THE ALAMANNIC AND BAVARIAN CODES
TRANSLATION AND INTRODUCTION

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INTRODUCTION
Chapter I

Tacitus in his historical treatment of the regions of Western Germany preserves the names of the older Germanic tribes who settled there. Among these appear the Tencteri, the Cherusci, and the Chattis. These tribal names have an unfamiliar sound to the average reader since most histories place emphasis upon the later barbarian groups which made a greater imprint upon Germanic history. These later groups include six loose unions, the Alamanni, the Franks, the Bavarians, the Saxons, the Thuringians, and the Frisians, all of which bring to mind familiar associations.  

"The reason for this change is that from the end of the second century Western Germany had been reformed by a process of federation and blending of groups of smaller people into large unities." The information regarding this centripetal movement is deficient, but it is likely to have occurred to meet a need for mutual aid. "The fact seems proved by a text of Ammianus Marcellinus who in speaking of the Alamanni refers to a pactum vicis-situdinis reddendae." The usage of this expression is significant, for first of all it implies that there were various peoples involved, and secondly that these people joined together for the purpose of rendering mutual aid, this purpose being stated by a definite pact or contract.
The various Germanic tribes are similar in the general lines of their development, so it can be assumed that the changes being wrought among all of them resulted from approximately the same causes as those occurring among the Alamanni. Throughout the barbarian world older tribal groups were disappearing and their place was being taken by a fewer number of divisions, which implies a blending and reformation of tribal units. Thus the Alamanni were a composite nation formed from the Suevian tribes and others along the Upper Rhine. On the Lower Rhine the nation of the Franks appears, and between the Weser and Elbe Rivers the Saxons settled. The Frisians are found between the Saxons and the Franks, and south of the Saxons were the Thuringians, mainly the ancient Hermunduri. Separated from the Alamanni by the Lech River were the Bavarians who came from Bohemia. Thus we are faced by an entirely new Germanic organization from the end of the second century.

In 178 the Semnones, a people who dwelt between the Elbe and Oder Rivers, were driven from their original settlement by the Goths and through pressure exerted by the Slavs. "Pushed hither and thither, they zigzagged toward the Rhine, picking up contingents of other Germanic tribes, notably the Hermunduri and fragments of the Mar-
comanni and Quadi. They called themselves 'Alle Mann' (all men), and thus was formed the confederation of the Alamanni. The original Teutonic word from which the name was derived was Alamannez, which literally means all men, hence implies an aggregate of peoples. The French even to this day call the Germans allemands. The confederation grew in power and strength, and by the time it reached the Rhineland in the early third century was capable of causing much disturbance to the Roman world. Together with the Franks, the Alamanni dominate the history of the Rhineland from the third century onward. The actual extent of the Alamannic settlement was the left bank of the Rhine from Worms to Basel, and at one time their control was advanced up to Langres, Besancon, and Mandeure; and subsequently even Rhaetia fell into their power. They disappear from consideration in a comparatively short time as a result of the increasing strength and dominance of the Frankish nation.

East of the Alamanni were remnants of the peoples who had fought against Marcus Aurelius, the Marcomanni and Quadi, out of whom as a nucleus the great nation of the Bavarians was to grow. When these people appeared in the regions of the River Inn and the Upper Danube, they were designated by the inhabitants of the region as
Bojuvari or Bojovores, "people from the land of Boii," in fact, Bohemians. The land in turn was called Bojovaria or Bavaria, these names being derived from the Celtic Bohemians. The Alamanni were separated from the Bavarians only by the Lech River, and both alike came to an end as independent powers with the increase in Frankish influence.

The historical development of the Alamanni can be divided into two distinct parts. The first phase is that which involves contacts with the Roman world, and the second contacts with the rising Frankish power. The history of the Bavarians is closely related to this second phase of Alamannic history. In 214 the Alamanni first had rather definite trouble with Rome, for they attempted to invade the Decuman Fields, the triangle of land formed by the junction of the Rhine and Danube Rivers. Here was Rome's basic frontier defense, and consequently the invasion of this territory brought on stern resistance. Caracalla, the Roman Emperor, was successful in driving the Alamanni back into Southwest Germany, and it is there that the Suevi most likely became incorporated with them. However, the trouble was only beginning, for the Alamanni were to prove themselves stubborn foes. In 235 they invaded the Decuman Fields anew, and Severus Alexander left
his command in Persia to take over the Rhine activities, but was unfortunately murdered by his soldiers. The soldiers advanced Maximinus Thrax as emperor and he was successful in subduing the Alamanni, thus restoring Rome’s frontier security for a period of about twenty years. In the year 259, however, the Alamanni expanded down the Neckar River, penetrated the Black Forest, took Aqua Aureliensis, reached the sources of the Danube, and threatened Vindilicia. They were attacked by Posthumus, one of the Emperor Valerian’s generals, and their ingress to Gaul was blocked. They crossed the Alps and were subdued by Emperor Claudius II on Lake Garla. The Alamanni had a perfect opportunity at this time to overthrow Rome completely. In 270, the first year of Aurelian’s reign, they entered the Po Valley and were victorious in a battle at Placentia, but instead of carrying on to Rome, their forces scattered for pillage, one band penetrating Umbria and being defeated at Metaurus. The Emperor finally destroyed the remainder of the host, and forced them back across the Alps. The seriousness of these events can be clearly perceived, since Aurelian erected a wall around Rome as a result of them. Vindilicia and Noricum were saved from the foe completely, but from this time forward some of the barbarians resided in the Decuman Fields.
What little success Rome encountered in these clashes was temporary, and it remained for Diocletian to make a real improvement in frontier conditions.

The reign of Diocletian was marked by two victories over the Alamanni in 298 and 299. After these repulses the Rhine River was made more secure by a series of forts and defensive works. Maximian was able to maintain this policy in the West by settling numerous prisoners in the wasted districts of Northeast Gaul as a defensive measure. It was in this extremely hopeful condition that the Western provinces came into the hands of Constantine when he was called from the army in 306 to take over the reins of the government. There were still, however, two major obstacles in his way as far as frontier defense was concerned, the Franks and the Alamanni. It was necessary for him to fight the former inside the Rhine, and the latter beyond it. His attempts in both cases were highly successful. "The war, however, was merciless, for even heathen feeling was shocked when he gave barbarian kings to the beasts along with their followers by thousands at a time." Such an action as this is convincing evidence of the fact that Rome cannot be considered as a civilizing influence upon the Germanic hordes. The reign of Constantius was filled with equally disagreeable practices. Mag-
nentius, a Frank by birth, had set himself up as Emperor of the Eastern Roman Empire; and had withdrawn the armies of the West to meet Constantius, thus leaving the way clear for horde after horde of barbarians to sweep across the Rhine. In Southern Germany the Alamanni under Chnodomar had defeated the Romans and ravaged the heart of Gaul. "The rumor ran that Constantius had even freed the Alamanni from their oaths and had given them a bribe to induce them to invade Roman territory, allowing them to take for their own any land their swords could win."19 This was probably only a fabrication of the Caesar Julian, who was an arch-enemy of Constantius, but it was true that the enemy had moved across the Rhine. Constantius attacked them in two campaigns in the spring of 354 directed against the kings Gundomad and Vadomar, and in a further campaign in the summer of 355 against the branch of the Alamanni known as the Lentienses.20 These battles resulted in little success for the Romans, and it was only after Julian took over the command that conditions began to improve.

The whole year of 356 was spent in driving the Alamanni back toward the Rhine, Julian being victorious over Chnodomar and the other kings at Argentoratum (Strassburg). Two further victories were accredited to him in the years 359 and 361, but the Alamanni were by no means completely
subdued. Julian was forced to leave the scenes of his activity against the barbarians to take up his feud with Constantius. No sooner had he done so than the Alamanni crossed the Rhine again, and a few years later came into conflict with the Emperor Valentinian. In 364 when the Emperor was at Milan the Alamanni had sent ambassadors to him to receive tribute, and they became indignant over the treatment they received. Bearing this grudge the Alamanni burst across the frontier in 365. Valentinian had received news of the tyranny of Procopius against his brother Valens, the Eastern Emperor. He did not focus his attention on the East, however, and is reported to have said, "Procopius is but my brother's enemy and my own, the Alamanni are the foes of the Roman world." Consequently the general Jovinus was sent against the Alamanni in three successive campaigns, and was victorious in each. One band of the barbarians was surprised and defeated at Scarponna (Charpeigne), and another was massacred on the Moselle. "In negligent security the Alamanni on the river bank were drinking, washing and dyeing their hair red, when from the fringe of the forest the Roman légionnaires poured down upon them." The third Roman victory occurred at Mar Chalons-sur-Marne, and resulted in a great loss of life among the enemy compared to negligible Roman losses.
Still the foe was not completely conquered and in 368 the Alaman Prince Rondo surprised and sacked the town of Mainz while the Christian inhabitants were holding a religious festival. To revenge this action the Romans encountered the barbarians at Solicinium, near Rottenburg on the East bank of the Neckar River, and succeeded in defeating them. Valentinian sought to place fortresses even in the enemy territory, an action regarded by the Alamanni as a breach of treaty rights. They responded to Valentinian's action with a serious defeat of the Romans at Muns Piril (Heidelberg). The Romans retaliated by negotiating with the Burgundians for a joint attack against their common enemy, the latter having quarreled with the Alamanni over salt springs on the border. Valentinian was afraid to accept or refuse this alliance with the extremely dangerous Burgundians. The latter disliked delay and so withdrew, since the Alamanni threatened to oppose their homeward march. In the meantime Count Theodosius swept down on the distracted Alamanni from Rhaetia, and after successful campaigns settled his captives as farmers in the Po Valley.

Macrian was the Alamannic king at this time, and was the heart and soul of his people's resistance to Rome, so Valentinian and Theodosius turned their attention to him. The Roman troops ravaged widely along the way, and so betrayed
their advance, and as a result the expedition was abandoned. In 373 Valentinian left Gaul for Milan, but returned the following year to raid the Alamanni at Robur near Basel. During the next winter Valentinian and Macrian concluded an enduring peace.

Gratian, the eldest son of Valentinian, succeeded his illustrious father in the West. He soon renewed the exploits against the barbarians, crushing the Alamanni at Argentaria, and thus retaking the line of the Rhine for Rome. This line was held until 406-407. Renewed trouble with the Alamanni continued at intervals until the Roman Empire came to an end. After this a new type of struggle ensued, that of barbarian against barbarian. This struggle resulted from the increase in Frankish power, and both the Alamanni and Bavarians have a definite part in it. The Franks emerged victorious in both cases.

Contacts between the Alamanni and the Franks were established by 496. During this year the Alamanni on the Upper Rhine marched on the Ripuarian Franks whose king Sigebert was crippled for life at Tolbiacum (Zulpich). Clovis, the king of the Salian Franks was called to the aid of his kinsmen, and it was due to his help that a victory over the Alamanni was achieved in a battle fought in the vicinity of Strassburg. It was after this event that
Clovis and his followers were converted to Christianity, thus fulfilling a promise Clovis had made to his queen prior to the engagement. After their defeat at Strasbourg the Alamanni moved southward into Baden, Wurttemburg, and East Switzerland, and Clovis decided to pursue and extirpate them. At this time Theodoric, king of the Ostrogoths, wrote to his Frankish brother-in-law and advised, "Hear the counsel of one who has experience in such matters. Those wars of mine have been successful the ending of which has been guided by moderation." Apparently Clovis took this advice lightly, for he continued his conquest of the Alamanni. Some were made Frankish vassals, while an obstinate remnant retired over the Rhine and took refuge in Rhaetia under the protection of Theodoric. "Theodoric desired to exercise a kind of hegemony over the barbarian kings and with that view to maintain the balance of power among them." Thus the Alamanni who went under his protection formed a sort of buffer state between the Ostrogoths and Franks. After the Rhine Valley was cleared of the Alamanni, the Ripuarian Franks settled there and converted the territory into a Frankish county under the name of East Francia or Franconia. "This Alamannic war was an important event in history, in that it marked the beginning of the reaction of the West against the East which
was continued after Clovis's time, and put an end to the wholesale migration of the German tribes. 36 

Probably between 541 and 545 Theudebert, the East Frankish King, and the grandson of Clovis, occupied himself with the conquest of land between the Danube and the Noric Alps. 37 The German tribes in ancient Noricum, remnants of the Rugians, Scyrri, Turcilingi, and Herules formerly subject to Theodoric, had lately formed themselves into a federation under the name of Bavarians, and had chosen Duke Garibald as prince. By the end of Theudebert's reign this federation was made tributary to the Franks, and the Alamanni had been brought under Frankish control to a greater degree than ever before. Theudebald, the son of Theudebert, had plans of invading Italy and conquering it for the Franks, but he had hardly the heart to do so. Consequently he gave permission to two Alamannic brothers, tribal chieftains under his suzerainty, to risk the passage of the Alps on their own account with an army of seventy-five thousand men. The idea was that if the brothers proved victorious, Italy would be claimed by the Franks, but if the expedition proved unsuccessful Theudebald was going to refuse any responsibility. The chieftains found that Italy would be easy to conquer but offered little booty, for the land was so laid waste that
it could not even provide sustenance for an army. Consequently Theudebald allowed the plans for conquering Italy to remain unfulfilled. The deplorable conditions in Italy at this time were due primarily to the attacks of the generals of Justinian, Belisarius and Narses, who were spreading the control of the Eastern Empire westward. Narses came into conflict with the remainder of the Goths, and the Franco-Alamannic army. The Byzantine troops were forced to retreat from Faenza, leaving the road to Tuscany open to the Franks. The Goths went over to the Byzantine side, and soon the troopers of Narses attacked and routed the thousands of Franco-Alamans near Ravenna. Later in 554 Narses fought this host again and destroyed them. "So that devastating horde having passed like a meteor, Narses marched back to Rome loaded with spoil." He settled down to such a peace as a ruined land can enjoy.

The Frankish kings of this period were becoming less and less powerful with the increase in importance of the mayors of the palace. Charles Martel, the son of Pepin of Heristal, became the sole major domus of the Franks. Charles completed the subjugation of the barbarian tribes of Germany by abolishing the duchy of Alamannia, intervening in the affairs of the Bavarians, and making expeditions into Saxony. Charles marched eastward into
Swabia (Alamannia) and compelled its warriors to accompany him to the field to advance against the Bavarians. His efforts proved successful at the end of three campaigns. The allegiance of the Bavarians was still insecure, but at least something had been done to enforce the long-forgotten suzerainty of the Franks. Alarmed by the subjugation of Bavaria, the Swabian duke Landfrid rebelled, but Charles slew him in battle and refused to appoint any duke in his stead that Swabia might more easily amalgamate with the neighboring districts when it had lost the prince whose title symbolized its separate unity.

Carloman and Pepin, the sons of Martel, took from the Alamans the last vestiges of their independence, and forced Duke Odilo of Bavaria to give up a portion of his territories. Duke Odilo was married to a sister of Pepin's, but nevertheless formed a combination with Aquitania, Swabia, and even the Saxons and far-off Slavonic enemies to resist the Franks. A campaign in the marshes of the River Lech decided the war and brought Bavaria again under the control of the Franks, although Odilo seems to have been reinstated. When Charlemagne became the sole ruler of the Franks,
the East German question was still very serious. Of all the German duchies dating back to Merovingian times Bavaria was the best rooted. It had a dynasty, the sons of Agilulf, which was of some pretensions. Pepin had previously carried war to Bavaria, and Duke Tassilo when he had been defeated laid his hands in those of the Frankish king, thus swearing to be his man. Bavaria was like a wedge between Saxony and Italy, and it was necessary to hold Bavaria in order to control the non-German tribes of the lower Danube. Charlemagne was anxious to gain this control, and sanctioned by the Pope sent word to Tassilo that he would be required to renew his oath of vassalage. Tassilo consented without opposition and came to the Frankish assembly at Worms, took his oath, and gave hostages as security. Trouble soon broke out again, for Bavarian national feeling was strong. Further, the wife of Tassilo was the daughter of the Lombard king Desiderius, and the sister of Charlemagne's rejected wife. There is still another reason for Tassilo's revolt: it was being urged by the Bavarian clergy, which was Irish in origin and had been on friendly terms with the Agilolfinger dukes. Tassilo responded to all of these pleas by openly disregarding the treaty he had made with the Franks and by making the following state-
ment: "If I had ten sons, I would rather lose them all than let the treaty stand as it is. I would rather die than live thus." Charlemagne did not delay in retalia-
ing. He sent his son, Pepin, with an army from Italy, ordered a contingent of Saxon and East Frankish troops to approach from the North, and himself advanced with a third army from the Rhine. Tassilo saw immediately that opposition would be foolhardy, so he proceeded to sue for peace. Charlemagne agreed to remove the armies if the duke would renew his vassalage and turn his duchy over to the Franks. Tassilo did this by offering the king a staff upon which the figure of a man was carved, and receiving the staff back again as a gift from the hand of Charlemagne. This act implied the end of independent sovereignty in Bavaria. Tassilo returned to his country but in less than a year was summoned before the king again for violation of allegiance. An old charge involving the desertion of a Frankish king in the midst of battle was reopened, and the Duke was found guilty of the crime of herisliiz or desertion, the most disgraceful known to ancient law. The penalty was death, but Charlemagne intervened, so Tassilo’s head was shorn, and he was sent to a monastery. The same penalty was inflicted upon his wife and son that the house of Agilolfingi might be made harmless for the future. The Bavarian government passed
into the hands of the Frankish counts and the country was formally declared a part of the Frankish kingdom. In 794 Tassilo was heard from again, but only in confirming the grant of Bavaria to the Franks before the assembly at Frankfort. The fall of Tassilo constituted a sacrifice to the policy of the Frankish kings, for he was the last representative of the internal ducal authority. Just as Charles Martel had caused the breakdown of the independent nation of the Alamanni, so another great Frank, Charlemagne, accomplishes the subjugation of the Bavarians. The Franks were victorious and ultimately laid the foundations for the national states of France and Germany.
FOOTNOTES (CHAPTER I)


4. Ibid: Pactum vicissitudinis reddendae means a pact to execute an interchange, or to perform or create an alternation.

5. Ibid.


13. Ibid.

14. Ibid.

15. Ibid., I, 16.


17. Ibid.


22. Ibid.
23. Ibid.
24. Ibid., I, 224-225.
25. Ibid.
26. Ibid.
27. Ibid.
28. Ibid., I, 229.
29. Lot, op. cit., p. 194.
31. Thompson, op. cit., I, 108; "The common statement that this engagement was the battle of Tolbiacum or Zulpich is a serious error. Zulpich is located near Bonn on the Rhine and that battle was fought with the Alamanni who had invaded the territory of the Ripuarian Franks to whose relief the Salian Franks came."
32. Emerton, op. cit., p. 68.
37. Oman, op. cit., p. 118.
39. Ibid., II, 265-266.
40. Pfister, C.M.H., II, 129.
41. Oman, op. cit., p. 290.
42. Emerton, op. cit., p. 159.
43. Fletcher, op. cit., I, 249-250.
45. Ibid.
46. Thompson, op. cit., I, 246.
47. Emerton, op. cit., p. 207.
48. Ibid.
Note on the Historical Setting for the Alamannic and Bavarian Codes of Law

Two texts of the laws of the Alamanni have been handed down to us. The earlier text, of which five fragments still remain, was called the Pactus Alamannorum, and the later the Lex Alamannorum. The Pactus does not represent a work of private authorship, but was probably drawn up by an official commission of the Frankish king. This belief seems logical due to the persistent recurrence in the Pactus of the expression et sic convenit. Also throughout the whole work there is a trend toward expressions derived from the Salian Franks which did not gain entrance into the later Lex. It can be assumed from these facts that the Pactus dates from a time when Frankish influence was strong, and before the Alamanni began to be joined by internal ties with the Frankish Empire through the rising stem duchy. There is another characteristic of language which aids in the dating of the Pactus. The German words which it contains belong to a period of transition from the Old German tongue (Altgermanischen) to Old High German (Althochdeutschen), which occurred toward the beginning of the seventh century. Thus the date of the Pactus can accurately be set in the first half of the seventh century, probably during the reign of the Frank-
ish king, Dagobert I.

The dating of the later *Lex Alamannorum* can be achieved by a consideration of the prologues which precede the manuscripts of the law. There seems no reason to doubt the Saint Gall manuscript which states that the law had its origin in an agreement between the great Alamannic lords and Duke Landfrid who ruled the duchy from 709 to 730. This duke Landfrid was the son of the Alamannic duke Godofried, and was slain in battle with Charles Martel. After his death the Frankish imperial authority no longer recognized a Swabian duchy. The greatest number of the manuscripts of the *Lex* omit Landfrid's name from the prologue, replacing it with that of King Clothar. They indicate that the *Lex* was promulgated during the reign of the Frankish king Clothar, in the presence of a great number of bishops, dukes, and counts. This determination of chronology can be brought into harmony with the *Lex* only if one ascribes it to the Frankish King Clothar I who ruled from 717 to 719, and was the only king of the period by that name contemporary with Duke Landfrid. Thus the dating of the *Lex* can be narrowed down to the period of Clothar's reign.

Internal evidence of the *Lex* indicates that ducal power was extremely strong at the time of the compilation.
The section of the law dealing with the selling of slaves outside of the province (L. Alam. XXXVII) is by the very nature of its subject matter a ducal statute. Further the law involving illegal judgments (L. Alam. XLI 3) expressly proclaims itself as arising from a ducal authority by the use of the words qui sic convenit ducl et omni populo in publico concilio. Everywhere the duke appears in the law as the decisive political power of the stem duchy. On the other hand the sovereign power of the Frankish king is acknowledged over the Alamannic duke. This sovereignty was only theoretical, for the real Frankish power resided in the hands of the mayor of the palace. The use of Clothar's name in a time when Charles Martel was in his prime is slightly paradoxical. Because of the weakness of the Frankish kings and the strength of the Alamannic dukes, the prologue mentioning the name of Landfrid seems preferable, but due to the occurrence of Clothar's name in some manuscripts, we must assume that the Lex was promulgated when he was king of Austrasia, although his title meant little in comparison to the power of Charles Martel.

In spite of its utilization of older sources, we can perceive the Bavarian Law as the result of a single enactment. There is no evidence that the first two titles in the form handed down to us may be considered later than
the rest of the law, a theory held by some. The Bavarian Law presupposes episcopal organization which was introduced in the Bavarian Church by Boniface in 739. The country was divided by Boniface into several bishoprics, and frequent references to the bishops (in the plural) are found in the *Lex Baiuvariorum*.

Under the jurisdiction of the Bavarian Duke Tassilo III, the law appears already to be a finished legal compilation. A source of 772 speaks of it as: "Baiuvariorum lex atque pactus." It is referred to in the same manner by decisions and decretals of synods in the years 756, 770, and 772. In the decisions of the Synod of Aschheim of 756 it is designated to Duke Tassilo by the Bavarian bishops as "precessorum vestrorum depicta." It must consequently be regarded as originating under the predecessors of Tassilo before 749. This fact fixes the date between 739 and 749.

There is evidence that the *Lex Alamannorum* has been employed in the redaction of the *Lex Baiuvariorum*, and this fact would prove that the latter was compiled after 719. Further internal evidence makes the date later, for the solidus is referred to as being valued in gold rather than silver, as it was in the Alamannic text. Internal evidence also proves that the *Lex* must have been compiled in a period of strict Frankish sovereignty. If Bavaria had enjoyed an independence comparable to that of Swabia
under Duke Landfrid, then surely places in the royal law would have been rewritten at a later date including the duke's name, just as the redaction of the Alamannic law includes constant reference to the power of the duke.

As the law was written, it provides for a Frankish king over Bavaria, a circumstance excluded in the years 739-743, for Duke Odilo rebelled against the sons of Charles Martel in 739. The former state of the duchy was not restored until 743 or 744, when Odilo was allowed to continue his rule but under strong Frankish control. The law proves by its very nature that it was written during a period of strong Frankish power, and its reference to the bishops dates it later than Bavarian episcopal organization which occurred in 739. The law cannot be later than the beginning of the reign of Duke Tassilo III, for the Council of Ascheim declared that it was set forth by his predecessors. The only years between the establishment of the bishoprics and the reign of Tassilo in which Frankish sovereignty was uppermost were the years between 744 and 749, so the compilation must have been completed during this time.
FOOTNOTE TO NOTE ON HISTORICAL SETTING FOR THE CODES

1. The material in the dating of the codes was derived from three sources:


The two latter sources are German works, and assistance was procured in translating the sections on the Alamannic and Bavarian Codes.
"Thou shalt be king, if thou doest rightly; if not, thou shalt not be king"—in this way Isidore of Seville describes the institution of kingship as it existed in the early Middle Ages.¹ This statement is highly significant, for in its scope can be found a complete summary of the Germanic theory of law and justice. This theory had no comprehension whatsoever of the Roman idea of absolutism including a ruler "free of the law to make the law," but placed definite limitations upon the arbitrary actions of the ruler.² Thus it is mainly from the tradition of Teutonic law and custom that the constitutional state of the modern era evolved.

Germanic justice was democratic even in its earliest period of development when the Teutonic peoples remained in their primitive locations in the North and East. The substance of the law was identical with the oral traditions of the particular tribe.³ The chief or earl rendered patriarchal justice among the members of his own family or clansmen, but the justice of the whole group and the settlements of disputes between clans remained in the hands of the people in their assembly, the Al-ting.⁴ Complete sovereignty, then, was not an attribute of the ruler, for
the people had a definite share in legal procedure. This procedure rested in tradition and was interpreted to the people in the assembly by law-speakers who presumably held in their memory all of the tribe's ancient customs. Thus custom is the earliest known stage of the law; it was neither enacted nor declared, but it established itself as the result of experience. The customary law of the tribe could be traced back to a divine lawgiver and ultimately to God. It was gradually divulged to men as they gained in experience, and as revealed was held in the memory of the law-speakers. Sovereignty resided in the law which was binding on the ruler and people alike, but which was made by neither, since it was prior and superior to both.

The period of the barbarian migrations witnessed superficial changes in the Germanic conception of law, but fundamentally it remained the same. The idea of personality of law developed, and the ancient customs and usages of the tribe were put into writing. The idea of personality of law was really in effect from a very early date, for membership in a tribe determined the law under which a person was to live. No complete definition was necessary as long as the tribe remained free of contacts with other such groups. When this situation did occur at the time of the barbarian invasions, the theory was defined as a means of maintaining the law of a tribe over its own particular
members. No matter where people travelled or settled they carried the law of their own tribe with them and remained under its jurisdiction. "The Germanic laws were put into writing because the German settlers now first came into contact with a literature, and first felt the need of clearly formulating their customs." Contacts with other groups endangered the continuation of usages common to the tribe, and since these usages contained the tribe's entire body of law and justice, it was necessary that they be maintained with diligence. The compilations of the barbarian laws, the Leges Barbarorum, in which the Alamannic and Bavarian laws are included, must not be considered as the making of new law. The Teutonic peoples had no conception of legal innovation, but considered any legal judgment merely as the interpretation or restoration of the "good old law," which was their ancient customs. The codes which were compiled as the result of the stimulus of the migrations were merely fragmentary records of the most important and most unusual of the tribal customs. Actually, new ideas appeared as the result of new contacts, but the barbarians would never acknowledge that these were more than the interpretation of customs which belonged to the ancient tradition of the tribe.

To comprehend the Germanic theory in its entirety, one
must realize that it is approached on a wholly different basis from the modern belief. The modern conception of law is "a unified and closed system, based upon the Sovereignty of the State, and on the exclusive validity of the law established by the State; namely, the positive law." In contrast the Germanic or early medieval conception is, "Law is sovereign, not the State, the community, the magistracy, the prince, or any other person or body which we would contrast to the law. The State cannot change the law." In the modern belief the State precedes the law and is superior to it, for it actually creates law through its own governing agencies. In the medieval conception, however, law is thought of in a wider manner than that of specific legal enactments, for it is considered as a universal and undying principle, regarded with sanctity because of its connection with moral law. "To the Middle Ages, law was an end in itself, because the term 'law' stood at one and the same time for moral sentiment, the spiritual basis for human society, for the good, and therefore for the axiomatic basis of the State." The medieval point of view traced to its ultimate conclusion would lead straight to the divine law of God. This basic distinction between the modern and the medieval theory creates an even wider breach between the two involving the question of
validity. The newest law in the sense of a legal enactment is the valid law in modern terms, whereas the oldest law in the sense of ancient custom was the valid law to the Germanic peoples.

The nature of the Germanic kingship in relation to the law is an important consideration. "Kingship is only an incident in early Germanic tribal institutions and ideas."^13^ The king usually ruled the tribe in times of peace, but in times of war leadership was transferred to an outstanding military leader with the title of duke. It was only natural that in time, especially during the migrations, the duke assumed an importance superior to the king and in many cases came to be the sole ruler. This is the situation in the case of the Bavarians and Alamanni, whereas the Franks and Visigoths maintained the office of king. The Frankish kings did decline, however, with the rise of the mayors of the palace, the latter gaining most of their prestige through military exploits, and ultimately becoming kings themselves. In considering the nature of Germanic kingship, the term kingship includes the authority of the duke in cases where the duke has become the ruling power.

The title of duke or king was held as long as the administration remained proper, but as soon as it departed in the slightest manner from this standard by some act of wrong-doing, it was lost. At an early date a coronation
oath came to be required of the ruler, and in this oath
he promised to rule according to law. Hence it can be
perceived that kingship fundamentally was based upon
service to the nation, this service being defined by the
law. To the men of the Middle Ages ruling well meant the
defense of the church, the preservation of the peace, the
enforcement of the just rights of the subjects, the temp-
ering of justice with mercy, and the maintenance of the
ancient laws which the common people had chosen.14 The
ruler did not hold his office through divine right, but
had certain obligations which he was pledged to uphold
in order to safeguard his position as ruler. The office
did make the holder the vicar of God and conferred upon
him the highest authority on earth in temporal matters.
The oath which he took upon assuming the office gave him
a character apart from all others and conferred upon him
duties heavier than those of any other man. The king
had neither an equal nor a superior, except the law.
The law was of divine origin and he must uphold it in or-
der to retain his superior position in the tribe. The
primary political defect in the Germanic conception is
not a lack of principles, but an almost total absence
of any effective sanction for them. "If we have been
able to improve upon the Middle Ages in political matters
it is rather through the availability of more effective means; not the existence of nobler ends.\textsuperscript{15}

In a detailed consideration of the nature of Germanic kingship it becomes apparent that the theory involved is alien to any absolutist position. The ruler may be superior to any of his subjects in his right to rule, but this fact does not give him the right to rule in an arbitrary manner. There is a limitation upon his rule more effective than any other, that of the customary law of his tribe. "The customary law is a guaranty; it is in its way a contract, imperfect it is true, tacit, imposed by history, but it is the first form of the social compact which was to intervene between governors and governed."\textsuperscript{16} The coronation oath of the ruler obligated him to uphold the "good old law" of the tribe, and this law was nothing more than the sum total of the customs of the group which represented the rights and privileges of its members. By obligating himself to the law, the ruler automatically entered into a contractual relationship with his people, for the tribal law represented the usages and customs obtained by the people of the tribe during their historical progress.

If the law was not upheld by the king, he ceased to be the rightful king, the situation referred to in the quotation from Isidore of Seville at the beginning of
this discussion. The unjust king was a tyrant, and what
was meant by such a ruler is easily understood. "No
king is just who does not observe and respect the law;
the law is at least one standard of justice, clear, dis-
tinct, constantly appealed to." The king is never con-
sidered as being above the law, but as bound to carry it
out. The ruler had only one part out of many in stating
the law. The law is composed of all the rights of all
the individuals of the tribe, and the king's share in
it consists only of his own group of rights. His oath
of office binds him by a compact to uphold all of the
rights contained in the law, and the people in turn are
bound to him, for they must uphold his rights as they
are formulated with their own. Further, the people are
bound to one another in the same manner that they are bound
to the king, for they must respect one another's subject-
tive rights. Any change in legal principles was consid-
ered as the "formal reiteration of immemorial custom." Consequently, the king alone could not state what the
law was, but just as the law contained the sum total of
all the rights of the people, so everyone had the right
to aid in stating it. For very practical reasons this
was seldom the case, but the people were nearly always
represented in a new compilation in the persons of dooms-
The theory of Germanic kingship which stresses the contractual relationship between ruler and ruled is generally accepted as orthodox. There is one dissenting theory which is of great interest, that of Professor Kern. Kern cannot accept the idea of a contract existing between governor and governed, but maintains that it is not until the later feudal age that this system develops. His primary contention is that of the superiority of the law over the king and people alike, binding both by its principles. The limitation upon the ruler was imposed by law and not by upholding the terms of a legal contract. "Should a royal decree deviated from the true living law that passed current among the community, the king's power might force the people to accept it as positive, but it was regarded as 'wrongful law,' and the people had the right to abrogate it." Kern says that it is easy to consider the limitation imposed upon the king by his oath, and the homage rendered to him by the people as the elements of a contract in which it was stipulated that one party was bound to the other so long as each upheld the terms of the contract, but he thinks that the legal bond between the two cannot
be considered in the true sense of a governmental contract. "The relationship between prince and people is not the same as that between partners in an agreement at private law. Rather both are bound together in the objective legal order; and both have duties toward God and the Law which cannot be traced back to a contractual idea." The duty of resistance on the part of the people is not considered by Kern as the result of breaking a contract, but rather as a duty owed by the people in fulfilling their allegiance to the law. A careful investigation of Kern's point of view proves that the only difference between it and the orthodox theory is in the definition of contract. Kern defines it in the narrow sense of an agreement for a consideration between partners at private law, and thus does not choose to call the rather loosely defined relationship between ruler and ruled in Germanic practice a true contract. The opposite theory considers contract in the broader sense of any relationship between parties involving reciprocal duties, whether these duties are strictly defined or arrived at in a rather unconscious manner. This view sees in the obligations conferred upon people and king by their common obedience to the law a dual and reciprocal relation, and hence the elements of contract.

Turning to the codes themselves sufficient evidence
can be found to convince one of the existence of a contractual relationship. The Visigothic law imposes upon the king a primary but not an absolute position.\textsuperscript{22} The head together with the members of the human body constitutes the organized whole of the body; in the same way the king together with all of the people constitutes the organized whole of the state. The king as head of the state is entitled to a leadership above that of the people, but can only be considered as the first among equals (\textit{primum inter pares}). Another section of the law makes known the necessity that the king should take an oath before ascending the throne.\textsuperscript{23} Such an oath requires him to uphold the rights of his subjects, of which the most important are property rights. These two laws prove that the Visigothic king was in no sense an absolute ruler, but a ruler with rather definite limitations and obligations imposed upon him, these being loosely stated in the oath required of him before he could rule as king. The law in other sections defines the position of the people in relation to their king.\textsuperscript{24} Ordinary persons are forced to take oath to the new king when they are requested to do so by a representative of the king present in their particular district. No excuse is sufficient to allow any one to escape this obligation. If illness or some action
of public need makes the appearance of a particular person impossible at the stated time, he must make his allegiance known as soon as possible, so that he may escape the penalty of the law for failure to take an oath. Palace officials have the further requirement of taking their oaths in the presence of the king himself. Thus the ducal relationship is clearly defined in the Visigothic law, and in such a manner as to uphold the idea of a contractual theory.

The Leges Alamannorum does not contain definite statements regarding the coronation oath of the ruler or the oath of allegiance of the people. Perhaps this omission is due to the fact that a duke rather than a king is the leader among the people. The contractual theory is not damaged by such an omission, and it is strengthened by incidental references to the position of the duke and the people. No judge is empowered to hear a case unless he has been appointed as judge in a particular locality by the duke through agreement with the people. The duke is thus allowed no freedom in the choosing of officials, nor do the people have the supreme right to do so. Both parties must act together in such an appointment, thus being checks upon one another and fulfilling their obligations to each other. The same idea can be derived from another section which requires everyone to abide by a just judgment, since such an action is agreeable to the duke.
and all the people in the public assembly. 26

The Leges Bajuvariorum affords evidence that the Frankish king was the real ruler of the duchy, whereas the duke was only a lesser official under the control of the king. In defining this situation, the law makes known that the duke is in a sort of contractual relationship with the king and must observe the restrictions upon his position in order to hold it without interference. 27 Further, bad rulership on his part endangers his chances for salvation, proving that his obligation to divine law is stronger than the requirements imposed upon him by the Frankish king. In another section the law states that any duke, judge, or person who shall have reduced a freeman to servitude when he was not guilty of a mortal crime has acted contrary to law. 28 The penalties for this crime include a payment to the public treasury as well as to the man who was enslaved. Thus everyone in the kingdom is put under the bond of the law, and owes an obligation to uphold the rights of his fellows who are also under this bond. The inclusion of the duke in this law proves that he, too, is pledged to uphold the rights of his fellows, for if he commits this crime, he must pay a sum of money into the public treasury just as any other person is required to do.

It has been shown that some kind of a contractual relationship was involved in Germanic law. It is interesting to carry this idea a bit further to see what effect it
has upon the Germanic conception of treason and allegiance. Among the barbarians "the idea of allegiance is ordinarily rendered into Latin as fides in the special sense of a pledged troth." Consequently treason, the negative aspect of allegiance, must necessarily have been infidelitas or Treubruch, the breaking of a pledged troth. Treason rests on the idea of being untrue or unfaithful, not in merely disregarding the deferential position of a ruler as the Roman Law implied. Among most of the Germanic tribes all of the people were required to take an oath of allegiance to the ruler, and failure to do so resulted in a serious breach of the law. The presence of such a requirement has already been noted in the Leges Visigothorum. The very fact that such a law appears in the compilation proves that there were some persons who would gladly have escaped the binding quality of an oath. By failing to signify their allegiance to the king they could avoid binding themselves by a bond of fides. If such a law had not been promulgated, these persons could have acted in any matter whatsoever and escaped the crime of infidelitas or Treubruch. This law gives a clear indication of Germanic contractual allegiance with its negative aspect of treason or infidelitas.

The treason laws of the Leges Alamannorum are not so
clear in their indication of the nature of treason and allegiance. No doubt the lack of clarity is due to the fact that this Code is not as complete as the Visigothic, and not that the Alamanni held different conceptions. Small portions of the laws seem to indicate that the idea of fides was present but not so well expressed. Throughout the treason laws of the Alamannic code the words "according to law" appear time and again. This expression implies that both duke and people must remain faithful to the law and are pledged to uphold its tenets. The requirements of allegiance are not those laid down by an absolute ruler, but are expressed in the law. The law which deals with plotting the duke's death declares that anyone guilty of such an offense may be redeemed by the duke or the popular leaders. The inclusion of the leaders of the people indicates that not only the duke but the people as well have suffered something as the result of the infringement of this law. This fact indicates that the duke and people are bound by reciprocal obligations, the denial of which by any member of the tribe constitutes infidelitas to the duke and to all other members of the tribe. The commission of an offense of this nature against the duke is of greater significance than plotting anyone else's death merely because the duke is the first among equals.
In the treason laws of the *Leges Baluvariorum*, the superiority of the Frankish king is once again ascertained. In the law which involves the plotting of the duke's death, the duke must be established by the king or by the people of the province. No doubt action of the people in a situation of this sort involves circumstances marked by the diminished importance of the Frankish king or an increase of Bavarian local independence. Anyone guilty of plotting the duke's death has his own life placed in the power of the duke, but this is not the sole requirement. His property is to be confiscated and handed over to the public treasury. The same dual settlement is required of anyone who actually kills the duke. Once again it can be seen that one's faith had to be made good to the whole people as well as to the duke. In the late Roman Empire a treasonable offense was one which had to be settled between a ruler and his subject who owed him unquestioning and undying allegiance merely because he was emperor. Here in the Bavarian law the people as a whole are introduced, thus bringing a third party into the dispute. This fact indicates that a change in the definition of treason has occurred, and a man guilty of such an offense has to make a two-fold settlement. His treasonable act has proved his unfaithfulness as a member of a tribe of which the rul-
er is also a member, and not his lack of respect to an omnipotent ruler who could never be considered on the same level as his subjects.

The outstanding characteristic of Germanic political theory is that of the superiority of the law. The law is always defined as the immemorial custom of the tribe, and both ruler and ruled are under its complete jurisdiction. Interpreted in one way the sovereignty of the law can mean the introduction of a contractual relationship stressing reciprocal obligations among the members of the tribe, the duke being the most important member. Considered from another point of view sovereignty of the law implies no basis for contract at all, but only a limitation upon all persons of the tribe, including the duke. Even considered in this light mutual obligations and duties among the members of the tribe cannot be denied. The idea in the Teutonic theory of the introduction of the popular element resulting from the supremacy of law, laid the foundation for the modern idea of the constitutional state.
FOOTNOTES (CHAPTER II)


2. Corpus Juris Civilis, Digest I, 3, 31; From Ulpian Book XIII, Ad Legem Iuliam et Papiam, "Princeps legibus solutus est."


4. Ibid., p. 817.

5. Ibid., p. 818.


10. Ibid., p. 154.

11. Ibid., pp. 154-155.


15. Ibid., p. 200.


18. Ibid., I, 235.
20. Ibid., p. 75.
21. Ibid., p. 78.
22. Leges Visigothorum, II, 1, 4: "Quod antea ordinare oportuit negotia Principum et postea populorum."
23. Ibid., II, 1, 6: "De Principium cupiditate dampnata, eorumque initiis ordinandis, et quomodo conficiendae sunt scriptura in nomine Principum factae."
24. Ibid., II, 1, 34: "De his qui ob novi Principus fidel servandam iurare distulerint, vel de illis qui ex Palatino officio ad eius praeSENTiam venire neglexerint."
25. Leges Alamannorum, XII, 1.
26. Ibid., XII, 1.
28. Ibid., VI, 3, 2.
30. Leges Visigothorum, II, 1, 34.
31. Leges Alamannorum, XXVI; XXX.
32. Ibid., XXIV.
33. Leges Bavvariorum, II, 1, 1.
34. Ibid., II, 2.
Chapter III

The important factor in Germanic political theory is that of individual rights protected by law. No one may presume to deny to another the rights which are his and which are defined in the customary law of the tribe. During the historical growth of the Germanic tribes the rights centering around certain persons and places came to have a higher and more significant meaning than ordinary rights. The mund or guardianship exerted by such persons and places became associated with the idea that a special peace was involved, the infraction of which demanded a higher compensation than the mere payment of the composition in question. These special peaces became so common that soon there was one in effect in almost every sphere of influence. Thus the duke, the army, the home, the assembly, and the church were all limited and protected by a specific peace.

The origin of the idea of the peace cannot be traced save by a theoretical process. The barbarians lived for many years under the rule of customary law before they sought to compile any of their laws or usages. Although the law was believed to remain the same throughout the ages, actually it changed somewhat due to various interpretations. Perhaps if there were earlier compila-
tions available for our investigation, we should find a belief in a general theory of the peace stated therein. Waltz in his *Deutsche Verfassungsgeschichte* states his approval of the theory that there was a general peace which preceded the special peaces in its development. He says, "The peace is the relation in which all stand while and in so far as all remain in the union and in the law on which the community rests. Whoever acts against this commits a breach of the peace. The breach of the peace is a wrong, the violation of the law is a breach of the peace. Whoever breaks the peace even if only as to an individual injures the whole group, for he injures that holy order in which all stand and through which alone their union has significance." Waltz, then, believes a general peace did exist at one time in Germanic custom, and that any infraction of the law was essentially the same as breaking the peace of the tribe. This theory of the general peace goes further and asserts that before any legal action can be directed against one who has broken the peace, the guilty party must be legally outlawed or placed beyond the law of the tribe so that he no longer receives its protection. Brunner follows Waltz in considering complete peacelessness or outlawry as the most ancient and inevitable result of all wrongs. The status of an outlawed person was similar to that of a wild animal.
which had to be tracked down. His life was at a premium, for any member of the tribe was permitted to kill him, and besides this all of his property could be destroyed or confiscated.\(^3\) His infraction of the peace, and subsequent outlawry involved a complete sacrifice of all of his relationships with the group; he was in a state of complete peacelessness.

Those who uphold the theory of the peace believe that, when the barbarians became more civilized, they abandoned complete outlawry as the inevitable result of every offense committed, and substituted definite compositions or payments. The wergeld payments differed in amount according to the seriousness of the crime involved. The most serious of all the crimes still retained outlawry as the only punishment. Thus general outlawry was retained for the most heinous offenses, whereas only relative outlawry was involved in the case of emenable offenses. Relative outlawry meant that the guilty party was peaceless only in relation to the offended party's family and not in relation to the entire tribe. He could regain a peaceful relation with this family as soon as the proper payment was made in atonement for the injury done.\(^4\) The idea of breaking the peace is still retained, but now a man can buy his way back into the peace if his crime
is not of too serious a nature. Furthermore his peacelessness in most instances covers only his relationship with the injured party's kin, and his payment to them removes the necessity of a blood feud or exact retaliation.

Goebel denies that the Germanic tribes had the ideas of peacelessness and legal outlawry, but considers their whole penal structure as resting on the blood feud. He believes that the earliest period of development there were only revenges and feuds and that later the growth of the process of emendation occurred. He cannot believe that the barbarians possessed a legal conception of peacelessness without outlawry as its result. Rather he chooses to consider the whole of criminal procedure as resting upon blood feud. He admits the fact that the offender is not to be let alone, but considers this as the result of the feud in which he is involved and not as the result of a definite process of legal outlawry. In the period of emendation the payment is explained in the same way, as a part of the feud. "Every detail of the process indicates that since wrongful acts produce feuds the process itself exists to dissolve this threatened or actual state of war; there is no sign that it is designed to effect a dissolution of an antecedent outlawry." Goebel traces the de-
velopment of Germanic judicial procedure, dividing it into three stages. The first stage includes the period in which the court had mediatorial functions in relation to the blood feud in progress. A *fredus* was paid to the court which Goebel believes was only a payment to the court in return for the time and energy which it expended upon the case. Those who uphold the theory of the peace differ with this interpretation of Goebel's, and call the *fredus* a payment to the court (state) demanded because of the broken peace of the state. The second stage of judicial procedure sketched by Goebel is one in which doomsmen and presiding officer enjoin upon the differing parties the observance of peaceful relations. Finally, there comes a time when central authority is concentrated enough for the court to order that peaceful relationships be maintained.

An acceptance of the theory of the general peace necessitates a belief in later special peace which grow out of the earlier condition. The process of their growth can be considered as the result of certain places and persons receiving a higher significance than the group as a whole. Thus the king, the duke, the home, the moot, the army, and the church all emerge as places and persons which possess a whole body of rights in relation to the
special positions they maintain. Goebel in denying the earlier general peace constructs a fairly feasible case, but he weakens in his effort to destroy the theory of the special or higher peaces. He seems to think that if one believes in these special peaces, he will have to trace their origin back to a general peace. Consequently, he denies the existence of any conception of the peace, and tries to explain the special rights and functions which begin to adhere to particular persons and places on altogether different grounds. He groups the so-called place peaces together and says that they arose from a religious background, and not from a particular peace which each maintained. Thus the moot, the church, and the home are regarded as having special significance because of religious connections rather than a force or peace exerted by each over its particular sphere. Goebel then turns his attention to what Waltz and Brunner call personal peaces. Just as he connected the place peaces with a religious background inherent in each and giving it special significance, in the same way he connects the personal peaces to the idea of the mundium or guardianship. Thus he says there is really no king's peace or duke's peace, but only an increase in the mundium of each so as to bring into effect a greater centralization of authority. He says in effect that there
is really no king's peace at all, but only an institution of special protections which are limited and represent manifestations of royal power to create exceptions from the normal state of affairs. Because this protection is exceptional, it lacks the capacity to create a new conception of public order. It expands to embrace certain defined classes of persons and no more.  

Pollack and Maitland point out that such expressions as the "king's peace" and the "king's highway" were common ones in English law. "They came from the time when the king's protection was not universal but particular, when the king's peace was not for all men or all places, and the king's highway was in a special manner protected by it." They trace the origins of the king's peace back to the idea of the sanctity of the king's house and to a special protection of the king's attendants and servants and other persons placed on the same footing. The sanctity of the king's house differed only in degree from the sanctity of any man's house, for every home had a special significance or peace encircling it. Consequently the king's home had a greater significance than the ordinary home due to the special position of the king as ruler. Pollack and Maitland proceed by saying, "On the continent the king ap-
pears at an early time to have been recognized as protector of the general peace, besides having power to grant special protection or peace of a higher order. It would seem that here is further authority for the peace theory of Waltz and Brunner, but it must be remembered that the latter place the emphasis upon a general folk-peace, whereas Pollack and Maitland associate the general peace with the authority of the king. If the folk-peace did exist, it was prior to the appearance of centralized governing agencies or rulers. Pollack and Maitland in tracing the general peace only as far back as the appearance of the king seem to deny the possibility of any general peace prior to the appearance of central authority. However they very definitely uphold the belief in the existence of the special or higher peaces.

They consider the infraction of the king's peace as a breach of the king's _grio_ or _mund_. This definition covers only deeds of violence done to persons, or at places or in sessions specially protected by royal power. The king's peace is only one of many special peaces, for other persons had their _grio_ or _mund_ which if broken required composition payable to them. The church has its peace, or rather the churches have their peace, for it is not all one to break the peace of a 'head-minster' and to break that of a parish church. The sheriff has his peace, the lord of a soken
has his peace; nay, every householder has his peace; you break his peace if you fight in his house, and, besides all the other payments that you must make to atone for your deed of violence you must make a payment to him for the breach of his mund. It seems, then, that Pollack and Maitland uphold the theory of a general peace but connect it with the rise of regal authority, and that they believe special peaces arose from this general peace and in time came to cover almost every person or place exerting any influence at all. They continue to trace the historical development of the peace, and describe the process whereby the special peaces weaken gradually at the expense of the one special peace of the king which gains in authority until it returns once again to its former position of embodying the peace of the entire realm. "If the king can bestow his peace on a privileged person by his writ of protection, can he not put all men under his peace by proclamation?" There seemed to be no reason why he could not and consequently the king's peace came to include all places within the realm, all persons who were not outlaws, and every time which was not an Interregnum. "But the very ease with which the king's peace spread itself until it had become an all-embracing atmosphere prevented a mere breach of that peace from being permanently conceived of
as a crime of the highest order. If we believe in the peace theory in its entirety, we can trace an illegal act from a time when it was considered as a violation of the general peace of the folk and offered no milder punishment than complete outlawry and subsequent loss of life and property, to a time when most offenses were connected with an all-embracing royal peace, and because of this connection resulted in far milder punishment than the infraction of the older folk peace or the slightly later special peaces.

An examination of the Leges Barbararum furnishes a great amount of evidence to uphold the theory of special peaces in Germanic law, but does not give sufficient evidence to prove the existence of an older general peace. It is only in the manner of expression and in the nature of the special peaces that one seems to receive the idea that these arose from an older peace of a general nature. In many of the laws in the compilations the breaking of the peace is referred to as such, and involves increased composition. This idea of the breach of the peace at this later date is a clearly defined legal conception. One of two conclusions must be accepted: either there was a general peace at an earlier date which was a clearly defined legal idea and which developed as such into the special
peaces; or the idea of the infraction of the peace was an innovation of the time of compilation, a new idea applied by the tribes to certain specific spheres of influence. If the latter theory is true, it would be extremely difficult to determine the exact source from which this new idea was derived, and for that reason it seems feasible to accept the theory of the general peace.

The *Leges Alamannorum* is divided into three types of laws. The first group involves laws concerning the church, the second deals with ducal cases, and the third with disputes arising among the people. The church cases center around the conception of the church as a special area protected by a special peace. Any man has the right if he chooses to hand over his property to the church, and no one can remove such property from the church after it has once been given. No duke, count, or any person whatsoever can prevent a man from doing this, thus proving the tremendous prestige resident in the church and its particular area. The church afforded sanctuary to fugitives, for it was not permissible to drag a man from the church by force. The person who seeks the fugitive must ask the priest for him, and the slave will then be turned over to the master in peace. Here seems to be a definite statement of the special peace extended by the church, and
proof that it was a fully understood legal conception, for the slave who has fled to the church receives the peace of the church and must be returned in pace. If the seeker of a fugitive enters the church and drags his victim out by force, he must compound both to the church and to the public treasury, the former because he violated the peace of the church, and the latter because he acted contrary to law. If the church were not surrounded by a special peace, only the latter composition could possibly be required for an offense of this nature. If a freeman kills another freeman within the doors of the church, he must pay the church for the infraction of the peace, the public treasury for the infraction of the law, and the relatives of the dead man for the violation of their family peace. For any theft committed within the church, a double payment is required. The owner of the property has to be paid the amount the property was worth, and the church receives payment for the dishonor which has occurred within its doors. There is a whole group of laws involving persons who are connected with the church, even to the lowest cleric. All of these are under the protection of the church and receive special consideration in the cases relating to them. The courtyards of the bishop and priest are places which have a significant
position, for they would normally fall under the influence of the peace of the home, but their connection with the church gives them still another protection, that extended by the church.

The cases involving the duke afford evidence of a special ducal peace comparable to the king's peace in tribes where the king was the ruling authority. These ducal cases are interesting for still another reason, because certain cases are included among them which must have been placed formerly with the popular cases but which were transferred to ducal jurisdiction with an increase in central authority. Cases of this sort include the commission of theft and the arousing of dissension within the army.22 The army would naturally be one of the first institutions to pass into ducal control when the duke's power increased in extent. The law which involves the killing of a man in the courtyard of the duke offers important evidence in favor of the ducal peace.23 Anyone guilty of this crime was forced to pay a triple wergeld on account of the fact that he had violated the duke's command that every man shall have the peace in coming to his lord or in returning from him. The mere act of entering the courtyard of the duke placed one under a very special protection regarded as the peace. The reference
to the peace in this law is not an ambiguous reference, but is a clearly defined situation, or else it could not be called "the peace". Persons who reside in the household of the duke are not in the same position as ordinary persons, but receive a higher composition. Hence one law deals with women who are in the service of the duke and prescribes a three-fold payment for them whereas other Alamannic women receive only a single composition. Their status has been improved because they are servants of the duke, and as such receive the special protection extended by him. Another group of laws included among the ducal case which must have been under popular jurisdiction at one time, are those which pertain to the public assembly. As the duke's power increased, it apparently came to encompass these cases, which formerly represented the popular element in the government. It is in one of these cases that there is further evidence of the existence of a ducal peace, or even perhaps a general peace. The law deals with the process of summoning one before the public sessions and concludes with a general statement of the cause of legal restraint. Its purpose is to cause rebels to abstain from evil acts and to allow the good to possess the peace. It seems apparent that the Alamanni must have had a legal conception of a peaceful condition.
enjoyed by one as long as he remained within the law, or otherwise the law just discussed would have no meaning.

The riots which are wont to occur among the people are varried. In fact this group of laws seems to contain everything that could not be placed under the ecclesiastical or ducal cases. The range of subject matter extends from property disputes to infliction of injuries upon persons. Included are some cases relating to the army which have not yet been transferred to the jurisdiction of the duke. The only peace theories involved here are those protecting one's home and one's person, but these are not so clearly defined as the peace of the church and duke. The order as well as the subject matter of these popular cases proves that they were a scattered mass of material probably put together as the cases occurred in the tribe, but with no further effort at organization.

The Leges Baiuvariorum is also roughly divided into the three types of cases: ecclesiastical, ducal, and popular. The cases of the church are very similar to those contained in the Leges Alamannorum. Consequently any freeman has the right to hand his property over to the church, and neither the king, nor the duke, nor any person whatsoever has the right to stop him. The church provides sanctuary for the fugitive, and surrounds him
with a peace which his pursuer must obey, as long as the fugitive remains in the church. The law contains whole groups of capitularies which pertain to the servants of the church and injuries which are inflicted upon them. The presence of cases of this type in both the Alamannic and Bavarian law indicates that the church exerted a special protection or peace over those connected with its organization, and that an increase in composition resulted from an infraction of this protection. If anyone stole properties from the church, the Bavarian Law states that he must compound nine-fold for all the property which he stole. The theft committed in the church thus demanded a high composition, and this requirement can be attributed to the special position of the church. A later law states that anyone found guilty of theft of church properties had to make a heavy payment, and the heavier it was, the more firmly the peace of the church (pax Ecclesiae) was maintained. There is a definite relationship between the payment made and the condition of the peace, the heavier payment effecting a greater peace. This law indicates that a breach of the peace was a matter of such great import that it had no limit on the composition involved in its restoration.

The ducal laws just as in the Lex Alamannorum con-
tain many cases which were probably under popular jurisdiction in earlier times. The infractions of the peace of the army fall into this category. Anyone who has committed scandal within the duke's courtyard and occasioned a fight as a result of his action, must compound all damage done there, and must pay a certain amount into the public treasury as well. The latter payment is required because the guilty party has disregarded the peace which extends over the court of the duke, and this peace must be restored by a payment exceeding actual composition for the damage involved. One capitulary deals with the sessions of the court, and the purpose of these sessions is the investigation of cases in order that the peace may prevail in the province. The idea residing in this provision seems to indicate that the peace referred to is a definite condition rather than a general atmosphere of peacefulness.

The popular cases as in the Alamannic Law represent a variety of laws which remain after the segregation of church and ducal jurisdiction. However, there appears to be more evidence of various special peaces in the Bavarian Law. One section concerns foreigners who pass along the road and who are not to be harmed in any manner. These persons travel for various reasons but the law spe-
cifically states that all are to be placed under one peace. If anyone disregards this peace of the highway and molests a traveler, he has to compound to the injured party, and pay a sum to the public treasury for the breach of peace. Composition for theft committed in the church, the courtyard of the duke, or in the workshop or mill are always extremely heavy. These buildings are public buildings, and as such represent very special interests. The increased composition required indicates that they are surrounded by a sort of protection which can, with some basis of authority, be called a special peace in each instance.

The peace theory cannot be proved by concise evidence, but rather must be inferred from the nature of the barbarian compilations. Many cases included in these laws require at least two-fold composition, which means that the actual damage done must be repaired, and a further sum must be paid as a fredi INTO the public treasury. Goebel would define the fredi merely as a court fee payable to the state because of the authority it brought to bear on a specific case. This explanation does not seem feasible when one investigates the laws themselves and discovers that the fredi is required in instances in which the state interfered apparently in no wise. The guilty party seems to have been regarded as causing a
scandal or a disturbance of the peace in the state for which he must render an account in addition to the composition for actual damage done. The presence of the *fredus* in many capitularies as well as specifically defined special peaces in others leads one to believe that there was a general folk or state peace recognized in Germanic law separate from the special peaces.
FOOTNOTES (CHAPTER III)

2. Ibid., I, 82.
3. Ibid., I, 99.
4. Ibid., I, 100.
5. Ibid., I, 21.
6. Ibid., I, 15.
7. Ibid., I, 27.
8. Ibid., I, 47.
9. Ibid., I, 60.
11. Ibid., I, 45.
12. Ibid., II, 453.
13. Ibid., II, 454.
15. Leges Alamannorum: I-XXIII (Ecclesiastical Cases) XXIV-XLIV (Ducal Cases) XLV-CVII (Popular Cases)
17. L. Alam., III, 1.
19. L. Alam., IV.
20. L. Alam., V.
21. L. Alam., XII-XVIII.
22. L. Alam., XXV-XXVI.
23. L. Alam., XXIX, 1.
24. L. Alam., XXXII.
25. L. Alam., XXXVI.
27. L. Alam., XCVIII.
28. Leges Baluvariorum:
   I (Ecclesiastical Cases)
   II (Ducal Cases)
   III-XXI (Popular Cases)
29. L. Bav., I, 1.
30. L. Bav., I, 7.
32. L. Bav., I, 3, 1.
33. L. Bav., I, 6, 3.
34. L. Bav., II, 4-6.
35. L. Bav., II, 11.
37. L. Bav., III, 14, 1.
38. L. Bav., VIII, 2.
CONCLUSION

A study of the *Leges Barbarorum*, of which the Alamannic and Bavarian Codes are a part, enables one to form some basic conclusions about Germanic law. First of all law was considered as the immemorial custom of the tribe, and for that reason could be interpreted but not made. All persons were under the law, and in this respect the ruler was no different from the remainder of the population. The customary law was essentially the same as the sum total of the subjective rights of the people. The promulgation of the customs in the codes reveal that these rights could be grouped under the headings of life, liberty, and property. For this reason it becomes apparent that custom is the practical expression of the philosophic doctrine of natural law.

A belief in the theory of the general peace enables one to reach a further conclusion. The general peace equals the objective legal order, which was represented in the Germanic tribes by custom or the total of the people's subjective rights. Eventually, then, the general peace coincides with natural law, and a breach of that peace becomes an infraction of natural law.

Each of the special peaces which appeared among the Germanic peoples at a later date protected one of the
rights of life, liberty, or property. Customary law was still sovereign, but was divided into various spheres. The customs pertaining to each person or place embodying a special peace were supreme within that particular area. The basic human rights were protected by an increase of significance in the regions where they resided.

The next idea which becomes apparent in Germanic law is its contractual element. Both ruler and ruled were bound by the law, and consequently obligated to each other. The king or duke could in no wise disregard the rights of the people as represented in the customary law, nor could the people disregard the rights of the king or duke which were represented in the same way. There was a mutual obligation between them which was protected by law. The development of the general peace merely intensified the significance of the contractual obligation represented by customary law. The special peaces which in time took the place of the general peace involved contractual relationships in their particular fields. Hence the duke through his peace extended a protection over persons or places directly associated with him. He was bound by the customary law to uphold the rights of the people which were represented in his specific area, and they in turn were obligated to uphold his peace.
The church through its peace extended sanctuary to the fugitive, and the one who sought the fugitive was prohibited by law from removing him by force. On the other hand the church was compelled by law to return the fugitive if the request were made in a peaceful manner. Thus the elements of a contractual relationship resided in each of the special peaces.

The fundamental difference between the Germanic theory and our own is that of the definitions of law and sovereignty. Law in the Medieval period was custom which could be identified with natural law. No one had the power to make law, but could only interpret it. Hence law was superior to the State and sovereignty was judicial. The modern point of view regards law as based on convention, because the State is supreme and law is forced into a secondary position. Law can be made and consequently legislative sovereignty has replaced the judicial sovereignty of the Middle Ages.
INCIPIT LEX ALAMANNORUM

Quae temporibus Chlotaril Regis una cum Principibus suis, id sunt XXXIII. Episcopis, et XXXIV. Ducibus et LXXII. Comitibus, vel cetero populo constituta est.

Here Begins the Law of the Alamanni, which was established in the time of King Clothar together with his princes: namely, thirty three bishops, thirty four dukes, and seventy two counts, and other people.

Tit. I. De libeis qui res suas ad Ecclesiam Dei tradunt.

Title I. Concerning freemen (liberis) who hand over their property to the church of God.

1. Si quis liber res suas vel semetipsum ad Ecclesiam tradere voluerit, nullus habeat licentiam contradicere ei, non Dux, non Comes, nec ulla persona; sed spontanea voluntate liceat Christiano homini Deo servire et de propriis rebus suis semetipsum redimere. Et qui hoc voluerit facere, per chartam de rebus suis ad Ecclesiam, ubi dare velus hoc voluerit, firmitatem faciat, et testes sex vel septem adhibeat, et nomina eorum ipsa charta continet, et coram sacerdote qui ad eandem Ecclesiam deservit, super altare ponat; et proprietas de ipsis rebus ad Ipsam Ecclesiam in perpetuum permaneat.

1. If any freeman wishes to hand over his property or his person to the church, let no one have permission to forbid him, no duke, no count, or any other person; but let it be permitted to any Christian man to serve God of his own free will and to redeem himself with his own properties. Let whoever wishes to do this confirm it by a charter concerning the properties which he wishes to give the church, and let him provide six or seven witnesses, and let the charter con-
tain their names, and let him place it upon the altar in
the presence of the priest who serves that same church;
and let the proprietorship of that property remain perma-
nently in that church.

II. Et si aliqua persona, aut ipse qui dedit, vel alii-
quis de heredibus eius, postea ipsas res de ipsa Ecclesia abstrahere voluerit, vel aliquis homo qualiscunque persona hoc praesumpserit facere, et effectum quem inchoavit, non obtineat, et Dei iudicium incurrat, et excommunicationem sanctae Ecclesiae, et multam illam quam charta continet, persolvat, et res illas ex integro reddat, et fredum in publico solvat, sicut lex habet.

II. And if any person, either he who gave it or any of his
heirs, thereafter wishes to take that property away from
the church, or if any man or any person whatsoever shall
presume to do this, let him not obtain the end which he
seeks, and let him suffer the judgment of God and the
excommunication of the Holy Church, and let him pay that
amount which the charter prescribed, and let him return
the property intact, and let him pay the fredus (fredum)
to the state as the law requires.

Title II. Concerning freemen who give their property to
the church of God and receive back the usufruct (sub usu-
fructuario) as a benefice (in beneficium).

I. Si quis liber res suas ad Ecclesiam dederit, et per chartam firmatatem fecerit, sicut superius dictum est, et post haec a pastore Ecclesiae per beneficium susceperit ad victualem necessitatem
conquirendam diebus vitae suae, et quod spondit persolvat ad Ecclesiam censum de illa terra, et hoc per epistolam firmitatis fiat, ut post elius discessum ullus de hereditibus non contradicat. Et si contigerit ut post mortem eius qui dedit illas res illum relinquat, et forsitan ipse vult dicere quod hereditas paterna sibi sit legitima ad possidendum, et pater eius non dedisset, nec firmitatem fecisset, non liceat ei lurare; sed ipsa charta quam pater eius fecit praesens veniat, et illi testes qui manus suas in charta miserunt, una cum Presbytero Ecclesiae, sicut lex habet, ita testificentur, quod ipsi ad praesens fuissent, et oculis suis vidissent, et auribus audissent quod pater eius illas res ad Ecclesiam dedisset, et chartam fecisset, et illos ad testes advocasset: hoc per sacramentum dicant, quod nos veri testes sumus. Post haec pastor Ecclesiae res suas possideat, et ille praesumptor qui contra dixerit, illam multam quam charta continet ad Ecclesiam persolvat.

I. If any freeman shall give his property to the church and shall confirm it through charter, as has been stated above, and thereafter receives it back as a benefice from the priest of the church to provide the necessary maintenance for the days of his life, let him pay what he has pledged to the church in accordance with the assessment of that land, and let this be done according to the letter of confirmation, so that after his death none of his heirs may contradict this. And if it happens there be a son left after the death of him who gave that property, and by chance he wishes to say what paternal inheritance belongs in his legitimate possession, and his father had neither given it nor confirmed it, let him not swear but let that charter which his father made be introduced,
and let those witnesses who set their hand to the charter together with the priest of the church, as the law requires, testify that they were present and had seen with their eyes and heard with their ears that his father had given those properties to the church and had made a charter and had summoned them as witnesses. Let them say, "We are true witnesses." After this let the priest of the church possess his property, and let that presumptuous one who contradicted him pay to the church that amount which the charter contained.

II. If moreover that charter which that man made shall have been burned or lost, then let it be permitted to that heir with five chosen witnesses and himself as a sixth to swear in the church that his father neither made a charter nor gave it to that holy place. And if he undertakes to do this, let him recover those properties.

Title III. Concerning freemen or slaves who flee to the church.

I. If any man pursues a fugitive, whether free man or slave, and he within the church fled, no one may have power
per vim abstrahendi de Ecclesia, nec eum Infra
ianas Ecclesiae occidendi; sed ex timore Dei
honorem Ecclesiae impendat, et sacerdotem Ecclesiae
interpellet pro servo suo. Roget sibi eum red-
dere, et donet legitimum wadium ut Illam culpam
illim servo concessam habeat. Tunc illi Presby-
ter reddat in pace servum domino suo.

1. If any man pursues any fugitive, either freeman or
slave, and he flees within the doors of the church, let
no one have the right to drag him from the church; but
let him weigh the honor of the church through fear of
God, and let him ask the priest of the church for his
slave. Let him ask that the priest restore the slave,
and let him give a legitimate pledge (wadium) so that
the fault may be deemed admitted in the case of that
slave. Then let the priest restore the slave to his mas-
ter in peace.

II. Si autem Presbyter neglexerit illum servum,
apud se illum contineat, et curam de illo habeat,
ut exinde fugitivus non evadat. Et si evaserit,
ille Presbyter sine illa dilatatione perquirat, et
domino restituat. Et si ipsum inventre non potu-
erit, similem Ipsius, aut pretium pro eo solvat.

II. If moreover the priest neglects to hand over that slave,
let him keep the slave with him and take charge of him, so
that the fugitive may not escape. And if he shall escape,
let that priest search for him without delay and restore
him to his master. And if he is not able to find him,
let him restore another like him or pay his price (pretium).

III. Si autem vi abstraxerit, et iniuriam Eccle-
siae fecerit, componat octodecim solidos ad eccle-
siam, et fredum solvat in fiscum sexaginta solidos,
III. If moreover he drags the fugitive out by force and does an injury to the church, let him pay eighteen solidi to the church, and let him pay sixty solidi as a fredus to the treasury, because he acted contrary to law, did not consider the honor of the church, and had no reverence for God. Let this be done so that others may know that the fear of God should exist among Christians, and thus may consider the honor of the church.

*Tit. IV.* *De liberis qui infra ianuas Ecclesiae interfeci fuerint.*

*Title IV.* Concerning freemen who have killed within the doors of the church.

If any freeman shall have killed another freeman within the doors of the church, let him know that he has acted unjustly against God and has polluted the church of God, to that church which he has polluted let him pay sixty solidi as a composition, to the treasury let him pay a similar sixty solidi as a fredus, and to the relatives let him pay a legitimate wergeld (*wīdrigildum*).
Title V. Concerning thieves who remove anything by force from churches.

(I). Si quis autem raptor res alicuius Ecclesiae commendatas, intra lanuas Ecclesiae vi abstraxerit, et tulerit, homini culus fuerant, sicut lex habet, ita solvat. Iniuriam autem Ecclesiae, quam per raptum fecit XVIII sol componat.

(I). If moreover any thief shall have removed by force from within the doors of the church any man's property that has been committed to the church, and shall have carried it back to the man to whom it had belonged, let him make restitution according to the law. Moreover let him compound the injury to the church, which it suffered because of the theft, with the sum of eighteen solidi.

L.(2). Si quis res suas ad Ecclesiam commendatas habuerit, et aliquid eas exinde rapuerit, si per fur tum hoc fecerit, ipsas res in capitale restituat, et sicut ipsae res valuerint, hoc novem- pliciter componat. Iterum atque iterum similiter faciat, hoc sunt per ter novemplciter. Ista omnia ei culus res sunt componi Ecclesiae vero, quam inhonoravit, triginta sex solidos componat.

L.(2). If anyone shall have committed his own properties to the church, and someone shall have seized them therein, if he has done this through theft, let him compound the properties in full (in capitale), and as those properties shall have been valued, let him compound for them ninefold. But let him do this again and again, and they are to be compounded thrice ninefold. All of this ought to
be compounded to the person whose properties they are.
And let him pay thirty six solidi in truth to the church
which he has dishonored.

II. (3). Si vero per virtutem hoc raptor de Ecclesiae abstulerit, dupliciter domino componat, et duodecim solidos. Ecclesiae vero, sicut superius commemoratum est, triginta sex solidos componat.

II. (3). If indeed the thief removes this from the church by force, let him compound doubly to the owner plus twelve solidi. To the church in truth, as has been stated above, let him pay thirty six solidi.

III. (4). Si servus hoc fecerit, et lussio domini eius fuit, sicut dictum est, ita omnia observari debent.

III. (4). If a slave shall have done this, and did it at his master's behest, let all things be observed as has been stated above.

IV. (5). Si servus per se hoc fecerit, ex furto similiter quomodo dictum est adimplere debet.

IV. (5). If a slave shall have done this by himself, the law for theft ought to be observed in the manner stated.

V. Nam si per virtutem servus hoc fecerit, non sicut de libero compositio exigatur, sed virtus servillis componi debet, ut ipsum quod abstulit reddatur simpliciter; ita tamen si statim quomodo inventum fuerit, contradictio domini sui non fuerit. Nam si aliquam moram fecerit, propter contradictionem domini sui duodecim solidi adantur.

V. And if a slave shall have done this through force, let composition not be enacted as in the case of the freeman,
but let the act of force of that slave be compounded for so that what he took away may be restored singlefold. If it shall have been discovered at once in what manner this took place, it shall not be deemed a violation of his master's orders. But if there shall have been any delay, let twelve solidi be paid on account of the violation of his master's orders.

VI. Si dominus ex hac re Immunis fuerit, ut iussio eius non esset, tunc quatuor soli. In fredo exigantur. Nam si iussio eius tuit, sicut supra dictum est ita componatur.

VI. If the master shall not have been involved in this thing, so that it was not at his behest, then let four solidi be exacted as a fredu. But if it were at his behest, let it be compounded for as is stated above.

Tit. VI. De luratoribus, quales et quantos secundum euva homo habere debet.

Title VI. Concerning oathtakers:— Of what condition and how many a man ought to have according to law. (euva-ewa-lex).

I. De minoribus causis usque ad solidum valentem licet unicum quale sacramentalem unum secum habere vult, in suo sacramento continere.

I. In minor cases up to the value of a shilling, let it be permitted to any man to have one oathtaker of any condition he pleases with him to swear his oath.

II. Nam si duas Saigas valentem supra solidum res valuerit de qua caussa orta fuerit, tunc debet homo qui caussam requirit, tres electos
denominare et ex denominatis tribus licentiam habet excusator relicere duos; tertium vero non lecet relicere, sed ipsum secum in sacramento habere debet.

II. But if a case shall have arisen involving property valued at two denarii (saigas) more than a shilling, then the man who brings the case ought to name three selected men (electos), and of the three men named the defendant has the right to reject two, but in truth the right to reject the third is not permitted to him, but he must have him with himself in the oathtaking.

III. Saiga autem est quarta pars tremissi, hoc est, denarius unus. Duae Saigae, duo denarii dicuntur. Tremissus est tertia pars solidi, et sunt denarii quatuor.

III. The saiga is the fourth part of the tremissis (tremissi), that is, one denarius. Two saigas are two denarii, and there are four denarii in a tremissis.

IV. Ita observandum est usque ad tres solidos.

IV. So the law is to be observed up to three solidi.

V. Et supra tres solidos iterum duas Saigas valentes, si aliquid interpellatus fuerit, tum quem caussam prosecutus fuerit, electionem faciat de conluratoribus, unde excusator quales duos reliocere voluerit potestatem habeat; et cum duobus iuratoribus iste ordo servandus est usque ad sex solidos.

V. But if the property be valued at three saigas more than three solidi, and if anyone shall have been summoned, then let him who prosecutes the case make a selection of oath-takers from which the defendant may have the right to
reject any two he wishes; and that arrangement is to be observed with two oathtakers up to the value of six solidi.

VI. Nam si duae Salgæ supra sunt, tunc cum quinque sua manu sexta iurare debet, similiter cum electis, sicut supra dictum est; et duos in omnibus istis ordinibus relicere licet.

VI. If it be two saigas more, he ought to swear with five and with his own hand as the sixth; likewise with selected men as has been stated above, and in all these procedures it is permitted to reject two.

VII. Ista sacramenta debent esse lurata, ut illi coniuratores manus suas super capsam ponant, et ille solus cui causa requiritur verba tantum dicat, et super omnium manus manum suam ponat, ut sic illi Deus adivuet vel illæ reliquiae ad illas manus quas comprehensas habet, ut de illa causa unde interpellatus est culpabilis non sit.

VII. Those oaths ought to be sworn so that the oathtakers place their hands upon a box (capsam), and the defendant alone speaks the words and places his hand above the hands of all, so that in this way God may aid him and those whose hands he has covered, that he might not be deemed guilty in that case for which he was summoned.

Tit. VII. De liberis qui de Ecclesia aliquid furaverint.

Title VII. Concerning freemen who shall have stolen something from the church.

I. Si quis res Ecclesiae furaverit, et convictus fuerit, ut solvatur uniculque rei quam furaverit, tres novigeldos solvat, aut servum, aut ancillam,
aut bovem, aut caballum aut quaecunque animal, 
vél ceteras res quae ad Ecclesiam Dei pertinent.
Si post furtum inventum fuerit, ita solvat ut
superius scriptum est.

I. If anyone shall have stolen property from the church
and shall have been convicted, so that he must pay for
whatever he shall have stolen, let him restore it thrice
ninefold, whether slave, or handmaid, or ox, or any animal
whatsoever, or other property which belongs to the church
of God. If it shall have been found after the theft, let
him pay just as above.

II. Si autem negare voluerit, secundum qualitatem
pecuniae iuret cum suis sacramentalibus in Ipso
altare, cui res furtivas abstulit, coram sacer-
dote vel ministro eius, quem pastor Ecclesiae
iusserit audire sacramentum.

II. If moreover he shall have wished to deny the thing,
let him swear as to, the kind of the property with his oath-
takers on that altar from which he took away the stolen
properties, and let all this be done in the presence of
the priest and his helper whom the bishop (pastor) of the
church shall have ordered to hear the oath.

Tit. VIII. De liberis qui servum Ecclesiae
occiderint.

Title VIII. Concerning freemen who shall have killed a
slave of the church.

Si quis servum Ecclesiae occiderit, in triplum
componat; sicut solet servus Regis, ita solvatur,
id est, quadraginta quinque solidis. Et si eum
rapuerit contra legem, et vendiderit extra pro-
vinciam, tripliciter eum componat. Et si eum fur,
verit aliquis in capite, semper consimilem restituat,
si ipsum invenire potuerit, alius autem medietatem in auro valentem, medietatem cum qualem pecuniam habet solvat.

If anyone shall have killed a slave of the church, let him make threefold composition; and as is the custom in the case of a slave of the king, so let him make restitution with forty five solidi. And if he shall have seized him contrary to law and shall have sold him outside the land, let him make threefold composition. And if he shall have stolen him away, let him restore another like him, if he can find one; otherwise let him pay half the value in gold and half in any kind of property.

Tit. IX. De colonis Ecclesiae occisis.

Title IX. Concerning serfs of the church who have been killed.

Quicunque liberum Ecclesiae, quem colonum vocant, occiderit, sicut alii Alemanni ita componatur.

Let whoever shall have killed a freeman of the church, whom they call colonus (colonum), make composition just as in the case of any other Alamannus.

Tit. X. De eo qui in curte Episcopi armatus ingressitur.

Title X. Concerning him who shall have entered into the courtyard of the bishop under arms.

Si quis in curte Episcopi armatus contra legem intraverit, quod Alamanni haisterahandi dicunt, octodecim solidos componat. Si infra domum intraverit, triginta sex solidos componat.

If anyone shall have entered into the courtyard of the bish-
op contrary to law under arms, which the Alamanni call
haisterahandi, let him make composition of eighteen solidi.
If he shall have entered into the house, let him make com-
position of thirty six solidi.

Title XI. Concerning him who shall have entered into the
courtyard of a priest under arms.

Si quis autem in Presbyteri curte, qui in paro-
chia positus est ab Episcopo, contra legem ar-
matus intraverit, sicut superius diximus, sicut
solet allis liberis Alamannis componere, ita
Presbytero tripliciter componat, hoc est, octo-
decim solidos; et si intra casam triginta sex.

If anyone, moreover, shall have entered under arms against
the law into the courtyard of a priest, who has been put
in the parish by the bishop, let him compound threefold to
the priest, that is, eighteen solidi, according to the
customary composition for other free Alamanni, as has been
stated above; and if he shall have entered into the hut,
let him make composition of thirty six solidi.

Title XII. Concerning those who shall have done any in-
jury to the bishop.

I. Si quis Episcopo aliquam iniuriam
tecerit, vel plagaverit, vel fustaverit, vel mancaverit,
omnia tripliciter componantur sicut ceteri parentes
eius compositionem habebunt, ac si melius dicamus,
sicut et Ducem, ita in omnibus cum componat.
I. If anyone shall have done any injury to a bishop, or shall have struck him, or hit him with a stick, or crippled him, let him compound all things threefold just as his relatives receive composition; and better, let us say, let him compound in every respect for the bishop as if for the duke.

II. Et si occisus fuerit, sicut et illum Ducem ita eum solvat, aut Regi, aut Ducl, aut ad Ecclesiam ubi pastor fuit.

II. And if he shall have killed the bishop, let him pay just as in the case of the duke to the king, to the duke, or to the church where the bishop was pastor.

Tit. XIII. De his qui Presbytero parochiano iniuriam intulerint.

Title XIII. Concerning those who shall have inflicted injury upon a parish priest.

I. Si quis Presbyterum parrochianum iniuraverit, aut fustaverit, aut mancaverit, vel qualemcunque el iniuriam intulerit, in triplum componatur.

I. If anyone shall have done injury to a parish priest, or hit him with a stick, or crippled him, or inflicted any injury upon him, let him compound threefold.

II. Et si eum occiderit, sexcentis solidis eum solvat, aut ad Ecclesiam ubi servivit, aut ad episcopum de culus parochia fuit.

II. If he shall have killed him, let him pay six hundred solidi for him either to the church where he served or to the bishop in whose parish he was placed.
Title XIV. Concerning those who shall have done any injury to a deacon.

If anyone shall have done any injury to a deacon, (who reads the gospel in the presence of the bishop and invested performs his duty before the altar), or shall have hit him with a stick, or struck him, or crippled him, let him make twofold composition. And if he shall have killed him, let him make composition of four hundred solidi.

Title XV. Concerning those who shall have done any injury to a monk.

A monk, moreover, who shall have been placed under a rule in a monastery, and shall have suffered some injury at someone's hand, should be compounded for as has been stated above in the case of the deacon.
Title XVI. Concerning those who shall have inflicted injury upon any cleric.

I. Clerici autem, sicut ceteri parentes eorum, ita componantur.

1. Clergymen are to be compounded for just as their relatives.

II. Si autem Clericus, qui in gradu Ecclesiae publice lectionem recitat, vel gradale, vel alleluia coram Episcopo in publico cantaverit, aliquid iniuriam passus fuerit, sicut superius diximus, componatur quomodo parentes eius componuntur, et tertia pars super haec addatur in compositione.

II. If, moreover, a clergyman who recites the liturgy publicly in the service of the church, or who sings a gradual or hymn publicly in the presence of the bishop, shall have suffered some injury, as has been stated above, let him be compounded for just as his relatives would be, and let a third part be added to this composition.

Title XVII. Concerning the killing of freemen who shall have been surrendered to the church.

Liberi qui ad Ecclesiam dimissi sunt liberi, vel per chartam libertatem acceperunt, si occidentur, octuaginta solidis solvantur Ecclesiae vel filiis cius.

If freemen who shall have been surrendered to the church as freemen, or shall have received their freedom through a charter shall have been killed, let eight hundred solidi
be paid to the church or to their sons.

Tit. XVIII. De ancilla libera dimissa, si postea servo se coniunxerit, et de Alamanna, quae servo nupserit.

Title XVIII. Concerning a handmaiden surrendered as a freewoman who afterwards marries a slave; and concerning an Alamannic woman who marries a slave.

I. Si ancilla libera dimissa fuerit per chartam aut in Ecclesia, et post haec servo Ecclesiae nupserit, ancilla Ecclesiae permaneat.

1. If a handmaiden shall have been surrendered to the church as a freewoman through charter, and after this she shall have married a slave of the church, let her remain in the possession of the church.

II. Si autem libera Alamanna servo Ecclesiae nupserit, et servile opus ancillae contradixerit, abscedat.

II. If moreover a free Alamannic woman marries a slave of the church, and she shall refuse the work of a handmaid, let her go away.

III. Si autem ibi filios vel filias generaverit, ipsi servi et ancillae permaneant, et postestatem exeundi non habeant.

III. If moreover she shall have borne sons and daughters there, let these remain slaves and handmaidens and have not the right of going away.

IV. Mater autem eorum, quando exire voluerit, ante tres annos liberam potestatem habeat.

IV. Moreover, let the mother of these when she shall wish
to go have the full right within three years.

V. Si autem tres annos perduraverit in opere ancillae, et parentes eius non exadoniaverint eam, ut libera fuisse, nec ante Ducem, nec ante Comitem, nec in publico mallo, transactis tribus Kal. Mart. post haec ancilla permaneat in perpetuum; et qui ex ea nati fuerint, servi et ancillae sint.

V. If moreover, she shall have performed the work of a handmaid for three years and her relatives have not redeemed her (exadoniaverint) before either the duke or the count or the public assembly during three successive annual meetings of the, then let her remain a handmaid forever, and let those who are born of her be slaves and handmaids.

Title XIX. That no layman might presume to possess the property of the church without a charter.

Res Ecclesiae de laicis absque charta nullus praesumat possidere. Et si chartam non ostenderit, quod comparasset a pastore Ecclesiae, possessio semper ad Ecclesiam pertineat.

Let no layman presume to possess property of the church without a charter. If he shall not have shown a charter, which he shall have obtained from the pastor of the church, let possession always remain in the church.

Title XX. That a priest may not have the right of selling the property or slaves of the church.
Nullus Presbyter nec aliquis pastor Ecclesiae potestatem habeat vendendi ecclesiasticam terram nisi contra aliam terram, nec mancipium, nisi alius mancipium receperit. Et si concambium fecerit aut de mancipio aut de terra, semper epistolam firmitatis faciat, ut contentio conflat, nec Ecclesia perdat, quod legitime posside dere debeat.

Let no priest or bishop of the church have the right of selling the church land unless in exchange for other land; nor a slave unless he receive another slave. And if he shall have made an agreement (concambium) concerning the slave or the land, let him always confirm this by a letter, so that there shall be no dispute, and so that the church may not lose what it ought to possess lawfully.

Tit. XXI. De his qui Ecclesiae servum vel ancillam susceperint fugitivos.

Title XXI. Concerning those who receive a slave or handmaid of the church as a fugitive.

Si quis mancipium Ecclesiae, aut servum aut ancillam, fugitivum susceperit, et ipse Presbyter requirat, aut missus eius legitimus, et ille neglexerit reddere, et contra legem antesteterit, sicut solet alius Alamannis componere, ita et tripliciter componat. Et quicquid Ecclesiae contra legem fecerit, omnia tripliciter componat sicut lex habet.

If anyone shall have received as a fugitive a slave, serf, or handmaid of the church, and the priest himself or his lawful messenger demands him back, and this man neglects to return him and sets himself against the law (antesteterit), let him compound threefold as is the custom to
compound for other Alamanni. And whatever he shall have
done to the church contrary to law, let him compound in
all cases threefold just as the law holds.

Tit. XXII. Qualiter servi Ecclesiae tributa
solvere debeat.

Title XXII. How slaves of the church ought to render
tribute.

Servi enim Ecclesiae tributa sua legitime reddant,
quindecess siclas de cerevisia, porcunc valentem
tremisso uno, panem modia duo, pullus quinque,
ova viginti. Ancillae autem opera imposta sine
neglecto faciant. Servi autem dimidium sibi,
dimidium in dominico aratium reddant. Et si
super haec est, sicut servi ecclesiastici ita
faciant tres dies sibi, et tres in dominico.

Slaves of the church ought to pay as their lawful tribute
t fifteen measures of beer (siclas de cerevisia), a pig
valued at a tremissis, two loaves of bread, five chickens,
and twenty eggs. Handmaids should perform the work im-
posed upon them without neglect. Let slaves, moreover,
keep half the crop themselves and render half to their
masters. And if there be any additional work, let the
ecclesiastical slaves perform three days work for their
masters for every three days work they perform for them-
selves.

Tit. XXIII. De colonis ecclesiasticis, si ad
Episcopum aut ad iudicem suum ventre dispexerint.

Title XXIII. Concerning free serfs of the church and
their failure to come to their bishop or their judge.

I. Liberi autem ecclesiastici quos colonos vo-
cant, omnes, sicut et coloni Regis, ita reddant ad Ecclesiam.

I. Let free serfs of the church, moreover, whom they call "colonl" restore all things to the church just as the serfs of the king.

II. Si quis legitime tributum antesteterit per iussionem iudicis sui, sex solidis sit culpabilis.

II. If anyone shall withhold lawful tribute commanded by his judge, let him be guilty in the sum of six solidi to his judge.

III. Et opera quaeque imposita ei fuerint secundum mandatum, aut quomodo lex habet, si non adimpererit sex solidis sit culpabilis.

III. And if he shall not have fulfilled whatever work shall have been imposed upon him by command, or whatever the law requires, let him be guilty in the sum of six solidi.

IV. Et si sigillum aut signum quaecunque iudex per iussionem domini sui transmiserit, et eum venire iussserit, aut ambulare in aliquam utilitatem, et ille neglexerit, sex solidis sit culpabilis.

IV. If a judge shall transmit any sealed or marked document through the order of the serf's master, or shall order him to come or go on any business, and the serf shall fail to do it, let this serf be guilty in the sum of six solidi.

(V in domini sui-sui may refer to judex rather than to colonus).

V. Si autem sigillum Episcopi neglexerit, aut ad veniendum, aut ad ambulandum, ubi iussserit, duodecim solidis sit culpabilis.

V. If he shall have neglected the seal of the bishop regard-
Ing either coming or going where he shall have been ordered, let him be guilty in the sum of twelve solidi.

Tit. XXIV. De eo qui in mortem Ducis consiliatus fuerit.

Title XXIV. Concerning him who shall have plotted the death of the duke.

Si aliquis homo in mortem Ducis consiliatus fuerit, et inde convictus fuerit, aut vitam perdat, aut se redimat, sicut Dux aut principes populi judicaverint. Et si lurare voluerit, cum duodecim nominatis iuret in Ecclesia coram Duce, aut quem ille miserit.

If any man shall have plotted the death of the duke and shall have been convicted thereof, either let him lose his life or redeem himself as the duke or popular leaders shall have adjudged. And if he shall wish to take an oath, let him swear with twelve appointed (nominatis) men in the church before the duke or him whom the duke shall have sent to represent him.

Tit. XXV. De homine qui gentem extraneam infra provinciam invitaverit.

Title XXV. Concerning a man who shall have invited a foreign people within the province.

Si homo aliquis gentem extraneam infra provinciam invitaverit, ut ibi praedam vastet hostiliter, vel domos incendat, et de hoc convictus fuerit, aut vitam perdat, aut in exilium eat, ubi Dux miserit, et res eius inscientur in publico.

If a man shall have invited a foreign nation (folk, people, tribe) within the province, so that it lays waste the land
In a hostile manner or burns the houses, and he shall have been convicted of this, either let him lose his life or go into exile where the duke shall send him; and let his property be confiscated for public use.

Tit. XXVI. De his qui in exercitu litem commiserint.

Title XXVI. Concerning those who arouse dissension within the army.

Si quis in exercitu litem commiserit, ita ut cum clamore populus concurrat cum armis, et ibi pugna orta fuerit inter proprium exercitum, et aliqui ibi occisi fuerint, ipse homo qui hoc commisit, aut vitam perdat, aut in exilium eat, et res eius infiscentur in publico, et illi alii qui ibi aliquid commiserunt aut fecerunt, omnia sicut lex habet tripliciter solvant.

If anyone shall have created dissension within the army so that the men rush together under arms amid an uproar, and a fight shall have arisen within their own army and someone shall have been killed there, let that man who committed this act lose his life or go into exile, and let his property be confiscated for public use, and let those others who committed any depredation or participated in any offense pay threefold as the law requires.

Tit. XXVII. De his qui in exercitu aliquid furfum fecerint.

Title XXVII. Concerning those who commit some theft in the army.

Si quis in exercitu, ubi Rex ordinaverit exercitum, aliquid furfum fecerit, novem vicibus novigeldos
solvat quicquid inviolatum fuerit. Sin autem Dux exercitum ordinaverit, et in illo fisco aliquid furaverit, tres navigeldos solvat. Et si iurare voluerit, secundum qualitatem pecuniae iuret.

If anyone shall have committed some theft in the army where the king shall have summoned it, let him pay nine times ninefold whatever shall have been stolen. But if the duke shall have summoned the army and this man shall have stolen anything from the military treasury (fisco), let him pay thrice ninefold. And if he shall wish to take an oath, let him swear according to the kind (qualitatem) of property.

Tit. XXVIII. De eo qui sigillum aut mandatum Ducis neglexerit.

Title XXVIII. Concerning him who shall have disregarded the seal or the order of the duke.

1. Si quis sigillum Ducis neglexerit, aut mandatum, vel signum qualecunque quod mandaverit, duodecim solidis sit culpabilis. Et si negare voluerit, quod ad illum nuntius non pervenisset, cum quinque nominatis iuret, si ei sacramentum dominus praebere voluerit.

1. If anyone shall have neglected the seal of the duke or any sealed letter which he shall have sent, let him be guilty to the sum of twelve solidi. And if he shall wish to deny that the messenger had come to him, let him swear with five appointed men, if his master shall wish to offer the oath to him.

11. Si autem sigillum Comitis neglexerit vel mandatum, cum sex solidis componat.
II. If moreover he shall have disregarded the seal or the order of the count, let him compound with six solidi.

III. Si autem Centurionis sigillum aut mandatum neglexerit, tribus solidis sit culpabilis.

III. If moreover he shall have disregarded the seal or order of the hundred-man, let him be guilty to the sum of three solidi.

IV. Aut si negare voluerit quod ad illum nuntius non pervenisset, secundum quod debuit solvere, ita iuret.

IV. And if he shall wish to deny it saying that the messenger had not come to him, let him swear accordingly as he ought to pay.

Tit. XXIX. De eo qui in curte Ducis hominem occiderit.

Tit. XXIX. Concerning him who shall have killed a man in the courtyard of the duke.

I. Si quis in curte Ducis hominem occiderit, aut illic ambulantem, aut inde revertentem, triplici weregildo eum solvat, propter hoc quod praecptum Ducis transgressus est, ut unusquisque homo pacem habeat ad dominum suum veniendo et de illo reverrendo. Et nullus praesumat hominem de Duce veniendum aut ad illum ambulantem in itinere inquietare, quamvis culpabilis sit. Et si praesumpserit, quicquid ei fecerit, aut occiderit, aut ille vivens evaserit, aut plagatus fuerit, semper tripliciter componat.

I. If anyone shall have killed a man in the courtyard of the duke or going there or returning thence, let him pay a triple wergeld on account of the fact that he had violated the duke's command that every man shall have the peace in
coming to his lord or in returning from him. And let no one presume to disturb a man on a journey coming from the duke or going to him howsoever much he be guilty. And if he shall have presumed to do something to him or to kill him, let him always compound threefold whether the man shall have escaped alive or shall have been injured.

II. Et si ad Comitem perrexerit, et ibi vel occisus vel plagatus fuerit, ille qui hoc fecit, omnia tripliciter componat.

II. And if he shall have journeyed to the count and shall have been killed or injured there, let him who did this compound threefold in all respects.

Title XXX. Concerning him who shall have killed a messenger of the duke within the province.

Si quis missum Ducis infra provinciam occiderit, tripliciter eum solvat sicut lex habet. Si neregare voluerit quod non fecisset, sicut lex habet, ita iuret cum duodecim nominatis et allis duodecim electis.

If anyone shall have killed the messenger of the duke within the province, let him make threefold atonement for him just as the law holds. If he wishes to deny that he did this, as the law holds, so let him swear with appointed men and twelve other selected men.

Title XXXI. Concerning him who shall have committed a
theft in the courtyard of the king.

I. Si quis in curte Regis furtum alicui fecerit, dupliciter componat, cui furtum fecerit, et sexaginta solidos pro fredo in publico solvat.

I. If anyone shall have stolen from anyone in the courtyard of the king, let him make twofold composition to him from whom he stole, and let him pay sixty solidi as a fredo into the public treasury.

II. Si servus alienus hoc in curte Ducis fecerit, dominus eius aut redimat eum quantum valet, aut ipsum reddat.

II. If another's slave shall have done this in the courtyard of the duke, his master must secure his release at his value or render him up.

Tit. XXXII. De eo qui res Ducis furaverit.

Title. XXXII. Concerning him who shall have stolen the property of the duke.

Si quis de rebus quae ad Ducem pertinent alicui furtus fuerit, ter novigeldos componat; et ibi fredo non reddat, quia res dominicae sunt, et tripliciter componuntur.

If anyone shall have stolen any property which belongs to the duke, let him make three times ninefold composition; and let him not render a fredo (referring to peace where fredo is due), since payment is being made for dominical properties which are compounded for thrice over.

Tit. XXXIII. De feminis quae in ministerio Ducis sunt.

Title XXXIII. Concerning women who are in the service
Si feminis quae in ministerio Ducis sunt aliquid contra legem factum fuerit, qui hoc fecerit, omnia tripliciter eis componat, quod aliis Alamannorum feminis simpliciter componere debat.

If anything shall have been done contrary to law to the women who are in the service of the duke, let the crime be compounded for threefold by whomsoever shall have done this, since he ought to compound but onefold in the case of other Alamannic women.

Tit. XXXIV. De eo qui in curte Ducis seditio- nem movet.

Title XXXIV. Concerning him who creates a riot in the courtyard of the duke.

1. Si quis in curte Ducis pugnam commiserit, et ibi clamor ortus fuerit per cius commissum, quicquid ibi factum fuerit per concursum, ei imputetur. Qualiscunque autem homo egerit, aut aliquid neglexerit, aut contra legem fecerit, illud omne tripliciter componat. Ille autem cuius opera vel voce haec contentio acta fuerit, IX. solid. in publico componat.

1. If anyone shall have started a fight in the courtyard of the duke and an uproar shall have arisen there through his action, let whatever shall have been done through his participation be charged to him. Let any man make threefold composition for whatever he shall have done or failed to have done contrary to law. Let him by whose act or voice this dispute shall have been aroused pay nine solidi into the public treasury.
Tit. XXXIV. (35.) De eo qui praesumpserit infra provinciam res Ducis hostiliter invadere.

Title XXXIV. (35.) Concerning him who shall have presumed to seize the property of the duke in a hostile way within the province.


If anyone shall have presumed to steal the properties of the duke in a hostile way and appropriate them (et ipsas talare), and shall have been convicted, let him restore threelfold whatever shall have been appropriated there, free serfs or property; and besides let him compound his wergeld to the duke, because he acted contrary to law. And however many freemen shall have followed him and been robbers there, let each compound sixty solidi to the duke and restore threelfold whatever they shall have carried away from there.

Tit. XXXV. (36.) De filio Ducis qui contra patrem suum surrexerit.

Title XXXV. (36.) Concerning the son of the duke who shall have rebelled against his father.

1. Si quis Dux habet filium contumacem et malum, qui rebellare conetur contra ipsum patrem suum per stultitiam suam vel per consilium malorum hominum, qui volunt dissipare provinciam, et
hostiliter surrexit contra Ipsum patrem suum, dum adhuc pater eius potens est, et utilitatem Regis potest facere, id est, exercitum gubernare, equum ascendere, utilitatem Regis implere, et filius eius eum vult dishonorare, aut per raptum regnum eius possidere, non obtineat quod inchoavit. Et si pater eius cum vicerit, et apprehendere potuerit, in sua sit postestate, aut exiliet eum de provincia, aut ubicunque transmittat eum, aut Regi domino suo, et de hereditate paterna amplius ad cum nihil pertineat, quia illicitam rem contra patrem suum fecit.

I. If any duke has a son insolent and evil who attempts to rebel against his father through his own folly or through the advice of wicked men who wish to disrupt the province; and if he rises against his father with hostile intent while his father is still capable of riding and can be of use to the king, that is command the army, mount his horse, and perform needful tasks for the king, and if the son wishes to dishonor him or to possess his realm through violence, let him not obtain what he seeks. And if the father is able to overtake him and seize him, let it be in the father’s power either to exile him from the province or to send him away whithersoever he pleases even to the king his lord; and let nothing of the father’s inheritance belong to that son anymore since he committed an illegal act against his father.

II. Et si fratres habuerit, ipsi fratres inter se per voluntatem Regis dividant hereditatem patris eorum. Illi autem qui rebellavit contra patrem suum non dent portionem inter ipsos.
II. And if he shall have brothers, let these brothers divide the inheritance of their father among themselves according to the wish of the king. Let those moreover who rebelled against their father not divide a portion among themselves.

III. If there be none other than the one son who rebelled, then let the inheritance which that duke had after his death be in the power of the king to give to whom he wishes, or to that son of the duke who rebelled, if he can obtain this through service at the feet of the king; or if he wishes to give it to another, let it be in his power to do so.

Tit. XXXVI. (37.) De conventu ut secundum antequam consuetudinem fiat.

Title XXXVI. (37.) That the assembly should be held according to ancient custom.

I. Conventus autem secundum consuetudinem antequam fiat in omni centena coram Comite aut Misso, et coram Centenario.

I. Let the assembly be held according to ancient custom in every hundred before the count or his representative, and before the hundred man.
II. Ipsum placitum fiat de sabbato in sabbatum aut quall die Comes aut Centenarius voluerit, a septem in septem noctes, quando pax parva est in provincia; quando autem melior est, post quatuor-decem noctes fiat convenus in omni centena sicut superius diximus.

II. Let that session (placitum) be held every Saturday or on such a day as the count or hundred man shall wish, once a week when there is little peace in the province; however, when conditions are better, let the assembly be held every two weeks in every hundred just as has been indicated above.

III. Et si quis alium mallare vult de qualicunque causa, in ipsso mallo publico debet mallare ante iudicem suum, ut ille index eum distingat secundum legem, et cum lusititia respondeat vicino suo, aut qualiscunque persona eum mallare voluerit. In uno enim placito mallet causam suam; in secundo si vult iurare, iuret secundum constitutam legem. Et in primo mallo spondeat sacramentales, et fidues loosores praebeat, sicut lex habet, et vadium suum donet Misso Comitis vel IIII Centenario qui praest, ut in constituto die aut legitime iuret, aut si culpabillis est, componat, ut per neglectum non evadat; et si evaserit, sexaginta solidis de fredo sit semper culpabillis. Ille autem distingat ut neglectum non fiat, nec pauperes paianitar inuriam, nec sint sine lege, nec maledicant Ducem nec populum terrae; ut qui rebelles sunt, de malis se abistineant; et qui boni sunt pacem possideant.

III. And if any one wishes to summon another for any cause whatsoever, he ought to summon (mallare) him in the public sessions before his judge so that judge may put him under restraint (distingat) according to law, and let him render justice to his neighbor if any person shall wish to summon him. In the first place let him present his case to the sessions; in the second place if he wishes to take an oath,
let him swear according to the established law, and in
the first session let him swear with an oath-taker and
offer witnesses [fidiussores] as the law requires; and
let him give his pledge [wadium] to the representative
of the count or to that hundred man who is present, so
that he may swear lawfully on the appointed day; or if
he is guilty, let him make composition so that he shall
not evade, let him be guilty to the sum of sixty solidi
as a fredus. Let that one put him under restraint so that
neglect may not occur, to the end that the poor may not
suffer injury or be without the law, nor curse the duke
or the people of the land, in order that those who are
rebels may abstain from evil acts, and that those who are
good may possess the peace.

IV. Si quis autem liber ad ipsum placitum neglex-
-erit venire, vel semetipsum non praesentaverit
aut Comiti, aut Centenarlo, aut Misso Comitis In
placito, duodecim solidis sit culpabilis.

IV. If any freeman shall have neglected to come to that
session or shall not have presented himself to the count,
the hundred man, or the representative of the count in
that session, let him be guilty in the sum of twelve solidi.

V. Qualiscunque persona sit, aut vassus Ducis
aut Comitis, aut qualiscunque persona, nemo
negligat ad ipsum placitum venire, ut in ipso
placito pauperes conclament causas suas. Et
quod in uno placito finiri non potuerit, in
alia finiatur, ut sine ira Dei sit defensa patria,
et illi rebelles qui usque modo raptum fecerunt,
amplius potestatem faciendi non habeant.

V. Let no one neglect to come to this session whether he be a personal follower of the duke or count or any person at all, so that in this session the poor may cry out their cases. Let what cannot be finished in one session be finished in another, so that the land may be defended without the wrath of God, and so that those rebels who make depredations in any manner may not have the power of doing so any more.

VI. Et si est talis persona quam Comes in placito, vel Centenarius, vel Missus Comitis distingere non potest, tunc eum Dux legitime distingat, plus que quaerat Deo placere quam homini, ut nullum neglectum in anima Ducis a Deo requiratur.

VI. And if there be such a person whom the count or the hundred man or the representative of the count cannot place under restraint in the session, let the duke restrain him lawfully and seek to please God rather than man, that no neglect may be attached to the soul of the duke by God.

Title XXXVII. (38.) De mancipiis, ne foris provinciam vendantur.

Title XXXVII. (38.) That slaves may not be sold outside the province.

I. Mancipia foris provinciam nemo vendat, nec in paganos, nec in Christianos, nisi lussio Ducis fuerit.

I. Let no one sell slaves outside the province whether among pagans or among Christians unless it be done according to the order of the duke.
I. Infra provinciam, ubi necessitas est, unusquisque de mancipio suo potestatem habeat secundum legem iudicandi.

II. Within the province, when it is necessary, let every man have the power of deciding concerning his slave according to law.

III. Foris terminum autem captivum faciendi potestatem non habeat.

III. Outside the province let him not have the power of holding him in captivity.

IV. Si autem fecerit, et inde convictus fuerit, post conventum nostrum quod complacuit cunctis Alamannis, et aliquis hoc praeceptum transgressere voluerit, illud pretium quod tuliit de proprio suo mancipio perdat, et insuper fredum quem lex habet componat.

IV. If moreover, anyone shall have done this and shall have been convicted therefor, according to our agreement which is binding on all Alamanni, and if anyone shall wish to transgress this precept, let him lose that price which he placed on his own slave, and further let him pay the fredus which the law requires.

Tit. XXXVIII. (39.) De eo qui die dominico opera servilia fecerit.

Title XXXVIII. (39.) Concerning him who shall have done servile work on the Lord's day.

I. Die dominico nemo opera servilia praesumat facere; quia hoc lex prohibuit, et sacra scriptura in omnibus contradicit.

I. On the Lord's day let no one presume to do servile works
since the law prohibits this and the scripture forbids it in every respect.

II. Si quis servus in hoc vitio inventus fuerit, vapuletur fustibus; liber autem corripiatur usque ad tertiam vicem.

II. If any slave shall have been found guilty of this fault, let him be beaten with clubs; let a freeman moreover, be taken into custody up to the third time.

III. Si autem post tertiam correctionem in hoc vitio inventus fuerit, et Deo vacare die dominico neglexerit, et opera servilia fecerit, tunc tertiam partem de hereditate sua perdat.

III. If however after the third arrest he shall have been found guilty of this offence, and shall have failed to have found time for God on the Lord's day, and shall have done servile works, then let him lose a third part of his inheritance.

IV. Si autem super haec inventus fuerit ut diei dominico honorem non impendat, et opera servilia fecerit, tunc coactus et convictus coram Comite, ubi tunc Dux ordinaverit, in servitium tradatur; et qui noluit Deo vacare, in sempiternum servus permaneat.

IV. If moreover, after this it shall have been found that he did not render honor to the day of the Lord, and shall have done servile works, and then shall have been arrested and convicted, let him be handed over into servitude wherever the duke shall order; and since he did not wish to have time for God, let him remain a slave forever.

Tit. XXXIX. (40.) De illicitis nuptiis.
Title XXXIX. (40.) Concerning illegal marriages.

I. Nuptias prohibemus incestas. Itaque uxorem habere non liceat so crum, nurum, privignam, novercam, filiam fratis, filiam sororis, fratis uxorem, uxoris sororem. Filii fratum filii sororum inter se nulla praesumptione lungantur. Si quis contra hoc fecerit a loci iudicibus separatur, et omnes facultates amittat, quas fiscus adquirat.

I. We prohibit incestuous marriages, and therefore it is not permitted to have as wife one's mother-in-law, daughter-in-law, step-daughter, step-mother; the daughter of a brother, or the sister of a wife. The children of brothers and sisters may not be united among themselves through any presumptuous act. If anyone shall have acted contrary to this law, let him be separated by the judges of the place, and let him lose all of his property which the public treasury shall acquire.

II. Si minores personae sunt quae se illicita coniunctione polluerunt, careant libertate, et servis fiscalibus adgregandae sunt.

II. If there are minor persons who shall have polluted themselves by an illegal alliance, let them be deprived of their liberty, and let them be placed among the fiscal serfs.

Tit. XL. (41.) De patricidiis et fratricidiis.

Title XL. (41.) Concerning those who kill their fathers and brothers.

Si quis homo volens occiderit patrem suum, aut
If any man willingly shall have killed his father, or his paternal uncle, or his brother, or his maternal uncle, or the son of his brother, or the son of his maternal uncle, or the son of his paternal uncle, or his mother, or his sister, let him know that he acted contrary to God, and that he was not his brother's keeper according to the commandment of God, and that he sinned against God gravely; and in the presence of all his relatives, let his property be confiscated and let nothing more be handed down to his heirs. Moreover, let him receive punishment according to the canons of the church.

Tit. XLI. (42.) Ut nullus caussas audire praesumat nisi qui a Duce constitutus est.

Title XLI. (42.) That no one may presume to hear cases unless he has been appointed by the duke.

1. Nullus causas audire praesumat nisi qui a Duce per conventionem populi iudex constitutus est ut caussas iudicet, qui nec mentiosus, nec pericurator, nec munerum acceptor sit, sed caussas secundum legem veraciter iudicet sine acceptione personarum, et timens Deum sit. Et si iustae ludicavit, credat se apud Deum mercedem recipere et laudem apud homines bonam possidere.

1. Let no one presume to hear cases unless he has been
appointed as judge to judge cases by the duke through agreement with the people; and let him be neither a liar nor a perjuror nor a receiver of bribes, but let him judge cases truly according to law without consideration of person, and let him fear God. And if one shall have judged justly, let him believe that he shall receive his reward with God and high praise among men.

II. Si autem per cupiditatem aut per invidiam aliquius aut per timorem contra legem iudicaverit, cognoscat se deliquisse, et duodecim solidis sit culpabilis, cui injuste iudicavit; et quod per illum damnum passus est injuste, ille iudex restituat e.

II. If moreover, he shall have judged contrary to law through cupidity, through envy of any one, or through fear, let him know that he has sinned, and let him be guilty in the sum of twelve solidi payable to him whom he has judged unjustly, and let that judge restore to him what he has suffered unjustly through that loss.

III. Si autem ille qui iudicium audire debet, illius qui ad iudicandum constitutus est iudicium contemnit, dum ille iuste iudicaverit et designatur eum audire, et spernit eum, et arguit coram aliis, et dicit: Non recte iudicas, dum ille recte iudicat, et si hoc ab aliis iudicibus inquisitum fuerit, quod ille juste iudicavit, ille contemtor qui iudicium iuri iuriam fecit, solvat duodecim solidos iudici illo, et post haec non contemnat audire iustum iudicum, quia sic convenit Ducie et omni populo in publico concilio.

III. If, moreover, he who ought to listen to a judgment despises listening to the judgment of that one who has
been appointed as judge when that one shall have judged justly, and disdains to hear him; and if that man spurns the judge and argues the question in the presence of others and says, "You have not judged justly," when that one did judge justly, and it shall have been investigated by other judges that he judged this matter justly, let that contemptuous person who did an injury to the judge pay twelve solidi, and after this let him not despise hearing a just judgment, since it is agreeable to the duke and all the people in the public assembly.

Title XLII. (43.) De eo qui saepe interpellatus est ante Ducem de qualicunque evidenti caussa et convictus fuerit, ne ad iuramentum permittatur.

1. Si quis interpellatus ante Ducem de qualicunque caussa, quod iam manifestum est tribus, vel quatuor testibus, aut de homicidio, aut de furto, aut de aliquo neglectu, quod illi testantur qui boni testimonii sunt in plebe, non perituratores, nec falaces, nec pecuniarum acceptores, sed veritatem volunt dicere, cognoscat hoc iudex, quod tunc licentiam ille homo qui mallatur ante eum, de caussa illa potestatem iurandi non habeat, sed sicut lex habet, in hoc iudicio persolvat, ut propter suam nequitiam ali qui volunt Dei esse, non se perilurent, nec propter culpam alienam semetipsos perdant.

1. If anyone shall have been questioned before the duke concerning any matter which is now made clear by three or four witnesses involving a homicide, a theft, or some
neglect to which those testify who are good witnesses among the people, not perjurors, liars, or receivers of bribes, but who wish to speak the truth; let the judge know that the man in court before him did not have the freedom nor has now the power to swear concerning that case, but just as the law holds, let him be bound by this judgment, so that on account of his evil character others who wish to be in good favor may not perjure themselves or suffer loss to themselves on account of another's fault.

II. Testis enim qui iam convictus fuit quod mendacium semel aut bis aut ter testificatus sit, amplius ad testimonium non recipiatur.

II. Let no witness who shall have been proved to have given false witness once or twice or thrice be received further in testimony.

Title XLIII. (44.) Ut scriptura non valeat in qua annus et dies non ostenditur.

Title XLIII. (44.) Let a written document on which the day and year are not shown be invalid.

Scriptura non valet nisi in qua annus et dies evidenter ostenditur.

A written document is not valid, save one on which the day and year are plainly shown.

Title XLIV. (45.) De libero qui alteri libero crimen mortale imposuerit.

Title XLIV. (45.) Concerning a freeman who shall have charged some mortal offense to another freeman.
I. Si quis liber libero crimen aliquod mortale imposuerit, et ad Regem aut ad Ducem eum accusaverit, et inde probata res non est, nisi quod ipse dicit, liceat illi alio cui crimen imposuit, cum tracta spatha se idoneare contra illum alium.

I. If any freeman shall have charged some mortal offense to another freeman, and shall have accused him before the king or duke, and if the matter has not been proved save for what he himself says, let that other against whom he has charged the offense be permitted to clear himself with a drawn sword against him.

II. De minoribus autem culpis, sicut Ducil placet, ita fiat inter eos.

II. Let lesser offenses be arranged among themselves as the duke pleases.

Tit. XLV. (46.) De rixis quae saepe fieri solent in populo.

Title XLV. (46.) Concerning riots which are wont to occur among the people.

I. Si qua rixa orta fuerit inter duos homines aut in platea, aut in campo, et unus alium occiderit, et postea fugit ille, qui occidit, et illi pares sequantur eum usque in domum suam cum armis, et infra domum percussorem occiderint, cum uno weregildo solvant eum.

I. If any riot shall have arisen between two men either in the square (platea) or at the place of assembly (campo), and one shall have killed the other, and afterwards he who killed him flees, and his peers follow him into his own home with weapons and kill the murderer inside his
house, let them pay for him with a single wergeld.

II. Si autem in campo ubi prius pugna orta fuerit, ibi restant super mortuum suum, et non sunt secuti in domum, et postea mittunt in vicinio, et congregant pares, et pausant arma sua iousum, et postea hostiliter sequuntur eum in domum, et si eum tum occiderint, novem weregildos componant.

II. If, moreover, on the field where the fight (pugna-rixa-brawl, riot) was first started they remain there over the dead body, and have not followed the murderer into his home; and if afterwards they send into his neighborhood and assemble his peers and lay aside (pausant-deponare) their weapons again (lousum-lousum-deorsum, again), and afterwards follow him into his home in a hostile manner and then shall have killed him, let them make composition of nine wergelds.

Tit. XLVI. (47.) De libero qui liberum extra terminos vendiderit.

Title XLVI. (47.) Concerning a freeman who shall have sold another freeman outside the boundaries.

I. Si quis liber liberum extra terminos vendiderit, revocet eum infra provinciam et restituat eum libertati, et sexaginta solidos componat.

I. If any freeman shall have sold another freeman outside the boundaries, let him call him back into the province and restore his freedom to him, and let him compound with sixty solidi.

II. Si autem revocare eum non potuerit, cum weregildo eum parentibus solvat, id est, bis octuaginta solidos, si haeredem reliquit, si autem heredem non reliquit, cum ducentis solidis componat.
If moreover, he shall not be able to recall him, let him pay with his wergeld to his relatives, that is, with one hundred sixty solidi, if the freeman has left an heir; if moreover, he has not left an heir, let him make composition with two hundred solidi.

Title XLVII. (48.) Concerning him who shall have sold a native born woman outside the boundaries.

1. Si quis feminam liberam extra marcham vendiderit, revocet eam ad pristinam libertatem, et cum octauaginta solidis componat.

1. If anyone shall have sold a native born woman outside the boundaries (marcham—march, frontier, boundary), let him restore her former liberty to her and compound with eighty solidi.

II. Si autem revocare non potest, cum quadrungentis solidis componat.

II. If however he shall not be able to recall her, let him compound with four hundred solidi.

Title XLVIII. (49.) Concerning him who shall have sold a freeman or freewoman within the province.

1. Si quis liber liberum hominem vel feminam liberam infra provinciam vendiderit, revocet eum in pristinam libertatem, et cum duodecim solidis componat.

1. If any freeman shall have sold another freeman within
the province, let him restore his former liberty to him
and compound with twelve solidi.

II. Si autem feminam liberam intra provinciam
vendiderit; revocet eam ad pristinam libertatem,
et cum viginti quatuor solidis componat.

II. If, moreover, he shall have sold a free woman within
the province, let him restore her former liberty to her
and compound with twenty four solidi.

Tit. XLIX. (50.) De eo qui hominem occiderit,
et eum mortaudum fecerit.

Title XLIX. (50.) Concerning him who shall have killed a
man and done him to death (mortaudum, death by murder) in
secret.

I. Si quis hominem occiderit, quod Alamanni mortaudo
dicunt, novem weregildos solvat, et quicquid super eum rauba
vel arma tullit, omnia sicut furtiva componat.

I. If anyone shall have killed a man in the manner which
the Alamanni call mortaudo, let him pay a ninefold wergeld,
and let him compound for whatever robes, or arms the man
shall have borne as if the crime were committed in secret.

II. De feminis autem si ita contigerit, dupliciter
componat, id est, octodecim weregildos. Vestimenta autem
quae super eam tullit, velut furtiva componat.

II. If, moreover, this shall have happened in the case of
women, let him compound doubly, that is with an eighteen-
fold wergeld. Moreover, let him compound for the clothes
which she bore upon her just as if done in secret.
Tit. L.(51.) De eo qui liberum de terra effodierit.

Title L.(51.) Concerning him who shall have exhumed a freeman.

I. Si quis liberum de terra effodierit, quicquam ibi tulerit, novem weregildis restituat, et cum quadraginta solidis componat.

I. If anyone shall have exhumed a freeman, let him restore whatever he shall have plundered there with a ninefold wergeld and compound with forty solidi.

II. Feminam autem cum octuaginta solidis componat, si eam effodierit.

II. If, moreover, he shall have exhumed a woman, let him compound with eighty solidi.

III. Res autem quas tuit, sicut furtivas componat.

III. Let him compound for the things he plundered just as if they were taken in secret.

IV. Si servum effodierit de terra, cum duodecim solidis componat, et ancillam similiter.

IV. If he shall have exhumed a serf, let him compound with twelve solidi; and likewise in the case of a handmaiden.

Tit. Ll. (52.) De libera qui alterius uxorem contra legem tulerit.

Title Ll. (52) Concerning a freeman who carries off the wife of another contrary to law.

I. Si quis libera alterius uxorem contra legem tulerit, reddat eam, et cum octuaginta solidis componat. Si autem reddere noluerit, cum quad-
ringentis solidis componat eam. Et hoc, si maritus prior voluerit. Et si ante mortua fuerit quam maritus eam quae lerit, cum quadringentis solidis componat.

1. If any freeman shall have carried off another's wife contrary to law, let him return her and compound with eighty solidi. If, moreover, he does not wish to return her, let him compound for her with four hundred solidi, and this only if the previous husband shall have agreed. And if she shall have died before her husband sought her, let him compound with four hundred solidi.

11. Si autem ille raptor, qui eam accepit sibi uxorem, ex ea fillos aut filias antequam solvat, habuerit, et ille illius mortuus fuerit, ad illum pristinum maritum illum illum cum wergildo solvat. Si autem vivi sunt, non sint illius qui eos genuit, sed ad illum priorem maritum mundo pertineat.

11. If, moreover, that woman-stealer who took her for his wife shall have had sons or daughters of her before he pays, and she shall have died, let him pay for that son to the former husband with a single wergeld. If, moreover, the children are living, they do not belong to him who begot them, but remain under the protection (mundio) of that former husband.

Tit. LI. (53.) De eo qui sponsam alterius acceperit.

Title LI. (53.) Concerning him who shall have taken the betrothed of another.
rit, redat eam, et cum ducentis solidis componat.

I. If anyone shall have taken the betrothed of another contrary to law, let him return her and compound with two hundred solidi.

II. Si autem reddere noluerit, solvat eam cum quadringentis solidis, etiam si mortua fuerit sub eo.

II. If, moreover, he shall not have wished to return her, let him compound for her with four hundred solidi even if she shall have died under his control.

Tit. LIII. (54.) Si quis sponsam suam dimiserit, et aliam duxerit.

Title LIII. (54.) If anyone shall have dismissed his betrothed and taken another.

Si quis filiam alienam desponsatam dimiserit, et aliam duxerit, componat eam quam desponsavit et dimisit cum quadraginta solidis, et cum duodecim sacramentalibus iuret, cum quinque nominatis et septem advocatis, ut pro nullo vitio nec tentatam eam habuisset, nec vitium in illa invensusset, sed amor de alia eum adduxit ut illam dimisisset, et aliam habuisset uxorem.

If anyone shall have dismissed another's daughter betrothed to him and shall have taken another, let him compound for her whom he betrothed and dismissed with forty solidi, and let him swear with twelve oathtakers, five appointed (nominatis) and seven selected men (electis), that he accused her of no vice or attempted evil, nor did he find any fault in her, but love of another led him to dismiss
her and take another as his wife.

Tit. LIV. (55.) De eo qui filiam alienam non desponsatam acceperit.

Title LIV. (55.) Concerning him who takes another's daughter not betrothed.

1. Si quis filiam alterius non desponsatam acceperit sibi uxorem, si pater eius eam requirit, reddat eam, et cum quadraginta solidis eam componat.

I. If anyone shall have taken another's daughter not betrothed as his wife, and if her father seeks her return, let him who took her return her and compound for her with forty solidi.

II. Si autem ipsa femina sub illo viro mortua fuerit, antequam illae mundium apud patrem acquirat, solvat eam patri eius quadringentis solidis.

II. If, moreover, this woman shall have died under his roof, before he acquired the mundium from her father, let him pay her father four hundred solidi.

III. Et si filios aut filias genuit ante mundium, et omnes mortui fuerint, unumquemque cum Weregildo suo componat patri feminae.

III. And if he shall have begot sons and daughters before he acquired the mundium, and all shall have died, let him compound to her father with a single wergeld for each one.

Tit. LV. (56.) De uxor mortuo marito sine filiis relicta.

Title LV. (56.) Concerning the wife whose husband shall have died leaving her without children.
1. Si quis liber mortuus fuerit, et reliquit uxorem sine fillis aut filiabus, et de illa hereditate exire voluerit, nubere sibi alio coaequall, sequatur eam dotis legitima, et quicquid parentes elius el legitime placitaverint, et quicquid de sede paterna secum aditulit, omnia in potestate habeat auferendi, quod non manducavit, aut non vendidit.

1. If any freeman shall have died and left his wife without sons or daughters, and she shall have wished to withdraw from the control of that family to marry another of social status equal to her own, let a legitimate dowry accompany her, and whatever his relatives lawfully pleased to give her, and whatever she took with her from his family estate, let her have the right of taking with her all these things which she has not consumed or sold.

II. Dotis legitima autem quadraginta solidis constat, aut in auro, aut in argento, aut in mancipis, aut in qualicunque re quam habet ad dandum.

II. A lawful dowry, moreover, consists of forty solidi either in gold, silver, slaves or whatever property his family has for the giving.

Title LVI. (57.) De eo qui proximi sui defuncti uxori sine fillis relictae dotem contradixerit.

Title LVI. (57.) Concerning him who as nearest of kin to the deceased shall have refused dowry to a wife left without children.

I. Si autem proximus mariti defuncti contradicerit ipsam dotem illius mulieris voluerit quod lex non est, illa sequatur cum sacramento cum
nonimatis quinque, aut cum spata tracta pugna duorum. Si potest adquirere aut per sacramentum aut per pugnam, illa pecunia post mortem mulieris retro nunquam revertatur, sed illa sequens maritus aut filii eius usque in sempiternum possideant.

1. If, moreover, the nearest kin of that deceased husband shall have wished to refuse dowry to that widow, which is not legal, let her proceed to take oath with five appointed persons or with wager of battle between two persons with drawn swords. If she can acquire the dowry either through oath or by combat, let that property never revert back after the death of the woman, but let her subsequent husband or his sons possess it forever.

II. Si autem ipsa femina dixerit, Maritus meus dedit mihi morgangeba, computet quantum valet aut in auro aut in argento aut in mancipiis aut Iliceat illi mulier Iurare per pectus suum, et dicit: Quod maritus meus mihi dedit in potestate, et ego possidere debeo. Hoc dicunt Alamanni nastahit.

II. If, moreover, that woman shall have said, "My husband gave me morning gift (morgangeba)," let her estimate the value either in gold or silver or slaves or horses, valuing the property at twelve solidi. Then let it be allowed to this woman to swear with her hand on her heart, and let her tell what her husband gave into her power and what she should possess. This the Alamanni call nastahit.

Tit. LVII. (58.) De hereditate duarum sororum quae absque fratribus post mortem patris relictae sunt.

Title LVII. (58.) Concerning the inheritance of two sisters
who shall have been left without brothers after the death of their father.

Si autem duae sorores absque fratre relictæ post mortem patris fuerint, et ad ipsas hereditas paterna pertingat, et una nuperit sibi coaequali libero, alia autem nuperit aut colono Regis aut colono Ecclesiae, illa quae illi libero nuperit sibi coaequali, teneat terram patris earum. Res autem alia aequaliter dividant. Illa enim quae illo colono nuperit, non intret in portionem terrae, quia sibi coaequali non nuperit.

If, moreover, two sisters shall have been left after the death of their father without brothers, and the family inheritance shall pertain to them, and one shall have married a freeman of the same status as herself, and the other shall have married a colonus of the king, or a colonus of the church, let her who married a freeman of social status equal to her own hold the land of her father; but let them divide other property equally. She who married that colonus does not receive a share of the land, because she did not marry a man of the same rank as herself.

Tit. LVIII. (59.) De eo qui mulierem in itinere vadentem denudaverit, aut cum ea mœchaverit.

Title LVIII. (59.) Concerning him who shall have disrobed a woman going on a journey, or shall have defiled her.

1. Si qua libera femina virgo vadit in itinere suo inter duas villas, et obviavit eam aliquis, et per raptum denudat caput eius, cun sex solidis componat. Et si eius vestimenta levaverit usque ad medium tibiam, cum tribus solidis componat. Et si usque ad genicula denudet, cum sex solidis componat. Et si eam denudaverit ut genitalia
elius appareant vel posteriora, cum duodecim solidis componat.

I. If any free virgin maid goes on a journey between two villas, and any man meets her and snatches off her veil by force, let him compound with six solidi. And if he shall have raised her clothes to the middle of her shins, let him compound with three solidi. And if he shall have disrobed her to the knee, let him compound with six solidi. And if he bares her to commit an indecent exposure, let him compound with twelve solidi.

II. Si autem cum ea fornicaverit contra elius voluntatem, componat solidos quadraginta.

II. If, moreover, he commits fornication with her against her wish, let him compound with forty solidi.

III. Si autem mulieri haec fecerit, omnia dupliciter componat sicut antea diximus de virgine.

III. If, moreover, he shall have done these things to a woman (non-virgin), let him compound all two-fold as has been stated above concerning the virgin.

Tit. LIX. (60.) De eo qui alium percusserit aut vulneraverit.

Title LIX. (60.) Concerning him who shall have struck or wounded another.

I. Si quis alium per iram percusserit, quod Alamanni pulislac dicunt, cum uno solido componat.

I. If anyone shall have struck another through anger, which the Alamanni call pulislac, let him compound with one
II. Si autem sanguinem fuderit, sic ut terram tangat, componat solidum unum et semis.

II. If, moreover, he shall have drawn blood so that it drops on the ground, let him compound with one and one-half solidi.

III. Si enim percusserit eum ut testa appareat et radatur, cum tribus solidis componat.

III. And if he shall have struck him so that the skull appears and is scraped, let him compound with three solidi.

IV. Si autem os de capite et fractum tulerit de plagae, ita ut super publica via lata viginti quatuor pedes in scuto sonaverit illud os, cum sex solidis componat.

IV. If, moreover, a bone shall have been broken away from his head, so that that bone shall sound against a shield for a distance of twenty four feet on the public way (proliicit-cast against the shield), let this be compounded for with six solidi.

V. Si autem ipsum os medicus perdit, et non potest eum praesentare, tunc duos testes additeat, qui hoc vidissent quod de illa plaga os tulisset, aut ille medicus hoc comprobet quod verum tulisset quod de ipsa plaga os tulisset.

V. If, moreover, the physician shall lose that bone and is not able to produce it, then let him bring forth two witnesses who had seen what the bone suffered from that blow, or let that physician prove this to be true which that
bone had suffered by the blow.

VI. Si autem testa transcapulata fuerit, ita ut cervella apparet, ut medicus cum pinna aut cum fanone cervellam tangat, cum duodecim solidis componat.

VI. If, moreover, the skull shall have been split so that the brain appeared, so that the physician was able to touch it with a feather or a rag (fanone-pannus), let him compound with twelve solidi.

VII. Si autem ex Ipsa plaga cervella exierit, sicut solet contingere, ut medicus cum medicinali aut Sirico stupavit, et postea sanavit, et hoc probatum fuerit quod verum est, cum quadraginta solidis componat.

VII. If, moreover, the brain shall have protruded from that blow, just as it is wont to happen, so that the physician can mend the head with medical treatment or surgery (Sirico), and afterwards the patient recovers, and this shall have been proved to be true, let him compound with forty solidi.

Title LX. (61.) De eo qui alterius aurem absiderit.

Title LX. (61.) Concerning him who cuts off another’s ear.

I. Si quis alterius aurem absiderit, et non exsurdaverit, duodecim solidos componat.

I. If anyone shall have cut off another’s ear but shall not have deafened him (exsurdaverit), let him compound with twelve solidi.

II. Si autem sic absiderit profundo, ut eum exsurdaverit, quadraginta solidos componat.
II. If, moreover, he shall have cut deeply, so that he shall have deafened him, let him compound with forty solidi.

III. Si enim medietatem auris abscliderit, quod Alamanni orscardi dicunt, cum sex solidis componat.

III. But if he shall have cut off half his ear, which the Alamanni call orscardi, let him compound with six solidi.

Title LXI. (62.) De eo qui palpebras alterius maculaverit.

Title LXI. (62.) Concerning him who shall have blackened another's eyelids.

I. Si enim superior palpebra maculata fuerit, ut claudi non possit, cum sex solidis componatur.

I. If he shall have blackened the upper eye so that it cannot be closed, let him compound with six solidi.

II. Si enim subterior maculata fuerit, ut lacrymas continere non possit, cum duodecim solidis componatur.

II. If he shall have blackened the lower eye so that the tears cannot come, let him compound twelve solidi.

III. Si enim visus tactus fuerit in oculo, ita ut quasi vitreum remaneat, viginti solidos componat.

III. If the sight shall have been affected so that the eye remains glassy, let composition of twenty solidi be made.

IV. Si autem ipse visus foras exilat et milus, quadraginta solidos componat.
IV. If the sight shall have been destroyed (milus), let composition of forty soli be made.

Tit. LXII. (63.) De nare transpuncta vel abscissa.

Title LXII. (63.) Concerning the nose which has been pierced through or cut off.

1. Si enim nasus transpunctus fuerit, cum sex solidi componat.

1. If the nose shall have been pierced through, let composition of six solidi be made.

II. Si enim summitas nasi ut muccus continerint non possit, abscissus fuerit, cum duodecim solidis componat.

II. If the top of the nose shall have been cut off, so that it cannot hold the mucus, let composition of twelve solidi be made.

III. Si autem totus a presso abscissus fuerit, cum quadraginta solidis componat.

III. If, moreover, all of the nose shall have been cut off by a blow, let composition of forty solidi be made.

Tit. LXIII. (64.) De labiis maculatis.

Title LXIII. (64.) Concerning bruised lips.

1. Si enim labium superius aliquus quis maculaverit, ita ut dentes appareant, cum sex solidis componat.

1. If anyone shall mangle the upper lip of another so that the teeth appear, let him compound six solidi.

II. Si subterius, ut saliva continere non possit, cum duodecim solidos componat.
II. If the lower, so that it is not able to hold saliva, let him compound with twelve solidi.

III. Si enim alius aliquo uno luctu duos dentes superiores excusserit primos, cum sex solidis componat.

III. If anyone shall knock out two upper front teeth at a blow, let him compound six solidi.

IV. Et si quemvis unum de ipsis duobus excusserit, cum sex solidis componat.

IV. If anyone shall knock out either one of these two, let him compound with six solidi.

V. Si autem dentem absciderit, quem marczan Alamanni dicunt, cum tribus solidis componat.

V. If, moreover, he shall have knocked out the tooth which the Alamanni call marczan, let him compound with three solidi.

VI. De alius vero, qualem cunque excusserit, unum quemque cum uno solido componat.

VI. As for the others, for every tooth he knocks out, let him compound with one solidus.

VII. De subterloribus vero duobus primitibus, si aliqui quis excusserit duodecim solidos componat, si uno luctu fecerit.

VII. If anyone shall have knocked out the two lower front teeth, let him compound with twelve solidi, if he shall have done this with one blow.

VIII. Si autem unum ex ipsius excusserit, cum duodecim solidis componat.

VIII. If, moreover, he shall have knocked out one of these,
let him compound with twelve solidi.

Title LXIV. (65.) De lingua abscessa, et de vulneribus in facie factis.

Concerning the cutting off of the tongue, and wounds inflicted upon the face.

I. Si autem lingua tota abscessa fuerit, quadragesinta solidos componat.

If, moreover, the entire tongue shall have been cut off, let composition of forty solidi be made.

II. Si autem media, ut aliquid intelligatur quod loquitur, cum viginti solidi componat.

If, moreover, half off, so that his speech becomes only partially intelligible, let composition of twenty solidi be made.

III. Si autem aliqua plaga in facie allicius facta fuerit, quam capilli vel barba non cooperiant, sex solidis componat.

If, moreover, any blow shall have been struck on anyone's face, so that the hair or beard do not grow, let composition of six solidi be made.

IV. Si autem collus transpunctus fuerit, cum sex solidis componat.

If, moreover, the neck shall have been pierced through, let composition of six solidi be made.

Title LXV. (66.) De eo qui alium contra legem tunderit, et de diversis vulneribus.

Concerning him who shall have hit another, contrary to law; and concerning various wounds.
I. Si quis alicui contra legem tunderit caput liberum non volentis, cum duodecim solidis componat.

II. Si enim barbam alicujus tunderit non volentis cum sex solidis componat.

III. Si quis alio brachium super cubitum transpuncxerit, cum sex solidis componat.

IV. Si ante cubitum transpuncxerit, cum tribus solidis componat.

V. Si manum transpuncxerit, ita ut focus non intret ad coquendum venas vel sanguinem stagnandum, solidum unum et semis componat.

VI. Si autem ferrum calidum intraverit ad stagnandum sanguinem, cum tribus solidis componat.

VII. Si enim brachium fregerit, ita ut pellem non
rumpat, quod Alamanni palebrust dicunt, ante cubitum, cum tribus solidis componat.

VII. And if he shall have broken the arm below the elbow, so that it does not break the skin, which the Alamanni call palebrust, let him compound three solidi.

VIII. Si autem supra cubitum hoc contigerit, cum sex solidis componat.

IX. Si enim in cubito percussus fuerit, ita ut portare aliquid non possit nec ad os manum mittere, cum duodecim solidis componat.

X. And if he shall have been hit on the elbow so that he is not able to carry anything or to raise his hand to his mouth, let composition of twelve solidi be made.

XI. Si enim totum brachium mancum fuerit, ut nihil cum eo facere possit, cum viginti solidis componat.

XI. And if the whole arm shall have been crippled so that he is able to do nothing with it, let composition of twenty solidi be made.

XII. Si autem a cubito abscederit, quadraginta solidos componat.

XII. If, moreover, his arm shall have been cut off at the elbow, let composition of forty solidi be made.

XII. Si autem ab scapula abscisus fuerit, cum octuaginta solidis componat.

XII. If, moreover, his arm shall have been cut off from the shoulder, let composition of eighty solidi be made.
XIII. Si enim summitatem pollicis abscederit, cum sex solidis componat.

XIII. If, moreover, the tip of the thumb shall have been cut off, let composition of six solidi be made.

XIV. Si autem totum, cum duodecim solidis componat.

XIV. For the whole thumb, twelve solidi.

XV. Si autem proximum pollici a primo nodo abscederit, duos solidos et semis.

XV. For the forefinger at the first joint, two and one-half solidi.

XVI. Si enim in secundo nodo abscederit, quinque solidos.

XVI. For the forefinger at the second joint, five solidi.

XVII. Si totum absciderit a palma, cum decem solidis componat.

XVII. For the whole finger from the palm, ten solidi.

XVIII. Si longissimus digitus abscisus fuerit a primo nodo, solido uno et semis componat.

XVIII. For the middle finger at the first joint, one and one-half solidi.

XIX. Si in secundo nodo, cum tribus solidis componat.

XIX. From the second joint, three solidi.

XX. Si totus a palma abscisus fuerit, cum sex solidis componat.

XX. For the whole finger from the palm, six solidi.

XXI. Si autem digitus annularis a primo nodo abscisus fuerit, duos solidos, si in secundo nodo, qua-
tuor solidos, si totus, octo solidos componat.

XXI. For the ringfinger from the first joint, two solidi; from the second joint, four solidi; for the whole finger, eight solidi.

XXII. Ille minimus digitus ita solvatur, ut pollex.

XXII. For the little finger, the same as for the thumb.

XXIII. Si quis autem longissimum digitum ita plagaverit ut inde mancus sit, ita ut complicare non possit, aut scutum prendere, aut arma in terra per illum recipere, duodecim solidos componat.

XXIII. If anyone shall have struck the middle finger so that it is maimed, and cannot be bent back or lift a shield or recover arms from the ground, let him compound with twelve solidi.

XXIV. Si autem in latus transpunctus fuerit, ita ut interiora membra non contingat, cum sex solidis componat. Si vestimentum transpunxerit, cum duodecim solidis componat.

XXIV. If, moreover, he shall have been pierced through in the side, so that he is not able to retain his internal organs; let composition of six solidi be made. If his clothing shall have been pierced through, let composition of twelve solidi be made.

XXV. Si autem in interiora membra transpunctus fuerit, quod hretuunt dicunt, cum duodecim solidis componat.

XXV. If, moreover his internal organs shall have been pierced through, which they call hretuunt, let composi-
tion of twelve solidi be made.

XXVI. Si autem transpunctus fuerit, cum viginti quatuor solidis componat.

XXVI. If, moreover, he shall have been pierced through completely, let composition of twenty four solidi be made.

XXVII. Si autem in intestinis maculatus fuerit, ut stercora exeamt, quadraginta solidos componat.

XXVII. If, moreover, he shall have been injured in the intestines so that their contents ooze out, let composition of forty solidi be made.

XXVIII. Si aliquis alio genitalia tota absciderit, quadraginta solidos componat.

XXVIII. If anyone shall have cut off the entire genitalia, let him compound forty solidi.

XXIX. Si autem castraverit, ita ut virilia non tollat, eum viginti solidis componat.

XXIX. If, moreover, he shall have been castrated so that he becomes sterile, let composition of twenty solidi be made.

XXX. Si quis alio ambas coxas uno lictu transpuncte- rit, cum duodecim componat. Si autem duabus vicibus, similiter.

XXX. If anyone shall have pierced through both hips with one blow, let him compound with twelve solidi. Likewise, the same for two blows.

XXXI. Si quis in geniculo transpunctus fuerit aut plagatus, ita ut claudus permaneat, ut pes eius ros tangat, quod Alamanni tautragill dicunt, cum duodecim solidis componat.
XXXI. If, moreover, he shall have been pierced in the knee or wounded so that the knee remains stiff and the foot drags, which the Alamanni call *tautragillus*, let composition of twelve solidi be made.

XXXII. *Si tibia subtus geniculo transpuncta fuerit, cum tribus solidis componat.*

XXXII. If, moreover, the skin shall have been pierced below the knee, let composition of three solidi be made.

XXXIII. *Si autem articulus prior abscisus fuerit, cum sex solidis componat.*

XXXIII. If, moreover, the first toe shall have been cut off, let composition of six solidi be made.

XXXIV. *IIIi autem alli articuli si abscisi fuerint toti, unusquisque cum tribus solidis componatur.*

XXXIV. If all those other toes shall have been cut off, let him compound for each with three solidi.

XXXV. *Si totum pedem absciderit, quadraginta solidos componat. Si a genuculo abscisus fuerit quinquaginta solidis componatur.*

XXXV. If the entire foot shall have been cut off, let composition of forty solidi be made. If the leg should be cut off at the knee, fifty solidi.

XXXVI. *Si autem a coxa sursum abscisa fuerit, et inde vixerit, octuaginta solidis componatur.*

XXXVI. If, moreover, the whole length of the leg from the hip shall have been cut off, and the man lives, let eighty solidi be compounded.
XXXVII. Si autem aliquid allo herniam expresserit, eum tribus solidis componat.

XXXVII. If anyone shall have caused a hernia on another, let him compound with three solidi.

Title LXVI. (67.) De eo qui alteri viam contra-dixerit.

Title LXVI. (67.) Concerning him who shall have blocked the passage of another.

Si quis liber libero in via manus inlecerit, et contra legem ei viam contradixerit, aut aliquid ei tollere voluerit, cum sex solidis componat. Et si aliquid tulit, reddet cum duodecim solidis componat.

If any freeman shall have raised his hand in the path of another freeman, and shall have blocked his passage illegally, or shall have wished to take something from him (and takes nothing), let him compound with six solidi; and if he takes something, let him return it and compound with twelve solidi.

Title LXVII. (68.) De eo qui alterum de calculo iactaverit.

Title LXVII. (68.) Concerning him who shall have hurled another from his horse.

Si quis liber liberum in via de caballo lactaverit et ei tulerit, et statim eum reddit in Ipso loco, addat ei consimilem, et duodecim solidos. Haec omnis compositio, quam viris ludicavimus, feminis eorum omnia dupliciter componantur.

If any freeman shall have hurled another freeman from his horse on the road and shall have taken his horse, and if
he shall have returned it at once in that place, let him add one like it and twelve solidi. Let all this composition which we have set forth for men be compounded doubly in the case of women.

Tit. LXVIII. (69.) De libero qui liberum occiderit.

Title LXVIII. (69.) Concerning a freeman who shall have killed another freeman.

I. Si quis autem liber liberum occiderit, componat eum bis octuaginta solidos filiis suis.

I. If any freeman shall have killed another freeman, let him compound one hundred sixty solidi to his sons.

II. Si autem filios non reliquit, nec heredes habuit, solvat cum ducentis solidis.

II. If, moreover, he leaves no sons nor has any heirs, let payment of two hundred solidi be made.

III. Feminas autem eorum semper in duplum componat.

III. Let him always compound doubly in the case of free-women.

IV. Medius vero Alamannus si occisus fuerit, ducentis solidis solvat eum parentibus qui eum occiderit.

IV. Indeed, if any ordinary Alamannus (medius Alamannus) shall have been killed, let him who killed him pay two hundred solidi to his relatives.

Tit. LXIX. (70.) De eo qui alterius amissarium furaverit.
Title LXIX. (70.) Concerning him who shall have stolen the herd of another.

1. Si quis alliculus amissarium involaverit, ille culus est debet probare quantum valet. Si enim dicit, quod duodecim solidos valeat, cum duobus iuret quod tanti valeat, et sic solvat illi fur talem qualem ille iuraverit in caput, et illos alios novem geldis solvat, medietatem in auro valente pecuniam, medietatem autem qualem invenire potuerit pecuniam.

If anyone shall have stolen the herd (amissarium) of another, he to whom the herd belonged should prove what it is worth. And if he says that it was worth twelve solidi, let him swear with two men that it was worth so much, and let the thief pay him such an amount as he shall have sworn by his life, and let him pay the solidi nine-fold, half of it payable in gold, half in whatever sort of money he is able to find.

II. Et si ille talem equum involaverit quem Alamanini marach dicunt, sic eum solvat sicut et illum amissarium.

II. And if this one shall have stolen such a horse as the Alamanni call marach, let him make payment for it just as for that herd.

Title LXX. (71.) De eo qui alterius caballum involaverit.

Title LXX. (71.) Concerning him who shall have stolen the horse of another.

1. Si quis allicui caballum involaverit, adpretlet eum dominus eius cum sacramento usque ad sex soli-
dos, si tantum valet, aut plus aut minus, quantum illae cum sacramento adpretiaverit in caput, tantum restituat fur. Novem enim geldos in qulli pecunia habet, lumentum tribus solidis adpretiet, si tantum valet aut minus.

I. Si anyone shall have stolen another's horse, let its owner with an oath set a value on it up to six solidi, if it is worth that much, either more or less; whatever value it shall have been appraised, under oath upon his life, let the thief restore that much nine-fold in whatever sort of money he has. Let him appraise a draught horse with three solidi, if worth that much or less.

II. Si equo quem marach dicunt, oculum excusserit, cum tribus solidis componat.

II. If he shall have punched out the eye of that horse which they call marach, let him compound with three solidi.

III. Allo caballo mediano si oculum excusserit, solidum unum et semis componat. Et si eum excurtaverit, similliter componat.

III. If he shall have struck out the eye of any ordinary horse, let him compound one and one-half solidi. And if he knocks off its hide, let him compound the same amount.

IV. Si enim lumento oculum excusserit, medium solidum. Et si eum excurtaverit, ita faciet.

IV. If he shall have struck out the eye of a draught horse, let him compound one-half solidus. And if he shall have dehided it, let him compound the same.
Tit. LXXI. (72.) De eo qui equum plagaverit, dum hominem plagare voluerit.

Title LXXI. (72.) Concerning him who shall have wounded a horse when he intended to wound the rider.

Si quis homo in equo suo caballicaverit, et aliquid eum super ipsum plagare voluerit, caballum eius plagaverit, ita plagam caballii componat, quemadmodum componere debuit si dominum eius plagasset.

If any man shall have gone riding on his horse (caballicaverit), and another shall have wished to injure him upon the horse, and shall have wounded his horse (when he wished to strike him), let him compound the injury to the horse to the extent he ought to compound had he injured the rider.

Tit. LXXII. (73.) De eo qui in troppo de iumentis ductricem involaverit.

Title LXXII. (73.) Concerning him who shall have stolen the lead horse (ductricem) in a troop (troppo) of draught horses.

1. Si enim in troppo de iumentis illam ductricem aliquid involaverit, licet eam domino eius adpretiare duodecim solidis. Et quicquid ille adpretiaverit, ille fur furtivum reddat novem geldis.

1. And if anyone shall have stolen that lead horse of a troop of draught horses, let it be allowed the owner to appraise it to the value of twelve solidi. And whatever amount he shall have appraised it, let that thief restore that theft nine-fold.
II. Allia autem lumenta de grege, quae lactantia sunt, cum sex solidis componat.

II. And let him compound for other draught horses of the herd which are giving milk with six solidi.

III. Allia autem quae adhuc praegna non fuerunt, tribus solidis sint adpretiata.

III. Any others which up to that time shall not have been pregnant, shall be appraised at three solidi.

Title LXXIII. (74.) Concerning him who shall have struck a pregnant draught horse and shall have caused an abortion.

Si autem aliquis homo iuctu ferierit praegnum iumentum, et abortivum fecerit, ita ut lactet poledrum mortuum, unum solidum componat.

If, moreover, any man shall have struck a pregnant draught horse with a blow so that the foal (poledrum) comes forth dead, let him compound one solidus.

Title LXXIV. (75.) How draught horses which destroy crops should be enclosed.

I. Si quis gregem lumentorum ad pignus tulerit, et incluserit contra legem, cum duodecim solidis componat et dimittat et usque ad annum integrum habeat eos in cura ille qui illos pignoravit. Et si aliquid de Ipso grege in Ipso anno perdiderit, ille qui pignus tuliit, simile restituat.

I. If anyone shall have offered a herd of draught horses as a pledge, and shall have enclosed them illegally, let him
compound twelve solidi and surrender them, and let him who has them as a pledge keep them in his care for a whole year. And if he shall have lost any one of that herd in that year, let him who offered the pledge restore one like it.

II. Si autem ipsa grex iumentorum damnum fecerit, aut in prata, aut in messe, foris minetur, et dicatur domino eius ut veniat videre quale damnum fecit; et quantum aestimaverit arbitrio, aut affirmare ausus fuerit quod tantum damnum fecisset, tantum dominus iumentorum restituat.

II. If a herd of draught horses shall have caused damage either in the meadow or the harvest, let it be driven out, and let its owner be summoned so that he may come to see what loss has occurred; and in the amount that it shall have been adjudged by arbitration, or in the amount he shall have ventured to affirm that such loss had been occasioned, let the owner of the herd repay that amount.

III. Si vero pastorem illorum iumentorum aliquis occiderit, componat eum solidis quadraginta.

III. If, in truth, anyone shall have killed the keeper of that herd, let him compound for him with forty solidi.

Title LXXV. (76.) De eo qui taurum gregem regentem involaverit aut occiderit.

Title LXXV. (76.) Concerning him who shall have stolen or killed the bull ruling the herd.

Si quis in vaccaritia legitima, ubi sunt duodecim vaccae vel amplius, taurum ex ea involaverit vel occiderit, tribus solidis eum solvat; aut quacunque armentum de ipsa vaccaritia involatus fuerit,
secundum qualitatem eum solvat. Illam optimam vaccam quatuor tremisses licet adpretiare, illam aliam sequenterlanam solidum unum. Illa alia minuta animalia secundum arbitrium adpretientur, et ita solvantur secundum quod lex habet.

If anyone shall have stolen or killed the bull from a lawful herd where there are twelve cows or more, let him pay for it with three solidi, or whatever sort of herd he shall have stolen, let him pay according to its value. It is permissible to appraise the best cow at four tremissi, the next best at one solidus. Let the poorer animals be appraised at their estimated value, and let them be paid for according as the law requires.

Tit. LXXVI.(77.) De eo qui morttaudus imputatur.
Title LXXVI.(77.) Concerning him who shall have had murder imputed to him.

Si quis morttaudit barum aut feminam, qui qualis fuerit, secundum legitimum weregildum novem geldis solvat, aut cum viginti quatuor totos electos aut cum octuaginta quales invenire potuerit iuret.

If anyone shall have murdered a freeman (barum) or a woman who shall be free likewise, let him pay ninefold according to a lawful wergeld, or swear with twenty four chosen men or with eighty of whatever sort he can find.

Tit. LXXVII.(78.) De eo qui gravidae mulieris natum interfecerit.
Title LXXVII.(78.) Concerning him who shall have killed the fetus of a pregnant woman.
Si qua mulier gravida fuerit, et per factum alterius infans natus mortuus fuerit, aut si vivus natus fuerit, et octo dies non vivit, cui impulatorum fuerit, quadraginta solidis solvat, aut cum duodecim medios electos iuret.

If any woman shall have been pregnant, and through the deed of another the infant shall have been born dead, or if it shall have been born alive but did not live for eight days, let him to whom this has been charged pay forty solidi or swear with twelve ordinary oathtakers.

Tit. LXXVIII. (79.) De precio bovis.

Title LXXVIII. (79.) Concerning the price of an ox.

Optimus bos quinque tremissos valet, medianus quatuor tremisses valet, minor sicut adpretiatus fuerit. Quis de Ipsis aliquem involaverit, sicut lex habet, ita componat.

Let the best ox be valued at five tremissi, let an ordinary ox be valued at four tremissi, and the poorer ones according to the price set on them. Let him who shall have stolen any of these make composition just as the law holds.

Tit. LXXIX. (80.) De eo qui pastores vel artifices occiderit.

Title LXXIX. (80.) Concerning him who shall have killed shepherds or workers.

1. Si pastor porcorum, qui habet in grege quadraginta porcos, et habet canem doctum, et cornu et lunolorem, occisus fuerit, quadraginta solidis componatur.

1. If the swineherd who has forty pigs in his herd, a
trained dog, a horn, and an assistant shall have been killed, let him be compounded for with forty solidi.

II. Legitimus pastor ovium, si octuaginta capita in grege habet domini sui, et occisus fuerit, cum quadraginta solidis componatur.

II. If a lawful shepherd of sheep, who has eighty head in the flock of his master, shall have been killed, let him be compounded for with forty solidi.

III. Si alliculus seniscalcus, qui servus est, et dominus eius duodecim vassos intra domum habet, occisus fuerit, quadraginta solidis componatur.

III. If any steward (seniscalcus) who is a household servant, and whose lord has twelve personal retainers (vassos) in his house, shall have been killed, let him be compounded for with forty solidi.

IV. Si mariscalcus qui super duodecim caballos est, occiditur, quadraginta solidis componatur.

IV. If the marshal (mariscalcus), who is over twelve horses, shall have been killed, let him be compounded for with forty solidi.

V. Si coquus qui lunarem habet occiditur, quadraginta solidis componatur.

V. If the cook who has an assistant shall have been killed, let him be compounded for with forty solidi.

VI. Si pistor, similiter.

VI. If the miller, likewise.

VII. Faber, aurifex aut spatarius, qui publice
probati sunt, si occidantur, quadraginta solidis componantur.

VII. If the blacksmith, the goldsmith, or the swordmaker (spatarius), who have been publicly proven, shall have been killed, let them be compounded for with forty solidi.

Tit. LXXX.(81.) De eo qui cum ancilla vestiaria et geneciaria concubuerit.

Title LXXX.(81.) Concerning him who shall have lain with the waiting-maid (vestiaria) and the chamber maid (geneciaria).

I. Si quis cum allicitus ancilla vestiaria concubuerit contra voluntatem eius, cum sex solidis componat.

I. If anyone shall have lain with anyone's waiting-maid against her wish, let him compound with six solidi.

II. Et si cum puella de geneclo priore concubuerit aliquis contra voluntatem eius, sex solidis componat.

II. And if he shall have lain with the first maid of the chamber against her wish, let him compound with six solidi.

III. Si quis cum aliqua ex illis aliiis de genecio contra voluntatem eius concubuerit, cum tribus solidis componatur.

III. If anyone shall have lain with any other of the chamber maids against her wish, let him compound with three solidi.

Tit. LXXXI.(82.) De eo qui incendium super alium in nocte miserit.

Title LXXXI.(82.) Concerning him who shall have set a fire against another by night.
I. Si quis super aliquem focum in nocte miserit, ut domum eius incendat, seu et salam suam et inventus et probatus fuerit, omne quod ibidem arsit, simile restituat, et super haec quadraginta solidos componat.

I. If anyone shall have set a fire against another by night so that he burns his home or means of exit, and it shall be found out and proven, let him restore all that which he burned in a similar amount, and besides this, let him compound forty solidi.

II. Si enim intra curtem domum incenderit, aut scuriam, aut graniam, vel cellaria, omnia similia restituat, et cum duodecim solidis componat.

II. And if he shall have burned a building within the courtyard, either a warehouse or a granary (graniam, granario) or a wine cellar, let him restore all similarly and compound twelve solidi.

III. Si quis stubam, ovile, porcaritiam domum alii- culius concremaverit, unamquamque cum tribus solidis, componat, et similem restituat.

III. If anyone shall have burned a stable (stubam), a sheepfold, or a pig sty, let him compound for each with three solidi and restore similarly.

IV. Servi domum si incenderit, cum duodecim solidis componat, et similem ei restituat.

IV. If he shall have burned the home of a serf, let him compound with twelve solidi and restore a similar one to him.

V. Scuriam vel graniam servi si incenderit, cum
sex solidis componat et similem restituat.

V. And if he shall have burned the warehouse or granary of a serf, let him compound with six solidi and restore a like one.

VI. Si enim spicarium servi incenderit, cum tribus solidis componat. Et si domino, cum sex solidis, et similem restituat.

VI. And if he shall have burned the storehouse (spicarium) of a serf, let him compound with three solidi. And if of a lord, let him pay six solidi and restore a like one.

Title LXXXII. (83.) De canibus seusibus vel allis furatis aut occisis.

Concerning hunting dogs or other dogs stolen or killed.

I. Si quis canem seusium primum cursalem, id est qui primus currit, involaverit, solidos sex componat; qui secundum, solidos tres componat.

I. If anyone shall have stolen a hunting dog which runs in the lead, that is the one which runs first, let him compound six solidi; for that one which runs second, let him compound three solidi.

II. Quis illum ductorem, qui hominem sequentem duct, quem laitihunt dicunt, furaverit, duodecim solidos componat.

II. Let him who shall have stolen a lead dog, one who leads the man following, which they call laitihunt, pay twelve solidi.

III. Bonum canem porcaritium qui capitis porcos,
ursaritium qui ursas capít, vel qui vaccam et taurum prendít, si occiderit aliquis, cum tribus solidis componat.

III. If anyone shall have stolen a good pig dog that catches the pigs, or a good bear dog that catches the bears, or one that takes care of a cow or bull, let him pay three solidi.

IV. Si veltrum leporalem probatum aliquis occiderit, cum tribus solidis componat.

IV. If anyone shall have killed a hound trained for hunting rabbits (veltrum), let him pay three solidi.

V. Si quis canem pastoralem, qui lupum mordit et pecus ex ore eius tollit, et ad clamorem ad aliam vel ad tertiam villam currit, occiderit, cum tribus solidis componat.

V. If anyone shall have killed a shepherd dog which bites the wolf and grasps the lamb from its mouth, and runs with a bark to the second or third villa, let him pay three solidi.

VI. Si canem qui curtem defendit aliquis occiderit, cum solido componat.

VI. If anyone shall have killed that dog that defends the courtyard, let him pay one solidus.

VII. Et si ipse canis aliquem per vestimentum adprehenderit, et eum quasi nolens percusserit, et mortuus fuerit, lūret ut per invidiam non fecisset, nisi se ad defendendum, et donet alium catellum qui lugum transpassare possit.

VII. And if that dog shall have seized anyone by the clothing, and the man shall have struck it albeit unwillingly, and the dog shall have been killed, let the man swear that
he did not do it with malice but only to defend himself, 
and let him give another little dog that can wear a collar.

Tit. LXXXIII. (84.) De eo qui aliquam clausuram in aqua fecerit, et ibi aliquid necaverit.

Title LXXXIII. (84.) Concerning him who makes a dam in water 
and shall have killed something there.

I. Si quis mullinum aut qualemcunque clausuram in 
aqua facere voluerit, sic faciat ut nemeni noceat. 
Si autem nocuerit, rumpatur usque dum non noceat.

I. If anyone shall have wished to build a mill (mullinum) or 
any dam in water, let him do this so as to injure no one.

II. Si ambae ripae suae sunt, licentiam habeat. 
Si autem una alterius est, aut roget, aut comparet.

II. If both banks are his, let him have freedom to do as he
wishes. If one of them belongs to another, let him ask per-
mission or make a settlement.

III. Si quis aliquam clausuram in aqua fecerit, 
et ipsa aqua inflaverit et ibi alicielus pecus 
necaverit vel famulus, vel infans, quicquald ibi 
negaverit, simile restituat, unumquodque secundum 
legem suam componat.

III. If anyone shall have made any dam in water, and that 
water shall have overflowed, whatever shall have been 
killed there, whether another's animal, slave, or child, 
let him restore a like one and compound for each accord-
ing to its law.
Concerning those who contend among themselves concerning their land.

If any contention shall have been started between two families concerning the boundaries of their land, and one says, "This is our boundary," and the other goes over to another place and says, "This is our boundary." Let the count of that district be present, and let him put up a sign where the first wished it, and another sign where the second wished the boundary, and let them present their contentions. And after it shall have been presented, let them come together, and in the presence of the count pick up a piece
of earth which the Alamanni call curffodi, and let them fasten branches from their trees in the earth which they picked up, and let those families which are contending raise that bit of earth in the presence of the count, and let him wrap it in a piece of cloth, put his seal on it, and commit it to a faithful hand according to the established procedure. Then let them agree to settle among themselves by wager of battle (pugnam duorum). When they are prepared for the fight, let them then put the earth in the middle and touch it with their sword with which they are going to fight, and let them testify by God, the Creator, that the victory shall be to him who has justice, and so let them fight. Let him who conquers among them be the winner in the contest, and let those other presumptuous ones, who opposed the rightful possessor (proprietatem) compound twelve solidi.

Tit. LXXXV. (86.) De eo qui servum alterius fugientem acceperit et sequenti domino contradixerit.

Title LXXXV. (86.) Concerning him who shall have received the fleeing slave of another and withheld him from his pursuing master.

Si quis fugitivum alterius servum susceperit, et sequenti domino aut in illa die, aut quando poterit contradixerit eum, et reddere noluerit, tunc vadat ad Principem quem ille habet, ut ei iustitiam faciat, et cum quadraginta solidis componet eum, quia contra legem eum recepit.

If anyone shall have received the fleeing slave of another,
and shall not have wished to restore him to his pursuing
master, either on that day or at any time that he could
withhold him, let him go to his headman (Principem) that
he may give him justice, and let him compound with forty
solidi, because he received the slave contrary to law.

Tit. LXXXVI. (87.) De eo qui servum in pignus
susceperit, et si ipse servus aliquod damnum
fecerit.

Title LXXXVI. (87.) Concerning him who receives a slave
as a pledge; and if that slave shall have done some dam-
age.

I. Si quis pignus tulerit contra legem, aut
servum, aut equum, postquam illum in domum
suam duxerit, et ille servus ibi hominem occi-
derit, aut ille equus aliquod damnum fecerit,
ilud damnum ad illum pertineat qui illud pignus
tulit, non ad illum dominum cuius illud pignus
fuerit.

II. Si autem dominus voluntarie pignus dederit
pro aliqua re allicui, et illud pignus quod datum
est, ibi aliquod damnum fecerit, dominus eius
qui dedit, damnum quod factum est simile resi-
tuat.

II. If, moreover, the owner shall have given the pledge
voluntarily to anyone for anything, and that pledge which was given shall have done some damage there, let the owner who gave that security make restitution equivalent to the loss incurred.

Tit. LXXXVII.(88.) De eo qui alteri res suas apud se inventas contradixerit.

Title LXXXVII.(88.) Concerning him who shall have withheld another's property found upon himself.

Si quis res suas apud alium hominem invenerit, quicquid sit, aut mancipia, aut pecus, aut aurum, aut argentum, aut alia spolia, et illa reddere noluerit, et contradixerit, et post haec convictus fuerit ante iudicem, aut simile aut ipsum reddat, et cum duodecim solidi componat, quia proprietatem eius contradixit.

If anyone shall have found his property upon another man—whatever it be, either slaves, or cattle, or gold, or silver, or any other seized article; and if the man does not wish to return it, and after this shall have been convicted before a judge, let him return the property or other similar property, and compound with twelve solidi since he refused it to its lawful possessor.

Tit. LXXXVIII.(89.) Ut fratres post mortem patris eorum hereditatem non dissipent antequam dividant eam.

Title LXXXVIII.(89.) So that brothers after the death of their father might not squander their inheritance before they divide it.

Si quis fratres post mortem patris eorum ali-
quantum fuerint, dividant portionem patris eorum. Dum hoc non fuerit factum, nullus rem suam dissipare faciat usque dum aequaliter partiant.

If any brothers after the death of their father come into an inheritance, let them divide their father's portion. When this has not been done, let none of them waste the property before it is divided equally.

Tit. LXXXIX. (90) De eo qui hominem occiderit et negaverit.

Title LXXXIX. (90). Concerning him who shall have killed a man and shall have denied it.

Si quis hominem occiderit, et negare voluerit, cum duodecim nominatis iuret, et alitis tantis advocatis in arma sua sacramenta. Pro quatuor tremissis cum uno sacramentali iuret. Pro tribus solidis et tremisse cum duobus sacramentalibus iuret. De sex solidis et tremisse cum quinque nominatis iuret, aut cum tracta spata defendat.

If anyone shall have killed a man and shall have wished to deny it, let him swear with twelve men of his own choosing, and a like number summoned under arms. In return for a payment of four tremissi, let him swear with one oath-taker; for three solidi and a tremissis, let him swear with two oath-takers. For six solidi and a tremissis, let him swear with five chosen men, or let him defend himself with a drawn sword.

Tit. XC. (91) De coxa vel brachio abscisis.

Title XC. (91) Concerning the leg or arm that shall have been cut off.

1. Si coxa absckisa fuerit libero homini, octuaginta solidis componatur.
I. If the leg of a freeman shall have been cut off, let it be compounded for with eighty solidi.

II. Si brachium abscisum a scapula fuerit, similliter.

II. If the arm shall have been cut off from the shoulder, likewise.

Title XCI. (92.) Concerning him who shall have caused a pregnant woman to abst.

Si quis mulieri praegnantit abortivum fecerit, ita ut iam cognoscere possit, utrum vir an femina fuit; si vir debuit esse, cum duodecim solidis componat; si autem femina, cum viginti quatuor. Si neutrum cognoscere potest, et iam non fuit formatus in lineamenta corporis cum duodecim solidis componat. Si amplius requirit, cum sacramentalibus suis se Iidoniet.

If anyone shall have caused a pregnant woman to abort, and it can be determined whether the child was male or female, if it was to have been a boy, let him compound with twelve solidi, if a girl, with twenty four. If the sex could not be discovered, and the outline of the human form had not yet appeared, let him pay twelve solidi. If it requires more, he may clear himself with oath-takers.

Title XCII. (93.) De hereditate quam mulier post partum statim mortua derelinquit.

Title XCII. Concerning the inheritance a woman leaves who dies immediately after child birth.

Si qua mulier, quae hereditatem paternam habet,
If a woman who had a paternal inheritance, and who became pregnant after marriage, shall have borne a boy, and shall have died in that hour, and shall have left the infant living for a short time or for one hour, so that it was able to open its eyes and see the ceiling of the house and the four walls, and afterwards shall have died, let the mother's inheritance go to its father, provided the father has witnesses who saw that the child opened its eyes, and that it could see the ceiling of the house and the four walls. Then let the father have permission under the law to hold those properties. If otherwise, let him who has lawful possession retain it.

Tit. XCI. (94.) De eo qui in pugna parem suum dereliquit et fugit.

Title XCI. (94.) Concerning him who abandons his peer and flees.
suos non dimisit.
If the army shall have been involved in any battle, and
anyone leaves his peer to fight alone and flees, and that
other defends himself; after his retreat, let him who fled
pay one hundred and sixty solidi to that other one who did
not flee from there but remained, and did not desert his
peers.

Tit. XCVII. (95.) De eo qui post finitam et emen-
datam caussam mallare praesumserit.

Title XCVII. (95.) Concerning him who shall have presumed to
summon into court after a case has been finished and been
found free from error.

Si quis aliquem post finitam caussam et emendatam
mallare voluerit, post testes tractos et emenda-
tionem datam si hoc praesumpserit tentare, et iste
se non potest per sacramenta vel per testes de-
fensare, tunc per pugnam duorum se defendat. Et
post haec ille temptator cum quadraginta solidis
componat.

If anyone shall have wished to summon any other into court
after the case has been finished and found free from error,
and if he shall presume to do this after the witnesses have
been selected and the declaration made, and if he cannot
defend himself by an oath or by witnesses, then let him
defend himself through wager of battle. After this, let
him who made the attempt compound with forty solidi.

Tit. XCVIII. (96.) De eo qui ingenuam feminam colpo
percussit.

Title XCVIII. (96.) Concerning him who shall have struck a
native woman in the neck.

I. Si quis feminam ingenuam colpo percusserit, sic ut sanguis non exeat solvat solidos duos. Si IIta fuerit, solvat solidum unum et tremissisem. Si ancilla fuerit, solvat solidum unum.

I. If anyone shall have struck a native woman in the neck, so that the blood does not flow out, let him pay two solidi. If she shall have been a serving woman, let him pay one solidus and a tremissis. If a handmaiden, one solidus.

II. Si barus fuerit, similiter.

II. If it shall have been a freeman, likewise.

III. Si servus fuerit, medium solidum.

III. If it shall have been a serf, one-half solidus.

Title XCVI. (97.) De eo qui medelam aut carrucam alterius involaverit.

Title XCVI. (97.) Concerning him who shall have stolen another's hewn lumber or cart.

I. Si quis medelam rumpit aut involat, solidos tres solvat.

I. If anyone shall have broken up or stolen another's hewn lumber (medelam), let him pay three solidi.

II. Si carrucam involat, aut rumpit rotas in priori parte, sic ut illa die opera tricet, solidos tres componat.

II. If he shall have stolen a cart or broken the front wheels, so that it cannot be used for work that day, let him pay six solidi.

III. Si de post involat aut rumpit, sex solidos componat.
III. If he shall have stolen or broken up the back wheels, let him pay six solidi.

IV. Si herpices fuerit, tres solidos componat.

IV. If it shall be a harrow (herpices), let him compound three solidi.

Tut. XCVII. (98.) De eo qui buricas in sylva porcorum incenderit.

Title XCVII. (98.) Concerning him who shall have burned enclosures in a forest where pigs are.

I. Si quis buricas in sylva tam porcorum quam pecorum incenderit, viginti duos solidos componat.

I. If anyone shall have burned an enclosure in the forest, whether for pigs or for live stock, let him pay twenty two solidi.

II. Et si intus per furorem Intra, et de suo nihil invent, sex solidos componat.

II. And if he enters in as the result of anger, and finds nothing of his own, let him pay six solidi.

III. Et si in curte aliea ingressus fuerit, simili modo.

III. And if he shall have gone into another's courtyard, likewise.

IV. Si intus in scuria, duodecim solidos componat.

IV. If into another's warehouse, let him pay twelve solidi.

V. Nisi homicida suus ei in curte aut in casa fugerit, et pro ipso nullus offert justitiam, si sequent ipsum currit, hoc non est ad requirendum.
V. If a homicide shall flee into a courtyard or cottage, and no one shall surrender him up for justice, and if his pursuer follows him hither, the penalty of this law shall not be applied in this instance.

Tit. XCVIII. (99.) De eo qui gregem animalium in pignus tulerit, et porcarius vel ceteros pastores flagellaverit.

Title XCVIII. (99.) Concerning him who shall have offered a herd of animals as security and shall have beaten the swineherd or other shepherds.

I. Si quis gregem de porcis, aut de lumentis, aut de vaccis, vel de berbicibus in pignus tulerit, quadraginta solidis sit culpabilis.

I. If anyone shall have offered as a pledge a herd of pigs, oxen, cattle, or sheep, let him be culpable up to the sum of forty solidi.

II. Si porcarius ligatus de via ostatus vel bat-tatus fuerit, sic ut duo teneant, et tertius percutiat, novem solidos componat. Et de reliquis servis componi solet, el in triplum componatur.

II. If the swineherd having been bound on the way shall have been struck or beaten, so that two hold him and a third strikes him, let nine solidi be paid. And for the rest that is done to him, just as is wont to be compounded for other servants, let it be compounded threefold.

III. Et quod de berbicario, stotario, et vaccario fit, quod reliquis servis componi solet, componatur els in duplo.

III. And let it be compounded for keepers of sheep, horses,
or cows, as is wont to be compounded for other serfs; that is, two-fold.

Tit. XCIX. (100.) De eo qui bisontem vel cetera animalia aut furaverit aut occiderit.

Title XCIX. (100.) Concerning him who shall have stolen or killed a buffalo or other animals.

I. Si quis bisontem, bubalum, vel cervum qui prugit, furaverit aut occiderit, duodecim solidos componat.

I. If anyone shall have stolen or killed a buffalo or a stag or a wild bull (bubalum) which bellows (prugit), let him pay twelve solidi.

II. Et si cervus ille treudis non habet, medium solidum componat.

II. And if the stag does not have a hobble (treudis), let one-half solidus be paid.

III. Si treudis habet, et cum ipso nihil sagittatum est, solvat solidum unum.

III. If it has a hobble and has been uninjured by arrows, let one solidus be paid.

IV. Si rubeus feramus cum ipso sagittatus est, tres solidos solvat.

IV. If a red animal shall have been killed, let three solidi be paid.

V. Si niger est, solidos sex componat.

V. If it is black, let six solidi be paid.

VI. Si in volatus fuerit, novem geldos componat.

VI. If it shall have been stolen, let nine-fold payment
be made.

VII. Si cerva indomita fuerit occisa, tremisso solvat.

VII. If a wild female deer shall have been killed, let a tremissis be paid.

VIII. Si streudem habuit, medium solidum.

VIII. If it had a hobble, one-half solidus.

IX. Si cum ipsa rubea fera sagittata fuerit, tres solidos solvat.

IX. If it shall have been a red one, three solidi.

X. Si nigra, sex solidos componat.

X. If black, six.

XI. Si involata fuerit, novem geldos componat.

XI. If it shall have been stolen, let nine-fold composition be made.

XII. Si ursus alienus occisus aut involatus fuerit, solvat eum solidis sex.

XII. If another’s bear shall have been killed or stolen, let six solidi be paid for it.

XIII. Aprum similiter.

XIII. For a wild boar, the same.

XIV. Si quis pecus manualem, qui dicitur alatus, aut verrem, aut ducarlem occiderit, sex solidos componat.

XIV. If anyone shall have killed a driving ox (manualem), which is called alatus, or a boar, or a lead animal, let him pay six solidi.
XV. Si furatus fuerit, tres solidos solvat, et quantum luret quod valuit, novem geldos componat.

XV. If it shall have been stolen, let the one who stole it pay three solidi, and compound nine-fold whatever he swears it to be worth.

XVI. Si quis capriolum occiderit, saiga. Si involatus fuerit, novem geldos componat.

XVI. If anyone shall have killed a roebuck (capriolum), a saiga. If it shall have been stolen, let nine-fold composition be made.

XVII. Si grus fuerit furata aut occisa, tres solidos solvat.

XVII. If a crane shall have been stolen or killed, let three solidi be paid.

XVIII. Si auca fuerit involata aut occisa, novem geldos solvat.

XVIII. If a duck (auca) shall have been stolen or killed, let nine-fold payment be made.

XIX. Aneta, gariola, ciconia, corvus, cornicula, columba, et cauha, et croerola ut alia similia requirantur.

XIX. A duck, a jay, a stork, a raven, a little crow, a dove, a gawk, a kite—let payment be required for these as for other like birds.

Tit. Cl. De Acceptore occiso.

Title Cl. Concerning a killer hawk (acceptore, accipiter).

XX. Si acceptor qui aucam mordet, tres solidos solvat: si gruem mordet, sex solidos componat.
XX. If a killer hawk kills a duck, let its owner pay three solidi; if it kills a crane, let him pay six solidi.

XXI. Si verrem alienum occiderit, alium pro eo reddat, et tres solidos solvat.

XXI. If it shall have killed another's shoot, let another be returned for it, and let three solidi be paid.

Tit. CLI. De cane qui hominem occiderit.

Title CLI. Concerning a dog that shall have killed a man.

XXII. Si canis alienus hominem occiderit, medium wergildum solvat. Et si totum wergildum quærat, omnia ostia sua claudantur, et per unum ostium semper intret et eexeat; et de illo limitare novem pedes suspendatur, usque dum totus putrescat et ibi putridus cadat, et ossa ipsius ibi iaceant, et per alium ostium non intret nec eexeat. Et si canem ipsum inde lactaverit aut per alium ostium intraverit in casam, ipsum wergildum medium reddat.

XXII. If another's dog shall have killed a man, let one-half wergeld be paid. And if the entire wergeld is sought, let all of the entrances of the house be closed, and let the owner enter and go out through one exit only; then above that threshold, let the dog be suspended nine feet until it becomes completely putrified, and putrified falls there, and its bones lie there; then the owner may neither enter nor go out through any other entrance. And if he shall have cast the dog out of the entrance, or shall have entered the house through another door, let him pay the additional one-half wergeld.

Tit. CLIII. De iumento quod hominem occidit.
Title CIII. Concerning a beast of burden that kills a man.

XXIII. Si caballus, porcus, aut bos liberum hominem occiderit, totum weregildum solvat, culus est pecus. Si servum, medium solvat.

XXIII. If a horse, a pig, or an ox shall have killed a free man, let the owner of the animal pay the whole wergeld. If a serf, one-half wergeld.

XXIV. Si alius caballus sepem alienam salierit, et de palo transpunctus fuerit, culus sepis fuerit, ipse solvat medium pretium.

XXIV. If anyone's horse shall have jumped over another's hedge, and shall have been pierced through by a stake, let him whose hedge it is pay one-half the price.

Title CIV. De his qui res alienas capuaverint.

Title CIV. Concerning those who tamper with (capuaverint) another's property.

XXV. Si quis ferrum mulinarium involaverit, alium cum ipso reddat, et solvat solidos sex in texaga el culus fuerit.

XXV. If anyone shall have stolen a millstone (ferrum mulinarium), let him replace it with another and pay six solidi for the theft (in texaga) to him to whom it belonged.

XXVI. Si quis sepem alienam capuaverit, tres solidos solvat.

XXVI. If anyone shall have tampered with another's hedge, let him pay three solidi.

XXVII. Si quis mortuum suum in terra aliena posuerit, duodecim solidos solvat, aut cum duodecim luctet, ut hoc pro malo non fecisset.
XXVII. If anyone shall have buried his dead in another's land, let him pay twelve solidi, or let him swear with twelve men that he had not done this with evil intent, (pro male-per nullum maleticium).

TIT. CV. De eo qui extraneos suscipit sine permissu.

Title CV. Concerning him who receives strangers without permission.

XXVIII. Si quis ingenium aut ingenuam extraneam sine permissu culus fuerit in terram miserit, quadraginta solidis sit culpabilis. Si servus fuerit, duodecim solidis solvat.

XXVIII. If anyone shall have sent a strange man or woman into another's property without the permission of him to whom it belonged, let him be guilty to the sum of forty solidi. If the person shall have been a serf, let him pay twelve solidi.

TIT. CVI. De eo qui in fredo infantes laeserit.

Title CVI. Concerning him who shall have injured infants in families of small means (de medio fiedis).

1. Si quis alterius infantem de medio fredis laeserit, solid. III. componat. Si medianus fuerit, VI. solid. solvat. Si meliorissimus fuerit, XII. sol. solvat.

1. If anyone shall have injured an infant of a family of small means, let him pay three solidi. If of a middle class family, let him pay six solidi. If of the highest class family, twelve solidi.
II. Si quis alterius invitatam puellam priserit, weregildo suo semper sit culpabilis; si non fuerit rapta, XII. sol. componat.

II. If anyone shall have seized another's girl when she is unwilling, let him always be guilty in the sum of her wergeld; if she shall not have been seized, let him pay twelve solidi.

Tit. CVII. De eo qui raptor resistit.

Title CVII. Concerning him who offers resistance to an evil doer (raptor).

I. Si quae res alienas, aut Ecclesiae malo ordine invaserit, et alius facienti violentiam repugnant, sive nullum crimen admissit; quia non facit violentiam, qui vim repellit, aut quia male agenti contradicit.

I. If anyone shall invade another's property or a church in wrongful manner, and the owner resists the violence being done, the latter commits no crime, because he does no violence who repels force and offers resistance to one doing evil.

II. Nullus alienam terram, sine auctoritate praesumat invadere; qui hoc fecerit, cum vindicta se expellendum esse cognoscat.

II. Let no one presume to invade another's land without authority; and let him who shall have done this know that he is to be driven out with punishment.

HOC DECRETUM EST APUD REDEM ET PRINCIPIES EIUS, ET APUD CUNCTUM POPULUM CHRISTIANUM, QUI INFRA REGNUM MERWUNGORUM CONSISTUNT.

This decree is issued by the king and his chief men, and before all Christian people who live within the Merovingian kingdom.
GLOSSARY FOR LEGES ALAMANNORUM
(GERMAN)

alatus (alatus), driving ox.
barum (barus or baro), freeman/ baron.
curffodi, turf used in a procedure for settling a boundary dispute.
euva (euva), law.
fledis (fledus), means.
fredum (fredus), peace money payable to the state.
halisterahandl, act of violence committed by force of arms (manu violenta).
hrefuunt, mortal wound to internal organs.
laithunt, lead dog.
mallare (mallare), to summon.
mallo (mallus), public assembly, (Marchfield).
marach, mare.
marcham (marcha) march, frontier, boundary.
marczan, the horse tooth, (canine tooth, eye tooth, or a molar), (♀).
mariscalcus (mariscalcus), marshal, caretaker of horses
medelam (medela), lumber.
morgangeba, morning gift, payment to the bride made by the husband.
mortaudum (mortaudus), death by murder, killing secretly.
nastahit, oath taken by a woman as to the property handed over to her by her husband.
orscardi, cutting off an ear, mutilation of an ear.
palebrust, breaking a bone so that it does not appear through the skin.
poledrum (poledrus), foal.
pulislac, striking some one in anger.
saiga (saiga), penny.

seniscalcus (seniscalcus), steward who is a household servant.

spicarium (spicarium), storehouse.

stubam (stuba), stable.

tautragil, injured so as to necessitate dragging one's foot, carrying a foot in tow.

texaga, theft.

treuddis, hobble.

troppu (tropus), troop, herd.

vassos (vassus), retainer.

wadium (wadium), pledge.

widrigildum (widrigildum), wergeld, tariff of money payments.
GLOSSARY FOR LEGES ALAMANNORUM
(LATIN)

acceptore (acceptor or accipiter), killer hawk.
amissarium (amissarium), herd.
antesteterit (antestare), to set one's self against.
auca (auca or auga), duck.
beneficium (beneficium), benefice.
bubalum (bubalus), wild bull.
caballicaverit (caballicare), to ride on a horse.
campo (campus), place of assembly.
capriolum (capriolus), roebuck.
capsa (capsa), box.
capulaverint (capulare), to tamper with.
cerevisia (cerevisia), beer or mead.
colonum (colonus), serf.
concambium (concamblum), agreement.
denarius (denarius), penny.
distringat (distringere), to restrain.
ductricem (ductrix), lead horse.
electos (electus), selected men.
exadoniaverint (exadoniare), to redeem.
exsurdaverit (exsurdo), to deafern.
fanone (fano), rag, (pannus).
ferrum mulinarium, millstone.
fideiussores (fideius sor), sworn witness, compurgator.

fisco (fiscus), public treasury.

genecaria (genecaria), chamber maid.

graniam (grania or granarium), warehouse, granary.

herpices (herpices), harrow.

in capitale, in full.

iosum (iosum, deorsum), again.

liberis (liber), freeman.

manualem (manuale pecus), driving ox.

milus (milus, a, um), blind.

mulinum (mulinum), mill.

mundium (mundium), guardianship, protection.

nominatis (nominatus), appointed men.

pastor (pastor), bishop.

pausant (pausare), to lay aside, (deponare).

placitum (placitum), session.

platea (platea), public square.

pretium (pretium), price.

proprietatem (proprietas), rightful possessor.

pugnam duorum, wager of battle.

prugit (prugere), to bellow.

qualitatem (qualitas), kind, sort.

raptori (raptor), evil doer, thief.

siclas (siclæ), measures.
sirico (siricus), surgeon.
solidus (solidus), shilling.
spatarius (spatarius), swordmaker.
talare (talare), to appropriate.
tremissis (tremissis), four saigas (pennies).
usufructario (usufructarius), yield income.
veltrum (veltrus), rabbit.
vestaria (vestaria), waiting maid.
INCIPIT PACTUM BAWARORUM

Hoc Decretum Apud Regem Et Principibus Eius Et Apud Cuncto Populo Xriano Qui Intra Regnum Meruungorum Consistunt.

HERE BEGINS THE PACT OF THE BAVARIANS

This decree applies to the king and his chieftains and to the whole Christian people who dwell within the boundaries of the Merovingians.

Tit. 1. De ecclesiasticis rebus, de libris legis institutionum, quae ad clericum pertinent, seu de Ecclesiaorum iure.

Title I. Concerning ecclesiastical matters, concerning the books of the established law which pertain to the clergy, and concerning the rights of churches.

Cap. 1. Ut si quis liber Baiuvarius vel quis-cumque alodem suam ad Ecclesiam vel quamcunque rem donare voluerit, liberam habeat potestatem.

Cap. 1. If any free Bavarian or any person whatsoever shall have wished to give his freehold (alodem) or any property to the church, let him have the full right of doing this.

Ut si quis liber persona voluerit et dederit res suas ad Ecclesiam pro redemptione animae suae, licentiam habeat de portione sua, postquam cum fillis suis partivit. Nullus eum prohibeat, non Rex, non Dux, nec uilia persona habeat potestatem prohibendi ei. Et quicquid donaverit, villas, terram, muncipia, vel alium quam pecuniam, omnia quaecumque donaverit pro redemptione animae suae, hoc per epistolam confirmet propria manu sua ipse, et testes adhibeat sex vel amplius si voluerit, et imponat
manus suas in epistola, et nomina eorum notent ibi quos Ipse rogaverit. Et tunc ipsam epistolam ponat super altare, et sic tradat ipsam pecuniam coram sacerdote qui ibidem servit et post haec nullam habeat potestatem exinde quicquam auferre, nec ipse nec posteri eius, nisi defensor Ecclesiae Ipsius per beneficium praestare voluerit ei, sed apud Episcopum defendantur res ecclesiae, quicquid a christianis ad Ecclesiam Dei datum fuerit.

If any free person shall have wished and shall have given his property to the church for the redemption of his soul, let him have complete freedom over his own portion after he has divided with his sons. Let no one stop him; neither the king, nor the duke, nor any person may have the power of stopping him. And whatever he shall have given, villas, land, slaves, money, or anything whatsoever he shall have given for the redemption of his soul, let him confirm this through a letter by his own hand, and let him bring six witnesses or more if he shall have wished, and let them set their hands to the letter, and let those whom he shall have asked sign their names there. Then let him place that letter on the altar and so hand over that property before the priest who serves there, and afterwards let neither him nor his posterity have the power to take anything away, unless the defender of the church shall wish to offer it to him as a benefice; but let the properties of the church, whatever shall have been given to the church by Christians, be defended by the bishop.
Cap. II. Concerning those who shall have wished to defraud the church contrary to law.

Si quis aliqua persona contra res Ecclesiae iniuste agere voluerit, vel de rebus Ecclesiae abstrahere voluerit, sive ille qui dedit vel heredes eius, aut qualiscunque homo prae-sumpserit, inprimis incurrat Dei iudicium et offensionem sanctae ecclesiae, et iudici terreno persolvat auri uncias tres et illas res Ecclesiae reddat, et alias similes addat Regi cogente vel Principe qui in illa regione iudex est.

If any person shall have wished to commit an unjust act against the properties of the church, or shall have wished to remove anything from the properties of the church, whether it be he who gave it, his heirs, or any man whatsoever who shall have presumed to do this, let him forthwith suffer the judgment of God and the disapproval of the Holy Church, and let him pay three ounces of gold to the earthly judge and restore those properties to the church; and let him add others like unto those, the king or prince who is the judge in that region compelling it.

Cap. III. Concerning thefts of the church and how they are to be compounded.

1. Si quis res Ecclesiae furaverit, et exinde probatus fuerit, de qualicunque re niugeldos solvat, id est, novem capita restituat. Et si negare voluerit, secundum qualitatem pecuniae
luret in altari de qua Ecclesia turavit. De una salga solus iuret. De duabus salgis, vel tribus, et usque ad tremissem, cum uno sacramentali iuret. Deinde usque ad quatuor tremisses cum tribus sacramentalibus iuret.

I. If anyone shall have stolen properties of the church, and thus it shall have been proven, let him pay ninefold for whatever property he took; that is, let him restore it nine times over. And if he shall have wished to deny this, let him swear according to the amount of the property on the altar of the church from which he stole. To the value of one saiga let him swear alone, for two or three salgias and up to one tremissis, let him swear with one oathtaker. From thence up to four tremisses, let him swear with three oathtakers.

II. Et si ampliorem pecuniam furaverit, aut caballum, aut bovem, aut vaccam, vel quicquid plus valet quam quatuor tremisses, et negare voluerit, tunc cum sex sacramentalibus iuret, et ipse sit septimus, in altare coram populo et Presbytero.

IIl. And if he shall have stolen still more property, either a horse, or an ox, or a cow, and shall have wished to deny it, let him swear with six oathtakers, and himself as a seventh on the altar before the people and the priest.

III. Si autem de ministerio Ecclesiae aliquid furaverit, id est, calicem aut patenam vel pallam, aut qualemcumque rem de infra Ecclesia furaverit, et probatus fuerit,trimniungeldo solvat, hoc est, ter novem restituant. Et si negare voluerit, secundum qualitatem pecuniae iuret cum XII. sacra-
In ipso altare

III. If, moreover, he shall have stolen anything from the service of the church, that is the chalice, paten, or altar cloth; or shall have stolen anything from within the church, and it shall have been proved, let him pay thrice nine-fold (trimniungeldo); that is, let him re-store it thrice nine times over. And if he shall have wished to deny it, let him swear according to the amount of the property with twelve oath takers on the altar itself.

Cap. IV. De his qui servum ecclesiae ad fugiendum suaserint.

Cap. IV. Concerning those who shall have persuaded a slave of the church to flee.

1. Si quis servum ecclesiae vel ancillam ad fugiendum suaserit, et eos foras terminum duxerit, et exinde probatus fuerit, revocet celeriter, et cum quindecim solidis componat auro adpretiatos, pro qua re praesumpserit hoc facere. Et dum illum revocat, alium mittat in loco pro pignore donec illum reddat, quem in fuga duxit. Et si non potuerit illum invenire, tunc alium donet similem IIII, et quindecim solidos componat.

1. If anyone shall have persuaded a slave or handmaiden of the church to flee, and shall have led him beyond the bounds of the church property, and this shall have been proved on him, let him bring back that slave at once and let him compound with fifteen solidi priced in gold, owing
to the fact that he presumed to do this. And while he
is returning that one, let him send another in his place
as a pledge until he restores the slave whom he led in
flight. And if he shall not be able to find that one,
then let him give another like unto him and let him com-

pound fifteen solidi.

11. Ita de ancilla, secundum quod valet, similiter faciat.

11. Let him pay likewise in the case of a handmaiden ac-
cording to her value.

Cap. V. De his qui servum Ecclesiae sine morta-
tali crimen interemerint.

Cap. V. Concerning those who shall have killed a slave of
the church without mortal crime.

Si quis servum Ecclesiae sine mortali culpa occi-
derit per praesumptionem, duos similis restituat pro illo quem occidit. Et si negare voluerit,
cum duodecim sacramentalibus iuret in altare in
illa Ecclesia culus servum occidit.

If anyone shall have killed a slave of the church with-
out mortal crime through mistaken presumption, let him
restore two like unto the one he killed. And if he shall
have wished to deny it, let him swear with twelve oath-
takers on the altar of the church whose slave he killed.

Cap. VI. De his qui res Ecclesiae igne cremaverint.

Cap. VI. Concerning those who set fire to church prop-
erty and burn it.
I. Si quis res Ecclesiae igne cremaverit per invidiam more furtivo in nocte, et inventus fuerit, si servus est, tollatur manus eius et oculi eius, ut amplius non valeat facere malum. Dominus vero eius omnia similia restituat, quicquid in illo incendio arserit.

I. If anyone through ill will shall have burned the properties of the church in a secret manner by night, and it shall have been found out, if he be a slave, let him lose his arms and his eyes so that they no longer avail him to do evil. Let his master, in truth, restore all things in like manner, whatsoever he burned in that fire.

II. Et si liber homo hoc praesumpserit facere, et res Ecclesiae igne cremaverit, et probatus fuerit, componat hoc secundum legem, id est, in primis donet sexaginta solidos auro adpretiatos propter praesumptionem, quia tali ausus fuerat facere. Postea omne culmen quod in illo incendio cecidit cum viginti quatuor solidis componat, et quicquid ibi arserit omnia similia restituat. Et quanti homines ibi intus fuerint, et inlaesi de Incendio evaserint, unicuique cum sua hrevuavunti componat. Et si ibi aliquis laesus fuerit vel mortuus, ac si ipse cum propria manu tecerit, sic secundum personam uniusculiusque componat. Et si hoc negare voluerit, cum viginti quatuor sacramentalibus nominatis luret in altare evangelio superposito coram defensore Ecclesiae.

II. And if a freeman shall have had the presumption to do this, and shall have burned the properties of the church with fire, and it shall have been proved, let him compound for this according to law, that is in the first place let him give sixty solidi valued in gold on account of this presumption, since he dared to do such a thing.
Afterward, let him compound for every rooftop (culmen) which fell in that fire with twenty four solidi, and let him restore all things which he burned there in a like manner. And howsoever many men were within and escaped uninjured from the fire, let him compound for each one with his hreuvavuntI. And if anyone shall have been injured or killed there, and if he shall have done this with his own hand, let him compound this according to the status of each one. And if he shall have wished to deny this, let him swear with two appointed oathtakers on that holy altar placed before the defender of the church.

III. Et quisquis de rebus ecclesiae furtivis probabilis fuerit, ad partem fisci pro fredo praebat fideiusseorem, et donet wadium de quadraginta solidis, et tantum solvat quantum iudex iusserit; et quantum durius soluerit, tantum firmitior erit pax Ecclesiae.

III. And whoever shall have been proved guilty of theft of church properties, let him offer assurance for the fredis of forty solidi payable to the treasury (ad partem fisci), and let him pay as much as the judge shall order, and the more heavily he shall be made to pay, the firmer will be the peace of the church (pax Ecclesiae).

Cap. VII. De his qui rei sunt, et confugium fecerint ad Ecclesiam.

Cap. VII. Concerning those who are guilty of offenses and make flight to the church.
1. If any culpable person shall have made flight to the church, after he shall have entered the door of the church, let no one dare to remove him by force, until he inquires of the bishop or the priest of the church.

II. If a priest shall not have dared to make reply, and if the offender is blameworthy meriting punishment, let this action be taken with the approval of the priest since the culprit made flight to the church.

III. Let no fault be so grave that his life not be granted him on account of the fear of God and reverence for the saints, since the Lord said, "For if ye forgive men their trespasses, your Heavenly Father will also forgive you. But if ye forgive not men their trespasses, neither will your Father forgive your trespasses." (Matthew VI, 14-15)

IV. If a man obstinate and proud of mind, in fear of God and reverence of the holy churches, shall have persuaded a servant his own, and shall have fled from the church by force.
et Deo honorem non dedet, componat ad Ipsam
ecclesiam quadraginta solidos ludice cogente, 
et pro tredum quadraginta solidos, ut sit honor Deo et reverentia sanctorum, et Ecc-
clesia Del semper Invicta sit.

IV. If, moreover, any man insolent and proud shall have
neither fear of God nor reverence for the saints of the
church and shall have removed his fleeing slave or him
whom he shall have pursued from the church by force, and
shall not have given honor to God, let him compound forty
solidi to that church, the judge compelling; and for a
fretus let him pay forty solidi to the treasury so that
honor shall be done to God and reverence to the saints,
and that the church of God may ever stand, invincible.

Cap. VIII. De compositione ministrorum Ecclesiae
quomodo componuntur.

Cap. VIII. How composition shall be rendered for servants
of the church.

I. Si quis ministros Ecclesiae, id est, Sub-
diaconum, Lectorem, Exorciistam, Acolytum,
Ostiariarum, de Istitis aliquem iniuraverit, aut
percisserit, vel plagaverit, vel occiderit,
componat hoc dupliciter sicut solent componi
parentes eius.

I. If anyone shall have harmed, struck, beaten, or killed
servants of the church, that is, a sub-deacon, a lector,
exorcist, acolyte, gate-keeper, any of these, let him
compound doubly just as their relatives are wont to be com-
pounded.

II. quos sunt ministri altaris Dei, duplicem
compositionem accipiant.

II. Let those who are servants at the altar of God receive double composition.

III. Alut autem Clerici componantur sicut parentes eorum.

III. Other clergy, however, are to be compounded for just as their relatives.

Cap. IX. De monachis.

Cap. IX. Concerning monks.

Monachi autem qui secundum regulam in monasterio vivunt, et IIII dupliciter componantur secundum genealogiam suam, ut reverentia sit Dei, et pax eis qui IIII deseruunt.

Monks, moreover, who live according to a rule in a monastery are to be compounded for two-fold according to their family, so that reverence may be done to God and peace observed toward those who serve him.

Cap. X. De Presbyteris vel Diaconibus, quomodo componantur.

Cap. X. How priests and deacons are to be compounded for.

I. Si quis Presbytero vel Diacono, quem Episcopus in parochia ordinavit, vel qualem plebs sibi se- cepit ad sacerdotem, quem ecclesiastica sedes probatum habet, iniuriam fecerit, vel plagaverit, tripliciter eum componat.

I. If anyone shall have done harm to or struck a priest or a deacon whom the bishop has ordained in a parish, or such a one as the people have taken to themselves as a priest or whom the ecclesiastical see has approved, let
him compound three-fold.

II. Si autem Presbyterum occiderit, solvat trecenos solidos auro adpretiato. Si aurum non habet, donet allam pecuniam, mancipia, terra, vel quicquid habeat, usque dum impleat.

II. If, moreover, he shall have killed a priest, let him pay three hundred solidi valued in gold. If, however, he does not have the gold, let him give other property, slaves, land or whatever he has until he has fulfilled the obligation.

III. Diaconum vero cum ducentis solidis solvat.

III. Let him pay for a deacon with two hundred solidi.

IV. Utrosque ad illam Ecclesiam, ubi ministri fuerint, Episcopo requirente, et judice cogente, qui in illa provincia sit ordinatus.

IV. Let this be paid (in the case of the priest or deacon) to that church where they were servants, the bishop requiring it and the judge compelling it, (the bishop and judge) who have been established in that province.

V. Et pro fredo in publico solvat solidos sexa-ginta, ut exinde, sit reverentia sacerdotum, et honor ecclesiasticus non contemnatur, neque prae-sumptio crescat in plebe.

V. And for a fredus, let him pay sixty solidi into the public treasury so that thereby reverence may be shown the priests, and the ecclesiastical office not held in contempt, and so that presumption may not increase among the people.

Cap. XI. De Episcopis, et illorum interfectione.
Cap. XI. Concerning the killing of bishops.

I. Si quis Episcopum, quem constituit Rex, vel populus elegit sibi Pontificem, occiderit, solvat eum Regi vel plebi aut parentibus secundum hoc edictum. Fiat tunica plumbea secundum statum eius, et quod ipsa pensaverit, auri tantum donet, qui eum occidit. Et si aurum non habet, donet aliam pecuniam, mancipia terram, villas vel quic- quid habet, usque dum impleat debitum. Et si non habet tantam pecuniam, se ipsum et uxorem et filios tradat ad Ecclesiam illam in servitium, usque dum se redimere possit. Hoc per imperium Regis vel iudicis fiat. Et illa pecunia in usu ipsius Ecclesiae, ubi Pontifex fuit, ibi sit firmata usque in perpetuum.

I. If anyone shall have killed a bishop, whom the king established or the people chose to be their pontiff, let him pay for him to the king or to the people, or to his relatives according to this law. Let a leaden tunic be made according to his status, and let him who killed give so much in gold as it shall have weighed. And if he doesn't have the gold, let him give other property, slaves, land, villas, or whatever he has until he shall have fulfilled his obligation. And if he doesn't have so much property, let him hand over his wife and sons to that church in servitude until he is able to redeem them. Let this be done through an order of the king or judge. And let the money be permanently devoted to the use of that church where the bishop was pontiff.

II. Et si Episcopus contra aliquem culpabilis apparat, non praesumat eum occidere, quia Summus Pontifex est; sed mallet eum ante Regem
vel Ducem, aut ante plebem suam.

II. And if the bishop appears guilty before another, let that man not presume to kill him, because he is the highest pontiff, but summon him before the king or duke, or before his people.

III. Et si convictus de crimine, negare non possit, tunc secundum canones ei iudicetur. Si tallis est culpa ut deponatur, deponatur aut exilietur. De homicidio, de fornicatione, de consensu hostili, si intra provinciam inimicos invitaverit, et eos perdere voluerit, quos salvere debuerat, pro istis culpis damnetur.

III. And if he shall have been convicted of crime, and he cannot deny it, let him be judged according to the custom of the church. If he is guilty of such an act that he might be deposed, let him be removed from his post or sent into exile. Let him be condemned for those faults concerning homicide, fornication, hostile conspiracy, or if he shall have wished to lose those whom he ought to have saved.

Cap. XII. De sanctimonialibus vel Deo dicatis.

Cap. XII. Concerning nuns and those called into God's service.

Si quis sanctimonialem, hoc est, Deo dicatam, de monasterio traxerit, et eam sibi in coniugio duxerit contra legem ecclesiasticam, requirit eam Episcopus civitatis illius cum consilio Ducis; velit nolit, tamen reddat eam ad illud monasterium, unde eam tulit, et componat ad illud monasterium dupliciter sicut solet componere, qui alienam rapit sponsam Scimus illum crimine esse obnoxium, qui alienam sponsam rapit: quanto magis ille obsoxius est crimine qui Christi usurpavit
If anyone shall lead forth a nun from a monastery, that is, one dedicated to God, and shall take her in marriage contrary to ecclesiastical law, let the bishop of that province with the consent of the duke demand her back. Whether he is willing or not, nevertheless, let him return her to the monastery from whence he took her, and let him compound two-fold to that monastery, just as one is wont to compound who steals another's betrothed. We know that that crime is offensive in which one steals another's betrothed, how much more offensive is his crime who usurps the betrothed of Christ. And if he shall not have wished to pay his fine and return her, let him be expelled from the province according to the words of the apostle (I. Cor. V, 13), "Put away the wicked man from among yourselves." And again (I. Cor. V, 5), "Deliver such an one unto Satan for the destruction of the flesh, that the spirit may be saved in the day of the Lord Jesus."

Cap. XIII. De Presbyteris et Diaconibus, ut minime habitent cum mulieribus.

Cap. XIII. Concerning priests and deacons, that they have absolutely nothing to do with women.
Let it be allowed to no priest, deacon, or ecclesiastical servant to have a strange woman with him in his house, so that he may not be beguiled by that opportunity, and having been polluted might not offer sacrifice to God, with the result that the people might be corrupted by his offense and sustain injury.

On that account those who are graced by the priestly office may not entertain the forbidden consort of strange women. This facility only being granted to them, that they may keep within the walls of their homes mothers, daughters, and full sisters, for in these cases kinship (foedus naturale) permits us to suspect no offense, for affection urges them not to give up their chastity.

In other cases priests, deacons, and clergy are to judged by the bishop according to their canons.
Cap. XIV. How serfs and slaves of the church are to serve.

I. De colonis vel servis Ecclesiae, qualiter serviant, vel qualia tributa reddant, hoc est, agrarium, secundum aestimationem iudicis, provideat hoc iudex, secundum quod habet, donet. De triginta modis tres donet, et pascuarium desolvat secundum usum provinciae.

I. Let the judge provide in the case of serfs or slaves of the church what services they are to perform and what tribute they are to render, for instance, in grain, let him give according to the estimate of the judge, and according to what he has. For thirty measures, let him give three, and let him pay for pasturage (pascuarium) according to the custom of the province.


II. (His duties are) to plow, sow, enclose, harvest, draw in, and store away from lawful acres (andecingas-andecenas), that is, based on a ten foot rod, four rods in width, forty in length. Also to enclose, cut, harvest, and draw in from meadow land to the measure of one arpent (arpento). Each neighbor ought to receive two measures of the harvest, and help to sow, garner, and store away.
from the summer crops (tremisse, tremisium, trimense).
And (further duties are) to plant vines, to enclose, work, cultivate, and prune them, and to gather in the vintage.

III. Reddant decimum fascem de lino, de apibus decimum vas, pullos quatuor, ova quindecim reddant.

III. Let them render a tenth of a bundle of wood, a tenth of a container of honey, four chickens, and fifteen eggs.

IV. Parafredos donent, aut ipsi vadant ubi eis inunctionem fuerit. Angarias cum carra faciant usque quinquaginta leugas. Amplius non minentur.

IV. Let them give pack horses (parafredos), or let them go where they have been ordered to go. Let them provide draught animals (angarias) with wagons for use up to a distance of fifty leagues (leugas). Let no more be required of them.

V. Ad casas dominicas stabulare, foenile, granium, vel tuninum recuperandum peditas rationables accipiant; et quando necessit fuerit, omnino componant. Calcifurnum ubi prope fuerit, ligna aut petras quinquaginta homines faciant; ubi longe fuerit centum homines debant exire; et ad civitatem, vel ad villam, ubi necessit fuerit, ipsam calcem trahant.

V. Let them go a reasonable distance by foot for the purpose of repairing the lord's outbuildings, that is, his stable, hayloft, granary, or wine press (tuninum), and when necessary, let them make composition for all of these things. When a stone oven (calcifurnum) shall be
near at hand, let fifty men bring wood or stone, and where
the distance is greater, a hundred men ought to go; and
let them draw stone to the city (civitatem) or villa where
it is needed.

VI. Servus autem Ecclesiae secundum possessionem
suam reddat tributa. Opera vero tres dies in
hebdomada in dominico opereetur, tres vero sibi
faciat. Si vero dominus eius dederit ei boves
aut alias res quas habet, tantum serviat quan-
tum ei per possibilitatem impositum fuerit; tamen
nunca neminem opprimas.

VI. Moreover, a slave of the church ought to render tribute
according to his possessions. Let him do three days work
a week for the lord, three days for himself. If indeed,
the lord shall have given to him oxen or other property
which he possesses, nevertheless, let him serve only
within the limits of possibility, to the end that no one
may be oppressed unjustly.

Tit. II. De Ducibus et eorum causis, quae ad
eos pertinent.

Title II. Concerning cases pertaining to the duke.

Cap. I. Si quis de morte Ducis consiliatus
fuerit.

Cap. I. If anyone shall have plotted the death of the duke.

1. Si quis contra Ducem suum, quem Rex ordinavit
in provincia illa, aut populus sibi elegerit Ducem,
de morte elius consiliatus fuerit, et exinde pro-
batus negare non potest, in Ducis sit potestate
homo ille, et vita illius, et res elius inscenen-
tur in publico.

1. If anyone shall have plotted death against his duke whom
the king has established in that province or whom the people have chosen as duke, and if having been proved he cannot deny it, let that man's life be in the power of the duke and his property confiscated into the public treasury.

II. Et hoc non sit per occasionem factum, sed probata res expediat veritatem, nec sub uno teste, sed sub tribus testibus personis coaequalibus sit probatum. Si autem unus fuerit testis, et ille alter negaverit, tunc Dei accipient judicium. Exeant in campum, et eui Deus dederit victoriam, iili credatur. Et hoc in praesentia populi fiat, ut per invidiam nullus pereat.

II. And this shall not be done as a mere pretext, but let the proved fact alone lead to the truth. And let it not be proved by one witness, but by three, all persons of equal rank. If, moreover, one shall testify to it and another deny it, then let them resort to the judgment of God. Let them go on the open field, and let the one be believed to whom God gives the victory. And let this be done in the presence of the people, so no one may die through trickery (invidiam).

III. Ut nullus liber Baiuvarius alodem aut vitam sine capitali crimine perdat, id est si aut in necem Ducis consiliatus fuerit, aut Inimicos in provinciam invitaverit, aut civitatem capere ab extraneis machinaverit, et exinde probatus inventus fuerit, tunc in Ducis sit potestate vita ipsius et omnes res elus et patrimonium.

III. Let no free Bavarian lose his freehold or life unless guilty of a capital crime, that is, if he shall have
plotted the death of the duke, or invited enemies into the province, or conspired to seize the city with foreign aid; but if he shall have been found guilty of it, then let his life, his property, and all his inheritance be in the power of the duke.

IV. Cetera vero quaecunque commiserit peccata, quousque habet substantiam, componat secundum legem.

IV. Indeed anyone who shall have committed other offenses, as he has property so let him compound according to law.

V. Si vero non habet, ipse se in servitio deprimat, et per singulos menses vel annos quantum lucrare quiverit, persolvat cui deliquit, donec debitum universum restituat.

V. If indeed he does not have property, let him be cast into servitude; and to the extent that he was able to profit, let him repay to him to whom he caused loss through the months and years until he has paid the whole debt.

Cap. II. Si quis Ducem suum occiderit.

Cap. II. If anyone shall have killed his duke.

Si quis Ducem suum occiderit, anima illius pro anima eius sit, mortem quam intulit recipiat, et res eius iniscentur in publico in sempernum.

If anyone shall have killed his duke, let his life pay for the duke's life, let him receive the death he inflicted, and let his property be permanently confiscated into the public treasury.
Cap. III. Si quis seditionem excitaverit contra Ducem suum.

Cap. III. If anyone shall have stirred up sedition against his duke.

I. Si quis seditionem excitaverit contra Ducem suum, quod Baluvarii carmulum dicunt, per quem in primis fuerit levatum, componat Ducil sexcentos solidos.

I. If anyone shall have stirred up sedition against his duke, which the Bavarians call carmulum, let that one through whom it was first started compound six hundred solidi to the duke.

II. Alli homines, qui eum seuti sunt illi similes, et consilium cum ipso habuerunt, unusquiesque cum ducentis solidis componat.

II. Let every other man who shall have followed him and shall have plotted with him compound with two hundred solidi.

III. Minor populus qui eum seuti sunt, et liberi sunt, cum quadraginta solidis componant, ut tale scandalum non nascatur in provincia.

III. Let lesser folk who shall have followed him, and who are free compound with forty solidi that so great a scandal may not arise in the province.

Cap. IV. Si quis in exercitu scandalum excitaverit.

Cap. IV. If anyone shall have stirred up scandal (scandalum) in the army.
I. Si quis in exercitu, quem Rex ordinavit vel Dux de provincia illa, scandalum excitatavit intra propria hoste, et ibi homines mortui fuerint, componat in publico sexcentos solidos.

I. If anyone in the army which the king or duke shall have placed in that province, shall have stirred up scandal within his own band (hoste), and men shall have been killed there, let him compound six hundred solidi.

II. Et quis quis ibi aut percussiones, aut plagas, aut homicidium fecerit, componat sicut in lege habetur, uniculque secundum suam genealogiam.

II. Whosoever shall have pierced or struck another there, or committed homicide, let him compound as held in this law, each according to his family.

III. Et ille homo, qui haec commisit, benignum imputet Regem vel Ducem suum, si ei vitam cesserint.

III. And that man who committed this may regard his king or duke as liberal if he grant him his life.

IV. De minoribus autem hominibus, si in hoste scandalum commiserint, in Ducis sit potestate, qualem poenam sustineant.

IV. If lesser men shall have committed scandal, let it be in the power of the duke to declare whatever punishment they will sustain.

V. Et ille usus eradicandus est, ut non fiat. Solvet enim propter pabula equorum vel propter ligna fieri scandalum, quando aliqui defendere volunt casas vel scurias ubi foenum vel granum inveniant. Hoc vetandum est ne fiat. Ut si quis invenerit pabula vel ligna, tollat quantum vult, et neminem vetet tollendi, ut per hoc scandalum non nascatur.
V. And that practice must be eradicated so that it may not occur. For scandal is wont to occur over fodder for the horses, and over wood, because some are wont to defend the outbuildings or storehouses where they find hay or grain. It must be forbidden that this be done. And if anyone shall have found fodder or wood, let him bear away what he wishes, and let no one be prevented from bearing away, so that scandal may not arise on this account.

VI. Si quis hoc ausus fuerit facere, aut contradicere aliquid quod lex vetat, ille tunc, si inventus fuerit, coram Duce disciplinae hostilli subiaceat, vel ante Comitem suum quinquaginta gamactas, id est, quinquaginta percussiones acciplat.

VI. If anyone shall have dared to do this, or shall have opposed anything which the law forbids, and if it then be found out, let that man in the presence of the duke be subject to punishment as an enemy and receive fifty gamactas, that is fifty blows before his count.

Cap. V. Si quis infra provinciam, ubi Dux exercitum ordinaverit, sine Ducis iussione aliquid praedaverit.

Cap. V. If anyone within the province where the duke has stationed the army shall have pillaged something without the command of the duke.

I. Si quis in exercitu infra provinciam sine iussione Ducis sui per fortiam hostilem aliquid depraedare voluerit, aut toenum tollere aut granum, vel casas incendere, hoc omnino detestamur ne fiat. Et exinde curam habeat Comes
in suo comitatu. Ponat enim ordinationem suam super Centuriones et Decanos, et unusquisque provideat suos quos regit, ut contra legem non taciant.

I. If anyone shall have wished to pillage something within the province without the command of the duke through hostile force, or to steal hay or grain, or to burn out-buildings, we consider this so despicable that it is not permissible (hoc omnino detestamur ne fiat). And let the count beware of this within his retinue. Let him issue his orders to the centurions and the deans, and let each one of them look out for those whom they command so they do not act contrary to law.

II. Et si aliquis praemptuosus hoc fecerit, a Comite illo sit requirendum cuius homo hoc fecit.

II. And if anyone has done this most presumptuously, the count must make an inquiry from him whose man did this.

III. Et si ille Comes neglexerit inquirere quis hoc fecit, ille omnia de suis rebus restituat; tamen tempus requirendi habeat.

III. And if the count shall have neglected to inquire who did this, let him restore all things from his own properties, nevertheless, let him have time for making an investigation.

IV. Et si talis homo potens hoc fecerit, quem ille Comes distingere non potest, tunc dicat Duci suo, et Dux illum distingat secundum legem.

IV. If a man who shall have done this be so powerful that
the count is not able to place him under restraint (distrin-
gere), then let the count tell his duke, and let the duke
place the man under restraint according to law.

V. Si liber est, quadraginta solidis sit culpa-
billis, et omnia similia restituat.

V. If he is a freeman, let him be guilty to the sum of
forty solidi, and let him restore all in a like measure.

VI. Si servus hoc fecerit, capitali subiaeat
sententiae. Dominus vero elus omnia similia
restituat, quia servo suo non contestavit ut
talla non faceret. Qula si vosmetipsos comeditis,
cito deficiletis.

VI. If a slave shall have done this, let him be subjected
to capital punishment. Let his master, indeed, restore
all things in a like measure, since he did not contest in
behalf of the slave that he had not done such things.

(Gal. V. 15), "If ye bite and devour one another, take
heed that ye be not consumed one of another."

VII. Comes tamen non neglegat custodire exer-
citum suum, ut non faciant contra legem in pro-
vincla sua.

VII. Nevertheless, do not let the count neglect to watch
over his army, so that it may not act contrary to law
within his province.

Cap. VI. Si quia in exercitu aliquid furaverit.

Cap. VI. If anyone shall have stolen anything within the
army.

I. Si quia in exercitu aliquid furaverit, pas-
II. If anyone shall have stolen something within the army, hobble (pastoriam), halter (capistrum), bridle (frenum), blanket (feltrum), or anything whatsoever and it shall have been proved, if he be a slave, let him lose his hands, in truth, let his master restore that property, if he has it, or return other property like unto it.

II. Si autem liber homo hoc fecerit, cum quadraginta solidis redimat manus suas, et quod tuli reddat.

II. If, moreover, a freeman shall have done this, let him redeem his hands with forty solidi and return what he stole.

Cap. VII. Si quis in utilitate Ducis vel domini sui mortuus fuerit.

Cap. VII. If anyone shall have died in the service of his duke or his master.

1. Si quis homo in utilitatem domini sui in exercitu, vel ubicunque dominus eum eum miserit, perrexerit, et ibi mortuus fuerit, et quaerit opinionem facere domino suo vel populo suo, heredes eius nunquam sint delecti de hereditate eius, quamvis qualescunque sint; sed Dux eos defendat usque dum ipsi possint.

I. If any man shall have gone forth in the service of his master in the army or wherever his master shall have sent him and shall have died there, and seeks to do the will (opinionem facere) of his lord or his people, his heirs
are never to be cut off from his inheritance, whatsoever
their rank may be, but let the duke defend them as far
as they can lay claim.

II. Tunc enim unusquisque non tardat voluntatem
domi ni sui facere quando sperat se exinde munus
accipere, si inde vivens evaserit. Et si pro-
ter hoc mortuus fuerit, eredat quod filii eli
aut fillae possideant hereditatem eius nullo
inquietante, tunc fidus et promptus imple 

II. Let each one of them not delay to do the will of his
master, since he may hope thereby to receive a gift from
him if he shall escape thence alive. And if he shall have
died on this account, let him be sure that his sons and
daughters will possess his inheritance without fear, then
let him fulfill his command faithfully and promptly.

Cap. VIII. Si quis Regis vel Ducis sui iu-
sione hominem interfecerit.

Cap. VIII. If anyone shall have killed a man at the order
of the king or duke.

I. Si quis hominem per iussionem Regis vel Ducis
sui, qui illam provinciam in potestate habet,
occiderit, non requiratur ei, nec fadosus sit,
quia iussio domini sui sult, et non potuit con-
tradicere iussionem; sed Dux defendat eum et
filios eius pro eo.

I. If anyone shall have killed a man at the order of his
king or duke who has that province in his power, let him
not be held responsible, and let him not be held faith-
less (fadosus), since he did this at his lord's command
and he could not disobey his order, but let the duke defend him and his sons for this.

II. Et si Dux ille mortuus fuerit, alius Dux qui in loco eius succedit, defendat eum.

II. And if the duke shall have died, let the duke who succeeds in his place defend that man.

Cap. IX. De Duce si protervus et elatus, vel superbus atque rebellis fuerit, et decretum Regis contemperit.

Cap. IX. Concerning a duke, if he shall be haughty and conceited, proud and rebellious, and shall have held the orders of the king in contempt.

Si quis autem Dux de provincia Ilia, quem Rex ordinaverit, tam audax aut contumax, aut levitatae stimulatus, seu protervus et elatus, vel superbus atque rebellis fuerit, qui decretum regis contemperit, donatu dignitatis ipsius Ducati careat, etiam et insuper spera supernae contemplationis sciat se esse condemnatum, et vim salutis amittat.

If there shall be any duke over that province where the king has stationed him, bold and insolent, foolhardy, haughty and puffed up, proud and rebellious, who has held the king's command in contempt, let him be deprived of the gift of his station, of his dukedom, and moreover besides the hope of the contemplation of Heaven, let him lose the power of his salvation.

Cap. X. De filiis Ducum si protervi fuerint.

Cap. X. Concerning the sons of the duke if they are haughty.
I. Si quis filius Ducis tam superbus vel stultus fuerit, ut patrem suum dehonestare voluerit per consilium malignorum, vel per tortiam, et regnum eius auferre ab eo, dum adhuc pater eius potest iudico contendere, in exercitu ambulare, populum iudicare, equum viriliter ascendere, arma sua vivaciter bailulare, non est surdus nec coecus, in omnibus lussionem Regis potest implere, sciat se ille filius contra legem fecisse, et de hereditate patris sui se esse delectum, et nihil amplius ad eum pertinere de facultatibus patris sui, et hoc in potestate Regis vel patris sui erit ut exiliet eum, si vult.

II. Nihil aliud habeat in potestatem, nisi quod per misericordiam Rex vel pater eius dare ei voluerint.

II. Let him have nothing else in his power save that which
the king or his father shall have given him through mercy.

III. Et si supervixerit patrem suum, et alios fratres habuerit, non dent ei portionem, quia contra legem peccavit in patrem suum.

III. And if he shall have survived (supervixerit) his father and shall have had other brothers, let them not give him a portion since he sinned against his father contrary to law.

IV. Et si ille solus de heredibus eius supervixerit patrem suum, in Regis erit potestate; cui vult donet, aut illi, aut alteri.

IV. And if only he of the heirs shall have survived his father, it shall be in the power of the king to give to whom he wishes, either to him or to another.

Cap. XI. De eo qui scandalum in curte Ducis commiserit.

Cap. XI. Concerning him who shall have committed scandal in the courtyard of the duke.

1. Si quis in curte Ducis scandalum commiserit, ut ibi pugna fiat per superbiam suam, vel per ebrietatem, quicquid ibi factum fuerit, omnia secundum legem componat, et propter stultitiam suam in publico componat quadraginta solidos.

1. If anyone shall have committed scandal in the courtyard of the duke, so that fight ensued there through his haughtiness or drunkeness, let all that shall have been done there be compounded according to law, and let him pay forty solidi into the public treasury on account of
his folly.

II. Si servus est alicus qui haec commisit, manus perdat.

II. If it is someone's slave who has committed this, let him lose his hand.

III. Nullus unquam praesumat in curte Ducis scandalum committere.

III. Let no one ever presume to commit scandal in the duke's courtyard.

Cap. XII. Ut nullus in campiones sine lussu manus iniiciat.

Cap. XII. Let no one lift his hand in wager of battle (campiones) without orders.

I. Si quis in curte Ducis, vel ubicunque pugnaverint campiones, manus ad levandum miserit antequam ille lusserit cui commendatum est praevidere, si liber est, quadraginta solidos componat in publico. Si servus, manum suam ibi dextram perdat, aut dominus eius redimat eam cum viginti solidis.

I. If anyone in the courtyard of the duke or wherever they fight wagers of battle shall have raised his hand aloft before he who has been appointed to take charge shall have ordered it, if he is a freeman, let him pay forty solidi into the public treasury. If he is a slave, let him lose his right hand, or let his lord redeem him with twenty solidi.

II. Vetanda est talis causa unde scandalum solet nasci.
II. Such a situation is to be forbidden from whence scandal is wont to arise.

   Cap. XIII. De his qui in curte Ducis aliquid furaverint.

Cap. XIII. Concerning those who shall have stolen something in the courtyard of the duke.

   I. Si quis intra curtem Ducis aliquid involaverit, quia domus Ducis domus publica est, trimniungeldum componat, hoc est, ter novem donet liber homo. Servus vero niungeldo solvat, aut manus perdat.

   II. Et si aliquid invenerit in curte Ducis quasi per neglectum iacere, et id tulerit, et super noctem celaverit, furtum reputetur, in publico quindecim solidos componat.

II. And if he shall have found something in the courtyard of the duke as if cast there through neglect, and he shall have carried it off, and shall have concealed it by night, let it be regarded as a theft, and let him compound fifteen solidi into the public treasury.

   Cap. XIV. De his qui iussionem Ducis contempserint.

Cap. XIV. Concerning those who hold the duke's orders in contempt.
Si quis lussionem Ducis sui contemperit, vel signum quale usus fuerit Dux transmittere, aut annulum, aut sigillum, si neglexerit venire aut facere quod iussus est, quindecim solidos pro neglecto donet in publico, et sic impleat lussionem.

If anyone shall have held the duke's orders in contempt, or his mark which shall have been used to transmit orders, or his ring or his seal, by neglecting to come or to do what he shall have been ordered, let him give fifteen solidi into the public treasury, on account of his neglect, and let him carry out the order.

Cap. XV. Ut placita fiant per Kalendas.

Cap. XV. That court should be held on the Kalends.

1. Ut placita fiant per Kalendas aut post quindecim dies, si necesse est, ad causas inquirendas, ut sit pax in provincia, et omnes liberi convenient constitutis diebus ubi iudex ordinaverit, et nemo sit ausus contemnere venire ad placitum. Qui infra illum comitatum manent, sive Regis vassi, sive Ducis, omnes ad placitum veniant. Et qui neglexerit venire, damnetur quindecim solidis.

1. The court should be held on the Kalends or every fifteen days if it is necessary for investigating cases, that peace may prevail in the provinces, and that all free-men should assemble on the appointed day where the judge shall have ordered, and let no one dare to neglect to come to court. Let all who dwell within the county (comitatum) whether vassals (vassi) of the king or of the duke come to court. And let those who neglect to come be fined
fifteen solidi.

II. Comes vero secum habeat iudicem, qui ibi constitutus est iudicare, et librum legis ut semper rectum iudicium iudicet de omni caussa quae componenda sunt.

II. Let the count, indeed, have his judge accompany him, the judge who has been appointed to judge there, and also bring the book of the law, so that he may always render judgment aright in every case in which composition must be made.

III. Qui contra legem facit, componat sicut lex habet, et donet vadium Comiti illo de Fredo sicut lex est.

III. Let him who acts contrary to law compound just as the law holds, and let him give a pledge to that count for the Fredus which the law requires.

Cap. XVI. Ut iudex partem suam accipiat.

Cap. XVI. That the judge should receive his portion.

Iudex vero partem suam accipiat de caussa quam iudicavit. De tribus solidis tremissis accipiat, de sex solidis duos tremisses accipiat, de novem solidis unum solidum accipiat. De omni compositione semper nonam partem accipiat, dum rectum iudicat.

The judge indeed, should receive his portion from the case which he has judged. Out of three solidi, let him receive a tremissis, out of six solidi, let him receive two tremisses, out of nine solidi, let him receive one solidus. Out of all composition, let him always receive a ninth part
as long as he judges right.  

Cap. XVII. Qualis iudex fieri debeat.  

Cap. XVII. How the judge ought to be appointed.  


Let such a man be appointed judge who judges the truth according to this edict. Let him not be a discriminator among persons (a receiver of bribes) nor one greedy for money. The law perishes from a love of gain. Bribes and gifts take away the power of the laws. Freedom to live badly remains unpunished. Moreover, let such a judge be appointed who cherishes justice above money.  

Cap. XVIII. Si iudex propter munera inluste iudicaverit.  

Cap. XVIII. If a judge shall have judged unjustly on account of gifts.  

Iudex si accepta pecunia male iudicaverit, ille qui iustue aliquid ab eo per sententiam iudicavit ab eo. Qui ab eo per sententiam iudicavit, a eo abstulerit, ablata restitut. Nam iudex qui perperam iudicaverit, in duplum ei cui damnum intulerit cogatur exsolvere, quia terre sententiam contra legum nostrarum statuta praesumpsit, et in fisco cogatur quadraginta solidos persolvere.  

If a judge shall have made an unfair judgment because of receiving a bribe, let that man who received something unjustly from another (ab eo) through the penalty of the
judgment (sentence of the judge) restore what he shall have obtained. For a judge who shall have judged for a bribe (perperam) will be compelled to pay two-fold to him on whom he inflicted a loss, since he presumed to impose sentence contrary to the statutes of our laws, and let him be compelled to pay forty solidi into the public treasury.

Cap. XIX. Si per ignorantiam male iudicaverit.

Cap. XIX. If he shall have judged unjustly through ignorance.

Si vero nec per gratiam, nec per cupiditatem, sed per errorem iniuste iudicaverit, iudicium ipsius, in quo errasse cognoscitur, non habeat firmitatem; iudex vacet a culpa.

If indeed, neither through favor nor through cupidity but through error he shall have judged unjustly, let his judgment not have effect (firmitatem) in which he is known to have made an error. Let the judge be free from blame.

Cap. XX. De Ducum genealogia, ut duplum honorem accipient, et eorum compositione.

Cap. XX. That the family of the dukes ought to receive two-fold honor in their composition.


1. Concerning the families who are called Huosi, Hrozza,
Fagana, Hahilmigua, Aennion, and are the first after the Agilolfingi who are of the ducal family. To these we condede double honor, and so they shall receive double composition.

II. Agilolfingi vero usque ad Ducem in quadruplum componantur, quia summi Principes sunt inter vos.

II. The Agilolfingi, indeed, even up to the duke will be compounded for four-fold since they are the loftiest princes among you.

III. Dux vero qui praest in populo, ille semper de genere Agilolfingorum fuit, et debet esse; quia sic Reges antecessores nostri concesserunt eis, ut qui de genere illorum fidelis Regi erat et prudent, ipsum constituerent Ducem ad regendum populum illum.

III. The duke, indeed, who is first among the people has always belonged to the house of the Agilolfingi, and he ought to belong to it, since the kings of our forefathers granted it thus to them that they establish him as duke for ruling that people, him who belonging to their family had been faithful to the king and wise.

IV. Et pro eo quia Dux est, addatur ei maior honor quam ceteris parentibus eius, sicut tertia pars addatur super hoc quod parentes eius componuntur. Si vita parentorum eius afferatur, cum sexcentis solidis componuntur. Dux vero cum nongentis solidis componitur parentibus, aut Regi, si parentes non habuerit.

IV. And because of the fact that he is duke, let greater honor be given to him than to his other relatives, with
the result that a third part should be added besides that for which his relatives may be compounded. If the lives of his relatives shall have been taken, let them be compounded for with six hundred solidi. The duke, indeed, is to be compounded for with nine hundred solidi payable to his relatives or to the king if he does not have relatives.

V. Et secundum hoc edictum alta compositio sequatur, qualiter parentes eius componi solent. Itaque si Duci aliquid accesserit a coaequalibus suis, sic eum componere debet. Ubi compositio parentorum eius est in quatuor solidis, Duci vero, sex solidis. Ubi illorum in sex solidis, Duci vero in novem. Ubi vero illis dantur duo decim solidi, Duci autem octodecim. Sic semper addatur tertia pars supra in Ducis causas usque in novissimam quaestionem quae solet inter homines contingere.

V. And thus other compositions follow according to this edict in the proportion his relatives are wont to be compounded for. And if a case shall be raised involving the duke, of persons of equal status, composition ought to be made thus. Where the composition of his relatives is four solidi, that of the duke is six. When their's is six solidi, the duke's, indeed, is nine. Where, indeed, twelve solidi are given them, eighteen are to be given to the duke. Thus let a third part more always be added in cases of the duke, even to the most recent litigation which is wont to happen among men.

Tit. III. De liberis, quomodo componantur.
Title III. In what ways freemen are to be compounded for.

Cap. 1. Si quis liberum percusserit per iram.

Cap. 1. If anyone shall have struck a freeman in anger.

1. Si quis liberum per iram percusserit, quod pulislac vocant, unum solidum donet.

I. If anyone shall have struck a freeman in anger, which they call pulislac, let him give one solidus.

II. Si in eum sanguinem fuderit, quod plotruns dicunt, solidum unum et semissem componat.

II. If he shall have spilled his blood, which they call plotruns, let him compound one and one-half solidi.

III. Si in eum contra legem manus inlecerit, quod infanc dicunt tres solidos donet.

III. If he shall have lifted his hand against him contrary to law, which they call infanc, let him give three solidi.

IV. Si in eo venam percusserit, ut sine igne sanguinem stagnare non possit, quod athargrati dicunt, vel in capite testa apparent, quod gebulskini vocant, et si os fregerit, et pellem non fregit, quod palebrust dicunt, et si talis plaga ei fuerit, quae tumens sit, si aliqua sed istis contigerit, cum sex solidis componat.

IV. If he shall have cut through his vein so that he cannot stop the blood without fire, which they call athargrati, or the skull appears on his head, which they call gebulskini, and if he shall have broken a bone and the skin is is not broken, which they call palebrust, and shall have struck such a blow that there is swelling—if any of these things shall have happened, let him compound with six
solidi.

V. Si os tulerit de plaga de capite vel de brachio supra cubitum, cum sex solidis componat.

V. If he shall have broken a bone on the head or upper arm with a blow, let him compound with six solidi.

VI. Si cervella in capite appareat, vel interiore membra plagata fuerint, quod hreuuaunt dicunt, cum duodecim solidis componat.

VI. If the brain appears from the head, or the internal organs shall have been struck, which they call hreuuaunt, let him compound with twelve solidi.

VII. Si quis eum funibus ligaverit contra legem, duodecim solidos componat.

VII. If anyone shall have bound another with ropes contrary to law, let him compound with twelve solidi.

VIII. Si eum per vim implexaverit, et non ligaverit, quod hropant dicunt, cum sex solidis componat.

VIII. If anyone shall have held another back by force and shall not have tied him, which they call hropant, let him compound with six solidi.

IX. Si quis libero oculum eruerit, vel manum vel pedem tulerit, cum quadraginta solidis componat.

IX. If anyone shall have gouged out an eye of a freeman or cut off a hand or a foot, let him compound with forty solidi.

X. Et si talis plaga vel fractura fuerit, ut inde mancus sit, cum viginti solidis componat.
X. And if it be such a blow or such a break that the man becomes a cripple therefrom, let it be compounded for with twenty solidi.

XI. Si quis aliquid pollicem abscederit, cum duodecim solidis componat.

XII. If anyone shall have cut off another's thumb, let him compound with twelve solidi.

XII. Et si proximum a pollice vel minimum abscederit, cum novem solidis componat, unum sic, et alium sic.

XII. And if he shall have cut off the forefinger or the little finger, let him compound nine solidi for the one as well as for the other.

XIII. Ilos medianos duos digitos cum decem solidis componat, unum cum quinque solidis, et alium cum quinque.

XIII. Let him compound for those two middle fingers with ten solidi, five solidi for each.

XIV. Et si non fuerint abscesset et est mancus, et stat rectus ut non possit plicari, hoc impedimentum est ad arma baiulare, maior est compositio quam de abscesso, tertiam partem superaddat. Ad duodecim adde quatuor, flunt sexdecim. Ad novem adde trium, flunt duodecim. Ad quinque adde duo et tremisse, flunt septem solidi et tremisse. Sic enim debes iudicare et sic componere.

XIV. And if they shall not have been cut off, but the man is crippled, and a finger stands rigid so that it cannot be doubled up, accordingly the composition is greater than for cutting the fingers off, since this is a hindrance for bearing arms, so let a third part be added. To twelve add
four making sixteen. To nine add three making twelve.
For five add two solidi and a tremissis making seven solidi and a tremissis. For this you ought to judge and thus you ought to compound.

XV. Si quis alicui brachium supra cubitum trans- punxerit, cum sex solidis componat.
XV. If anyone shall have pierced through another's arm above the elbow, let him compound with six solidi.

XVI. Si ante cubitum transpunxerit, cum tribus solidis componat.
XVI. If he shall have pierced another's arm through below the elbow, let him compound with three solidi.

XVII. Si quis alicui nasum transpunxerit, cum novem solidis componat.
XVII. If anyone shall have pierced through another's nose, let him compound with nine solidi.

XVIII. Si quis aurem transpunxerit, tres solidos componat.
XVIII. If anyone shall have pierced through another's ear, let him compound with three solidi.

XIX. Si quis aurem alicui abscederit, cum viginti solidis componat.
XIX. If anyone shall have cut off another's ear, let him compound with twenty solidi.

XX. Si eum sic plagaverit, ut inde surdus fiat, cum quadraginta solidis componat.
XX. If anyone shall have struck another so that he becomes
deaf, let him compound with forty solidi.

XXI. Si aurem maculaverit, ut exinde turpis appareat, quod lidscarti vocant, cum sex solidis componat.

XXI. If he shall have mangled an ear so that it appears unsightly, which they call lidscarti, let him compound with six solidi.

XXII. Labium subterius simili ter componat, et palpebram subteriorem similiter modo. Si sic plagaverit ut lacrymam continere non possit, vel subterius labium salivam non continet, tunc cum sex solidis componat.

XXII. Let him compound for a lower lip likewise, and for a lower eyelid in a like manner. If he shall have struck it so that it cannot hold tears, or shall have struck the lower lip so that it cannot hold saliva, let him compound with six solidi.

XXIII. Superiorem vero palpebram vel superius labium si maculaverit, cum tribus solidis componat.

XXIII. If he shall have mangled the upper eyelid or lip, let him compound with three solidi.

XXIV. Si quis alicul dentem maxillarem, quem marchzant vocant, excusserit, cum duodecim solidis componat.

XXIV. If anyone shall have knocked out another's maxillary tooth, which they call marchzant, let him compound with twelve solidi.

XXV. Alios vero dentes si excusserit, unumquemque cum sex solidis componat.
XXV. If, indeed, he shall have knocked out the other teeth, let him compound with six solidi for each one of them.

Cap. II. De in ripa proiectis.

Cap. II. Concerning throwing people from the bank (into the river.)

Si quis alium de ripa vel de ponte in aquam in-pinixerit, quod Baiuvarii in unuuan dicunt, cum duodecim solidis componat.

If anyone shall have thrown another from a bank or from a bridge into water, which the Bavarians call in unuuan, let him compound with twelve solidi.

Cap. III. De ab equo proiectis.

Cap. III. Concerning throwing another from his horse.

Si quis aliquem de equo suo deposuerit, quod marachfalli vocant, solidos sex componat.

If anyone shall have thrown another from his horse, which they call marachfalli, let him compound with six solidi.

Cap. IV. De scalis proiectis.

Cap. IV. Concerning throwing from stairways.

Et si aliqui scalam inuuste elecerit, vel quod-cunque genus ascensionis, et ille desuper fuerit relictus, quod in unuuan dicunt, cum duodecim solidis componat.

And if anyone shall have thrown another down a stairway or any sort of ascent unjustly, and that man shall have been cast down from above which they call in unuuan, let him compound with twelve solidi.
Cap. V. De in ignem proiectis.

Concerning casting into a fire.

Similiter qui in ignem impinxerit, Ita ut flamma super caput emineat, cum duodecim solidis componat.

Likewise, let him who shall have thrust another into a fire, so that the flames appear above his head, compound with twelve solidi.

Cap. VI. De sagitta toxicata.

Concerning poisoned arrows.

Si quis cum toxicata sagitta alicui sanguinem fuderit, eum duodecim solidis componat, eo quod in unuuan est.

If anyone shall have drawn another's blood with poisoned arrows, let him compound with twelve solidi, because of the fact that it is in unuuan.

Cap. VII. De potione mortifera.

Concerning deadly potions.

Similiter qui potionem huiusmodi donaverit alicui in quo mortiferum esse dinostrit, quamvis parvum sit, aut multum si evaserit, cum duodecim solidis componat.

Likewise, whoever shall have given to another a potion of the sort in which there is known to be a death-dealing substance, whether it be a small amount or a large amount, if the person shall have escaped, let the culprit compound with twelve solidi.

Cap. VIII. De hostiliter cinctis.
Cap. VIII. Concerning surrounding a man in a hostile manner.

I. Si quis liberum hostili manu cinxerit, quod herireita dicunt, id est, cum quadraginta duobus clypeis, et sagittam in curtem prolecerit, aut quodcunque telarum genus, cum quadraginta solidis componat. Duci vero nihilominus.

I. If anyone shall have surrounded a freeman with hostile band, which they call herireita, that is with forty-two shields, and shall have shot an arrow into the courtyard or any sort of weapons whatsoever, let him compound with forty solidi. Indeed, let this be done in no wise to the duke.

II. Si autem minus fuerint scuta, veruntamen ita per vim inluste cinxerit, quod helmzuht vocant, cum duodecim solidis componat.

II. If, moreover, there shall have been a less number of shields, yet, nevertheless, he shall have surrounded another unjustly through force, which they call helmzuht, let him compound with twelve solidi.

Cap. IX. De Invitis pro pignore obtentis.

Cap. IX. Concerning obtaining unwilling persons as pledges.

Si quis liberum contra legem per vim pro pignore tenuerit, aut in domo recluserit hulismodi ut liberum non habeat egressum, cum quadraginta solidis componat.

If anyone shall have held a freeman against the law by force as a pledge, or shall have held him in a house in this manner, so that he does not have free egress, let him compound with forty solidi.
Cap. X. De porcis dispersis.

Si quis liber porcos propter praesumptionem eiulatu aut hulsumodi sono elecerit vel disperserit, ubi septuaginta fuerint porci, et ipse pastor buccinam portaverit porcilem, cum duodecim solidis componat.

If anyone shall have driven out or dispersed a freeman's pigs on account of insolence by a calling or a sound of this sort, let him compound with twelve solidi in cases where there shall have been seventy pigs and that swineherd shall have carried a pig's horn.

Cap. XI. De simulatis, quod wancstodal dicunt.

Si quis liber a facie inimicorum suorum fugerit, et allus eum per vim constare fecerit, aut se contra illum paraverit, interdum inimici illum coniunxerint, et interfecerint, et iste nihil amplius commiserit, nec ipse tetigerit, quod wancstodal dicunt, cum duodecim solidis componat parentibus suis.

If any freeman shall have fled from the presence of his enemies and another shall have made him stand still by force or shall have set himself against him, and meanwhile the enemies shall have joined together and killed him, and that other shall have done nothing more nor shall have touched him, which they call wancstodal, let him compound with twelve solidi to his relatives.
Cap. XII. De plaga claudicationis.

Cap. XII. Concerning laming blows.

Si quis aliquem plagaverit ut exinde claudus fiat, sic ut pes eius ros tangat, quod taudregill vocant, cum duodecim solidis componat.

If anyone shall have struck another and he shall have been made lame from this so that his foot drags the ground, which they call taudregil, let him compound with twelve solidi.

Cap. XIII. De interfectione liberi hominis.

Cap. XIII. Concerning the killing of freemen.

I. Si quis liberum hominem occiderit, solvat parentibus suis, si habet; si autem non habet, solvat Ducli, vel cui commendatus fuit dum vixit, bis octuaginta solidos, id sunt centum sexaginta.

I. If anyone shall have killed a freeman, let him make payment to his relatives if he has any; if he does not have any, however, let him make payment to the duke or to whom he had been commended while he was living, a payment of twice eighty solidi, that is, one hundred and sixty.

II. De feminis vero eorum si aliquid de istis actis contigerit, omnia dupliciter componantur. Et quia femina cum armis se defendere nequiverit, duplicem compositionem accipiat.

II. If any of these acts shall have happened to the wives of those freemen, let all be compounded for twofold. And since women are not able to defend themselves with weapons, let them receive a double composition.
III. Si autem pugnare voluerit per audaciam
cordis sui, sicut vir, non erit duplex compos-
itio eius, sed sicut fratres eius, ita et ipsa
recipiat.

III. If, moreover, a woman shall have wished to fight
through boldness of heart, just as a man, her composition
will not be double, but just as her brothers, and so let
her receive it.

Cap. XIV. De peregrinis transeuntibus viam.

Cap. XIV. Concerning foreigners passing along the road.

1. Nemo enim ausus sit inquietare vel nocere
peregrinum quia alli propter Deum, alli propter
necessitatem discurrunt, tamen una pax omnibus
necessaria est.

1. No one should dare disturb or harm a stranger, since
some travel on account of God, others on account of need,
so one peace is necessary for them all.

II. Si autem aliquis tam praesumptuosus fuerit
ut peregrinum nocere voluerit, et tegerit, aut
dispoliaverit, vel laeserit, vel plagaverit, aut
ipsum ligaverit, vel vendiderit, aut occiderit,
et exinde probatus fuerit, centum sexaginta soli-
dos in fisco cogatur exsolvere; et peregrino,
si viventem reliquit, omnia inuria quod fecit
el, vel quod tulit, dupliciter componat sicut
solet unum de infra provincia componere.

II. If, moreover, there shall be one so presumptuous that
he shall have wished to harm a stranger and shall have done
so, or shall have robbed him, injured him, struck him,
bound him, sold him, or killed him, and thus it shall have
been proved, let him be compelled to pay one hundred and
sixty solidi into the public treasury, and let him compound twofold that which is wont to be compounded for to that stranger if he remains alive, on account of all the injury which he did to him, or for what he stole from him.

III. Si eum occiderit, centum solidos auro ad-pretiatos cogatur exsolvere. Si parentes desunt, fiscus accipiat, et pro delicto hoc pauperibus tribuat, ut possit is dominum propitium habere, qui dixit; Peregrinum et advenam non contristabis de suis rebus.

III. If he shall have killed him, let him be compelled to pay one hundred solidi valued in gold. If relatives are lacking, let the public treasury receive this, and on account of this crime, let him distribute to the poor so that he can have the Lord's favor who said: "Thou shalt not deprive the foreigner and stranger by committing these acts against him."

IV. Si Dux IIII concesserit aliquid habere, componat octuaginta solidos.

IV. If the duke shall have permitted him to keep anything, let him compound eighty solidi.

Cap. XV. Si servus liberum furaverit.

Cap. XV. If a slave shall have stolen a freeman.

I. Si vero servus liberum furaverit et vendiderit, dominus eius ligatum praesentet coram iudice. In Ducis potestate sit disciplina eius; aut manus perdat, aut oculos. Sine signo nunquam evadat; quamvis delitosus sit apud dominum suum.

I. If, indeed, a slave shall have stolen a freeman and sold
him, let his master present him bound before the judge.
Let his punishment be in the power of the duke, either let
him lose his hands or his eyes. Let him never escape
without a mark, although he be in the highest favor (deli-
tiosus) with his lord.

II. Et si dominus eius hoc lussit, aut consen-
tiens fuit, superiori sententiae sublacet ipse
et illum servum perdat.

II. And if the lord ordered this or consented to it, let
him be subjected to the above sentence and let him lose that
slave.

Tit. IV. De libere qui per manum dimissi sunt.
liberl, quod trilaz vocant, quomodo componantur.

Title IV. In what way freedmen who have been set free by
manumission, which they call trilaz, are to be compounded
for.

I. Si quis eum percuterit, quod pulislac vocant,
cum dimidio solidi componatur.

I. If anyone shall have struck a freedman through, which
they call pulislac, let him compound with one-half solidus.

II. Si ei sanguinem perfuderit, cum novem salgas
et semis componat.

II. And if he shall have drawn blood, let him compound
with nine and one-half salgas.

III. Si in eum contra legem manus inlecerit,
quod infanc dicunt, vel si eum plagaverit, ut
propter hoc medicum inquirat, vel sic ut in
capite testa appareat, vel vena percussa fuerit,
cum solido et semis componat.
III. If he shall have raised a hand against a freedman contrary to law, which they call *infanc*, or shall have struck him so that he requires medical aid, or so that a bone in his head appears, or if a vein shall have been cut through, let him compound with one and one-half solidi.

IV. Si in eum talem plagam fecerit ut exinde os tolatur de capite vel de brachio supra cubitem, cum tribus solidis componat.

IV. If he shall have struck him such a blow that from this a bone in his head is broken, or from his arm above his elbow, let him compound with three solidi.

V. Si quis eum percusserit ut cervella eius appareat vel interiora membra vulneravit, quod hreuvauunt dicunt vel eum ligaverit contra legem, cum sex solidis componat.

V. If he shall have pierced him through so that the brain appears or shall have wounded his internal organs, which they call *hreuvauunt*, or shall have bound him contrary to law, let him compound with six solidi.

VI. Si quis ei oculum vel manum vel pedem excusserit, cum decem solidis componat.

VI. If anyone shall have struck out another's eye or cut off his hand or foot, let him compound with ten solidi.

VII. Si quis alicui pollicem abscliderit, cum sex solidis componat.

VII. If anyone shall have cut off another's thumb, let him compound with six solidi.
VIII. Proximum a pollice et minimum digitum cum solido uno et semis componat.

VIII. For the forefinger and little finger, one and one-half solidi.

IX. Et medianos duos cum solido componat.

IX. For the two middle fingers, one solidus.

X. Si quis eum plagaverit, ut exinde claudus permaneat, sic ut pes eius ros tangat, cum sex solidis componat.

X. If anyone shall have struck another so that he remains lame and his foot drags the ground, let him compound with six solidi.

XI. Si eum occiderit, componat eum domino suo cum quadraginta solidis.

XI. If he shall have killed him, let him compound for him to his lord with forty solidi.

Tit. V. De servis, quomodo componantur.

Title V. In what ways slaves are to be compounded for.

I. Si quis servum alienum per iram percusserit, cum tremisse componat.

I. If anyone shall have pierced another's slave through in anger, let him compound with a tremissis.

II. Si sanguinem fuderit, medium solidum donet.

II. If he shall have spilled blood, let him give one-half solidus.

III. Si in eo contra legem infanc fecerit, vel in capite plagam, ut testa appareat, vel vena percussa, vel plaga tumens fuerit, cum uno soli-
do componat.

III. If he shall have committed infanc upon him contrary
to law, either struck his head so that the skull appears,
or cut through a vein, or caused a swelling, let him com-
pound with one solidus.

IV. Si in eo talem plagam fecerit ut exinde
fracturas ossium tollat, cum solido et semis
componat.

IV. If he shall have struck him such a blow that from
this a bone shall have been fractured, let him compound
with one and one-half solidi.

V. Si eum plagaverit, ut cervella appareat, vel
interiora membra vulneraverit, quod hreuuauunt
vocant, et si eum tantum caederit et ternaverit,
usque dum eum semivivum relinquat, hoc cum qua-
tuor solidis componat.

V. If he shall have struck him so that the brain appears
or shall have wounded the internal organs, which they call
hreuuauunt, and if he shall have beaten and struck (fur-
nare) him so much that he left him but half-alive, let
him compound for this with four solidi.

VI. Si ei oculum vel manum vel pedem absciderit,
cum sex solidis componat.

VI. If he shall have gouged out an eye, or cut off a hand
or foot, let him compound with six solidi.

VII. Si ei pollicem absciderit, cum quatuor soli-
dis componat.

VII. If he shall have cut off his thumb, let him compound
with four solidi.
VIII. *Et proximum a pollice et minimum cum duo-
bus solidis componat.*

VIII. For the forefinger or little finger, two solidi.

IX. *Et medios duos cum uno solido et semis com-
ponat.*

IX. For the two middle fingers, one and one-half solidi.

X. *Si ei nasum transpunxerit, cum duobus solidis et semis componat.*

X. If he shall have pierced through his nose, let him com-
pound with two and one-half solidi.

XI. *Si labia subteriora maculaverit, vel aurem vel palpebram subteriorem maculaverit, cum soli-
do et semis componat.*

XI. If he shall have mutilated the lower lip, or the ear
or lower eyelid, let him compound with one and one-half
solidi.

XII. *Superiores vero cum uno solido componat.*

XII. For upper lips or eyelids, one solidus.

XIII. *Si ei dentem maxillarem excusserit, quem marchzant vocant, cum tribus solidis componat.*

XIII. If he shall have knocked out the maxillary (molar)
tooth, which they call marchzant, let him compound with
three solidi.

XIV. *Alios vero cum solido et semis componat.*

XIV. For the other teeth, one and one-half solidi.

XV. *Si aurem eius absciderit, cum solido et semis componat.*

XV. If he shall have cut off his ear, let him compound with
one and one-half solidi.

XVI. Si aurem eius transpunxerit, cum uno solido componat.

XVI. For piercing through an ear, one solidus.

XVII. Si eum surdaverit, vel sic eum plagaverit ut claudus permaneat, quod taudregil vocant, et si in aquam impinxerit de ripa vel de ponte, in istis causis semper quatuor solidos componat.

XVII. If he shall have deafened him or struck him so that he remains lame, which they call taudregil, and if he shall have thrown him into the water from a bank or bridge, let him compound in these cases with four solidi.

XVIII. Si eum occiderit, solvat eum domino suo cum viginti solidis.

XVIII. If he shall have killed him, let him pay two solidi for him to his lord.

Tit. VI. De nuptiis et operationibus illicitis prohibendis.

Title VI. Concerning marriages and the prohibiting of illegal practices (operationibus).

Cap. I. De nuptiis incestis prohibendis.

Cap. I. Concerning the prohibiting of incestuous marriages.

I. Nuptias prohibemus incestas. Itaque uxorem non liceat habere socrum, nurum, privignam, novercam, filiam fratris, filiam sororis, fratris uxorem, uxoris sororem. Filii fratrum, filii sororum inter se nulla praesumptione iungantur.

I. We prohibit incestuous marriages. Thus it is not permitted to have as wife your mother-in-law, daughter-in-
law, step-daughter, step-mother, brother's daughter, sister's daughter, brother's wife, or wife's sister. Brother's children and sister's children are by no presumption to be joined together.

II. Si quis contra haec fecerit, a loci judicibus separantur, et omnes facultates amittant, quas fiscus adquirat.

II. If anyone shall have done contrary to this, let them be separated by the judges at that place, and let them lose all their properties which the public treasury acquires.

III. Si minores personae sunt quae se illicita conjunctione polluerunt, careant libertate, servis fiscallibus adjurentur.

III. If there are lesser persons who have polluted themselves through illegal union, let them be deprived of their freedom and added to the public slaves.

Cap. II. De diebus dominicis.

Cap. II. Concerning the Lord's day.

I. Si quis die dominico operam servilem fecerit liber homo, id est, si boves iunxerit, et cum carro ambulaverit, dextrum bovem perdat.

I. If any freeman shall have done servile work on the Lord's day, that is, if he shall have yoked up oxen and driven about in a cart, let him lose that right hand ox.

II. Si autem sepem clauzerit, foenum secaverit vel colegerit, aut messem secaverit vel colegerit, vel aliquod opus servile fecerit die dominico, corripiatur semel vel bis. Et si non emen-
II. If, moreover, he shall have enclosed land with a fence, cut and collected hay, or cut and collected the harvest, or done any servile work on the Lord's day, let him be corrected once or twice. And if he does not mend his ways, let him be beaten upon his back with fifty blows. And if he shall have presumed to work on the Lord's day again, let a third part of his properties be taken away from him. And if he still shall not have ceased, then let him lose his freedom, and let him who did not wish to be a freeman on the Holy day be a slave.

III. Moreover, a slave is to be beaten for such a crime. And if he does not mend his ways, let him lose his right hand; and such a case is to be forbidden which provokes God to anger, and on that account brings loss to the crops and reduces us to poverty.

IV. And this is to be forbidden on the Lord's day that
even if embarked upon a journey in a cart or ship, let him pause on Sunday until Monday morning.

V. Et si noluerit custodire praeceptum Domini, quia Dominus dixit: Nullum opus servile facias in die sancto, neque servus tuus, neque ancilla tua, neque bos tuus, neque asinus, neque ullus subfecto tum tuorum. Et qui hoc in itinere vel ubicunque observare neglexerit, cum duodecim solidis condemnetur. Et si frequens hoc fecerit, superiori sententiae sublaci aceat.

V. And if he shall not have wished to observe the Lord's command, for the Lord has said, "Thou shalt perform no worldly labor on the Sabbath day, neither thy servant nor thy handmaid, nor thy ox, nor thy ass, nor any creature subject to thee." And he who neglects to observe this, either on a journey or wherever he may be, let him be condemned in the sum of twelve solidi. And if he shall have done this frequently, let him be subjected to the abovementioned punishment.

Cap. III. Ut liberum sine mortali crimine non liceat inservire.

Cap. III. That it not be permitted to reduce a freeman to servitude unless guilty of a mortal crime.

1. Ut nullum liberum sine mortali crimine liceat inservire, nec de hereditate sua expellere; sed liber i qui j ustis legibus deserviunt, sine impedimento hereditates suas possideant. Quamvis pauper sit, tamen libertatem suam non perdat, nec hereditatem suam. Nisi ex spontanea voluntate aliqui tradere voluerit, hoc potestatem habeat faciendi.

1. Let it not be permitted to enslave any freeman unless
guilty of a mortal crime, nor cut him off from his inheritance; but freemen who are worthy of just laws shall possess their inheritance without hindrance. However poor he may be, let him not lose his freedom nor inheritance. Let him have the power of doing this unless he shall have wished to hand it over to another voluntarily.

II. Qui contra hoc praeceptum fecerit, sive Dux, sive Judex, sive aliqua persona, agnoscat se contra legem fecisse, quadragesimam solidos sit culpabilis in publico et liberum quem servitio oppresserit, vel hereditatem tulit, ad pristinam libertatem restituat, et res eius reddat, quas inustam abstulit, et alias similes restituat, et cum quadragesimam solidos componat illi homini quem contra legem inservivit.

II. Let whosoever shall have acted contrary to this command, either duke, or judge, or any person know that he has acted contrary to law, and let him be guilty to the sum of forty solidi to be paid into the public treasury, and let him restore that freeman whom he oppressed with servitude or whose inheritance he took to his former freedom, and let him return to him his properties which he stole unjustly, and let him compound with forty solidi to that man whom he enslaved contrary to law.

Tit. VII. De uxoribus et causis quae saepe contingunt.

Title VII. Concerning wives and cases commonly associated with them.

Cap. I. Si cum uxor alterius quis concubuerit.
Cap. I. If anyone shall have lain with another's wife.

I. Si quis cum uxore alterius concubuerit libera, componat hoc marito eius cum suo wergildo, id est, centum sexaginta solidos.

II. And if he shall have been killed in bed with her, in lieu of the composition which he ought to pay to her husband, let him lie in his crime without further punishment.

III. And if he shall have placed one foot in the bed, and forbidden by the woman shall have done nothing more, let him compound with twelve solidi, because he placed a foot unjustly on another's marriage bed.

Cap. II. Concerning slaves who have done this.

I. Si servus hoc fecerit et interfectus cum libero in extraneo fuerit thor, viginti solidi in suo damno minuetur ipsius coniugis wergildus.

II. If a slave shall have done this with a freewoman and shall have been killed in another's marriage bed, let the wergeld of that wife be diminished by twenty solidi in her
II. Cetera vero quae remanent dominus eius co-
gatur solvere, usque dum repletus fuerit numerus
sceleris compositionis.

II. Let his master be compelled to pay the balance which
remains until the total amount of the composition for the
crime shall have been collected.

III. Et si ille servus evaserit, et interfectus
non fuerit, sed tamen crimen devictus, dominus
eius reddat eum IIi cuius uxorem maculavit, pro
viginti solidis.

III. And if that slave shall have escaped and shall not
have been killed, but nevertheless has been convicted of
the crime, let his master return him to him whose wife he
defiled to cover the twenty solidi.

IV. Cetera vero omnia perimpleat, pro eo quod
servo suo disciplinam minime imposuit.

IV. Let the master fulfill all the other terms owing to
the fact that he did not maintain discipline over his slave.

Cap. III. Si propter libidinem manum iniecerit.

Cap. III. If anyone on account of lust shall have laid
hands on a woman.

Si quis propter libidinem liberae manum iniecerit,
aut virgini seu uxori alterius, quod Baiuvarii
horcrift vocant, cum sex solidis componat.

If anyone shall have laid hands on a freewoman on account
of lust, or on a virgin or another's wife, which the Ba-
varians call horcrift, let him compound with six solidi.
Cap. IV. Si indumenta supra genucula elevaverit.

Cap. IV. If he shall have lifted up her garments above her knees.

Si indumenta super genucula elevaverit, quod himilzorun vocant, cum duodecim solidis componat.

If he shall have lifted up her garments above her knees, which they call himilzorun, let him compound with twelve solidi.

Cap. V. De discriminalibus relectis.

Cap. V. Concerning snatching out ribbons (discrimina/libus).

Si autem discriminalia eiecerit de capite, quod waluurft dicunt, vel virgini libidinose crines de capite extraxerit, cum duodecim solidis componat.

If, moreover, he shall have snatched ribbons from her head, which they call waluurft, or lustfully pulled down a virgin's hair from her head, let him compound with twelve solidi.

Cap. VI. De raptu virginum.

Cap. VI. Concerning the seizure of a virgin.

Si quis virginem rapuerit contra ipsius voluntatem et parentum eius, cum quadraginta solidis componat, et alios quadraginta cogatur in tisco.

If anyone shall have seized a virgin against her will or the will of her relatives, let him compound with forty solidi, and let him be compelled to pay another forty solidi into the public treasury.

Cap. VII. Si quis viduam rapuerit.

Cap. VII. If anyone shall have seized a widow.
Si autem viduam rapuerit, quae coacta ex tecto egreditur propter orphanorum et propriae penuriae rebus, cum octuaginta solidis componat, et sexaginta cogatur in tiscos: quia vetanda est talls praesumptio, et eius defensio in Deo et in Duce atque in iudicibus debet consistere.

If, moreover, he shall have seized a widow, who is compelled by the needs of her children and her own poverty to go forth from her home, let him compound with eighty solidi, and let him pay an additional sixty solidi to the public treasury, since such presumptuous conduct must be forbidden, and woman's defence rests in God, the duke, and the judges.

Cap. VIII. De fornicatione cum libera.

Cap. VIII. Concerning fornication with a freewoman.

Si quis cum libera cum consensu ipsius fornicaverit, et nolit eam in coniugium sociare, cum duo-decim solidis componat: quia nondum sponsata, nec a parentibus sociata, sed in sua libidine maculata.

If anyone shall have committed fornication with a freewoman with her consent, and does not wish to take her in marriage, let him compound with twelve solidi since she is not yet betrothed nor separated from her parents, but is defiled in his lust.

Cap. IX. Si servus cum libera fornicaverit.

Cap. IX. If a slave shall have committed fornication with a freewoman.

Si servus cum libera fornicaverit, et hoc reper-tum fuerit, ille cuius servus est reddat illum
If a slave shall have committed fornication with a freedwoman and this shall have been discovered, let him whose slave it was return him to her relatives for the imposition of the punishment which he deserves, or for killing him; and let the lord be compelled to pay nothing further, since such presumptuous action excites hostile sentiment among the people.

Cap. X. Si cum libera manumissa fornicaverit.

Cap. X. If he shall have committed fornication with a freedwoman.

Si cum manumissa, quam Frilazin vocant, et maritum habet, concubuerit, cum quadraginta solidis componat parentibus suis, vel domino vel marito eius.

If he shall have lain with a freedwoman whom they call Frilazin, and she has a husband, let him compound forty solidi to her relatives, or to her lord, or to her husband.

Cap. XI. Si cum virgine quae per manum libera missa est.

Cap. XI. If with a virgin who has been manumitted.

Si quis cum virgine quae dimissa est libera concubuerit, cum octo solidis componat parentibus vel domino.

If anyone shall have lain with a virgin who has been manumitted, let him compound with eight solidi to her relatives or to her lord.
Cap. XII. Si cum ancilla alterius.

Cap. XII. If with another's handmaid.

Si quis cum ancilla alterius maritata concubuerit, cum viginti solidis componat domino.

If anyone shall have lain with another's handmaid who is married, let him compound to her lord with twenty solidi.

Cap. XIII. Si cum ancilla virgine.

Cap. XIII. If with a virgin handmaid.

Si quis cum ancilla virgine concubuerit, cum quattuor solidis componat.

If anyone has lain with a virgin handmaid, let him compound with four solidi.

Cap. XIV. Si uxorem propriam propter invidiam dimiserit.

Cap. XIV. If he shall have sent away his own wife on account of dislike.

1. Si quis liber liberam uxorem suam sine aliquo vitio per invidiam dimiserit, cum quadraginta et octo solidis componat parentibus.

1. If any freeman shall have sent away his wife, a free-woman, without any fault except his dislike, let him compound forty solidi to her relatives.

II. Mulleri autem dotem suam secundum genealogiam suam solvat legitime. Et quicquid illa de rebus parentum ibi adduxit, omnia reddantur mulieri illi.

II. Moreover, let him pay the woman her lawful dowry according to her family status. And whatever she brought with her from her relatives' property, let all those things
be returned to that woman.

Cap. XV. Si sponsatam non acceperit.

Cap. XV. If he shall not have received his betrothed.

Si quis liber postquam sponsaverit alicuius filiam liberam legitime, sicut lex ext, et eam dimiserit, et contra legem aliam duxerit, cum viginti quatuor solidis componat parentibus, et cum duodecim sacramentalibus iuret de suo genere nominatis, ut non per invidiam parentum elus nec per ullam crimimen eam dimississet, sed propter amorem alterius alteram duxerit, et sit finitum inter illos, et postea tiliam suam donet cui vult.

If any freeman after he shall have betrothed another's daughter, lawfully a free woman as the law states, shall have sent her away and taken another, let him compound twenty four solidi to her relatives, and let him swear with twelve oathtakers named from his own family that he had not sent her away through dislike of her relatives nor for any crime, but had taken another on account of love for the other; and let the matter be ended between them, and afterwards let the father give his daughter to whom he wishes.

Cap. XVI. Si alterius sponsam rapuerit.

Cap. XVI. If he shall have seized another's betrothed.

Si quis sponsam alicuius rapuerit, vel per suasionem sibi eam duxerit uxorem, ipsam reddat, et componat bis octuaginta solidos, hoc est, centum sexaginta.

If anyone shall have seized another's betrothed or taken her unto himself as wife through persuasion (suasionem),
let him return her and compound twice eighty solidi, that is, one hundred and sixty.

Cap. XVII. Sì pròmmìssìone fēminam fraudaverit.

Cap. XVII. If he shall have deceived a woman with a promise.

Sì quis liberam fēminam suaserit quasi ad conlumgum, et in via eam dimiserit, quod Baluvarii wancluga vocant, cum duodecim solidis componat.

If anyone shall have persuaded a freewoman as if he intended to marry her and shall have dismissed her on the way, which the Bavarians call wancluga, let him compound with twelve solidi.

Cap. XVIII. De avorsō per potionem facto.

Cap. XVIII. Concerning an abortion caused by a potion.

Sì qua muller aii potionem dederit ut avorsum faceret, si ancilla est, ducenta flagella susceptiat, et si ingenua, careat libertatem, servitio deputanda cui Dux iussērit.

If any woman shall have given a potion to another so that she has an abortion, if she is a handmaid, let her receive two hundred lashes; and if she is a freewoman, let her be deprived of her freedom and handed over in servitude to whom the duke orders.

Cap. XIX. Varia de avorso.

Cap. XIX. Various cases regarding abortion.

1. Sì quis muleriictu quolibet avorsum fecerit, si mulier mortua fuerit, tanquam homicida teneatur.

1. If anyone shall have caused an abortion to a woman with
any sort of blow and the woman shall have died, let it
be held just as a case of homicide.

11. Si autem tantum partus extingitur, et si
adhuc partus vivus non fuerit, viginti solidos
componat.

11. If the child alone is destroyed and is not born alive,
let composition of twenty solidi be made.

111. Si autem vivens fuit, weregildum persolvat
quinquaginta et tribus solidis et tremisse.

111. If, moreover, it is born alive, let its wergeld of
fifty three solidi and a tremissis be paid.

IV. Si avorsum fecerit, in primis duodecim soli-
dos cogatur exsolvere; deinde ipse et posteri
sui per singulos annos, id est, autumnos, singu-
lum solidum solvant usque in septime propinquitatem de patre in filios.

IV. If an abortion shall have been caused, in the first
place let him who did it be compelled to pay twelve soli-
di, then let him and his posterity pay a single solidus
each year, that is, every autumn even to the seventh gen-
eration (propinquitatem) from father to sons.

V. Et si neglectum unius anni fecerint, tunc
iterum duodecim solidos solvere cogantur, et
deinceps ordine praefato, donec series rationabilis
impleatur.

V. And if there is a neglect of a single year, then again
let him be compelled to pay twelve solidi, and thereafter
follow the abovementioned arrangement until a reasonable
period of time has been completed.

Cap. XX. De diuturna compositione dolore parentum.
Cap. XX. Concerning prolonged composition on account of grief of the relatives.

Propterea diuturnam ludicaverunt antecessores nostri compositionem et ludices, postquam religio Christianitatis inolevit in mundo. Quia diuturnam, postquam incarnationem suscepit anima, quamvis ad nativitatis lucem minime pervenisset, patitur poenam; quia sine sacramento regenerationis abortivo modo tradita est ad inferos.

Therefore our ancestors and judges decreed extended composition after the Christian religion grew up in the world, since after the soul receives flesh although it does not come to the light of birth, it suffers extended punishment; and since without the sacrament of Baptism because of the abortive manner of its birth it has been handed over to Hell.

Cap. XXI. De debilitate avorsi.

Cap. XXI. Concerning abortion caused by weakness.

I. Si vero ancilla quacunque persona debilitata fuerit ut avorsum faceret, si adhuc vivus non fult, cum quatuor solidis componat.

I. If, moreover, a handmaid shall have been weakened by some person so that she has an abortion, if the child shall not be alive, let composition of four solidi be made.

II. Si autem iam vivus decem solidos componat. Ancillae domino reformentur.

II. But if it is born alive, let composition of ten solidi be made. Handmaids are to remain in the service of their lords.

Tit. VIII. De furto.
Title VIII. Concerning theft.

Cap. I. Si liber furtum fecerit.

Cap. I. If a freeman shall have committed a theft.

1. Si quis liber aliquid furaverit, qualemquaque rem, niungeldo componat, hoc est, novem capita restituat.

1. If any freeman shall have stolen any sort of property whatsoever, let him compound nine-fold, that is, let him restore it nine times over.

Cap. II. Si quis in publico furaverit.

Cap. II. If anyone shall have stolen in a public house.

Et si in Ecclesia, vel intra curtem Ducis, vel in fabrica, vel in molino aliquid furaverit, ter niungeldum componat, hoc est, ter novem reddat: quia istae quatuor domus casae publicae sunt, et semper patentes.

And if he shall have stolen something in the church or in the courtyard of the duke, or in the workshop or mill, let him compound thrice nine-fold, that is, let him return it three times nine, since these four houses are public buildings and are always open.

II. Et si negare voluerit, secundum qualitatem pecuniae iuret.

II. And if he shall have wished to deny this, let him swear according to the value of the property.

III. Si unam saigam, id est, tres denarios furaverit, solus iuret secundum legem suam.

III. If he shall have stolen one saiga, that is, three denarii, let him swear alone according to his law.
IV. Si duos saigas, hoc est, sex denarios, vel amplius usque ad unum solidum, quod sunt tres tremisses, cum sacramentali uno iuret.

IV. If he shall have stolen two saigae, that is, six denarii, or more even up to one solidus which equals three tremisses, let him swear with one oathtaker.

V. Et si amplius quam solidum sive tres solidos vel plus usque ad quinque solidos furaverit, cum sacramentalibus sex iuret.

V. And if he shall have stolen more than one solidus, or three solidi, or even up to five solidi, let him swear with six oathtakers.

VI. Si bovem domitum vel vaccam mulsam, id est, lactantem, furaverit, cum sex sacramentalibus iuret, vel duo campiones pugnet, et sortiant de illis cui Deus fortiam dederit.

VI. If he shall have stolen a domesticated ox or a milk cow, let him swear with six oathtakers, or let the two champions fight, and let fate favor the one to whom God has given strength.

Cap. III. Si maiorem pecuniam furaverit.

Cap. III. If he shall have stolen a greater amount of property.

Et si maiorem pecuniam furaverit, hoc est, duo-decim solidos valentem vel amplius, aut equum totidem pretii vel mancipium, et negare voluerit, cum duodecim sacramentalibus iuret de lice sua, vel duo campiones propter hoc pugnet.

But if he shall have stolen a greater amount of property, that is, to the value of twelve solidi or more; or a horse
of the same price, or a slave, and he shall have wished to deny it, let him swear with twelve oathtakers concerning his case, or let two champions fight on account of this.

Cap. IV. Si liberum hominem furaverit.

Cap. IV. If he shall have stolen a freeman.

I. Si quis liber liberum hominem furaverit et vendiderit, et exinde probatus fuerit, reducat eum, et in libertatem restituat, et cum octua-ginta solidis componat eum; in publico vero quadraginta solidos solvat propter praesumptionem quam fecit.

I. If anyone shall have stolen a freeman and shall have sold him, and thus it shall have been proved, let him bring him back and restore his former freedom to him, and let him compound for him with eighty solidi; indeed, let him pay forty solidi into the public treasury on account of this presumptuous act which he committed.

II. Et si eum revocare non potuerit, tunc ipse fur perdat libertatem suam, pro eo quod conliber-tum suum servitio tradidit, si solvere non valet werageld; si solvere valet werageld, parentibus solvat et amplius non requiratur.

II. And if he shall not have been able to call him back, then let that thief lose his freedom on account of the fact that he handed over his fellow freeman into servitude—if he is not able to pay the wergeld; if he is able to pay the wergeld, let him pay it to the relatives, and let nothing more be required of him.

Cap. V. Si fur nocturno tempore captus in furto.
Cap. V. If a thief shall have been taken in theft by night.

Fur nocturno tempore captus in furto, dum res furtivae secum portat, si fuerit occisus, nulla ex hoc homicidio querela nascatur.

If a thief taken in theft by night while he carried the stolen properties with him shall have been killed, let no complaint arise from this homicide.

Cap. VI. Si alienum servum ad furtum suaserit.

Cap. VI. If he shall have persuaded another's slave to commit theft.

Si quis alienum servum ad furtum suaserit aut aliquid damnosum in fraudem domini sui, ut posset accusare eum, et fraus ipsa fuerit detecta per investigationem iudicis, dominus nec servum perdat, nec aliquid damnii pro compositione patiat; sed ille cuius consilio crimen admissum est, tanquam fur damnetur, in novumplum componat nec cogatur exsolvere servum. Sed servus quod tulit reddat, et insuper ducentos ictus flagellorum extensus publice accipiatur.

If anyone shall have persuaded another's slave to commit theft or occasion any loss to the detriment of his master so that someone can accuse him, and if that fraudulent act shall have been detected by the investigation of the judges, let the master not lose his slave nor suffer any loss in lieu of composition, but let him by whose connivance the crime was committed be condemned as a thief and compound nine-fold so that the slave may not be compelled to pay. Let the slave return what he took, and besides,
stretched out publicly, let him receive two hundred blows of the whip.

Cap. VII. Si nesciens de fure aliquid comparavit.

Cap. VII. If anyone shall have purchased something from a thief unknowingly.

I. Si quis de fure nesciens comparavit, requirat accepto spatio venditorem.

I. If anyone shall have purchased something from a thief unknowingly, let him seek out the seller in a specified time.

II. Quem si non potuerit invenire, probet se cum sacramento et testibus innocentem, et quod apud eum cognoscitur, ex medietate restituat, et turem quaerere non desistat.

II. If he shall not have been able to find him, with an oath and witnesses let him prove that he himself is innocent, and let him restore immediately what is identified as in his possession, and let him not delay to seek the thief.

III. Quod si furem celare voluerit perjurans et postea detectus inventus fuerit, tamquam ille fur, ita in crimine damnetur.

III. But if he shall have wished to conceal the theft by perjury, and thereafter detected shall have been found out, let him be condemned for the crime just as the thief himself.

Cap. VIII. De furto in auro et allis speciebus.
Cap. VIII. Concerning theft in gold and other kinds of property.

If anyone shall have stolen gold, silver, beasts of burden, cattle, or anything up to the value of ten solidi or more, and thus it shall have been proved, let the thief after being arrested be handed over to the judge, and let him be subjected to punishment according to law, and let him compound singly to him who suffered loss. Nevertheless, do not let him be condemned to death before single-fold composition is made from the property of the thief.

Cap. IX. Si quis occulte alienum animal interfecerit.

If anyone shall have killed another's animal secretly.

If anyone shall have secretly killed another's horse, ox, or any animal in the night or day, and shall have denied it, and afterwards it shall have been proved thus, let him compound as if it were stolen.
Cap. X. Si casu occiderit alienum animal.

Cap. X. If he shall have killed another's animal by accident.

Si quis autem non volens sed casu faciente occiderit alienum animal, et non negaverit, consimile dare non tardet, et cadaver mortuum accipiat.

If anyone, moreover, unintentionally and by accident shall have killed another's animal and shall not have denied it, let him not delay to give a similar one, and let him receive the dead body.

Cap. XI. De tintinnabulo.

Cap. XI. Concerning bells.

I. Si quis tintinnabulum furaverit de caballo vel de bove, cum uno solido componat.

I. If anyone shall have stolen a bell from a horse or an ox, let him compound with one solidus.

II. Si de vacca, cum duobus tremissibus componat.

II. If from a cow, let him compound with two tremisses.

III. Si de minutis pecoribus, cum tremisse componat.

III. If from lesser livestock, let him compound with one tremissis.

Cap. XII. De Horto.

Cap. XII. Concerning gardens.

I. Si quis in hortum furtive alicuius intraverit, cum tribus solidis componat; et quicquid ibi fuit, secundum legem furtivum componat.
I. If anyone shall have secretly entered into another's garden, let him compound with three solidi; and for whatever he took there, let him compound according to law as stolen.

II. ita et de pomariis lex servanda est.

II. Thus the law ought to be observed concerning orchards.

Cap. XIII. De furtiva re comparata.

Cap. XIII. Concerning the purchase of stolen goods.

I. Ut nullus praesumat furtivam rem comparare infra provinciam. Quod comparare voluerit, prius inquirat si furtivum est an non.

I. Let no one presume to buy stolen property within the province. But if he shall have wished to purchase, first let him inquire whether or not it is stolen.

II. Si furtivum praesumpsit emere, et exinde probatus fuerit, et scirens hoc fecit, tunc similem rem donet illi cuius rem pecunia comparavit. Et in tisco profredu duodecim solidis sit culpabilis.

II. If he shall have presumed to buy stolen property, and thus it shall have been proved, and knowingly he did this, then let him give like property to him whose property he purchased. And let him be guilty to the sum of twelve solidi payable to the public treasury as a fredus.

Cap. XIV. De custodia furtivae rei.

Cap. XIV. Concerning the custody of stolen properties.

I. Similiter ille qui de manu furtis furtivam rem ad custodiendum acceperit, quasi consentiens
turi, ita componat sicut superius diximus.

I. Likewise he who shall have received custody of stolen property from the hand of a thief, just as if consenting to the theft, let him compound just as we have stated above.

II. Aut cum uno sacramentali luret quod nescivit furtivum quando comparavit, vel quando commendatum suscepit.

II. Or let him swear with one oathtaker that he did not know that it was stolen when he purchased it or when he received it committed to his care.

III. Una lex erit utrisque qui emit furtivum, aut qui commendatum suscepit.

III. There shall be one law for him who purchases stolen property and him who receives it into his custody.

IV. Si autem ille qui furtivam rem commendatum suscepit, et quaerente domino negaverit, ille fur est; sicut ille qui furavit, ita componat sicut lex habet.

IV. If, moreover, he who shall have received stolen property committed to his care refuses to give it to its owner seeking it, that man is a thief just as he who stole it, so let him compound as the law holds.

Cap. XV. De compositione a latrone accepta.

Cap. XV. Concerning composition received from a robber.

I. Ut nemo de probato furto compositionem a latrone ausus sit accipere, nisi ante iudicem suum judicetur.

I. Let no one dare to receive composition from a robber.
In the case of a proved theft unless a judgment has been rendered before the judge,

II. Si autem praesumpserit hoc facere, et cela-verit ludici suo, tunc latronis culpae subiacebit.

II. If, moreover, he shall have presumed to do this and shall have concealed it from the judge, then let him be subject to the punishment of a robber.

Cap. XVI. Ut sacramenta non cito fiant.

Cap. XVI. So that oaths may not be made hastily.

1. Ut sacramenta non cito fiant, iudex causam suam bene cognoscat, et prius veraciter inquirat, ut eum veritas latere non possit. Nec facile ad sacramenta veniat.

1. That oaths may not be made hastily, let the judge know his case well and let him inquire into the truth of the matter beforehand so that the truth cannot be hidden from him. Do not let people come to take oaths too readily.

II. Hoc autem volumus inter Baiuvarlos in perpetuum custodiri, ut causa investigata, et veraciter inventa, apud iudicem sit iudicata. Nulli liceat perjurar, sed sicut iudicatum est, cogatur exsolvere.

II. We will that this be guarded among the Bavarians permanently, so that when the case has been investigated and the truth fully discovered, judgment may be rendered before the judge. It is not permitted to any one to perjure himself, but as it has been judged, so let him be compelled to pay.
III. In his vero causis sacramenta praestentur, in quibus nullam probationem discussio iudican-
tis invenerit.

III. Let oaths be presented in those cases, indeed, in which the investigation of the judge shall have found no proof.

Cap. XVII. De falsa suggestione.

Cap. XVII. Concerning false testimony.

1. Si quis contra caput alterius falsa sugges-
erit, vel pro quacunque invidia de inlusta re accusationem commoverit, ipse poenam vel damnnum, quod alteri intulit, excipiat.

1. If anyone shall have testified falsely in a case involving another's life, or shall have brought about accusation for an unjust act on account of some sort of hatred, let him receive that punishment or fine which he inflicted upon the other.

II. Neminem damnes antequam inquiras veritatem. Scriptum est: Omnia probate, quod bonum est tenete.

II. Condemn no one before you have inquired the truth.

It is written, "Prove all things, cleave to that which is good."

Cap. XXIII. De accusatione servi alterius.

Cap. XXIII. Concerning the accusing of another's slave.

1. Si quis servum alienum inluste accusaverit, et innocens tormenta pertulerit, pro eo quod innocentem in tormenta tradidit, domino simile mancipium reddere non moretur.
1. If anyone shall have accused another's slave unjustly and shall have inflicted torture upon him when innocent, on account of the fact that he subjected an innocent man to torture, let him not delay to return a like slave to his master.

II. Si vero innocens in tormenta mortuus fuerit, duos servos eiusdem meriti sine dilatatione restituat.

II. If, indeed, the innocent man shall have perished under torture, let him restore two slaves of the same value without delay.

III. Si non habuerit servum aut unde componat, ipse subiaceat servitut i qui innocentem fecit occidi.

III. If he shall not have a slave or wherewith from which to compound, let him who had an innocent man killed suffer servitude.

Tit. IX. De incendio domorum et earum compositione.

Title IX. Concerning the burning of houses and their composition.

Cap. I. De immissione ignis per noctem.

Cap. I. Concerning setting fires by night.

1. Si quis super aliquem in nocte ignem imposuerit, et incenderit liberi vel servi domum, in primis secundum qualitatem personae omnia aedificia componat atque restituat, et quicquid ibi arserit, restituat unaquaque suppellectilia.

I. If anyone shall have set fire upon another by night and
shall have burned the house of a freeman or slave, in the
first place let him compound for and restore all of the
buildings according to the rank of the person, and let him
restore each and all of the furnishings (suppellectila),
whatever he shall have burned there.

II. Et quanti liberī nudi de ipso incendio

evaserint, unumquemque cum sua brawaunti com-
ponat.

II. And how ever many freemen shall have escaped naked
from that blaze, let him compound for each one with his
brawaunti.

III. De feminis vero dupliciter.

III. For women, indeed, a two-fold composition.

IV. Et tunc domus culmen cum quadraginta soli-
dis componat.

IV. And then let him compound for the roof of that house
with forty solidi.

Cap. II. De scuria liberī.

Cap. II. Concerning storehouses (scuria) of freemen.

I. De scuria vero liberī, si conclusa parietibus

et pessulis cum clave munita fuerit, cum duo-
decim solidis culmen componat.

I. Concerning storehouses of freemen, if they are enclosed
in walls and have been fastened with bolts and a key, let
their roofs be compounded for with twelve solidi.

II. Si autem septa non fuerit, sed talis quod

Baiuvarii scot dicunt, absque parietibus cum sex
solidis componat.
II. If, moreover, it shall not have been enclosed but shall have been such a one as the Bavarians call scot, without walls, let it be compounded for with six solidi.

III. De illo granario, quod parch appelant, cum tribus solidis componat.

III. Let him compound with three solidi for that granary which they call parch.

IV. De mita vero si illam detegerit vel incenderit, cum tribus solidis componat.

IV. If he shall have destroyed or burned stacks of grain (mita), let him compound with three solidi.

V. De minore vero, quod scopar appelant, cum solido uno componat, et universa comparilia restituat.

V. Concerning lesser buildings which they call scopar, let them be compounded for with one solidus and restored similarly.

Cap. III. De culminum electione minorum aedificiorum.

Cap. III. Concerning the tearing down of the roofs of lesser buildings.

Si quis desertaverit aut culmen eiecerit, quod sepe contingit, aut incendio tradiderit, unius- cuiusque quod firstfalli dicunt, quae per se constructa sunt, id est, balvearium, pistoriam, coquinam, vel cetera hulusmodi, cum tribus solidi componat, et restituat dissipata vel incensa.

If anyone shall have destroyed or torn down a roof, which often occurs, or shall have burned it, which they call firstfalli, let him compound with three solidi for each
of these which was constructed for its own purpose,
that is, the bath, the mill, the kitchen, and others of
this sort, and let him restore what he destroyed or burned.

Cap. IV. De igne immisso et extincto.

Cap. IV. Concerning setting and extinguishing fires.

1. Si autem ignem posuerit in domo, ita ut
flamma eructuat et non perarserit, et a familis
liberata fuerit, unumquemque de liberis cum sua
hreuua wunti componat, eo quod illos in unwan,
quod dicunt in desperationem vitae fecerit.

1. If, moreover, he shall have started a fire in a house
so that the flame bursts forth, but shall not have burned
it down, and it shall have been extinguished by the family,
let him compound for each one of the freemen with his hreua-
wunti on account of the fact that he committed these things
in unwan.

II. Et non componat amplius, nisi tantum quantum
ignis consumpserit.

II. And let him not compound further save only for so much
as the fire shall have consumed.

III. Ducalis vero disciplina integra permaneat.

III. Indeed, let the punishments of the duke remain unaf-
fected.

IV. Et si negare voluerit de istis, cum campione
se defendat, aut cum duodecim sacramentalibus iuret.

IV. And if he shall have wished to deny concerning these
things, let him defend himself with a champion or let him
swear with twelve oathtakers.

V. De servorum vero firstfalli uniuscuiusque, ut manu recisa componat.

V. For each one of the firstfalli of a slave, let him compound with his hand cut off.

Cap. V. De dissipatione domus.

Cap. V. Concerning the razing of houses.

Modo quia de domorum incensione sermo perfinitur, censemus incongruum non esse ut de dissipatione domus aeditiorumque compositione edisseremus.

Now since the discussion concerning the burning of buildings is finished, we believe that it is not unfitting that we set forth concerning the razing of homes and the composition for buildings.

Cap. VI. De culmine.

Cap. VI. Concerning roofs.

I. Si quis reliqui vel qualibet causa per prae- suptionem, vel inimicitia, nec non et incuria aut certe hebetatione liberl culmen elecerit, domino domus quadraginta solidos componat.

I. If anyone shall have torn off the roof of a freeman's house for the sake of causing abandonment, or for any other cause through presumption or enmity, and certainly not through negligence or stupidity, let him compound to the owner of the house with forty solidi.

II. Si eam columnam a qua culmen sustentatur, quam firstsul vocant, cum duodecim solidis componat.

II. If the post to which the roof is attached, which they
call first sul, let him compound with twelve solidi.

III. Si interioris aedificii illam columnam elecerit, quam winchilsul vocant, sex solidos componat.

III. If he shall have torn down that post on the inside of the building, which they call winchilsul, let him compound with six solidi.

IV. Caeterae vero huius ordinis componantur cum tribus solidis.

IV. Indeed, other posts of this sort are to be compounded for with three solidi.

V. Exterioris vero ordinis columnam angularem cum tribus solidis componat.

V. Indeed, let him compound for an outside corner post (columnam angularem) with three solidi.

VI. Illas alias columnas huius ordinis singulas cum singulo solido componat.

VI. Let him compound for every other post of this sort with one solidus.

Cap. VII. De trabibus.

Cap. VII. Concerning beams.

Trabes vero singuli cum tribus solidis componantur.

All beams are to be compounded for with three solidi.

Cap. VIII. De spangis quae parietes continent.

Cap. VIII. Concerning outer beams (spangis) which hold the walls together.
Exteriores vero, quas spangas vocamus, eo quod ordinem continent parietum, cum tribus solidis componat.

For those outer beams which we call spangas, on account of the fact that they support the arrangement of the walls, let him compound with three solidi.

Cap. IX. Concerning certain building materials.

1. Cetera vero, id est, asseres, laterculi, axes, vel quicquid in aedificio construitur, singula cum singulis solidis componantur.

1. Let each of those other things, indeed, stakes, bricks, nails, or whatever is used in buildings be compounded for with one solidus.

II. Et una persona haec omnia commiserit in alterius aedificiolum, amplius non cogatur solvere quam culminis dejectionem, vel ea quae malora huius commiserit crimini, minora huius personae non sequuntur nisi tantum restituendi secundum legem.

II. And if one person shall have committed all these things in the building of another, let him not be compelled to pay more than for the destruction of the roof or those things which he shall have committed greater than this crime. Do not pursue lesser crimes of this sort save only to require restoration according to law.

Cap. X. Concerning destruction in the courtyard.

Si curtem dissipaverit aut inruperit liber liberi, cum tribus solidis componat, et restituat damnum.
If a freeman shall have caused destruction to or broken into the courtyard of another freeman, let him compound with three solidi and restore the damage.

Cap. XI. De sepe rupta.

Cap. XI. Concerning the breaking of a fence.

1. Si illam sepe eruperit vel dissipaverit, quam ezzisczun vocant, cum uno solido componat et restitutione.

1. If he shall have broken or destroyed that fence which they call ezzisczun, let him compound with one solidus and restoration.

II. Superiorem vero virgam, quam etarchartea vocamus, quae sepis continet firmitatem, si eam inustum reciderit, simili modo cum solido componat, eo quod minime tunc sepis vitiatam animalis sustinet impetum.

II. If anyone wrongfully cuts down the main post, which they call etarchartea, which sustains the stability of the fence, let him compound in a like manner with one solidus on account of the fact that the weakened fence cannot withstand the onslaught of animals.

Cap. XII. De signis ob defensionem positis.

Cap. XII. Concerning signals placed for defense.

Qui autem signum, quod propter defensionem pontur, aut inustum iter excludendum vel pascendum, vel campum defendendum, vel amplicandum secundum morem antiquum, quod signum wiffam vocamus, abstulerit vel inustum reciderit, cum uno solido componat.

Whoever removes or cuts down that sign which we call wiffam,
and which is placed for defense or for excluding illegal passage on the way, or for illegal grazing of cattle, or for defending the fields or signalling the approach, according to ancient custom let him compound with one solidus.

Cap. XIII. De via publica.

Concerning the public way.

Si quis viam publicam, ubi Rex vel Dux egreditur, vel viam aequalem aliquus clausurit contra legem, cum duodecim componat, et illam septem tollat. Et si negare voluerit, cum duodecim sacramentalibus iuret.

If anyone shall have closed the public road contrary to law, where the king or duke passes, or a similar road to anyone, and shall have built a fence there, let him compound with twelve solidi; and if he shall have wished to deny this, let him swear with twelve oathtakers.

Cap. XIV. De via convicinali.

Concerning a side road.

De via convicinali vel pastorali, qui eam aliquus contra legem clausurit, cum sex solidis componat et aperiat, vel cum sex sacramentalibus iuret.

Let him who shall have closed a side road or sheep path to anyone contrary to law compound with six solidi and open it, or let him swear with six oathtakers.

Cap. XV. De semita.

Concerning footpaths.
De semita convicinall si quis eam clauerit, cum tribus solidis componat, aut cum uno sacramentali iuret.

If anyone shall have closed a footpath, let him compound with three solidi or swear with one oathtaker.

Cap. XVI. De fonte.

Cap. XVI. Concerning springs.

1. Si fontem quacunque immunditia coquinaverit vel maculaverit, emundet, eum prius, ut nulla sit suspicione coquinationis, et cum sex solidis componat, aut cum sex sacramentalibus iuret.

1. If anyone shall have polluted or defiled a stream through any uncleanliness, first let him clean it so that there will be no suspicion of uncleanliness, and then let him compound with six solidi or swear with six oathtakers.

II. Si autem plurimorum in vicinia puteus fuerit, compositione inter se multentur.

II. If, moreover, it shall be a well defiled by several persons, let them be punished by making composition among themselves.

III. Ille vero pueum in pristinum restituat gradum.

III. Let him, moreover, restore the well to its original condition.

Tit. X. De violentia.

Title X. Concerning violence.

Cap. I. De curte.

Cap. I. Concerning the courtyard.
Si quis in curtem alterius per vim contra legem intraverit, cum tribus solidis componat.

If anyone shall have entered another's courtyard by force contrary to law, let him compound with three solidi.

Cap. II. De domo.

Cap. II. Concerning the house.

I. Si autem in domum per violentiam intraverit, et ibi suum nihil invenerit, cum sex solidis componat.

I. If, moreover, he shall have entered into a house with violence and shall have found nothing there of his own, let him compound with six solidi.

II. Nemo enim ingrediatur alienam domum per violentiam; quia hoc scandalum generat.

II. For let no one enter another's home in violence, since this creates a riot (scandalum).

III. Et postquam intraverit, et se cognoverit reum, iniuste quod intrasset, det wadium domino domus. Et si ille defuerit, mittat ipsum wadium supra liminare, et non cogatur amplius solvere quam tres solidos.

III. And after he shall have entered and acknowledged himself as a thief because he entered unjustly, let him give a pledge to the owner of the house. And if he shall not be there, let him place that pledge upon the threshold (liminare), and let him be compelled to pay no more than three solidi.

Tit. XI. De terminis ruptis.
Title XI. Concerning the breaking down of boundary markers.

Cap. I. De limitibus.

Cap. I. Concerning boundaries.

1. Si quis limites complanaverit, aut terminos fixos fuerit ausus evellere, si ingenuus est, per singula signa vel notas vicenas sex solidis componat.

If anyone shall have dared to level off the boundaries or remove fixed boundary markers, let him compound six solidi, if he is a freeman, for each sign or marker in the neighborhood (signa vel notas vicenas).

II. Si servus est, per singula signa quinquaginta flagella suscipiat.

II. If he is a slave, let him receive fifty blows for each sign.

Cap. II. De limitibus casu motis.

Cap. II. Concerning boundaries moved by accident.

Si quis dum arat, vel plantat vineam, terminos casu non voluntate evellere, vicinis praesentibus restituat terminum, et nullum damnum inde patiatur.

If anyone while he is plowing or planting a vine shall have moved boundary markers by accident unintentionally, let him restore the marker to its original location, and let him incur no loss from this.

Cap. III. De contentione terminorum.

Cap. III. Concerning arguments over boundary markers.
I. Quotienscunque de terminis fuerit orta contentio, signa quae antiquitus constituta sunt oportet inquirere, id est, aggerem terrae, quem propter fines fundorum antiquitus apparuerit tuisse ingestum, lapides etiam quod propter indicium terminorum notis evidentibus sculptis constiterit esse defixos.

I. Howsoever often an argument shall have been started over boundary markers, it is fitting to inquire what signs shall have been set up in ancient times, that is, a mound of earth which seems to have been heaped up in earlier days as a earthen boundary, and stones also which are shown to have been set up as evidence of boundaries in the form of recognizable hewn markers.

II. Si haec signa defuerint, tunc in arboribus notas, quod decoras vocant, convenit observare, sed illas quae antiquitus probantur incisae.

II. If these signs are lacking, then it is fitting to discern markers in trees which they call decoras, but only those which are proved to have been cut into in an earlier day.

III. Quod si intra terminos alienos per absentiam aut per ignorantiam domini partem aliquam forte possederit, statim eam, cum antiqui et evidentes ab inspectoribus fines agnoscentur, amittat domino reformandam, nec contra signa evidentia ullum longae possessionis tempus opponat.

III. But if anyone shall have possessed by chance some plot within another's boundary markers on account of the absence or ignorance of the owner, let him immediately return that
portion to the owner to be re-established within the boundary as soon as the ancient and evident boundaries are ascertained by inspectors, and do not let him maintain any period of long possession in the face or recognizable markers.

IV. Nisi comparavit ab aliquo, tunc venditorem ostendat, et secundum legem definiat.

IV. Unless he has bought it from someone, then let him produce the seller and define the boundary according to law.

Cap. IV. De novo termino prohibendo.

Cap. IV. Concerning the prohibiting of new boundary markers.

I. Nemo novum terminum sine consensu partis alterius aut sine inspectore constituat.

I. Let no one set up a new boundary marker without the consent of the other party or without an inspection.

II. Quod si forte liber hoc fecerit, damnnum pervasionis excipiat, quod legibus continetur, id est, sex solidos.

II. But if by chance a freeman shall have done this, let him incur the fine of trespass (pervasionem) which is contained in the laws, that is, six solidi.

III. Si vero servus hoc admiserit domino nesciente, ducenta flagella publice extensus accipiatur, et nullum ex hoc praedictum domino comparetur.

III. If, indeed, a slave shall have committed this in the ignorance of his master, stretched out in public, let him receive two hundred blows, and let no prejudice (praeiudicetem)
Cap. V. Concerning markers that are not recognizable.

Quotiens de commarchanis contentio nascitur, ubi evidentiia signa non apparent in arboribus, aut in montibus nec in fluminibus, et iste dicit: Hucusque antecessores mei tenuerunt, et in alodem mihi reliquerunt, et ostendit secundum proprium arbitrium locum; alter vero nihilominus in istius partem ingreditur, alium ostendit locum, secundum prioris verba suum et suorum antecessorum semper fuisse usque in praesens asserit. Et si alla probatio nusquam inveniri dinoscitur, nec utriusque invasionem compensare voluerint, tunc spondeant invicem wehadinc quod dicimus, et in campiones non sortiantur, sed cui Deus fortiam dederit et victoriam ad ipsius partem designata pars, ut quaeasit, pertineat.

Howsoever often an argument shall have arisen over common boundaries (commarchanis) where recognizable markers do not appear in trees, or in mountains, or in rivers, and one man says: "My ancestors held this up to this point and left it to me in full ownership (alodem)," let him point out the place according to his own judgment; let the other indeed trespass in this part in no wise, but let him show the other place that he asserts according to his previous words that he and his ancestors held up to the present. And if no proof is to be discovered, and neither one wishes to compromise the trespass, then let each make answer in his turn which we call wehadinc, and let them not try the issue by casting of lots, but let the designated portion
as sought belong to the share of him to whom God shall give strength and victory (by wager of battle).

Cap. VI. De iacentibus columnis.

Cap. VI. Concerning throwing down beams.

1. Si quis, quisquam finita fuerit contentio, per fortiam aedificia elevare voluerit, et e contrario ille alter iacentibus columnis contradixerit, et inde testem habuerit, et is propter contumaciam legi obtemperare noluerit, et cetera aedificia sepis conclusione firmaverit, tunc dicat: Emunda territorium meum usque ad legis perfinitionem; et ille e contrario in suum dicit posuisse et emundare minime debere; istic vero dicit: Ego testem habeo quod tibi iacentibus columnis contradixi; tunc testes iurantes testimonium praefertant, et cum campionibus determinetur sententia.

1. If anyone shall have wished to erect a building using force before a dispute shall have been settled, and contrariwise a second party shall have forbidden it by casting down the beams, and shall have a witness thereof; and the first man on account of disrespect for law shall not have wished to submit and shall have protected other buildings by enclosing them in a fence, and then shall have said, "Clear out of my land up to the boundaries set by law;" and the second man contrariwise shall have said in his turn that he has possession and ought not to withdraw in any wise, and then this same man shall have said, "I have a witness that I opposed you by the casting down of beams." Then let the witnesses swearing offer evidence, and let
the outcome be determined by wager of battle.

II. In ceteris huiusmodi aedificiis et horum conclusionibus nullatenus testificatio constat, sed is qui aedificavit, cum sua lege defendat. Si autem curtis adhuc cinctus non fuerit, ille qui defendere voluerit, lactea securem saiga valentem contra meridiem, orientem, atque occidentem; a septentrione vero ut umbra pertingit, amplius non ponat sepem nisi determinata fuerit contentio.

II. In the case of other buildings of this sort, and of places in which they are enclosed (conclusionibus), let no evidence be admissible in any wise, but let him who built them defend himself with his own law. If, moreover, the courtyard shall not have been enclosed, let him who shall have wished to make defence throw an ax worth a saiga straight up to the east and to the west, so that the shadow falls from the north, and let him build no more fence until the argument shall have been settled.

Cap. VII. De materiis non elevatis.

Cap. VII. Concerning materials not yet raised.

I. Si aliquis alicuius materiam in silva aut propter inimicitiias vel invidiam truncaverit, vel laeserit, cum alia simili restituat, et cum solido uno componat.

I. If anyone shall have mutilated or damaged another's building material in the forest, either on account of enmity or envy, let him restore other material like it and let him compound with one solidus.

II. Et si ea sibi in usum miserit, nisi per convenientiam non potest, debet ei cum alia placare
ad restituendum et cum solido, dum et cum solido, dum ipsam habet, componat.

II. And if he shall have put it to his own use, even though he could not do so suitably, he ought to settle the matter by restoring other material like it and compounding with a solidus while he has it.

Tit. XII. De pignoribus.

Title XII. Concerning pledges.

Cap. I. Ut nemini liceat pignorare.

Cap. I. That it be allowed to no one to make a pledge.

1. Pignorare nemini liceat nisi per lussionem iudicis.

1. Let it be allowed to no one to make a pledge except through the order of a judge.

II. Si forte est aliquis homo tam durus vel inobediens aut contumax, rebellis iustitiae, qui non vult recte respondere, non vult iustitiam facere, ille est contemptor legis, talis destringatur a iudice.

II. If by chance there is a man so stubborn, disobedient, or contemptuous, disregardful of justice, who does not wish to respond lawfully, who does not wish to do justice, that man is a despiser of the law and may be put under restraint by the judge.

Cap. II. De eo qui non vult iustitiam facere.

Cap. II. Concerning him who does not wish to render justice.

1. Si quis liber alicui libero, qui eum malle...
de qualicunque re, dedignabitur iustitiam facere, ille qui quaerit causam suam, habeat ibi testes duos vel tres, qui audiant et videant qualiter ille respondeat, ut possint ante iudicem testes esse. Tunc iudex iubeat eum in prae senti venire, et iudicet ei, et componat duodecim solidos, quia non dignabatur iustitiam facere ei cui debuit.

I. If any freeman shall have disdained to render justice to another freeman who had summoned him concerning any matter whatsoever, let him who seeks to establish his case have two or three witnesses there who heard and saw what the other replied, so that they may be able to act as witnesses before the judge. Then let the judge order him to come into his presence and judge him; and let him compound twelve solidi since he disdained to render justice to him to whom he owed it.

II. Si omnis qui non dignabitur iustitiam facere ei cui debuit, de qua re appellatus fuerit, pro fatigatione quam fecit ei, qui eum appellat, componat duodecim solidos, et postea respondeat secundum legem, et faciat iustitiam sicut lex habet. Ducit vero quadraginta solidos pro fredo.

II. If any man disdains to render justice to him to whom he owes it concerning whatsoever matter for which he shall have been summoned, let him compound with twelve solidi for the annoyance which he caused him who summoned him, and afterwards let him respond to and render justice just as the law holds. To the duke, indeed, let him pay forty solidi as a fredo.
Cap. III. Si contra legem pignoraverit.

Cap. III. If he shall have pledged contrary to law.

I. Si quis aliquem contra legem pignoraverit sine iussione Ducis, pignus sine laesione reddat, et alius simile addat. Duci vero pro fredo quadranginta solidos solvat.

I. If anyone shall have pledged anything contrary to law, without the duke's permission, let him restore the pledge unharmed, and let him add another like unto it. To the duke, indeed, let him pay forty solidi as a fredu.

II. Et si laeserit illud pignus, componat quantum aestimaverit qui causas ludicat.

II. And if he shall have harmed that pledge, let him compound as much as it is estimated to be worth by him who judges the case.

III. Talis enim praesumptio non debet fieri, quia hoc scandalum generat.

III. Such presumption ought not to be allowed since it creates scandal.

IV. Et pro omni pignore, quod contra legem tulerit, semper cum sex solidis componat.

IV. And let him always compound with six solidi for every pledge he shall have offered contrary to law.

V. Si pignus illud minus valet, quam sex solidos, tunc pignus reddat, et cum sex solidis componat.

V. If that pledge is worth less than six solidi, let him return the pledge and compound with six solidi.

VI. Si autem pignus quod tulerit plus valet quam
sex solidos, Ipsum Inlaesum reddat, et simile aliud addat. Duci vero pro fredo quadraginta solidos.

VI. If that pledge is worth more than six solidi, let him return that pledge unharmed and add another like unto it. To the duke, indeed, let him pay forty solidi as a fredis.

Cap. IV. Si porcos in pignus tulerit.

Cap. IV. If anyone shall have offered pigs as a pledge.

I. Si quis contra legem porcos in pignus tulerit, unumquemque cum duodecim salgis componat.

I. If anyone shall have offered pigs as a pledge, let him compound with twelve saiga for each one of them.

II.Illum ductricem cum tremisse componat.

II. Let him compound for that lead pig with a tremissis.

Cap. V. Si oves tulerit in pignus.

Cap. V. If anyone shall have offered sheep as a pledge.

I. Si quis oves in pignus contra legem tulerit, taceat de causa pro qua pignus tullit, et cum solido componat.

I. If anyone shall have offered sheep as a pledge, contrary to law, let him be silent concerning that case for which he offered the pledge and compound with one solidus.

II. Nisi forte ille homo alias res non habet, per quas possit pignus tollere, si nisi ipsas oves nihil aliud habet, non erit culpabilis; quia necessitas hoc compellit facere.

II. Unless, perchance, that man has no property other than the sheep themselves through which he could offer a pledge,
then he is not to be guilty since necessity compelled him
to do this.

Cap. VI. Si messem vel prata araverit.

Cap. VI. If anyone shall have plowed the harvest or
meadows.

Si quis messem vel pratum alterius araverit us-
que ad tres sulcos in longitudine iugeris, vel
in transversa sex sulcos, cum tribus solidis com-
ponat. Aut si negare voluerit, iuret cum sacra-
mentali uno.

If anyone shall have plowed another's harvest or meadow up
to three furrows lengthwise of an acre or crosswise six
furrows, let him compound with three solidi. Or if he shall
have wished to deny this, let him swear with one oathtaker.

Cap. VII. Si messem maturam furaverit.

Cap. VII. If anyone shall have stolen a ripened harvest.

I. Si quis messem iam maturam in agro furaverit,
cum sex solidis componat.

I. If anyone shall have stolen a harvest already ripe in
the field, let him compound with six solidi.

II. Et si negare voluerit, cum sex sacramentali-
bus iuret secundum legem suam.

II. And if he shall have wished to deny this, let him swear
with six oathtakers according to his law.

Cap. VIII. Si alterius initlaverit messem.

Cap. VIII. If anyone shall have bewitched (initlaverit
[maleticium]) another's crops.
Si quis messem alterius initiaverit maleficis artibus, et inventus fuerit, cum duodecim solidis componat, quod aranscarti dicunt, et familiam eius et omnem substantiam eius vel pecora eius habeat in cura usque ad annum. Et si aliquid perdiderit homo ille de rebus suis in illo anno, ille reddat. Et si negare voluerit, cum duodecim sacramentalibus iuret, aut cum campione cincto defendat se, hoc est, pugna duorum.

If anyone shall have bewitched another's crops through artifices of sorcery, which they call aranscarti, let him compound with twelve solidi, and let him have that one's household and all his property and livestock in his care for a year. And if that man shall have lost any of the things in his possession during the year, let him return them; and if he shall have wished to deny it, let him swear with twelve oathtakers, or let him defend himself with a girded champion, that is, by wager of battle.

Cap. IX. Si servum ad fugiendum suaserit.

Cap. IX. If anyone shall have persuaded a slave to flee.

1. Si quis servum alienum ad fugiendum suaserit, et foras terminum eum duxerit, hoc est, foras marcham, cum duodecim solidis componat, et ipsum reducat.

1. If anyone shall have persuaded another's slave to flee, and shall have let him outside the boundary, that is, outside the march, let him compound with twelve solidi and bring him back.

11. Et si negare voluerit, cum duodecim sacramentalibus iuret, aut cum campionibus suam quaerat iustitiam.

11. And if he shall have wished to deny this, let him swear
with twelve oathtakers, or seek his justice with champions.

III. Si ancilla est, cum viginti quatuor solidis componat, et ipsam reddat.

III. If it be a handmaiden, let him compound with twenty

four solidi and return her.

Tit. XIII. De vitiatis animalibus et eorum compositione.

Title XIII. Concerning Injuries done to animals and their

composition.

Cap. I. De animalibus vitiatis.

Cap. I. Concerning injuries done to animals.

Qui sepi damnum inferunt, et huius vitiis adsuescunt, si se in stipitem maculaverint, introeundo vel exeundo, et ibi mortui fuerint, si sepes legitime fuerit exaltata, id est, mediocris statura virili usque ad mammam, nihil cogatur solvere dominus sepis.

If animals which cause damage to a fence and are accustomed to this habit mutilate themselves on a post in going in or coming out, and shall have been killed there, if the fence shall have been constructed (exaltata est) lawfully, that is, half the stature of a man up to his breast, let the owner of the fence be compelled to pay nothing.

Cap. II. Qui ea in sepem compulerit.

Cap. II. If someone shall have driven the animal into a fence.

Si altera persona ipsum animal per vim salire compellerit, solvat animal, quia iniuste eum in periculum mortis iniecit.
If another person shall have compelled that animal by force to hurl itself into the fence or hedge, let him pay for that animal since he unjustly brought it in danger of death.

Cap. III. Si dominus sepis hoc fecerit.

Cap. III. If the owner of the fence shall have done this.

Si ipse dominus sepis simili modo ex sua clausura cum canibus vel ceteris flagellis elecerit, cum simili componat.

If that owner of the fence shall have in a like way driven the animal from his enclosure with dogs or other similar means, let him compound in the same manner.

Cap. IV. Statim si mortuus non fuerit.

Cap. IV. If the animal shall not have died immediately.

Si autem statim mortuus non fuerit, sed vulneratus evaserit ad domum domini sui, et dominus animalis hoc cognoverit, et dicit ad illum reum qui ipsum animal compellebat in mortem, recipe animal quem laesisti, quod non avursum vocamus.

If, moreover, it shall not have died immediately but shall have escaped wounded to the home of its owner, and the owner shall have discovered this and said to the guilty party who drove this animal into death, "Take the animal which you have injured," which we call avursum.

Cap. V. Si confessus est, recipiat eum.

Cap. V. If he shall have admitted it, let him take it back.

Si autem confessus est, recipiat, donec sanetur, et alid interim ad operationem restituat, qualis ille fuerat quem laesit.

If, moreover, he shall have admitted it, let him take the
animal back until it is cured, and in the meantime let him
restore it to health, just as it was before he injured it.

Cap. VI. De restituendis animalibus.

Cap. VI. Concerning the restoring of animals.

1. Si vero mortuum fuerit, quem in locum posuit
teneat possessor animalis laesi.

1. If, indeed, that animal which he placed in its place shall
have been killed, let the possessor of the injured animal
keep it.

II. Iste vero cadaver quem sanare nequiverat ad
suum teneat usum.

II. Let him keep that cadaver which he was not able to cure
for his own use.

Cap. VII. Si laesum recipere noluerit.

Cap. VII. If he does not wish to receive the injured animal.

Si autem laesum animal, quem laedere se compellebat, recipere noluerit, dominus animalis cadaver
sibi sumat in usum, et ille alius nihilominus ex
integro cogatur exsolvere.

If, moreover, he shall not have wished to receive the in-
jured animal which he compelled to injure itself, let the
owner of the animal keep the cadaver for his own use, and
let that other one be compelled to pay nothing at all.

Cap. VIII. Si oculum alterius animalis excusserit.

Cap. VIII. If anyone shall have pierced out the eyes of an-
other's animal.

Si quis allicuius caballo aut bovi vel cuilibet
quadrupedi unum oculum excusserit, adpretlet illud pecus quod valet, et tertiam partem componat.

If anyone shall have pierced out one eye from another's horse or ox or any four-footed animal, let him pay what the animal is worth and compound a third part.

Cap. IX. Si bovis cornu.

Cap. IX. If the horn from an ox.

I. Si quis bovi alterius cornu a capite cum osse excusserit, cum tremisse componat.

I. If anyone shall have cut off the horn of another's ox from the head with the bone, let him compound with a tremissis.

II. Si cornu exilierit et os remanserit, duas saigas donet.

II. If he shall have taken out the horn and the bone remained, let him give two saigas.

III. Si vaccae excusserit, duas saigas componat.

III. If he shall have cut them off from cows, let him compound two saigas.

Cap. X. Si caudam amputaverit.

Cap. X. If he shall have cut off the tail.

I. Si caudam amputaverit, vel aurem, si equus est, quem marach dicimus, cum solidis componat.

I. If he shall have cut off the tail or the ear, if it is the horse which we call marach, let him compound with a solidus.

II. Si mediocris fuerit, quod vulz vocant cum medio solidi componat.
II. If it is a mediocre horse which they call *vulz*, let him compound with one-half solidus.

III. *Et si deterior fuerit, quod argargnago dicimus, qui in hoste utilis non est, cum tremisse componat.*

III. If it is an inferior horse which we call *argagnago*, which is not used in the army, let him compound with a *tremissis*.

IV. *Similiter qui alterius bovi caudam amputaverit vel aurem, cum tremisse componat.*

IV. Likewise, let him who shall have cut off the tail or ear from another's bull compound with a *tremissis*.

V. *Si vaccam alterius huiusmodi laeserit, cum duabus saigis componat.*

V. If he shall have injured another's cow in this same way, let him compound with two *saigas*.

Cap. XI. De iniuste usis animalibus.

Cap. XI. Concerning unjust treatment of animals.

I. *Et si unum eorum contra legem minaverit, quod swezcholli dicimus, pari sententiae subiaceat.*

I. If, contrary to law, he shall have injured one of these which we call *swezcholi*, let him be subjected to an equal sentence.

II. *Et si quis contumax in alterius iumento, vel propter dispectionem domini sui vel quacunque inimicitia hoc iniuste perpetraverit, haec universa in componendo duplicentur.*

II. And if any contemptuous person shall have inflicted unjust treatment upon another's ox, either on account of his
hatred for its owner, or any enmity whatsoever, let the whole amount be doubled in the composition.

Cap. XII. Ut minime praesumat animal alienum occidere.

Cap. XII. So that no one might presume to kill another's animal.

I. Ut nemo praesumat alienum animal occidere, neque porcum, quamvis in damno eum invenerit; sed recludat eum donec domino eius ostendat damnum et aliqui de vicinis eorum videant hoc, et designent locum qui laesus est, et alia quae intacta sunt usque ad maturitatem; et colligat cuius messis est, et quantum minus invenerit in laesione illa, contra haec aequalitatem integram ille reddat culius animalia tuerunt et damnum tecerunt.

I. Let no one presume to kill another's animal, not even a pig, even though it shall have caused him loss; but let him enclose it until he can show the loss to its owner, and let some of the neighbors see this, and let them mark out the damaged place and other places which have been left intact until maturity, and as restitution for whatever loss he suffered in that damaged spot, let him whose animal it was return an equal portion intact.

II. Ita et de vinea et de prata similiiter faciat sicut aestimatores arbitraverint, et componat.

II. Likewise concerning vines and meadows, let him do the same, and let him compound as the appraisers estimate.

Tit. XIV. De commendatis et commodatis.

Title XIV. Concerning watch and ward. (De commendatis et commodatis)
Cap. I. De custodia.

Cap. I. Concerning custody.

1. Si quis caballum aut quodlibet animalium genus ad custodiendum mercede placita commendaverit, si perierit, eiusdem meritum ille qui commendata suscepit exsolvat; si tamen mercedem fuerit pro custodia consecutus.

1. If anyone shall have committed a horse or any animal whatsoever into the custody of another, a price being settled upon, and if the animal shall have perished, let him who received the animal into his care pay for the same deservedly, only if it shall have followed pay for the custody.

II. Quod si etiam nulla placita mercede susceperat, et mortuum esse probaverit, nec ille mercedem requirat, nec ab illo aliquid requiratur.

II. If, moreover, he shall have received it when no price was agreed upon, and it shall have been proved that it perished, let that one require no compensation, nor let anything be required of that one.

III. Tamen ratio est ut praebat sacramenta ille qui commendata susceperat, quod non per suam culpam neque per negligentiam mortua consumpta sint, et reddat corium.

III. Nevertheless, it is reasonable that he who received the animals committed to him should offer oaths that it was not through his fault or neglect that the animals perished, and let him return the hide.

IV. Eadem et de commodatis forma servetur.

IV. And let the same form be observed in the case of bôr-
rowed animals.

Cap. II. Si aurum furaverit.

If he shall have stolen gold.

Si cui aurum; vel argentum, vel ornamenta, vel quae cucunque species fuerint commendatae, sive custodiendae traditae sint, sive vendendae, et in domo ipsius cum rebus ipsius forsitan fuerint incendio concrematae, una cum testibus, qui commendata susceperat, praebat sacramenta, nihil exinde suis profuisse compendiis, et nihil cogatur exsolvere, excepto auro et argento, quod ardere non potuit.

If there be one to whom gold or silver or ornaments or any such things shall have been committed or handed over for custody or sale, and if all these things by chance shall have been consumed by fire in his house together with his own properties, let him who received them committed to his care take an oath together with an oathtaker that he profited nothing by this, and let him be compelled to return nothing but the gold and silver which cannot be burned.

Cap. III. De incendio furatis.

Concerning things stolen in a fire.

1. Si quis forte, dum domum flamma consumit, se quasi auxilium adlatus ingesserit, et aliquid forte rapuerit, dominus domus diligenter inquirat; et si eum potuerit invenire, ille qui rapuerat, in quadruplum rapta restituat.

1. If anyone by chance shall have entered a home under pretense of giving aid while that home is being consumed by flames, and shall have taken something away and shall have stolen something, let the owner of the house inquire dili-
gently, and if he is able to find it out, let him who com-
mitted the theft return what he had stolen fourfold.

II. Et si de commendatis rebus apud direptorem
aliquid forte reperit, domino restituere non
moretur.

II. And if he shall find anything of committed goods in the
possession of this thief, let him not delay to restore them
to their owner.

Cap. IV. De commendatis furatis.

Cap. IV. Concerning the stealing of committed goods.

I. Si vero quae commendata fuerant furto pro-
bantur ablata, ei qui commendata perdiderat
spatium tribuatur, donec furem suum investiga-
tione perquirat.

I. If, in truth, those things which shall have been com-
mitted shall have been proved to have been seized by theft,
let a space of time be allotted to him who lost the things
committed to his care while he seeks their thief through
an investigation.

II. Et si eum invenerit, commendator i res proprias
tantummodo reformare procuret.

II. And if he shall have found him, let him take care to
return only the proper goods to the committer.

III. Compositio vero furti ad eum qui habuit rem
commendatam pertineat.

III. Composition, indeed, belongs to him who had the prop-
erty committed to him.

IV. Et si fur non fuerit intra statutum tempus in-
ventus, medietas rerum commendatarum domino susci-
piente reddatur, damnum vero ex medio uterque sus-
tineat.

IV. And if the thief shall not have been found in the in-
terval of time, let half the committed property be returned
to the owner receiving it, and let both sustain the loss in
half.

V. Et postmodum si dominus rerum apud eum, cui
commendaverat, quaecunque fuerint suppressa re-
pererit, cum haec ille prius se dixerat perdier-
disse, vel furto fuisse sublata, sicut a fure ea
ab eo exigui legum statuta praecipiant, et com-
positionem cogatur implere.

V. And afterwards if the owner of the property shall have
found in the possession of him to whom he had committed any-
thing, property which shall have been hidden when this one
previously had said that he had lost it or that it had been
taken away by theft, just as the statutes of the law require
that those things be exacted from him for a theft, let him
be compelled to fulfill the composition.

Cap. V. De re in contentione posita.

Cap. V. Concerning property placed in contest.

Reum in contentione positam non liceat donare
nee vendere.

It is not permissible to give away or sell property placed
in contest.

Cap. VI. De viduis.

Cap. VI. Concerning widows.
De viduis si post mortem mariti in viduitate permanet nequalem inter filios suos, id est, qualem unus ex filiis, usufructuario habeat portionem, usque ad tempus vitae suae usufructuario lvere possideat.

If after the death of her husband a widow remains in widowhood, let her have a portion in usufruct equal to that divided among his sons, that is, just as if she were one of the sons, and let her possess it by right of usufruct during the course of her life.

Cap. VII. De secundis nuptiis.

Cap. VII. Concerning second marriages.

I. Quod si mater ad alias nuptias forte transierit, ea die usufructuariam portionem, quam de bonis mariti fuerat consecuta, filli inter reliquas res paternas, qui ex eo nati sunt coniugio, vindicabunt.

I. But if the mother shall enter into another marriage, on that day let the sons which were born from that union take over among the other parts of their father’s inheritance her portion of the usufruct which she had inherited from the properties of her husband.

II. Mater vero si habet proprias res, et cum dote sua, quam per legem habet, egrediatur.

II. If the mother in truth has other properties, let her take them with her together with her dowry which she has according to law.

III. Et si ibi filios nec fillias generavit, post mortem eius omnia quae de fillis suis detulit, ad illos revertantur.
III. And if she shall bear neither sons nor daughters there, let all those things which she took away from her sons be returned to them.

Cap. VIII. De divisione inter fratres.

Cap. VIII. Concerning division among brothers.

1. Ut fratres hereditatem patris aequaliter dividant; ut quamvis multas mulieres habuisset, et totae liberae fuissent de genealogia sua, quamvis non aequaliter divites, unusquisque hereditatem matris suae possideat, res autem paternas aequaliter dividant.

1. Let brothers divide the inheritance of their father equally, so that although the father shall have had many wives and all these freewomen of his own status though not equally wealthy, each son will receive the inheritance of his own mother. Moreover, let the paternal inheritance be divided equally.

II. Si vero de ancilla habuerit filios, non accipiant portionem inter fratres, nisi tantum quantum el per misericordiam dare voluerint fratres eorum; quia in veteri lege scriptum est: Non enim erit heres filius ancillae cum filio liberæ. Tamen debent misericordiam considerare, quia caro eorum est.

II. If, in truth, he shall have had sons of a handmaid, let them not receive a portion of the brothers' save only as much as their brothers wish to give them through mercy, since it has been written in the ancient law: "For a son of a handmaid not be an heir with the son of a freewoman." Nevertheless, they ought to show mercy since these
are of their own flesh.

Cap. IX. De eo qui sine liberis moritur.

Cap. IX. Concerning him who dies without children.

I. De eo qui sine fillis et filiabus mortuus est, mulier accipiat portionem suam, dum viduitatem custodierit, id est, medietatem pecuniae. Medietas autem ad propinquos mariti pertineat.

I. Let the wife of him who shall have died without sons or daughters receive her portion, that is, half the money.

Half, moreover, belongs to the husband's nearest kin.

II. Si autem mulier mortua fuerit, aut alium maritum tuliit, tunc quod proprium habet et de mariti rebus quod per legem ei debetur, accipiat. Ceteras res propinquii prioris mariti accipiant.

II. If, moreover, the woman has taken another husband and shall have died, let him receive what she holds in her own right, and what was owed to her by law from the properties of her first husband. Let the relatives of her former husband receive the other properties.

III. Si autem maritus eius, qui nec filios nec nepotes nec pronepotes, nec ullum de propinquis habet, sed in uxorem aut donatione aut testamento sive partem sive omnes contulerit facultates, et haec deinceps in viduitate persistit, et memoriam mariti cum pudicitia castальной observat, omnia quae a marito ei sunt donata possideat, et ea in quem voluerit pro suo iure transfundat.

III. If, moreover, her husband has neither sons nor daughters, nor grandchildren, nor great grandchildren, nor any near kin, but shall have bestowed upon his wife either by gift or by will either part or all of his properties, and
she shall have remained in widowhood all this time and shall have guarded the memory of her husband with modest chastity, let her possess all those things which were given to her by her husband, and let her transfer them to whom she wishes in her own right.

IV. Quod si maritus et mulier sine heredes mortui fuerint, et nullus usque ad septimum gradum de propinquis et quibuscunque parentibus invenitur, tunc illas res fiscus adquirat.

IV. But if the husband and wife shall have died without heirs, and no one can be found even to the seventh degree of kinship, nor any relatives whatsoever, then let the public treasury acquire these properties.

Tit. XV. De venditionibus.

Title XV. Concerning sales.

Cap. I. Si quis res alienas vendiderit.

Cap. I. If anyone shall have sold another’s properties.

1. Si quis vendiderit res alienas sine voluntate domini sui, aut servum, aut ancillam, aut qualem-cunque rem, ipsam per legem reddat; et consimilem aliam addat.

1. If anyone shall have sold another’s property, either a slave or a handmaid or anything whatsoever, without the consent of the owner, let him return it according to law and return another like unto it.

II. Et si ipsum non potest invenire, duos consimiles reddat.

II. And if he is not able to find it, let him return two
like unto it.

Cap. II. Si quis possessionem vendiderit.

Cap. II. If anyone shall have sold a possession.

1. Si quis vendiderit possessionem suam alicui, terram cultam, non cultam, prata, vel silvas, post acceptum pretium aut per chartam aut per testes comprobetur firma emptio, ille testis per aures debet esse tractus, quia sic habet lex nostra. Duo vel tres vel amplius debent esse testes.

1. If anyone shall have sold his possession to another, cultivated land, land not cultivated, meadow, or forests; after payment has been received, through a charter or through witnesses let the purchase be considered as confirmed. That witness ought to be heard orally since our law holds it thus. Two, three, or more ought to be witnesses.

II. Si venditio fuit violenter extorta, id est, metu mortis, aut per custodiam, nulla ratione firma sit.

II. If a sale shall have been extorted with violence, that is, through threats of death or through restraint, let it be confirmed in no wise.

Cap. III. Si a servo alieno comparaverit.

Cap. III. If he shall have purchased something from another's slave.

1. Si quis a servo alieno aliquid comparaverit nesciente domino suo, si dominus firmam esse non luerit emptionem, reddatur pretium emptori, et emptio nihil habeat firmitatis.
I. If anyone shall have purchased something from another's slave without the knowledge of his owner, and if the owner does not wish to confirm the purchase, let him return the price to the purchaser and let that purchase in no wise stand confirmed.

II. Si ipsum non habet, consimile reddat.

II. If he does not have it himself, let him return another like unto it.

Cap. IV. De conditione venditae rei.

Cap. IV. Concerning the status of purchased goods.

I. Quotiens de vendita re contentio commovetur, si alienam fuisse constiterit, nullus sine domini praebudicio comparet.

I. Whenever a contest shall have been started concerning a sale, if the goods shall have been proved to have been another's, let no settlement be made without permission (praebudicio) of the owner.

II. Et domino is qui alienam vendere praesumpsit, duplum cogatur exsolvere, nihilominus emptori, qui acceptit, pretium redditurus.

II. And let him who presumes to sell another's property be compelled to pay two-fold to the owner, but nothing beyond the purchase price to the purchaser who received it.

III. Et quicquid ad comparatae rei protectum studio suae utilitatis emptor adiecerit, a locorum iudicibus aestimetur, et ei qui laborasse cognoscitur, a venditore iuris alieni satisfactioni iusta reddatur.

III. Let an estimate be made by the judges of the place
concerning whatever the purchaser through his own useful efforts shall have added to the improvement of the property purchased, and let just satisfaction be rendered by the seller of another's right to him who is known to have labored.

Cap. V. Si ingenuum hominem vendiderit.

Cap. V. If he shall have sold a native freeman.

I. Si quis ingenium vendiderit, cum ille suam haberet libertatem, is qui eum vendiderit, reducat eum in locum suum, et restituat ei libertatem sicut prius habuit, et componat ei quadranta solidos; excepto quod emptori in duplum pretium, quod acceptit, cogatur exsolvere.

I. If anyone shall have sold a native freeman when he has his liberty, let him who sold him return him to his place and restore his liberty to him as he had it before, and compound forty solidi to him, with the exception that he be compelled to pay to the purchaser twice the price which he received.

II. Simili ratio dupliciter de feminis servetur.

II. In a like way a double rate is to be observed in the case of women.

III. Et si eum vel illam foris provincia vendiderit, et iterum reducere non potuerit, tunc cum weregildo componat, hoc est, centum sexaginta solidos solvat parentibus.

III. And if he shall have sold him or her outside the province, and cannot bring him back again, then let him compound with his wergeld, that is, let him pay one hundred
and sixty solidi to the relatives.

Cap. VI. Si servum proprium vendiderit.

Cap. VI. If he shall have sold his own slave.

Si quis servum suum vendiderit, forsitan eius nesciens facultates quas habebat, dominus eius potestatem habeat, qui eum vendiderit, requendī res eius ubicunque invenire potuerit.

If anyone shall have sold his slave perhaps not knowing what properties he had, let the master who sold him have the power of getting back those properties wherever he can find them.

Cap. VII. Si servus de suo fuerit redemptus.

Cap. VII. If a slave shall have bought his freedom from his own property.

Si quis servus de peculio suo fuerit redemptus, et hoc dominus eius forte nescierit, de domini potestate non exeat; quia non pretium, sed res servi sui, dum ignorat, accepit.

If any slave shall have bought his freedom from his own property and his owner shall not have known this by chance, let him not pass from the power of his owner, because he received unknowingly not the worth but merely the property of the slave.

Cap. VIII. De commutatione.

Cap. VIII. Concerning an exchange.

Commutatio, hoc est quod cambias, talem qualem emptio habeat firmitatem.

Let an exchange which they call cambias have the same force
Cap. IX. De venditionis forma.

Concerning the form of a sale.

I. Venditionis haec forma servetur ut seu res seu mancipium vel quodlibet genus animalium venditur, nemo propterea firmitatem venditionis inrumpat quod dicat, se vili pretio vendidisse; sed postquam factum est negotium, non sit mutatum.

This form of sale is to be observed whether properties or slaves or any sort of animal is sold, so that no one might break that contract of sale saying he had sold at a cheap price, but after a sale has been transacted, do not let it be changed.

II. Nisi forte vitium invenerit quod ille venditor celavit, hoc est, in mancipio, aut in caballo, aut in qualicunque peculio, id est, aut coecum, aut herniosum, aut caducum, aut leprosum.

Unless by chance he shall have found a defect which the seller concealed in a slave, horse, or whatever property it is, either blindness, abdominal injury (herniosum), weakness, or leprosy.

III. In animalibus autem sunt vitia quae quotiens celare potest venditor.

In animals, moreover, there are defects which the seller is very often able to conceal.

IV. Si autem venditor duxerit vitium, stet emptio: non potest mutare.

If, moreover, the seller shall state the defect, let
the sale stand; he cannot change it.

V. Si autem non dixerit, mutare potest in illa die, et in alia, et in tertia die.

V. If, however, he does not state it, then the purchaser can change the sale within a period of three days.

VI. Et si plus de tribus noctibus habuerit, non potest mutare.

VI. And if he shall keep his purchase more than three nights, he cannot break the bargain.

VII. Nisi forte eum invenire non potuerit infra tres dies, tunc quando invenerit, recipiat qui vitiatum vendidit.

VII. Unless by chance he cannot find the seller in three days, then when he does find him, let the seller take back that which he sold in a defective condition.

VIII. Aut si non vult recipere, iuret cum sacramentali uno: quia vitium ibi nullum sciebam in illa die quando negotium fecimus; et stet factum.

VIII. And if he does not wish to take it back, let him swear with one oath-taker that he knew of no defect in it on the day when the bargain was made, and then let the bargain stand.

Cap. X. De arris.

Cap. X. Concerning earnest money.

Qui arras dederit pro quacunque re, pretium cogatur implere quod placuit emptori. Et si non occurrerit ad diem constitutum, vel antea non rogaverit ad placitum ampliorem, et hoc neglexerit facere, tunc perdat arras, et pretium quod debuit impleat.
Let whoever shall have given earnest money for any property whatsoever be compelled to fulfill the price which is pleasing to the purchaser. And if he does not appear on the established day, or does not ask before hand for a better offer, and neglects to do this, then let him lose the earnest money and fulfill the price which he ought to.

Cap. XI. De firmitate.

Cap. XI. Concerning affirmation of sales.

1. Si mancipium aliquod sit, dicit: Istud mancipium ego comprehendi extra terminum ubi Dux exercitum duxit, vel alibi Dux illum per debitam et iustam culpam tulit, et mihi licenter tradidit. Aut si aliqua ornamenta sint, dicit: Quod mancipium mel ex propria mea materia laboraverunt et fecerunt, aut fabri huiusmodi si fuerit, propterea tradidi et firmabo. Si haec defuerint, in supradictis rebus nullatenus potest firmare. Si autem firmaverit, non potest ab eo cui firmavit, nisi ipse voluerit, retrahere, si campo quaesitoris vicerit.

1. If there shall be some sale of a slave, let the purchaser say, "I lay hold of that slave outside the boundary where the duke led his army or at some other place where the duke brought him through due and just cause, and he was handed over to me freely." Or if some ornaments are sold let him say, "Since my slaves have wrought and made these things from my materials, or my smiths (if they are ornaments of that sort), therefore I have sold them and I guarantee them." If these declarations are lacking, he can in no wise affirm the sale in the case of the abovementioned properties. If, moreover, he shall have
affirmed this, he cannot get them back from him to whom he affirmed it unless that man himself shall wish it, even if the champion of the seeker shall win.

II. Si se firmare promiserit emptori, id est, suuiron, et non potuerit per haec verba veraciter, ut supra diximus, et constitutum ruperit, tunc pretium reddat, et talem terram aut speciem, qualem se firmare pollicebatur, restituat sine mora; eo quod valde reprehensibilis est res alterius dare, quia aliquotiens exinde scanda
dala nascentur.

II. If he shall have promised the purchaser to affirm this, that is, suuiron, and he is not able to speak the words we have stated above truthfully, and breaks the contract, then let him return the price and restore such land or property as he promised to affirm without delay, for it is a greatly reprehensible thing to give another's properties, because scandals are often produced from things of this sort.

III. Simili modo qui propria donaverit cuiusdam, ut inlustis machinamentis sibi sociaret, quod nunquam tenuerat.

III. Let it be observed in a like way in the case of him who shall have given another's properties, since he had contrived unjustly, because he had never held them.

IV. Si mancipium fuerit, et dicit: Pater meus reliquit mihi in hereditatem, aut: Ego in propria domo enutrit illum, de proprio meo mancipio natum; similiter de iumentis vel huiusmodi, quae fuerint, adserere potest.

IV. If it is a slave let him say, "My father gave him to me in my inheritance," or "I raised him in my own home,
he being born of my own slave;" likewise he can assert
concerning oxen, or things of this sort which he has.

Cap. XII. Ut per chartam venditio firmetur
aut testes.

Cap. XII. That a sale should be affirmed through a charter
or witnesses.

Quicquid vendiderit homo, aut comparaverit qual-
emcunque rem, omnia sint firmata aut per chartas
aut per testes qui hoc probare possint, hoc est,
de mancipiis, de terra, casis, vel silvis, ut
postea non sit contentio.

Whatever a man shall have sold or whatever property he
shall have bought, let all be affirmed either through
charters or witnesses who can prove this, that is, concern-
ing slaves, lands, buildings, forests; so that afterwards
there can be no contention.

Cap. XIII. De pactis vel placitis.

Cap. XIII. Concerning contracts or agreements.

Pacta vel placita quae per scripturam quamcun-
que facta sunt, vel per testes denominatos tres
vel amplius, dummodo in his dies et annus sit
evidenter expressus, immutare nulla ratione per-
mittimus.

We permit that contracts or agreements which have been
made through writing of some sort, or through three or
more designated witnesses, provided that the day and year
are clearly expressed in these, be changed for no reason.

Tit. XVI. De testibus et eorum causis.

Title XVI. Concerning witnesses and their cases.
Cap. 1. De testibus, si suum voluerit vindicare.

Concerning witnesses: if anyone shall have to make legal claim.

1. Si quis homo pratum vel agrum vel exartum alterius contra legem malo ordine invaserit, et dicit suum esse, propter prae summptionem, cum sex solidis componat et exeat.

1. If any man shall have invaded another's meadow, fields, or plowed lands, and said that they were his own, let him compound six solidi because of his presumption, and get out.

Il. Si autem suum voluerit vindicare illum agrum aut pratum vel exartum, vel unde illa contentio est, taliter vindicet. Iuret cum sex sacramentalibus, et dicat: Ego in tua opera priore non invasi contra legem, nec cum sex solidis componere debeo, nec exire, quia mea opera et labor prior hic est quam tuus. Tunc dicat ille qui quaerit: Ego habeo testes qui hoc sciant, quod labores de isto campo semper ego tuli, nemine contradicente exartavi, mundavi, possedi usque hodie, et pater meus reliquit mihi in possessione sua. Ille homo qui hoc testificare voluerit, commarchanus eius debet esse, et debet habere sex solidorum pecuniam et similem agrum. Tunc ille testis iuret taliter: Quia ego hoc meis auribus audivi et oculis meis vidi, quod istius hominis prior opera tuit in isto agro quam tua, et labores fructuum ille tuli. Post sacramentum reddat agrum. Tunc ille defensor, si sperat quod iustitia de illo agro suo fuisset, et hoc in praesentia populo fiat, ne per invidiam aliquis pereat, dicat ad illum testem: Mendacium iurasti contra me. Sponde mihi pugnam duorum, et manifestet Deus si mendacium an veritatem iurasti contra me; et componere debes cum duodecim solidis, et illam terram reddere quam mendaciter abstulisti. Si vicerit ille qui quaerit, componat cum duodecim solidis, et illam terram reddat. Et si illam terram non potuerit donare, donet allam in proxi-
Imo quantum iactus est de securi saiga valente.
Et si in proximo non habet, nec comparare potest, iuret secundum pretium agrì ut ipsum agrum cum pretio valente nec cum duplo nec cum triplo conquirere non potuisset, et donet ubi habet; et ipsum agrum qui donet iuret quod tali sit qualis suus fuerat.

II. If, moreover, he shall wish to establish his claim to that field, meadow, plowed land, or whatever the dispute has arisen over, let him do so in this way. Let him swear with six oathtakers and say, "I have not infringed upon your previous work contrary to law nor ought I to compound six solidi nor get out, since my work and labor was previous to yours." Then let that one who seeks it say, "I have witnesses who know that I have always done the work of this field, and no one can contradict that I have plowed it, worked it, and possessed it up to the present day, and that my father left it to me in my inheritance." The witness who wishes to testify to this ought to be the peer of the seeker, and ought to have property valued at six solidi and a similar amount of land. Then that witness ought to swear in this wise, "Since I have heard it with my ears and seen it with my eyes, this man's work on that field is previous to yours, and he has done the fruitful labor." After the oath let the first man return the field. Then let that defender if he hopes that justice be done to his field and this done in presence of the people, lest anyone suffer loss through hatred, say to that witness,
"You have sworn falsely against me. Answer me by wager of battle, and let God show whether you have sworn against me falsely or truthfully, and you ought to compound with twelve solidi and return that land which you have taken away falsely." And if he who seeks it wins, let that other compound with twelve solidi and return that land. And if he is not able to give that land, let him give another piece nearby which is of the same value, and if he does not have it near at hand and cannot buy it, let him swear that in accordance with the price of the field he cannot acquire the field at the price set nor at double it nor triple it, and let him give where he has land, and let him swear that the land which he gives is of the same sort as the land in dispute.

Cap. II. Si testem habuerit per aurem tractum.

Cap. II. If anyone shall have derived evidence through hearsay.

Si quis testem habuerit per aurem tractum de qualibet causa finita ratione et hoc confirmarit per testes, posthaec non debet repetere nec inquietare illum a quo finivit rationem suam. Et si voluerit tunc per testes defendat se, ille testis testificet sicut scit unde ad testem per aurem tractus fuit, et hoc per sacramentum confirmet. Non debet testem veritatis repellere cum pugna duorum et dicere: Non tibi traxi testem de ista causa, neque consentio. Si autem testis per aurem tractus fuerit de compositione finienda, vel propter arras, qui donat quasi pro pignore qualemcumque rem, usque
If anyone shall have derived evidence through hearsay concerning any case whatsoever after the case is settled and shall have been confirmed through witnesses, he ought not to seek nor disturb that one by whose aid he completed the case. And if he shall wish to accept this evidence, let him defend himself through witnesses. Let that witness testify revealing the knowledge whence he derived the hearsay evidence, and let him confirm this through an oath.

His lawyer (causaticus) ought not refuse truthful evidence. If by chance someone shall not wish to have fallacious evidence, then he can refute that at law (cum lege) and say, "I have not derived evidence from you in this case, nor do I consent to accept your evidence." If, moreover, evidence shall have been derived through hearsay concerning the completion of composition or concerning an account of earnest money where one gives something as a pledge until he pays the debt, and where one receives in pledge, let no one disregard that evidence or be able to, but let him consent to it. But if someone does not wish to testify in some cases concerning a dead man, then he can contradict...
the evidence (about the dead man) by wager of battle and say, "I wish to defend this case with my champion against what you say, since you and your witness lie about the dead man."

Cap. III. Si testis victus fuerit.

Cap. III. If the witness shall have been defeated.

Et si ille victus fuerit qui negare testem voluit super mortuum suum, tunc amplius pugna duorum non veniat, quia ad testificationem per vim illum mortuum adquisvit; sed cum sacramento, ut lex est, testificetur, et testificatio firma permaneat.

And if he who wishes to deny evidence in connection with a dead man shall have been conquered, let him come to wager of battle no more, since he employed that dead man as evidence through violence, but let him testify with an oath as the law requires, and let the testimony have force.

Cap. IV. De discordia iudicum.

Cap. IV. Concerning discord among the judges.

Sed hic discordant nostri iudices de pacto, quod ipse qui testem adducit, iurare debeat, quod mendacem testem non proferat, nec de illius testificatione sacramenti se abstinere debeat.

But our judges differ here regarding an agreement, because he who produces evidence ought to swear that he does not produce false evidence, nor ought he refuse to take oath concerning that evidence.

Cap. V. Si plures fuerint testes.

Cap. V. If there are several witnesses.
Si plurimi testes fuerint, et ad unum conventum venerint, sortiantur illi testes inter se, et cui sors exierit, iuret ille taliter et dicit:
Ad testem sortitus sum, et ad testem me facere volo. Adprehendat manum proximi sui et dicit:
Si illum Deus adluvet, et illum culus manum teneo, quod ego ad testem inter vos per aereum tractus fui de ista causa ad veritatem dicendam. Tunc solus iuret cum sua manu. Postea donet arma sua ad sacramundum, et per ea iuret ipsum verbum cum uno sacramentali. Et si mendaciter iurat, componat illi culius causam abstulit cum duodecim solidis, et ipsam causam restituat, aut defendat se cum campionc suo, si recte iuravit, hoc est pugna duorum.

If there are several witnesses and they come to one assembly, let the witnesses cast lots among themselves, and let him to whom the lot falls swear in this fashion and say, "I am chosen as witness and I wish to give evidence." Let him lay hold of the hand of his nearest companion and say, "If God aids him and him whose hand I hold, I have been brought as a witness among you through hearsay concerning this case for the purpose of speaking the truth." Then let him alone swear with his own hand. Afterwards let him give his arms for consecration and let him swear his words upon them with one oath-taker. And if he swears falsely, let him compound to him whose case he harmed with twelve solidi and let him restore that case; of if he swears correctly, let him defend himself with his champion, that is, by wager of battle.

Tit. XVII. De camponibus et causis quae ad eos pertinent.
Title XVII. Concerning champions and cases which pertain to them.

Cap. I. Si unus ab altero fuerit Interfectus.

Cap. I. If one champion shall have been killed by another.

I. Si unus ex his ab altero interfectus fuerit, quamvis nobilis sit persona, non componatur amplius quam duodecim solidis; et ab eo componatur qui illum iniuste invitavit.

I. If one of these shall have been killed by another, although he be a noble person, let him not be compounded for with more than twelve solidi, and let composition be paid by that one who unjustly invited him to fight.

II. Si servus fuerit per domini sui consensum pari modo ratio sublacebit. Sin autem, cum viginti solidis componat.

II. If he shall have been a slave with the consent of his master, reckoning shall be made in the same way. If not with consent, let him be compounded for with twenty solidi.

Cap. II. De his qui propriam alodem vendiderunt.

Cap. II. Concerning those who sell their own freehold.

De his qui propriam alodem vendunt vel quascunque res, et ab emptore alter abstrahere voluerit et sibi sociare in patrimonium, tunc dicit empor ad venditorem: Terram, aut quaecunque fuerit res, abstrahere mihi vult vicinus meus, dicens quod sua fuerit. Et iste respondet: Ego quod tibi donavi, cum lege integra et verbis testificatione firmare volo. Super septem noctes fiat constitutum. Si dicit, cum utrisque utraque partes conveniunt: Cur invadere conaris territorium quod ego iuste iure hereditatis donavi. Ille alius contra: Cur meum donare debulisti, quod antecessores mel ante a tenuerunt?
Iste vero dicit: Non ita, sed mei antecessores tenuerunt, et mihi in alodem relinquuerunt, et vestita est illius manus cui tradidi, et firmare volo cum lege. Si statim voluerit, liberam habeam potestatem. Sin autem, postea super tres dies aut quinque aut certe septem ea ratione firmet. Per quatuor angulos campi, aut designatis terminis, per haec verba tollat de ipsa terra, vel aratrum circumducat, vel de herbis, aut ramis, silva si fuerit: Ego tibi tradidi, et legitime firmabo per ternas vices. Dicat haec verba, et cum dextera manu tradat; cum sinistra vero porrigat wadium quod de ipsa terra eum mallem, per haec verba: Ecce wadium tibi do quod terram tuam alteri non do, legem faciendo. Tunc ille alter suscipiat wadium et donet illum viessoriibus istius ad legem faciendam. Si causa fuerit inter illos pugnae, dicat ille qui wadium suscepit: Injuste territorium meum alteri firmasti, id est, falsi virotos. Ipsum mihi debes reddere, et cum duodecim solidis componere. Tunc spondet pugnam duorum, et ad Dei pertineat iudicium. Sin autem, cum sacramento si defendat, id est, cum duodecim, quod suam terram injuste non firmaret alteri, nec suae ditioni restituere debet, nec cum duodecim solidis componere.

Concerning those who sell their own freehold or any other property: if another shall wish to take a freehold away from the buyer and add it to his property, then let the buyer say to his seller, "My neighbor wishes to take my land (or whatever property it is), saying that it is his." And let the seller reply, "I wish to confirm what I have given you intact by law and oral testimony." Let that be done as set forth above for seven nights. Let both parties convene with each other and let the seller say:

"Why do you attempt to invade territory which I have given over justly according to the law of inheritances?" Then
let the neighbor say contrary to this, "By what right do you sell my property which my ancestors held in time past?"

Let the seller reply, "Not so, but my ancestors held it and gave it to me in my freehold, and it is now invested in the hands of him to whom I transferred it, and I wish to affirm this according to law." If the buyer shall wish it forthwith, let him have full power of possession. If not, however, after three days, or five, or certainly seven, let it be confirmed in this way. At the four corners of the field or at the designated boundaries, with these words let the seller raise up the turf and circle around with the plow, or pluck grasses and boughs if there be any trees, saying to the buyer, "I have handed this over to you, and I confirm this lawfully thrice over." Let him say these words and hand it over with his right hand, and with his left hand let him offer a pledge to him who summons him concerning that plot of land, with these words, "Behold, I give this pledge to you in fulfillment of the law that I do not give you land to another." And let that neighbor receive the pledge and give it to the representatives of the buyer in fulfillment of the law. If there shall be cause of wager of battle between them (neighbor and seller), let him who received the pledge (neighbor) say, "You have unjustly confirmed my territory to another, that
is, farsvirotos. You ought to return it to me and compound with twelve solidi." Then let them reply with wager of battle, and let the judgment be in the hands of God. If not, however, let him (seller) defend himself with an oath, that is, with twelve oath-takers, because he did not confirm his neighbor's land unjustly to another, nor should he take it back into his own possession, nor compound with twelve solidi.

Tit. XVIII. De mortuis et eorum causis.

Title XVIII. Concerning dead men and their cases.

Cap. I. Si mortuum ex monumento eiecerit.

Cap. I. If anyone shall have taken a dead man from his tomb.

Si quis mortuum liberum de monumento effodierit, cum quadraginta solidis componat parentibus, et ipsum quod ibi tulit furtivum componat.

If anyone shall have dug a dead freeman from his tomb, let him compound to his relatives with forty solidi, and let him compound for that which he took from there furtively.

Cap. II. Si in flumine proiecerit.

Cap. II. If he shall have thrown him into a stream.

I. Si quis liberum occiderit furtivo modo, et in flumen eiecerit, vel in talem locum ut cadaver reddere non quiverit, quod Baiuvarii mordrardam dicunt, inprimis cum quadraginta solidis componat, eo quod funus ad dignas obsequias reddere non valet. Postea vero cum suo weregildo componat.

I. If anyone shall have killed a freeman in a furtive manner
and shall have thrown him into a stream or in such a place from which the cadaver cannot be recovered, which the Bavarians call murdridan, in the first place let him compound with forty solidi on account of the fact that the body could not be recovered for a funeral with worthy ceremony. Afterwards, in truth, let him compound with the wergeld.

II. Et si ipse cadaver a fluminis alveo ad ripam proiectus fuerit, et a quolibet inventus, qui iterum cadaver de ripa inpinxerit, et exinde probatus fuerit, cum duodecim solidis componat.

II. And if the body shall have been cast from the bed of the stream to the bank and shall have been found by someone who hurls the body from the bank again, and thus it shall be proved, let him compound with twelve solidi.

III. Si servus furtivo modo supradicto more occisus fuerit, et ita absconsus, quod gamurdrit dicunt, novuplum componat, id est, centum octuaginta solidos.

III. If a slave shall have been killed secretly in the above-mentioned manner and hidden in the manner which they call gamurdrit, let him be compounded for nine-fold, that is, with one hundred solidi.

Cap. III. De vestitu mortuorum.

Cap. III. Concerning the clothing of the dead.

I. De vestitu utrorumque, quod walarupa dicimus, ipse abstulerit, qui hos interfecit, dupliciter componat.

I. If he who killed him shall have taken the clothing of the
dead man, let him compound two-fold.

   11. Si alter, et non ipse reus, omnia furtivo more componat.

11. If another, and not the murderer, let him compound all things as if it were theft.

Cap. IV. Si vulneraverit mortuum.

Cap. IV. If anyone shall have wounded a dead man.

Et si, ut saepe contingit, aquilae vel ceterae aves cadaver repererint, et alquis sagittam elecerit et cadaver vulneraverit, et repertum fuerit, cum duodecim solidis componat.

And if as often happens eagles and other birds find the body and someone shoots an arrow and wounds the body, and it shall be discovered, let him compound with twelve solidi.

Cap. V. Si cadaver laeserit.

Cap. V. If he shall have injured the body.

Simili modo quicunque cadaver hominis laeserit, quem alter interfecerit, si caput amputaverit, si manum praeciderit, si pedes, si aurem, si tantum quod profusionem sanguinis reputamus, de mortuo tam minima quam maxima plaga, semper cum duodecim solidis componat.

In a like manner anyone who shall have done an injury to a dead man whom another has killed: if he shall have cut off his head, or feet, or ear, or done any injury so considerable that we should regard it as capable of producing bloodshed, for every injury done to a dead man, whether great or small, always let him compound with twelve solidi.
Cap. VI. Si humaverit mortuum.

I. Et si a quolibet mortuus fuerit a repertus et eum humanitatis causa humaverit, ut neque a porcis inquinetur, nec a bestis seu canibus laceretur, liber sit an servus, et postea repertum fuerit, ille qui eum humaverit, si require voluerit, parentes illius solvant ei solidum unum, aut dominus servi, si servus fuit. Sin autem, a domino recipiat mercedem, quia scriptum est: Mortuos sepelire.

I. And if a dead man, whether he be a freeman or a slave, shall have been found by anyone, and he shall have buried him through human kindness, so that he could not be defiled by pigs nor torn to bits by beasts or dogs, and afterwards it shall have been found out (who he was), let him who buried the dead man require the dead man's relatives to pay him a single solidus; or the owner of the slave, if he were a slave. If it is not found out, however, let him receive pay from the lord, since it is written, "Bury the dead."

II. Quia aliquotiens conspicimus, cum cadaver humo inmissum fuerit, et lignum insuper positum, cunctis adstantibus, ut requiratur dominus cadaveris ut primus terram superiniciat, et si liber, similiter filius aut frater, ne rei sint ceteri humatores, quod omne a falsis iudicibus fuerat aestimatur, non in verae legis veritate repertum.

II. Since we perceive something when a body has been buried in the earth and the marker placed upon it, let the owner
of the body be the first to be required to cast earth upon it, with all assisting; if a freeman, the same duty is to be performed by a son or brother. Further the other participants in the burial should not be criminals since then the entire ceremony would be of the value of false judgments, not found in accordance with the truth of the law.

Cap. VII. De navibus.

Cap. VII. Concerning ships.

I. Si quis navem alterius tulerit de loco suo, ipsam inlaesam reddat aut similem.

I. If anyone shall have stolen another's ship from its place, let him return it unharmed or another like unto it.

II. Et si eam foris aqua traxerit, et absconderit, et negaverit interrogatus, furtivum componat.

II. And if he shall have dragged it out of the water and hidden it, and denied this when questioned, let him compound the theft.

Tit. XIX. De canibus et eorum compositione.

Title XIX. Concerning dogs and their composition.

I. Si quis canem seucem, quem leitihunt vocant, furaverit, aut similem aut ipsum reddat, et sex solidis componat. Et si negare voluerit, cum tribus sacramentalibus luet secundum legem suam.

I. If anyone shall have stolen a hunting dog which they call leitihunt, let him return that dog or one like unto it, and let him compound with six solidi. And if he shall wish to deny it, let him swear according to his law with
three oathtakers.

II. Si autem seucem doctum, quem triphunt vocant, furaverit, cum tribus solidis componat, aut cum uno sacramentali luret.

II. If, moreover, he shall have stolen a trained hunting dog which they call triphunt, let him compound with three solidi or swear with one oathtaker.

III. Si autem secum qui in ligamine vestigium tenet, quem spurihunt dicunt, furaverit, cum sex solidis componat, et similem aut ipsum reddat.

III. If, moreover, he shall have stolen a hunting dog which traces footprints at a leash, which they call spurihunt, let him compound with six solidi and return that dog or one like unto it.

IV. De eo cane quem bibarhunt vocant, qui sub terra venatur, qui occiderit, alium similem reddat, et cum sex solidis componat.

IV. Let the one who shall have killed the dog which they call bibarhunt, which hunts under the ground, return another like unto it and compound with six solidi.

V. De canibus veltricibus qui unum occiderit, qui leporem non persecutur, sed sua velocitate comprehendit, cum simile et tribus solidis componat.

V. Concerning rabbit hunting dogs (veltricibus). Whoever shall have killed a dog which does not pursue the rabbit but catches it with its swiftness, let him compound with one like unto it and three solidi.

VI. De cane qui dicitur hapihuhunt, pari senten-
tiae sublacet.

VI. An equal sentence is to be inflicted in cases concerning the dog which is called hapihuunt.

VII. De his canibus qui ursos vel bubalos, id est, maiores feras, quod suarzuuild dicimus, persequuntur, si de his occiderit, cum simile et sex solidis componat.

VII. Concerning dogs which follow bears or buffalo, that is, more ferocious animals, which we call suarzuuild, let him who kills one of these, compound with one like it and six solidi.

VIII. Qui vero pastoralem, qui lupum mordet, occiderit, cum tribus solidis componat.

VIII. Let him who shall have killed a sheep-dog which kills the wolf compound with three solidi.

IX. Si autem canem qui curtem domini sui defendit, quem houuuarth dicunt, occiderit post occasum solis in nocte, cum tribus solidis componat; quia furtivum est. Si vero sole stante hoc fecerit, similem reddat, et cum uno solido componat.

IX. If, moreover, after the setting of the sun, he shall have killed a dog which defends its master's courtyard, which they call houarrarth, let him compound with three solidi since it was a furtive act. If, indeed, he shall have done this while the sun was still up, let him return one like it and compound with one solidus.

X. Si autem canis per vestimentum aut per membrum hominem teneret, et de manu eum percusserit, ut moriatur, similem reddat, et amplius non requiratur. Et dominus canis, quod canis fecit,
componat de medietate ac si ipse fecisset. Si hoc noluerit, canem non requirat.

X. If, moreover, a dog shall have held a man by his clothing or limbs, and the man shall have struck it with his hands so that it dies, let him return one like it and let nothing more be required. And let the owner of the dog which did this compound half as much as if he had done it himself.

If he does not wish to do this, let him not require the dog.

Tit. XX. De accipitribus vel avibus.

Title XX. Concerning hawks and other birds.

I. Si quis accipitrem occiderit, quem chranohari, dicunt, cum sex solidis et simile componat, et cum uno sacramentali luret ut ad volare et capere similis sit.

II. De eo qui dicitur ganshapuch, qui anseres eapit, cum tribus solidis componat, et similis reddat.

II. Concerning the bird which is called ganshapuch, and which seizes ducks, it is to be compounded for with three solidi and one like it.

III. Illum quem anothapuch dicimus, cum solido et similis componat.

III. Let him compound for that bird which they call anothapuch with a solidus and one like it.
IV. De sparvariis vero pari sententiae subiaceat cum solido et simile restitutendi, et cum sacramento, ut tales sint quales interfectione damnavit.

IV. Concerning sparvariis, let them be subjected to an equal sentence of restoring with a solidus and one like them, and with an oath, so that those restored may be of the same value as those lost through the killing.

V. Si vero turto ablati fuerint, per omnia furtivum cogantur solvere ut lex compellit.

V. If they shall have been taken away in theft, let the thieves be compelled to pay in every respect as the law requires.

VI. De his quidem avibus, quae de silvaticis per donobilium mansuescunt volitare atque cantare, cum solido uno et simile componat, atque insuper ad sacramentum compellatur.

VI. Concerning those birds which are domesticated from the forest through training by human industry, and are found to flit and sing through the courtyards of nobles, let these be compounded with one and one half solidi, and let an oath be required.

Tit. XXI. De pomariis et nemoribus atque apibus et eorum compositione.

Title XXI. Concerning orchards, woods, and bees, and their composition.

I. Si quis alienum pomarium effodierit per invidiam vel exciderit arbores fructiferas, ubi duo-decim sive amplius fuerint, in primis quadraginta solidos componat, viginti culis nomarium fuit et
alios viginti in publicum, qui contra legem fecit. Et alias arbores similes ibi plantet, et unamquamque arborem cum solido componat; et omni tempore pomorum solidum donet, usque dum illae arbores fructum faciant, quas ille plantavit.

I. If anyone shall have dug up another's orchards through malice, or shall have cut down fruit-bearing trees where there were twelve or more, in the first place let him compound with forty solidi; twenty in compensation for the orchard, the other twenty into the public treasury since he acted contrary to law. And then let him plant similar trees there, and for each tree let him compound a solidus, and let him give a solidus at each fruit-bearing season until those trees which he planted bear fruit.

II. Si quis aliena nemora praeciderit, si portat escam et rubus est, cum solido et simile componat.

II. If anyone shall have cut down another's trees, if they bear fruit such as a berry bush, let him compound with a solidus and the equivalent.

III. Et si amplius usque ad numerum sex per singulos singulum solidum restituat. Deinde arborum numerositatem restituere cogatur; et de his quae nondum fructum portaverunt cum tremisse et simile restituat.

III. And if more up to the number of six, let him restore every single one with a solidus. Then let him be compelled to restore the number of trees, and let him restore those which do not bear fruit with a tremissis and the equivalent.
IV. De fagis vero tremissem et simile restituendum censemus, usque ad numerum sex solidorum per singulas arbores, id est, decem et octo. Et si amplius damnum intet, non cogatur componere nisi numerum restituendi.

IV. We decree that beech trees are to be compounded for with a tremissis and the equivalent for each tree, up to the number of six solidi, that is, eighteen tremisses. And if there is more loss, let him not be compelled to compound except to restore the number.

V. Si malum vel pirum vel cetera hulsumodi pari sententia ut fagi perseverent.

V. If apple, pear, or other fruit of this sort, let the law make the same requirement as in the case of beech trees.

VI. Si vero de minutis silvis de luco vel quacunque Kaheio fagitam reciderit, cum solido et simile componat, et deinceps usque ad sex solidos restitutionem et compositionem.

VI. If anyone shall have cut fagots from a small wood, grove, or any hedged-in enclosure, let him compound with a solidus and in kind, and thence up to a restoration and composition of six solidi.

VII. Si amplior fuerit numerus fagitarum, non cogatur componere, nisi restituere cum similii et sacramento. Si autem post compositionem et restitutionem damnum intraverit intere in ipsius nemore cui compositul, nihil excludat componendi sententiam, sed superioris observetur regula sententiae.

VII. If there shall have been a greater number of fagots, let him not be compelled to compound save only to restore
like number and take an oath. If, moreover, after composition and restoration, he shall enter to inflict loss upon the grove of him to whom he gave composition, let nothing be lessened from the sentence of composition, but let the rule of composition be observed as above.

VIII. Si apes, id est, examen alculus ex apili elapsum fuerit, et in alius nemoris arborem intraverit, et ille consecutus fuerit, tunc interpellat eum cuius arbor est, et cum fumo et percussionibus ternis de transversa secure, si potest, suum eliciat examen, veruntamen ita ut arbor non laedatur. Et quod remanserit, huius sit cuius arbor est.

VIII. If bees, that is anyone’s swarm, shall have escaped from the bee-hive, and shall have settled in a tree in another’s grove, and their owner shall have followed them there, then let him call the one to whom the tree belongs, and with smoke and three blows of a cross-axe, if he is able, let him drive out his swarm, nevertheless so that the tree is not damaged, and let what remains belong to the owner of the tree.

IX. Si autem in capturis, quae ad capiendas apes ponuntur, id est, vasculis apum, simili modo interpellat eum cuius vasculum est, et studeat suum elicere examen. Veruntamen vasculum non aperietur nec laedetur. Si ligneum est, ternis vicibus idiat eum terris. Si ex corticibus aut ex surculis compositum fuerit, cum pugillo ternis vicibus percutiatur vasculum et non amplius. Et quas elicet suae erunt; et quae remanserint, ipsius erunt cuius vasculum est.

IX. If, moreover, the bees shall have entered containers
which are placed for the capture of bees, that is beehives, in a like manner let him call to him to whom the hive belongs, and let him hasten to drive out his swarm. Nevertheless, let him neither open nor injure the hive. If it is wood, let him lift it from the earth three times; if it is of bars or wicker work, let him strike the hive three times with his fist and no more. And those bees which are driven out are his, and those which remain belong to him to whom the hive belongs.

X. Si autem dominum arboris vel vasculi non interpellaverit, et sine illius conscientia electum domi restituerit, et ille culus vasculum fuerat eum compellaverit, ut ex suo opere vel arbore retulisset, et ad restituendum compellaverit, quod untprut vocant, et ille alius si negare voluerit, et dicit suum consecutum fuisse, tunc cum sex sacramentalibus iuret quod ex suo opere ipsum examen intuiste non tulisset, nec illud ad iudicium restituere deberet.

X. If, moreover, he shall not have asked the owner of the trees or hives, and shall have returned the swarm home without his knowledge, and he to whom the hive belonged shall have compelled him to return them from his own hive or tree and to make restoration which they call untprut, and if that other one shall wish to deny it and say that he had followed his own swarm, let him swear with six oath-takers that he had not unjustly brought his swarm from the other's hive nor ought to restore this according to the judgment.
XI. In a like way sentence is established concerning birds, so that no one might presume to take birds from another's forest although he found them first, unless he is his fellow citizen of the march which we call calasneo. And if any person shall presume to do this, we think first he should always make oath of restitution, and although the quarrel be slight the law compels him to swear with six oath-takers.
GLOSSARY FOR LEGES BAIUVARIORUM
(GERMAN)

alodem (alod), freehold.
andecingas, lawful acres.
angarias (angaria), draught animals.
anothapuch, duck hawk.
aranascarti, bewitching of crops.
argagnago, inferior horse.
arpetto, unit of measure.
athargrati, cutting a vein so that the blood cannot be stopped without cauterization.
avursum, an animal which has been injured intentionally.
baiulare (baiulare), to contend in arms.
bibarhunt, "beaver" dog, dog that hunts under the ground, probably the dachshund.
calaseno, a dweller in the march.
cambias, an exchange of goods.
carmulum (carmulum), sedition.
chronohari, a hawk.
commarchanis (commarchanus), common boundary.
etarchartea, main post of a fence.
ezzisczun, fence made of ash.
faidosus (faidosus, a, um), faithless.
tarsvirotos, false confirmation.
firstfalli, destruction of the uppermost ridge of a roof.
firstsul, column which upholds beams of the roof of a house.
frilaz, freed man, man set free by manumission.
frilazin, freed woman, woman set free by manumission.
gamurdrit, to murder.
ganshapuch, hawk which catches ducks.
egbulskini, injuring some one so that his skull appears.
gemactas (gemacta), blows, lashes.
heimzuht, surrounding another by force.
herireita, surrounding another with a hostile band.
himilzorun, lifting a woman's garments above her knees.
haplhuhunt, dog used for hunting hawks.
horcriff, laying hands on a woman unlawfully.
houauuarth, dog which defends the courtyard.
hrevuavunti, hreuvauunt, mortal wound to the internal organs.
hropant, holding another back by force without tying him.
inunci, lifting hands against another contrary to law.
inunuan, criminal action involving grave danger.
leitihunt, lead dog.
leugas (leuga), league (measure of distance).
lidscarti, mangling an ear.
marach, mare.
marchfalli, throwing another from a horse.
marchzant, horse tooth, (canine tooth, eye tooth, or a molar).
murdridam, secret homicide.
palebrust, breaking a bone without breaking the skin.
parafredos (parafredus), pack horse.
parch, granary.
plotruns, blood letting, wounding accompanied by loss of blood.
pulislac, striking another in anger.
scot, storehouse not enclosed by walls.
scopar, out building.
scuria (scurium), storehouse.
spangis (spanga), outer beam.
sparvarlis (sparvarius), sparrow hawk.
spurihunt, dog used for tracking animals.
suarzuuild, ferocious animal.
swezcholl, tormenting an animal.
suviron, to affirm.
taudregil, injured so as to drag one's foot; have it in tow.
trimniungeldo (trimn̄̊ungeldus, a, um), thrice ninefold.
triphunt, dog trained for driving animals.
untprut, a restoration.
vassi (vassus), vassal.
vulz, ordinary horse, Wendish horse.
waluurft, snatching ribbons from a woman's head.
wanclugα, dismissing a woman one has deceived by a promise of marriage.
wancstodal, feigned actions.
wehadinc, making answer in turn through wager of battle.

wittam, sign placed to exclude illegal passage.

winchilsul, columns which support the slanting walls of a house.
GLOSSARY FOR LEGES BAIUVARIORUM
(LATIN)

calcefurnum (calcefurnum), stone oven.
campiones (campio), champion.
capistrum (capistrum), halter.
causaticus (causaticus), lawyer.
columnam angularem, corner post.
comitatus (comitatus), county.
conclusionibus (conclusio), enclosure.
culmen (culmen), root-top.
de commendatis et commodatis, concerning watch and ward.
decoreas (decoreus, a, um) debarked.
dehonestare (dehonestare), to remove from office.
delitosus (delitosus, a, um), favored.
discriminibus (discriminalia), ribbons.
distringere (distringere), to place under restraint.
feltrum (feltrum), blanket.
firmitatem (firmitas), effect, confirmation, establishment.
foedus naturale, kinship.
frenum (frenum), bridle.
furnare (furnare), to strike.
herniosum (herniosum), an abdominal injury.
mita (mita), grain.
operationibus (operatio), practices.
pascuarium (pascuarium), pasturage.
pastoriam (pastoria), hobble.
perperam (perpera), bribe.
pervasionem (pervasio), trespass.
praejudicio (praesidicium), permission.
propinquitatem (propinquitas), generation.
scandalum (scandalum), riot.
suasionem (suasio), persuasion.
supervixerit (supervivere), to survive.
suppellectilia (suppellectilia), furnishings.
tremisse (tremisium, trimense), summer crops.
tuninum (tuninum), wine press.
veltricibus (veltrix), rabbit-hunting dog.
BIBLIOGRAPHICAL NOTE
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The texts of the Alamannic and Bavarian laws from which the translations were made are those of Ferdinand Walter in his *Corpus Juris Germanici*, Tomus I (Berlin, 1824). The *Leges Alamannorum* is preceded by an index of capitula and followed by a group of capitula which were added at a later date. The *Leges Baiuvariorum* is preceded by an introductory statement and by an index of capitula, and is followed by the *Decreta Tassilonis Ducis*. The presence of these decretals aids in the dating of the main body of the law, for it must have been promulgated prior to the reign of the Bavarian Duke Tassilo. Other texts of the laws were employed as aids in the translation. The *Monumenta Germaniae Historica* (Legum Sectio I, Tomus V, Pars I), (Hanover, 1888) contains the text of the Alamannic law as edited by Karl Lehmann, and a glossary of important or unusual words appearing in the text. The same work, M.G.H. (Legum Sectio I, Tomus III), (Hanover, 1863) contains a similar text of the Bavarian law with its corresponding glossary, edited by Johann Merkel. Merkel also includes an old text of the Alamannic law, but this was replaced in the *Monumenta* by the work of Lehmann already discussed. Konrad Beyerle has a more recent text of the Bavarian law,
Lex Baluvariorum (Munich: Hueber, 1926) which also includes a German translation, an introduction, a glossary, and photographic copies of the original manuscript of the law. This work proved extremely helpful as a check on the English translation, as well as a source of much valuable information which aided in the construction of the glossary.

The English sources for the historical background of the Germanic tribes are limited in their information about the Alamanni and Bavarians. For the most part they contain only incidental references or small sections about these peoples. The Cambridge Medieval History (Cambridge: University Press, 1913), Volumes I and II, was most valuable in tracing the historical background. Even this work contains no complete articles on the Alamanni and Bavarians, but because of its many sections concerning the Germanic tribes in general, much information about these two particular tribes was obtained. The remainder of the discussion on the history of these peoples was based upon a number of different books, each contributing some few details. Among these were:


2. Ephraim Emerton, An Introduction to the Study of the Middle Ages (Boston: Ginn, 1916).
There is practically nothing in English to aid in dating the laws, except one article in the Encyclopaedia Britannica (11th ed. Cambridge, 1910), entitled "Early Germanic Laws," and written by Dr. Christian Pfister. German texts had to be used in order to gain an adequate knowledge of the chronology of the laws. Assistance was received in the translation of the sections of these sources which pertain to the codes under consideration. The works used were:


In the discussion of the idea of contract in Germanic

The Germanic theory of the peace has likewise resulted in two opposing views. Sir Frederick Pollock and F.W. Maitland, *The History of English Law* (Cambridge: University Press, 1923), Volumes I and II, maintain the older and orthodox Wilda-Waltz-Brunner theory, which accepts a
general peace and later peaces of a special nature. J. Goebel in Felony and Misdemeanor (New York: Commonwealth Fund, 1927), Volume I, disagrees with this viewpoint and substitutes the blood feud for everything called a peace by the other authors. The basis for this difference of opinion arises from the fundamental statement of the problem in the following German sources:

1. W.E. Wilda, Geschichte des deutschen Strafrechts, Volume I (Das Strafrechts der Germanen), (Halle, 1842).
