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### *Introduction*

Perambulation, the ceremonial walking or riding of a boundary in order to determine its precise course, has long been understood as an important ritual in the articulation, negotiation and legitimation of property claims in medieval Europe. Occasionally, the physical features along the route taken were written down sequentially and included in a charter. Such ‘boundary clauses’ are a well-known aspect of early medieval diplomatics, but their emergence has not been studied in detail. This is especially true of Carolingian Francia, where gauging the function of charter boundaries presents something of a challenge. A fundamental question is why, among over 10,000 surviving eighth- and ninth-century Frankish charters, very few documents contain boundary clauses. References to perambulations and boundary-marking were uncommon in Frankish charters, but a written description of a boundary’s course was even rarer. The localization of property tended to be rather imprecise in early medieval charters. Landowners in documents usually spoke of ‘everything I have’, ‘whatever I seem to have’ or ‘my inheritance’ in a specified locality (e.g., a *villa*, *locus* or *vicus*) and district (*pagus*), and then listed the property’s various appurtenances. These were standard formulae used across the post-Roman West.<sup>1</sup> Such delimitations have usually been considered adequate for administrative purposes on the assumption that local knowledge and oral testimony could be called upon to expand them when necessary – say, in the event of a dispute.<sup>2</sup> It remains to be established, however, what prompted the composition of a boundary clause.

Another issue that has not attracted much attention is the relatively high prevalence of vernacular language in the few boundary descriptions that do survive from Francia. Extant Carolingian charter evidence overwhelmingly hails from religious houses in the Germanic-speaking eastern regions, namely, the Middle Rhine valley, Alsace, Alemannia and Bavaria, where new archival mechanisms, such as the production of cartularies, books in which selections of charters were copied, were developed c.800.<sup>3</sup> Until the thirteenth century, charters from these lands were written almost invariably in Latin with only minor vernacular borrowings, usually loanwords for specific legal procedures and devices.<sup>4</sup> In boundary clauses,

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<sup>1</sup> On documentary standardization and variation in this period, see M. Mersiowsky, *Die Urkunde in der Karolingerzeit. Originale, Urkundenpraxis und politische Kommunikation*, 2 vols., MGH Schriften 60 (Wiesbaden, 2015).

<sup>2</sup> E.g., H. Vollrath, ‘Rechtstexte in der oralen Rechtskultur des früheren Mittelalters’, in *Mittelalterforschung nach der Wende 1989*, ed. M. Borgolte (Munich, 1995), pp. 319-48, at pp. 329-30.

<sup>3</sup> See H. Hummer, ‘The production and preservation of documents in Francia: the evidence of cartularies’, in *Documentary Culture and the Laity in the Early Middle Ages*, eds. W. C. Brown, M. Costambeys, M. Innes and A. J. Kostó (Cambridge, 2013), pp. 189-230.

<sup>4</sup> R. Schmidt-Wiegand, ‘Stammesrecht und Volkssprache in karolingischer Zeit’, in *Aspekte der Nationenbildung im Mittelalter*, eds. H. Beumann and W. Schröder (Sigmaringen, 1978), pp. 171-203; D. H. Green, *Language and History in the Early Germanic World* (Cambridge, 1998), pp. 182-200. On the slow engagement with vernacular language in legal documents across the continent, see T. Brunner, ‘Le passage aux langues vernaculaires dans les actes de la pratique en Occident’, *Le Moyen Age* 115 (2009), 29-72.

however, the vernacular is more prominent, and one finds additional words, phrases and sentences recorded in Old High German. Against the backdrop of an almost uniformly Latin documentary culture, this heightened use of vernacular words and clauses is striking. It is possible that they represent the very words uttered when the land was surveyed. Early medieval communication was characterized by the interaction of the written and the oral.<sup>5</sup> Documents record transactions and agreements which were enacted publicly and orally, and they regularly refer to the fact that they will be read aloud and heard. A vernacular or bilingual boundary description may therefore correspond to what was spoken during a transaction. Patrick Geary, for instance, has argued that this textualization of the spoken word ritualized the narration of the boundary, effectively making such charters ‘scripts for future performances’.<sup>6</sup> Such documents appear to lay great stress on the oaths of local witnesses who perambulated and verified the boundaries in question. Perhaps boundary clauses are traces of what was normally an oral aspect of property transaction and dispute settlement. If this is the case, then the preservation of what, within such a large body of charters, amounts ultimately to a few anomalous specimens invites further consideration. After all, there was always an oral component of a transaction, so, in eastern Francia, some German will always have been spoken during it. Why, therefore, was the vernacular textualized so rarely, and virtually never outside the context of land descriptions?

This article examines when and why perambulations came to be written in charters as boundary clauses. Although I aim to contribute to a better understanding of the development and application of written boundaries in early medieval Europe at large, my focus will be on the modest but neglected corpus of boundaries found in documents from the eastern Carolingian world. The study concentrates on ‘private’ charters, as opposed to royal or imperial acts, for these offer snapshots of legal and documentary practices at local levels across a region of considerable size (although royal diplomas will, on occasion, provide useful points of comparison). I explore how property was described in the charter collections of several eastern Frankish institutions in order to determine what conditions might prompt the drawing up of a boundary clause. An analysis of the specific documentary and ritual contexts for the production and preservation of these boundary delineations forms a key aspect of my discussion. I shall establish at what stage of a transaction a boundary clause was written, who was involved, and what types of land these written boundaries pertain to. A further strand of this investigation, arising from the first, interrogates the relative prominence of vernacular language in these boundary clauses. The fact that inhabitants of this region predominantly spoke German rather than Romance dialects permits us to pose questions about language-use and writing which are

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<sup>5</sup> Of a vast literature, see R. McKitterick, *The Carolingians and the Written Word* (Cambridge, 1989); J. L. Nelson, ‘Literacy in Carolingian government’, in *The Uses of Literacy in Early Mediaeval Europe*, ed. R. McKitterick (Cambridge, 1990), pp. 258-96; M. Banniard, *Viva voce. Communication écrite et communication orale du IV<sup>e</sup> au IX<sup>e</sup> siècle en Occident latin* (Paris, 1992); M. Innes, ‘Memory, orality and literacy in an early medieval society’, *Past and Present* 158 (1998), 3-36; *New Approaches to Medieval Communication*, ed. M. Mostert (Turnhout, 1999); R. Wright, *A Sociophilological Study of Late Latin* (Turnhout, 2002); A. Rio, *Legal Practice and the Written Word: Frankish Formulae, c.500–c.1000* (Cambridge, 2009), pp. 9-26; and *Documentary Culture*, eds. Brown et al., pp. 8-12.

<sup>6</sup> P. J. Geary, ‘Land, language and memory in Europe, 700–1100’, *Transactions of the Royal Historical Society*, Sixth Series, 9 (1999), 169-84, quotation at 175; and P. J. Geary, *Language and Power in the Early Middle Ages* (Waltham, MA, 2013), pp. 56-73. On performativity, see G. Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840–987)* (Turnhout, 2012), pp. 42-52.

more difficult to ask of areas such as western Francia or Italy, where the relationship between the written word and spoken language was less clear-cut. Whereas eastern Frankish boundary clauses have hitherto tended to be interpreted as remnants of oral legal process, I suggest that they were not included in charters for their juridical value, but rather as rhetorical instruments which reflected the involvement of elite landowners or powerful patrons. Boundary clauses were often recorded as part of the process of negotiating and formalizing land claims in the Frankish East, and were thus linked with territorialization and the construction of local identity.<sup>7</sup> They also tended to be produced in the context of more ritualized perambulations, as might be carried out during an investiture, the final ceremonial transfer of possession. Although these boundaries may indeed represent words spoken by witnesses during such ceremonies, I argue that the highly unconventional and irregular use of the vernacular is best understood as a largely ostentatious aspect of eastern Frankish legal practice and documentary production.

### *Boundary clauses in early medieval Europe*

Roman surveying, as described in the collection of technical manuals known as the *Agrimensores* (from the term *agrimensor*, a professional surveyor) was rigorous, relying on a meticulous system of land measurements and straight-line delimitation.<sup>8</sup> This parcelling may have reduced the need to put topographical boundaries in writing, though inscriptions occasionally preserve narrated perimeter descriptions. With the ebbing of the Roman state, traditional Roman land divisions and professional surveyors gradually disappeared, although vestiges of classical surveying practice survived. Law codes such as the *Lex Baiuvariorum* contained whole sections detailing the procedures for establishing and verifying boundary markers and the penalties for dislocation (in Bavaria, six solidi per marker, a rather substantial sum), but it is impossible to determine the extent to which these were enforced.<sup>9</sup> The practice of walking or riding around a piece of land in order to determine its precise limits, particularly when those limits were contested, is documented across the former Empire in the late antique and early medieval period, suggesting that its roots lay in Roman practice.<sup>10</sup>

Charter boundary descriptions have seldom been studied in pan-European perspective, and even within particular regions and institutions their presence or absence is routinely taken for granted. By far the most common form of boundary delimitation was the naming of adjacent landowners, roads and physical features on each ‘side’ (*pars*, *latus* or *frons*) of a property.<sup>11</sup>

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<sup>7</sup> See M. Innes, ‘Rituals, rights and relationships: some gifts and their interpretation in the Fulda cartulary, c.827’, *Studia Historica. Historia Medieval* 31 (2013), 25-50.

<sup>8</sup> B. Campbell, *The Writings of the Roman Land Surveyors: Introduction, Text, Translation and Commentary* (London, 2000).

<sup>9</sup> *Lex Baiuvariorum*, ed. E. von Schwind, MGH Leges nat. Ger. V, 2 (Hanover, 1926), c. 12, pp. 398-405. On the demise of the *agrimensores* and continuities in surveying practice, see A. Metcalfe, ‘Orientation in three spheres: medieval Mediterranean boundary clauses in Latin, Greek and Arabic’, *Transactions of the Royal Historical Society* 22 (2012), 37-55.

<sup>10</sup> C. Wickham, ‘Rural society in Carolingian Europe’, in *The New Cambridge Medieval History, Volume II: c.700–c.900*, ed. R. McKitterick (Cambridge, 1995), pp. 510-37, at pp. 526-7.

<sup>11</sup> D. Herlihy, ‘Church property on the continent, 701–1200’, *Speculum* 36 (1961), 81-105, gauges the total number of neighbouring landowners named in charters, though with the sole aim of determining what proportion of land was owned by churches.

(For convenience, I refer to these formulaic descriptions as ‘neighbour boundaries’, with the proviso that they sometimes named landscape features rather than individuals). Already this formula can be seen in collections of late Roman private deeds such as the Vandal African ‘Albertini tablets’ and the ‘Ravenna papyri’.<sup>12</sup> It tended to be used to demarcate small properties, often just single fields or urban plots, and is found in numerous Frankish formularies.<sup>13</sup> Neighbour boundaries appear in charters from many parts of western Europe from the seventh century onwards, including Catalonia, Italy, western Francia, Brittany, Burgundy and Lotharingia.<sup>14</sup> In the eastern Frankish realm, neighbour boundaries were frequently used in the Middle Rhine valley, as we shall see, but they were far less common further south. For instance, in the cartulary of the Alsatian monastery of Wissembourg, compiled c.860, just twelve of 273 charters provide neighbour information.<sup>15</sup> From the famous archive of original documents from St Gall there are only about thirty charters describing land in this way, almost all of which stem from a subset of roughly fifty documents from the Rhaetian community of Rankweil.<sup>16</sup> In Bavarian charter collections, such as those of Freising, Regensburg and Passau, neighbour boundaries are virtually non-existent, which probably reflects the donation of more rural properties.

Descriptions that narrate a walking or riding of a boundary, noting the various geographical markers along the way, are relatively scarce in charters across continental Europe.<sup>17</sup> Here, Anglo-Saxon charters constitute a striking contrast. In a corpus of about 1500 pre-Norman Conquest documents there are over 1000 extant boundary clauses.<sup>18</sup> In seventh-

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<sup>12</sup> See, for instance, J. P. Conant, ‘Public administration, private individuals and the written word in late antique North Africa, c.284–700’, in *Documentary Culture*, eds. Brown et al., pp. 36–62, at pp. 39–42.

<sup>13</sup> E.g., *Formulae Marculfi* II.20: ‘quae subiungit ab uno latus [terra] ill., ab alio latus [terra] ill., a fronte uno [terra] ill. et ab alio fronte [terra] ill.’; see also *Formulae Marculfi* II.21, 24; *Formulae Andecavenses* 8, 21, 22, 40, 54; *Formulae Turonenses* 8; *Formulae Salicae Merkelianae* 11; *Formulae Imperiales* 26, all in *Formulae Merovingici et Karolini aevi*, MGH Leges V, ed. K. Zeumer (Hanover, 1886). On formularies, see Rio, *Legal Practice*.

<sup>14</sup> For some examples, see J. Jarrett, ‘Comparing the earliest documentary culture of Carolingian Catalonia’, in *Problems and Possibilities of Early Medieval Charters*, eds. J. Jarrett and A. S. McKinley (Turnhout, 2013), pp. 89–126, at pp. 96–8 (on Catalonia); L. Lagazzi, *Segni sulla terra: determinazione dei confini e percezione dello spazio nell’alto Medioevo* (Bologna, 1991), pp. 25–6 (on Italy); W. Davies, *Small Worlds: The Village Community in Early Medieval Brittany* (London, 1988), pp. 41–2 (on Redon); B. H. Rosenwein, *To Be the Neighbor of Saint Peter: The Social Meaning of Cluny’s Property, 909–1049* (Ithaca, NY, 1989), pp. 78–88, 199–200 (on Cluny).

<sup>15</sup> E.g., *Traditiones Wizenburgenses. Die Urkunden des Klosters Weissenburg 661–864*, eds. K. Glöckner and A. Doll (Darmstadt, 1979), no. 44: ‘...quae contingit ipsam pratam et fines et consortis de uno latere et duos frontes fluu[i]us Matra et de alio latere ratio ipsius emptoris’; see also the editors’ comments at p. 89.

<sup>16</sup> E.g., *Chartularium Sangallense. Band I (700–840)*, eds. P. Erhart, K. Heidecker, and B. Zeller (St Gall, 2013), no. 225: ‘Confinet da una parte presbiter Ioannis et da alia parte Lubucio’. On the Rankweil collection, see M. Innes, ‘Archives, documents and landowners in Carolingian Francia’, in *Documentary Culture*, eds. Brown et al., pp. 152–88, at pp. 165–73. Several other Rhaetian charters preserved in a cartulary fragment from the monastery of Müstair also provide neighbours: *Urkundenlandschaft Rätien*, eds. P. Erhart and J. Kleindinst (Vienna, 2004), nos. 3, 4, 6, 7, 8.

<sup>17</sup> Although for a few examples from the Iberian peninsula and Byzantium, see, respectively, R. Collins, ‘Visigothic law and regional custom in disputes in early medieval Spain’, and R. Morris, ‘Dispute settlement in the Byzantine provinces in the tenth century’, both in *The Settlement of Disputes in Early Medieval Europe*, eds. W. Davies and P. Fouracre (Cambridge, 1986), pp. 85–104 and 125–47 respectively.

<sup>18</sup> For the corpus, see P. Sawyer, *Anglo-Saxon Charters: An Annotated List and Bibliography* (London, 1968), now updated and available online as ‘The Electronic Sawyer’: <<http://www.esawyer.org.uk>> [accessed 10 October 2017]. On the study of Anglo-Saxon charters, see N. Brooks, ‘Anglo-Saxon charters: a review of work 1953–73; with a postscript on the period 1973–98’, in N. Brooks, *Anglo-Saxon Myths: State and Church 400–1066* (London, 2000), pp. 181–215; and S. Keynes, ‘Anglo-Saxon charters: lost and found’, in *Myth, Rulership*,

and eighth-century England, boundaries were typically given with reference to landscape features, roads and other properties, all of which were usually assigned cardinal points. This closely resembles continental neighbour boundaries; indeed, it is generally believed that charters were introduced into England in the seventh century on a late Roman diplomatic model.<sup>19</sup> In the mid-ninth century, however, boundary clauses became longer descriptions of the physical features that a perimeter passed, crossed or followed, and they were increasingly written in Old English.<sup>20</sup> Boundary clauses thus came to constitute distinct vernacular sections of what were otherwise normally Latin charters. This use of the vernacular to some extent typifies Anglo-Saxon legal culture more broadly, for law codes were written in Old English, while from the later Anglo-Saxon period there are more surviving charters and wills written entirely in the vernacular. It also needs to be understood in relation to wider British and Irish documentary traditions.<sup>21</sup> A classic argument holds that greater vernacular usage in ninth-century legal documents was the product of a growing scribal inability to cope with Latin, but the inclusion of Old English segments has more recently been understood as a means of making practical aspects of charters, such as boundaries, accessible to audiences with weaker Latin.<sup>22</sup>

Although one occasionally finds these longer, descriptive boundary clauses on the continent in areas such as Brittany and East Francia – regions where the written and spoken languages were similarly polarized – there is nothing approaching the scale of the Anglo-Saxon material.<sup>23</sup> This tradition is nevertheless worth holding in the same field of vision as the Frankish evidence, because Anglo-Saxons played a decisive role in eighth-century religious and cultural developments on the continent. English missionaries such as Boniface spearheaded the regularization of the eastern Frankish church. The influence of Insular script in eastern Frankish manuscript production is patent, and the arrival of missionaries from Britain and Ireland heralded the scripting of continental West Germanic languages.<sup>24</sup> Missionaries brought

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*Church and Charters: Essays in Honour of Nicholas Brooks*, eds. J. Barrow and A. Wareham (Aldershot, 2008), pp. 45-66. On boundary clauses, see K. A. Lowe, 'The development of the Anglo-Saxon boundary clause', *Nomina* 21 (1998), 63-100.

<sup>19</sup> Compare, for instance, Sawyer, no. 23, a single-sheet original from Christ Church, Canterbury, issued 732: 'Termini uero terre illius hec sunt . ab oriente terra regis . ab austro fluuius qui dicitur Limenaeae . ab occidente et in septentrione Hudan fleot'; with a Lorsch charter of 829, *Codex Laurehamensis*, ed. K. Glöckner, 3 vols. (Darmstadt, 1929-36) [hereafter cited as *CL*], no. 217: '...cui adiungitur ex una parte ab oriente locus Ginnesloch, a meridiano terminatur in Iurbruoch, in occidente usque ad Steinfurt exit, ab aquilone terminatur in bifango Engilhelmi'. See Lowe, 'Development', 74; B. Snook, 'Who introduced charters into England? The case for Theodore and Hadrian', in *Textus Roffensis: Law, Language and Libraries in Early Medieval England*, eds. B. O'Brien and B. Bombi (Turnhout, 2015), pp. 257-89.

<sup>20</sup> E.g., Sawyer, no. 298, a single-sheet original issued by Æthelwulf of Wessex at Dorchester in 846. See R. Gallagher, 'The vernacular in Anglo-Saxon charters: expansion and innovation in ninth-century England', *Historical Research*, forthcoming.

<sup>21</sup> W. Davies, 'The Latin charter-tradition in western Britain, Brittany and Ireland in the early mediaeval period', in *Ireland in Early Medieval Europe: Studies in Memory of Kathleen Hughes*, eds. D. Whitelock, R. McKitterick, and D. Dumville (Cambridge, 1982), pp. 258-80.

<sup>22</sup> S. Kelly, 'Anglo-Saxon lay society and the written word', in *Uses of Literacy*, ed. McKitterick, pp. 36-62.

<sup>23</sup> On the relationship between Latin and Celtic vernacular in Brittany, see Davies, *Small Worlds*, pp. 14, 17, 41-2.

<sup>24</sup> H. Spilling, 'Angelsächsische Schrift in Fulda', in *Von der Klosterbibliothek zur Landesbibliothek. Beiträge zum zweihundertjährigen Bestehen der Hessischen Landesbibliothek Fulda*, ed. A. Brall (Stuttgart, 1978), pp. 47-98; R. McKitterick, 'Anglo-Saxon missionaries in Germany: reflections on the manuscript evidence', *Transactions of the Cambridge Bibliographical Society* 9 (1989), 291-329, repr. in *eadem*, *Books, Scribes and Learning in the Frankish Kingdoms, 6<sup>th</sup>-9<sup>th</sup> Centuries* (Aldershot, 1994), IV; and A. Seiler, *The Scripting of the*

with them expertise in using the vernacular to instil Christian teachings, and it is probably no coincidence that the cradle of German-language scholarship was Fulda, founded by Boniface in 744. Yet, although Anglo-Saxons apparently galvanized Germanic writing on the continent, the role of the vernacular in East Frankish written administration never gained the prominence it found in England. The presence of similar linguistic dichotomies in both regions therefore invites further exploration of what prompted only an occasional invocation of written vernacular on the continent.

### *Eastern Frankish boundaries: Lorsch, Fulda, Freising and Regensburg*

In the eighth century, Germanic-speaking lands such as Alemannia, Alsace, Bavaria, Franconia and Hesse were transformed as they fell into the orbit of an increasingly vigorous Frankish kingdom.<sup>25</sup> The absorption of these regions into Carolingian administrative structures and social networks, in tandem with impulses towards religious reform, produced a wave of monastic foundations and re-foundations. This in turn generated a deluge of salvific gifts, many of which have been preserved in cartularies. Eastern Carolingian Francia is one of the best documented times and places anywhere in the early medieval West: from the archives of these regions, well over 7000 private charters have survived from before the year 900.<sup>26</sup> Original single-sheet charters, with the exception of the St Gall archive, are exceedingly rare.

The only substantial study of boundaries in this material is Reinhard Bauer's dissertation on Bavarian 'boundary descriptions' (*Grenzbeschreibungen*).<sup>27</sup> Bauer defined a boundary description as a statement concerning any segment of the confines of an area, be that a small property (e.g., a field or vineyard), estate, local district, parish or bishopric, which named at least three specific topographical points.<sup>28</sup> From a corpus of perhaps 1500 available charters (royal and private) covering Bavaria, he found only twenty boundaries from the period 755–914. In another study, Bauer briefly surveyed charters from the Rhineland, Hesse and Thuringia, concluding that there were no more than a few dozen further boundary descriptions.<sup>29</sup> Certainly, this figure would be higher if Bauer had included more rudimentary

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*Germanic Languages: A Comparative Study of "Spelling Difficulties" in Old English, Old High German and Old Saxon* (Zurich, 2014), pp. 36–47.

<sup>25</sup> For an overview, see M. Costambeys, M. Innes and S. MacLean, *The Carolingian World* (Cambridge, 2011), pp. 31–79; and for more extended treatments, M. Innes, *State and Society in the Early Middle Ages: The Middle Rhine Valley, 400–1000* (Cambridge, 2000); W. Brown, *Unjust Seizure: Conflict, Interest and Authority in an Early Medieval Society* (Ithaca, NY, 2001); H. J. Hummer, *Politics and Power in Early Medieval Europe: Alsace and the Frankish Realm, 600–1000* (Cambridge, 2005); T. Kohl, *Lokale Gesellschaften. Formen der Gemeinschaft in Bayern vom 8. bis zum 10. Jahrhundert* (Ostfildern, 2010).

<sup>26</sup> Hummer, 'Production', pp. 192–4.

<sup>27</sup> R. Bauer, *Die ältesten Grenzbeschreibungen in Bayern und ihre Aussagen für Namenkunde und Geschichte* (Munich, 1988). Note that Bauer's Bavaria corresponds to the present-day state.

<sup>28</sup> Parish boundaries are often considered in isolation from property boundaries: J. Semmler, 'Zehntgebot und Pfartermittlung in karolingischer Zeit', in *Aus Kirche und Reich: Studien zu Theologie, Politik und Recht im Mittelalter. Festschrift für Friedrich Kempf zu seinem fünfundsiebzigsten Geburtstag und fünfzigjährigen Doktorjubiläum*, ed. H. Mordek (Sigmaringen, 1983), pp. 33–44; R. Deutinger, 'Die ältesten mittelrheinischen Zehntterminationen', *Archiv für mittelrheinische Kirchengeschichte* 54 (2002), 11–36.

<sup>29</sup> R. Bauer, 'Frühmittelalterliche Grenzbeschreibungen als Quelle für die Namenforschung', in *Frühmittelalterliche Grenzbeschreibungen und Namenforschung. Jahrespreis 1991 der Henning-Kaufmann-*

demarcations of land, but, as he showed, boundaries of any sort are unequivocally rare.<sup>30</sup> Constraints of space preclude a comprehensive survey, but here I offer an overview of the boundary clauses associated with four well-documented institutions, the monasteries of Lorsch and Fulda in the Rhine-Main area and Hesse, and the episcopal churches of Freising and Regensburg in Bavaria, in order to illustrate the quality and quantity of texts at our disposal.

The abbey of Lorsch, founded in 764 just east of the Rhine near Worms, was one of the wealthiest and most politically significant Carolingian royal monasteries. Lorsch's illustrious history is known to us in no small part thanks to the preservation of some 3000 charters from before the year 900 in a twelfth-century cartulary, itself probably derived from a ninth-century cartulary.<sup>31</sup> Although most of the documents in the cartulary have been heavily abbreviated, their basic authenticity is not disputed. About fifty charters have retained neighbour boundaries, but it may be assumed that many other such statements were redacted for the cartulary.<sup>32</sup> In general, the Lorsch material inspires confidence as it reflects patterns observable elsewhere in the documentary record. A degree of caution must nevertheless be exercised in any attempt to recover Carolingian-era boundary information from later cartularies. For instance, as supplements to Charlemagne's grant of the *marca* of Heppenheim in 773, one of the monastery's most prominent foundational endowments, the compilers inserted two documents detailing the land's boundary, one purportedly contemporary with the donation, another from 795. The two boundaries were interpolated to encompass a larger area between the tenth and twelfth centuries, however. Both proceed along the perimeter of the *marca*, noting neighbouring lands, roads, hills, rivers and manmade boundary mounds (*tumuli*).<sup>33</sup>

Among several thousand documents, the Lorsch codex contains just a handful of further boundary descriptions, although these have not been considered as problematic. One was attached to a grant made in 770 by two of Lorsch's founders, Count Cancor and his wife Angela, of a large tract of woodland in the nearby *marca* of Bürstadt. The charter, written by a *lector* named Guario, traces the perimeter in Latin and describes how it was marked in various places by 'a tree-notch (*incisio arborum*) ... which in the vernacular is called a *lachus*, meaning "division":

... de illo rubero, qui est de ecclesia sancti Nazarii ad partem meridianam, inter partem sancti Petri, per Agilolfum et suos consortes pro signo incisa; et inde ad partem orientalem usque in fluuium certum Wisgoz,

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*Stiftung zur Förderung der deutschen Namenforschung auf sprachgeschichtlicher Grundlage*, ed. F. Debus, Beiträge zur Namenforschung N.F., Beiheft 42 (Heidelberg, 1992), pp. 35-60, at pp. 37-9.

<sup>30</sup> Bauer's study did not, therefore, take into account boundary statements such as the following: from Mondsee, *Das älteste Traditionsbuch des Klosters Mondsee*, eds. G. Rath and E. Reiter (Linz, 1989), no. 38: '...de Gaginpah usque in Chaftorapah...'; from Freising, *Die Traditionen des Hochstifts Freising*, ed. T. Bitterauf, 2 vols. (Munich, 1905) [hereafter cited as *TF*], no. 34: '...a rivo quae vocatur Tesido usque ad terminos Sclauorum, id est ad rivolum montis Anarasi...'; from Fulda, *Codex diplomaticus Fuldensis*, ed. E. F. J. Dronke (Kassel, 1850), 495: '...in pago Salageuue unam capturam in Buochonia infra terminos duorum fluminum id est Fliedina et Dulba in Chizzichero marcu...'. For similar examples from St Gall, see *Chartae latinae antiquiores*, general eds. A. Bruckner, R. Marichal, G. Cavallo and G. Nicolaj, vols. I– (Olten and Lausanne, 1954–), CIV.43; CV.13; CVII.45; and from Wissembourg, *Traditiones Wizenburgenses*, nos. 185, 192, 197, 212, 262.

<sup>31</sup> See *CL*; and Innes, *State*, pp. 13-23, 51-9. A digital facsimile edition of *CL* is now available: <[http://archivum-laureshamense-digital.de/de/codex\\_laureshamensis/codex.html](http://archivum-laureshamense-digital.de/de/codex_laureshamensis/codex.html)> [accessed 10 October 2017]

<sup>32</sup> E.g., *CL*, no. 183: '...cui subiungitur ex uno latere ratio sancti Nazarii, de alio Erlolfi, de tertio Racholfi'.

<sup>33</sup> *CL*, no. 6 for the donation, and 6a for the boundaries. See M. Innes, 'People, places and power in Carolingian society', in *Topographies of Power in the Early Middle Ages*, eds. M. de Jong, F. Theuws and C. van Rhijn (Leiden, 2001), pp. 397-437, at pp. 400-1.



ubi marcha de Basinsheim coniungit; et de ipso rubero ad partem aquilonis, sicut ipsa incisio arborum in ipsa die facta fuit, que uulgo *lachus* appellatur siue diuisio; et sic ad illam lineam crucem, que est posita iuxta illam uiam que uenit de Bisistat; et inde ad partem aquilonis, sicut illa incisio arborum seu *lachus* in ipsa die facta fuit, usque ad illum monticulum, qui quasi terminus apparet...<sup>34</sup>

References to cardinal directions, as given here, are not especially common in Frankish boundary descriptions, but they do recall the brief point-based boundary clauses documented in many former parts of the Roman Empire, as mentioned above. The description of the marking of the boundary by tree-notches is very unusual; most charters do not state whether any physical markers are present. The type of marker is not mentioned, for instance, in the two other ninth-century boundaries preserved in the Lorsch codex: one for the *marca* of Michelstadt, which was donated in 819 by Einhard and his wife Emma, and another for the *marca* of Langen, which was drawn up during an inquest ordered by either Louis the German or Louis the Younger.<sup>35</sup>

In the 820s, the monks of Fulda in Hesse produced a cartulary, although the bulk of this undertaking has perished. Three books, providing evidence of some 600 charters, are extant: one is a portion of the original manuscript and two others survive only in early modern copies. Around 1160, a monk named Eberhard compiled another cartulary, which provides details of a further 1200 charters; like the Lorsch cartularists, however, Eberhard truncated the documents considerably.<sup>36</sup> A purported charter of 747 in which the mayors Pippin and Carloman confirmed the boundaries of the monastery and its environs, known only from Eberhard's codex, has been considered a forgery produced in the 820s.<sup>37</sup> About eighty grants of small properties known from the ninth-century cartulary include neighbour boundaries; it may be inferred that these could also originally be found in several hundred further abridged notices from Eberhard's cartulary.<sup>38</sup> Eberhard did, however, include several longer boundary descriptions. One records the bounds of some woodland in the Swalafeld, in southern Coburg, while a further seven describe parish limits, four of which are ninth-century, and two delineate *marcae* at Rasdorf and Soisdorf.<sup>39</sup> For example, the *marca* of Rasdorf, which was granted to Fulda perhaps around 780–1 jointly by six individuals, was described thus:

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<sup>34</sup> *CL*, no. 10; Innes, *State*, pp. 53–4. On tree-notching in antiquity, see Campbell, *Writings*, pp. 81, 93–5, 111–13.

<sup>35</sup> Michelstadt: *CL*, no. 21; see T. Ludwig, O. Müller, and I. Widdra-Spiess, *Die Einhard-Basilika in Steinbach bei Michelstadt im Odenwald*, 2 vols. (Mainz, 1996), 1:8–11. Langen: *CL*, no. 3770; see Innes, *State*, p. 203 n. 135. See also the later descriptions of Viernheim (*CL*, no. 63, s.a. 917) and the Odenwald (*CL*, nos. 92 and 93, s.a. 1012).

<sup>36</sup> *Urkundenbuch des Klosters Fulda*, ed. E. E. Stengel, 2 vols. (Marburg, 1956–58) [hereafter cited as *UF*]; *Codex diplomaticus Fuldensis*; *Der Codex Eberhardi des Klosters Fulda*, ed. H. Meyer zu Ermgassen, 3 vols. (Marburg, 1995–2007). On the convoluted editorial state of the charters, see H. Hummer, 'A family cartulary of Hrabanus Maurus? Hessisches Staatsarchiv Marburg, Ms. K 424, folios 75–82v', in *Nomen et Fraternalitas. Festschrift für Dieter Geuenich zum 65. Geburtstag*, eds. U. Ludwig and T. Schilp (Berlin, 2008), pp. 645–64. On the early history of Fulda, see J. Raaijmakers, *The Making of the Monastic Community of Fulda, c.744–c.900* (Cambridge, 2012), pp. 19–40.

<sup>37</sup> *UF*, no. 6; see E. E. Stengel, 'Die Urkundenfälschungen des Rudolf von Fulda (Fuldensia I)', in E. E. Stengel, *Abhandlungen und Untersuchungen zur Hessischen Geschichte* (Marburg, 1960), pp. 27–146, at pp. 40–63.

<sup>38</sup> E.g., *UF*, no. 23: '...cui sunt adfines de una parte Raganperdi, de alia parte Nordperdi fratris mei, tertia parte Adalperdi et Raganperdi, quarta parte Gundperdi et Theotperdi'.

<sup>39</sup> *Codex Eberhardi*, 1:316, 321–9. The authenticity of these boundaries has been impugned: F. Staab, 'Echte Termineiurkunden aus dem früheren Mittelalter und die Fälschungen Eberhards von Fulda', in *Fälschungen im Mittelalter*, 6 vols., MGH Schriften 33 (Hanover, 1988), 3:283–313.

...Inprimis in Hasalahastein terminus vadit; et sic per illam Haselaham ad alteram Haselaham; inde sursum ad Doneresbrunnen; et abinde usque ad Eiterahagespringen; inde in Bogenroch; deinde usque ad introitum Rataha; inde in Soraha; inde etiam ab ore fluminum in Gucgenberc; inde in orientem usque ad montem Gruzenaha; inde ad first, que lapidea dicitur; inde usque in Ebereshol et sic per nostra signa ad lacham communem; in Widinse; inde in Sconenberc; deinde iterum in Haselstein...<sup>40</sup>

The repetition of the adverbs *inde* and *deinde* to link the physical features along the boundary is a standard aspect of Frankish boundary descriptions. The Rasdorf document draws on the vernacular to indicate the presence of a *lachus*, while it also refers to ‘the ridge [*first*], which is called “stony”’. Greater vernacular usage can be seen in several other Fulda charters. From the documents preserved by the humanist Johann Pistorius in the early seventeenth century, there is a grant made by a certain Waldo and his associates of a piece of newly cleared land (a *captura*) pertaining to the *villa* of Burghaun in 801. The charter, written by Racholf, Fulda’s chief scribe, included the boundaries of the property, which had been demarcated ‘by means of walking around [it]’ (*per gyrum*). The perimeter was then described with a mixture of Latin and German words and phrases:

...a Tunibach sursum vel sursum Tunibach usque ad Treuiches eichi, deinde sursum in Bramfirst, deinde in Caltenbahhes haubit, deinde in Ruhunbah, deinde in des kuninges uueg per ambos hagon, inde in Suuarzahafurt, deinde in daz smala eihahi, deinde after dero firsti in Rinacha haubit, deinde iterum in Tunibach...<sup>41</sup>

The interplay seen here between Latin and German is a good example of what linguists refer to as ‘code-switching’, the alternating use of two languages in a single utterance or text.<sup>42</sup> I shall return to the question of what may have prompted these vernacular interruptions below.

Two further documents pertaining to Fulda, though not preserved in cartularies, provide striking examples of code-switching: the so-called Würzburg and Hammelburg *Markbeschreibungen*. There are in fact two extant descriptions of the *marca* of Würzburg, which were copied in the early eleventh century into a ninth-century gospel-book written at Fulda.<sup>43</sup> In Britain and Ireland, charters and boundaries were often copied into liturgical

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<sup>40</sup> *Codex Eberhardi*, 1:321

<sup>41</sup> *UF*, no. 275: ‘...[it runs] from the Timbach, that is, along the Timbach up to the *Treuiches oak*, then up to the crest of the Praforst [hill], then to the source of the Kalbach, then along the Rombach, then along the king’s road between both clearances, from there to the ford over the Schwarz [river], then into the small oak woods, then over the crest of the hill to the source of the Rhinabach, then again to the Timbach...’. On this charter and its context, see Innes, ‘Rituals’.

<sup>42</sup> J. N. Adams, *Bilingualism and the Latin Language* (Cambridge, 2003), pp. 18-29, 274-9, 297-416, provides an excellent historically-situated introduction to code-switching.

<sup>43</sup> Manuscript: Würzburg Universitätsbibliothek M.p.th.f.66. A digital edition of the two descriptions (with facsimile) can be found on the library’s website: <<http://franconica.uni-wuerzburg.de/ub/markbeschreibungen/index.html>> [accessed 10 Oct 2017]. Edited in E. von Steinmeyer, *Die kleineren althochdeutschen Sprachdenkmäler* (Berlin, 1916), no. XXIV, pp. 115-17. See Bauer, *Grenzbeschreibungen*, pp. 34-66; Geary, ‘Land’, 179-80; R. Bergmann, ‘Pragmatische Voraussetzungen althochdeutscher Texte: Die Grenzbeschreibungen’, *Jahrbuch für Germanistische Sprachgeschichte* 3 (2012), 57-74; W. Beck, ‘Die Würzburger Markbeschreibungen: Aspekte einer Neubewertung’, *Sprachwissenschaft* 38 (2013), 211-26.

manuscripts.<sup>44</sup> The Würzburg descriptions are concerned only with the boundary of the *marca*; they provide no transactional context. The first *Markbeschreibung*, copied into the front of the evangeliary (fo. 1), features several diplomatic formulae and records a boundary survey undertaken by Charlemagne's *missus* Eberhard in 779. The scribe identifies himself as a priest named Bernger, probably of the church of Würzburg. The perimeter is traced counter-clockwise in distinct sections, with a different group of witnesses swearing to each part. While the formulaic aspects of the charter are all in Latin, the boundary is described entirely in Old High German:

...Incipientes igitur in loco qui dicitur Ôtuinesbrunno, danan in daz Haganinasol, danan in Herostat in den Uuidinenseo, danan in mittan Nottenlôh, danan in Scelenhouc. Isti sunt, qui in his locis suprascriptis circumduxerunt et iuramento firmauerunt: ... [*witnesses*] ... Incipiebant uero in eodem loco alii testes preire et circumducere. Id est fon demo Scelenhouge in Heibistesbiunta, danan in daz Ruotgiseshouc, danan anan Amarlant, danan in Moruhhesstein, danan after dero clingun unzan Chistebrunnon. Hucusque preibant et circumducebant et iuramento firmabant qui subter nominati sunt: hoc est ... [*witnesses*] ... Incoati sunt uero tertii testes ducere et girum pergere peracto iuramento. Ducebant ergo de loco qui dicitur Chistesbrunnon anan den Rorinonseo, danan in daz Altuuiggi, danan in Brezzulunseo, danan in de sundorun Erdburg mitta, danan in Moruhhesstein, danan in Druhireod, danan in Brunniberg, danan in mittan Moin. Haec loca suprascripta circumducebant et preibant iuramento asstricti, ut iustitiam non occultarent sed proderent, hi, qui subter positi sunt ... [*witnesses*] ...

This charter, with its clear breaks between Latin and German clauses, is an example of ‘inter-sentential’ code-switching, and its regularity may represent a more conscious shift between languages. A second Würzburg *Markbeschreibung*, copied into the end of the same codex (fo. 208v), also records the *marca* boundary, albeit this time entirely in the vernacular. The two descriptions were long thought to have been two versions of a single perambulation undertaken in 779. Recently, however, Wolfgang Beck has convincingly demonstrated that the second boundary represents an entirely different survey, one most likely prepared in the early eleventh century in response to Henry II's creation of the new diocese of Bamberg in 1007, for which territory was carved out of the bishopric of Würzburg.<sup>45</sup> Fundamental differences between the two texts suggest that the bilingual charter of 779, as preserved in the gospel-book copy, is a faithful transcription of the original document.

The Hammelburg *Markbeschreibung* is a single-sheet document, purportedly issued in October 777, recording the investiture (*vestitura*) and boundary of Hammelburg, a royal estate (*fiscus*) which had been granted to Fulda by Charlemagne. Indeed, an original diploma documenting the king's gift in January 777 is extant; the separate *Markbeschreibung* records the final conveyance of possession and confirmation of the land's bounds.<sup>46</sup> The two charters

<sup>44</sup> See Davies, ‘Latin charter-tradition’; F. Tinti, *Sustaining Belief: The Church of Worcester from c.870 to c.1100* (Farnham, 2010), pp. 125-36; A. Hodge, ‘When is a charter not a charter? Documents in non-conventional contexts in early medieval Europe’, in *Problems*, eds. Jarrett and McKinley, pp. 127-49. Another continental parallel is the boundary description from c.980-2 entered in an Aschaffenburg gospel book around 1000: *Urkundenbuch des Stifts St Peter und Alexander von Aschaffenburg, I., 861-1325*, ed. M. Thiel (Aschaffenburg, 1986), no. 14.

<sup>45</sup> Beck, ‘Aspekte’.

<sup>46</sup> Manuscript: Munich, Bayerisches Hauptstaatsarchiv, Würzburger Urkunde 1201. Edited by von Steinmeyer, *Sprachdenkmäler*, no. XII, pp. 62-3; *UF*, no. 83; and *Chartae latinae antiquiores*, XII.542 (which also includes a facsimile). See Bauer, *Grenzbeschreibungen*, pp. 3-27; Geary, ‘Land’, 177-9; Bergmann, ‘Voraussetzungen’.

seem to have been kept together at Fulda. According to the *Markbeschreibung*, Abbot Sturm received the *fiscus* in the presence of two counts and two *vassalli dominici*. Twenty-one witnesses then swore to the veracity of the bounds, which were given in an ‘intra-sentential’ combination of Latin and Old High German:

...Et descriptus est atque consignatus idem locus undique his terminis, postquam iuraverunt nobiliores terrae illius, ut edicerent veritatem de ipsius fisci quantitate: primum de Salu iuxta Teitenbah in caput suum, de capite Teitenbah in Scaranuirst, de Scaranuirste in caput Staranbah, de capite Staranbah in Scuntra, de Scuntra in Nendichenueld, deinde in thie teofun gruoba, inde in Ennesfirst then uuestaron, inde in Perenfirst, inde in orientale caput Lutibah, inde in Lutibrnunon, inde in obanentig Uuinessol, inde in obanentig Uuinestal, inde in then burguueg, inde in Otitalis houbit, deinde in thie michilun buochun, inde in Blenchibrnunon, inde ubar Sala in thaz marchoug, inde in then matten uuieg, inde in thie teofun clingun, inde in Hunzesbah in Eltingesbrnunon, inde in mittan Eichinaberg, inde in Hiltifridesburg, inde in thaz steinina houg, inde in then lintinon seo, inde in theo teofun clingun unzi themo brunnen, inde in ein sol, inde in ein steininaz hog, inde in Steinfirst, inde in Sala in then elm.

This text has often been considered a copy dating to the 820s, principally because Edmund Stengel, the editor of Fulda’s charters, was convinced that the document was a forgery perpetrated by Rudolf of Fulda, who evidently tampered with other charters.<sup>47</sup> Others have suggested a date of *c.*800 on the basis of the script’s resemblance to contemporary chancery cursive.<sup>48</sup> As a single-sheet record of an investiture and an accompanying boundary description, this document is a unique survival from the Frankish world, but its exceptionality need not imply foul play.<sup>49</sup> Analysis of the witness list has shown that the attestors were mainly landowners near Hammelburg who appear in other late-eighth-century Fulda charters.<sup>50</sup> Given that the document was apparently kept with the original diploma from Charlemagne, and that it has only otherwise been dated on debatable palaeographic grounds, it does not seem far-fetched to suggest that this may be an original document from October 777. Irrespective of the boundary’s precise date or authenticity, however, it demonstrates that documents recording such events were entirely conceivable in the Carolingian period. Charters were not always copied into cartularies; indeed, the Hammelburg *Markbeschreibung* survives *only* as a single-sheet. This document is also significant from a linguistic point of view, because it confirms that administrative texts containing vernacular language are not necessarily products of later interpolation and emendation (as is often charged).

The Bavarian bishoprics of Freising and Regensburg, established in the early eighth century, are two further institutions whose histories are well-known due to the survival of

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Charlemagne’s corresponding diploma is *Die Urkunden Pippins, Karlmanns und Karls des Grossen*, ed. E. Mühlbacher, MGH Diplomatum Karolinorum 1 (Hanover, 1906), no. 116 (= *UF*, no. 77).

<sup>47</sup> Stengel, ‘Urkundenfälschungen’, p. 29 n. 6; and his notes for *UF*, no. 83 at 1:152-3 and 2:525-7.

<sup>48</sup> *Chartae latinae antiquiores*, XII.542; Mersiowsky, *Urkunde*, 2:713.

<sup>49</sup> On the charter evidence for investiture, see Mersiowsky, *Urkunde*, 2:859-75. The only comparable extant text is a parish boundary for a proprietary church in Rengsdorf belonging to the nearby church of St Castor in Koblenz, which was apparently demarcated and recorded in a document of 857 by Archbishop Thietgaud of Trier. Judging by the hand, the charter would seem to be an 11th-century copy, which has led to accusations of forgery: Landeshauptarchiv Koblenz, Bestand 109, Urkunde nr. 1; see *Rheinisches Urkundenbuch. Ältere Urkunden bis 1100. Bd. 2: Elten–Köln, S. Ursula*, ed. E. Wisplinghoff (Düsseldorf, 1994), no. 198; Deutinger, ‘Zehntterminationen’, 17-19; but for a more optimistic reading, Mersiowsky, *Urkunde*, 2:885.

<sup>50</sup> Bauer, *Grenzbeschreibungen*, p. 12.

several remarkable document collections. The most substantial of these is a cartulary containing over 500 charters compiled between 824 and 848 at the church of Freising under the stewardship of the priest Cozroh.<sup>51</sup> A further 500 charters are known from subsequent collections produced at Freising. In contrast to Lorsch and Fulda, Freising charters did not record neighbour boundaries. In fact, this seems seldom to have been done anywhere in Bavaria.<sup>52</sup> In the Freising cartulary, boundary information of any sort is conspicuously scarce, but there are a few notable exceptions. In 755, Starcholf, a Bavarian aristocrat, granted his inheritance in the *villa* of Altfalterbach to Freising and described the *loci* and rivers along its perimeter in Latin.<sup>53</sup> A 793 charter records a donation of property around Donauwörth to Freising by a Count Helmoin. The granted *territorium* had apparently been appropriated for the fisc by royal commissioners, but Charlemagne intervened and restored the land to Helmoin on condition that he donate it to Freising not only in alms for himself, but also for the king and his sons. Helmoin perambulated the boundary with the *missus* of Count Gerold, within whose jurisdiction the lands lay, and was then invested with the property so that he could grant it to Freising. The boundary was briefly delineated:

...Quod ita et deci omnia supradicta, id est Kaozesheim, Chuningesheid et Chriechesstat cum omni confinio supradicto ad loco qui dicitur Sampinsaolla usque ad Cozesheim et exinde tendit in iusu iuxta rivolum usque ad magnum rubum quod vulgo dicitur nidar pi deru lahhun za deru mihilun eihi, deinde per locas terminatas, id est in longitudine antlanga Caozeslahhun usque ad Caozesprunnun, similiter et in illa silva quae pertinet ad Uemodinga ...<sup>54</sup>

Helmoin's property was described in Latin but then translated into the vernacular: '...all of the above-said territory to the place which is called *Sampinsaolla* up to *Cozesheim*, and from there it extends downwards along the stream up to the great oak tree which in the vernacular is called *nidar pi deru lahhun za deru mihilun eihi* ("down by the stream to the great oak tree"), from there through surveyed places, that is, *antlanga* ("along") the length of *Caozeslahhun* up to *Caozesprunnun*'. The presence of the German preposition *antlanga* furnishes another example of an intra-sentential code switch.<sup>55</sup>

Two further boundaries from Freising merit mention. In 827, Bishop Hitto and Count William convened a *placitum* with a group of Slavs to establish the border between the *marca* of the parish church at Buchenau and the Slavs' lands. The count sought out the oldest Bavarian and Slavic men in order to determine the 'most proper boundaries' (*rectissimum terminum*),

<sup>51</sup> See A. Krahl, 'Die Handschrift des Cozroh. Einblicke in die koptale Überlieferung der verlorenen ältesten Archivbestände des Hochstifts Freising', *Archivalische Zeitschrift* 89 (2007), 407-31. The codex (Bayerisches Hauptstaatsarchiv HL Freising 3a) is available online with a useful apparatus prepared by Adelheid Krahl at <<http://www.bayerische-landesbibliothek-online.de/cozroh>> [accessed 10 October 2017].

<sup>52</sup> *TF*, no. 489 comes close, but names only one side of granted woodland: '...que in occidentem parte confinivit ad marcam sancte Marie...'. See also *Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram*, ed. J. Widemann (Darmstadt, 1969) [hereafter cited as *TR*], no. 11, referring to property 'ex orientali parte usque in commarcam Deotkarii abbatis, australi etiam parte usque in commarcam Gundberti'.

<sup>53</sup> *TF*, no. 8; Bauer, *Grenzbeschreibungen*, pp. 159-65.

<sup>54</sup> *TF*, no. 166a; see Bauer, *Grenzbeschreibungen*, pp. 166-73.

<sup>55</sup> See M. Prinz, 'Vergessene Wörter – frühe volkssprachige Lexik in lateinischen Traditionsurkunden', *Jahrbuch für germanistische Sprachgeschichte* 1 (2010), 292-322, at 296-300. The text gives the Latin *rubus* ('bramble-bush'), but as in the case of *CL*, no. 10 (see above), 'oak tree' (*robur*?) was probably meant, given the German translation.

which the charter then traces.<sup>56</sup> There is also a long boundary description in a notice of c.895 which delineates the topographical features along the perimeter of the *marca* of Holenburg. This document, which consists only of a boundary and provides no transactional context, was copied into the ninth-century codex at a later date, probably in the eleventh century. Although it is mostly in Latin, it contains the uncommon German words *nuosch* ('gully'), *staphol* ('foot' or 'base'), *lewir* ('mound') and *werit* ('island').<sup>57</sup>

At the church of Regensburg, a cartulary was produced under Bishop Baturich (817–47), and, while only a fragment containing twelve charters survives from this initial compilation, the church's scribes produced other documentary collections in the late ninth and tenth centuries, providing about 170 further charters from before the year 900.<sup>58</sup> The quantity and scale of boundary evidence in these cartularies is roughly equivalent to that of Freising. In 776, Count Machelm granted his property at Aschach (near the Danube) to the church, and a boundary clause naming rivers and mountains was defined and agreed.<sup>59</sup> In 808, three individuals gave a *commarca* to Regensburg and briefly described its confines with reference to other places and markers.<sup>60</sup> A document recording Baturich's restitution of the *marca* of Pram to the monastery of St Peter in Schönau in 819 includes a short description of its limits.<sup>61</sup> Another charter from that year relates a perambulation of the *marca* of Cham, which was carried out after seven men were accused of making illegal clearances. The land was surveyed by Baturich in the company of local notables (a comital *missus*, the huntsman and a *vicarius*) who confirmed the boundaries of the *marca*, which were recorded in the charter. The charter invokes an Old High German *hapax legomenon* to describe the perambulation: 'Haec sunt nomina eorum, qui audierunt rationem istam et cauallicauerunt illam commarcam et fuerunt in ista *pireisa*...' ('These are the names of those who heard this verdict and rode [around] this *commarca* and were in this *pireisa* ["riding"]').<sup>62</sup> The scribe of both 819 surveys was a deacon named Ellinhard.

### *Production and preservation*

Before drawing out some of common threads in these texts, the documentary contexts in which boundary clauses were preserved and transmitted should be assessed in order to gauge how representative our surviving examples are. A conspicuous aspect of these texts' provenance is the fact that they are not often found in charter collections produced during the first wave of Frankish cartulary compilation in the early ninth century. The Hammelburg boundary is extant only in its single-sheet version and does not seem to have been copied into Fulda's first cartulary. Other Fulda boundary descriptions are transmitted only by the twelfth-century *Codex Eberhardi*. The Holenburg *marca* description was copied into the Freising cartulary probably

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<sup>56</sup> *TF*, no. 548.

<sup>57</sup> *TF*, no. 1007. There are also brief boundary demarcations in nos. 495 and 1037.

<sup>58</sup> *TR*, pp. v-xx; P. J. Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton, NJ, 1994), pp. 98-100.

<sup>59</sup> *TR*, no. 4.

<sup>60</sup> *TR*, no. 10.

<sup>61</sup> *TR*, no. 15.

<sup>62</sup> *TR*, no. 16; see appendix, no. 10. See Bauer, *Grenzbeschreibungen*, pp. 129-39; Prinz, 'Wörter', 300-1.

in the eleventh century. The Würzburg *Markbeschreibung* of 779 was copied into an evangeliary shortly after the year 1000. These relatively late textual traditions have tended to arouse suspicion concerning authenticity, but documents such as the Hammelburg description and the scattered boundary records preserved in the early Freising and Regensburg cartularies demonstrate that there was clear Carolingian precedent for putting boundaries into writing. Later interpolations were often modifications of genuine earlier territorial demarcations.<sup>63</sup> It is interesting, however, that ninth-century cartularists seem not to have been concerned about copying boundary descriptions, even though such documents were evidently available to them.

This issue partly hinges on our understanding of a cartulary's function. Cartularies were not just haphazard collections of all the documents held by a church; they were carefully edited selections. It is less clear whether these books were compiled purely as means of organizing and preserving documents for external legal validation, or rather for commemorating the benefactors who had endowed institutions with gifts of property in exchange for prayers.<sup>64</sup> There is evidence for both: some cartularies, such as those of Fulda and Wissembourg, arranged charters by district (*pagus*), which is indicative of administrative practicality. On the other hand, Cozroh of Freising grouped his church's charters chronologically by bishop (that is, not strictly chronologically, but all documents from the time of Bishop Arbeo came before those of Bishop Atto, and so forth). Cozroh asserted that his task was to commemorate Freising's patrons.<sup>65</sup> In this respect, it might have been sufficient simply to record the *traditio*, which stated who the donor was and what they had given. But Cozroh also wrote that he had been ordered to reproduce documents in their entirety and with great care. There is no evidence that he or other ninth-century cartulary compilers abbreviated their material, unlike many of their twelfth-century successors. The St Gall evidence effectively confirms this, for boundary clauses are almost non-existent in the monastery's rich collection of original charters.

If ninth-century cartularies faithfully reproduce the contents of original documents, one might ask in what ways the localization formula of 'place X in district Y with Z appurtenances' was substantive. The practicalities of administering so many properties with such limited locative information are not well understood, even at St Gall, where the quantity of original documentation has enabled scholars to reconstruct the organization of the monastic archive with unusual clarity.<sup>66</sup> Why does boundary information seem to have been provided so infrequently? One might suppose, as mentioned earlier, that local witnesses could corroborate a boundary in the event of a dispute, and that physical boundary markers, as prescribed in normative sources, were generally respected and effective. Alternatively, boundary information may rarely have been required because a primary motivation of giving land to the church was to create or renew a bond of spiritual patronage between a donor and a saint. Most

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<sup>63</sup> For discussion, see Staab, 'Termineurkunden'; Deutinger, 'Zehntterminationen'.

<sup>64</sup> The literature on these issues is vast: for recent summaries and thought, see P. Chastang, 'Cartulaires, cartularisation et scripturalité médiévale: la structuration d'un nouveau champ de recherche', *Cahiers de civilisation médiévale* 49 (2006), 21-31; Hummer, 'Production'; and M. Innes, 'On the material culture of legal documents: charters and their preservation in the Cluny archive, ninth to eleventh centuries', in *Documentary Culture*, eds. Brown et al., pp. 283-320.

<sup>65</sup> See Krah, 'Handschrift'; Innes, 'Archives', pp. 160-2; and on Cozroh's preface (*TF*, pp. 1-2), Geary, *Phantoms*, pp. 95-6.

<sup>66</sup> P. Staerke, *Die Rückvermerke der ältern St. Galler Urkunden* (St Gall, 1966), pp. 54-71; and P. Erhart, 'Carta ista amalfitana est et nescitur legere: the charters of Cava dei Tirenna and St Gall and their evidence for early archival practice', *Gazette du livre médiéval* 50 (2007), 27-39.

land transactions may not have needed much in the way of boundary demarcation since there would have been no change in personnel on the ground; the receiving church simply became landlord. Similarly, many charters show individuals donating their rights to a shared possession, usually something which was inherited jointly by siblings; again, one would not expect to find boundary information for a piece of land which remained part-owned by a granter's relative.<sup>67</sup> On the other hand, such transfers of title clearly created problems in the long term, because even though requests for usufruct were regularly extended to subsequent generations of heirs, disputes often arose once a church revoked or altered these arrangements and the land passed out of the heirs' control.<sup>68</sup> In this respect, I am not aware of a surviving reference to a written boundary clause being invoked to settle a property dispute in a Frankish court, but since so few descriptions of court cases exist, this is not especially surprising.<sup>69</sup>

While there are no real grounds to postulate large-scale redaction of boundary clauses from the charters themselves, it is reasonable to suppose that supplementary documents containing boundaries were lost as a consequence of cartulary compilation. Investiture (*vestitura* or *vestitio*), the ritual transfer of possession, as we have seen, was often associated with the textualization of boundaries. This involved the physical handover of a symbolic object (*festuca*), such as a rod, clod of dirt or the charter itself, which represented the final conveyance of rights. The procedure often entailed an inspection of the land, which could take place immediately after a donation, a few days later, or even, as the Hammelburg boundary shows, several months later.<sup>70</sup> Although investiture was an important ceremonial act in the transfer of property, evidence for it is somewhat patchy. Charters of investiture were probably produced more regularly than the documentary record shows on the basis that such supplementary texts were often ignored in the process of 'cartularization', for which the *traditio* of the title was normally deemed sufficient.

Unpacking the stages of documentary redaction may shed further light here. When boundary documents state where they were written, the evidence generally points to composition *in situ*. The first Würzburg boundary, for instance, states that it was enacted 'publicly (*publice*) in the *pagus* called Waldsassengau and at the limits (*fines*) of the Badanachgau', the latter having been named in the boundary as part of the perimeter. The reported statements affirming the boundary details in the 819 survey of Cham from Regensburg indicate that it was probably composed on site, while the boundary agreed between Bishop Hitto of Freising and a group of Slavs in 827 was drawn up at *Chestinperc*, which also formed part of the perimeter. Many charters attest to perambulations and site inspections but do not

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<sup>67</sup> Cf. the provisions for donations to churches of shared inheritances in Louis the Pious' *Capitula legibus addenda* (818–19): MGH Capit. I (Hanover, 1883), no. 139, c. 6, p. 282.

<sup>68</sup> Innes, *State*, pp. 41–2.

<sup>69</sup> On the problems of using 'cartularized' charters to understand how documents were used in courts, see K. Heidecker, '30 June 1047: the end of charters as legal evidence in France?', in *Strategies of Writing: Studies on Text and Trust in the Middle Ages*, eds. P. Schulte, M. Mostert and I. van Renswoude (Turnhout, 2008), pp. 87–94; and Innes, 'Material Culture', pp. 310–12. For an Anglo-Saxon example of a boundary clause being consulted in a dispute, see Sawyer, no. 1441 (s.a. 896), from Worcester.

<sup>70</sup> E.g., *TF*, nos. 501b (three days later), 538a (immediately). See also a grant of Louis the German to Mondsee in 829, in which the *vestitura* immediately followed the donation and was accompanied by a boundary clause: *Die Urkunden Ludwigs des Deutschen, Karlomanns und Ludwigs des Jüngeren*, ed. P. Kehr, MGH Diplomata regum Germaniae ex stirpe Karolorum 1 (Berlin, 1934), no. 1 (= *TR*, no. 24). For comment and further examples, see Mersiowsky, *Urkunde*, 2:859–75; for Bavaria, see Kohl, *Gesellschaften*, pp. 75–85, 304–8.



record boundaries. Several Freising charters written *in situ* refer to the bishop's *advocati* or *missi* surveying properties.<sup>71</sup> In 802, a certain Engilbert gave to the monastery of Werden on the Ruhr 'a *rothus* (i.e., cleared land) in the *villa* which is called Withorpe, along with a very clearly marked *comprehensio* (wasteland) which was walked around; I pointed out these boundary markers to Abbot Liudger and led his *missus* around [them], and I showed faithfully [to them] everything which pertained to that *rothus*.' The charter was written up on location at Withorpe.<sup>72</sup> A charter of 818–38 from the Passau cartulary confirming the church's ownership of the *marca* of Postmünster on the Rott, written up on location, relates that a group of witnesses swore to the bounds and then perambulated them.<sup>73</sup> In 841–2, Abbot Gozbald of Niederaltaich on the Danube made a gift to the church of Isarhofen. The surviving original charter includes three groups of witnesses: the monks who consented to the gift, the laypeople who saw and heard the *traditio*, and the 'witnesses who saw and heard the *vestitura* of this *traditio*'. The witness lists were quite clearly entered at a later stage, however: they are indented from the body of the charter and written in a lighter ink, perhaps even by a different hand. The baseline of the investiture witness list noticeably drifts downwards, indicating that it was added at a later stage – possibly on site, since it must have followed the investiture ceremony, which probably involved a site inspection.<sup>74</sup> No boundary clauses were provided in any of these charters, however.

Another interesting case comes from Freising in 814, when a priest named Eio and his brother renewed a donation made by their father of a church and its appurtenances at Aßling. The brothers asked Bishop Hitto to send his *missi* back with them in order to survey the boundary of the *marca*. Hitto obliged, dispatching 'Count Liutpald, the dean Oadalpald, Kernand, Regipert and the scribe Tagabert', whom Eio and his brother led around to show what pertained to the property.<sup>75</sup> The charter was written and subscribed by 'Tagabert, an unworthy deacon', so its author evidently wrote of himself when he referred to 'the scribe Tagabert'. But he wrote the charter later, not on site, for the grant was made 'at the altar of St Mary', that is, in the church of Freising. Why was Tagabert sent along? No boundary was recorded in the charter. As a member of the cathedral chapter, Tagabert may have been sent as a witness for the church. It is notable, however, that Tagabert described himself as a *scriba* rather than a deacon, suggesting that he had been sent in his capacity as a scribe. He may well have been

<sup>71</sup> E.g., *TF*, nos. 331, 570, 588b.

<sup>72</sup> *Cartularium Werthinense*, ed. D. P. Blok, *De oudste particuliere oorkonden van het klooster Werden. Een diplomatische studie met enige uitweidingen over het ontstaan van dit soort oorkonden in het algemeen* (Assen, 1960), no. 26: '...unum rothum in uilla que dicitur Withorpe, simul cum comprehensione euidentissimis signis circumgiratum; que signa eidem abbati Liudgero demonstravi et missum eius circumduxi et omnia que ad illum rothum pertinebant, fideliter ostendi ... Actum est autem publice in eadem uilla que dicitur Withorpe...'

<sup>73</sup> *Die Traditionen des Hochstifts Passau*, ed. M. Heuwieser (Munich, 1930), no. 73: 'Et postea illam in giro circumduxerunt'.

<sup>74</sup> Munich, Bayerisches Hauptstaatsarchiv, Kloster Niederaltaich, Urkunde 2179: 'Isti sunt testes qui uestituram huius traditionis uiderunt et audierunt...'. See H. Houben, 'Eine wiederentdeckte Urkunde des Abtes Gozbald von Niederaltaich', *Archivalische Zeitschrift* 72 (1976), 11–21; Mersiowsky, *Urkunde*, 1:474–5, 2:850, 865. Cf. an original private charter of 815 from Hersfeld, which also preserves separate witness lists for the *vestiturae* of several pieces of land: *Urkundenbuch der Reichsabtei Hersfeld*, ed. H. Weirich (Marburg, 1936), no. 26.

<sup>75</sup> *TF*, no. 323: '...ut viderent territorium vel silvam seu terminum huius marcha, ut viderent antequam tradidisset, quod tradere dispositum habuit. Conplacuit hoc domno episcopo, transmisit cum illis Liutpaldum comitem et Oadalpaldum decanum, Kernandum, Regipertum, Tagabertum scribam, ut haec vidissent quod eis ostenderetur. Ita et fecerunt, et circumduxit eos Eio et Alphart frater eius et ostenderunt eis omnia loca ad hanc ecclesiam pertinentia.'

sent to record the boundary itself. This could have been drawn up as part of a dossier which was stored in the Freising archive, from which Cozroh elected only to copy the main title deed into his cartulary, thereby condemning other documents associated with the land to oblivion.<sup>76</sup> Dossiers are also hinted at by the boundaries of Heppenheim and Michelstadt, which were inserted in the Lorsch cartulary as if they were supplementary documents to the donation charters which preceded them. Royal diplomas, furthermore, occasionally provide hints that boundaries were written during a separate stage of redaction: for example, an original 914 diploma of Conrad I survives with a detached contemporary boundary clause which is now sewn on the diploma's right-hand side.<sup>77</sup> Evidence of similar practices can be found elsewhere in the Carolingian world: in his famous will, Count Eccard of Mâcon, who died in 876, bequeathed his *villa* of Perrecy in Burgundy to the West Frankish monastery of Fleury. A surviving dossier associated with the will contains numerous documents pertaining to Perrecy, among which is a notice describing the boundary of the estate.<sup>78</sup> Such evidence need not be dismissed as aberrant; charters also bear witness to other documentary traditions concerning boundaries which have probably been diminished by the ravages of archival practice.

### *Patterns and contexts*

Although there are good reasons to assume some losses of boundary clauses from the eastern Frankish documentary corpus, the lack of standardization among surviving examples indicates that such descriptions were one of the least fixed parts of the charter formulary, which in turn suggests that they were not especially common. Some proceed clockwise, others anticlockwise; some describe a segment of a boundary, others record an entire perimeter; some refer to cardinal directions, others do not. Nevertheless, the evidence surveyed above is sufficient to allow for some generalizations on the sorts of circumstances which could trigger the production of a boundary clause.

The individuals involved in charters that included written boundaries tended to be figures of some stature. Boundary clauses were frequently associated with counts such as Cancor at Lorsch, Brunicho at Fulda (donor, along with two other counts and a countess, of the *marca* of Rasdorf), Helmoïn at Freising and Machelm at Regensburg. Starcholf, who gave property to Freising, was a Bavarian aristocrat. Einhard, of course, was a courtier of

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<sup>76</sup> See further Innes, 'Material Culture', pp. 307-9.

<sup>77</sup> *Die Urkunden Konrad I., Heinrich I. und Otto I.*, ed. T. Sickel, MGH Diplomata regum et imperatorum Germaniae 1 (Hanover, 1879-84), no. 22; see Bauer, *Grenzbeschreibungen*, pp. 150-8. Cf. *Die Urkunden Arnolfs*, ed. P. Kehr, MGH Diplomata regum Germaniae et stirpe karolinorum 3 (Berlin, 1940), no. 75, which contains a boundary clause in the diploma, and to which was affixed a separate list of the names of those who perambulated the land. For English comparisons, see S. Keynes, 'Royal government and the written word in late Anglo-Saxon England', in *Uses of Literacy*, ed. McKitterick, pp. 226-57, at p. 255 n. 114.

<sup>78</sup> *Recueil des chartes de l'abbaye de Saint-Benoît-sur-Loire*, eds. M. Prou and A. Vidier, 2 vols. (Paris, 1900-1907), I, no. 26, pp. 67-74, at p. 69. On the dossier, see J. L. Nelson, 'Dispute settlement in Carolingian West Francia', in *Settlement of Disputes*, eds. Davies and Fouracre, pp. 45-64, at pp. 53-5; B. Kasten, 'Erbrechtliche Verfügungen des 8. und 9. Jahrhunderts. Zugleich ein Beitrag zur Organisation und zur Schriftlichkeit bei der Verwaltung adeliger Grundherrschaften am Beispiel des Grafen Heccard aus Burgund', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 107 (1990), 236-338, at 304-6, 315-16; and Innes, 'Archives', pp. 176-82.

considerable repute. Tassilo III, the last Agilolfing duke of Bavaria before its conquest by Charlemagne in 788, played a prominent role in documentary production and boundary demarcation: he consented to Machelm's grant to Regensburg in 776, and his foundation charter for the monastery of Kremsmünster in 777, though later interpolated, seems to have provided the bounds of the endowment. Furthermore, the charter recording Bishop Baturich's survey of Cham in 819 recalled how Tassilo had renewed his father's donation of the *marca*.<sup>79</sup> Boundaries, as mentioned, were usually inspected and recorded in the presence of bishops, abbots, counts and other officials. The Hammelburg estate, for instance, was surveyed by Abbot Sturm of Fulda, two counts and two royal agents. The first Würzburg survey was conducted by a *missus* of Charlemagne. At Freising and Regensburg, episcopal and comital *missi* usually led proceedings, often alongside the bishop or a count.<sup>80</sup> Boundary clauses thus tended to be composed when the lands involved were held or being transacted by kings, aristocrats and other notables. In much the same way as more elaborately written charters were often produced for individuals belonging to local elite kindreds, it could be the case that boundary descriptions were normally reserved for high-status granters, or perhaps produced upon request.

For lower-status donors, oral testimony and witness subscriptions were usually adequate: in a Fulda charter of 824 recording the donation of a certain Warmunt and his mother Ellenswind, separate witness lists were given for those present for the *traditio* and those 'who saw the *vestitio* (investiture)'.<sup>81</sup> In a Freising charter of 828, a minor-order cleric named Salomon donated some woodland to the church, and then 'led around the *missus* of the venerable bishop Hitto, that is Petto, and many others, whose names are written here...'.<sup>82</sup> Boundary clauses were generally not included in charters recording such small-time donors and properties.

That written boundaries normally involved more prominent landholders is to some extent unsurprising, given that they tended to describe large, rural areas. Neighbour boundaries, as we have seen, were normally reserved for urban plots, vineyards and small fields (though they were sometimes provided for larger areas).<sup>83</sup> Most of the texts examined here pertain to properties described as *marcae*. The term *marca* has several meanings, but in eastern Frankish charters it often referred to the underexploited and underpopulated hinterland of a more heavily cultivated and settled village or township (*villa*).<sup>84</sup> Thus many of the boundaries from Lorsch,

<sup>79</sup> Hummer, 'Production', pp. 226-7. For Kremsmünster, see *Niederösterreichisches Urkundenbuch. Bd. 1, 777-1076*, eds. M. Weltin and R. Zehetmayer (St Pölten, 2008), no. 1. See also Tassilo's endowment of the monastery of Scharnitz-Schlehdorf in 769: *TF*, no. 34.

<sup>80</sup> E.g., *TR*, no. 16 (Bishop Baturich, accompanied by the *venator* Rodold, the *vicarius* Betto and the *missus comitis* Hiltiroch); *TF*, no. 548 (Bishop Hitto and Count William).

<sup>81</sup> *Codex diplomaticus Fuldensis*, no. 447: 'Isti sunt testes traditionis ... item testes qui uestitionem uiderunt...'.  
<sup>82</sup> *TF*, no. 570: 'Et statim ille ipse Salomon circumduxit missum Hittoni venerabilis episcopi, hoc est Pettonem et alios multos quorum nomina hic scribta sunt...'. 'Seeing and hearing' was a standard witness formula: in addition to *TF* no. 570, see, e.g., nos. 74, 109b, 145, 235, 237, 265b, 308, 327, 346, 347, 404, 446, 471b; *Traditionen Passau*, nos. 9, 41; *Codex diplomaticus Fuldensis*, nos. 346, 405, 628, 644, 648. See further Geary, 'Land', 175, 181; and Mersiowsky, *Urkunde*, 2:853-6.

<sup>83</sup> For larger properties described in reference to neighbours, see, for instance, *CL*, nos. 217, 245, 261.  
<sup>84</sup> For the wider historical context and meanings of the term *villa*, see C. Wickham, *Framing the Early Middle Ages: Europe and the Mediterranean, 400-800* (Oxford, 2004), pp. 465-518. For a case study of how *villa-marca* units functioned in the Middle Rhine, see Innes, 'Rituals'; and for Bavarian *marcae*, Kohl, *Gesellschaften*, pp. 54-5.

including those of Heppenheim, Bürstadt, Michelstadt and Langen, defined large tracts of recently-claimed territory (usually woodland) attached to *villae*. Other boundary clauses, such as those of the *marcae* of Rasdorf, Soisdorf, Buchenau, Pram, Cham and the *captura* of Burghaun, lay in the eastern borderlands of the Carolingian world. *Marca* also carried the meanings of ‘boundary’ or ‘frontier’, as did other terms for uncultivated or unclaimed lands such as *commarca* and *confinium*.<sup>85</sup> There may therefore have been some sense that such border *marcae* ought to be defined and described if they formed part of a frontier zone. Furthermore, written boundaries were useful because physical boundary markers would have been relatively new and therefore more prone to alteration or destruction (whether accidental or deliberate). Likewise, it would have been impractical simply to name the neighbours and adjacent properties on the numerous sides of a large, irregularly shaped *marca*. Indeed, in many cases, there were presumably too few neighbours to provide local boundary corroboration. Boundary clauses were therefore suited to the appropriation of new lands which needed to be cleared before they could be exploited or alienated.

Boundaries were evidently written down in a range of transactional contexts. Patrick Geary has argued that boundary clauses are essentially scripted versions of sworn statements made in the context of disputes. He highlighted the appearance of the vernacular in boundaries such as the Hammelburg and Würzburg descriptions, suggesting that the textualization of such language reflected the importance of oath-taking and the performative nature of early medieval charters.<sup>86</sup> One might query, however, whether disputes were the primary contexts in which oaths confirming boundaries were sworn. Geary supposed that the Hammelburg document had been produced because the precise borders were being contested in the first quarter of the ninth century (he accepted Stengel’s dating of the manuscript). He suggested that the *nobiliores terrae illius* who swore to the boundaries were not the twenty-one named witnesses, but rather another group of notables who were led around the perimeter when the surviving copy of the document was purportedly written (i.e., in the 820s).<sup>87</sup> Were this the case, the absence of the names of these ‘better born’ perambulators would be hard to explain. There is, moreover, no explicit reference to a disagreement over the boundary. Similarly, Geary proposed that the divergence of the boundary in the two Würzburg descriptions was indicative of a dispute.<sup>88</sup> But neither version mentions a dispute, and as Wolfgang Beck has demonstrated, the ‘second’ description was a different survey of the *marca* undertaken at the beginning of the eleventh century. Among the boundary clauses considered here, only Helmoïn’s grant to Freising of 793, the two Regensburg surveys of 819, and the Langen boundary at Lorsch explicitly state that they were undertaken in the course of disputes. Most appear in donation charters, while other texts such as the Würzburg descriptions give no reason for the recording of the boundary.

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<sup>85</sup> *Mediae Latinitatis Lexicon Minus*, eds. J. F. Niermeyer and C. Van de Kieft, 2<sup>nd</sup> ed., revised by J. W. J. Burgers, 2 vols. (Leiden, 2002), 1:276, 1:319, 2:850-3. See J. M. H. Smith, ‘*Fines imperii*: the marches’, in *New Cambridge Medieval History II*, ed. McKitterick, pp. 169-89, at pp. 176-7. The *Lex Baiuvariorum* also attests to this meaning: c. 13.9, p. 412.

<sup>86</sup> Geary, ‘Land’; and more broadly, P. J. Geary, ‘Oathtaking and conflict management in the ninth century’, in *Rechtsverständnis und Konfliktbewältigung. Gerichtliche und außergerichtliche Strategien im Mittelalter*, ed. S. Esders (Cologne, 2007), pp. 239-54; Geary, *Language*, pp. 56-73.

<sup>87</sup> Geary, ‘Land’, 178-9. Analysis of the witness names has shown that the attestors were mainly landowners around Hammelburg who often appeared in other Fulda charters in the late 8th century. The plausibility of the witness list has been taken as a measure of the document’s authenticity: Bauer, *Grenzbeschreibungen*, p. 12.

<sup>88</sup> Geary, ‘Land’, 179-80.

Overall, it seems that rather specific circumstances were required for a boundary clause to be included in a charter. Charters with written boundaries arose from events of great ceremony, usually involving a perambulation conducted around large or important properties in the presence of bishops, counts and royal envoys. They were regularly associated with rituals of conveyance such as investitures. Their rarity and variability, however, indicates that they were not a procedural requirement; there are arguably more cases of perambulations or transfers of possession which entailed a site ascertainment but did not record a boundary clause. There also seems to have been a difference between highly ritualized, solemn events involving kings and local authorities, such as the investiture of Hammelburg for Fulda in 777 or Helmoïn's grant of property which had been confiscated by Charlemagne to Freising in 793, and the more routine administrative business associated with smaller donations such as those by Engilbert to Werden in 802 or Eio to Freising in 814. These latter transactions, as I have argued, were less likely to prompt a boundary clause (or if some notice of the boundary was written, it was not included in the charter of *traditio*). This distinction suggests that the production of a boundary clause could rather have been an essentially literary feature of a charter which reflected the significance of the donation, occasion or participants.

### *Land and language*

A closer look at the linguistic composition of these boundary clauses further supports the notion that they were not juridically significant, but valued more as instruments for the articulation of identity and authority. As alluded to several times, the Germanic vernacular is rather prominent in these clauses, considering its scarcity in other parts of charters from Germanic-speaking Francia. German emerged as a scripted language in the late eighth century primarily as a tool for learning Latin, as demonstrated by the fact that it normally appeared in the contexts of glosses, glossaries and translations.<sup>89</sup> Having been stimulated by the arrival of Anglo-Saxon missionaries such as Willibrord and Boniface, vernacular writing continued to be promoted in the late eighth and early ninth centuries for pastoral and missionary purposes under the aegis of Carolingian religious reform. Leading eastern scholars such as Hrabanus Maurus taught their students in German.<sup>90</sup> From the mid-ninth century, original German literature became more prominent, including Otfrid of Wissembourg's *Evangelienbuch*, a gospel harmony in rhyming verse and the anonymous *Ludwigslied*, a poem in praise of the West Frankish ruler Louis III.<sup>91</sup> At the same time, however, the Carolingians' encouragement of regular and correct Latin, the language of the Bible and of the Roman Empire, as an ideal medium of imperial government

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<sup>89</sup> On early German literature, see W. Haubrichs, *Geschichte der deutschen Literatur von den Anfängen bis zum Beginn der Neuzeit*, Band I, *Von den Anfängen bis zum hohen Mittelalter*, Teil 1: *Die Anfänge. Versuche volkssprachiger Schriftlichkeit im frühen Mittelalter (ca. 700–1050/60)*, 2<sup>nd</sup> ed. (Tübingen, 1995); and C. Edwards, 'German vernacular literature: a survey', in *Carolingian Culture: Emulation and Innovation*, ed. R. McKitterick (Cambridge, 1993), pp. 141-70.

<sup>90</sup> W. Haubrichs, 'Fulda, Hrabanus Maurus und die theodische Schriftlichkeit', in *Hrabanus Maurus. Gelehrter, Abt von Fulda und Erzbischof von Mainz*, ed. F. J. Felten (Mainz, 2006), pp. 93-120.

<sup>91</sup> On the identification of Louis III as the subject of the poem, see P. Fouracre, 'The context of the OHG *Ludwigslied*', *Medium Aevum* 54 (1985), 87-103.

may have militated against the spread of written German in administrative or legal contexts.<sup>92</sup> Even so, a knowledge of German was considered important: in 844, Lupus, abbot of Ferrières in the Romance-speaking west, sent his nephew and two other young men to Prüm to learn German, which he regarded as essential.<sup>93</sup>

There was nevertheless some experimentation with the use of the vernacular in documentary contexts. Formularies, law codes and capitularies were frequently glossed and occasionally even translated, as demonstrated by extant Old High German fragments of the *Lex Salica* and of Louis the Pious' capitulary of 818/19.<sup>94</sup> Frankish words such as *bannus* or *mallus* had long been adopted in Latin as technical terms for judicial rights and procedures, while charters, as mentioned, routinely borrowed vernacular words for specific legal concepts, such as *wergeld*, *mundiburdium* or *wadium*. The most frequent use of German in charters, however, was in descriptions of land and property. Thus one regularly encounters better-known Germanic terms such as *alodis*, *bifang*, *hoba* and *marca*, as well as more unusual words including *bizuma* ('fence' or 'enclosure'), *fahstat* ('weir'), *hluz* ('lot', i.e. a portion of property), *houasteti* ('farmstead'), *kapreitta* ('field'), *lachus* ('boundary-marker') and *thriurothe* (land to be cleared, cf. *bifang*).<sup>95</sup> Appurtenance clauses also sometimes included vernacular terms such as *watriscapum* ('well' or 'reservoir'); an early Echternach charter of 718 (preserved in twelfth-century cartulary copy) features the otherwise unattested Low Franconian words *hafergarias* and *hochofinnas*.<sup>96</sup>

As I have shown, German words and phrases appeared regularly in boundary descriptions, providing numerous instances of code-switching. This became increasingly usual in Anglo-Saxon charters from the mid-ninth century onwards.<sup>97</sup> There does not seem to be a causal link between Anglo-Saxon vernacular boundary clauses and the use of German in Frankish boundaries, as the former became more common several decades after most of our evidence for the latter.<sup>98</sup> Having said that, the important role played by Anglo-Saxon missionaries in the initial scripting of German could well have helped instil the notion that the vernacular was useful for describing land in documentary contexts. Indeed, one of the earliest

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<sup>92</sup> McKitterick, *Written Word*, pp. 7-22; Nelson, 'Literacy'; M. de Jong, 'Some reflections on Mandarin language', in *East and West: Modes of Communication. Proceedings of the First Plenary Conference at Merida*, eds. E. Chrysos and I. Wood (Leiden, 1999), pp. 61-9.

<sup>93</sup> *Loup de Ferrières. Correspondance*, ed. L. Levillain (Paris, 1964), nos. 35 and 70.

<sup>94</sup> Schmidt-Wiegand, 'Stammesrecht'.

<sup>95</sup> E.g. *Codex diplomaticus Fuldensis*, nos. 332 (*fahstat*), 354 (*thriurothe*), 413 (*bizuma*); *TF*, nos. 326, 534, 537, 538 (*hluz*), and no. 185 (*houasteti* and *kapreitta*); *CL*, no. 10 (*lachus*). On vernacular terminology in Fulda and Lorsch charters, see S. Freudenberg, *Trado atque dono. Die frühmittelalterliche private Grundherrschaft in Ostfranken im Spiegel der Traditionsurkunden der Klöster Lorsch und Fulda (750 bis 900)* (Stuttgart, 2013), pp. 75-125, 159-64.

<sup>96</sup> *Geschichte der Grundherrschaft Echternach im Frühmittelalter*, I.2 Quellenband, ed. C. Wampach (Luxembourg, 1930), no. 28; see M. Costambeys, 'An aristocratic community on the northern Frankish frontier, 690-726', *Early Medieval Europe* 3 (1994), 39-62, at 57-8. *Watriscapum*: e.g., *TF*, nos. 426, 560; *Geschichte Echternach*, nos. 16, 17, 20, 21.

<sup>97</sup> H. Schendl, 'Beyond boundaries: code-switching in the leases of Oswald of Worcester', *Code-Switching in Early English*, eds. H. Schendl and L. Wright (Berlin, 2011), pp. 47-94; F. Tinti, 'Writing Latin and Old English in tenth-century England: patterns, formulae and language choice in the leases of Oswald of Worcester', in *Writing, Kingship and Power in Anglo-Saxon England*, eds. R. Naismith and D. Woodman (Cambridge, 2017), pp. 303-27; R. Gallagher and F. Tinti, 'Latin, Old English and documentary practice at Worcester from Wærferth to Oswald', forthcoming.

<sup>98</sup> Bauer, *Grenzbeschreibungen*, p. 273.

surviving vernacularized boundaries from eastern Francia is that of Hammelburg from Fulda, composed in 777. As outlined above, the boundary begins in Latin before drifting into a blend of Old High German articles, adjectives and nouns and Latin prepositions. The formulaic elements of the first Würzburg *Markbeschreibung* from 779 are in Latin, but the boundary is given in three separate sections of uninterrupted German. The charter of Count Helmoin's grant to Freising in 793 describes his property in Latin and then translates it into the vernacular. Waldo's 801 grant to Fulda records a boundary that switches between Latin and Old High German in the same manner as the Hammelburg survey. The description of Fulda's *marca* of Rasdorf contains German words, as does that of the Hohenburg *marca* in the Freising cartulary.<sup>99</sup> Cancor's 770 donation to Lorsch includes details of the marking of the boundary, referring several times to a tree-notch as a *lachus*. Baturich of Regensburg's survey of Cham in 819, though composed in Latin, employs a unique Old High German noun, *pireisa*, in reference to the perambulation. A Fulda charter of 824 provides a list of witnesses who 'heard and saw the *giuuerida*', an Old High German term for investiture.<sup>100</sup>

Furthermore, it is worth stressing that locative identifications and place-names were essentially vernacular phrases. Earlier generations of charter editors who were keen to ascertain the early medieval origins of modern settlements may not necessarily have been justified in assuming that a proper noun was intended by a common phrase such as 'the place which is called X'. In this period, majuscule letters were not normally used when writing about specific villages or towns. Caroline minuscule did not provide any standardization in word spacing. It is therefore difficult to determine whether a common noun or noun phrase had become a proper noun. Richard Coates has drawn attention to the complexities of this process, which he calls 'onymization', while Rolf Bergmann has cautioned that such word-units may not have been perceived in early Old High German.<sup>101</sup> The problem can be illustrated by the place-names encountered above in Helmoin's donation to Freising in 793. The cartulary's editor, Theodor Bitterauf, rendered as proper nouns *Sampinsaolla*, *Cozesheim*, *Caozeslahhun* and *Caozesprunnun*. Respectively, these mean 'Sampin's pillar', 'Caoze's settlement', 'Caoze's stream' and 'Caoze's source'. *Cozesheim* (identified with Gosheim near Donauwörth) has a strong claim to properhood, given the appearance of the suffix *heim*, which regularly denoted populated settlements. The others, denoting a pillar (most likely a boundary marker, though notably described as a *locus*), a stream and that stream's source, are less clear.<sup>102</sup> Vernacular phrases that are evidently not place-names are sometimes given for 'places called X': a Freising charter of 825 was enacted 'ad illo loco qui dicitur *za demo minnirin tan* ("at the smaller woods") de foras in campo'; another from Fulda in 830 was done 'in Tullifelde *zi demo seuue*

<sup>99</sup> Cf. the German terms in *Die Urkunden Pippins, Karlmanns und Karls des Grossen*, no. 84 (Charlemagne); *Die Urkunden Ludwigs des Deutschen*, nos. 25, 122.

<sup>100</sup> *Codex diplomaticus Fuldensis*, no. 448: 'Et isti sunt testes qui hoc audierunt et uiderunt giuueridam...'

<sup>101</sup> R. Coates, 'to *þære fulan flóde* . *óf þære fulan flode*: on becoming a name in Easton and Winchester, Hampshire', in *Analysing Older English*, eds. D. Denison, R. Bermúdez-Otero, C. McCully and E. Moore (Cambridge, 2012), pp. 28-34; and Bergmann, 'Voraussetzungen', 63-9.

<sup>102</sup> See S. Sonderegger, 'Das Alter der Flurnamen und die germanische Überlieferung', *Jahrbuch für fränkische Landesforschung* 20 (1960), 181-201, repr. in S. Sonderegger, *Germanica selecta. Ausgewählte Schriften zur germanischen und deutschen Philologie. Zum 75. Geburtstag des Autors*, eds. H. Burger and E. Glaser (Tübingen, 2002), pp. 13-31. While I have followed editors' decisions on properhood silently, there is often disagreement over what constitutes a place-name: Bergmann, 'Voraussetzungen', 65-7.

(“at the lake”).<sup>103</sup> One may also note in this regard that the preposition *in* is the same in Latin and Old High German, so the register a scribe had in mind may not always be discernible.<sup>104</sup>

The insertion of such vernacular locatives in Latin formulae and the prominence of German in boundary clauses evoke the role of the oral process in property transactions. But there was always an oral dimension to these transactions, so why, ultimately, did this so rarely lead to a substantial vernacular element of the charter? The irregularity and infrequency of boundary clauses written in any language renders improbable the notion that the vernacular was more prevalent in them because boundaries constituted practical information which needed to be intelligible to a wider ‘illiterate’ public: written attestations of boundaries were simply not all that common in Francia (or anywhere on the continent for that matter). It should further be noted that large parts of these regions lay in the former Roman provinces of Rhaetia and Germania Superior, and so, while largely Germanic-speaking, had long experienced a good deal of contact with Latin culture. Latin was undoubtedly spoken alongside German during legal proceedings, and, as noted, some boundaries were written entirely in Latin. There are certainly no grounds for arguing that our scribes did not know the Latin equivalents of German terms for landscape features such as *first*, *houbit* or *ueeg*. The Hammelburg document, for instance, switches between the Latin *caput* and its German equivalents *brunno* and *houbit* to describe the sources of river and streams, and juxtaposes the German *uuestaron* (‘western’) with the Latin *orientale* (‘east’). Sometimes a vernacular term is employed essentially as a translation, introduced with a signpost such as *quod vulgo dicitur*.<sup>105</sup> Scribal incompetence is not to be blamed; the use of the vernacular in these charters was clearly deliberate.

If the value of boundary clauses did not lie in their use for dispute procedures, then the insertion of German words and phrases probably possessed a primarily rhetorical, performative function. In the eastern part of the Carolingian world, boundary clauses appear to have been a means of elite identification. As we have seen, they were often associated with high-status individuals, large properties and important donations. Land and language could be important assertions of identity and power.<sup>106</sup> Count Helmoïn’s vernacular boundary declaration of 793, for instance, acquires greater urgency when considered in the light of Charlemagne’s conquest of Bavaria and his moves to integrate the region with his realm.<sup>107</sup> Both the land itself and the pointed description of it given in Helmoïn’s own language meant a great deal to this new Frankish subject. This was a conscious, explicitly signalled use of the vernacular, invoked as an assertion of the granter’s Bavarian identity in response to the hostile imposition of Frankish foreigners. Similarly, for the monks of Fulda, Hammelburg was a prized possession. The

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<sup>103</sup> *TF*, no. 524; *Codex diplomaticus Fuldensis*, no. 481.

<sup>104</sup> See Bergmann, ‘Voraussetzungen’, 62. Further evidence of prepositional flexibility may also be evident in certain instances of the common phrase *in loco qui dicitur ad X*, in which *ad* has been replaced by the vernacular *az*: e.g. *TF*, nos. 126, 252. Cf. J. Bately, ‘The place which is called “at X”: a new look at old evidence’, *Leeds Studies in English*, n.s. 37 (2006), 343-63.

<sup>105</sup> See Bauer, *Grenzbeschreibungen*, pp. 274-6. On the use of such phrases in the Romance-speaking west, see M. Parisse, ‘*Quod vulgo dicitur*: la latinisation des noms communs dans les chartes’, *Médiévales* 42 (2002), 45-53.

<sup>106</sup> Geary, ‘Land’; but cf. W. Pohl, ‘Telling the difference: signs of ethnic identity’, in *Strategies of Distinction: The Construction of Ethnic Communities, 300-800*, eds. W. Pohl and H. Reimitz (Leiden, 1998), pp. 17-69, at pp. 22-7. On language and identity broadly, see *Sprache und Identität im frühen Mittelalter*, eds. W. Pohl and B. Zeller (Vienna, 2012).

<sup>107</sup> See further Brown, *Unjust Seizure*.



memory of this royal endowment was underlined by a later reference to Charlemagne's donation in Abbot Eigil's *Vita Sturmii* (probably written in the 810s).<sup>108</sup> Other boundary clauses, such as that of the grant by Waldo and his companions to Fulda, were linked with the appropriation and clearance of newly subjugated lands on the eastern Frankish frontier. The textualization of property limits in these settlers' native tongue was intended to solemnize their associations with new land, and the subsequent donation of its rights to a monastery was a means of asserting and formalising a social relationship. As recent scholarship has shown clearly, charters are not simply passive witnesses to transfers of property rights, but rather active attempts to define and affirm relations between individuals and institutions.<sup>109</sup> Such grants of land did not merely benefit institutions such as Fulda. In exchange for their gift, Waldo and his associates could expect to receive spiritual rewards and worldly security against contestation or inheritance disputes, and potentially even rights of usufruct during their lifetimes. Documents and the transactions they record thus communicated and formalised agreements and reciprocity. It follows that accounts of the rituals of boundary perambulation and the use of vernacular language to describe such actions are not arbitrary features of these charters, but rather negotiated assertions of elite status and identity. A vernacularized boundary could therefore signify the import attached by an individual or group to a specific property, while also maintaining or strengthening a claim to that land.

Such an interpretation posits a strong influence of the donor on the redaction of the charter, which might seem at odds with the fact that the scribes of these documents, where they can be identified, were all clerics and monks attached to receiving institutions.<sup>110</sup> Nevertheless, the notion that charters were negotiated statements of co-operation, coupled with the overall scarcity and irregularity of boundary clauses in the documentary corpus, indicates firmly that these occasional forays into the vernacular to describe land reflected donors' wishes. This permits us to read such atypical statements as rhetorical devices.<sup>111</sup> Charters are not humbly objective records, but highly constructed sources designed to promote particular viewpoints.<sup>112</sup> The inclusion of a boundary clause, particularly one peppered with vernacular language, was a symbol of prestige and authority. Such ostentation might reflect the involvement of local elites or the significance of the land being transacted. These boundaries may well represent words spoken in Latin and German by witnesses attesting to their veracity, but I would argue that their textualization was prompted less by the need for testimony that could be re-vocalized

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<sup>108</sup> J. T. Palmer, *Anglo-Saxons in a Frankish World, 690–900* (Turnhout, 2009), pp. 101-3, 150-1; Raaijmakers, *Making*, pp. 29-30, 150-2.

<sup>109</sup> See especially Rosenwein, *Neighbor*; Innes, *State*, and 'Rituals'.

<sup>110</sup> On the 'clericalization' of notarial practices in eastern Francia in the eighth century, see Hummer, 'Production', pp. 206-29.

<sup>111</sup> Recent work on Anglo-Saxon diplomas has focused on literary and rhetorical stylization: e.g., D. A. Woodman, "'Æthelstan A" and the rhetoric of rule', *Anglo-Saxon England* 42 (2013), 217-48; L. Roach, 'Penitential discourse in the diplomas of King Æthelred "the Unready"', *Journal of Ecclesiastical History* 64 (2013), 258-76; B. Snook, *The Anglo-Saxon Chancery: The History, Language and Production of Anglo-Saxon Charters from Alfred to Edgar* (Woodbridge, 2015).

<sup>112</sup> W. Brown, 'Charters as weapons. On the role played by early medieval dispute records in the disputes they record', *Journal of Medieval History* 28 (2002), 227-48; R. Balzaretti, 'Spoken narratives in ninth-century Milanese court records', in *Narrative and History in the Early Medieval West*, eds. E. M. Tyler and R. Balzaretti (Turnhout, 2006), pp. 11-37; M. Costambeys, 'Disputes and documents in early medieval Italy', in *Making Early Medieval Societies: Conflict and Belonging in the Latin West, 300–1200*, eds. K. Cooper and C. Leyser (Cambridge, 2016), pp. 104-24.

on future occasions than by a desire among aristocratic kindreds to set themselves, their lands and their patronage apart. This, moreover, can account for the general dearth of boundary clauses: if they were beneficial for substantiation in the event of a dispute, we would surely possess more of them, particularly in the many cases where there are clear references to disputes but no trace of written boundaries.<sup>113</sup>

### *Conclusion*

Although the documents I have examined here comprise a small sample, boundary clauses from Germanic-speaking Francia can still provide a useful perspective on early medieval legal and documentary practices. The representation of perambulations and the occasional appearance of boundary clauses in private charters offer an index of the overall process of transacting land while furnishing intriguing evidence for the production and preservation of documents. Even though Carolingian and post-Carolingian archival practices have most likely deprived us of different sorts of boundary documents, such clauses were ultimately irregular features of eastern Frankish charters and did not adhere to any fixed formulae. For instance, at St Gall, the best preserved early medieval archive north of the Alps, descriptive boundary clauses seem virtually never to have been composed. To the north and east of Alemannia, in Hesse and Bavaria, there was evidently more demand for them, although the quality and quantity of these also varied depending on the types of land being granted to institutions. There is little evidence that they were produced to substantiate land claims in courts, however. Most of the boundaries examined here rather were written down during or after conveyance rituals in recognition of social status or in commemoration of important transactions. Moreover, the vernacular language present in many of these documents is not merely residual or interpolated, nor is it an indication of the amount of German spoken during these transactions. This was a calculated use of the vernacular, and the evidence adduced here indicates strongly that it was invoked primarily as a rhetorical device in the performance of power and the construction of identity. Frequent code-switching and the survival of several fully-Latin boundary clauses suggest that the extent of vernacular usage was probably a matter of choice on the donor's part. Written boundaries thus allow us to glimpse something of the identities and values expressed by early medieval landowners during the process of claiming and formalizing land ownership in the eastern regions of the Carolingian Empire.

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<sup>113</sup> E.g., *Chartularium Sangallense*, no. 197, an original charter from Rankweil, preserved at St Gall, which records a property dispute in 807 where Count Hunfrid ordered the boundary to be marked in a perambulation by locals and witnessed by noblemen. No boundary clause is given, however.