

# “PIPINUS REX”: PIPPIN’S PLOT OF 792 AND BAVARIA

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## 1. “A PLOT MOST FOUL”

Two serious internal challenges to Carolingian royal authority disturbed the middle years of Charlemagne’s reign. Neither is mentioned in the officially approved recensions of the Frankish Royal Annals, but Einhard tells us about both of them in the twentieth chapter of that ruler’s “Life,” and various information was included in other annalistic traditions (Exhibit 1).<sup>1</sup> In 785/86 a group of magnates in Eastern *Francia* and Thuringia opposed royal policies and denied or renounced their loyalty to the king; their opposition was aggravated, no doubt, by the demands of Charlemagne’s campaigns against the Saxons, which placed heavy burdens on their adjacent territories.<sup>2</sup> The second, in 792, was centered around the royal palace at

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<sup>1</sup> The editions of the sources cited in Exhibit 1 and the text are in order: *Annales Regni Francorum* [= ARF] et *Annales qui dicuntur Einhardi* [= Recension E: Reviser], ed. F. Kurze, MGH, *Scriptores Rerum Germanicarum in Usum Scholarum* (Hanover, 1895); *Annales Laureshamenses*, ed. G. Pertz, MGH, *Scriptores* 1 (Hanover, 1826), 22–39; *Annales Mosellani: a. 704–797*, ed. I. Lappenberg, MGH, *Scriptores* 16 (Hanover, 1859), 491–99; *Annales Petaviani*, ed. G. Pertz, MGH, *Scriptores* 1 (Hanover, 1826), 7–18; Murbach Annals in W. Lendi, *Untersuchungen zur frühalemannischen Annalistik: Die Murbacher Annalen mit Edition, Scrinium Friburgense 1* (Freiburg [Switzerland], 1971); *Einhardi Vita Karoli magni*, ed. O. Holder-Egger, MGH, *Scriptores Rerum Germanicarum in Usum Scholarum* (Hanover, 1911); Anon., “Vita Hludowici” in *Thegan*, “Die Taten Kaiser Ludwigs”; *Astronomus*, “Das Leben Kaiser Ludwigs,” ed. and trans. E. Tremp, MGH, *Scriptores Rerum Germanicarum in Usum Scholarum Separatim Editi* 64 (Hanover, 1995). Recension D of the Frankish Royal Annals with an abbreviated entry seems to have East Frankish provenance. The short notice of Pippin’s revolt is also included in one B recension manuscript (B3), now in the Vatican, perhaps from Rheims; it is absent from the other A-C recensions.

<sup>2</sup> This rebellion is usually identified by one of the leaders, Count Hardrad; it is not entirely clear from the varied sources besides Einhard whether the East Frankish and the Thuringian opposition were united or two separate groups with different agendas. See most recently R. McKitterick, *Perceptions of the Past in the Early Middle Ages*, The Conway Lectures in Medieval Studies 2004 (Notre Dame, 2006), 68–80 with texts and references. There is surprisingly little secondary literature on either of these events, which are, of course, mentioned in all general accounts of the period: e.g., R. Collins, *Charlemagne* (London, Toronto, and Buffalo, 1998), 56, 125–26; and R. Schieffer, *Die Karolinger*, Urban Taschenbücher 411, 3rd ed. (Stuttgart, 2000), 80–90. The best specialized discussion is probably still that of K. Brunner, *Oppositionelle Gruppen im Karolingerreich*, Veröffentlichungen des Instituts für österreichische Geschichtsforschung 25 (Vienna, Cologne, and Graz, 1979), 47–53, 60–65.

Regensburg on the Danube where Charlemagne had been since the spring of 791 in order to direct operations against the Avars and to suppress any lingering opposition in Bavaria, which he had annexed barely three years earlier in 788. The most noteworthy aspect of this second domestic insurrection was participation by a senior member of the Carolingian family itself: Charlemagne's oldest son, Pippin, who was born in the mid-to-late 760s and, thus, certainly of major age and a responsible adult capable of independent rule.

It was this "familiar" aspect that Einhard seems to have found particularly disturbing, for he attaches his account of 792 directly to his sympathetic discussion of Charlemagne's family in chapters 18 and 19, and he gives it priority over his account of the evidently more widespread and possibly more dangerous rebellion of 785/86. Nevertheless, Einhard saw a common thread between both events: they had been provoked by the *crudelitas*, the extraordinary harshness, of Charlemagne's wife, Fastrada, which had subverted the normal clemency of the king's rule.<sup>3</sup> Indeed, in Einhard's version Pippin himself was only the hapless pawn of the real conspirators, "certain Frankish leaders," who "had won him over (*inlexerant*) by pretending to offer him the kingship (*regn[um]*)."<sup>4</sup> Thus did Einhard seek — desperately — to preserve the king's reputation and the honor of the Carolingian family: better a fool than a knave!

If we examine the other early accounts of 792, we find differences on several important points. Here special attention must be given to two sources from the very first years of the ninth century: the anonymous "Revised" version (Recension E) of the Frankish Royal Annals and the very extended and elaborate account in the Lorsch Annals, probably composed under the direction of Richbod, abbot of Lorsch and archbishop of Trier.<sup>5</sup> It is partic-

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<sup>3</sup> The Reviser, who seems to be the source of this allegation, applies it only to 792, not to 785. The most complete and convincing exposition of Fastrada's importance is Janet Nelson's "The Siting of the Council at Frankfort: Some Reflections on Family and Politics," in *Das Frankfurter Konzil von 794: Kristallisationspunkt karolingischer Kultur*, ed. R. Berndt, Quellen und Abhandlungen zur mittelrheinischen Kirchengeschichte 80, in two parts (Mainz, 1997), 149–65, and see below, Part 3. Much additional information on Fastrada is provided by Franz Staab, "Die Königin Fastrada," *ibid.*, 183–217.

<sup>4</sup> So the excellent translation by Lewis Thorpe in the Penguin Classics edition (*Two Lives of Charlemagne: "The Life of Charlemagne"* [Harmondsworth, 1969]; 75). The older but still widely used translation by Samuel Turner (*The Life of Charlemagne* [Ann Arbor, MI, 1960]) renders this as "seduced him with vain promises of the royal authority" (48). On this point, to which we shall return in Part 3, see K. Bund, *Thronsturz und Herrscherabsetzung im Frühmittelalter*, *Bonner Historische Forschungen* 44 (Bonn, 1979), 392.

<sup>5</sup> Recension E was earlier ascribed to Einhard and, for convenience, is still sometimes referred to under his name although the attribution is no longer accepted; see below, Part 4. For these sources see the recent discussions by R. Collins: "The 'Reviser' Revisited;

ularly striking that neither of these sources, written a generation before Einhard, mentions, as he does, that young Pippin was a hunchback (*gibbo deformis*) although that is the epithet that still distinguishes him from the numerous other Pippins. Presumably, this slander was another aspect of Einhard’s attempt to spare the family: Pippin appeared to be handsome (*facie quidem pulcher*) but was yet a defective member.<sup>6</sup> The Lorsch Annals do agree with Einhard that Pippin was a bastard, the son of a concubine named Himiltrud, and they even make this a central aspect of his “plot most foul” (*consilium pessimum*) against his father and brothers, all “born from a lawful wife” (*ex legitima matrona geniti*), Fastrada’s immediate predecessor, Hildgard.<sup>7</sup> Notker of St. Gall, writing later in the century, even extends Einhard’s line when he alleges that Pippin’s distinguished name was ominously given to him by his mother (*a matre ominaliter insignito*), not by Charlemagne.<sup>8</sup> But the Reviser knows nothing of this; for him Pippin was merely Charlemagne’s oldest son (*filius suus maior*), and this charge of illegitimacy seems, rather, to be another attempt to blacken Pippin’s reputation and distance him still further from his father.<sup>9</sup>

Yet we know — on papal authority, no less — that Charlemagne’s marriage to Himiltrud was sanctioned both by law and by family custom. This extraordinarily authoritative and contemporary evidence for the legitimacy of Himiltrud’s marriage is included in a letter from Pope Stephen III

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Another Look at the Alternative Version of the ARF,” in *After Rome’s Fall: Narrators and Sources of Early Medieval History; Essays Presented to Walter Goffart*, ed. A. Callander Murray (Toronto, 1998), 191–213; and idem, “Charlemagne’s Coronation and the Lorsch Annals” in *Charlemagne: Empire and Society*, ed. J. Story (Manchester and New York, 2005), 52–70. The older general account of the various late eighth- and early ninth-century annals by Wilhelm Levison (in Wilhelm Wattenbach and Wilhelm Levison, *Deutschlands Geschichtsquellen im Mittelalter: Vorzeit und Karolinger*, Heft 2 [Weimar, 1953], 180–92, 245–66), is still very valuable, as is the discussion in H. Fichtenau, “Karl der Große und das Kaisertum,” *Mitteilungen des Instituts für österreichische Geschichtsforschung* 61 (1953): 257–334. Several related studies of early Carolingian historiography are now conveniently united in R. McKitterick, *History and Memory in the Carolingian World* (Cambridge, 2004).

<sup>6</sup> This tendency is heightened further in Notker of St. Gall’s picaresque *Gesta Karoli* (in R. Rau, ed., *Quellen zur Karolingischen Reichsgeschichte*, Part 3, *Ausgewählte Quellen zur deutschen Geschichte des Mittelalters* 7 [Darmstadt, 1982], 321–427, at c. 2/12, 400–403), written in the later ninth century where Pippin is not only deformed but a dwarf as well (*nanus et gibberosus*)! Pippin may well have had some physical handicap from birth or from injury, but there is no evidence that it was of any concern to contemporaries.

<sup>7</sup> The biblical reference in the Lorsch Annals to Abimelech, son of Gideon by a concubine (Judges 9), is particularly interesting (see below, Part 3).

<sup>8</sup> Notker, *Gesta Karoli*, 2/12; presumably, this act is presented as a token of Pippin’s illegitimate status.

<sup>9</sup> It is echoed by the Mosel Annals, also from the Lorsch tradition, but not by the Pettau Annals and ignored by the Murbach Annals.

(s. 768–72) preserved in the Frankish collection of royal correspondence with the papacy, the *Codex Carolinus*, where the pope writes to the new coregents, Charlemagne and his brother, Carlomann, that “already by God’s will and counsel each of you is joined to a lawful spouse as enjoined by your father.”<sup>10</sup> Stephan certainly had an urgent agenda in this letter, since he was desperate to preclude a marriage alliance between the Frankish and Lombard kingdoms, but there was no reason for him to use patently ridiculous arguments that could only damage his case, and no one has ever questioned the status of Carlomann’s marriage to Gerberga.

Einhard refrained from charging the plotters with the intention to kill Charlemagne, but the Reviser made that an explicit aim, and the only official document to survive includes this in the charge against the suspects (see below).<sup>11</sup> Moreover, all of the earlier annals identify Pippin himself, not his noble coconspirators, as the author of the plot that the Reviser (as Einhard) calls a *conjuratio*, a sworn conspiracy. This highly charged term was probably chosen deliberately for heightened effect; such associations — real or imagined, like Communist (or, now, al-Qaeda) cells — were an obsessive concern of contemporary royal legislation, which sought to bind all free adult males by its own oaths of loyalty.<sup>12</sup> These narrative sources are all in their various ways tendentious and irreconcilable in detail, but there seems to be reasonable agreement on several key points: the plot was centered on the royal court at Regensburg in 792; Pippin was deeply involved as were other prominent Franks; its objectives included securing some kind of royal rule for Pippin; and the conspirators were all rounded up and severely punished. Pippin himself was tonsured and confined at the monastery of Prüm until his death in 811. The annals do not take us far beyond that bare

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<sup>10</sup> Ed. W. Gundlach, MGH, *Epistolae 3, Epistolae Merowingici et Karolini aevi 1* (Berlin, 1892), Nr. 45, 561: “iam Dei voluntate et consilio coniugio legitimo ex praeceptione genitoris vestri copulati estis, accipientes sicut preclari et nobilissimi reges, de eadem vestra patria, scilicet ex ipsa nobilissima Francorum gentae, pulcherrimas coniuges.” For comment on this letter see C. Hammer, *From Ducatus to Regnum: Ruling Bavaria under the Merovingians and Early Carolingians*, Haut Moyen Âge 2 (Turnhout, 2007), Excursus 2, 298–99. For further consideration of this vital issue see below, Part 3. Norbert Brieskorn’s questioning the authenticity of this letter (evidently following Hefele), “wegen des unbeherrschten Tones” is unconvincing (idem, “Karl der Große und das Eherecht seiner Zeit [Mit einem Blick auf CLM 6242],” in *Das Frankfurter Konzil von 794*, 301–29, at 307).

<sup>11</sup> The Lorsch and Mosel Annals add one or all of his half brothers to his intended victims, for which there is no documentary corroboration.

<sup>12</sup> The Reviser first uses this term in his account of the Hardrad rebellion, for which see McKitterick, *Perceptions of the Past*, here esp. 71; and K. Brunner, *Oppositionelle Gruppen*, 17–20; on oaths see M. Becher, *Eid und Herrschaft: Untersuchungen zum Herrscherethos Karls des Großen*, Vorträge und Forschungen, Sonderband 39 (Sigmaringen, 1993), passim and 195–201.

framework. It would be helpful to know something more about the participants.

Fortunately, there are two non-literary documents that identify persons implicated in the plot. The earlier is the lengthy Capitulary, which records the decisions taken at the great council held at Frankfurt in the summer of 794. There Peter, bishop of Verdun, was obliged to swear with two or three oath-helpers or together with his archbishop that he had not “plotted the death of the king nor against his royal authority.”<sup>13</sup> Unfortunately, Peter was unable to produce any oath-helpers, and, as an alternative, he submitted his *homo* — either a slave or a dependent retainer — to an ordeal that ended successfully for both parties.<sup>14</sup> Thereupon, Peter was restored to office and favor by Charlemagne. The second instance occurs three years later in the spring of 797 when Theodold (*Theodoldus*), a high royal official, a sheriff or count (*comes*), and sworn to the king as a retainer (*fidelis noster*), had properties restored to him by royal charter with full authority to will or devise them as he wished.<sup>15</sup> The occasion for their confiscation had been “when by the urging of the devil, Pippin, our son [n.b.], together with others unfaithful to God and to us, attempted impiously to lay hands on the life and realm granted to us by God, and, by the mercy of the Lord Jesus Christ, their treachery did not prevail.”<sup>16</sup> Like Bishop Peter, Theodold

<sup>13</sup> *Capitulare Francofurtense*, ed. A. Werminghoff, MGH, Concilia 2/1 (Hanover and Leipzig, 1906), Nr. 19g, 165–71, at c. 9, 167: “quod ille in mortem regis sive in regno eius non consiliasset [Ms. P1 continues: nec ei infidelis fuisset]”; see the commentary in Becher, *Eid und Herrschaft*, 82–83.

<sup>14</sup> The *homo* was evidently freed (*a domino liberatus*) before the ordeal so that he could undertake it of his own free will. The Latin of this passage is difficult to decipher; see H. Spilling, “Die Sprache des Konzils,” in *Das Frankfurter Konzil von 794* (n. 3 above), 699–727, at 717–18.

<sup>15</sup> The usual English translation of the Latin term *comes* is “count” on analogy with French “comte” or German “Graf,” but, with its connotations of autonomous and hereditary public authority, it is anachronistic for the early Carolingian period when the *comes* was still clearly a royal official. On the other hand, the Anglo-Saxon “shire-reeve” or “sheriff” was a contemporary official with similar functions and exercising the same royal authority as the Carolingian *comes* in Bavaria (see the OED, 2nd ed., *sub verbo*). I examined the office of the Bavarian *comes* in a paper, “From Sheriff to Count? A Prosopography of the ‘comes’ in Carolingian Bavaria,” at the forty-first International Congress on Medieval Studies at Kalamazoo in May 2006, and I hope to publish my findings on this important issue presently. To avoid unnecessary confusion, however, I here retain the conventional “count” at the editor’s request.

<sup>16</sup> *Chartae Latinae Antiquiores*, 16 (France, 4), ed. Hartmut Atsma and Jean Vezin (Dietikon-Zurich, 1986), Nr. 637, 93–95; MGH, *Diplomata Karolorum* 1, ed. E. Mühlbacher et al. (Hanover, 1906), Nr. 181, 244–45: “qualiter suadente diabolo Pippinus, filius noster, cum aliquibus dei infidelibus ac nostris in vita et regno nobis a deo concesso impie conatus est tractare et domino Iesu Christo miserante nihil prevaluit eorum perfidia.” The phrase “dei infidelibus ac nostris” is the inverse of the commendatory “fideles dei ac nostri” in

cleared himself by submitting to an ordeal as had “other faithful retainers.” Later in 797, on 20 December, *Theudaldus comis* then made a grant to the royal abbey of St. Denis and its abbot, Fardulf, of five properties in the region of the river Oise comprising “both allodial lands from my kinsmen and also acquired by purchase.”<sup>17</sup> Presumably, this pious act benefiting a foundation important to the Carolingian family completed Theodold’s political rehabilitation.

We know little about these two men. The late ninth-century *Gesta* of the bishops of Verdun had a low opinion of Peter.<sup>18</sup> He was from Italy, and the *Gesta* allege that he betrayed the Langobard capital, Pavia, to Charlemagne in 774 for which treachery he was rewarded with the bishopric. Subsequently, he was accused of “infidelity” and did not dare to appear before the king (*imperator*) for twelve years, but then, with the aid of Charlemagne’s sons, he was purged of the charge.<sup>19</sup> Hugh of Flavigny, who lived in Verdun in the early twelfth century, reports more credibly in his *Chronicon* that Peter, an Italian, succeeded the previous bishop in 776 after opening Treviso to the Frankish army during Hrotgaud’s Langobard rebellion against the Franks in that year.<sup>20</sup> We know even less about Count Theodold. Régine Le Jan suspected, evidently on the basis of the places named in his grant to St. Denis, that his comital office was centered on Chambly, northwest of Paris.<sup>21</sup>

Both suspects, therefore, held high office in traditional Frankish territories, Austrasia and Neustria, respectively. For a plot centered on Regensburg, it is surprising to find no disgruntled Bavarians named amongst the

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Charlemagne’s famous letter of 791 to Fastrada contained in Abbot Fardulf’s letter collection from St. Denis, for which see Part 4 below.

<sup>17</sup> *Chartae Latinae Antiquiores*, 16, Nr. 638, 96–98: “tam de alode parentum meorum, quam de comparato.” The deed was executed in front of the basilica of St. Vivien at Bruyère-sur-Oise.

<sup>18</sup> *Gesta Episcoporum Verdunensium*, ed. G. Waitz, MGH, *Scriptores* 4 (Hanover, 1841), 36–51, at 44.

<sup>19</sup> The charge of “infidelity” is included in manuscript P1 of the Frankfurt Council but not in P2. The period stated, twelve years, makes no sense, and the report that Peter betrayed Pavia undermines confidence.

<sup>20</sup> *Chronicon Hugonis Abbatis Flaviniacensis*, PL 154: 160: “et cum obsideret exercitus Karoli in Tharavisa Italiae civitate Stibilinum socerum Chrotgaudi qui contra Karolum rebellaverat, et propter hoc Karolo Italiam ingresso in bello occisus erat; erat in eadem civitate Petrus vir Italicus, a quo tradita est civitas, et ob hoc Verdunensi episcopatus honoratus est.”

<sup>21</sup> R. Le Jan, “Prosopographica Neustrica: Les agents du roi en Neustrie de 639 à 840,” in *La Neustrie: Les pays au nord de la Loire de 650 à 850; Colloque historique international* 1, ed. H. Atsma, 2 vols., *Beihefte der Francia* 16 (Sigmaringen, 1989), 1: 231–69, Nr. 273, 265: “sans doute [*comes*] de Chambly.”

accused although some participation of this sort has long been suspected.<sup>22</sup> Indeed, the anonymous “Life” of Louis the Pious implies that in the spring of 793 Bavaria was still too dangerous to risk the presence of the younger royal sons, Kings Pippin (Carlomann) and Louis, who had spent the winter campaigning unsuccessfully in southern Italy (Exhibit 1). On their return to *Francia*, they appear to have detoured around Bavaria and finally met with their father at the palatine estate of Salz, southeast of Fulda. But if we questioned the sources a bit more closely, we might perhaps gain some new insights into Bavaria’s place in this important event.

## 2. “OTHERS UNFAITHFUL TO GOD AND TO US”

At the very beginning of the ninth century — certainly by 806 — two brothers, Liutfrid and Erchanfrid, jointly made a grant on behalf of their dead father.<sup>23</sup> The property comprised meadows at a place called Esting on the river Amper in southwestern Bavaria; they were conveyed to the altar of the church of St. Lawrence at the village of Maisach only three and a half kilometers away on a little stream of the same name, which then flows northeast into the Amper at Dachau. This was a typical memorial transaction — of which thousands are recorded in the early medieval cartularies from Bavaria and elsewhere — except for two notable peculiarities. The two brothers specified that the grant was “for the salvation of our father whose name was Deodolt because our father’s body is buried in that same church, so that I (*sic: merear*) might be worthy to receive absolution in the company of (*apud*) St. Lawrence and have his intercessions with God.” The awkward

<sup>22</sup> So with increasing certainty and specificity: Lothar Kolmer: “möglicherweise hatte der Aufstand von 792 in Regensburg deutlich gemacht, daß noch immer eine agilolfingische Partei existierte” (“Zur Kommendation und Absetzung Tassilos III.,” *Zeitschrift für bayerische Landesgeschichte* 43 [1980]: 291–327, at 316); Stuart Airlie: “one cannot doubt that there was a Bavarian dimension to the plot” (“Narratives of Triumph and Rituals of Submission: Charlemagne’s Mastering of Bavaria,” *Transactions of the Royal Historical Society*, 6th Series, 9 [1999], 93–119, at 117); and Matthias Becher: “It seems likely that there were Bavarians within this group [of Pippin’s supporters] who wished to free Tassilo from the monastery” (*Charlemagne*, trans. David S. Bachrach [New Haven and London, 2003], 103; second German ed., 92). There is speculation on possible Welf participation in Hammer, *From Ducatus to Regnum* (n. 10 above), 251.

<sup>23</sup> *Trad. Freising: Die Traditionen des Hochstifts Freising*, ed. T. Bitterauf, in 2 Parts, Quellen und Erörterungen zur bayerischen und deutschen Geschichte, n.s., 4/5 (Munich, 1905/9; repr. Aalen, 1967), cited by document number (here: Nr. 167). Many deeds in the Freising episcopal cartulary at this time during Bishop Atto’s pontificate (783–811) are undated, and the editor, Theodore Bitterauf, assigned this one on prosopographical evidence between 793 and 806. Its position in the sequence of the cartulary indicates a date towards the end of this range; its document number in the printed edition is unrelated to its manuscript position.

transition from the plural “our” to the singular “I” indicates that the Freising scribe, “Marcheo, unworthy deacon,” was either taking dictation directly from the dying Deodolt himself or carelessly copying from an earlier testamentary document that the two sons as his executors were now carrying out. But even more noteworthy is Deodolt’s provision for the disposition of his body within the church itself: close to the altar and, presumably, to the powerful relics of St. Lawrence.<sup>24</sup> Although burial within a church and *ad sanctos* was by now commonplace in *Francia* proper and elsewhere within the Frankish realms, Bavaria was a singular exception.<sup>25</sup> True, the funeral obsequies took place inside the church, but the body was then removed from the building for burial outside.<sup>26</sup> Deodolt’s insistence on a distinctly non-Bavarian funeral rite marks him out as an exceptional person; we should like to know more about him.<sup>27</sup>

The only other Deodolt to occur amongst the early deeds of the Freising cartulary appears in the witness list to a securely dated deed from 2 September 776, when a priest named Waltrich conveyed property at “Hohinperc” to the cathedral at Freising.<sup>28</sup> The place, modern Hohenbercha /

<sup>24</sup> For Bavarian devotion to St. Lawrence see C. Hammer, “‘For All the Saints’: Bishop Vivolo and the Origins of the Feast,” *Revue Mabillon*, n.s., 15 (2004): 5–26, at 16.

<sup>25</sup> The archaeological evidence is reviewed exhaustively by H. W. Böhme in “Adelsgräber im Frankenreich: Archäologische Zeugnisse zur Herausbildung einer Herrschicht unter den merowingischen Königen,” *Jahrbuch des römisch-germanischen Zentralmuseums Mainz* 40 (1993): 397–534; and idem, “Adel und Kirche bei den Alamannen der Merowingerzeit,” *Germania* 74 (1996): 477–507. Böhme (“Adelsgräber,” 519) remarks: “im Gebiet östlich des Lechs bisher sämtliche hier behandelten merowingerzeitlichen Gräber niemals innerhalb einer Kapelle oder Kirche lagen, sondern stets nur in deren unmittelbarer Nähe.” See also the comment in S. Wood, *The Proprietary Church in the Medieval West* (Oxford, 2006), 48 n. 98.

<sup>26</sup> The most complete description of a funeral is at St. Martin’s church in nearby Nörting in 821 (*Trad. Freising*, Nr. 447): “Convenerunt in illo die ad illum multi nobiles parentes sui corpus eius sepelire, et deportaverunt eum ad illa ecclesia sancti Martini dei confessoris. Cum autem venit in ecclesia et depositus fuerit eius corpus et orationes et preces legantur antequam corpus eius extra ecclesiam deportatus fuisset” [his executors and heirs completed a grant to the altar on the deceased’s behalf].

<sup>27</sup> Three early eighth-century aristocratic graves, excavated from within the church at Pfaffenhofen bei Telfs in the Tyrol (the “Poapintal”), can be associated with the family that founded the monastery of Scharnitz-Schlehdorf discussed below; see F. Prinz, “Anhang: Pfaffenhofen bei Telfs in Tirol, Polling bei Weilheim, Uttenkofen bei Metten: Zur historischen Geographie dieser Orte im 8. Jahrhundert,” in F. Stein, *Adelsgräber des achten Jahrhunderts in Deutschland*, 2 vols., Germanische Denkmäler der Völkerwanderungszeit, Series A, 9 (Berlin, 1967), 399–404. This burial underscores the distinctive social milieu of Deodolt’s sepulcher.

<sup>28</sup> *Trad. Freising*, Nr. 73; Gertrud Diepolder has done extremely valuable service sorting out the various Waltrichs, but I am not convinced by the alternative identities she endorses for the place and the priest. See her “Schäftlarn: Nachlese in den Traditionen der Gründerzeit,” in *Früh- und hochmittelalterlicher Adel in Schwaben und Bayern*, ed. I. Eberl



Höchenberg, also on the river Amper, lies just under thirty kilometers to the northeast of Maisach and Esting. There we find Deodolt in very interesting company, since, as the lead lay witness to the transaction, he is followed in order by a Helmuni, a Chunihoh and a Hludwic. The last name must cause some surprise. Peter Classen emphasized the potent significance of these exclusively royal Merovingian names, here “Chlodwig / Clovis” or “Ludwig,” in Charlemagne’s legitimization strategy when in 778 the Carolingian gave his twin sons the names Ludwig (Louis) and Lothar, thereby openly assuming “Merovingian heritage and claims” for his own family.<sup>29</sup> It is, therefore, astonishing to find this royal name borne by an adult two years earlier in the realm of Charlemagne’s unruly first cousin, Tassilo.<sup>30</sup> Of course, “Deodolt,” itself is also an ancient royal name. As “Theudo[w]ald” it was borne by at least two sixth-century descendants of Clovis and was appropriated by the Carolingians descended from Pippin II and Plectrud as well as by their contemporaries, the early eighth-century Bavarian ducal line from Theodo. As a kenning for “ruler” it attests to the inherent authority of its bearer.

The names of Deodolt’s sons, Liutfrid and Erchanfrid, particularly the latter, have extraordinarily rich associations in this far-western part of Bavaria.<sup>31</sup> They converge around the settlement at Pettenbach, now *Lan-*

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and W. Hartung, *Regio: Forschungen zur schwäbischen Regionalgeschichte* 1 (Sigmaringendorf, 1988), 161–88, at 184. This Waltrich the priest was clearly a senior member of the cathedral clergy at Freising and is likely to be the Waltrich who became bishop of Passau in 777 (see also below, Part 3).

<sup>29</sup> P. Classen, “Karl der Große und die Thronfolge im Frankenreich,” in *Festschrift für Hermann Heimpel*, Veröffentlichungen des Max Planck Instituts für Geschichte 36/3 (Göttingen, 1972), 109–34, at 113 with note 27: “Niemand außerhalb des alten Herrscherhauses hatte diese Namen bisher führen dürfen, und wenn die karolingische Familie sie nun aufnahm, so fügte sie deutlicher und offener als bisher merowingisches Erbe und Anspruch dem Bau des eigenen Hauses ein.” Classen cites only a single possible non-royal exception from the correspondence of Alcuin: “*frater* Chlothar.” So also Walter Schesinger: “Aber die Karolinger sind das Gefühl der ‘illegitimität’ offenbar nie ganz losgeworden. . . . Schon längst hat Karl den Anschluß an das merowingische Königtum herbeizuführen versucht, indem er für einen Sohn den Namen Ludwig (Chlodowech) wählte. . . . Man könnte von einer pseudologischen Gleichsetzung mit Hilfe der Namensgebung sprechen” (“Die Auflösung des Karlsreiches,” in *Karl der Große: Lebenswerk und Nachleben* 1, ed. H. Beumann [Düsseldorf, 1965], 792–857, at 831–32). J. Jarnut’s argument that Charlemagne’s choice of names was specifically to assert Frankish (and his own) authority over the Aquitainians and Saxons in a difficult year does not necessarily exclude his desire to identify his family with the previous dynasty (“Chlodwig und Chlothar: Anmerkungen zu den Namen zweier Söhne Karls des Großen,” *Franca* 12 [1984]: 645–51).

<sup>30</sup> Another “Hludowic” occurs three generations later amongst the Freising contingent at Verdun in 843, witnessing for properties lying only about twenty kilometers to the northwest of Hohenbercha (*Trad. Freising*, Nr. 661, 557).

<sup>31</sup> Some of the following connections were indicated already sixty years ago in Margaret Neumann’s unpublished Erlangen dissertation (see G. Mayr, *Studien zum Adel im frühmit-*

*genpettenbach*, nineteen kilometers north-northeast of Maisach, which (as its modern name implies) stretches along a small stream flowing from the west into the river Glonn, a major tributary that joins the Amper at Allershausen, five kilometers north of Hohenbercha. Two deeds disposing of property at Pettenbach contain elaborate genealogical information (Exhibit 2). One is contemporary with the brothers' grant at Esting. In 804 a man named Reginhart, like the Neustrian Theodold also a high royal official, a count, granted his property at Pettenbach and at the stream's mouth on the Glonn to the alpine monastery of Schlehdorf on the Kochelsee where the ordinary, the bishop of Freising, also officiated as abbot.<sup>32</sup> Reginhart did this for "the eternal redemption of my father, Erchanfrid, and of my brother, Liutfrid, and the enduring health of my coheirs from the inheritance that we have in those places." More than a generation earlier a mature woman and *ancilla dei* named Alpun(ia) made a grant to Freising from "whatever allod came to me as patrimony in a place called Pettenbach . . . for the salvation of my soul and those of my father, Erchanfrid, and my mother, Deotrata."<sup>33</sup> She also made provision with her kinsman, Bishop Arbeo of Freising, that her (evidently very young) son should receive the property as a benefice. His name was Karolus, and it appears that one of his older brothers was named Liutfrid.<sup>34</sup> Our Karolus is the only contemporary instance of this exclusive Carolingian eponym in Bavaria.<sup>35</sup>

In 799 we learn that the monastery at Schlehdorf held property at Pettenbach "from Otilo's share (*de parte Otiloni*)," which it granted as a benefice.<sup>36</sup> The recipient was named Gaio, and he first had donated other property to the monastery at Pettenbach and in the "Poapintal" on the upper river Inn, which he retained with the benefice for life. This grant echoes the founding deed executed in 763 for the monastery — then located in the remote Scharnitz where the ancient Roman highway, the *Via Augusta*, crossed the Fern Pass into the Inn valley.<sup>37</sup> There the still-childless Otilo was a collaborator and kinsman (*parens*) of the founders, the brothers

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*telalterlichen Bayern*, Studien zur bayerischen Verfassungs- und Sozialgeschichte 5 [Munich, 1974], 73).

<sup>32</sup> *Trad. Freising*, Nr. 199.

<sup>33</sup> *Trad. Freising*, Nr. 44.

<sup>34</sup> Alpunia refers to Karolus's *fratres*. The witness list comprises: "Karolus, Rihpald, Helias, Liutfrid, Popo, Rathoh," and it is likely that this list includes his brothers and other close relatives who might be expected to guarantee his interests after Alpunia's death.

<sup>35</sup> The etymology of the name is still not fully explained; it appears to be an onomastic *novum* of the late seventh century. See the discussion in J. Joch, *Legitimität und Integration: Untersuchungen zu den Anfängen Karl Martells*, Historische Studien 456 (Husum, 1999), 32–33.

<sup>36</sup> *Trad. Freising*, Nr. 177.

<sup>37</sup> *Trad. Freising*, Nr. 19.

Reginpert and Irminfrid, who gave several properties in the Inn valley and elsewhere; the first lay witness, ahead even of Irminfrid and Otilo, was an Erchanfrid.

“Otilo” or “Odilo” was the name of the duke of Bavaria (r. 736–748), who in 741 contracted a “scandalous” marriage with Hiltrud, the daughter of Carl Martell; their son, evidently conceived in early 741 at the Frankish royal court itself, was Duke Tassilo (r. 748–788/94).<sup>38</sup> Hiltrud was, thus, the sister of King Pippin III (r. 741–768), and aunt of Charlemagne. Just six kilometers northwest of Pettenbach is Pippinsried or “Pippin’s assart.” We have no early deeds for Pippinsried, but the eponym may have been Pippi, an early patron of the monastery of Schäftlarn on the river Isar, thirty kilometers southeast of Maisach. The ties between the two monasteries, Schlehendorf and Schäftlarn, and their benefactors were evidently very close.<sup>39</sup> The founder and first benefactor of Schäftlarn was another Waltrich the priest.<sup>40</sup> He confirmed his original donation of 760x64 in 772, four years before the donation by his contemporary namesake — and likely kinsman — at Hohenbercha; the first witnesses were “Atto [and] his brother Pippi.”<sup>41</sup>

The seemingly obscure place of Deodolt’s burial, Maisach, is, at first sight, incongruous with this evidence. Indeed, it is not immediately clear why this deed was registered in the Freising cartulary, since the meadows at Esting were given to the church at Maisach, not to Freising cathedral as was the earlier grant by Waltrich the priest at Hohenbercha. The only other early

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<sup>38</sup> On Odilo’s marriage see K. Brunner, *Oppositionelle Gruppen* (n. 2 above), 96; and J. Jahn, *Ducatus Baiuvariorum: Das bairische Herzogtum der Agilolfinger*, Monographien zur Geschichte des Mittelalters 35 (Stuttgart, 1991), 176–78.

<sup>39</sup> See most recently: G. Diepolder, “Schäftlarn” (n. 28 above), passim and 166–67 for Pippinsried and its connection to Pettenbach. The older discussion by Friedrich Prinz of these and other monasteries within the “Huosi-Kreis” is still worth consulting (idem, *Frühes Mönchtum im Frankenreich: Kultur und Gesellschaft in Gallien, den Rheinlanden und Bayern am Beispiel der monastischen Entwicklung [4. bis 8. Jahrhundert]*, 2nd ed. [Darmstadt, 1988], 367–72).

<sup>40</sup> For this Waltrich’s remarkable Frankish-Carolingian connections see W. Störmer, *Früher Adel: Studien zur politischen Führungsschicht im fränkisch-deutschen Reich vom 8. bis 11. Jahrhundert*, Monographien zur Geschichte des Mittelalters 6, in 2 parts (Stuttgart, 1975), 322–26; and his “Bischöfe von Langres aus Alemannien und Bayern: Beobachtungen zur monastischen und politischen Geschichte im ostrheinischen Raum des 8. und frühen 9. Jahrhunderts,” in *Langres et ses évêques viii<sup>e</sup>–xi<sup>e</sup> siècles: Actes du colloque Langres-Ellwangen, Langres, 28 juin 1985* (Langres, 1985), 43–77, at 59–72.

<sup>41</sup> *Trad. Schäftlarn: Die Traditionen des Klosters Schäftlarn*, Part 1, ed. A. Weissthanner, Quellen und Erörterungen zur bayerischen und deutschen Geschichte, n.s., 10/1 (Munich, 1953), Nrs. 1a/b; the location was “in loco Peipinpach, villa nuncupata Sceftilari” (6). A Count Pippi occurs for the first time amongst Bavarian counts at a great missatical court held in Regensburg in 802 (*Trad. Freising* [n. 23 above], Nr. 183); it is unlikely that he was the Pippi of these early Schäftlarn deeds, but he was probably related.

deed concerning Maisach is contemporary to Deodolt's. On 26 August 806 a man named Nahuni made a gift to Freising of all his property at Maisach for his own benefit and that of his parents and his two daughters.<sup>42</sup> Nahuni's father, who seems to have been from the same generation as Deodolt, was named Deotuni. Such onomastic variation of one name-element was common amongst brothers, and we may reasonably suspect that the donor at Maisach and the occupant of the church tomb there shared a common patrimony descending from their (unnamed) grandparents and parents, respectively. The first two witnesses to Nahuni's deed are a Lantfrid and an Erchanfrid. Their names also vary, and Erchanfrid was very likely the son of Deodolt. Thus, at Maisach we find a settlement, called a *vicus* in both deeds to distinguish it from the adjacent stream, that was held closely by descent group until it was finally devised to the Church. Possibly the brothers Liutfrid and Erchanfrid conveyed the balance of the property at Maisach, including the church of St. Lawrence with their father's tomb, to Freising in an unrecorded transaction in conjunction with the testamentary disposition of the meadows at Esting. That is how this singular deed could have made its way into the great episcopal cartulary. It would go beyond the limits of our fragmentary evidence to link all of the Erchanfrids and their companions together in a unified genealogy. But the recurrence of certain properties and the proclivity for potent names amongst their proprietors certainly are consistent with the distinctive position indicated by Deodolt's burial.

The names of Nahuni and his father, Deotuni, vary with that of the witness following directly after Deodolt in Waltrich the priest's deed for Hohenbercha in 776: Helmuni. There were several distinguished bearers of the latter name (in its various onomastic forms; here: -uni/-oin ["friend"]) in early-medieval Bavaria; one of them, Count Helmoin, has left us a highly unusual record (Exhibit 3).<sup>43</sup> The document is in the form of a deed, a pious grant made by Helmoin to the cathedral of Freising and duly recorded and witnessed there in September or very early October 793.<sup>44</sup> In the lengthy and

<sup>42</sup> *Trad. Freising*, Nr. 225.

<sup>43</sup> All of the evidence for these Helmunis is judiciously reviewed and summarized in a useful diagram by Wilhelm Störmer, *Adelsgruppen im früh- und hochmittelalterlichen Bayern*, Studien zur bayerischen Verfassungs- und Sozialgeschichte 4 (Munich, 1972), 49–59; there are evidently between two and four near-contemporary Bavarian magnates bearing variants of that name, and while it is impossible to assign all of the references conclusively, nevertheless, it is clear that these important men all belonged to the same kin group and were somehow related. While I here follow Störmer's lucid discussion, I do differ from him in my interpretation of this particular document.

<sup>44</sup> The dating between 1x24 September and 8 October is determined by the beginning of the second indiction (whether Greek or Bedan, both of which were used) and the end of Charlemagne's twenty-fifth regnal year as king.

elaborate *narratio*, Helmoïn explains that he had been intending to grant some property to the Church, but his claim to title as his inheritance, that is in full seisin as allodial property or freehold over which he had free disposition, had been denied by royal commissioners; rather, the property had been seized and escheated to the fisc. Helmoïn tells us that he had no choice but to submit to this judgment, which he twice acknowledges to have been fully justified! However, the king, who at that time was still in Regensburg on his extended stay between 791 and 793, subsequently allowed Helmoïn’s claim to it as a “perpetual inheritance.” However, this was done on condition that Helmoïn then use his newly (re-?)gained ownership in order to grant it to the Church, not for himself alone, but also in alms for Charlemagne and his sons. Then Adalunc, the commissioner of Count Kerold (Gerold), brother of Charlemagne’s late wife, Hildegard, within whose jurisdiction (circuit) the property lay, invested him with the properties after the proper boundaries had been determined. Only then could Helmoïn grant the property to Freising cathedral, but the conveyance required further confirmation from Helmoïn and, as his heir, from his son, Hadumar, when, at some later date, Helmoïn set out on a journey to Rome.

It is quite clear that there is more to this transaction than the deed admits. The properties themselves, all lying within the diocese of Eichstätt adjoining Freising to the northwest, were in an area separating *Francia* and Bavaria: the Swalafeld district between the rivers Danube and Altmühl. The names of two of them, King’s Haid and Kriegstatthof, indicate, as Wilhelm Störmer pointed out, that they were originally Frankish fiscal lands charged with frontier military obligations.<sup>45</sup> Possibly it was there that Helmoïn exercised jurisdiction as count, and it would not be unusual for the properties held under his royal authority to pass surreptitiously into his personal patrimony. The odd point, rather, is that he was not only prevented from disposing of them freely but actually deprived of them — and evidently under humiliating circumstances for a man in his distinguished position. This can only mean that he was the subject of severe royal displeasure. Count Helmoïn is one of the earliest persons mentioned in Bavarian records as an occupant of that characteristic Frankish office; he never occurs again as a count.<sup>46</sup> His grant to Freising, far from being a spontaneous act of personal piety, was subtly transformed by Charlemagne into a public display of sub-

<sup>45</sup> Störmer, *Adelsgruppen*, 54–55.

<sup>46</sup> Helmoïn (Helmuni) occurs as a count along with Gerold and other magnates at a missatival court, evidently in late 791 (*Trad. Freising*, Nr. 143b); the apparent reference to him as a count in 804x8, probably shortly before his death, is clearly appropriated from the record of a much earlier transaction at the time of his wedding to Hadumar’s mother (*Trad. Freising*, Nr. 213a); he may, however, have served later in the lesser office of “iudex” (*Trad. Freising*, Nr. 183 for 802). Hadumar himself escaped the consequences of

mission to royal authority in the form of alms for the king and his sons. We may be confident that the elder Pippin was not amongst those “sons” and that Helmoín’s journey to Rome must have been a penitential pilgrimage or even a form of political exile.

The parallels between the experiences of Count Helmoín and the Neustrian Count Theodold (Part 1) are evident. In the 790s both had property — possibly fiscal property — which they considered *hereditas* confiscated by royal authority and then restored by an act of royal grace; although they were then free to dispose of the property, both took the opportunity to make generous grants to important churches. For Theodold alone is the connection to Pippin’s plot explicit, but for Helmoín we only have his deed of conveyance to Freising, a private document, not a royal charter, which would naturally put the best face on things — as did Count Theodold’s grant to St. Denis. Indeed, Helmoín’s return to royal favor almost four years before Theodold may predate any formalized procedure of compurgation and ordeal, which we find in the cases of both Bishop Peter and Count Theodold, and no official document may ever have been issued from the royal chancery.

Our narrative sources (Exhibit 1) are keen to depict the punishment of the suspected conspirators in the most ferocious terms, but their reports are, nonetheless, ambiguous. According to the Reviser, “as traitors (*rei maiestatis*) some of them were killed by the sword, some hanged on gibbets — by such a death were they punished for the contemplated crime.”<sup>47</sup> The Lorsch Annals are more equivocal: “and [the assembled Franks] judged that those who were party with him [Pippin] in that nefarious plot should be deprived of property and life, and, thus, it was carried out for some of them.” The Mosel Annals report that “some were hanged, others beheaded, and some flogged and exiled.”

We may be quite certain that justice in such an important case was political justice according to rank. Charlemagne needed the services of his magnates and the support of their families, and the degree of their individual complicity may have varied widely. No doubt, some drastic examples were made, particularly amongst the lesser participants, but with the more important suspects such as Count Theodold, Bishop Peter, and Count Helmoín it would be more expedient to reinforce dramatically their complete dependence on royal favor and derive some financial or spiritual benefit in

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his father’s problems; he subsequently served as the Frankish count of Verona until his death by 809.

<sup>47</sup> The awkward wording of the final phrase may indicate a defective text requiring emendation: “[partim] ob meditatatum scelus [pro] tali morte multati sunt.” Thus, “some others were fined in place of death for the contemplated crime.”

the process. For some this would also entail the end of their careers in lucrative royal service. Perhaps the Frankish Count Theodold retired to spend his last years with his kinsmen on his properties at Maisach as the Bavarian Deodolt.<sup>48</sup> The early medieval distance between the rivers Oise and Amper was not as far as it might now seem to us. Barely fifty years earlier a remarkable Bavarian woman from the lower Inn valley, Swanahilt, was the consort of Carl Martell, and two counts of Paris had evident connections to her Bavarian homelands.<sup>49</sup> The earlier Waltrich the priest, the founder and first abbot of Schäftlarn, subsequently became bishop of Langres in northern Burgundy (ca. 774x77–791); he was succeeded there by a clerk named Petto (ca. 791–820) who bore the same name as the eponym of Pettenbach. These were people as close to the Carolingian family as any in Bavaria — aside from Duke Tassilo himself. Like him, some may even have been descended from Carl Martell or, perhaps, from his father, Pippin II.<sup>50</sup>

### 3. “REX IN BAIUOUARIA”

Even if we accept the identification between the suspect Neustrian count and the deceased Bavarian proprietor and allow that Count Helmoin, too, had fallen under suspicion, still we have not yet identified the interests or aims of Pippin and his supporters in Bavaria. In order to do that, we must understand something about his peculiar situation.<sup>51</sup> In late 781 Charlemagne took his wife, Hildegard, to Italy. They celebrated Christmas in the old Langobard capital at Pavia, and then in the spring they moved on to Rome where they celebrated Easter on 15 April 781. There, according to the Frankish Royal Annals, his young son, Pippin, born in 777, was baptized by Pope Hadrian (s. 772–795). “Pippin,” however, was not his original name; it was Carlomann. But after two generations of ill-fated royal Carlomanns in the family, it was decided that he should receive a new name at the papal

<sup>48</sup> Unfortunately, Theodold’s conveyance of December 797 to St. Denis (above, Part 1) does not provide any information on his “parentes”; the deed was presumably witnessed by local worthies, none of whom is familiar to me from Bavarian sources although it is interesting to note that a prominent one was named Hardrad (for whom see n. 2 above).

<sup>49</sup> See Hammer, *From Ducatus to Regnum* (n. 10 above), Excursus 1a, 283–90.

<sup>50</sup> Possibly, though not certainly, illegitimate; for Carolingians in early eighth-century Bavaria, see the remarks by Störmer, “Bischöfe von Langres” (n. 40 above), 71–72; and Hammer, “For All the Saints” (n. 24 above), 10–11.

<sup>51</sup> Most of the relevant primary evidence and secondary literature for the following is helpfully reviewed in B. Kasten, *Königssöhne und Königsherrschaft: Untersuchungen zur Teilhabe am Reich in der Merowinger- und Karolingerzeit*, Schriften der MGH 44 (Hanover, 1997), 138–51, without arriving at the same conclusions, however. See also R. Le Jan, *Famille et pouvoir dans le monde franc (vii<sup>e</sup>–x<sup>e</sup> siècle): essai d’anthropologie sociale*, Histoire Ancienne et Médiévale 33 (Paris, 1995), 202–4, 274.

baptism, a name, moreover, which had been borne by three successful rulers. Then this new “Pippin” was anointed by the pope as a king in Italy and his younger brother, Ludwig (Louis), the surviving twin with a Merovingian name (see Part 2), was anointed a king in the Aquitaine. This was a major constitutional innovation: Italy, that is, northern Italy with the southern duchies of Spoleto and Benevento, had been a kingdom under the Lombards since the mid-sixth century, but the Aquitaine, like Bavaria, had always been a Frankish duchy — and a reluctant one finally brought under direct royal authority only in 768/69.

These changes had no immediate effect on the elder son, the original Pippin. Like Hildegard’s oldest son, Carl, he retained, as we shall see, the precedence in protocol determined by birth order, and, like Carl, he evidently still awaited the final disposition of the central Frankish realms, Neustria, Austrasia, and Burgundy, by his father. Nevertheless, as Walter Goffart has argued convincingly, the reassignment of the coveted name “Pippin” undoubtedly signaled a dramatic shift in his prospects.<sup>52</sup> Only three years later Paul the Deacon began the deconstruction of the older Pippin’s reputation, which we noted in Part 1. In his officially commissioned history of the bishops of Metz, the bishopric central to the traditions of the Carolingian family, Paul established the genealogical rationale for the new Carolingian regime: “He [Charlemagne] produced four sons and five daughters by his wife, Hildegard. However, *before lawful marriage*, he had a son named Pippin by Himiltrud, a noble maiden” (my emphasis).<sup>53</sup>

Paul does not call Himiltrud a “concubine” but, rather, a “puella,” a “young girl” or “maiden,” and he conveniently passes over in silence the putative Lombard marriage that had so alarmed Pope Stephen.<sup>54</sup> However, merely by emphasizing the legality of Charlemagne’s marriage to Hildegard, Paul, at a stroke, bastardized Pippin and, by the same means, legitimized Hildegard’s sons. In fact, the two conditions were inseparable and reciprocal. Himiltrud had been removed to the Carolingian convent of St.

<sup>52</sup> W. Goffart, “Paul the Deacon’s ‘Gesta Episcoporum Mettensium’ and the Early Design of Charlemagne’s Succession,” *Traditio* 42 (1986): 59–93, at 60–64, arguing against Peter Classen’s powerful interpretation in “Karl der Große” (n. 29 above).

<sup>53</sup> *Pauli Warnefridi liber de episcopis Mettensibus*, ed. G. Pertz, MGH, *Scriptores* 2 (Hanover, 1829), 260–70, at 265: “Hic ex Hildegard coniuge quattuor filios et quinque filias procreavit. Habuit tamen, ante legale connubium, ex Himiltrude nobili puella filium nomine Pippinum.”

<sup>54</sup> “Puella” also had a secondary meaning of “girlfriend” or “sweetheart,” but the primary connotation of age remained dominant as it had in classical Latin. Medieval (and modern) authors focused on “the ages of *man*,” but, if we equate “puella” with “puer,” then, according to Isidore of Seville, “pueritia” lasted from age 8 to 14 (*Etymologiae* 11/2). If, however, the relational meaning of “puella” were intended, then it evidences a certain delicacy and deference by Paul for whatever reason.



Gertrud at Nivelles. If she was still alive — as seems very likely — when Hildegard’s three surviving sons were born between 772x73 and 778, then Hildegard was the “concubine” and her sons were all illegitimate.<sup>55</sup> But this was intolerable, and the unimpeachable legitimacy of Hildegard’s sons was essential to secure their place in the royal succession. In 781 Charlemagne had decided, for whatever reason, to favor them, and it was necessary to employ extraordinary means to that end. The papal baptism and unction were absolutely essential: one pope, Stephen, had made the bid for Himiltrud’s legitimacy and, thus, another pope, Hadrian, was needed a decade later to trump his predecessor’s claim on Hildegard’s behalf. This was the more spectacular display for contemporaries, but Paul the Deacon’s artful apology was the more subtle and — to judge from modern accounts — the more durable!

And there is further aspect to these dramatic events at Rome in 781. The very next report in the Frankish Royal Annals for that year tells us that the pope and Charlemagne sent ambassadors (*missi*) to Tassilo in Bavaria who summoned the duke to an audience with Charlemagne at Worms where the king had just returned. Tassilo complied, and this highly biased, official account then alleges that he there renewed earlier oaths of vassalage to King Pippin. This claim has been the subject of much scholarly debate.<sup>56</sup> The established consensus is that it is a fabrication of the period after Tassilo’s deposition in 788 in order to provide a legal basis for his removal as duke. But if this was not the matter at hand, what was? After all, Tassilo probably had not seen his royal cousin since a controversial meeting at Nevers in 763. What required his presence in *Francia* now with such urgency and salience that the papacy itself had been enlisted to add its moral weight as intermediary?

The narrative structure of the Royal Annals suggests that the topic was Charlemagne’s new succession plan, which had just received demonstrative papal endorsement in Rome. According to the Frankish Royal Annals, in

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<sup>55</sup> As a “puella,” Himiltrud could hardly have been born before 750 and was probably still in her teens when she married Charlemagne and bore Pippin before 770. This is very plausible. By comparison, Hildegard was born in 757x58, married (according to Paul) in her thirteenth year in 770x1, and bore her first son, Carl, in 772x73 at about age fifteen. When Himiltrud’s tomb at Nivelles was excavated, the skeleton identified as hers was that of a thirty-five to forty year old woman. Thus, on extreme assumptions, Himiltrud may have died in the decade between about 785 and 795, well after the birth of the twins Ludwig and Lothar in 778 and possibly even after Pippin’s plot in 792 (see S. Konecny, *Die Frauen des karolingischen Königshauses: Die politische Bedeutung der Ehe und die Stellung der Frau in der fränkischen Herrscherfamilie vom 7. bis zum 10. Jahrhundert*, Dissertation der Universität Wien 132 [Vienna, 1976], 65–66, with n. 9 on 193).

<sup>56</sup> Reviewed exhaustively and, in my view, definitively in Becher, *Eid und Herrschaft* (n. 12 above), 51–58.

757 Tassilo had been summoned to the royal assembly at Compiègne and there had sworn an oath to King Pippin III and his sons, Charlemagne and Carlomann. Subsequently, he had been made to confirm his oath at the major Frankish shrines of St. Denis (Paris), St. Germain (Auxerre), and St. Martin (Tours), where, with his leading retainers he vowed to maintain his oaths for the rest of his life.<sup>57</sup> These oaths would surely have recognized the new royal order established by Pippin together with Pope Stephen II (s. 752–757) at the former's royal consecration in 754 that only the issue of Pippin's loins (*lumbi*) might rule the Franks.<sup>58</sup> Yet there were two potential problems here. First, we must assume that only the legitimate issue of the royal loins was intended by the pope.<sup>59</sup> But, as we have just seen, that desirable status was still, perhaps, not beyond all question for Charlemagne's sons by Hildegard. Second, the oaths of 757 were sworn to Pippin and his sons, not to Charlemagne and his. Thus, from both points of view, it would have been prudent to secure the full acquiescence of the senior non-royal Carolingian, Tassilo.

And Charlemagne now had a possible carrot to dangle from the stick. While he must have been very guarded in his discussions with his unreliable cousin, nevertheless, it is unlikely that other recent measures bearing on their relationship were not discussed. If the Aquitaine was now a kingdom, what did Charlemagne have in mind for Bavaria with its very similar history and constitutional position? And, if a kingdom, who would be its king? No doubt Charlemagne left these questions open to maintain his political leverage. He must have agreed to continue the *status quo* subject to satisfactory behavior by Tassilo while making clear the provisional nature of this arrangement. At the same time, the elder Pippin and his half-brother, Carl, both also at Worms, must have been asking about their immediate and long-term prospects.<sup>60</sup> Perhaps Bavaria figured into their plans as well? But is there any direct evidence that Charlemagne ever considered the establish-

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<sup>57</sup> *ARF sub anno 757*: "ut in omnibus diebus vitae eius sic conservaret, sicut sacramentis promiserat; sic et eius homines maiores natu qui erant cum eo, firmaverunt, sicut dictum est, in locis superius nominatis quam et in aliis multis."

<sup>58</sup> For comment, see Hammer, *From Ducatus to Regnum* (n. 10 above), 129–30.

<sup>59</sup> That this was an acute contemporary papal concern is evident from the capitulary drafted by papal legates in England, approved by the kings and chief churchmen there, and sent to Pope Hadrian in 787, where chap. 12 specifies that kings: "non de adulterio vel incoestu procreati; quia sicut nostris temporibus ad sacerdotium secundum canones adulter pervenire non potest; sic nec christus Domini esse valet, et rex totius regni, et haeres patriae, qui ex legitimo non fuerit connubio generatus" (*Councils and Ecclesiastical Documents Relating to Great Britain and Ireland* 3, ed. A. Haddon and W. Stubbs [Oxford, 1871], 453).

<sup>60</sup> Goffart ("Paul the Deacon," 90–91) argues that the bishopric of Metz was now held open for him. This is certainly possible, and, no doubt, the necessary dispensations for

ment of a Carolingian kingdom in Bavaria similar to those in Italy and, most particularly, the Aquitaine?

To answer that question, we must consider more closely what happened to the Bavarian polity when King Charlemagne deposed his cousin, Duke Tassilo, seven years later in 788. Here again Einhard’s smooth and confident narrative may have misled us when he describes Charlemagne’s decision regarding the governance of Bavaria after Tassilo’s removal: “nor was the country that he [Tassilo] held any longer committed to a duke but, rather, to the rule of counts.”<sup>61</sup> This entailed, of course, the introduction of the Frankish comital system into Bavaria under men such as Count Helmoin, but it refers, in the first instance, to the powerful Frankish “proconsuls,” Kerold or Gerold, whom we met in Part 2, and to his successor, Audulf (r. 799–819). However, the Bavarian diplomatic evidence demonstrates that there was some uncertainty regarding Bavaria’s precise constitutional status, since the cathedral clerks who drew up the surviving deeds used a variety of “epochs” for fixing dates.<sup>62</sup>

Two Freising deeds are especially interesting in this regard. The earlier deed is dated 28 April and recorded in the cartulary in two places; perhaps as many as three versions existed at one point.<sup>63</sup> The first copy (Nr. 127b), entered as document 44 in Bishop Atto’s file on folio 95r–v ends: “This was transacted on the 4<sup>th</sup> calends of May [28 April], in the second year when

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bastardy, deformity, age, and condition would have been forthcoming from a willing pope, but there is no certain evidence for this supposition.

<sup>61</sup> Einhard, *Vita Karoli* (n. 1 above), c. 11: “neque provincia, quam tenebat, ulterius duci, sed comitibus ad regendum commissa est.”

<sup>62</sup> The evidence is all presented in Hammer, *From Ducatus to Regnum* (n. 10 above), Table 4A–B, 208; *Trad. Freising* (n. 23 above), Nr. 121b, where the year for Tassilo’s reign is missing, may also belong here, since the first witness is “Cundhart comes.” Many deeds in the Freising cartulary from this period of Bishop Atto’s pontificate are undated as was noted for Deodolt’s at Maisach (Part 2); either they were never dated or the later episcopal scribe, Cozroh, excised the dates for some reason. This, however, was not his usual practice. There was evidently some subsequent interest in restoring the duchy, since the Carolingian recensions of the Bavarian Law Code — the only ones to survive — contain provisions regarding the ducal office (Title 2) and even the exclusive, hereditary claims to it by the Agilolfing family (Title 3), and a Passau deed even refers in a dating clause to Charlemagne’s *ducatus* (*Trad. Passau: Die Traditionen des Hochstifts Passau*, ed. M. Heuwieser, Quellen und Erörterungen zur bayerischen und deutschen Geschichte, n.s., 6 [Munich, 1930; repr. Aalen, 1988], Nr. 27; Hammer, *Ducatus to Regnum*, Table 4B, 208).

<sup>63</sup> *Trad. Freising*, Nr. 127a and b. The scribe for both deeds was Williperht the clerk. He may have drawn up copies of the deed for each of the two donors, Welto and his wife, Pihihilt, who conveyed separate properties in the same place, Altheim, and these documents then found their way by different routes into the Freising archive along with the episcopal copy.

Duke Tassilo was transferred from his realm.”<sup>64</sup> The second copy (Nr. 127a) is document 177 amongst the register of Bishop Atto’s deeds and is found on *folios 158v–159r; it concludes*: “*This, moreover, was done on the day that is the 4<sup>th</sup> calends of May in the second year when the Lord King Carl acquired Bavaria and tonsured Tassilo.*”<sup>65</sup> Likewise, Gaio’s donation at Pettenbach and the Poapintal ten years later is dated: “*regnante domno nostro Karolo rege in Baiouuaria anno XII. V. kal. novembr. [28 October].*”<sup>66</sup> This form, “*regnante . . . rege in Baiouuaria,*” “*reigning . . . as king in Bavaria,*” is precisely that used only fifteen years later when the Emperor Louis the Pious installed his son, Lothar, as a royal ruler in Bavaria.<sup>67</sup> Thus, both deeds seem to indicate an “epoch-making” event after which — at least in the eyes of some Bavarians — Bavaria received royal status directly under Charlemagne: different, perhaps, from Aquitaine’s but still preserving an elevated status and distinct Bavarian identity within the realms of the Franks.

The ending of Freising deed Nr. 127a with its emphasis on Tassilo’s tonsure is particularly interesting, since we have a separate report in the abbreviated annals known as the “Duchesne Fragment,” which tells us that after his condemnation at Ingelheim, “That same Tassilo was tonsured at St. Goar on July 6<sup>th</sup> [788].”<sup>68</sup> This “Fragment” is particularly rich in information about the fate of Tassilo and his family.<sup>69</sup> But there is no apparent

<sup>64</sup> *Trad. Freising*, Nr. 127b: “Actum est haec IIII. kal. mai. In secundo anno [quo] translatus est Tassilo dux de regno suo.” The verb “translatus est,” the perfect passive form of “transfère,” was applied to the “transfer” of relics or churchmen, just as it is today. Perhaps it is used here as a sarcastic comment on Tassilo’s new status.

<sup>65</sup> *Trad. Freising*, Nr. 127a: “Hoc autem factum est die consule quod facit IIII. kal. mai. anno secundo quod domnus rex Carolus Baiuariam adquisivit ad [et] Tassilonem clericavit.”

<sup>66</sup> *Trad. Freising*, Nr. 177; see above, Part 2.

<sup>67</sup> See below, Part 5, and Hammer, *From Ducatus to Regnum* (n. 10 above), Table 4C, 208–9. See also another Schlehdorf deed, *Trad. Freising*, Nr. 171: “[28 September] anno VII. Postquam Karolus rex venit in Baiuwaria indictione III.” The 3rd Indiction year in this cycle ran 1x24 September 794–95, so the year must be 794, and the 7th year is, thus, consistent with an epoch beginning 6 July 788 although Charlemagne’s actual first personal appearance in Bavaria dates only from October 788 (BM<sup>2</sup>: J. F. Böhmer, *Regesta Imperii I. Die Regesten des Kaiserreichs unter den Karolingern, 751–918*, ed. E. Mühlbacher et al., 2nd ed. [Innsbruck, 1908], Nrs. 287–88, now available on-line at: [www.regesta-imperii.de](http://www.regesta-imperii.de)).

<sup>68</sup> *Fragmentum Annalium Chesnii*, ed. G. Pertz, MGH, *Scriptores* 1 (Hanover, 1826), 33–34, at 33: “Et ipse Dasilo ad sancto Goare pridie Nonas Iulias tunseratus est.” The Mosel Annals place the tonsuring at Ingelheim, which is possible, but the precise date supplied by the “Fragment” and the fact that St. Goar is the *lectio difficilior*, both favor its report.

<sup>69</sup> For the “Fragment” see now the account by M. Diesenberger, “Dissidente Stimmen zum Sturz Tassilos III.,” in *Texts and Identities in the Early Middle Ages*, ed. R. Corradini et al., *Forschungen zur Geschichte des Mittelalters* 12 [= Österr. Akad. Wiss., Denkschriften, Hist.-phil. Kl., 344] (Vienna, 2006), 105–20, at 111–16. The evidence for Tassilo’s

reason why it should be so uniquely precise about this event unless it was considered very significant. The Freising deed in both its forms indicates that Tassilo’s tonsuring at the monastery of St. Goar directly after the proceedings against him at Ingelheim was, indeed, “epoch-making”; that is, it marked the precise date of his legal deposition and, more importantly, the accession of his cousin, Charlemagne, to legitimate authority over Bavaria.

The official, Frankish view of these proceedings, however, was a bit more complicated, since it was consciously and consistently constructed to provide a basis for Tassilo’s condemnation at Ingelheim. That view, saturated with feudal concepts, was clearly reflected in the charter that Charlemagne issued at Regensburg on 25 October 788 during his first visit to Bavaria, which “those wicked men,” Tassilo and his father, Duke Odilo, had “unfaithfully . . . removed and alienated from us.”<sup>70</sup> For that reason, the Frankish Royal Annals in their retrospective account of Charlemagne’s massive, three-pronged military operations against Tassilo in the autumn of 787 describe graphically how Tassilo came by himself to Charlemagne and submitted, “conveying himself into vassalage by [placing] his hands within the hands of the Lord King Carl and returning the duchy committed to him by King Pippin” after which he provided hostages including his son, Theodo.<sup>71</sup> The “Codex Palatinus” or “Annales Nazariani” from the Murbach group of annals likewise agrees with the “Fragment” that Tassilo made himself a vassal of Charlemagne and “returned” Bavaria to him, and both accounts provide several piquant details to the Royal Annals’ account including, from the “Fragment,” the precise date of the transaction, 3 October.<sup>72</sup>

Matthias Becher has argued that this unique agreement between the “official” and the “independent” annals proves the former’s account to be true, and his conclusion has been generally accepted — including by the

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amily is reviewed in W. Laske, “Die Mönchung Herzog Tassilos III. und das Schicksal seiner Angehörigen,” in *Die Anfänge des Klosters Kremsmünster*, ed. S. Haider, *Mitteilungen des Oberösterreichischen Landesarchivs, Ergänzungsband 2* (Linz, 1978), 189–97.

<sup>70</sup> MGH, *Diplomata Karolorum* (n. 16 above) 1, Nr. 162, 219: “Igitur quia ducatus Baioarie ex regno nostro Francorum aliquibus temporibus infideliter per malignos homines Odilonem et Tassilonem, propinquum nostrum, a nobis subtractus et alienatus fuit.” Possibly, *homo* here is also intended in a subservient sense as it was for Bishop Peter’s “man” (above, Part 1).

<sup>71</sup> *ARF* (n. 1 above) *sub anno*: “Tassilo venit per semetipsum, tradens se manibus in manibus domni regis Caroli in vassaticum et reddens ducatum sibi commissum a domno Pippino rege.”

<sup>72</sup> *Codex Palatinus sub anno* (Lendi, *Untersuchungen* [n. 1 above], 163): “veniens Dessilo dux Beiuueriorum ad eum et reddidit ei cum baculo ipsam patriam in cuius capite similitudo hominis erat et effectus est vassus eius”; *Fragmentum Annalium Chesnii sub anno*: “Quinto Non. Octobris [3 October] Dasilo dux ad regem venit, et ei reddidit regnum Bagoariorum, et semetipso Carlo rege in manu tradidit et regnum Bagoariorum.”

present author.<sup>73</sup> However, perhaps we should be less schematic and a bit more skeptical. The distinction between these sources may not be as firm as Becher implies: the writers of “independent” accounts might also have an “official” agenda. Bishop Sintperht of Regensburg, clearly a Carolingian partisan, also became abbot of Murbach in 789, perhaps as a reward for his services.<sup>74</sup> He is one of the earliest royal *missi* documented in Bavaria following its annexation.<sup>75</sup> More significantly, he is identified in the retrospective account of the Frankish Royal Annals as supervising the exchange of hostages between Tassilo and Charlemagne in 781. Such rare and gratuitous inclusion of a personal name indicates that Sintperht was an important character in the Carolingian story of Tassilo’s downfall; perhaps it is even a memorial to a fallen comrade.<sup>76</sup> Thus, Sintperht might well have had an intense interest in Tassilo and his family without being a partisan of the duke, much less an “in-house” chronicler.<sup>77</sup> It is notable that the “Fragment” ends in 791 with the penitential “letanias faciendi per triduo.” These were performed, as Charlemagne’s only surviving letter informs us (see below,

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<sup>73</sup> Becher, *Eid und Herrschaft* (n. 12 above), 58–63, at 63: “Zum ersten Mal wird eine Behauptung der Reichsannalen über Tassilo durch andere Quellen gestützt. Die vasallistische Kommandation des Herzogs im Jahr 787 ist daher glaubhaft.”

<sup>74</sup> So already the characterization with a review of the evidence by F. Janner, *Geschichte der Bischöfe von Regensburg 1* (Regensburg, 1883), 128: “Sindbert stand bei König Karl in hoher Achtung.” For additional information including the Murbach connection see Störmer, *Früher Adel* (n. 40 above), 209, 335, based upon A. Bruckner, “Untersuchungen zur älteren Abtreihe des Reichsklosters Murbach,” *Elsaß-Lothringisches Jahrbuch* 16 (1937): 31–56, at 50–51, where the connection between the two Sintperhts was securely established.

<sup>75</sup> *Trad. Passau* (n. 62 above), Nr. 45; it is now generally conceded that the “Sindperhtus episcopus” sitting in court session with his fellow *missi* is not his contemporary namesake at Augsburg as proposed by the editor. See most recently S. Freund, *Von den Agilolfingern zu den Karolingern: Bayerns Bischöfe zwischen Kirchenorganisation, Reichsintegration und karolingischer Reform (700–847)*, Schriftenreihe zur bayerischen Landesgeschichte 144 (Munich, 2004), 163, whose view of Sintperht otherwise differs from mine. The *frater abbas* amongst the *missi* in the Passau deed must be a slip for *Fater abbas* [of Kremsmünster].

<sup>76</sup> *ARF sub anno*; also the Reviser and, with a significant twist, the *Annales Mellenses Priores*, ed. B. von Simson, MGH, *Scriptores Rerum Germanicarum in Usum Scholarum* (Hanover and Leipzig, 1905), 69. Murbach tradition, based upon a lost charter but accepted as genuine by Albert Bruckner, even alleged Sintperht to be Charlemagne’s nephew, the son of a sister (*Regesta Alsaciae Aevi Merovingici et Karolini, 496–918*, 1 [Strasbourg and Zürich, 1949], Nr. 350, 222 [= BM<sup>2</sup>, Dep. 349]; for the “Notitia foundationis et primorum abbatum Murbacensis abbatae,” which contains this information, see idem, “Untersuchungen zur älteren Abtreihe,” 40–44). This would be chronologically awkward although some sort of Carolingian kinship is not, of itself, implausible for such a favored person.

<sup>77</sup> So Diesenberger, “Dissidente Stimmen,” 114.

Part 4), Monday through Wednesday, 5–7 September, at the army camp at Lorch on the river Enns from which Charlemagne was launching a campaign against the Avars that autumn. Bishop Sintperht was still in Regensburg on 1 September and may have participated in similar rites at Regensburg, as the king’s letter requested, before joining the royal party in the field.<sup>78</sup> The unusually informative “Codex Palatinus” has no annalistic entry whatsoever for 791. Rather, it strangely includes four prayers for the penitential autumn Embertide beginning on Wednesday, 21 September 791 and then the manuscript text of these annals ends abruptly.<sup>79</sup> Bishop Sintperht died on 29 September, apparently while campaigning with Charlemagne.<sup>80</sup>

In contrast to the “Fragment” and the “Codex Palatinus,” Archbishop Richbod of Trier’s account in the Lorsch Annals mentions only that, when Charlemagne advanced on Bavaria, “Tassilo came to him peacefully” and gave his son, Theodo, as a hostage, after which Charlemagne returned “in peace with rejoicing” to Worms.<sup>81</sup> Similarly, the author of the “revised” version (Recension E) of the Royal Annals tells us only that Tassilo “came in supplication and prayed that he be forgiven for his past deeds,” to which the king acceded “as by his nature he was most gracious.”<sup>82</sup> Archbishop Richbod

<sup>78</sup> *Trad. Regensburg: Die Traditionen des Hochstifts Regensburg und des Klosters S. Emmeram*, ed. J. Widemann, Quellen und Erörterungen zur bayerischen und deutschen Geschichte, n.s., 8 (Munich, 1943; repr. Aalen, 1988), Nr. 6; he is not amongst those named at the missatival courts held in camp around 20 September (*Trad. Freising* [n. 23 above], Nrs. 142, 143a).

<sup>79</sup> These prayers come from an eighth-century Frankish Gelasian sacramentary, but this annalistic entry lacks the *Contestatio* or Proper Preface usually included there as does the contemporary sacramentary preserved at the monastery of Rheinau; see the Concordance Table in *Liber Sacramentorum Engolismensis*, ed. P. Saint-Roch, CCL 159C (Turnhout, 1987), 458–59.

<sup>80</sup> The date comes from the St. Emmeram necrology (MGH, *Necrologia Germaniae* 3 [Dioceses Brixinensis, Frisingensis, Ratisbonensis], ed. F. L. Baumann [Berlin, 1905], 326); Sintperht’s participation is usually assumed although there is no source for his place of death as there is for Angilram of Metz, the royal archchaplain, on the following 26 October (BM<sup>2</sup> [n. 67 above], Nr. 307d). Angilram certainly had interests in Bavaria but would not have had the extensive, personal involvement with Tassilo and his family that we can reasonably assume for Sintperht, whose authorship of these entries in the “Codex Palatinus” was also argued recently by Hans Hummer, *Politics and Power in Early Medieval Europe: Alsace and the Frankish Realm, 600–1000* (Cambridge, 2005), 113–15.

<sup>81</sup> *Annales Laureshamenses* (n. 1 above) *sub anno*: “Introivit [Charlemagne] etiam in ipsam patriam, et venit ei Tasilo obviam pacifice, et dedit ei obsidem filium suum Theudonem, et sic reversus est rex cum pace et gaudio ad Wormaciam.”

<sup>82</sup> *ARF Recension E sub anno*: “venit [Tassilo] supplex ac veniam de ante gestis sibi dari deprecatus est. Sed et rex, sicut erat natura mitissimus, supplicii ac deprecanti pepercit.” Thus, Becher is quite misleading when he claims that this account, like the Prior Metz Annals, “übernahm weitgehend den Bericht der Reichsannalen. . . . Dasselbe gilt auch für die sogenannten Einhardsannalen” (*Eid und Herrschaft* [n. 12 above], 61).

was obviously well informed about these matters, and, as we shall see in Part 4, the “Reviser” also had privileged access to detailed information about Tassilo. Why should either of them — hardly notorious dissidents! — suppress critical facts about Tassilo’s submission into vassalage? Indeed, Einhard evidently found the Reviser quite credible on this important matter.<sup>83</sup> The events of Wednesday, 3 October 787 were, without doubt, significant and recognized by contemporary Bavarians as such. Only two days earlier, on Monday a Freising deed was dated, “with the magnificent and glorious Carl reigning as king of the Franks and the Langobards and also as *patricius* of the Romans.”<sup>84</sup> Bishop Atto and the donors were triumphantly anticipating a new order in their country but were uncertain of its exact shape, so they borrowed the terminology of a royal charter without any mention of Bavaria. But 3 October merely began a process that led to Ingelheim and St. Goar; it was not, itself, “epoch-making.”<sup>85</sup> As the Freising deeds show, only Tassilo’s tonsure on Sunday, 6 July 788 can claim that distinction, and only thereafter could Charlemagne enter the country lawfully and claim possession of “the duchy of Bavaria” again for “our kingdom of the Franks.”<sup>86</sup>

Tassilo’s tonsure echoes the ritual political scalplings practiced amongst the Merovingians, the “*reges criniti*,” whose heritage was so prominently invoked by Charlemagne in the naming of his twin sons in 778 (Part 1).<sup>87</sup>

<sup>83</sup> Einhard, *Vita Karoli* (n. 1 above), chap. 11: “Sed . . . ille . . . supplex se regi permisit, obsides qui imperabantur dedit.”

<sup>84</sup> *Trad. Freising* (n. 23 above), Nr. 120: “regnante domno magnifico atque glorioso Karolo rege Francorum atque Longobardorum seu et patricio Romanorum.” The deed is dated to the 20th year of his reign (788) but to the 11th indiction (787). Usually, one would prefer the regnal year, but in this case the indiction may be more reliable. This was an entirely novel usage for Bishop Atto and the scribe, Snelmot, and Charlemagne’s regnal year began only a few days later on 9 October, so their prematurely advancing the regnal year from 19 to 20 would be quite understandable. Freising clerks, including Snelmot, subsequently normally referred to Charlemagne only as “king” without ethnic qualifiers (*Trad. Freising*, Nrs. 126, 140, 143a, 151, 152, 153, 165, 170, 176). This deed is also significant for the reappearance of *Alprat comes* as first witness twenty-two years after his appearance in the last deed dated exclusively by King Pippin’s regnal year (*Trad. Freising*, Nr. 23)!

<sup>85</sup> Thus, I differ from Diesenberger’s argument (“Dissidente Stimmen” [n. 69 above], 115) that there were “zwei Wendepunkte”; at the basic level of chronological calculation; *Trad. Freising*, Nr. 127, can be dated only from a single “epoch,” since 28 April could not be dated in the second year from two “epochs” beginning on 3 October 787 and 6 July 788, respectively.

<sup>86</sup> MGH, *Diplomata Karolinorum* (n. 16 above) 1, Nr. 162, 219: “ducatu Baioarie ex regno nostro Francorum”; this may be the earliest documented reference to the “ducatu” as a territorial entity.

<sup>87</sup> There is a mass of miscellaneous information in J. Hoyoux, “*Reges crinite: chevelures, tonsures et scalps chez les Mérovingiens*,” *Revue belge de philologie et d’histoire* 26 (1948):



This same procedure had been appropriated by Charlemagne’s father, the first royal Pippin, when he disposed of the last Merovingian king, the hapless Childerich III, in 751.<sup>88</sup> Its use against Pippin’s nephew, Tassilo, underscores his importance and the threat he posed, both as a close relative and as a ruler. The location, St. Goar on the Rhine, was a proprietary cell of the monastery of Prüm. We have an interesting and possibly relevant story from the saint’s miracles written by Wandalbert of Prüm in 839. At an unspecified date Charlemagne was sailing from Ingelheim to Koblenz. He stopped at St. Goar but refused an invitation from Abbot Assuer of Prüm to visit the cell. However, he instructed his son, Carl, to go ashore and worship at the saint’s church, which recently had been rebuilt under royal patronage. Carl was followed unwittingly by his brother Pippin, who was in another boat and thought that their father also had gone ashore. Miraculously, the two brothers, “between whom there had long been grave rivalries and hostilities,” resolved their differences with divine aid in the church and “entered into fraternal accord and the bond of friendship,” which they then sealed with a festive meal.<sup>89</sup> Wandalbert refers to Charlemagne’s son as “alter eius filius Pippinus”; this, “his other son Pippin,” must be the older Pippin who by 839 was long dead and in some obscurity.<sup>90</sup> Very likely, Pippin himself told this story to the monks of Prüm; it seems unlikely that he spent nearly twenty years in confinement there without any explanation of his downfall. The MGH edition dates the encounter to 790, but as the *Regesta Imperii* point out, the closest relevant date when Charlemagne was known to be at Ingelheim was for Tassilo’s trial in 788.<sup>91</sup> This may explain

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479–508; Laske’s article, “Mönchung Tassilos” (n. 69 above), is more concerned with the monastic aspects of tonsuring.

<sup>88</sup> Einhard, *Vita Karoli* (n. 1 above), c. 1: “qui [Childerich] iussu Stephani Romani pontificis depositus ac detonsus atque in monasterium trusus est.”

<sup>89</sup> *Wandalberti Miracula S. Goaris*, ed. O. Holder-Egger, MGH, *Scriptores* 15/1 (Hanover, 1887), 366, Nr. 11: “egressus et ipse [Pippin] est fratrique [Carl] nesciens in ecclesia sociatus. Ibi, quod inter eos graves aliquamdiu similitates et inimicitiae fuerant, inspirante superna clementia et opitulante confessoris sanctissimi merito, in fraternam concordiam et foedus amicitiae coierunt. Cibo deinde potuque sumpto, alacres et laeti,” they returned to the landing. In a continuation of the miracle (11 *bis*, 367), Fastrada is healed of a toothache, evidently before 9 June 790 (see Staab, “Die Königin Fastrada” [n. 3 above], 199–200). This certainly indicates some personal connection between her and St. Goar and possibly also to Prüm.

<sup>90</sup> As proposed by Peter Classen, “Karl der Große” (n. 29 above), 120; followed somewhat obliquely by Karl Brunner, *Oppositionelle Gruppen* (n. 2 above), 62, who initially identifies him as Pippin of Italy. It is somewhat more difficult to imagine this Pippin, born in 777, in the mature political role ascribed to him by Wandalbert.

<sup>91</sup> BM<sup>2</sup> (n. 67 above), Nr. 513a. Charlemagne is also documented at Ingelheim in 774 (*ARF* [n. 1 above] *sub anno*) and 807 (MGH, *Diplomata Karolinorum* [n. 16 above] 1, Nr. 206, 275–76). The “synodus” that condemned Tassilo at Ingelheim must have been the

Charlemagne's reluctance to go ashore if Tassilo were then at St. Goar. Likewise, it might explain the miraculous reconciliation between the rival older brothers. After Tassilo's tonsure in early July 788, Bavaria was available for royal disposition.

Carl received his own appanage, the duchy of Le Mans, in the following year, but without any royal title.<sup>92</sup> Did Pippin now exercise royal power in Bavaria, possibly as a viceroy for his father? Or did he himself become a "king" in Bavaria? Charlemagne, to the end of his life, continued to style himself "rex Langobardorum" in his charters and to date them according to his reign "in Italia" despite the installation of the second Pippin as king there in 781, so he was clearly not averse to a certain pragmatic overlapping of constitutional roles and titles.<sup>93</sup> There is one explicit piece of evidence that Pippin did achieve royal status, or, at least, that he was regarded as such by responsible Bavarians. A Bavarian sacramentary, a mass-book, now in Prague contains two lists of names that date to this period around 791–92.<sup>94</sup> The second list comprises the names of thirty-eight men and women who may have been members of a religious guild or confraternity. They were aristocratic landowners, prominent benefactors of the Church, and occupy a very well-defined Bavarian landscape between the rivers Glonn and Amper, precisely the area that we explored in Part 2. Although none of our names from Part 2 occurs in the list, the connections are very close. One woman bore the same name as Duke Tassilo's older daughter, Cotani, and thus fits well with the striking onomastic practices just noted there (see Exhibit 4). In May, possibly in 792, she conveyed her patriomony at Jesenwang, only ten kilometers southwest of Maisach.<sup>95</sup>

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Frankish assembly, which normally met in the late spring before the campaigning season. According to the Royal Annals, Charlemagne was at Ingelheim from Christmas 787 through at least Eastertide (30 March) 788, and he issued a charter there on Good Friday, 28 March (MGH, *Diplomata Karolorum* 1, Nr. 160).

<sup>92</sup> *Annales Mettenses Priores* (n. 76 above) *sub anno* 790, which refer to Carl as "primogenitum filium suum [of Charlemagne]"; for comment on the status of this territory and its implications for Carl's rank see Kasten, *Königssöhne* (n. 51 above), 150–51.

<sup>93</sup> As Herwig Wolfram notes, we have no "diplomatische Selbstaussagen" from Pippin's reign in Italy and only one from Ludwig's reign in the Aquitaine (*Intitulatio* 1. *Lateinische Königs- und Fürstentitel bis zum Ende des 8. Jahrhunderts*, Mitteilungen des Instituts für österreichische Geschichtsforschung, Ergänzungsband 21 [Graz, Vienna, and Cologne, 1967], 217–24 with 262–63, at 220–21). This hardly indicates a robust exercise of rule, and it looks as though the royal leash, particularly in Italy, was very short. Indeed, it could hardly have been otherwise in view of the new rulers' ages.

<sup>94</sup> For the following see C. Hammer, "The Social Landscape of the Prague Sacramentary: The Prosopography of an Eighth-Century Mass-Book," *Traditio* 54 (1999): 41–80.

<sup>95</sup> *Trad. Freising* (n. 23 above), Nr. 157; Hammer, "Prague Sacramentary," 56.

But it is the first list of names that is of particular interest here. Like the second, its purpose was to solicit prayers for the named individuals, and it is composed of the lords temporal and spiritual, the rulers and the bishops, who were responsible for the well-being of Bavaria. It is thus comparable to the two other liturgical petitions of this period, both of them, interestingly enough, also with connections to Bavaria (Exhibit 4).<sup>96</sup> However, its non-official character is signaled by the chaotic order of the names and the intermixing of laity and clerks. An initial entry begins properly with Charlemagne and Fastrada but then lists the younger royal pair, Kings Pippin of Italy and Ludwig (Louis) of the Aquitaine, followed by their sister Hrodrud, who also occurs in the Salzburg *Liber Vitae* as a counterpart to Duke Tassilo’s younger daughter, both sharing their maternal grandmother’s name. Thereupon follow the names of the Bavarian episcopate beginning with Adalwin, only very recently consecrated as bishop of Regensburg and, perhaps, a kinsman of Count Helmoim. He is followed by Bishop Atto of Freising, and the list ends with the names of the four remaining Bavarian bishops including a “Waltrih ep[iscopu]s.” This is almost certainly the associate of Deodolt and Helmoim, “Waltrich the priest” from Part 2, who became bishop of Passau immediately after the death of his apparent kinsman, Bishop Wisurich, in 777, and thus made his last appearance as a senior member of Freising’s distinguished cathedral clergy in 776 with his gift at Hohenbercha, which they witnessed.<sup>97</sup>

But inserted within this solid episcopal rank is another secular pair, a *Pipinus rex* and a *Karalus* without any title. The first of these can only be the older Pippin, here paired correctly with his half-brother as in the other liturgies, although both, despite their senior birth order, are relegated to a position behind their younger brothers.<sup>98</sup> I believe this is the sole trace that “King Pippin” has left in the historical record: some odd jottings in a discarded mass-book. It is very likely that this record survives only because of its obscure and essentially private character. We may be certain that Charlemagne committed his oldest son to a *damnatio memoriae* at least as thor-

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<sup>96</sup> For the Salzburg *Liber Vitae* and the *Laudes Regiae*, see Hammer, *From Ducatus to Regnum* (n. 10 above), Part 4.1.h and 4.2.b.

<sup>97</sup> The other bishops are: Arn of Salzburg (also present in 776 as a priest leading the other witnesses from the cathedral clergy), Alim of Säben, and Odalhart of Neuburg / Stafelsee.

<sup>98</sup> Possibly, this reflects some uncertainty regarding their claims to territorial authority in contrast to their younger brothers. The editors of the sacramentary have incorrectly reversed the identifications of the two Pippins in their commentary (*Das Prager Sakramentar [Cod. 0.83 (Fol.1–120) der Bibliothek des Metropolitankapitels]*, 2, ed. A. Dold and L. Eizenhöfer, Texte und Arbeiten herausgegeben durch die Erzabtei Beuron 38–42 [Beuron, 1949], 22–23).

ough as that accorded his cousin, Duke Tassilo. All official records and other prominent memorials of Charlemagne's disgraced son would have been destroyed, deleted, or otherwise suppressed as politically dangerous.

Such parental vindictiveness recalls the question of Pippin's culpability raised in Part 1. Here the Lorsch Annals' reference to Abimelech may provide a clue. In the Book of Judges we read not only about the slaying of his seventy legitimate half-brothers upon a stone, as the Annals report, but also about his allies (or accomplices):

Abimelech, son of Jerubbaal [Gideon], went to Shechem to his mother's brothers, and spoke to them and to the whole clan from the house of his mother's father, saying, "Speak to all the people of Shechem. What is preferable to you: that seventy men, all the sons of Jerubbaal, should rule over you, or one man? Likewise, consider that I am your own bone and flesh."<sup>99</sup>

Himiltrud's family would have been Pippin's natural allies, but it is always a risk to enlist allies whose interests and agenda may be distinct and even quite different from one's own. Both Janet Nelson and Franz Staab have argued persuasively that Fastrada was an extraordinarily influential consort who did not shy away from an active political role. It is just possible that her hostility to Pippin and his maternal kin had its roots in family conflicts. Brigitte Kasten has suggested — very tentatively — that the families of these two wives, Himiltrud and Fastrada, may have been rivals.<sup>100</sup> Pippin's supporters and even Pippin himself may have tried to circumvent Fastrada's opposition and force the issue on a reluctant Charlemagne by creating "facts." Einhard's account seems to allow this.

<sup>99</sup> Judg. 9:1–2 (Vulgate): "Abiit autem Abimelech filius Ierobaal in Sichem ad fratres matris suae, et locutus est ad eos, et ad omnem cognationem domus patris matris suae, dicens: 'Loquimini ad omnes viros Sichem, quid vobis est melius, ut dominantur vestri septuaginta viri omnes filii Ierobaal, an ut dominetur unus vir? Simulque considerate quod os vestrum et caro vestra sum.'" Paul the Deacon compared Bishop Arnulf and, by implication, Charlemagne to the mighty warrior, Gideon, so the analogy is complete (*Liber de Episcopis Mettensium*, 264; J. Nelson, "Charlemagne the Man," in *Charlemagne*, ed. Story [n. 5 above], 22–37, at 32–33). This comparison was also claimed for Tassilo (Airlie, "Narratives of Triumph" [n. 22 above], 99).

<sup>100</sup> Kasten, *Königssöhne* (n. 51 above), 150 n. 44, and 144 n. 27. Janet Nelson ("The Siting of the Council at Frankfurt" [n. 3 above], 160) suggests that Fastrada's favoring Pippin of Italy and, to a lesser extent, Ludwig of the Aquitaine, "and, by implication (this, admittedly, is an argument from silence) encouraging a highly discriminatory family policy, which denied Pippin the Hunchback any share in the spoils on either the Avar or the Beneventan front, and by further implication, denying him any sub-kingdom either. This, I suggest, was the 'cruelty' against which Charlemagne's eldest son rebelled." Kasten's hypothesis provides a plausible motive. Unfortunately, Staab ("Die Königin Fastrada" [n. 3 above], esp. 209–17) does not address this crucial problem directly.

Perhaps, then, Einhard was correct after all when he laid primary blame on the Frankish leaders of the plot, not Pippin, for its nasty turn, and we may want to translate his characterization of Pippin’s role as “They led him astray with vain promises of a kingdom [of his own].”<sup>101</sup> But were Pippin’s expectations really “vain”? The ambitions of his maternal kin may have derailed a peaceful reign in Bavaria with parental approval. Yet, if Pippin were not regarded as a proper ruler, why the need for the same procedure that had disposed of a reigning king and a sitting duke? Pippin’s short and ephemeral rule as “king in Bavaria” surely came to an end in 792 with his own political scalping at Prüm. But his royal precedence over his kinsman and ducal predecessor, Tassilo, was clearly recognized: the site of his deposition was the mother-house itself, not a dependent cell.

#### 4. “YOUR FAITHFUL SERVANT TASSILO” OR THE REVISER REVEALED?

Notker of St. Gall provides his usual picaresque account of how Pippin’s plot was detected. Pippin, now a “deformed dwarf” (*nanus et gibberosus*), was meeting with his coconspirators in the newly completed cathedral of St. Peter in Regensburg. After the meeting, Pippin, always suspicious, had a search made of the premises, and a clerk was found hiding under an altar. He was sworn to silence, but he immediately fled to Charlemagne’s bed chamber where, after initially being denied entrance by the queen’s ladies, he made a full report to the king. Notker does not name the clerk but describes him — in the words of the ladies-in-waiting — as “a shorn tramp, clumsy and acting strangely, clad only in shirt and pants.”<sup>102</sup> The Reviser alone identifies this odd character by name and adds that he was rewarded for his loyalty with the abbacy of the royal monastery of St. Denis.<sup>103</sup> He was Fardulf, a Langobard, possibly an associate of Paul the Deacon, and a member of the chapel royal before becoming abbot of St. Denis where we

<sup>101</sup> So also Paul Dutton in his translation but without explanation (*Carolingian Civilization: A Reader*, Readings in Medieval Civilizations and Cultures 1, 2nd ed. [Peterborough, ON, 2004]).

<sup>102</sup> Notker, *Gesta Karoli* (n. 6 above) 2/12: “coctio derasus insulsus et insaniens linea tantum et demoralibus indutus.” Notker claims that Pippin was first sent to St. Gall, which is not impossible but hardly certain.

<sup>103</sup> A. Hauck, *Kirchengeschichte Deutschlands* 2, 9th ed. (Berlin, 1958), 208: “Seltener war es, daß er [Charlemagne] politische Verdienste mit kirchlichen Würden belohnte. . . . Das . . . weiß man nur von den zwei Langobarden Peter von Verdun und Fardulf von St. Denis.” Fardulf protested his loyalty to his earlier Langobard lords to his grave: “Attamen hic fidei dominis servavit honorem (*Fardulfi Abbatis Carmina*, ed. E. Dümmler, MGH, Poetae 1, 352–54, at 353). The involvement of two Langobards, albeit ostensibly on opposite sides, in Pippin’s plot raises the question about whether it was also directed in some way towards Italy and the rival “Pippin.”

encountered him in Part 1 as a beneficiary of Count Theodold's donation.<sup>104</sup> We may wonder why the Reviser reveals this unique information. Fardulf has been suspected as the author of the so-called "Prior Metz Annals" and that this and other information in Recension E was borrowed from that source.<sup>105</sup> But, perhaps, the Reviser is here introducing himself. Fardulf's career fits precisely the five points of the Reviser's profile proposed by Roger Collins; Fardulf's death in 806 falls comfortably within the range of dates proposed by Collins for the Reviser: 801x12.<sup>106</sup>

Fardulf is also the apparent source of a letter collection, a formulary, which contains two letters of exceptional interest for our topic.<sup>107</sup> One of the

<sup>104</sup> Very complete information about Fardulf is presented in Hauck, *Kirchengeschichte Deutschlands*, 162–63; W. Levison, "Das Formularbuch von Saint-Denis," *Neues Archiv* 41 (1917): 283–304, at 287–90; and J. Fleckenstein, *Die Hofkapelle der deutschen Könige*, 1: *Grundlegung: Die karolingische Hofkapelle*, Schriften der MGH 16/1 (Stuttgart, 1959), 74. Fardulf merits a comprehensive reassessment; his letter collection (n. 107 below) contains the earliest text of the "Donation of Constantine" (Nr. 11 there). As Joanna Story points out ("Cathwulf, Kingship and the Royal Abbey of Saint-Denis," *Speculum* 74 [1999]: 1–21, at 14), "scholars of the Donation have still to explain why a copy of that document appears in the personal letter collection of the eighth-century abbots of Saint-Denis. This critical issue is not addressed in Johannes Fried's otherwise interesting recent study, "*Donation of Constantine*" and "*Constitutum Constantini*": *The Misinterpretation of a Fiction and Its Original Meaning*, Millennium Studies 3 (Berlin and New York, 2007), 69–72.

<sup>105</sup> See most recently, S. Kaschke, *Die karolingischen Reichsteilungen bis 831: Herrschaftspraxis und Normvorstellungen in zeitgenössischer Sicht*, Schriften zur Mediävistik 7 (Hamburg, 2006), 287–89. This is a difficult argument to prove, since the *Annales Mettenses Priores'* original entries for 792–798 are missing. Did they, despite their tireless championing of the Carolingian cause, contain offensive material that was suppressed?

<sup>106</sup> Collins, "The 'Reviser' Revisited" (n. 5 above), 199–203 (date); 212: "(1) a monastic outlook on the basically secular events; (2) his interest in the Adoptionist controversy; (3) the eastern Frankish nature of some of his place- and personal names; (4) the unusually full nature of his Italian and papal information; (5) as well as that concerning several of the Saxon campaigns." Biographical information for items 1 and 3–5 is provided by the sources cited above in note 104. Regarding item 2, Adoptionism, Fardulf would have been present at the Regensburg synod in 792 when this Spanish heresy was first condemned, and for which the Reviser provides an extended report. It is, perhaps, an additional indication of the Reviser's ethnicity that he provides the first two instances of "Langobardia" as a territorial entity where the Royal Annals refer to "Italia" (*sub annis* 781 and 786; for comment from a different perspective see: E. Chrysos, "Zum Landesname *Langobardia*," in *Die Langobarden: Herrschaft und Identität*, ed. W. Pohl and P. Erhart, *Forschungen zur Geschichte des Mittelalters* 9 [= Denkschriften, Österr. Akad., 329] [Vienna, 2005], 429–35). The *communis opinio* for the Reviser's date is, I believe, still the period immediately after Charlemagne's death; so Wilhelm Levison, in Wattenbach and Levison, *Geschichtsquellen* (n. 5 above), 255.

<sup>107</sup> *Formulae Collectionis Sancti Dionysii*, ed. K. Zeumer, MGH, *Formulae* (Hanover, 1886), 493–511, here the second group, Nrs. 16–25, 504–11. Besides Levison, "Formularbuch," there is good commentary with a calendar of the letters in Story, "Cathwulf," at 11–21.

letters, the last in the collection, Nr. 25, is very well known, since it is the only personal letter from Charlemagne to survive. It was sent to Queen Fastrada at Regensburg and describes the king’s campaign against the Avars then in progress during the early autumn of 791.<sup>108</sup> In it he requests, amongst other things, that Fastrada provide penitential litanies for the success of the campaign just as was noted in the “Fragment’s” final entry (Part 3). Fardulf himself may have written the letter for Charlemagne, or, alternatively (and more likely), Fastrada turned it over to him as a royal chaplain for implementation.<sup>109</sup> In either event, it indicates that Fardulf was, indeed, with the royal court at Regensburg and demonstrates clearly that he would have been well informed at first hand about matters such as Fastrada’s “harshness,” which the Reviser alone remarks on before Einhard incorporated it — in expanded form — into his “Life.”

Another letter, Nr. 17, is less well known and contains startling information, which, to my knowledge, has never been cited by Bavarian historians. The letter comes from an anonymous Sender, possibly an abbot, certainly a monk, to an equally anonymous abbot whom, however, the Sender acknowledges, perhaps merely politely, as his senior and, evidently, patron.<sup>110</sup> Although the letter begins with the conventional fulsome greetings that plague Carolingian epistles, it is, rather, quite remarkable for the specificity of its information. The Sender is about to set out for the royal palace. He plans to send his pack animals (*saumas nostras*) ahead on 28 July and to set out, himself, after three days “propter opus ecclesiae,” on 1 August.<sup>111</sup> He expects to reach Mainz on 15 August after a fortnight on the road. He adds, however, that if the Recipient would like to travel along with him (*per nos veniat*), he will make the necessary accommodations to his itinerary (*iter nostrum disponere*). The Sender concludes the letter with a request that lead

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<sup>108</sup> For the importance of the Avar campaigns to Charlemagne see W. Pohl, *Die Awaren: Ein Steppenvolk in Mitteleuropa 567–822* (Munich, 1988), 312–23; and C. Hammer, “Recycling Rome and Ravenna: Two Studies in Early-Medieval Reuse,” *Saeculum* 56 (2005): 295–325, at 316–17.

<sup>109</sup> Better Latinists than I will have to determine whether the language of the letter is “chapel quality”; I have some doubts.

<sup>110</sup> Levison, “Formularbuch,” 288: “Empfänger und Schreiber von nr. 17, der Empfänger von nr. 20 waren Aebte, über deren Klöster Genaueres nicht zu ersehen ist; aber hier wie dort an Fardulf zu denken, liegt wenigstens kein Hindernis vor.” Story’s calendar (“Cathwulf,” 16), seems to reverse the identity of the Sender and the Recipient.

<sup>111</sup> This term usually refers to church fabric, which is consistent with the request for building materials below, but here it may also include the *opus dei*, a church service, possibly the important feast of St. Germanus of Auxerre on 31 July. If the Sender were writing well in advance of his departure (see below), a prominent saint’s day, albeit unnamed, may have been a marker for his travel schedule as well marking an important milestone in church construction.

and other building materials be fetched with the Recipient's permission (*iuxta voluntatem vestram*) from an unknown location (*de Sancto illo*) to the mouth of the river Seine (*ubi Signa confluit in mare*), "so that, as a result, you [the Recipient] might have my lord, Saint N., who loves you dearly, together with all of the saints whose relics we have in the monastery, as your intercessors."<sup>112</sup>

So much is the normal business of highly placed churchmen. The extraordinary part of the letter is inserted between these two practical matters. After describing a visit to one of the Recipient's estates the Sender adds: "Moreover, Tassilo, as we hope, your faithful servant, gave us sensible answers in all matters about which we questioned him, and we are confident that if you put him to the test and enjoin on him any sort of service according to your judgment and correct instruction, he will take care to please you in that regard."<sup>113</sup> Thus, Tassilo seems to have been in the custody of the Sender, possibly even while he was writing the letter, and the Sender was at that time at least a fortnight's journey from Mainz. We know both from the "Codex Palatinus" and from the Mosel Annals that Tassilo was sent from St. Goar to the monastery of Jumièges on the lower Seine.<sup>114</sup> If the letter's Sender was the abbot there, Landric, and the Recipient, Fardulf, the surprisingly precise itinerary indicated was quite possible. Following the route of the old Roman highways it was about 125 kilometers by way of Rouen to a major junction just north of Paris where Fardulf, coming north from St. Denis, could easily have rendezvoused with the party as proposed in the letter. From there by way of Senlis, Soissons, Rheims, and Trier it was about another 500 kilometers to Mainz. Thus, the entire journey was about 625 kilometers or an average of 42 kilometers (26 miles) per day, a comfortable rate for a small, well-mounted and properly supplied company traveling on quasi-official business along a well-known and presumably well-maintained route in high summer. On the other hand, if the Sender was Fardulf himself, possibly writing to one of Charlemagne's chief clerks (but who? Alcuin? Arn?), then the proposed itinerary was even easier.

Both the editor, Karl Zeumer, and the great textual critic, Wilhelm Levison, dated this letter to 800 because of the assembly that was held at

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<sup>112</sup> *Formulae*, Nr. 17, 505: "quatenus dominum meum sanctum illum, amatorem vestrum, una cum omnibus sanctis, quorum reliquias in monasterio habemus, intercessores exinde habeatis."

<sup>113</sup> *Formulae*, Nr. 17, 505: "Tassilo vero, ut speramus, fidelis vester, de his, que ab eo quesivimus, [prude]nter nobis in omnibus responsum dedit, et putamus, si eum probaveritis et secundum [scien]tiam vel doctrinam vestram aliquod servitium ei iniunxeritis, quod vobis exinde placere [curab]it."

<sup>114</sup> It is, of course, always possible that Tassilo was confined at this time on one of the unnamed estates mentioned in the letter rather than at the monastery itself.



Mainz in early August of that year. That is possible, although it is mildly surprising to find Tassilo alive at that date.<sup>115</sup> And we do not know whether the “palaci[um]” referred to in the letter as the final destination was the royal residence at Mainz, which may have been only the last significant stage of the itinerary — Ingelheim, for example, lay only fifteen kilometers west of Mainz. Moreover, as Joanna Story has pointed out, this letter could just as well relate to the great church council held at nearby Frankfurt, also the site of a royal palace, in the summer of 794 at which Bishop Peter cleared himself of suspicion (Part 1).<sup>116</sup> This was also the summer when Queen Fastrada died and was buried at St. Albans in Mainz. The date of her death (or her funeral) was 10 August when the Sender — according to his original itinerary — would still have been on the road to Mainz.

Tassilo made his final documented appearance at the Frankfurt council, where he formally renounced all of his and his family’s claims in Bavaria. This was intended to conclude definitively the legal process begun at Ingelheim six years before, and it was made necessary, so it seems, by continuing problems in Bavaria over ducal rights and interests — problems that could only have been aggravated by “Pipinus rex” and its aftermath.<sup>117</sup> The council at Frankfurt may have been convoked early in the summer, in June, and the lengthy record of Tassilo’s submission in chapter 3 of the “Frankfurt Capitulary” may indicate a date early in the proceedings.<sup>118</sup> Still, the Capitu-

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<sup>115</sup> Tassilo’s premier foundation, Kremsmünster, celebrates a requiem for him every year on 11 December, and he is entered as “duke and monk” on 5 January in the necrology from St. Emmeram at Regensburg, but no early source reports the year or the place of his death. The Bavarian humanist and historian, Aventin, claimed to have seen and excerpted a contemporary, “Vita Thessaloni III . . . Ab anno Christi 771 usque ad annum 796”; presumably, the latter date marked Tassilo’s death. For Tassilo’s “Nachleben” see now Christian Lohmer’s review of the “Mythos Agilolfinger: Das Nachleben der Bayernherzöge in Mittelalter und Neuzeit,” in *Tassilo III. von Bayern: Großmacht und Ohnmacht im 8. Jahrhundert*, ed. L. Kolmer and C. Rohr (Regensburg, 2005), 191–210, at 195–97 with the quotation in n. 16.

<sup>116</sup> Story, “Cathwulf” (n. 104 above), 17 n. 10.

<sup>117</sup> This problem is primarily documented with regard to church properties acquired under Tassilo and his father, Odilo, which is discussed thoroughly in H. Wanderwitz, “Quellenkritische Studien zu den bayerischen Besitzlisten des 8. Jahrhunderts,” *Deutsches Archiv für Erforschung des Mittelalters* 39 (1983): 27–84, esp. Part 7 there. It appears that Charlemagne confirmed all Bavarian church properties in 793; see the discussion in H. Wolfram, *Salzburg, Bayern, Österreich: Die Conversio Bagoariorum et Carantanorum und die Quellen ihrer Zeit*, Mitteilungen des Instituts für österreichische Geschichtsforschung, Ergänzungsband 31 (Vienna and Munich, 1995), 210–11.

<sup>118</sup> *Capitulare Francofurtense* (n. 13 above), 166. I here follow the exposition of the Capitulary and of this chapter by Herbert Spilling, “Die Sprache des Konzils” (n. 14 above), 711–27; see also H. Mordek, “Aachen, Frankfurt, Reims: Beobachtungen zu Genese und Tradition des ‘Capitulare Francofurtense’ (794),” in *Das Frankfurter Konzil von 794* (n. 3 above), 125–48.

lary is not strictly a protocol of the proceedings, and the prominence of the third chapter, directly after the main order of business, the condemnations of supposed Spanish Adoptionism (chap. 1) and Byzantine image-veneration (chap. 2), may only reflect its political importance to Charlemagne or to the compiler of the Capitulary, not its precise place in the schedule (see below). It is also possible that the council was divided into multiple sessions to accommodate various issues and participants, and the entire proceedings may have been adjourned temporarily during the queen's final illness, which must have placed a heavy burden on Charlemagne, who was evidently quite fond of her. Moreover, we do not know the date of composition for the formulary's letter Number 17. Since an answer was expected from the Recipient, it may have been written well before the proposed departure date, and — as the Sender anticipates — travel dates may have been changed subsequently to accommodate later developments such as Fastrada's fatal illness. Thus, the anticipated production of Tassilo as late as mid-August is conceivable, and the content of the letter from the St. Denis formulary fits much better with this prominent and critical event at Frankfurt in 794 than with the later assembly at Mainz in 800, where Tassilo's presence is undocumented and its purpose unknown.

The candid cynicism of the Sender, indeed, his sarcastic disdain for the deposed duke confirms — if such confirmation were needed — that Tassilo's last recorded words at Frankfurt were thoroughly rehearsed under watchful eye to ensure that he would "take care to please." The whole occasion at Frankfurt must have been highly theatrical; Hubert Mordek remarks on the "imaginative reportorial style" ("imaginativen Berichtstil") of chapter 3, which continues the highly emotive tone of the two preceding condemnations of heresies.<sup>119</sup> Indeed, Herbert Spilling, after careful linguistic analysis of the Capitulary, concludes that "the words recorded for Tassilo [in chapter 3] were either reproduced in an edited form or even composed for him at court and, so to speak, rehearsed with him for recitation."<sup>120</sup> In the event, Tassilo evidently played his role and proved himself "serviceable." Thus, the letter puts the Langobard Abbot Fardulf at the very center of this highly orchestrated effort to secure Tassilo's complete submission and a final end to Charlemagne's problems in Bavaria.

It then may seem odd that the Reviser here follows the official text of the Royal Annals and omits any mention of the council. The explanation

<sup>119</sup> Mordek, "Aachen, Frankfurt, Reims," 128: "Fast möchte man, mit Karl, den glücklosen letzten Agilolfinger bemitleiden, so ereignisnah und authentisch wird geschildert." He then notes, however, that this tone is not unusual in capitulary texts.

<sup>120</sup> Spilling, "Die Sprache des Konzils" (n. 14 above), 724: "daß die für Tassilo überlieferten Worte entweder in redigierter Form wiedergegeben oder überhaupt am Hof für ihn aufgesetzt, ihm sozusagen vorgesprochen worden sind."

may be that the legal judgment against Tassilo at Ingelheim in 788, so carefully constructed by the Royal Annals to serve official policy, was still too critical to be compromised by the subsequent political event at Frankfurt in 794.<sup>121</sup> The Reviser could not risk a remark that might jeopardize its validity. The wisdom of his reticence is validated by the Lorsch Annals, written under Archbishop Richbod, undoubtedly a participant at Frankfurt, which contain the only independent reference to Tassilo at the great council, but report it there in such a compromised form as to imply that his ducal authority was transferred to Charlemagne only at that point — hardly a welcome perspective!<sup>122</sup>

Nevertheless, the Reviser or a close associate may have preserved his own record of bringing Tassilo to heel. The third chapter of the Capitulary, all of which was evidently drafted as a private memorandum, not an official record, begins: “With these items completed, the matter of Tassilo was brought to a close.”<sup>123</sup> The primary business of the assembled churchmen, the preceding condemnations of heresy, are reported only in very cursory form, and thus are almost relegated to the status of bothersome preliminaries. This is in sharp contrast to the following political item where Charlemagne himself now intervenes for the first time in the proceedings: “Tassilo’s appearance . . . receives a descriptive account, which, in its extensive detail, exceeds that of all the other chapters in the Capitulary.”<sup>124</sup>

Abbots Fardulf and Landric would have attended the proceedings and certainly had later access to the *brevis* that was drawn up in triplicate to record the judgment against Tassilo. One copy was given to Tassilo for his further contemplation “in the monastery”; another was deposited with Fardulf’s former office at the “sacri palacii capella” — one of the earliest uses of

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<sup>121</sup> See the valuable comments by Rudolf Schieffer, “Ein politischer Prozeß des 8. Jahrhunderts im Vexierspiegel der Quellen,” in idem, *Das Frankfurter Konzil von 794* (n. 3 above), 167–82, at 182: “Alles spricht dafür, daß er [the author of the Royal Annals] keinen Schatten auf seine bereits fixierte Darstellung fallen lassen wollte, derzufolge die Sache des Agilolfingers sechs Jahre zuvor schon hieb- und stichfest zum Abschluß gebracht worden war und daher keines derartigen ‘Nachspiels’ bedurfte.”

<sup>122</sup> *Annales Lauresheimenses* (n. 1 above) *sub anno*: “abnegans omnem potestatem quam in Paioaria habuit, tradens eam domno regi.”

<sup>123</sup> *Capitulare Francofurtense* (n. 13 above), 165: “His peractis de Tasiloni definitum est capitulum.”

<sup>124</sup> Spilling, “Die Sprache des Konzils” (n. 14 above), 714: “Tassilos Auftritt . . . erfährt eine Darstellung, die in ihrer Ausführlichkeit alle übrigen Kapitel des *Capitulare* übertrifft.” The first two chapters were promulgated solely by the ecclesiastics; the third, although it takes place “in medio sanctissimi . . . concilii,” was disposed of solely by Charlemagne, while the following chapters are enacted in tandem (see P. Depreux, “L’expression ‘statutum est a domno rege et sancta synodo’ annonçant certaines dispositions du capitulaire de Francfort [794],” in *Das Frankfurter Konzil von 794*, 81–101, at 100–101).

this term. The unique use of the West Frankish verb, *gurpivit*, to describe Tassilo's renunciation of his claims in Bavaria would fit well with involvement by the abbots of St. Denis and Jumièges in drafting the Capitulary.<sup>125</sup> Clearly, extraordinary care was lavished on the Capitulary's account of Tassilo's final submission at Frankfurt. One might well suspect that Charlemagne's agents took great pains to memorialize their accomplishment in a fitting manner. This, moreover, would explain the very full but tortuous account of Bishop Peter's painful experience, most of which would have occurred outside, perhaps, even well after any regular sessions of the council (chap. 9). The author of the Capitulary, likewise, avoided reporting it in the abbreviated style of a council protocol, which normally focused only on the final judgment.<sup>126</sup> Peter's unusual case — like Tassilo's — could hardly have been an integral part of the advertised agenda, yet it shared a common theme of treachery and reconciliation with the king. Moreover, Peter was a Langobard, and thus, perhaps, a person whose loyalty was seen as needing extraordinary affirmation.

#### 5. "PIPINUS REX"?

The argument in Part 3 suggested that "Pipinus Rex" was a failed experiment. After the deposition of Tassilo in 788, the half-brothers, Pippin and Carl, agreed between themselves at St. Goar on their relative roles in the royal succession: Carl would be the chief heir with the core Frankish territories of Neustria, Austrasia, and Burgundy; Pippin would content himself with Bavaria and — possibly — with whatever other relevant and "peripheral" territories (e.g., Alemannia) as might become available. The extent to which Charlemagne himself formally endorsed these (hypothetical) plans between the brothers is also unknown, and possibly he acquiesced to Pip-

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<sup>125</sup> Spilling, "Die Sprache des Konzils," 718–19; "gurpire/werpire" is cognate with modern German "werfen," to throw or cast [i.e., away]. Unfortunately, the manuscript evidence does not provide further evidence of origin or authorship. The older of the two extant copies (P1) dates from the late ninth century and seems to come from St. Remi, Rheims; the later copy (P2) dates from the late tenth century and apparently comes from St. Denis. Thus, no firm conclusions can be drawn about the exemplar although the circumscribed provenance of the two copies is consistent with the linguistic argument offered here.

<sup>126</sup> So Spilling, "Die Sprache des Konzils," 722: "Die Schilderung des Gottesurteils [by Peter] und die Tassilo-Szene sind die Kapitel, in denen sich am deutlichsten zeigt, welche Schwierigkeiten der Berichterstatter bei seinem Werk hatte. . . . Er beschränkte aber seinen Bericht dennoch nicht auf das reine Ergebnis des Gottesurteils, sondern verzeichnete zum Beweis der Rechtskräftigkeit alle vorbereitenden Schritte und Begleitumstände dieser Urteilsfindung. . . . Entsprechend vermerkte er alle Einzelheiten von Tassilos Bekenntnis und Verzicht und schilderte Karls des Großen Reaktion . . . in absichtsvoller Breite."

pin’s rule in Bavaria only in some limited form such as viceroy. However, in 792 this tenuous arrangement, whatever its nature, came apart in a particularly spectacular and disastrous way. The Reviser, who certainly was in a position to know, indicates that this was due to the implacable opposition of Fastrada, to her “harshness.” But Charlemagne’s swift and apparently brutal suppression of the revolt can best be explained by the still fragile nature of the royal succession that he had constructed so carefully more than a decade earlier. By their very existence, Pippin and (possibly) his mother Himiltrud were a constant threat to Charlemagne’s plans for Hildegard’s offspring. For that reason, any action by Pippin that asserted his own legitimate claims to rule — even in very limited form — could not be met with the indulgence shown by later Carolingians for their rebellious sons. Any involvement by Himiltrud’s kin would seal the matter. Rather, Charlemagne must have felt constrained finally to follow the logic of his own bold actions in 781 to its conclusion.

While this account — or some variant thereof — may offer a plausible explanation for the events of 792 and their immediate aftermath, the deeper structural question concerns the political arrangement in Bavaria immediately following Tassilo’s deposition. In the nature of things, I have been able to offer only some hints and indirect arguments that some form of direct royal rule was not only plausible but actual. Herwig Wolfram has succinctly characterized the political rationale for the momentous constitutional innovations entailed in establishing the Aquitaine and Italy as Carolingian kingdoms:

Charlemagne saw the necessity to maintain Carolingian authority over endangered territories which possessed a coherent unifying tradition while avoiding measures that would result in an endless chain of revolts and other difficulties of every sort. That, however, was the risk if one were to subject the Langobards and the Aquitanians directly to the *Regnum Francorum*.<sup>127</sup>

If this rationale applied to the Aquitaine, then it was equally valid for Bavaria, and this extension of Wolfram’s argument was fully confirmed in 814 when the former king of the Aquitaine, the Emperor Louis the Pious, installed his oldest legitimate son, Lothar, as king in Bavaria, which subsequently became by 830 the next new kingdom within the realms of the Franks, under another son, Ludwig (later known as “the German”).<sup>128</sup>

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<sup>127</sup> Wolfram, *Intitulatio* 1 (n. 93 above), 222: “Karl sah die Notwendigkeit, gefährdete Gebiete, die eine starke Tradition einte, der Karolingerherrschaft zu erhalten, ohne daß daraus eine endlose Kette von Aufständen und Schwierigkeit aller Art entstünde; das drohte aber, wenn man Langobarden wie Aquitanier dem *Regnum Francorum* unmittelbar unterwarf.”

<sup>128</sup> These developments are discussed in Hammer, *From Ducatus to Regnum* (n. 10 above), Part 5.

The possible advantage to Charlemagne of “Pipinus rex” was twofold: he could settle a vexing problem of succession and at the same time secure a stable regime in a troublesome territory. In the event, however, he was forced to reassert direct royal rule, which he did in the novel form of the powerful Bavarian “proconsuls,” Gerold and then Audulf, thereby reviving an experiment that had met with mixed success half a century earlier in Alemannia.<sup>129</sup> And the failure of “Pipinus Rex” must have forced Charlemagne also to confront and settle finally with the old political order in Bavaria. Pippin’s plot at Regensburg in 792 appears to have been the precipitant for Tassilo’s final appearance at Frankfurt in 794. The implication of prominent Bavarians in 792 points to this political necessity; the common figure involved so crucially in both, the Langobard royal servant, Fardulf, suggests a direct connection between these two seemingly unrelated events.

*Pittsburgh, Pennsylvania*

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<sup>129</sup> For a concise review of the Alemannic regime of Counts Warin and Ruthard from the late 740s to the early 770s, see Alfons Zettler, *Handbuch der Baden-Württembergischen Geschichte* 1/1, ed. M. Schaab et al. (Stuttgart, 2001), 319–24.

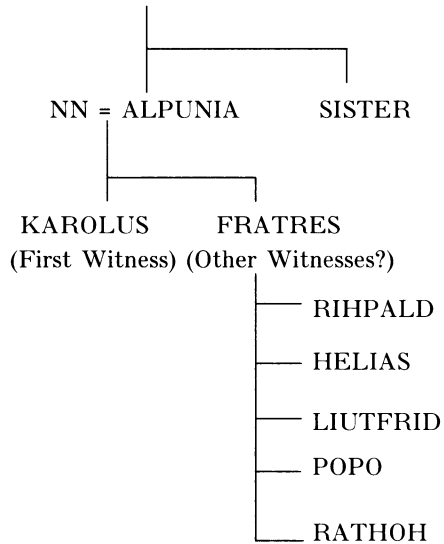
EXHIBIT 1: EARLY ACCOUNTS OF PIPPIN'S PLOT IN 792

Ann. Reg. Francorum	Ann. Lauresham.	Ann. Mosellani	Ann. Petaviani	Murbach Annals	Einhardi Vita Karoli	Anon. Vita Hludowici
<p><i>Recension D:</i> Coniuratio contra regem a filio eius Pippino facta, detecta et compressa est.</p> <p><i>Recension E:</i> Rege vero ibidem [Regensburg] aetatem agente facta est contra illum coniuratio a filio suo maiore, nomine Pippino, et quibusdam Francis, qui se crudelitatem Fastradae reginae ferre non posse adseverabant atque ideo in necem regis conspiraverant. Quae cum per Fardulfum Langobardum detecta fuisset, ipse ob meritum fidei servatae monasterio sancti Dionysi donatus est, auctores vero coniurationis ut rei maiestatis partim gladio caesi, partim patibulis suspensi ob meditatum scelus tali morte multati sunt.</p>	<p>Eodem anno resedit rex in Paioaria, et apud Reganesburg celebravit pascha. . . . Et in ipso anno inventum est consilium pessimum, quod Pippinus filius regis, ex concubina Himiltrude nomine genitus, contra regis vitam seu filiorum eius qui ex legitima matrona geniti sunt [inierat?], quia voluerunt regem et ipsos occidere, et ipse pro eo quasi Abimelech in diebus iudicum Israel regnare. . . . Sed Carolus rex, cum cognovisset consilium Pippini et eorum qui cum ipso erant, coadunavit conventum Francorum et aliorum fidelium suorum ad Reganesburuge, ibique universus christianus populus qui cum rege aderat, iudicaverunt et ipsum Pippinum et eos qui consentanei eius erant in ipso consilio nefando, ut simul hereditate et vita privarentur; et ita de aliqui[bus] adimpletum est. Nam de Pippino filio, quia noluit rex ut occideretur, iudicaverunt Franci, ut ad servitium Dei inclinare debuisset; quod et ita factum est, et misit iam clericum in monasterio.</p>	<p>Ibique eodem [anno: 791/92] exercitus Francorum tempore aestivo more solito convenit. . . . Ipsoque anno tempore autumnii eiusdem regis primogenitus filius nomine Pippinus, ex concubina eius Himiltrude natus, in tanto scelere inventus est, ut regnum sibi patris, patrem et fratrem occidendo, fraude subripere deliberaret. Cui quam plures ex nobilissimis iuvenibus seu senioribus Francorum sociati, ab eodem rege reperti atque alii suspensi, alii decollati, alii flagellati atque exiliati sunt.</p>	<p>Hoc anno rex Karolus cum suis fidelibus resedit in Bawarios, et habuit magnum placitum in Rainesburgo civitate. . . . Et eodem anno patefactum est consilium iniquum, quem consiliaverunt cum Pipino, filio Karoli, iniqui consiliatores; unde reprobii apparuerunt, et receperunt suorum meritum.</p>	<p><i>Annales Alamannici:</i> [Codex Turicensis:] Et Pipinus comam capitis deposuit et quosdam de Francis occisi et suspensi propter consilium pessimum quod fecerunt super Karolum Regem. . . . [Codex Modoetiensis:] Et Pippinus tonsa coma et quosdam de Francis occisi et suspensi propter consilium quod fecerunt super Karolum. . . .</p> <p><i>Annales Guelpherbytani:</i> Et iterum misit Pippinum et Chlodowicum cum exercitu in Beneventum, et revelatum est consilium Pippini pravissimum et iudicia ad mortem consiliatores eius.</p>	<p>chap. 20. Erat ei filius nomine Pippinus ex concubina editus, cuius inter ceteros mentionem facere distuli, facie quidem pulcher, sed gibbo deformis. Is cum pater bello contra Hunos suscepto in Baioaria hiemaret, aegritudine simulata, cum quibusdam e primoribus Francorum, qui eum vana regni promissione inlexerant, adversus patrem coniuravit. Quem post fraudem detectam et damnationem coniuratorum detonsum in coenobio Prumia religiosae vitae iamque volentem vacare permisit. Facta est et alia prius contra eum in Germania valida coniuratio [Hardrad in 785/86]. . . . Harum tamen coniurationum Fastradae reginae crudelitas causa et origo extitisse creditur. Et idcirco in ambabus contra regem conspiratum est, quia uxoris crudelitati consentiens a suae naturae benignitate ac solita mansuetudine inmaniter exorbitasse videbatur.</p>	<p>chap. 6. Hieme [792/93] autem transacta, una ad patrem prospere regrediuntur [Ludwig and Pippin from Benevento], uno tantum auditu offuscante eorum plurimam alacritatem, eo quod compererint fratrem suum naturalem Pippinum contra communem patrem rebellionem meditatum, pluresque nobilium huius sceleris conscios atque inretitos et pessumdatos. Concite ergo pergentes in partibus Baioariae, ad patrem venerunt in loco cuius est vacabulum Salz, et ab eo gratissime sunt recepti.</p>

EXHIBIT 2: TWO FAMILIES AT PETTENBACH

*TRAD. FREISING*, Nr. 44  
(12 August 772)

ERCHANFRID = DEOTRATA



*TRAD. FREISING*, Nr. 199  
(2 September 804)

ERCHANFRID = NN

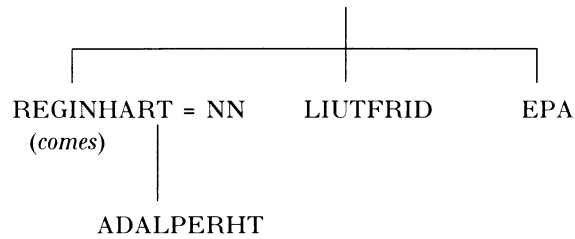




EXHIBIT 3: *TRAD. FREISING, NR. 166*  
(1x24 SEPTEMBER–8 OCTOBER 793)

It behooves every Christian to acquire with present goods joys in place of eternal punishment. Accordingly, in the name of God I, Helmoin, moved by divine love, carefully considered assigning something to the places of the saints for the health of my soul and my eternal salvation. But, while I was in dispute regarding certain properties that I had tried to claim for myself as an inheritance, it happened that I was convicted by the commissioners of the Lord Karl, most glorious king, and that which, as we have said above, I sought by right, I was not able to gain as an inheritance. Rather, that same property that we had been seeking was turned over to the possession of our lord's authority, to which I, *volens*, was compelled in all justice to consent. Which I, thus, did, and believed that I would not be able to claim it for myself as property. However, the most merciful, Christian, and great king, Karl, hearing this and inspired by divine grace, as eternal alms on his behalf, he granted to me by his mercy that same property, which I had sought and which had passed into his possession by a most just inquiry, as a perpetual inheritance. On this condition he conceded the same to me under confirmation, that it might be within my authority as with other of my properties to grant and convey it wherever I wished for the eternal forgiveness and health of my soul. Therefore, by the authority conceded to me by the most merciful king, I have determined to convey from that same property to the bishopric of Freising for the service of Saint Mary Ever Virgin, the territory with all contained therein pertaining to the places named Gossheim, King's Haid, and Kriegsstathof together with chattels and real property pertaining thereto, cultivated land and waste, woodlands, meadows, fields, pastures, waters and watercourses, all of it completely, within the district called the Swalafeld upon the river Schwalb. Which I thus did for all of the abovesaid, that is: Gossheim, King's Haid, and Kriegsstathof with all of the abovesaid bounds up to the place called "the Sampin-pillar"; thence to Gossheim, and from there it runs by sight along the creek up to the big oak tree, that in the vernacular is called "down by the boundary mark at the great oak"; from there through surveyed places, that is, the length of the measurements along "the Goss-boundary" up to "the Goss-source"; likewise also in that woods that pertains to Wemding so that the rulers of that same church might have authority for cutting down material, as much as is necessary for building and wood for burning, and to enter upon the way and return, and that they have sufficient mast for pigs there without any hindrance whatsoever, and, henceforth, no one shall dare to retract it. Now,

moreover, all of these abovesaid things which are all in alms for the most glorious lord, King Karl, and his sons, as well as for the health of my own soul, I, Helmoin, by this deed grant, convey, and confirm to Almighty God and to the Holy Mother of God, Mary, at the abovesaid bishopric of Freising, where the precious and blessed Corbinian, distinguished Confessor of Christ, rests in the body and there where the venerable Atto is seen to be bishop. And the remaining bounds and places are all within the circuit which Sheriff Kerold has there by grant of the Lord King, and the same Kerold, through his commissioner by the name of Adalunc, invested [Helmoin] with the same abovesaid places and led him on the circuit and showed him the boundaries that pertained to him by law, and the same Helmoin, as we have said above, then conveyed it for mercy of the Lord King to the abovesaid cathedral church of Saint Mary. On this condition, I confirm this conveyance, that whatever henceforth the rulers of that church wish to do, they may have free authority in all things, and that none of my heirs or coheirs may have license to break this donation; rather, it is confirmed by my own hands and those of the good men summoned by me, whose names and marks are inserted hereunder that it might remain undisturbed forever. Done in the bishopric of Freising at the church of the Holy Mother of God, Mary, in the presence of many, with the most glorious lord reigning as King of the Franks and the Langobards and as Patrician of the Romans in the 25<sup>th</sup> year, the 2<sup>nd</sup> Indiction. The mark of Sheriff Helmoin who requested that this conveyance be made and confirmed; the mark of Hadumar, his son, confirming it; the mark of Aotker as witness; Hiltiger as witness; the mark of Epucho as witness; the mark of Paldilo; the mark of Heriolt as witness; the mark of Egino as witness; Einhart the priest as witness; Sandrat the priest as witness; Deotfrid the priest; Rihpald the priest as witness; Anno the priest; Hitto the clerk; Arnolt the clerk; Altman the deacon; Ekino a layman.

And by another conveyance the same Helmoin and his son Hadumar equally together both confirmed this conveyance which previously the same aforementioned Helmoin made when he was setting out on a journey to the regions of Rome. And these were the witnesses: Bishop Atto, Hunuc the priest, Bern the priest, Sandrat the priest, Adaloh the priest, Salomon the monk; Helmoin himself as witness, and Hadumar his son as witness. And, I, Horskeo the priest wrote this deed and signed it.

EXHIBIT 4: EARLIEST LITURGICAL PETITIONS FOR CHARLEMAGNE AND HIS FAMILY  
(784–792)

Salzburg *Liber Vitae*

ORDO REGNUM VIVORUM CUM  
CONIUGIBUS ET LIBERIS

Charlus rex                      Fastraat  
Pippinus

Charlus

Luduih  
Pippinus

Hrodrud

Adalgisus

Ansa

ORDO DUCUM VIVORUM CUM  
CONIUGIBUS ET LIBERIS

Tassilo Liutpirga  
Deoto

Cotani

Hrodrud

*Laudes Regiae*

Adriano summo pontifice et universale  
papae vita . . .

Karolo excellentissimae et a deo  
coronato magno et pacifico rege  
francorum et langobardorum ac  
patricio romanorum vita et Victoria .  
. . .

Pipino et karolo nobilissimis filiis eius  
vita . . .

Pipino rege longobardorum vita . . .

Chlodouio rege acqutianiorum vita . . .

Fastradane regina salus et vita . . .

Omnibus iudicibus vel cuncto exercitui  
francorum vita et Victoria . . .

Prague Sacramentary

karalus rex . fastraat regina .  
pipinus rex . ludiuuic rex . hrod  
drud . adaluni eps . atto . pipinus rex .  
karalus . arn . uualtrih eps . alim eps .  
odalhart eps .