

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 altdutschen 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 preferred 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, as he explains:

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 blur 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, hørent 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 and punctuation is adjusted to modern standards.

*Jnnomine domini amen!*¹ Alle die, die difen brief lefent, horent oder fehent, die fuln daz wizzzen, daz her Vlrich frovn Engeln tohterman verkaufte herm Chvnrat dem Hafener einen halben garten mit fogtaner bescheidenheit, daz der her Chvnrat der Hafener vf den felben 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 folte, wande er ez mit gedingede im alfo geben hete, daz er weder zvn noh hvf da bwen folte noh nihtef def, daz im ze schaden chomen mohte. Def laugent im der Hafener, daz er mit im alfo 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 wære. 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 gefchriben stat. Vnde do er daz erzivgte, do gert er vrteil, wande die lyte tötlich wæren vnde auh vergæzzzen, man folte im wol der stet² brief dar vber geben. Daz wart im erteilt mit gefamenter vrteil. Vnde da von, daz zwifchen in chein krieche mer gewahfen mvge vmbe die fache, dar vmbe wart geben dirre brief verfigelt mit der stet² jnfigel² ze Aufpurk, daz dar an hanget. Vnde fint def geziuge her Volkwin, her Sibot der Stolzhirz, her Vlrich Fundan, her Livpolt der Schroter, her Livpolt der Stolzhirz, her Chvnrat Reinbot, meifter Chvnrat von Schoenegge, her Chvnrat Notkauf, her Chvnrat der Bart vnde ander genvege. Do daz gefchach vnde auh dirre brief geben wart, do waf von gotef² geburte tufent² iar zwej hvndert iar in dem nivn² vnde sibenzigften iare an dem fvnnetage 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 went and wanted to fence the garden. As Mr. Ulrich became aware of this, he went to court and sued

¹ “Original *Jnnōie dñj am̃*”.

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

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

- (1) Garāneri na Nahang, āmen!

garān -eri na Nahang, āmen!

name -INS GEN Lord, amen!

“In the name of the Lord, amen!”

I really wish I had another language besides Ayeri to draw from right now, but since I don't, I decided to also translate this Latin phrase into Ayeri.

- (2) Ang mya koronyan keynam-hen si ang layayan eda-tahang nivayēri soyang tangyēri tan, sa lataya mondo mesam yam Sikontendo Biratayati tiga ang Litijan tiga si samyanang na Nivay 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*
 AT be.supposed.to know-3PL.M people =all REL AT read-3PL.M.TOP
eda=tahang-ley niva-ye -eri soyang tang-ye -eri tan, ...
 this=writ -P.INAN 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=Litijan*
 PT sell-3SG garden.TOP half DAT=Conrad Potter honorable A= Ulric
tiga si samyan -ang na= Ninavay tiga, dileng-eri, ...
 honorable REL son.in.law-A GEN=Angelica honorable, rule -INS, ...

“the honorable Ulrich, son-in-law of the honorable Engel, sold half a garden to the honorable Chunrad der Hafener, under the rule that ...”

- c. *ya mya veb -oy -ya ang=Sikontendo Biratayati tiga kong*
 LOCT be.supposed.to build-NEG-3SG.M A= Conrad Potter honorable inside
eda= mondo mesam laban-ley soyang nanga-as soyang veban -ley
 this=garden.TOP half fence-P.INAN or house-P or 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.

“Chunrad 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. Since it’s always fun looking 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 following:

	German		Ayeri
Chunrad (Conrad)	PGMC * <i>kōniz</i> ‘bold, brave’, PGMC * <i>rēdq</i> ‘counsel’	ꨀꨣꨩꨣꨩꨣꨩ <i>Sikontendo</i>	ꨀꨣꨩꨣꨩ <i>sikong</i> ‘advice’, ꨀꨣꨩꨣꨩ <i>tendo</i> ‘courageous’
Hafener (Potter)	MHG ‘ <i>havenære</i> ’ ‘potter’ (cf. MHG ‘ <i>haven</i> ’ ‘pot’) ³	ꨀꨣꨩꨣꨩ <i>Biratayati</i>	ꨀꨣꨩꨣꨩ <i>biratay</i> ‘pot’, ꨀꨣꨩꨣꨩ <i>-ati</i> ‘-maker’
Engel (Angel)	GK ἄγγελος <i>ángelos</i> ‘messenger’	ꨀꨣꨩꨣꨩ <i>Ninavay</i>	ꨀꨣꨩꨣꨩ <i>ninaya</i> ‘messenger’, ꨀꨣꨩꨣꨩ <i>-vaya</i> ‘fem. occupation’
Ulrich (Ulric)	GMC <i>odal</i> ‘heritage, prosperity’, GMC <i>ric</i> ‘power’	ꨀꨣꨩꨣꨩ <i>Litijan</i>	ꨀꨣꨩꨣꨩ <i>lito</i> ‘power’, ꨀꨣꨩꨣꨩ <i>ijan</i> ‘rich’

Another choice I made is translating the titles ‘*herre*’ ‘lord’ and ‘*vrouwe*’ ‘lady’ equally as 𑄢𑄢𑄢 *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

³ Normalized spellings follow the headwords in Lexer (1998–2015) and are indicated by ‘...’ brackets.

translation of the deed above as well for the same reason.⁴

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

Ada-reng tono, ang no veh -ya Ø Sikontendo Biratayati tiga
 that-A.INAN certain, AT want build-3SG.M TOP=Conrad Potter honorable
lahan-ley miday eda= mondo -ya pesan.
 fence-P.INAN around this=garden-LOC until.

“This was certain until the honorable Chunrat der Hafener wanted to build a fence around this garden.”

Literally, *Daz stvnt alflange* means ‘this stood so long’, which is quite idiomatic, so why I didn’t want to literally translate it. What is expressed is that the deal between Chunrat and Ulrich was well and good until Chunrat wanted to build a fence, which of course runs counter their agreement. In the same way *dar fvr* is comparable to English ‘went and’ here, which I decided to leave untranslated.

- (4) ...

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- (5) ...

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“...”

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

Ang no da= subr -oy -ya Ø= Litijan tiga kaytan-ley yana nay ang
 AT want thus=cease-NEG-3SG.M TOP=Ulric honorable right -P.INAN 3SG.GEN and AT
pinya-ya bahis-yam si -Ø -ya ming baka -ong-yāng.
 ask -3SG.M day -DAT REL-DAT-LOC can testify-IRR-3SG.M.A.

“The honorable Ulrich did not want to cease his right there and he asked for a day on which he could testify.”

⁴ The dictionary has entries for *Tayon* ‘mister’ and *Tenvan* ‘misses’, but I’ve never actually used these since I dropped the modifier *ṭay* that these are supposed to be based on again soon after adding it.

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(11) ...

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“ ... ”

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At this point, I wonder if I better shouldn't have calqued the names. The problem is that names like *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 *Chonrat* and *Ulrich*, see page 4 above.

Wilhelm, Friedrich et al. (eds.). 1932–2004. *Corpus der altdeutschen Originalurkunden bis zum Jahr 1300*. 5 vols. Lahr/Schwarzwald & Berlin: Moritz Schauenburg & Erich Schmidt.