Fences and Gardens: An Ayeri Translation of a Medieval Neighborhood Dispute

1 Friedrich Wilhelm and His Diplomatic Dream

Part of the data basis for my upcoming master's thesis is formed by Wilhelm et al.'s *Corpus der altdeutschen Originalurkunden bis zum Jahr 1300* ('Corpus of Old German Original Deeds up to the Year 1300', henceforth *CAO*). This collection comprises over 4,000 legal documents in German language from the 13th century and was compiled by several generations of researchers over the course of over 70 years. Most of the deeds come from the southwestern corner of the German-speaking area, with centers in Strasbourg, Basel, Zurich and Constance. A steady increase in activity over the last quarter of the 13th century can generally be observed, however.

In his foreword to the first volume of the *CAO*, Wilhelm made a strong argument for rendering the modern transcriptions of the handwritten documents as closely as possible to the medieval originals in a time when most scholars in the field prefered normalized editions of medieval texts for literary criticism – he harshly derided the notion of normalized texts as "Esperanto-Mittelhochdeutsch" (see CAO I: VIII–IX). Wilhelm's intended target audience was what we call linguists today, rather than literary critics. He explains in his own words:

Es ergibt sich daher die weitere Notwendigkeit, diese urkundlichen Quellen in einer Ausgabe vor sich zu haben, die diese Orthographien nicht durch Normalisieren nach Lachmanns und seiner Nachfolger Art verwischt. Denn dieses Normalisieren macht zum guten Teil die modernen Urkundenveröffentlichungen, welche Urkunden in deutscher Sprache enthalten, [...] für den Sprachforscher unbrauchbar [...]. Gerade das "Normalisieren" also mußte bei diesem Corpus, das in erster Linie dem Sprachforscher dienen soll, vermieden werden. Ein möglichst genauer Abdruck, soweit ein solcher überhaupt das Original einer Urkunde ersetzen kann, war das erste Erfordernis, das erfüllt werden mußte. (CAO I: LX)

Thus, the additional necessity arises to have these diplomatic sources be laid out in an edition that does not smudge these orthographies by means of normalization after the fashion of Lachmann and his followers. For this normalizing renders the better part of modern publications of deeds which contain deeds in German language [...] useless to the language scholar [...]. Especially this "normalizing" thus had to be avoided in this corpus, which is first and foremost catering to language scholars. The first requirement that had to be met was a rendition of the text as close as possible to the original, if such a rendition in print can ever be a replacement for the original document at all.

The bulk of the texts contained in the *CAO* is formed by such mundane things as sales and lease contracts, wills, legal settlements, and regulations concerning trade and construction. Moreover, the texts are usually not too long and not too complex either, which makes some of them suitable for translation challenges, I suppose.

Due to the nature of the deeds, there is a fair amount of legal formulas in these documents, however, these use very transparent native terms, which ought to make finding equivalents reasonably straightforward. An English translation based on the annotations by the editors of the *CAO* will be provided (see Gärtner et al. 2007).

2 "Alle die, die disen brief lesent, hærent oder sehent"

In the following, I will present the text of the deed number N 163 (381 a) – effectively dated Augsburg, March 19, 1279 – in Middle High German language as given in de Boor et al. (2004), Gärtner et al. (2007). In spite of Wilhelm's self-professed firm belief in diplomatic editions, the version of this document as it is presented in the *CAO* shows signs of modern editing, that is, abbreviations are resolved, non-names are changed to consistent lower case, and punctuation is adjusted to modern standards.

Jnnomine domini amen! Alle die, die disen brief lesent, horent oder sehent, die suln daz wizzen, daz her Vlrich frovn Engeln tohterman verkaufte herm Chvnrad dem Hafener einen halben garten mit fogtaner bescheidenheit, daz der her Chvnrat der Hafener vf den selben halben garten weder zvn noch hvf bwen folte noch de cheinen bv dar vf tvn folte, der im ze schaden chomen mohte. Daz stvnt alf lange, vnz der her Chvnrat der Hafener dar fvr vnde wolte gezvnet haben den felben garten. Do def her Vlrich innan wart, do fvr er fvr gerihte vnde clagte hinze dem Hafener, daz er da zvnen wolte, da erf niht tvn solte, wande er ez mit gedingede im also geben hete, daz er weder zvn noh hvs da bwen solte noh nihtef def, daz im ze schaden chomen mohte. Def laugent im der Hafener, daz er mit im also iht kauft hete. Dar vber wart erteilt, daz der Hafener bereite, daz er mit im alfo iht kauft hete, in bezivgte danne her Vlrich, daz ez alfo wêre. Da wolte her Vlrich finf rehtef niht vmbe vnde gerte einf tagef vmbe finen gezivk. Do der tak chom, do gie her Vlrich fvr vnde erzivgte felbe dritte, alf reht waf, daz er vf den felben garten chein den bv tvn folte, der im ze schaden chomen mohte, alf da vor geschriben stat. Vnde do er daz erzivgte, do gert er vrteil, wande die lyte tôtlich wæren vnde auh vergæzzen, man folte im wol der stet² brief dar vber geben. Daz wart im erteilt mit gesamenter vrteil. Vnde da von, daz zwischen in chein kriech mer gewahsen myge vmbe die sache, dar vmbe wart geben dirre brief versigelt mit der stet² jnfigel² ze Auspurk, daz dar an hanget. Vnde sint des geziuge her Volkwin, her Sibot der Stolzhirz, her Vlrich Fundan, her Livpolt der Schroter, her Livpolt der Stolzhirz, her Chvnrat Reinbot, meister Chynrat von Schoenegge, her Chynrat Notkauf, her Chynrat der Bart vnde ander genvge. Do daz geschach vnde auh dirre brief geben wart, do was von gotes? geburte tusent² iar zwej hvndert iar in dem nivn² vnde sibenzigosten iare an dem svnnetage vor dem balm tage.

S[iegel]

The text goes about like this in English:

In nomine domini amen! All those who read this writ, by hearing or seeing it, they shall know that Mr. Ulrich, Mrs. Engel's son-in-law, sold Mr. Chunrat der Hafener half of a garden under the provision that Mr. Chunrat der Hafener build neither fence nor house in this same half garden, nor put any other building in it which would cause damage to the other. This was set, up until Mr. Chunrat der Hafener

¹ "Original *Innōîe dīnj aīn*".

² "Erster Buchstabe dieses Wortes im Original Majuskel" (First letter of this word originally majuscule).

went there and wanted to fence the garden. As Mr. Ulrich became aware of this, he went to court and sued Hafener since he wanted to set up a fence there even though he was not supposed to, since he had pledged by contract that he would neither build a fence nor a house in it, nor anything else that would cause damage to the other. Hafener denied this: he had not contracted with Ulrich this way. The court assessed that Hafener refuted that he had contracted with Ulrich this way, unless Mr. Ulrich could prove that he had. Mr. Ulrich did not want to forfeit his rights, then, and asked for a day to testify. When the day came, Mr. Ulrich came up and testified together with two witnesses, as was the law, that Hafener was not supposed to build anything in this same garden that would cause damage to him, as written above. And after giving his testimony, he demanded judgement and a municipal writ, since people are mortal and forgetful. This was awarded to him unanimously. And so that there may not spring any more disputes between them from this issue, this writ was issued, sealed with the city of Augsburg's seal which is attached. To this are witness Mr. Volkwin, Mr. Sibot der Stolzhirz, Mr. Ulrich Fundan, Mr. Liupolt der Schroter, Mr. Liupolt der Stolzhirz, Mr. Chunrat Reinbot, Master Chunrat von Schoenegge, Mr. Chunrat Notkauf, Mr. Chunrat der Bart and others enough. When this took place and also this writ was issued, the count from God's birth was one thousand years, two hundred years, in the seventy-ninth year on the Sunday before Palm Sunday.

Seal

3 Ayeri Translation

In nomine domini ...

(I) Garāneri na Nahang, āmen!

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garān -eri na Nahang, āmen!
name -INS GEN Lord, amen!
"In the name of the Lord, amen!"
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I really wish I had something besides Ayeri ready to draw from, but since I don't, I decided to also translate this Latin phrase into Ayeri. Since I have come up with at least a sketch for another language a while ago (the Ayeri exonym for it being and Turayi 'Hillandic'), however, I couldn't help also thinking about this:

(1') Āsti-n na Pāg ko sat, āmen!

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āsti -n na Pāg ko sat, āmen! name-DEF DEF Lord of with, amen!
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"In the name of the Lord, amen!"

Turayi in its modern version is supposed to be some kind of anti-Ayeri in being fairly isolating with modifier-head word order, which licenses postpositions. As a little twist, however, determiners go into the so-called *Wackernagel position*, that is, they go into the second position of the NP if

nothing else occupies this slot. In Turayi, you would thus get N DET if no adjectives are involved, but ADJ DET N if there are. There would, however, be an exception for possessive phrases, in which the (more basic?) word order DET N of would be preferred instead of N DET of as one would otherwise expect. I will have to think about whether postpositions in general block movement of determiners into the Wackernagel position in spite of different levels of dependency.

Alle die, die ...

- (2) Ang mya koronyan keynam-hen si ang layayan eda-tahang nivayēri soyang tangyēri tan, sa lataya mondo mesam yam Sikontendo Biratayati tiga ang Hasanjan tiga si samyanang na Ninavay tiga, dilengeri, ya mya vehoyya ang Sikontendo Biratayati tiga kong eda-mondo mesam lahanley soyang nangās soyang vehanley palung siley eng ming nupisongara yās.
 - a. ang mya koron-yan keynam=hen si ang laya-yan eda= tahang-ley

 AT be.supposed know-3Pl.M people =all REL AT read-3Pl.M.TOP this=writ -P.INAN

 niva-ye -eri soyang tang-ye -eri tan, ...

 eye -Pl-INS or ear -Pl-INS 3Pl.GEN, ...
 - "All people who read this writ with their eyes or their ears shall know that ..."
 - b. sa lata-ya mondo mesam yam=Sikontendo Biratayati tiga ang=Hasanjan
 PT sell-3SG garden.TOP half DAT= Chunrat der Hafener honorable A= Ulrich
 tiga si samyan -ang na= Ninavay tiga, dileng-eri, ...
 honorable REL son.in.law-A GEN=Engel honorable, rule -INS, ...
 - "the honorable Ulrich, son-in-law of the honorable Engel, sold half a garden to the honorable Chunrat der Hafener, by the rule that ..."
 - ang=Sikontendo Biratayati veh -oy -ya c. уa tiga kong LOCT be.supposed build-NEG-3SG.M A= Chunrat der Hafener honorable inside eda= mondo mesam lahan-ley soyang nanga-as soyang vehan this=garden.TOP half fence-P.INAN or house-P building-P.INAN palung si -ley eng ming nupa-isa -ong-ara yās. other REL-P.INAN AT.INAN can hurt -caus-irr-3sg.inan.top 3sg.m.p.

"Chunrat der Hafener is not supposed to build into the garden either fence or house or another building that could cause him harm."

This is one hell of a long sentence, which I nonetheless didn't split up into several ones in order to keep the legalese spirit of the original. The initial passage, *Alle die, die difen brief lefent, horent oder fehent* 'All those who read this writ, by hearing or seeing it' is a rhetorical topos of the genre and the way basically all deeds in the *CAO* begin, with minor variations.

Since it's always fun to look up the etymologies of names and trying to calque them into Ayeri, I permitted myself to do that here as well and came up with the translations you can see in Table 1:

	German		Ayeri
Chunrat	онд <i>kuoni</i> 'brave, strong', онд <i>rāt</i> 'counsel'	इंदेश्चे Sikontendo	หัช่าง sikong 'advice', เล่า tendo 'courageous'
Hafener	MHG ^r havenære ¹ 'potter' ³	ลักสบเล็ Biratayati	ลักวุเล <i>biratay</i> 'pot', :ลัเลั <i>-ati</i> '-maker'
Engel	GK ἄγγελος ángelos 'messenger'	žzr Ninavay	žu <i>ninaya</i> 'messenger', τυ - <i>vaya</i> 'fem. occupation'
Ulrich	онд <i>uodal</i> 'heritage, home', онд <i>rīhhi</i> 'noble, rich, powerful'	zบหุปุร Hasanjan	zบหา <i>: hasang</i> 'origin', ลัปร <i>ู ijan</i> 'rich'

Table 1: The negotiating parties' names calqued into Ayeri

Another choice I made is translating the titles "herre" 'lord' and "vrouwe" 'lady' equally as is tiga 'honorable'. In the case of this deed, I assume that the participants in the sale and their families are not noble as the titles would suggest, but more or less wealthy townspeople. Thus, "herre" and "vrouwe", respectively, have probably already assumed their modern meanings as generic respectful terms of address comparable to English Mr. and Mrs. in this context, which I used in the English translation of the deed above as well for the same reason. The dictionary still has entries for rauz' Tayon 'Mr.' and raz z Tenvan 'Mrs.' at the time of writing this, but I've never actually used these since I dropped the modifier at tay that these are supposed to be based on.

Daz stunt als lange ...

(3) Adareng tono, ang no vehya Sikontendo Biratayati tiga lahanley miday eda-mondoya pesan.

Ada-reng tono, ang sara-ya Ø= Sikontendo Biratayati tiga adaya pesan that-A.INAN certain, AT go -3SG.M TOP=Chunrat der Hafener honorable there until nay ang no veh -ya lahan-ley miday eda= mondo-ya.

and AT want build-3SG.M.TOP fence-P.INAN around this=garden-Loc.

"This was certain until the honorable Chunrat der Hafener went there and wanted to build a fence around this garden."

Literally, Daz strnt als lange means 'this stood so long', which is quite idiomatic, so I didn't want to translate it literally and decided to go with a adareng tono 'this was certain'. What is expressed here is that the deal between Chunrat and Ulrich was good until Chunrat wanted to build a fence, which of course runs counter their agreement.

³ Compare MHG ^rhaven 'pot'; normalized spellings follow the headwords in Lexer (1998–2015) and are indicated by ^r... brackets when referring to the text using retrofitted spellings.

Do des her Ulrich ...

- (4) Tadayya si kengya ang Hasanjan tiga, ang sahaya tagātiya nay sa tirayyāng Biratayati, ang no vehya lahanley nārya mya da-vehoyyāng yanoyam ang tonisaya narāneri ban yana, ang vehoyongya adaya lahanley soyang nangās soyang vehanley palung siley eng ming nupisongara yās.
 - a. taday-ya si keng -ya ang= Hasanjan tiga, ...
 time -LOC REL notice-3SG.M A= Ulrich honorable, ...
 "When the honorable Ulrich noticed that, ..."
 - b. ang saha -ya tagāti-ya nay sa tiray -yāng Ø= Biratayati, ...

 AT come-3sg.m.top judge-loc and PT complain.about-3sg.m.A top=der Hafener, ...

 "he came to a judge and complained about der Hafener that ..."
 - c. ang no veh -ya lahan-ley nārya mya da= veh -oy -yāng...

 AT want build-3SG.M.TOP fence-P.INAN although be.supposed such=build-NEG-3SG.M.A ...

 "he wants to build a fence although he was not supposed to do so ..."
 - d. yanoyam ang tonisa-ya narān-eri ban yana, ...
 because AT assure-3sg.m.top word -ins good 3sg.m.gen, ...
 "because he had assured with his good word that ..."
 - e. ang veh -oy -ong-ya adaya lahan-ley soyang nanga-as soyang
 AT build-NEG-IRR-3SG.M.TOP there fence-P.INAN or house-P or

 vehan -ley palung si -ley eng ming nupa-isa -ong-ara

 building-P.INAN other REL-P.INAN AT.INAN can hurt-CAUS-IRR-3SG.INAN.TOP

 yās.

 3SG.M.P.

"he would not build there either fence or house or another building that could cause him harm."

I was a little stumped at first about how to translate that do 'when' there, since Ayeri uses its equivalent question word Fing sitaday 'when' only in questions but usually not as a relative pronoun. If my mind is not playing tricks at me, the sentence should have a headless relative clause in both German and English here, leaving out something like ze der zît or 'at the time', respectively. This realization brought me to remember that I could just translate it as that, which is how we get and it tadayya si here.

I translated "klagen" 'sue' as Top: tiray- 'complain, bemoan' here since I thought that this fits the general situation and action – maybe also not uninfluenced by the German word NHG klagen,

which covers both meanings, 'complain' and 'sue'. What is interesting here, though, is that the verb are: tiray- takes a direct object/patient NP as an argument, not a PP, which is why I gave the translation in the gloss as 'complain about'.

Des laugent im ...

(5) ...

...

•••

" "

•••

Da wolte her Ulrich ...

(6) Ang no da-subroyya Hasanjan tiga kaytanley yana nay ang pinyaya bahisyam siyā ming hakongyāng.

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Ang no da= subr -oy -ya Ø= Hasanjan tiga kaytan-ley yana nay AT want thus=cease-NEG-3SG.M TOP=Ulrich honorable right -p.inan 3SG.GEN and ang pinya-ya bahis-yam si -Ø -ya ming haka -ong-yāng.

AT ask -3SG.M day -DAT REL-DAT-LOC can testify-IRR-3SG.M.A.
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"The honorable Ulrich did not want to cease his right there and he asked for a day on which he could testify."

Do der tak chom ...

(7) ...

. . .

•••

"…"

...

Unde do er ...

(8) "..."

•••

Daz wart im erteilt ...

(9)

Unde da von ...

(10)

•••

Unde sint des geziuge ...

- (11) Ang bengyan eda-mandanya ayonye tiga Ledayyan, Baysikān Ikandesay, Hasanjan Pundan, Keynantendo Vehimati, Keynantendo Ikandesay, Sikontendo Baysāruan, Sikontendo na Hinyanveno baykan, Sikontendo Intamarkan, Sikontendo Piku nay keynam-ma palung.
 - a. ang beng -yan eda= mandan-ya ayon-ye tiga ...

 AT attend-3PL.M this=hearing-Loc man-Pl.Top honorable ...

"This hearing was attended by the honorable men ..."

- Ledayyan, Baysikān Ikandesay, Hasanjan Pundan, Keynantendo Vehimati, Volkwin, Sibot der Stolzhirz, Ulrich Fundan, Liupolt der Schroter, Sikontendo Baysāruan, Sikontendo na Keynantendo Ikandesay, Hinyanveno der Stolzhirz, Chunrat Liupolt Reinbot, Chunrat GEN Schoenegge baykan, Sikontendo Intamarkan, Sikontendo Piku ... master, Chunrat Notkauf, Chunrat der Bart ...
 - "Volkwin, Sibot der Stolzhirz, Ulrich Fundan, Liupolt der Schroter, Liupolt der Stolzhirz, Chunrat Reinbot, master Chunrat von Schoenegge, Chunrat Notkauf, Chunrat der Bart"
- c. nay keynam =ma palung. and people.TOP=enough other.

"and enough other people."

At this point, I wonder if I better shouldn't have calqued the names. The problem is that the names *Reinbot*, *Sibot* and *Volkwin* aren't common German names anymore. Also, I have no clue about *Fundan*. The rest of the names – especially the surnames – are transparent enough to venture a reasonable guess. For *Chunrat* and *Ulrich*, see Table I above. While *Chunrat*, *Ulrich* and *Liupolt* simply can be looked up in a dictionary,⁴ the other three names I could only guess at indirectly by looking up similar modern names.

Both *Reinbot* and *Sibot* contain the element *-bot*, which may be related to the modern name *Bodo*, which derives from os *bodo* 'master, ruler' or OHG *boto* 'messenger'. *Rein-* is probably related to the *Rein-* in similar surviving names like *Reinfried*, *Reinhard*, *Reinhold*, where it derives from GMC *ragina 'counsel, decision (of the spirits), fate'. For the *Si-* in *Sibot* I assumed a contraction from *Sige-* (cf. MHG *sige* 'victory'), and thus a relation to *Siegfried* (in other deeds often abbreviated to *Sifrit* or similar), *Si(e)gmar*, *Siegmund*, where the *Sieg-* part is from OHG *sigu* 'victory'. For *Volkwin*, I assumed a relation to NHG *Volk* 'people' (MHG 「volc¹, OHG folc 'horde, people'), and the *-win* part may well be related to the *-win* in *Erwin*, where it is from OHG *wini* 'friend'. Table 2 gives a summary of these names and their calques. A problem with two-part Germanic given names is certainly that when calquing them, they often become at least twice as long since nouns in Ayeri are very commonly disyllabic already.

Do daz geschach ...

⁴ Such as R. Kohlheim & V. Kohlheim (2013), for example, though Wiktionary said the same things in all cases.

German		Ayeri	
Bart	мнG <i>bart</i> 'beard'	กัล Piku	ກັສູ່ piku 'beard'
Liupolt	онс <i>liut</i> 'people', онс <i>bald</i> 'bold'	२३ ट्रेन्ट्री Keynantendo	ခုန် ၃၉။ keynam 'people', ရှား၌ tendo 'courageous'
Schroter	мнG ^r schrôtære ¹ 'taylor'	r zับอเลี Vehimati	r์ zับยุ <i>vehim</i> 'dress', :ลัลั <i>-ati</i> '-maker'
Notkauf	мнG ^г nôt [¬] 'hardship, trouble', мнG ^г kouf¬ 'trade, bargain'	ลุ๊เลยเวฺจิ Intamarkan	คีลว่ <i>intan</i> 'purchase', อัเวอใ <i>ว่ markan</i> 'trouble'
Reinbot	GMC *ragina 'counsel, fate'; os bodo 'master, ruler' or oHG boto 'messenger'	ลุลลุธั่ว Baysāruan	ຸລຂັບ bayhi 'ruler', Rzungʻz' saharuan 'fate, destiny'
von Schoenegge	MHG ^{「schæne} 」 'beautiful', MHG ^{「ecke} l' 'corner'	žu2z5f z Hinyanveno	zũ2zż hinyan 'corner', r' ² veno 'beautiful'
Sibot	он sigu 'victory'; os bodo 'master, ruler' or oн sboto 'messenger'	नुभारते हे Baysikān	ลุรบับ <i>bayhi</i> 'ruler', คั ะไ ล็ <i>sikatu</i> 'victorious'
Stolzhirz	мнG <i>stolz</i> 'foolish, superb', мнG <i>birz</i> 'deer'	ลังปุ่งก Ikandesay	ลือใ <i>ตฺ ikam</i> 'deer', เป๋าล <i>desay</i> 'noble, distinguished'
Volkwin	онд <i>folc</i> 'people, folk', онд <i>wini</i> 'friend'	ที่ผลูปแร่ Ledayyan	ກວປຣ ledan 'friend', ຈຸລັບ ayye 'people'

Table 2: The witnesses' names calqued into Ayeri

(12) Tadayya si da-sahareng nay ilisāra eda-tahangley, kuranreng vesangya na Pangal masahatay pericanley menang hen, kong mallan-itanya pericanena, bahisya perin marin bahisya adang.

sida= saha -reng nay ilisa -ara taday-ya eda=tahang-ley, time -LOC REL such=come-3sg.INAN and issue-3sg.INAN this writ -P.INAN, vesang-ya na= Pangal masahatay perican-ley kuran-reng menang ben, kong count-a.INAN birth -LOC GEN=God since year -P.INAN gross eight, within mallan.itan -ya perican-ena, bahis-ya perin marin bahis-ya tenty .seven-Loc year -GEN, day -Loc sun before day -Loc palm.

"At the time this happened and this writ was issued, the count since the birth of God was eight gross years, in the tenty-seventh year, on the Sunday before the Palm Day."

The dating formula seems very convoluted with its repetition of *iar* 'year', but this is the way it works in many of the *CAO*'s deeds. What is interesting, though not surprising since literality was historically clerical, is that religious feasts or name days of saints are used as reference points instead of days enumerated from 1 to 31. Ayeri itself uses a base 12 number system, so 1279 converts to 8A7.

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