

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. 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, horent 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!*¹ Alle die, die disen brief lesent, horent oder sehent, die fuln daz wizen, 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 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 selben 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 fmf rehtef niht vmbe vnde gerte einf tagef vmbe finen gezivk. Do der tak chom, do gie her Vlrich fvr vnde erzivgte selbe dritte, alf reht waf, daz er vf den selben 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 vergæzzen, 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 myge vmbe die sache, 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 genyge. 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

¹ “Original *Jnnōie dñj am̃*”.

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 Stolzshirz, Mr. Ulrich Fundan, Mr. Liupolt der Schroter, Mr. Liupolt der Stolzshirz, 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 Discussion

In nomine domini ...

- (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 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 ^{ᠰᠢᠨᠠᠨᠠ} *Turayi* ‘Hillandic’), however, I couldn't help also thinking about this:

- (1') Āsti-n na Pāg ko saṭ, āmen!

[*Turayi, tentatively*]

āsti -n na Pāg ko saṭ, āmen!
name-DEF DEF Lord of with, amen!

“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 is why there are postpositions in the translation above. In a

little twist on modifier-head word order, 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 Nina-vay 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=ben si ang laya-yan eda= tabang-ley*
 AT shall 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, under the condition that ...”

- c. *ya mya veb -oy -ya ang=Sikontendo Biratayati tiga kong*
 LOCT shall build-NEG-3SG.M A= Chunrat der Hafener honorable inside
eda= mondo mesam lahan-ley soyang nanga-as soyang vehan -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.

“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. However, for convenience, I split the one long sentence

	German		Ayeri
Chunrat	OHG <i>kuoni</i> ‘brave, strong’, OHG <i>rāt</i> ‘counsel’	ꨀꨩꨱꨱꨱ <i>Sikontendo</i>	ꨀꨩꨱꨱꨱ <i>sikong</i> ‘advice’, ꨀꨩꨱꨱꨱ <i>tendo</i> ‘courageous’
Engel	GK <i>ἄγγελος</i> <i>ángelos</i> ‘messenger’	ꨀꨩꨱꨱꨱ <i>Ninavay</i>	ꨀꨩꨱꨱꨱ <i>ninaya</i> ‘messenger’, ꨀꨩꨱꨱꨱ <i>-vaya</i> ‘fem. occupation’
Hafener	MHG <i>‘havenære’</i> ‘potter’ ³	ꨀꨩꨱꨱꨱ <i>Biratayati</i>	ꨀꨩꨱꨱꨱ <i>biratay</i> ‘pot’, ꨀꨩꨱꨱꨱ <i>-ati</i> ‘-maker’
Ulrich	OHG <i>uodal</i> ‘heritage, home’, OHG <i>rihhi</i> ‘noble, rich, powerful’	ꨀꨩꨱꨱꨱ <i>Hasanjan</i>	ꨀꨩꨱꨱꨱ <i>hasang</i> ‘origin’, ꨀꨩꨱꨱꨱ <i>ijan</i> ‘rich’

Table 1: The negotiating parties’ names calqued into Ayeri

into its constituent parts for glossing. The initial passage, *Alle die, die disen brief lefent, borent oder sehent* ‘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 some 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.

Another choice I made is translating the titles ‘*herre*’ ‘lord’ and ‘*vrouwe*’ ‘lady’ equally as ꨀꨩꨱ *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 ꨀꨩꨱꨱꨱ *Tayon* ‘Mr.’ and ꨀꨩꨱꨱꨱ *Tenvan* ‘Mrs.’ at the time of writing this, but I’ve never actually used these since I dropped the modifier ꨀꨩꨱ *ay* 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.”

³ Compare MHG *‘haven’* ‘pot’; normalized spellings follow the headwords in Lexer (1998–2015) and are indicated by ‘...’ brackets when referring to the text using retrofitted spellings.

Literally, *Daz stvnt alflange* means ‘this stood so long’, which is quite idiomatic, so I didn’t want to translate it literally and decided to go with ၵိၵ်ႈ ၵိၵ်ႈ *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.

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 saba -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 shall 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 the original *do* ‘when’ in (4a), since Ayeri uses its equivalent question word ၵိၵ်ႈ *sitaday* ‘when’ only in questions but usually not as a relative pronoun. And a headless relative clause is what we have here in both German and English. What

is left out is something like *ze der zît* or ‘at the time’, respectively. This realization made me remember that I could just translate it as that, which is how we get *တုၤယိာ် tadayya si* here.

I translated ‘*klagen*’ ‘sue’ as *တီၤရဲၤ 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 *တီၤရဲၤ 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 der Hafener ...

- (5) Le garica ang Biratayati adanya, narayāng, rī intoyyāng da-dileng.

le garik-ya ang= Biratayati adanya, nara-yāng, rī int -oy -yāng
 PT deny-3SG.M A= der Hafener that.TOP, say -3SG.M.A, INST buy-NEG-3SG.M.A
eda= dileng.
 such=rule.TOP

“This der Hafener denied, he said he did not buy under such a condition.”

The Ayeri sentence is fairly vanilla here. I purposefully used references to the purchase and its conditions as the topic in both cases and introduced the reportative *နာယာ် narayāng* ‘he said’ for more clarity. What is a little more interesting, though, is the second half of the MHG sentence, *daz er mit im also iht kauft hete* ‘that he had not bought with him this way’. “Buy with someone” as an idiomatic expression for ‘conclude a sale with someone’ I haven’t heard in either modern German or in English so far.

Dar uber wart erteilt ...

- (6) Maritapya tagātiang, ranya ang Biratayati, rī incāng da-dileng, nārya ang ming pukatongya Hasanjan tiga puluyley yayam.

maritap -ya tagāti-ang, ran -ya ang=Biratayati, rī int -yāng
 determine-3SG.M judge-A, contest-3SG.M A= der Hafener, INST buy-3SG.M.A
eda= dileng, nārya bata ang ming pukat-ong-ya Ø= Hasanjan tiga
 such=rule.TOP, except if AT can prove-IRR-3SG.M TOP Ulrich honorable
puluy -ley yayam.
 opposite-P.INAN 3SG.M.DAT.

“The judge determined that der Hafener contested that he had bought under such a condition, except if the honorable Ulrich could prove the opposite to him.”

Da wolte her Ulrich ...

- (7) Le no da-subroyya ang Hasanjan tiga kaytan yana nay ang da-pinyaya bahisyam siyā ming hakongyāng.

le no da= subr -oy -ya ang=Hasanjan tiga kaytan yana nay ang
 PT want thus=give.up-NEG-3SG.M A= Ulrich honorable right.TOP 3SG.GEN and AT
 da= pinya-ya bahis-yam si -Ø -yā ming haka -ong-yāng.
 thus=ask -3SG.M.TOP day -DAT REL-DAT-LOC can testify-IRR-3SG.M.A.

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

Another remark on interesting idioms here. The MHG sentence contains the phrase *wolte ... sinf rehtef niht vmbe*, literally ‘did not want of his right around’, meaning that he did not want to forfeit his rights according to the annotation in Gärtner et al. (2007).

Do der tak chom ...

- (8) ...

...

...

“ ... ”

...

Unde do er ...

- (9) ...

...

...

“ ... ”

...

Daz wart im erteilt ...

(10) ...

...

...

“ ... ”

...

Unde da von ...

(11) ...

...

...

“ ... ”

...

Unde sint des geziuge ...

(12) Nay ang bengyan eda-mandanya ayonye tiga Ledayyan, Baysikān Ikandesay, Hasanjan Pundān, Keynantendo Vehimati, Keynantendo Ikandesay, Sikontendo Baysāruan, Sikontendo na Hinyanveno baykan, Sikontendo Intamarkan, Sikontendo Piku nay keynam-ma palung.

- a. *Nay ang beng -yan eda= mandan-ya ayon-ye tiga ...*
and AT attend-3PL.M this=hearing -LOC man-PL.TOP honorable ...

“And this hearing was attended by the honorable men ...”

- b. *Ledayyan, Baysikān Ikandesay, Hasanjan Pundān, Keynantendo Vehimati,*
Volkwin, Sibot der Stolzhirz, Ulrich Fundan, Liupolt der Schroter,
Keynantendo Ikandesay, Sikontendo Baysāruan, Sikontendo na Hinyanveno
Liupolt der Stolzhirz, Chunrat 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 1 above. While *Chunrat*, *Ulrich*, *Liupolt* and *Volkwin* can simply be looked up in a dictionary,⁴ the remaining two 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 sometimes abbreviated to *Sifrit* or similar), *Si(e)gmar*, *Siegmund*, where the *Sieg-* part is from OHG *sign* ‘victory’.

Table 2 gives a summary of the names in the list of witnesses if they haven't occurred already earlier and their respective calques. A general problem with two-part Germanic given names is that when calquing them, they often become at least twice as long since nouns in Ayeri are very commonly disyllabic already.

Do daz geschach ...

- (13) 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.

taday-ya si da= saba -reng nay ilisa -ara eda=tahang-ley,
time -LOC REL such=come-3SG.INAN and issue-3SG.INAN this writ -P.INAN,
kuran-reng vesang-ya na= Pangal masahatay perican-ley menang hen, 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 adang.
twenty .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 twenty-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 literal

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

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