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REMARKS ON THE 8TH CENTURY REGISTERS OF SALZBURG

After throwing the last Agilolfing Duke, Tasilo III off his throne in 788 in the lawsuit (to use a current term, show trial) held at the assembly at Ingelheim, Charlemagne integrated the until then independent Bavarian Dukedom into his empire. Several of the Bavarian (secular and church) dignitaries, including Arn, bishop of Salzburg and later a good friend of Alcuin,¹ most probably took sides with the Frank ruler as early as during the reign of Tasilo, and helped him to legitimate the dethronement of the prince.² In the years directly following the

¹ Cf. Diesenberger, M.–Wolfram, H.: *Arn und Alcuin 790 bis 804: zwei Freunde und ihre Schriften*. In: *Erzbischof Arn von Salzburg*. Hrsg. v. Niederkorn-Bruck, M.–Scharer, A. Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband 40. Wien–München 2004. 86. sqq.

² Cf. Krawinkel, H.: *Untersuchungen zum fränkischen Benefizialrecht. Forschungen zum deutschen Recht II/2*. Weimar 1937. 47. sqq.; Hoffmann, H.: *Untersuchungen zur karolingischen Annalistik*. Bonn 1958. 38. sqq.; Erler, A.: *Herzog Tassilo vor dem Königgericht in Ingelheim*. In: *Beiträge zur Ingelheimer Geschichte* 27. 1978. 27. sqq.; Kolmer, L.: *Zur Kommendation und Absetzung Tassilos III*. *Zeitschrift für bayerische Landesgeschichte* 43. 1980. 293. sqq.; Classen, P.: *Bayern und die politischen Mächte im Zeitalter Karls des Großen und Tassilos III. in Ausgewählte Aufsätze*. *Vorträge und Forschungen* 28. Sigmaringen 1983. 235. sqq.; Becher, M.: *Eid und Herrschaft. Untersuchungen zum Herrescherethos Karls des Großen*. *Vorträge und Forschungen*, Sonderband 39. Sigmaringen 1993; Schieffer, R.: *Ein politischer Prozeß des 8. Jahrhunderts im Vexierspiel der Quellen*. In: *Das Frankfurter Konzil von 794. Kristallisationspunkt karolingischer Kultur I. Politik und Kirche. Quellen und Abhandlungen zur mittelrheinischen Kirchengeschichte* 80. Mainz 1997. 167. sqq.; Airlie, S.: *Narratives of triumph and rituals of submission: Charlemagne's mastering of Bavaria*. In: *Transactions of the Royal Historical Society*, 6th series 9. 1999. 93. sqq.; Becher, M.: *Zwischen Macht und Recht. Der Sturz Tassilos III. von Bayern 788*. In: *Tassilo III. von Bayern. Großmacht und Ohnmacht im 8. Jahrhundert*. Hrsg. v. Kolmer, L.–Rohr, Chr. Regensburg 2005. 39. sqq.; Nótári T.: *Források Salzburg kora középkori történetéből*. Szeged 2005. 43. sqq.; Nótári T.: *A salzburgi historiográfia kezdetei*.

dethronement, between 788 and 790, it was at the instruction of Charlemagne that the great winner of the Carolingian takeover, Bishop Arn (785–821), who used to enjoy Tasilo's confidence for a long time, caused to write the notice on the donations to the Bishopric of Salzburg, *Notitia Arnonis*, which was approved by the Frankish ruler, to ensure the benefices of his diocese. The Bishopric of Salzburg was raised to Archbishopric in 798, and it was at that time that Arn received the pallium from Pope Leo III; however, the bishops now subjected to him apparently felt aversion to this decision adopted by Charlemagne and implemented by the Pope.³ So the Archbishop had to prove the origin and legality of the estates obtained, which resulted in the work entitled *Breves Notitiae* drafted between 798 and 800.⁴ It can be established that in spite of *Breves Notitiae* and *Notitia Arnonis* overlapping each other in certain points, none of the records served as the prefiguration of the other, so both documents add specific data to our knowledge on the economic and estate conditions of the age.

"*Alle mittelalterliche Forschung ist Philologie*" writes Hermann Heimpel in his foreword to Heinz Quirin's handbook.⁵ The objective of the present writing primarily concerns legal history; however, in its methodology, investigation in medieval Latin philology dominates. As in terms of genres, both *Notitia Arnonis* and *Breves Notitiae* are a peculiar mixture of charters and historic narratives on the early period of Salzburg, so in the assessment of their linguistic/stylistic features the impacts of both the usage of charters and Carolingian Latinity need to be taken into account.⁶ In this paper the following aspects will

Szegedi Középkortörténeti könyvtár 23. Szeged, 2007; Nótári, T.: *Show Trials and Lawsuits in Early Medieval Bavaria*. Rechtsgeschichtliche Vorträge 53. Budapest 2008.

³ See Demmelbauer, G.: *Arno, der erste Erzbischof von Salzburg 798–821*. (Dissertation) Wien 1950; Kerner, M. Der Reinigungseid Leos III. vom Dezember 800. Die Frage seiner Echtheit und frühen kanonistischen Überlieferung. Zeitschrift des Aachener Gerichtvereins 84/85. 1977/78. 131. sqq.; Classen, P. *Karl der Große, das Papsttum und Byzanz. Die Begründung des karolingischen Kaisertums*. Sigmaringen 1985. 42. sqq.; Wavra, B. *Salzburg und Hamburg. Erzbistum und Missionspolitik in karolingischer Zeit*. Berlin 1991; Wolfram, H.: *Arn von Salzburg und Karl der Große*. In: 1200 Jahre Erzbistum Salzburg. Die älteste Metropole im deutschen Sprachraum. Hrsg. v. Dopsch, H.–Kramml, P. F.–Weiß, A. S. Salzburg 1999. 22. sqq.

⁴ Lošek, F.: *Notitia Arnonis und Breves Notitiae. Die Salzburger Güterverzeichnisse um 800*. Mitteilungen der Gesellschaft für Salzburger Landeskunde 130. 1990. 80. sqq.; 120. sqq.; Lošek, F.: *Notitia Arnonis und Breves Notitiae*. In: Quellen zur Salzburger Frühgeschichte. Veröffentlichungen des Instituts für Österreichische Geschichtsforschung 44; Mitteilungen der Gesellschaft für Salzburger Landeskunde, Ergänzungsband 22. Hrsg. v. Wolfram, H. Wien–München 2006.

⁵ Quirin, H.: *Einführung in das Studium der mittelalterlichen Geschichte*. Stuttgart 1991⁵. 4.

⁶ Haupt, H.: *Zur Sprache frühmittelalterlicher Güterverzeichnisse*. Mitteilungen des Instituts für Österreichische Geschichtsforschung 83. 1975. 36; Muller, H.: *A Chronology of Vulgar Latin*. Zeitschrift für Romanische Philologie, Beiheft 78. 1929; Pison, J.: *Le latin des formules mérovingiennes et carolingiennes*. Romanische Forschungen 26. 1909. 837. sqq.; Sas, L. F.: *The Noun*

be examined— primarily in the texts of the aforesaid estate registers of Salzburg, and, as a matter of fact, giving an overview of the (Bavarian) sources of the period: Confirmation of donations to the Church in written form and by witnesses. (I.) The relation between *carta* and *notitia*; similarities and differences in form and content. (II.) Key linguistic features of the estate registers of Salzburg; their relation to usage of charters. (III.) In-depth examination of a few linguistic peculiarities that occur in the estate register. (IV.)

Key words: early-medieval legal history, Bavarian history, Notitia Arnonis, Breves Notitiae, estate-registers

I. A certain locus of *Breves Notitiae* describes the act of confirming (*confirmatio*) the donation;⁷ a locus in *Notitia Arnonis* depicts confirmation with one's own hand,⁸ and *Breves Notitiae* presents an act of donation at the altar, or altar cloth (*per pallium altaris*).⁹ What follows below is an in-depth investigation of these elements from the *cartae* that forms the basis of the two sources examined in this paper and earlier *notitiae*. In the 8th c. Bavaria, the *carta* was nothing else than *epistola firmitatis*, i.e., *firmitas* itself, and it is for this specific reason that it seems expedient to examine the provision set forth in the *Lex Baiuvariorum* that stipulates compulsory application of written documents in acts of donation to the church, which are to meet the following formal requirements. Those who for the sake of the salvation of their soul grant donations, shall confirm this act with their own hand (*confirmet propria manu sua*) with a deed (*per epistolam confirmet*), and shall use six, or, if they want more, witnesses; such witnesses shall put their hand on the *epistola*, and inscript their name; then, the donator shall place the deed on the altar, and in the presence of the priest shall make the donation.¹⁰ The act of confirmation with one's own

Declension System in Merovingian Latin. Paris 1937; Falkowski, R.: *Studien zur Sprache der Merowingerdiplome*. Archiv für Diplomatik 17. 1971. 2. sqq.; Uddholm, A.: *Formulae Marculfi. Études sur la langue et le style*. Uppsala 1953; Löfstedt, B.: *Studien über die Sprache der langobardischen Gesetze. Beiträge zur frühmittelalterlichen Latinität*. Acta Universitatis Uppsaliensis. Studia Latina Uppsaliensia 1. 1961; Schramm, F.: *Sprachliches zur „Lex Salica“, eine vulgärlateinische-romanische Studie*. Marburger Beiträge zur romanischen Philologie 3. 1911.

⁷ *Breves Notitiae* 4, 3. 4. 10; 4, 10.

⁸ *Notitia Arnonis* 6, 20.

⁹ *Breves Notitiae* 13, 6.

¹⁰ *Lex Baiuvariorum* 1, 1. (Ed. Schwind, E. v. MGH LL nat. Germ. 5, 2. Hannover 1926.) *Et quicquid donaverit ... pro redemptione animae suae, hoc per epistolam confirmet propria manu sua ipse et testes adhibeat VI vel amplius, si voluerit. Imponant manus suas in epistula et nomina eorum notent ibi, quem ipse rogaverit. Et tunc ipsam epistolam ponat super altare et sic tradat ipsam pecuniam coram sacerdote, qui ibi deservit ...*

hand and the witnesses' placement of their hands on comes from Alemanian practice, and on the grounds thereof it can be established that *confirmatio propria manu* did not mean the donator's signature but the placement of hand, similarly to witnesses placing their hand on the *carta*.¹¹ In legal transactions or disputes confirmation by the act of touching, or the role of touching—with hand or any instrument, for example, a rod (*festuca*)—is not alien to either early medieval German or Antique legal systems.

Witnesses were usually listed in the form "*signum N. testis*", but in certain cases, for example, in a record from Mondsee the format "*signum + Huno ... signum + Agino*" is used.¹² It was, of course, not obligatory to inscript the sign of the cross on the parchment by one's own hand, this could be done by the scrivener issuing the charter; however, in accordance with the provision set forth in *Lex Baiuvariorum*, only after having touched the *epistola*. As a matter of fact, marks other than the cross could be used as a sign, since it was not the cross an oath was taken on when issuing the deed; in a *tradito* from Freising the combination of the letters *s* and *m* served as a sign,¹³ and probably meant *signum manus* that contained the touching of the parchment.¹⁴ So the validity of the legal transaction was established not by the deed itself but the ceremony of issuing it. In donations to the church, by the act of touching by the donator and the witnesses, and placement on the altar; in other transactions of assigning real estates, by the custom of placing the parchment—sometimes with the inkpot and pen—on the ground, and handing them over by the deliverer/donator/seller to the scrivener while making the statement of will.¹⁵ Some form of touching was in each case deemed important, what is more, an accessory of validity. In the case of touching by the witnesses and the issuer, validity was only indicated but not established by *signum*. When granting donations to the church placement on the altar was nothing else than the gesture of touching by the party taking over the donation since *de iure* the donated item devolved to the ownership of the patron saint of the church, or the monastery. In other transactions of assigning real estates, the parchment touched the ground, i.e., the subject of the assignment of property; and so exactly defined this subject, on the one hand, and created physical connection necessary for

¹¹ Fichtenau, H.: *Das Urkundenwesen in Österreich vom achten bis in das dreizehnte Jahrhundert*. Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband 23. Graz–Wien–Köln 1971. 60.

¹² *Das älteste Traditionsbuch des Klosters Mondsee* Nr. 119. (Ed. Rath, G. et al. Forschungen zur Geschichte Oberösterreichs 16. Linz 1989.)

¹³ *Traditio Frisingensis* Nr. 194.

¹⁴ Fichtenau 1971. 61.

¹⁵ Kos, M.: *Carta sine litteris*. Mitteilungen des Instituts für Österreichische Geschichtsforschung 62. 1954. 99.

validity, on the other.¹⁶ That is how the act of confirmation by one's own hand, and the element of donation implemented through placement on the altar and execution on the altar cloth were transplanted into the *Notitia Arnonis* and *Breves Notitiae*.

Donationes to the church are sacred transactions as much as legal acts—it is questionable, of course, if it is expedient to separate the sphere of *ius* from the sphere of *sacrum*. The sacred element is reinforced by the requirement of uttering proper words—which is well-known from ancient Roman law, albeit, with other points emphasised—by the motivation of donation made in the hope of salvation in the hereafter; and the act of threatening inheritors or other persons who dispute it with divine punishment,¹⁷ potentially cursing them. One should not forget that the counter-party of the inheritor in the lawsuit contesting *traditio* was, in line with the train of thoughts of the age, not the church or the monastery but the patron saint, to whose ownership, inheritance the donation belonged to. Strict compliance with the required words of the legal transaction allows the assumption that in the act of transfer the same text was uttered as was recorded in the charter; in this sense—taking into account that the impact of the *carta* was declarative rather than constitutive—we can agree with Fichtenau's statement that the *epistula/carta* was nothing else than the donator's "word calling even from the grave" that the inheritors contested.¹⁸ In the author's view, it is contradictory how the form of creating the *carta*—enriched with sacralised, religious and magical elements, act of touching as an instrument of transfer of will—fits in with this train of thoughts.

II. What are the elements of *Notitia Arnonis* and *Breves Notitiae* that can be attributed to the usage of charters? Unfortunately, no charters have been left to us from the 8th c. Salzburg since the charters used when compiling the lists were most probably annihilated since there was no reason to continue to preserve them—as the doyen of Austrian study of charters, Heinrich Fichtenau remarks.¹⁹ As far as the type of charters and the usage of Salzburg is concerned, Heinrich Koller assumes that arriving at the turn of the 7th and 8th c. to Salzburg Rupert (Hrodbertus)²⁰ found and adopted an evolved form of quite simple

¹⁶ See Goldmann, E.: *Cartam levare*. Mitteilungen des Instituts für Österreichische Geschichtsforschung 35. 1914. 3. sqq.

¹⁷ Cf. *Traditio Frisingensis* Nr. 27. (Ed. Bitterauf, Th. Quellen und Erörterungen zur bayerischen und deutschen Geschichte, Neue Folge 4–5. München 1905–1909.)

¹⁸ Fichtenau 1971. 62. sq.

¹⁹ Fichtenau 1971. 12.

²⁰ Cf. Beumann, H.: *Zur Textgeschichte der vita Ruperti*. In: Festschrift für H. Heimpel. Veröffentlichungen des Max-Planck-Instituts für Geschichte 36. 1972. 166. sqq.; Baltl, H.: *Zur Datierungsfrage des hl. Rupert*. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanon-

charter practices followed by the scattered Roman population survived on this territory.²¹ On the contrary, Kurt Reindel takes sides with discontinuity, which affected the history of diplomacy too.²² The author of this paper holds the view that regarding the issue of continuity/discontinuity concerning this subject area he is forced to remain on the level of hypotheses; and, therefore, deems it is more reasonable to dispense with any further discussion of the subject, which holds out the prospect of little success. With regard to the *ex asse* usage and use of formulas in charters of Salzburg, it is not possible to draw as detailed and firm conclusions as in relation to other Bavarian monasteries—for example, Mondsee, Passau, Freising, Fulda; although it is certain that a kind of individual practice evolved here too.²³ It is reasonable to presume that in the *cartae* of Salzburg the *Formulae Salicae Lindenbrogiana* was used to a considerable extent; especially owing to the intermediary impact of bishop, then archbishop Arn, who left Freising for the St. Amand monastery in Elnon, and then came from there to Salzburg.²⁴

Compared to the ceremonial, sometimes pleonastic Bavarian charters in the 8th c., the *notitia* was a shorter instrument using limited vocabulary, mostly destined to cover merely the fact of the legal transaction and to name the witnesses ordered to certify the implementation of the legal transaction. Owing to its nature called *schlichte Beweisurkunde* by Heinrich Brunner, the *notitia* is, one might say, of a historical character, contrary to the *carta* that depicts an action taken in the present.²⁵ Heinrich Fichtenau asserts that in terms of content it can be established that all the legal transactions that were enshrined in a *carta* in Bavaria (usually concerning purchase and sale, and donations) could have been set forth by a *notitia* too; however, not all the things left to us by *notitiae*

istische Abteilung 61. 1975. 1. sqq.; Reindel, K.: *Die Organisation der Salzburger Kirche im Zeitalter des hl. Rupert*. Mitteilungen der Gesellschaft für Salzburger Landeskunde 115. 1975. 88. sqq.; Wolfram, H.: *Der heilige Rupert in Salzburg*. In: *Frühes Mönchtum in Salzburg*. Salzburger Diskussionen 4. Hrsg. v. Zwink, E. Salzburg 1983. 84. sqq.; Schmitt, F.: *Zur Vita Ruperti*. In: *Frühes Mönchtum in Salzburg*. Salzburger Diskussionen 4. Salzburg 1983. 96. sqq.; Jahn, J.: *Ducatus Baiuvariorum. Das bairische Herzogtum der Agilolfinger*. Monographien zur Geschichte des Mittelalters 35. Stuttgart 1991. 54. sqq.; Wolfram, H.: *Salzburg, Bayern, Österreich. Die Conversio Bagoariorum et Carantanorum und die Quellen ihrer Zeit*. Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband 31. Graz–Wien–Köln 1995. 228. sqq.

²¹ Koller, H.: *Der Donauraum zwischen Linz und Wien im Frühmittelalter*. Historisches Jahrbuch der Stadt Linz 1960. 27.

²² Reindel, K.: *Das Zeitalter der Agilolfinger*. In: *Handbuch der Bayerischen Geschichte I*. Hrsg. v. Spindler, M. München 1967. 99.

²³ Fichtenau 1971. 36.

²⁴ Schröder, R.: *Arno, Erzbischof von Salzburg, und das Urkundenwesen seiner Zeit*. Neue Heidelberger Jahrbücher 2. 1892. 165. sq.

²⁵ Brunner, H.: *Carta und Notitia*. In: *Abhandlungen zur Rechtsgeschichte I*. Weimar 1931. 463.

could have been certified with a *carta*. In its character the *carta* is more subjective compared to the *notitia* with more objective rendering.²⁶ Momentarily dispensing with the version aimed at certifying goods, which is the most explicit version investigated in this paper, including *Notitia Arnonis* and *Breves Notitiae*, in the form of their use several differences can be shown. An estate dispute—as it is shown by an example from 821 in Passau where the *donatio* was contested by the brother of the deceased, a priest who had donated his estate in Rulfing to the Church—was settled in the form of a notice/protocol, a *notitia* rather than a *carta*.²⁷ As a matter of fact, it is not only records maintained by the Church where one can read about estate disputes; in the age of the Carolingians, proceedings before the *missi dominici* could also constitute the subject of *notitiae*—in this case the *notitia* was made out either in the form used by the competent ecclesiastical panel,²⁸ or in a form bearing the formal requirements of Frankish court records.²⁹ The *notitia* was drafted by the permanent court clerk, or by a scrivener, in accordance with Frankish custom; and in the Bavarian practice, where this institution had not become customary, by the church scrivener.³⁰ Accordingly, the *notitia* was used for several purposes: in certain cases it substituted *carta*; in other cases it served to record the outcome of legal disputes.³¹

Contrary to the provision of *Lex Baiuvariorum*,³² donations granted to the Church were not always confirmed by issuing a *carta*,³³ and in other purchase and sale transactions the parties had the option, pursuant to the law, to select either oral or written transaction, that is, from among the versions *confirmatio "aut per cartam aut per testes"*.³⁴ So, whenever it was not optional or necessary to issue a *carta*, they deemed it was advisable and useful to draft a *notitia*, so for example, when Pippin granted taxpayers to the monastery of St. Gallen, although it was not a legal dispute, and no royal charter was drafted, the monastery deemed it was not unnecessary to issue a *notitia*.³⁵ Looking at the origin of *notitia* in terms of genres, it can be reasonably declared that its prefiguration

²⁶ Fichtenau 1971. 74.

²⁷ *Traditio Pataviensis* Nr. 78. (Ed. M. Heuwieser. Quellen und Erörterungen zur bayrischen und deutschen Geschichte, Neue Folge 6. München 1930.)

²⁸ *Traditio Frisingensis* Nr. 142.

²⁹ *Traditio Frisingensis* Nr. 186; 193; 227; 251; 258; *Traditio Pataviensis* Nr. 50; 54.

³⁰ *Traditio Pataviensis* Nr. 50; 54.

³¹ Cf. Fichtenau 1971. 76.

³² *Lex Baiuvariorum* 1, 1.

³³ See Merkel, J.: *Das Firmare des bairischen Volksrechtes*. Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung 2. 1863. 101. sqq.

³⁴ *Lex Baiuvariorum* 16, 2. 5. 16.

³⁵ König, E.: *Urkundenstudien*. Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde 48. 1930. 317. sqq.

was, instead of the protocols of rulers' legislations, the records (so-called *gesta municipalia*) of the urban *sacrum officium* of late antiquity and early medieval church authorities that were to ensure legal security, exceeding the requirements for written instruments of the legislation function, to record ownership relations—among other things, they differ from later *notitiae* to the extent that in several cases, instead of the list of witnesses, they contain only signatures or *signacula*.³⁶

Making records of *donationes* was not considered unnecessary not only by members of the clergy who donated their assets to the Church, but also by secular persons granting donations to the given bishopric, monastery or church since by doing so they ensured that there was a document more reliable than the human memory of witnesses, who were listed but might have died in the meantime, against inheritors who would possibly contest this act. The author of this paper holds the view that it is not expedient to investigate the public instrument or private deed nature of the records since these Roman legal/dogmatic categories can be sometimes applied with considerable difficulty—looking from Rome they can be projected, from our age back-projected—to early medieval legal system. On the other hand, the requirement of publicity of transactions was meant to be met not only by the symbolic acts and the presence of the witnesses in the procedure of issuing the *carta*; to a certain extent and in a certain way it was just to support (public) authenticity the *publicatio* set out at the top of *notitiae* was meant to serve. Preambles like "Notum est ..." ³⁷ and "Non est nunc incognitum sed plurimis ponitur noticia ..." ³⁸ show close links with passages included to make the deed public that could be read in *cartae*,³⁹ and perhaps they had been borrowed from there into *notitiae*. Such shorter preambles replacing the more extensive *arenga* typical of *cartae* can be explained by the growth in the number of transactions that had to be documented.⁴⁰

Each diocese and monastery had to aggregate the documents on the goods in their ownership since that is how they could clearly arrange them, which was naturally demanded not only in the periods of major historical changes, such as the takeover by the Franks in Bavaria but in everyday practice. Partial aggregation of estates usually bear the name *breve*⁴¹ but this term was used for other kinds of protocols too; an example for them is the collection of the assets of the

³⁶ Fichtenau 1971. 77.

³⁷ *Traditio Frisingensis* Nr. 40; 78; 82.

³⁸ *Traditio Pataviensis* Nr. 78.

³⁹ Így például *Traditio Frisingensis* Nr. 100. *Notum sit omnibus futuris atque praesentibus proximis atque parentibus meis, quod ego ...*

⁴⁰ Cf. Fichtenau 1971. 80. sq.

⁴¹ Redlich, O.: *Privaturkunden des Mittelalters*. In: Erben, W.–Schmitz-Kallenberg, L.–Redlich, O.: *Urkundenlehre III*. München–Berlin 1911. 14. skk

treasury and the Church ordered to be recorded item by item by Charlemagne, the so-called *Brevium Exempla*.⁴² The title of the *Breves Notitiae* of Salzburg originally referred, instead of the volume of the entire record, to the character of the estate register, i.e., its having been compiled from several former *notitiae*.⁴³ This is supported by the fact that, except for the historical chapters, the ones borrowed from *Libellus Virgilio*, *Breves Notitiae* contains no list of witnesses, and that in the second part, that is, from chapter fourteen, the record is arranged strictly following topographic principle. It should be added that the entry "*Notum sit, quod Arn archiepiscopus conquisivit II partes de Tusinperch a Gotberto*"⁴⁴ was made subsequently in red ink as it were as a heading, and apparently shows close links with the introductory *publicatio* already quoted and known from other *notitiae*.

It is worth deliberating to what extent the list of witnesses set out in the relevant passages of *Notitia Arnonis* and *Breves Notitiae*—in the latter in the passages constituting a part of *Libellus Virgilio*⁴⁵—that enumerates ecclesiastic and secular persons consistently as separate groups, in both groups striving to keep to the order of ranks, can be considered typical in Bavarian charters. In Bavarian charter practices it quite often occurs that witnesses who belong to the clergy are not indicated with any entry on their priestly function, and so they can be deemed secular witnesses.⁴⁶ In several cases in two versions of the same deed totally different specifications are used in the list of the witnesses; for example, in *Traditiones Frisingenses* from 772.⁴⁷ These abbreviated specifications can be explained by the fact that in these cases it was sufficient to name the witnesses only, and the witnesses were not required to confirm their act of bearing witness by an individual sentence. The abbreviated specifications, which sometimes did not include social status, were also justified by the Bavarian practice that, often, several times more witnesses were listed than required for the given transaction.⁴⁸ In accordance with Longobard practice,⁴⁹ witnesses

⁴² See Metz, W.: *Zur Entstehung der Brevium Exempla*. Deutsches Archiv für Erforschung des Mittelalters 10. 1953/54. 395. sqq.; Metz, W.: *Die frühmittelalterlichen Güterverzeichnisse Deutschlands*. Archiv für Diplomatik 4. 1958. 190. sq.

⁴³ Fichtenau 1971. 82.

⁴⁴ *Breves Notitiae* 14, 33.

⁴⁵ *Notitia Arnonis* 8, 8; *Breves Notitiae* 8, 14–15.

⁴⁶ Fichtenau, H.: *Die Reihung der Zeugen in den Urkunden des frühen Mittelalters*. Mitteilungen des Instituts für Österreichische Geschichtsforschung 87. 1979. 311.

⁴⁷ Cf. *Traditio Frisingensis* Nr. 45a *Taatto presbiter ... Lanfrid abbas, Chunihard presbiter, Cundheri presbiter et monachus, Arn*; Nr. 45b *Tatto testis ... Lantrid testis, Chunihart, ... Cundheri testis, Arn diaconus*

⁴⁸ Fichtenau 1979. 312.

⁴⁹ See Schiaparelli, L.: *Codice diplomatico longobardo I. Fonti per la storia d'Italia*. Roma 1929. Nr. 22; Nr. 67; Nr. 108; Nr. 118; Nr. 162.

who belonged to the clergy were scattered in the list rather than included in a uniform group, and were not even enumerated in the order of their ranks in the clergy: e.g., in a *traditio* Passau in 789.⁵⁰ It can be assumed that it is the order of kins that lies behind the seemingly disordered enumeration. In certain cases, kinship can be deduced from the names. In 757, priest Eparhari and Adalfrid granted a donation to the Church of Freising; Eparhari was Chunihari's son; the donation was witnessed by two priests, and "Sigifrid diaconus, Adalfrid monachus, Fridhari, Adalfrid, Uualheri, Helmrih, Carthari, Helmker, Fridurih, Chunihari".⁵¹ Their names imply that Fridurih must have been a relative of Helmrih, and the latter of Helmker.⁵² In several cases, the parties concerned in the transaction—the donee;⁵³ those making contribution to the donation, the *consensus*;⁵⁴ sometimes the issuer of the charter⁵⁵—were listed (also) among the witnesses. Accordingly, the list of witnesses first enumerates the active parties in the transaction, followed by the names of assisting persons who act indeed only as witnesses; however, as shown above, it was kinship rather than rank that determined the order of listing.⁵⁶

III. To assert the fact of donation, the records use the verbs *dare*, *donare* and *tradere*, but the frequency of their occurrence is far from identical in the two lists: in the first part of *Breves Notitiae* (chapters 1–13) the verb *dare* occurs approximately two hundred and forty times, while in *Notitia Arnonis* only six times.⁵⁷ The use of the verb *tradere* is almost identical in the two sources, which means that the fact of donation is indicated in ninety-nine percent with this verb in *Notitia Arnonis* whereas the first part of *Breves Notitiae* (the aforesaid chapters 1–13) expresses the execution of the transaction in approximately seventy-five percent with the verb *dare*. Nevertheless, no difference can be discovered between the meaning of the two verbs in these sources when examining the character and legal fate of the estates indicated with various verbs that occur in loci identical in content in the two sources. Consequently, differences in the use of verbs can be attributed, instead of difference in content, to the simple fact that *Notitia Arnonis* was addressed by the bishop of Salzburg di-

⁵⁰ *Traditio Pataviensis* Nr. 30. *Enkilperht comes testis. Uroolf testis ... Uualhilo testis. Nothart testis. Hitto testis diaconus. Alto presbiter testis. Hrodperht diaconus testis. Tacadeo presbiter testis. Hiltirih presbiter testis.*

⁵¹ *Traditio Frisingensis* Nr. 9.

⁵² Fichtenau 1979. 312.

⁵³ *Traditio Frisingensis* Nr. 46a; Nr. 61.

⁵⁴ *Traditio Frisingensis* Nr. 38.

⁵⁵ *Traditio Pataviensis* Nr. 49.

⁵⁶ Fichtenau 1979. 313.

⁵⁷ Haupt 1975. 37.

rectly to the ruler, King Charles as it were as an official instrument, and in a quite critical period, and it was retaining the estates of Salzburg that was at stake. The verb *trado* better suited the official style of charters—in some sources (see the charters of donations from Mondee, Passau, Freising and Fulda) it was used in the pleonasm *trado et transfundo*.⁵⁸ Whereas, in *Breves Notitiae*, which was to confirm the primacy of Salzburg within Bavaria, the outcome of the Carolingian language reform can be identified, and it is also due to the less formal nature of the record that the formal verb *tradere* was replaced by the compiler with the colloquial verb *dare*.⁵⁹

Both records emphasised the necessity to identify donators unambiguously and clearly: to break the monotony of the text a little, instead of repeating the proper name, they often used the phrases known from charters *suprascriptus*, *praenominatus*, *supradicus* etc., which are typical items of the late antique and early medieval vocabulary of chancelleries and replaced the classical pronouns *idem* and *ipse*. The terminology of the period worked out several forms of these phrases such as *iam dictus*, *iam factus*, *iam scriptus*, *memoratus*, *praedictus*, *praefatus*, *praescriptus*, *superscriptus*, *supradictus*, *suprascriptus*.⁶⁰ Striving to be absolutely precise, at certain points, *Notitia Arnonis* elects to use rather pleonastic formulations: it links the anaphoric participium perfectum to the classical, anaphoric pronoun, thus creating, among others, the structure "*ipseque dux iam scriptus*"⁶¹ (quite frequent both in the vocabulary of the people and the chancellery). Contrary to this, in two thirds of the relevant cases *Breves Notitiae* uses the pronoun *idem* instead of a paraphrase with participium, which again seems to show the impact of the Carolingian age, the felt need to get closer to literary language instead of the inveterate usage of the charters.⁶²

The language reform solicited by Charlemagne perfectly corresponds with the reform of writing also launched by him since these efforts were meant to advance a more efficient administration of a unified empire. As a matter of fact, reform efforts could not bring success unless built on the tradition of Latinity and the related culture of writing. The language reform, however, was in the first place to correct and eliminate phonetic/morphologic distortions (in this attempt the language of the Church Fathers was followed as a pattern); purification of word usage and syntax was attained only secondarily and accidentally.⁶³ The retention of almost unchanged word usage and syntax can be attributed to a

⁵⁸ Cf. Fichtenau 1971. 19. sqq.

⁵⁹ Haupt 1975. 38.

⁶⁰ Haupt 1975. 38³⁷.

⁶¹ *Notitia Arnonis* 5, 7.

⁶² Haupt 1975. 39.

⁶³ See Steinen, W. von den: *Der Neubeginn*. In: Karl der Große. Lebenswerk und Nachleben II. Hrsg. v. Braunfels, W. Düsseldorf 1965. 19. sqq.

simple and logical reason: any amendment/correction in them would have led to perceiving uncertainty in law. Although the improper spelling of several phrases (*habyre, pristeterunt, estipendiis*) were corrected to ensure proper forms (*habere, praestiterunt, stipendiis*), syntax was left unchanged, except for correcting suffixes (e.g. *illut que* was replaced by *illud quod*).⁶⁴ In *Notitia Arnonis* and *Breves Notitiae* this kind of tendency to improve the language can be also observed: dismissing the base of "*villa nuncupante*" in *Notitia Arnonis*, in the relevant locus *Breves Notitiae* uses the phrases "*villa nuncupata*", "*villa dicta*", "*villa quae dicitur*", or "*villa quae vocatur*".⁶⁵

In the specification of the place of donation, the various forms of verbs *nuncupare* and *vocare* occur in a total of twenty-five times in *Notitia Arnonis*, and far exceed the verb *dicere* preferred in the *Breves Notitiae*. On the other hand, the frequent use of the prepositions *in* and, more often, *ad* can be also noticed, which is linked to a more accurate specification of the place in a participle clause to shorten the sentence or in a relative clause.⁶⁶ In this respect *Notitia Arnonis* uses participium imperfectum (mostly erroneously) more often, while *Breves Notitiae* prefers participium perfectum. Comparison with former charters makes it possible to declare that the participium imperfectum *nuncupante* is an inveterate form quite recurrent in charters from the Meroving Age and *Formulae Marculfi*.⁶⁷ It is reasonable to assume that 8th c. Bavarian charters the *Notitia Arnonis* was based on also used this form, which was borrowed by the record drafted on the orders of Arn since the impact of *Formulae Marculfi* can be demonstrated in several Bavarian charters of the period, e.g., in charters from the monastery of Mondsee and Sankt Gallen.⁶⁸

In the specifications of the donation the subject itself and the accessory that belongs to it are clearly separated. The actual subject, that is, the land is described in *Notitia Arnonis*, on almost each occasion, more specifically, forty times with the formula "*mansos inter vestitos et apsos*", i.e., "*partly cultivated, partly uncultivated lands*". This phrase is never used in *Breves Notitiae*; *mansus* is replaced by *manentes*, clearly manifesting a paradigm shift both in language and content; and the adjectives *vestitus* and *apsus* are totally missing from later

⁶⁴ Haupt 1975. 40.

⁶⁵ Így például *Notitia Arnonis* 1, 2 = *Breves Notitiae* 2, 4; *Notitia Arnonis* 7, 2. = *Breves Notitiae* 4, 2; *Notitia Arnonis* 7, 10 = *Breves Notitiae* 4, 7; *Notitia Arnonis* 4, 2 = *Breves Notitiae* 5, 3; *Notitia Arnonis* 2, 6 = *Breves Notitiae* 5, 4; *Notitia Arnonis* 2, 6 = *Breves Notitiae* 5, 4; *Notitia Arnonis* 3, 1 = *Breves Notitiae* 6, 1; *Notitia Arnonis* 4, 1 = *Breves Notitiae* 7, 6; *Notitia Arnonis* 5, 3 = *Breves Notitiae* 11, 2;

⁶⁶ See Diepolder, G.: *Die Orts- und „in pago“-Nennungen im bayerischen Stammesherzogtum zur Zeit der Agilolfinger*. Zeitschrift für bayerische Landesgeschichte 20. 1957. 364. sqq.

⁶⁷ John, W.: *Formale Beziehungen der privaten Schenkungsurkunden Italiens und des Frankenreichs und die Wirksamkeit der Formulare*. Archiv für Urkundenforschung 14. 1936. 79.

⁶⁸ Haupt 1975. 17. sq.

records. The adjectives *vestitus* and *apsus* are, accordingly, used as synonyms of *cultus* and *incultus*; the adjective *apsus* and its derivatives (*absitas*, *absitus*, *absare*) can be considered forms rooted in the vocabulary of Bavarian and Longobard charters.⁶⁹ Also, Longobard impact is implied by the use of pronouns in *Notitia Arnonis*; especially in view of the rare occurrence of the pronouns *hic* and *iste* and the frequent occurrence of the pronouns *is* and *ipse*, which manifests definite comparison with *Leges Langobardorum*. Similarly, it should be noted that *inter* is used as an adverb, in the sense *tam – quam*, which reveals connection with the usage of the Bible, Burgundy and *Formula Marculfi*.⁷⁰

The system of listing accessories deserves special attention as the most representative loci in this respect in *Notitia Arnonis*⁷¹ and *Breves Notitiae*⁷² clearly demonstrate the differences and changes in the language of charters from the Agilolfing and Carolingian age. Beside corrections in morphology (*castrum superiorem* now is replaced by *castrum superius*), the lengthy listing of accessories, which is sometimes senseless and incomprehensible due to the rigid formula it follows, makes them more specific and comprehensible: so while *Notitia Arnonis* applies *confinia*, *aquis aquarumque decursibus* and *adiacentiis*, *Breves Notitiae* uses *finale loci*, *aquis circumquaque currentibus* and *adiacentibus*. At the same time—just to ensure that the language of former charters, which both records drew on independently from one another, should not be totally changed in order to avoid uncertainty in law and endless disputes arising from that—the order of accessories is identical; subjection to the preposition *cum* and the sentence structure are the same in both records; and the various forms of the same words recur in both cases, which was knowingly meant to preserve close relation with original charters.⁷³ In both cases, the list of accessories is introduced by the preposition *cum*, which is confirmed by an adverbial *unā* in *Notitia Arnonis*; *cum* stands, in each case, in ablativus, except for the aforesaid formal phrase *cum mansos*, which implies Longobard roots⁷⁴. The parts of the list of accessories are interrelated asyndetically; and wherever this interrelation

⁶⁹ *Mittellateinisches Wörterbuch I*. München 1967. 50; 66. Cf. Haupt 1975. 43; Löfstedt 1961. 254. sqq.

⁷⁰ Haupt 1975. 44.

⁷¹ *Notitia Arnonis* 1, 1. *Primum quidem tradidit Theodo dux predictum oppidum simulque et castrum superiorem domno Hrodberto cum terminis denominatis et confinibus vel omnibus appenditiis suisque adiacentiis una cum campis, silvis, alpes, aquis aquarumque decursibus ...*

⁷² *Breves Notitiae* 2, 3. ... *Theodo dux ... dedit domno et sancto Rudberto episcopo eundem locum ad episcopii sedem cum finalibus locis ibidem adiacentibus castrumque superius cum montibus ... cum aquis ibi circumquaque currentibus ...*

⁷³ Haupt 1975. 45.

⁷⁴ Fichtenau, H.: *Spätantike und Mittelalter im Spiegel von Urkundenformeln*. Mitteilungen des Instituts für Österreichische Geschichtsforschung, Ergänzungsband 18. Graz–Wien–Köln 1957. 1957. 24⁶⁰; Fichtenau 1971. 24.

is polysyndetic, *vel* having a disjunctive sense in classical usage becomes the copulative element as a typical feature borrowed from folk language and adopted in the Latinity of charters.⁷⁵ These features apparent in the earlier drafted, more archaic *Notitiae Arnonis* influenced by folk language, manifesting both Bavarian and Longobard impacts—albeit, not more than ten years passed between the time of their drafting, and both of them were recorded on the orders of Arn—are no longer used in *Breves Notitiae*, which demonstrates the traces of the Carolingian language reform. (Comparing syntax, finally it should be added that the language of charters in *Breves Notitiae* is quite often replaced by narrative style; especially in the sections where the author borrowed texts from *Libellus Virgilii* that thematised the dispute evolving on *cella Maximiliani*⁷⁶ and Otting⁷⁷: in these two loci the auctor makes use of the instrument *oratio recta*,⁷⁸ which is absolutely not applied in in *Notitia Arnonis*.)

In charters the motivation of the donation, more accurately, of the donator usually appears in the form of *arenga* preceding the reference to the actual legal transaction, *donatio*. In *Notitia Arnonis* this aim is generally set out in the simplest form merely to indicate the fact; notably, that donation is made in the hope of the salvation of the soul and the prospect of heavenly reward of the donator, which is made clear by the phrase "*pro mercedis suae augmentum*"⁷⁹. It is expedient to interpret this intention in relation to *necrologia* since the donator's name was often entered in the list enumerating the persons the salvation of whose souls the monks in the given monastery or monasteries regularly prayed for;⁸⁰ e.g., the blank pages of *Liber confraternitatum* of Salzburg were quite often filled with the names of the persons granting donations to the St Peter Monastery.⁸¹ At variance with that, *Breves Notitiae*—in view of the fact that chapters of a narrative nature are from the first included in part one in a greater number—apart from indicative references,⁸² expounds the intention of the donator in certain cases more freely and, accordingly, more extensively.⁸³ This extended expounding should, of course, not be interpreted as correspondence to the long passages that were used in the charters of the period, left to us not from Salzburg but Bavaria, in which the donator threatened the inheritors who would intend to reclaim, and any other person who would endanger the *donatio* with

⁷⁵ Haupt 1975. 45.

⁷⁶ *Breves Notitiae* 8, 1. sqq.

⁷⁷ *Breves Notitiae* 13, 1. sqq.

⁷⁸ *Breves Notitiae* 8, 8; 13, 3.

⁷⁹ *Notitia Arnonis* 6, 25.

⁸⁰ Fichtenau 1971. 83.

⁸¹ Haupt 1975. 41.

⁸² *Breves Notitiae* Praef.; 2, 3; 4, 2; 6, 1; 9, 1; 9, 7; 12, 1.

⁸³ *Breves Notitiae* 11, 1–3; 13, 1.

God's anger, exclusion from the company of all the saints and angels, and punishment in hell, and the sentence to pay ten *solidus poena* before the earthly judge, and the obligation to compensate four times the damage caused.⁸⁴ The opening thought of a list of donations compiled by Cozroh for Hitto, bishop of Freising (811–835), registered under the title *Traditiones Frisingenses*, which follows a chronological order, and so provides a peculiar history of the diocese of Freising, applies an even clearer formulation: "*ut in perpetuum permaneret eorum memoria, qui hanc domum suis rebus divitaverunt et hereditaverunt, seu quicquid pro remedio animarum suarum ad ipsam domum tradiderunt*"—thus, the intention to pray and the register of estates appear quite naturally without any ambiguity or separation.⁸⁵ And it was not by chance that on the blank pages of *Liber confraternitatum* they wrote the name of the woman granting donation in the 10th c. who resolutely insisted on that since this way she was assured not only of the legal fate of the donation but of the prayers that could be told for the sake of her own soul's salvation. Heinrich Fichtenau asserts there was a triple aim behind the creation of the register of estates: to take account of the goods of the given institute; to ensure continued legal title; and to commemorate the salvation of the donor's soul.⁸⁶

V. Regarding the name Iuvavum/Salzburg it should be noted that the etymology of the name Iuvavum of the town established in the 1st c. A.D. at the beginning of the Roman rule has not been properly clarified until the present day; the Romans most probably borrowed it from the Celtic population who lived there. Also, it is reasonable to accept that the name *Iuvavum* is related to the former name of River Salzach, *I(u)varus*, and that in this case the name of the river is older than the name of the town; that is, the name *Iuvavum* is a derivative of *I(u)varus*.⁸⁷ Before the Bavarian rule, this name was last referred to by Eugippius in chapter thirteen of his work entitled *Vita sancti Severini* written in 511 where he relates events that took place close to a town called Iuvao ("*Item iuxta oppidum, quod Iuvao appellabatur ...*"⁸⁸). *Gesta Hrodberti* mentions a settlement called by its old name Iuvavum be-

⁸⁴ See Fichtenau 1971. 62. sqq. Cf. *Traditio Frisingensis* I. Nr. 27. 1. ... *ut si quis de hereditibus meis, vel qualibet opposita persona, contra hanc donationem venire ven frangere voluerit, inprimis iram dei incurrat et omnium sanctorum atque angelorum agmina extraneus permaneat et insolubile vinculo damnatus sit, et quod repetit evindicare ... et iudice terreno culpabilis sit auri D solidos et quod retulit restituat quadruplum, et donatio ista firma et stabilis permaneat stipulatione subnexa. ...*

⁸⁵ Fichtenau 1971. 83.

⁸⁶ Fichtenau 1971. 84.

⁸⁷ Brandenstein, W.: *Kleine namenkundliche Arbeiten*. Hrsg. v. Lochner v. Hüttenbach, F. Graz 1978. 11; 31.

⁸⁸ Eugippius, *Vita sancti Severini* 13, 1. Cf. Eugippius: *Das Leben des heiligen Severin*. Lat. u. dt. Einführung, Übersetzung und Erläuterungen von Noll, R. Berlin 1963. 83.

side River Ivarus in the course of Rupert's wanderings ("... *aliquem esse locum iuxta fluvium Ivarum antiquo vocabulo Iuvavensem vocatum ...*"⁸⁹); and concerning the placement of the community of nuns founded by Rupert, who commissioned his kin, Erintrudis to lead it, he mentions the upper castle of the people of Iuvavum ("... *in superiori castro Iuvavensium statuens ...*"⁹⁰): that is, he uses the adjective formed from the antique name.

In a remarkable locus of *Breves Notitiae* the two names as it were explain one another; namely, a source describes a place Iuuauo lying beside River Iuarus, which is commonly called (in folk language) Salzburg ("... *in loco, qui dicitur Iuuauo, quod vulgo dicitur Salzburg, super fluvium Iuarum ...*"⁹¹). Elsewhere *Breves Notitiae* often uses the names *Salzburg*, *Salzburch* and *Salzpurch*;⁹² in other passages it applies the adjective *Iuuauensis* more often,⁹³ and *Salzburgensis* less frequently.⁹⁴ The introduction to *Notitia Arnonis* describes the town of Salzburg that is located in the province of the people of Iuvavum, beside River Igonta, otherwise called Salzachnak ("... *oppidum Salzburch in pago Iobaocensium super fluvium Igonta, qui alio nomine Salzaha vocatur ...*"⁹⁵); so this formulation uses the option of two names explaining one another both for the town and the river. Elsewhere, *Notitia Arnonis* uses the names *Salzburc*, *Salzburch* and *Salzpurch*;⁹⁶ and on one occasion the adiectivum *Salzburgensis*.⁹⁷ The formulation "*in pago Iobaocensium*" in *Notitia Arnonis*—which can be compared with the phrase "*in pagum Iuvavensem*"⁹⁸ used only once in *Breves Notitiae*⁹⁹—deserves special attention as later both records refer to it by a German name, using various forms and composita of *Salzburggau* (*in pago Salzburchgaoe, -burgaoe, -burgowe, in pago Salzburgoense*)¹⁰⁰. (In this respect, it should be added that in his etymological argument, often contested in literature¹⁰¹, Willi Mayerthaler asserts that through replacing the adiectivum *Iu-*

⁸⁹ *Gesta s. Hrodberti confessoris* 6. (Ed. Levison, W. MGH SS rer. Merov. 6. Hannover–Leipzig 1913.)

⁹⁰ *Gesta Hrodberti* 9.

⁹¹ *Breves Notitiae*, Praef.

⁹² *Breves Notitiae* 9, 4; 14, 51. 54. 55; 15, 1. *Salzburg*; 23, 2. *Salzburch*; 16, 1. *Salzpurch*

⁹³ *Breves Notitiae* 1, 3. *pagus*; 3, 11; 5, 1; 6, 1; 7, 1. 6; 8, 3. 5; 9, 1; 11, *tit.*; 11, 1. 2; 12, 2; 14, 1. *sedes*; 4, 1. *oppidum*; 7, 1. *castrum*; 8, 10. *potestas*

⁹⁴ *Breves Notitiae* 3, 15; 12, 1; 13, 4; 14, 15; 15, 2. *sedis (episcopatus)*

⁹⁵ *Notitia Arnonis*, Praef.

⁹⁶ *Notitia Arnonis* 6, 22; 7, 1. *Salzburc*; 6, 25; 8, 7. *Salzburch*; 8, 4; 8, 5; 8, 6. *Salzpurch*

⁹⁷ *Notitia Arnonis* 1, 4. *pagus*

⁹⁸ *Breves Notitiae* 1, 3.

⁹⁹ Reiffenstein, I.: *Baiern und der Pagus Iobaocensium – Neues zum Namen der Baiern?* Beiträge zur Erforschung der deutschen Sprache 6. 1986. 97.

¹⁰⁰ *Notitia Arnonis* 1, 2. 6; 2, 1. 2. 3. *pagus Salzburchgaoe*; *Notitia Arnonis* 3, 2; 6, 5. 10. 12. 13. 15. 18. 25; 7, 2. 4. 7. *pagus Salzburgoe*; *Breves Notitiae* 5, 3; 12, 1. (*pagus*) *Salzburchgowe*; *Notitia Arnonis* 1, 4; 6, 3. *pagus Salzburgensis*

¹⁰¹ Cf. Reiffenstein 1986. 96. sqq.

vavensis in the adjective phrase "*pago Iuvavensis*" by the undoubtedly more ancient, Celtic/Latin name *Ivarus* of the River Salzach, the word **Pagoivaro*, that is, *Salzburggau*, and *Salzachgau*, might have constituted the etymon of the Bavarians' folk name.¹⁰²)

Conversio Bagoariorum et Carantanorum does not contain the town name Iuvavum in this form; its first chapter, possibly overlapping *Gesta Hrodbert*, refers to a place called by its old name Iuvavum only—using an adjective phrase—that lies beside River Iuvarus (i.e., Salzach) ("... *locum iuxta fluvium Ivarum antiquo vocabulo Iuvavensem vocatum ...*"¹⁰³), which corresponds with the tendency of frequently applying the *adiectivum Iuvavensis*. *Salzburc*, and *Salzpurc* as nomen occurs twice,¹⁰⁴ the *adiectivum Salzburgensis* three times in this source.¹⁰⁵

While *Iuvavum* as a town name occurs less and less frequently in sources from the 9th c., the adjective *Iuvavensis* derived from it survives both in charters and literary works in the name of the Archbishopric of Salzburg—from Arn up to Herolt (939–958) the formal name of the archbishops was: "*sanctae ecclesiae Iuvavensis archiepiscopus*".¹⁰⁶ The use of the *adiectivum "Iuvavenses"*, i.e., "*people of Salzburg*" as substantivum is somewhat limited;¹⁰⁷ on the other hand, the *adiectivum Salzburgensis* formed from the nomen *Salzburg* occurs in several loci.¹⁰⁸ Up to the mid 10th c., the adjective *Salzburgensis* did not occur as a generally used form; from the second half of the 10th c., especially from the 11th and 12th c., however, it fully ousted the more classical form *Iuvavensis*.¹⁰⁹ Yet, the adjective *Iuvavensis* had attached so firmly to the archbishopric that the place of issuing the charters was indicated as *Salzpurch*—even in cases where the text concerned the Archbishporic of Salzburg itself, that is, *ecclesia (sedis) Iuvavensis*.¹¹⁰ Certain texts explain the adjective *Iuvavensis* by *Salzburgensis*; e.g., regarding archbishop Arn ("*Iuuenensis [sic!] ecclesiae archiepiscopus necnon Salzburgensium*"¹¹¹) and Adalwin ("*Adalwino archiepiscopo sanctae ecclesiae Iuvauensis qui et Salzburgensis vocatur*"¹¹²).

¹⁰² Mayerthaler, W.: *Woher stammt der Name 'Baiern'?* In: *Das Romanische in den Ostalpen*. Hrsg. v. Messner, D. Wien 1984. 7. sqq.

¹⁰³ *Conversio* 1.

¹⁰⁴ *Conversio* 6; 11. *Salzpurc*

¹⁰⁵ *Conversio* 2; 11; 14.

¹⁰⁶ Reiffenstein, I.: *Der Name Salzburgs – Entstehung und Frühgeschichte*. Mitteilungen der Gesellschaft für Salzburger Landeskunde 130. 1990. 194.

¹⁰⁷ *Notitia Arnonis*, Praef.; *Conversio* 6; 8; 10.

¹⁰⁸ *Notitia Arnonis* 1, 4; *Breves Notitiae* 3, 15; 12, 1; 13, 4; 14, 15; 15, 2; *Conversio* 2; 11; 14.

¹⁰⁹ Reiffenstein 1990. 195.

¹¹⁰ *Salzburger Urkundenbuch* I. Nr. 95; 99; 103. (Ed. Hauthaler, W. Salzburg 1910.)

¹¹¹ *SUB* II. Nr. 5. (816) (Ed. Hauthaler, W.–Martin F. Salzburg 1916.)

¹¹² *SUB* II. Nr. 19. (860)

An answer should be given to the following question: After the nomen *Iuvavum* had disappeared, that is, had been ousted by *Salzburg* (and its various forms), why did they continue to use the adiectivum *Iuvavensis* for a long time although the adjective *Salzburgensis* formed from the new, German name was also available. The reasons for that probably has to do with written Latinity and the clumsiness of Latinised adjectives derived from German names: the use of the adiectivum *Iuvavensis* exclusively in writing is demonstrated by orthography, which was identical and safe for a long time—the last manifestation of Latin oral culture in written sources must have been the phrase "*in pago Iobaocensium*" in the *praefatio* of *Notitia Arnonis*. After several hundred years' co-existence, from the 12th c. the adjective *Salzburgensis* almost entirely ousted *Iuvavensis*, which can be attributed to the fact that while the town name origin and base of the adiectivum *Salzburgensis* was used without any changes, and now as the only such item, *Iuvavensis* without being related to a noun as an independent adjective was no longer viable even in the language of the chancellery.

In the mirror of all the above, two questions arise. What explanation can be given for the name changing from *Iuvavum* to *Salzburg*, and for these names temporarily co-existing? Can it be considered regular that in periods of ethnic changes—such as in the case under review in the 6th-8th c. history of the Dukedom of Bavaria—topographical names will be replaced by new ones? The latter question can be clearly answered: No, it cannot; as a general rule, people who migrated and settled here preserved geographical names from earlier periods, which they as it were found "ready-made", even in cases when their meaning was not clear to them—concerning this phenomenon it is enough to think of the names from this area *Atanate/Adnet*, *Albina/Alm*, *Morciacum/Morzg*, *Ovilavis/Wels*, *Lentia/Linz*, *Vindobona/Wien*, *Lauriacum/Lorch*, *Batavis/Passau*, *Quint(i)anis/Künzing*, *Augusta (Vindelicum)/Augsburg*. It is, therefore, not surprising at all that several town and river names of the territory that use a single language today were not created in the period when the Germans flooded in, being the remains of the condition of the language of the Roman age or periods preceding the Romans. For this reason, it is highly rare and calls for explanation that the Bavarians replaced the old name *Iuvavum* of the former Roman town with a new name, *Salzburg*. This trend is reinforced by the fact that the river *I(u)varus* (originally perhaps **Isonta*) was given the name *Salzaha/Salzach*, which is all the more strange as recurring changes in the ethnic groups did not produce any major impact on the name of greater or smaller rivers of this territory—think of the rivers *Duna*, *Isar*, *Inn*, *Traun*, *Saalach*, *Mattig*, *Ager*, *Enns*, *Steyr*, *Erlauf*, *Traisen*, *Mura* and *Drava*! This list includes the name *I(u)varus* (**Isonta*), and as the sources unambiguously have revealed, it is absolutely out of the question to reckon with the option of the inhabitants of the region having forgotten this name, and this making it necessary to introduce

the new name (Salzaha/Salzach)—especially because south of Salzburg up to the 11th c. the presence of scattered remains of Roman population can be deduced.¹¹³

Ingo Reiffenstein believes to find an explanation for this specific reform in the language claiming that the people occupying the territory of the one-time Noricum ripense knowingly did not want to assume continuity with the Roman rule—as it is demonstrated by the settlement names of German origin in the regions lying between the Isar and the Inn, not far from there, and the settlement names of Slavic origin in East and South Austria—most probably because power was not taken over peacefully.¹¹⁴ It is not hard to find an explanation for the new names Salzburg and Salzach: the Bavarians most probably quite early took control of salt mining in Reichenhall—the co-existing Latin and German names of Reichenhall, Salinae and Halla must have been the product of the same process that we have already followed up regarding Salzburg.¹¹⁵

What follows is an investigation of the use of the terms *manus* and *manentes*, and *coloni* and *colonia* in *Notitia Arnonis* and *Breves Notitiae*—primarily taking into account the statements made by Fritz Lošek, the researcher who has the most extensive knowledge of these texts.¹¹⁶ In *Notitia Arnonis* and *Breves Notitiae* the terms *mansus*, *manentes* and *colonium* occur quite differently: the noun *manus* and its derivatives occur eighty-five times in *Notitia Arnonis*, and thirty-seven times in *Breves Notitiae*; among them the occurrences in *Breves Notitiae* can be identified in nineteen cases as the pluralis accusativus of *mansus*; consequently, they can be ranked among the fourth declinatio; the forms of *mansum* that can be identified as singularis accusativus allow ranking both among the second and the fourth declination; other occurrences (most frequently pluralis ablativus) usually allow ranking among the second declinatio. The forms *mansos*, *manso* and *mansi* are absolutely not used in *Breves Notitiae*; contrary to that, in *Notitia Arnonis* *mansos* they are used forty-nine times, *manso* nine times, and *mansi* twice. The pluralis accusativus form *mansos* often stands with the preposition *cum*; *manso* stands in the number *I (uno)*, on the one hand; and substitutes singularis accusativus, on the other; e.g., "*tradidit ... in loco ... manso I vestito*".¹¹⁷ The case *mansi* occurs twice right after one another.¹¹⁸ Furthermore, the singularis accusativus form (*manum*) also appears,¹¹⁹

¹¹³ Reiffenstein 1990. 196. sq.

¹¹⁴ Reiffenstein 1990. 197.

¹¹⁵ Reitzenstein, W.-A. von: *Lexikon bayerischer Ortsnamen. Herkunft und Bedeutung*. München 1986. 52.

¹¹⁶ Cf. Lošek 1990. 58. sqq.

¹¹⁷ *Notitia Arnonis* 6, 13.

¹¹⁸ *Notitia Arnonis* 2, 4. 7.

¹¹⁹ *Notitia Arnonis* 5, 4.

just as pluralis accusativus, on twenty-six occasions in total. The phrases *mansi tributales* and *tributarii apud mansos* usually refer to *Romani*. *Mansi* might have been *serviles*, that is, servile souls too¹²⁰ but it is impossible to ascertain whether in these cases this peculiarity is attached to the owner of the land or the land itself.¹²¹

The phrase *mansus* so often used in *Notitia Arnonis* is quite often replaced in *Breves Notitiae* by the noun *manentes*;¹²² Wanderwitz has demonstrated that the reason that lies behind this linguistic change is related to content: this way the status of the persons to be donated could be more precisely determined.¹²³ *Manentes* as the participle, or a form having become the substantivum of the verb *manere* occurs, except for a single case, solely in *Breves Notitiae*—the only *manentes* locus in *Notitia Arnonis* does not carry any legal content; there *manentes* means simply *inhabitants*.¹²⁴ In *Breves Notitiae* the transition from the participle usage to the substantivum usage can be clearly followed up.¹²⁵ In some of these cases, the form *manentes* is a simple participium coniunctum, which is meant to determine the position of the *servi*, or *tributales (Romani)*; that is, to specify their capacity of *having a house* more accurately.¹²⁶ Elsewhere the term *manentes* is used as a substantivum,¹²⁷ and so the relation of settlers and ploughmen (*coloni*) becomes closer with the land (*mansus*); that is, *mansus* and *colonia* most probably become synonyms. Between the two options of occurrence, in Lošek's view, the phrase *manentes in coloniis* constitutes transition,¹²⁸ since *manentes* are handed over not only *in coloniis* but also *cum coloniis* in the text of *Breves Notitiae*.¹²⁹ The phrase *cum coloniis* defines donated persons more exactly as *colonia* is also considered accessory. As a matter of fact, it might occur that the subject of donation is the *villa* itself; and *mansi* and *manentes* are only the accessories thereof.¹³⁰ In *Breves Notitiae* there are also cases where the subject of donation is *mansi*, or *manentes (servi)*; the participium in this case loses its substantivum, and means the persons who reside on the *mansus*, or *colonium*.¹³¹

¹²⁰ Eg. *Notitia Arnonis* 6, 2.

¹²¹ Cf. *Notitia Arnonis* 2, 7; 4, 8.

¹²² Haupt 1975. 42.

¹²³ Wanderwitz, H.: *Quellenkritische Studien zu den bayerischen Besitzlisten des 8. Jahrhunderts*. Deutsches Archiv für Erforschung des Mittelalters 39. 1983. 42.

¹²⁴ *Notitia Arnonis* 7, 6.

¹²⁵ Lošek 1990. 60.

¹²⁶ *Breves Notitiae* 2, 8; 4, 2; 7, 6; 13, 10; 18, 4.

¹²⁷ *Breves Notitiae* 1, 4; 2, 4; 21, 5.

¹²⁸ Lošek 1990. 61.

¹²⁹ *Breves Notitiae* 2, 9; 9, 4; 12, 3.

¹³⁰ *Breves Notitiae* 4, 7.

¹³¹ *Breves Notitiae* 5, 2. 5; 9, 4. 5; 10, 4.

The interpretation of *colonium* in the estate registers poses more difficulties than the interpretation of *mansus* and *manentes*. Absolutely no traces of the phrase *colonium* can be found in *Notitia Arnonis*; only in *Breves Notitiae* does it appear; and here it is possible to witness a shift in the meaning from the thing towards the person.¹³² The form pluralis accusativus (*colonia*) appears on several places;¹³³ but the author knows the word *colonia*, -ae too.¹³⁴ At the same time, the concept of the person related to the *colonium*, the *colonus* is not unknown to the author either.¹³⁵ The difficulty is caused by the pluralis ablativus forms but this can be solved—just like in the case of *mansus* and *manentes*—as follows: as the accessory of the thing that constitutes the subject of donation a person is indicated, and as the accessory of the person a thing is indicated; however, a land can never be the accessory of a thing (land), and a person can never be the accessory of a person; that is, in this respect the author avoids tautology.¹³⁶ The form *coloni* can be undoubtedly the singularis genitivus of either *colonium*, or *colonus* but in the context of the three occurrences relevant in this respect persons constitute the subject of donation; therefore, it is reasonable to assume that in this case the specific item is the genitivus of *colonus*.¹³⁷

From the comparable loci of *Notitia Arnonis* and *Breves Notitiae*—which sometimes contain the subject of donation and the accessories thereof in an identical structure, and sometimes exchange their interrelation—several conclusions can be drawn. *Breves Notitiae* more often names persons as the subject of donation than *Notitia Arnonis*; on the other hand, in several cases *Breves Notitiae* mentions only the land (*mansus*) as the subject of donation but says nothing of the persons that might belong to it. Following the tendency of separating persons from things, *Breves Notitiae* more often uses the phrases *colonium* and *colonus*; at variance with that, loci with identical content in *Notitia Arnonis* expound on *mansus*. On the grounds of the above, on the one hand, it can be assumed that the author's willful uniforming tendency lies behind the uniformity of the form of expression of *Notitia Arnonis*; and contrary to that, *Breves Notitiae* passes on a more varied formulation closer to the original charters; on the other hand, it cannot be excluded that it was *Notitia Arnonis* that borrowed the uniform formulation from the original documents, and *Breves Notitiae* adjusted it to the current conditions of the period.¹³⁸ If, however, we assume that the donation procedure of Salzburg reflecting the several decades' long process

¹³² Lošek 1990. 62.

¹³³ *Breves Notitiae* 14, 9. 23. 29. 45.

¹³⁴ *Breves Notitiae* 2, 7; 9, 4.

¹³⁵ *Breves Notitiae* 4, 3. 4; 14, 36. 51; 17, 1. 3; 18, 3.

¹³⁶ Eg. *Breves Notitiae* 4. 9. Cf. Lošek 1990. 62.

¹³⁷ *Breves Notitiae* 13, 12.

¹³⁸ Lošek 1990. 64. sq.

was as colourful as the the documents on donations granted to Freising (*Traditiones Frisingenses*)—the original charters on such donations (contrary to those of Salzburg) have been left to us—then, in Lošek's opinion, it is the text of *Breves Notitiae* that is closer to the original formulation. In this spirit, the condition of the lands specified cultivated or uncultivated in *Notitia Arnonis* (*mansos vestitos et aposos*) reflects the general conditions typical of the period of the compilation of the record; furthermore, the term *colonia* goes back to a longer history in Bavaria than *mansus*. All these facts serve as further proofs of the correctness of the statement that *Notitia Arnonis* could not serve as a prefiguration of *Breves Notitiae*.¹³⁹

¹³⁹ Lošek 1990. 65.

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Pravno-istorijska i filološka zapažanja o salcburškim registrima (poseda) iz VIII veka

Rezime

Karlo Veliki, pošto je povodom spora (koji bi mi danas nazvali koncepcij-skim) na saboru u Ingelhejmu, svrgnuo sa prestola Tasila III. poslednjeg princa Agilolfingškog porekla, on je 788. godine priključio svojoj imperiji i Bavarsku, koja je do tada bila samostalna. Neposredno posle ovih događaja, između 788 i 790 godine po nalogu Karla Velikog, Arn (785–821) miljenik novog režima koji je inače pre toga uživao poverenje Tasila, sastavio je svoje zapise tzv. *Notitia Arnonis* o darovnicama u korist Salzburške episkopije. Pridobivši zatim potvrdu franačkog vladara uspeo je da osigura posede svoje dijeceze. Salzburška episkopija je 798. godine podignuta na stepen arhiepiskopije. Dokument koji je poznat pod nazivom *Breves Notitiae* nastao je (između 798 i 800 godine) iz razloga što je arhiepiskop trebao da dokaže poreklo i valjan način sticanja ovih poseda. Imajući u vidu oba dokumenta, autor konstatuje, da i pored njihove sličnosti, *Notitia Arnonis* se ipak ne može smatrati osnovom kasnije *Breves Notitiae*. Prema tome, oba dokumenta su veoma značajan izvor saznanja koja nam pružaju posebne podatke o ekonomskim i posedovnim odnosima datog mesta i vremena.

Autor ističe da mada je tema rada pravnoistorijska, u pogledu metoda koristi srednjelatinsku filološku egzegezu. Imajući u vidu da oba dokumenta, kako *Notitia Arnonis*, tako i *Breves Notitiae* jesu diplome, kao i to da odražavaju poseban stil koji je korišćen u ovom vremenu u Salzburgu, pri analizi jezičko-stilskih posebnosti, ima u vidu kako jezik diploma, tako i uticaj latinskog jezika svojstven izražavanju Karolinga.

Polazeći pre svega od teksta navedenih salcburških dokumenata, naravno uz ukazivanje i na tadašnje (bavarske) izvore, u ovom radu se posebno razmatraju pitanja: pismene potvde i potvde od strane svedoka o darovanjima u korist crkve; u kakvom su odnosu *carta* i *notitia*, sličnosti i razlike u pogledu forme i sardžine; bitnije jezičke posebnosti salcburških registara poseda i njihova veza sa jezikom isprava; i na kraju sledi podrobnija analiza jezičkih posebnosti koji se javljaju u registrima poseda.