

from the source, in which it was only stated that he deposed his brothers in order to secure the succession to his son. That Justinian was not crowned at this time follows from the existence of coins of Constantine alone, especially of the coin of his thirtieth year mentioned above, and the complete absence of coins of Constantine and Justinian, and from the letter of Justinian to the pope, which is dated 17 February 687, in the second year of his reign.<sup>49</sup> From this last it follows that the association of Justinian, if it ever took place (as the assertion of Theophanes has been shown to be based upon a misunderstanding, there is no authority for it), was carried out not earlier than 18 February 685.

E. W. BROOKS.

### *Burgundian Notes*

#### IV. THE SUPPOSED ORIGIN OF BURGUNDIA MINOR<sup>1</sup>

It is not doubted that King Rodulf II of Burgundy obtained a considerable accession of territory at the expense of Suabia, but the date and the occasion of his aggrandizement are disputed. According to the classical historian of the medieval empire, Duke Burchard of Suabia, not long after he had defeated Rodulf at the battle of Winterthur in 919, made an alliance with him, gave him his daughter Bertha to wife, and ceded to him, probably as her dowry, a part of southern Alamannia, namely, the Aargau as far as the Reuss.<sup>2</sup> A similar statement has been made by most writers on the reign of King Henry the Saxon. It is, however, to be observed that the one authority who records the grant, Liudprand of Cremona, mentions it not in connexion with Duke Burchard and his daughter's marriage, which took place in 922,<sup>3</sup> but in connexion with King Henry and his acquisition of the Holy Lance. This relique—so Liudprand tells us—belonged to Rodulf II, and the German king ardently desired to obtain its possession. His request was refused, and it was only a threat to invade and ravage his kingdom that compelled Rodulf to give it up; whereupon Henry heaped presents upon him, and furthermore gave him no small part of the duchy of Suabia (*verum etiam Suevorum provincie parte non minima honoravit*).<sup>4</sup>

<sup>49</sup> Mansi, xi. 737, 738.

<sup>1</sup> This note was written nearly a year ago. The delay in its publication has enabled me to profit by the remarks of Dr. A. Hofmeister, *Deutschland und Burgund im früheren Mittelalter* (Leipzig, 1914). The preceding Burgundian Notes appeared ante, xxvi. 310; xxvii. 299; xxviii. 106.

<sup>2</sup> Wilhelm von Giesebrecht, *Geschichte der Deutschen Kaiserzeit*, i. (5th ed., 1881) 209 f.

<sup>3</sup> *Ann. Sangall. mai.*, in *Monum. Germ. Hist.*, Scriptores, i. 78; cf. Poupardin, *Le Royaume de Bourgogne* (1907), p. 374 f.

<sup>4</sup> *Antapodosis*, iv. 25.

The evidence of Liudprand is not exactly contemporary, it is nearly a generation later than the particular event which he relates ; but it is the only evidence that exists. According to it, there can be no question of Duke Burchard in the affair. The cession of territory was made by the German king, and could not have been made (unless in consequence of a rebellion, of which there is no trace) while Burchard was alive. His death, on 29 April 926, left his dukedom at the king's disposal, and only during the interval between that event and the appointment of Herman the Franconian as duke, or on the occasion of the latter's appointment, could Henry have granted away a part of its territory.<sup>5</sup> It is likely that the cession to Rodulf and the appointment of Herman were both settled at the same time, at the council held at Worms in November 926.<sup>6</sup> The supposition that the grant was made at the time of Rodulf's marriage, though it is commonly accepted, has no good authority. The chroniclers who inserted Liudprand's facts under what seemed to them appropriate years, chose various dates for the transaction, the most precise being 929, 935, or during Rodulf's Italian enterprise, early in 926 ; but it is not until after the middle of the twelfth century that the year becomes fixed as 922. And every one of the authorities which give this last date derives the matter of his statement from the chronicle of Otto of Freising, who in fact mentions no date at all.<sup>7</sup> It has, however, been argued that the year 922 is correct on the ground that Liudprand says that the Lance was given to Rodulf by a certain Count Samson, who may probably be identified with one of the party which invited the Burgundian king into Italy.<sup>8</sup> But this is no proof that he gave Rodulf the Lance at that time ; it does not furnish a sufficient presumption in favour of a very suspicious and badly accredited date. And the decisive argument against it is that the gift of the Lance, if (as we are assured) it was accompanied by a cession of a part of the Suabian duchy, must have taken place when the dukedom was in the German king's hands, that is, after April 926.

What was the territory which Henry gave up to the Burgundian king ? Giesebrecht, in the passage to which I have referred, says, the Aargau as far as the Reuss, and the phrase ' the land between the Aar and the Reuss ' has been repeated in substance by almost every one who has mentioned the subject. If this be correct, the cession is of great interest to students of later Swiss history ;

<sup>5</sup> Since this was written I have found that the same conclusion is arrived at by Dr. Hofmeister, in his essay on *Die heilige Lanze*, pp. 9-17, in Gierke's *Untersuchungen*, xcvi (1908).

<sup>6</sup> This is Dr. Hofmeister's suggestion, *ibid.* p. 16.

<sup>7</sup> This is very clearly made out by Dr. Hofmeister, *ibid.* pp. 10-13.

<sup>8</sup> Poupardin, pp. 375-81.

for it includes part of the canton of Uri, the whole of Unterwalden, the greater part of the territory which once made up the cantons of Bern and Lucerne, and most of the Aargau. But the evidence for this precise delimitation is extremely unsatisfactory. M. Poupardin traces the definition of the territory to Loÿs de Bochat, and cites also Jahn, Waitz, and Longnon. Bochat, however, must be excluded: he speaks only of *une partie du Duché de Souabie; le Roi de Germanie, voulant diminuer la puissance de cette Branche des Welfes* [the duke of Suabia], *donna au Roi de Bourgogne une bonne partie de la Succession*.<sup>9</sup> Down to nearly the middle of the nineteenth century historians were contented with the general statement of Liudprand. But in 1841 Christoph Friedrich von Stälin expressed the opinion, without citing any evidence for it, that the lands granted to King Rodulf consisted of the territory between the Aar and the Reuss; and it was he also who first connected the grant with Rodulf's marriage.<sup>10</sup> The same statement of boundaries was made twenty years later by François Forel, but he assigned no precise date to the cession: he merely suggested that 'probably during the reign of Rodulf II the kingdom extended into the region situated between the Aar and the Reuss'.<sup>11</sup> In course of time the authority of Stälin on the point appears to have become almost unquestioned: it is appealed to by Albert Jahn and Georg Waitz, to mention no other writers. Jahn says that the newly-acquired territory bore the name of Little Burgundy,<sup>12</sup> and in another place speaks of the extension after the time of Rodulf I as reaching to the Rhine, the Reuss, and beyond into eastern Switzerland.<sup>13</sup> Waitz thinks that it was probably in connexion with the agreement between Rodulf II and Duke Burchard that a part of Suabia 'nearly as far as the Reuss was handed over to Burgundy'.<sup>14</sup> Auguste Longnon in,

\* *Mémoires critiques sur l'Histoire ancienne de la Suisse* (Lausanne, 1747), ii. 234. Bochat's reference to Gabriel Bucelinus, *Rhaetia sacra et profana* (Augsburg, 1666), p. 192, shows that older writers saw clearly, what modern historians have failed to see, that the act was that of the German king and that Duke Burchard was not concerned in it. Bucelinus, however, gives too late a date, 929. He speaks of the grant of *magnam partem Alemanniae* without defining further.

<sup>10</sup> 'Wahrscheinlich um die Zeit seiner Vermählung erhielt Rudolf, wohl nicht ohne Mitwirkung seines Schwiegervaters, den westlichen Theil des schweizerischen Alemannien (den Aargau bis zur Reuss), angeblich als Gegengeschenk für die . . . heilige Lanze': *Württembergische Geschichte*, i. 430 (Stuttgart, 1841), not to be confounded with the smaller *Geschichte Württembergs* by the writer's son, P. F. Stälin (1882-7).

<sup>11</sup> This statement occurs in the introduction to Forel's *Regeste soit Répertoire chronologique* (*Mémoires et Documents publiés par la Société d'Histoire de la Suisse Romande*, xix, Lausanne, 1862), p. liv. In the *Répertoire* itself, p. 37, no reference is given to Liudprand, and the statement cited appears to be taken from some modern writer at second hand.

<sup>12</sup> *Geschichte der Burgundionen* (Halle, 1874), ii. 393.

<sup>13</sup> p. 483.

<sup>14</sup> *Heinrich I* (3rd ed., Leipzig, 1885), p. 66.

like manner, says that Rodulf, about 926, extended his kingdom to the Reuss, thus adding to it the whole of the Aargau.<sup>15</sup>

The only exceptions that I have noticed to the general adoption of Christoph von Stälin's opinion are furnished by Georg von Wyss and J. Ludwig Wurstemberger, both writers of the middle of the last century, and recently by M. Poupardin and Dr. Hofmeister. Wyss, than whom no man was better acquainted with the local history of northern Switzerland, maintained that the cession could not have extended beyond the Upper Aargau.<sup>16</sup> He seems to have based his opinion chiefly on the fact that the duke of Suabia, in 924, exercised jurisdiction over Boswil near Muri; <sup>17</sup> but if the grant took place, as I have argued, two years later, this would, of course, be irrelevant.<sup>18</sup> From the evidence of 924, and from that of charters belonging to the latter part of the tenth century, he arrived at the conclusion that the district ceded to Burgundy was bounded on the west by the Aare from its source down to Aarwangen, and on the east by a line drawn in a southerly direction from Aarwangen to Huttwil, not far from the north-east border of the present canton of Bern, but considerably westward of the Reuss. This, he held, represented the permanent acquisition of Burgundy in the tenth century: it became civilly the Landgraviate of Burgundy, ecclesiastically the archdeaconry of Burgundy in the diocese of Constance.<sup>19</sup> But these delimitations cannot safely be affirmed until long after the date at present under consideration. Wurstemberger more cautiously maintained that the extent of the territory ceded, if any territory actually was ceded, was quite uncertain, and that there was no documentary evidence to show that the Aargau was possessed by Burgundy earlier than the time of Rodulf III.<sup>20</sup> Possibly, I would add, the land acquired by Rodulf II in 926 may have served to bridge over some Suabian lands between Burgundy and the city of Basle; but the matter is not free from difficulty. There is evidence that Basle was not Burgundian in 912, for in that year *Ruodolfus rex Burgundiae ad civitatem Basileam et inde ad propria*.<sup>21</sup> The death of Lewis the Child may have furnished

<sup>15</sup> *Atlas hist. de la France, Texte*, p. 83 (1888). So too P. F. Stälin, *Geschichte Württembergs*, i. (1882) 224.

<sup>16</sup> *Mittheilungen der Antiquarischen Gesellschaft in Zürich*, viii (1851-8), n. 72 (p. 14 f. of the Notes). <sup>17</sup> *Ibid.*, Beilage 24.

<sup>18</sup> I have omitted any reference to the record of a charter which makes Ludretikon in Thalwil, near the lake of Zürich, Burgundian in 914 or 915 (*ibid.*, Beilage 23), because its date is extremely doubtful: cf. Hofmeister, *Deutschland und Burgund*, p. 37, n. 3. In any case Ludretikon does not lie, as M. Poupardin seems to suppose (pp. 30, 33 n. 3), between the Aar and the Reuss. <sup>19</sup> *Mittheilungen*, Notes, p. 15.

<sup>20</sup> *Geschichte der alten Landschaft Bern*, ii. (Bern, 1862) 39 f. He clearly points out that the date must be subsequent to Burchard's death, in 926.

<sup>21</sup> *Annales Alamannici* (Monza and Verona texts), in *Monum. Germ. Hist.*, *Scriptores*, i. 53, col. 2.

the opportunity, of which Rodulf I availed himself, to extend his territories.<sup>22</sup> In 1006 the city was annexed to Germany by Henry II: *Heinricus rex in regnum Burgundionum veniens Basileam civitatem suo regno adscivit.*<sup>23</sup> I do not think we can say that it is certain<sup>24</sup> that Basle formed part of the territory ceded to Rodulf II. All that can be affirmed is that this occasion is the most probable that can be suggested between 912 and 1006.

The most recent writers, as I have said, are content to leave the question as to the extent of land ceded to Rodulf II undecided, and this is really the point to which the present paper is directed. My purpose has been to try to fix the date of the cession and to show that the current statement of its extent is not traceable beyond the middle of the nineteenth century and is founded on no early authority.

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#### ADDENDUM TO NOTE III

When I ventured to suggest<sup>25</sup> that the treaty recorded by Liudprand to have been made about 933 between Rodulf II of Burgundy and Hugh of Italy had a more limited scope than has been commonly attributed to it, I feared that my criticism might be open to censure as over-rash. I have since learned that I erred on the side of moderation. It appears that so long ago as 1842 Koepke maintained, in a Latin dissertation which I have not seen, that the supposed treaty never existed at all and that Liudprand simply misunderstood what he heard of the treaty of 928 between Hugh and Rodulf of France. Since I wrote, this view has been urged independently by two highly competent writers, Dr. A. Hofmeister<sup>26</sup> and Signor L. Schiaparelli.<sup>27</sup> Dr. Hofmeister points out with truth that Liudprand in his third book was writing about facts which he knew only by report, and that his forty-eighth chapter contains a series of miscellaneous notices which must not be taken as necessarily following in chronological sequence the events of 932 mentioned just before. But granting this, I cannot but think that the resemblance between the circumstances related by Flodoard and by Liudprand concerning the negotiations is slight and the difference considerable. According to Flodoard, Herbert of Vermandois went in the summer of 928 with Rodulf of France into the duchy of Burgundy. He then had a meeting with Hugh, who granted him the province of Vienne. Liudprand's account is that when the Italians sent to invite Rodulf of Burgundy into their country, Hugh dispatched

<sup>22</sup> So Hofmeister, *Die heilige Lanze*, p. 15.

<sup>23</sup> *Ann. Einsidenses*, in *Monum. Germ. Hist.*, *Scriptores*, iii. 144.

<sup>24</sup> As Dr. Hofmeister says, *loc. cit.*, n. 8.

<sup>25</sup> *Ante*, xxviii. 106-12, 1913.

<sup>26</sup> *Deutschland und Burgund* (1914), pp. 46 ff., 63. I have to thank Dr. Hofmeister for correcting two dates which I inadvertently took from private charters: Carona, June 926 (*ubi supra*, p. 107), and Pavia, 1 May 928 (p. 110). These prove nothing as to the royal itineraries.

<sup>27</sup> *I Diplomi di Ugo e di Lotario*, in the *Bullettino dell' Istituto Storico Italiano*, xxxiv. (1914) 30 f.; to which I owe the reference to Koepke.