

**Text I Charlemagne D. 78 (summer, 773)**

Carolus gratia dei rex Francorum vir inluster. Si autem illis, qui parentibus nostris fidem visi sunt conservasse inlaesam et usque nunc in id permanere non cessant, ea quae iuste postolaverint concedimus, cunctorum fidelium nostrorum in hoc animos adortamus et magis ac magis eis delectat, ut debitum circa nos semper impendant servitium. [Cf Marculf I, 14, 16] Ideoque notum sit omnibus fidelibus nostris, qualiter vir venerabilis Constantius, quem territorio Raetiarum rectorem posuimus, una cum eiusdem patriae populo missa petitione clementiae regni nostri postolaverunt ut divino protegente adiutorio eos semper sub mundoburdo vel defensione nostra habere deberemus, quatenus ab aliis extrinsecus hominibus iniustam inquietudinem non patiantur et ut legem ac consuetudinem, quae parentes eorum cum prodecessoribus nostris habuerunt, conservaremus. Unde et nostram auctoritatem ut pro hoc acciperent, petierunt. Quorum suggestionem sicut et ceteris fidelibus nostris iuste petentibus propter eorum [serviti]um, quod erga nos [ubique impenderunt], [no]ui[m]us denegare, sed libentis[simo] animo ita prestetisse et in omnibus confirmasse cognoscite. Statuentes ergo iubemus, ut tam ipse vir venerabilis praefatus Constantius quam et successores sui, qui ex nostro permissio et voluntate cum electione plebis ibidem recturi erunt, dum nobis in omnibus palatii nostril, sicut rectum est, cum omni populo Raetiarum fideles apparuerint, sub mundoburdo vel defensione nostra absque aliorum hominum laesione au inquietudine resid[eant], et legem et consuetudinem, quae [parentes] eorum iuste et racionabiliter habuerunt, se a nobis concessam esse cognoscant, ita tamen [... . contrar]ium elegeri[nt ... ]non esse praesumant, [Et] ut haec auctoritas firmior habeatur vel per tempora melius conservetur, subter eam de[cre]vimus adfirma[re et anuli nostri impression iussimus sigillare].  
 [Signum M. ] Caroli [gloriosissimi regis] [SI 1.]  
 Data ... die...

Charles by the grace of God illustrious man. If indeed, we grant what they have justly requested to those who are seen to have kept their faith to our ancestors unbroken and have not ceased to remain doing so up to now, we encourage the spirits of all those faithful men of ours to this purpose and it delights them more and more always to give us the service they owe us. Therefore let it be known to all our faithful men that the venerable man Constantius whom we have appointed as rector in the territory of the Rhaetians, together with the people of that fatherland, have sent a petition to the clemency of our kingdom and requested us that, with the help of divine defence, we should always keep them in our mundoburdum, that is, our protection, so that they shall not suffer any unjust disturbance from any other men who are outsiders and that we should also keep the law and custom which their ancestors had from our predecessors. Therefore they sought our authority that they should receive this in return. We were unwilling to deny this for them too, as we granted to our other faithful men who justly asked us this because of their service which they everywhere offered to us, but rather know this, that we have confirmed this in all respects and have offered it with a most willing mind. Therefore we order and establish that both the above-mentioned venerable man Constantius himself and his successors who, by our permission and by our will, may in the future be rectors there by the choice of the people when the faithful men appear before us and all the men of our palace with all the people of the Rhaetians, as is right, that they may reside under our mundeburdum, that is, protection, without harm or disturbing from other men, and they will acknowledge that they have been granted by us the law and custom which their ancestors justly and reasonably had, in such a way that, as above recalled, they keep intact their faith towards us and do not presume to choose [any] person that opposes us there. And so that this decree shall be kept more firmly and preserved better through time, we have ordered that under this decree we shall confirm it and seal it by the impressing of our ring.  
 [Monogram of Charles the most glorious king. Seal.]

**Text II Freising Charter no. 166a (793), *Traditiones Freisingenses*, ed. T. Bitterauf (1905), pp. 161-3. See Warren BROWN, *Unjust Seizure* (Ithaca NY, 2001), pp. 133-4.**

On this case, see Patrick GEARY, 'Land, Language and Memory', *TRHS IX* (1999), pp. 169-84. I am also grateful to Cyril EDWARDS for help with the vernacular, which he thinks is Alemannic.

CONCESSIO DOMNI IMPERATORIS KAROLO SEU TRADITIO HELMOUINI  
COMITIS AD SUUALAFELDUN.

**The Grant of the Lord Emperor Charles and the giving of it by Count Helmoïn at Sualafeld.**

It is most necessary for every Christian to buy with this present document the joys of eternal repayment. And therefore, in God's name, I Helmoïn, impelled by God's love, considered giving something to the places of the saints for the remedy of my soul and for my eternal reward; but as I was in a dispute over certain lands that I was trying to claim as my inheritance, it happened that I was convicted by missi of the most glorious lord king, and I was unable to obtain as my inheritance mentioned above that which I justly sought. But that very land which we sought was reduced to the property I already controlled, and I was forced, whether or not I was willing, to consent in all justice.\* I did this, and so the believed that I would not be able to regain my property. Hearing this, the most merciful and most christian great King Charles, inspired by God's grace and for his own eternal alms granted me in his mercy the land I sought in permanent inheritance and which he had seized for his own property through a most just investigation.\* This was on condition that he granted that land to me with the proviso that it would be within my power, just as my other lands were mine to give, to hand over to wherever I wished, for my eternal reward and the salvation of my soul. I therefore decided that, now control of the land had been granted to my control by the most merciful king, I would hand over to the bishopric of Freising for the work of St Mary ever-Virgin that very same territory, together with all the neighbouring land pertaining to the places called Gossheim, Haid and Kriegsstatthof with all their appurtances... in the county called Schwalfeld on the river Schwalb. This I did with all the lands above-mentioned, that is, Haid and Kriegsstatthof with all the land adjoining as far as the place called Sampinsäule [the editor suggests ein Grenzwerk, i.e. a boundary-marker, a stone column, *Säule*], up to Gossheim and from there going down along the stream to the great oak [quod vulgo dicitur **nidar pi deru lahhun za deru mihilun eihe**] deinde per locas terminatas [the places with boundary marks], id est in longitudine **antlanga** [along] Caozeslahhun usque ad Caozesprunnun, similiter et in illa silva quae pertinent ad Uuemodginga [Wemding on the Schwalb]], ut ibidem habeant rectores ecclesiae ipsius potestatem ad cedendum materiamen quantumcunque opus sit atque lignamen ad ignem seu viam ire et redire pastumque procorum habeant illic sufficienter absque ulla contradictione, ut haec exinde nullus abstrahere audeat....

The Formulary of 'Bourges' (Leiden BPL 114, fols 103-104) as edited by K. Zeumer, MGH Formulae, Form. Bituricensis no. 14, p. 174

On this collection, see Alice RIO, *Legal Practice and the Written Word in the Early Middle Ages* (Cambridge, 2009), pp. 61 and 111-2; and on the case, Martin GRAVEL, *Distances, Rencontres, Communications* (Turnhout, 2012), pp. 363-4.

**Si cum rege licentiam loqui non abueris, quales sermones in manu eius mittas secundum tuam rationem.**

Piissimo ac serenissimo domino meo Carolo excellentissimo agusto. Auribus vestris servos vester ille perducere compellit necessitas, quantum passus sum malicia incontra drectum vel sine iudicio. Venerunt itaque [then about 32 letters have been erased: Zeumer, p. 174, note 'c': totius versus literae circiter 32 erasae; in hoc raso ubi nomina missorum scripta fuisse videntur, nihil nisi fortasse Thedulfus legi potest] dicentes, quod ex iussione vestra missi vestri fuissent, et per mala ingenia atque forcia mihi res proprietatis meae tulerunt quae legitime atque iurae hereditario mihi obvenerunt, et Iosepho episcopo [i.e Bishop Joseph of Tours (792-815)] mihi tradere ---- compulerunt, et aec omnia per mala ingenia atque contrarietate. Ego alium defensorem presentialiter manifestare non potui, nisi vestrae regalis clementiae cartam munburalem ostendi, et mihi nihil profuit, sed ut dixi, per ingenia mala atque voluntate pessima eicientes me de ipsa hereditate. Et ego ancilla vestra caeleravi ad vestigia pietatis vestrae properare, ut misericordia vestra me exinde dignasset adiuvare, quia antea nec in ratione exinde fui nec interpellata responsum dedi. Vestra pietas hoc emendare compellat, qualiter elimosina atque mercis seu mundeburdum vester semper ad crescat. Domine mi rex, cognitum sit regali clementiae vestrae, quia ipsa hereditate vobis trader volebam, quando mihi haec malignitas ad crevit incontra rationis ordine; sicut pietas vestra potest cognoscere, si fuerit missus, qui veraciter hoc faciat investigare. Peto namque pietati vestrae, ut exinde revestita fuissem, per misericordia vestra talem missum habuissem, qui mihi exinde in locum protectionis vestrae defensare et munburire fecisset, qualiter pietati vestrae interveniente exinde recuperate fuissem. Post Deum et sanctis, spei meae continet plenitudo regalis; et si de ipsa causa revestire me facit misericordia vestra, si quis postea per legem at iusticiam hoc superset, haec mihi maxima pars dolori advenit, quando nec ad vestrum opus fuerunt revocatas hec mihi ancillae vestrae legitime dimissas.

**If you do not have permission to speak with the king, these are the words you should send to his hand regarding your case.**

To my most pious and serene lord Charles the most excellent emperor. Necessity imposes on your servant ---- to bring to you ears how much I have suffered through evildoing against the right and without justice. There came ?Thedulf ----- your *missi* saying they had been been sent on your orders, and by wicked trickery and by force they took from me my lands which had come to me lawfully and by my right of inheritance., and they compelled me to hand them over to Bishop Joseph, and all this through wicked trickery and against my will. I could not present anyone else as my defender in person, but I could only show a *carta munburalis* to your royal mercy. But, as I said, it gave me no help at all, for they were throwing me out of my inheritance by wicked

trickery and with the most evil intent. And I your maidservant hastened to rush to the presence of your piety, so that your mercy would deign to help me , because previously I had not received any summons to make my case, nor given any response. Let your piety compel some amendment, and how your pity and mercy and *mundeburdum* may ever increase! My lord king, it must be made known to your clemency that I was wanting to hand over my inheritance to you, when this wickedness grew even greater for me, against any order of reason, as your piety could see, if there had been a *missus* to make a truthful enquiry into this. I beg your piety that were I to be re-vested by such an enquiry, by your mercy I could have such a *missus* as would defend me and be a guardian to (*munburire*) me, taking the place of your protection, and how I would be restored from this [trouble] with your piety's intervention. After God and his saints, it is royal fullness of power that sustains my hope. And if your mercy acts to re-invest me [with my inheritance] as an outcome of this case, and someone afterwards overturns this through law and justice\*, then the greatest part [of all this] comes to grief for me, when my inheritance-matters are neither summoned back for your attention, nor are they lawfully left to me.