anno de cervisa situlas XII, et uterque ex ipsis frisgingam I, pullos II; et utrasque uxores eorum operantur in anno camisalem I, et ipsi mansi operantur in ebdomada III dies, et ipsi habent armenta VIII; et unus de his habet caballum I, et alius mansus oves VI habet; et servus dominicus habet caballum I; et ipsi totos servi dominici armenta VI, et unus ex ipsis mansis habet porcos IIII.*

[654: at head of fo. 389^r] *Nunc autem ratio reddetur de proprietate eiusdem presbiteri Oatoni ad Pipun. Inprimis invenimus basilicam, altarem I, vestimenta altaria, sindones X, capsam auratam et aliam stagnatam, campanas II unam aeream et aliam ferream, missalem I, lectionarium I, collectarium I, antephonarium I plenum, missalia vestimenta II. Curtem cum domo, horrea IIII, terram cultam colonica VII, de pratis carradas CCL, de silva C, guges. Ad Feldcundingon domos II, horrea III, terram cultam colonica II, et de paludestri silva talem partem qualem communiter cum coheredibus suis habet, mancipia XV. Et idem supradictus presbiter Oato vestivit advocatum Piligrimum domni episcopi Erchanbertus [sic] quicquid de proprio hereditatis sue ibidem supramemoratur. Isti sunt qui hoc viderunt et audierunt quorum nomina: Managolt, Wubasmot, Alpuni, Regindeo, Hrdopreht, Hrodrih, Arn, Kisalrich the priest, Immino, Kerolt. Nunc vero de mancipiis quas supradictus presbiter Oato traditos habet ad sanctam Mariam. Haec sunt nomina: [8 men + 12 women] et infantulum I.*

[653: at foot of fo. 389^r] *In dei nomine. Ego Oato tradidi meam propriam⁷⁴ in loca ad Frigisingas ad sanctam Mariam totum quod hic supra [head of fo. 389^r] dinumeratum est in ea vero ratione, ut in alia loca non dirivetur nisi ad servitium ad sancte Marie ibidem monachis uat canonicis, ut nullo homini alio in prestaria non donetur. Hoc factum fuerat ante Liutpaldo comite. Haec sunt testes per aures tracti: Reginperht, Managolt, Pilicrim, Odolt, alius Odolt, Huasmot, Hugiperht, Alpuni, Hitto, Kerhart, Mahtuni, Ratgis, Wolfolt, Kepahoh, et alii multi qui viderunt et audierunt.*

652: A summary account of what we found there at Bergkirchen is noted down here. First, the basilica: within the basilica three altars; 13 linen altar cloths; one gilded reliquary; one gilded cross; and another cross made of tin; one gilded chandelier; one chalice and a paten, both adorned with gold; and another chalice and a paten, both made of tin; one lectionary; one missal; two church bells, one of brass and the other of iron; one alb and one chasuble. And there are nine vills which render tithe to that basilica. The estate with the dwelling and three storehouses; within the dwelling, nine slaves, six men and three women; 12 cattle; seven oxen and another five young ones; 26 pigs; two sheep; seven geese and four chickens; two cauldrons, one small

74 Bitterauf here inserts *hereditatem* which may have been omitted but is not indicated in the manuscript nor is it necessary; *sancta* also appears to have been omitted after *loca* in this line.

and one large; one plowshare and one spade; one large scythe; two carts; one chain; one measuring tub and three other vessels for preparing ale; two hives of bees; ten measures of spelt; 11 measures of barley; and 20 measures of rye. The cultivated demesne land contains three colon-holdings; 200 cartloads of meadow; and the demesne land is fully sown. And two fully equipped manses there pertain to that same estate; between them they contain ten slaves. Each of these manses renders twelve measures of ale yearly; and each of them also renders one suckling pig and two chickens; and the womenfolk of each prepare one linen shirt yearly; and these manses render labor services three days in the week; and they have nine dairy cattle; and one of them has one horse, and the other has six sheep. And the reeve has one horse; and the slaves on the demesne altogether have six dairy cattle; and one of the manses has four pigs.

654: Now, indeed, an account shall be rendered of the possessions of the same priest, Oato, at *Pipun*. First, we found a basilica with one altar, altar vestments, ten linen altar cloths; a gilded reliquary, and another one of tin; two bells, one of bronze and the other of iron; one missal; one lectionary; one book of collects; one complete antiphonary; two vestments for the mass. An estate with a dwelling; four storehouses; seven colon-holdings of cultivated arable; 250 cartloads of meadow; 100 yokes of woodlands. At *Feldgeding*: two dwellings; three storehouses; two colon-holdings of cultivated arable; and such share of the marshlands as he holds jointly with his coheirs; 15 slaves. And the same abovesaid priest, Oato, invested Piligrim, the steward of Lord Bishop Erchanbert, with whatever property from his inheritance which is mentioned there above. These are they who saw and heard; their names: [10 names as above]. Now, moreover, concerning the slaves which the abovesaid Oato conveyed to St Mary, their names: [8 men + 12 women] and one infant.

653: In the Name of God. I, Oato, have conveyed my own [hereditary?] property for the [holy] places at *Freising* to St Mary, everything which is here above listed in this account, on this very condition, that it not be assigned to any other place but only to the service of St Mary for the monks and canons there, so that it may not be given as a precarial grant to any other person. This was done before Sheriff Liutpald. These are the witnesses tugged by the ears: [14 names as above], and many others who saw and heard.