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D O I 161 – A Neglected Original Charter of Otto I*

By

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Ottonian diplomatists have been very fortunate recently. After a lull of seventeen years since the sensational rediscovery of the lost original of D O I 217 in 2003¹, we once again have new material on our hands. In late June 2020 came the exciting news that the single sheet of D O II 284, a donation in favour of the foundation of Aschaffenburg from October 982, had been uncovered while digitizing the oldest muniments of the Stadt- und Stiftsarchiv – a discovery rightfully met with considerable public fanfare². In November of the same year, an equally important set of finds was announced more quietly by Laurent Morelle, in a short contribution to an edited volume on France and Germany in the Middle Ages: that of the original of D O I 426, a privilege in favour of the Lotharingian abbey of Crespin from February 972, alongside a

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1) Theo KÖLZER, Ein wiedergefundenes Original Barbarossas, AfD 29 (2003) p. 81–90, at p. 81f.; Ulrike HÖROLDT, Rechtliche Aspekte beim Erwerb von Archivalien aus dem Antiquariatshandel – Der Erwerb einer Urkunde Ottos I. aus dem Jahre 960 für das Landeshauptarchiv Sachsen-Anhalt auf einer Schweizer Auktion, Aus evangelischen Archiven 45 (2005) p. 42–57.

2) Aschaffenburg: Wiederentdeckung einer Urkunde Ottos II., Die Welt (28.06.2020); Hans KRATZER, Des Kaisers verschlammte Urkunde, Süddeutsche Zeitung (11.07.2020).

forged single sheet in the name of Henry I for the same abbey (based ultimately on D H I 30)³. Unlike the original of D O I 217, which had been known to Sickel and his editorial team in the late nineteenth century, these represent entirely new discoveries, which promise to enrich our understanding of imperial politics and local documentary culture in the 970s and 980s considerably.

Yet in the excitement generated by such finds, it is easy to forget that they belong to a long line of similar efforts, from Harry Bresslau's uncovering of the original single sheet of D O I 269 for the bishopric of Parma, through to Antonella Ghignoli's fascinating study of the long neglected original of D O I 371, in favour of the Italian layman Ingo⁴. And while the discoveries of 2020 are already well on their way to receiving due scholarly attention (Morelle has made an excellent start with the Crespin single sheets, while Mark Mersiowsky has provided initial thoughts on the Aschaffenburg privilege), the same cannot be said for all such rediscovered originals. The present article concerns one of those which has lingered almost entirely unnoticed (including by the present author) for the better part of a century: D O I 161. The diploma in question is a privilege in favour of the bishopric of Worms, granting the final third on tolls in Ladenburg and confirming the see's possession of the other two thirds, as granted by Otto I's predecessors. Located some 32 km upstream from Worms on the Neckar, Ladenburg had been an important regional centre since antiquity. The town and its market were of natural interest to the bishop, who was actively involved in local trade and commerce⁵. Worms would later claim to

3) Laurent MORELLE, *Les deux diplômes ottoniens pour l'abbaye de Crespin*, in: *Allemagne et France au coeur du Moyen Âge*, éd. par Dominique BARTHÉLEMY / Rolf GROSSE (2020) p. 75–86 (with reproductions at p. 76, 78).

4) Harry BRESSLAU, *Nachträge zu den beiden ersten Bänden der Diplomata-Ausgabe*, NA 23 (1898) p. 113–172, at p. 129–133; Antonella GHIGNOLI, *Tradizione e critica del testo, una variante documentaria: il diploma di Ottone I per il fidele Ingo (D.O.I.371)*, in: *Sit liber gratus, quem servulus est operatus: Studi in onore di Alessandro Pratesi per il suo 90° compleanno*, a cura di Paolo CHERUBINI / Giovanna NICOLAJ (2012) p. 231–247. The latter document had originally been discovered and edited by Sergej Aleksandrovič ANNINSKIJ, *Diplom Ottona I v Kollekcij Akademii nauk SSSR*, in: *Vspomogatel'nye Istoričeskie Diszipliny. Sbornik Statej, Izdatel'stvo Akademii nauk SSSR* (1937) p. 141–160 (with Latin translation of the original Russian remarks at p. 150–158), but lay largely ignored till Ghignoli's efforts.

5) Hertha BORCHERS, *Untersuchungen zur Handels- und Verkehrsgeschichte am Mittel- und Oberrhein bis zum Ende des 12. Jahrhunderts* (Diss., Marburg 1952) p. 34–36; Stéphane LEBECQ, *Marchands et navigateurs frisons du haut Moyen Âge*, 2 vols. (1983) 1, p. 11f., 27f., 230f., 239f.

have acquired rights in and around Ladenburg in the seventh century; but since the Merovingian and Carolingian charters in question were all either forged or reworked in the mid- to later tenth century, it is hard to know how much store to place in these traditions⁶. What we can say is that the town and surrounding Lobdengau were of interest to the bishop at this later juncture. Indeed, D O I 161 stands at the start of a run of diplomas concerning Worms' toll and immunity rights, reflecting the political and commercial ambitions of the well-connected new bishop, Anno (950–78)⁷. The latter had hitherto been abbot of St Maurice in Magdeburg. In this capacity, Anno had not only been responsible for one of the kingdom's wealthiest and most influential monasteries, but had also overseen much of the (extensive) diploma production in its favour, including an early set of forgeries by the draftsman-scribe Bruno C⁸. Certainly at Worms, Anno's efforts to secure episcopal rights against his local rivals, both secular (the counts of Worms) and ecclesiastical (the abbots of Lorsch), would extend to a infamous set of falsifications: the Worms forgeries, which paint an impressive picture of Worms' early history, including its claims to Ladenburg⁹. Any new material from the see therefore promises to enrich (or indeed overhaul) our understanding of these developments.

That is not the only interest of D O I 161. Theodor Sickel and his Vienna-based team, who published the first critical edition of the

6) As rightly emphasized in *Die Urkunden der Merowinger*, hg. von Theo KÖLZER, 2 pts (MGH DD Merov., 2001) p. 82f. Cf. Andreas BÜTTNER, *Ladenburg am Neckar und das Bistum Worms bis zum Ende des 12. Jahrhunderts*, *Archiv für historische Geschichte und Altertumskunde* N.S. 28 (1963) p. 83–98; Meinrad SCHAAB, *Ladenburg als wormsische Bischofsresidenz*, in: *Südwestdeutsche Bischofsresidenzen außerhalb der Kathedralstädte*, hg. von Volker PRESS (Veröffentlichungen der Kommission für geschichtliche Landeskunde in Baden-Württemberg B 116, 1992) p. 83–97. For the bishopric's claims: D Mer 30, D Kar 257, D L Fr 282, D L D 74b.

7) Thomas KOHL / Franz J. FELTEN, *Worms – Stadt und Region im frühen Mittelalter von 600–1000*, in: *Geschichte der Stadt Worms*, hg. von Gerold BÖNNEN (2005) p. 103–132, at p. 121–126.

8) Karl UHLIRZ, *Geschichte des Erzbistums Magdeburg unter den Kaisern aus sächsischem Hause* (1887) p. 23–26, 77–84; Edmund E. STENGEL, *Die Immunität in Deutschland bis zum Ende des 11. Jahrhunderts. Forschungen zur Diplomatik und Verfassungsgeschichte 1: Diplomatik der deutschen Immunitäts-Privilegien vom 9. bis zum Ende des 11. Jahrhunderts* (1910, ND 1964) p. 145–58, 163–66, 168–70; Helmut BEUMANN / Walter SCHLESINGER, *Urkundenstudien zur deutschen Ostpolitik unter Otto III.*, *AfD* 1 (1955) p. 132–256, at p. 177–187; Levi ROACH, *The „Chancery“ of Otto I Revisited*, *DA* 78 (2022) p. 1–74, at p. 25–33.

9) Levi ROACH, *Forgery and Memory at the End of the First Millennium* (2021) p. 21–60.

diploma, edited it from an eighteenth-century copy of the Worms Vidimationsbuch, a collection of authenticated copies (*vidimuses* or *inspeximuses*) which the chapter had solicited in 1616 from Johann Valentin Armbruster, the lector of the Imperial Chamber Court (*Reichskammergericht*). Alongside this, they included readings from the two Worms cartularies and Johann Friedrich Schannat's early printing of the text, the latter based at least in part on the Vidimationsbuch. On the basis of formulation, Sickel assigned responsibility for the diploma to Bruno A (BA), one of the most prolific draftsman-scribes of the 940s and early 950s. BA had produced a diploma at the same location (Frankfurt) just twelve days earlier than Sickel was inclined to place our charter (D O I 160, 1 January 953), so was an obvious candidate for author. This latter document is the last original of BA to survive, though Sickel thought he could also detect BA's formulation in a further diploma of 21 April of that year (D O I 164). The discovery of the original D O I 161 therefore has the potential to shed new light on the twilight years of this most influential notary, who probably belonged to the circles around the royal chancellor Bruno of Cologne (Otto I's brother)¹⁰. D O I 161 is also one of just two charters (the other being D O I 160) in which the otherwise obscure Hoholt appears in the recognition clause as „chancellor“ (*cancellarius*), while Bruno is accorded the more elevated position of archchaplain. It was, in fact, this feature which determined Sickel's dating of the diploma. Though the texts of the Vidimationsbuch and older Worms cartulary both suggest a date of 13 January 951 for the document (the younger cartulary has 952 here)¹¹, for Sickel the presence of anyone beyond Bruno in the recognition clause pointed to production between autumn 951 and autumn 953, when a number of otherwise unknown individuals appear as „chancellor“ in Bruno's place, often with Bruno as archchaplain. And since Hoholt had been active at Frankfurt on New Year's day 953, it stood to reason that another diploma issued there and recognized by Hoholt belonged in the same context – particularly since it was only preserved in later copies. The interest of this is not purely academic. For when figures beyond the regular chancellor (in this case, Bruno) appear in recognition clauses, there are often grounds for suspecting that they are the notaries of the acts in question. On this basis, Sickel

10) ROACH, „Chancery“ of Otto I (as n. 8) p. 49–53.

11) As Sickel appreciated, „*idus iunii*“ in the Vidimationsbuch is just a miscopying of the original „*id. ian.*“, as recorded in the cartulary copies and now confirmed by the original. (Schannat follows the Vidimationsbuch here.)

first proposed that Hoholt was none other than BA himself, an identification subsequently endorsed and elaborated by Edmund Stengel¹².

Given this, it is something of a mystery that the original of D O I 161 has not occasioned more comment. In part, this can be put down to its modern archival context. When Paul Kehr alerted the scholarly world to its existence in 1931, the diploma was in the family archive of the Wittelsbachs in Munich¹³. And though the latter had been under the oversight of the Wittelsbacher Ausgleichsfonds (WAF) since 1923 and would be taken under the aegis of the Bayerisches Hauptstaatsarchiv at its Geheimes Hausarchiv, formal approval from the Wittelsbachs was (and indeed still is) required for access to such materials. As a consequence, the diploma has been much less accessible than its counterparts in public hands. And since Kehr himself had nothing to say about the original (save noting its existence), matters were left as they were – and have been ever since. The Marburg Lichtbildarchiv was able to photograph the charter in January 1956, alongside another in the Geheimes Hausarchiv¹⁴. Thereafter, the charter's existence was duly noted in Irmgard Fees' invaluable catalogue of original royal charters, both in its print format and its subsequent online iteration¹⁵. An image (clearly from the Marburg Lichtbildarchiv) is to be found in the relevant entry of the MGH's online supplement to its diploma series (the *Diplomata-Ergänzungen*), though little by way of discussion is offered or noted – indeed, readers are simply pointed (rather unhelpfully, as we shall see) to Wolfgang Huschner's proposed identification of BA with Bruno of Cologne, an identification undertaken without reference to

12) Die Urkunden Konrad I., Heinrich I. und Otto I., hg. von Theodor SICKEL (MGH DD regum et imperatorum Germaniae 1, 1879–1884) p. 83, 102; STENGEL, Immunität (as n. 8) p. 147–149, 153–156. Cf. Theodor SICKEL, Beiträge zur Diplomatik VII., in: IDEM, Beiträge zur Diplomatik, 8 pts in 1 vol. (1975) p. 721f.

13) Die Urkunden Heinrichs III., hg. von Harry BRESSLAU / Paul KEHR (MGH DD regum et imperatorum Germaniae 5, 1931) p. XVI.

14) Marburg, Lichtbildarchiv älterer Originalurkunden (LBA), n. 3780, <http://lba.hist.uni-marburg.de/lba-cgi/kleioc/0010KLLBA/exec/showrecord/zugangsnummer/%223780%22> (accessed 08.09.2022). As the relevant „Karteikarte“ reveals, the photo was taken on the same occasion (presumably in Munich) as that of LBA 3781 (08.01.1956), a privilege of Innocent III for the Knights of St John, also in the Geheimes Hausarchiv.

15) Irmgard FEES, Abbildungsverzeichnis der original überlieferten fränkischen und deutschen Königs- und Kaiserurkunden von den Merowingern bis zu Heinrich VI. (elementa diplomatica 1, 1994) p. 36; EADEM, Abbildungsverzeichnis der europäischen Kaiser- und Königsurkunden, D O I. 161, <http://www.hgw-online.net/abbildungsverzeichnis/do-i-161> (accessed 27.08.2022).

the original single sheet of the charter¹⁶. It is, therefore, understandable that the wider world of Ottonian scholarship has taken little notice of the find¹⁷. And even local Landesgeschichte, which has taken considerable interest in the discovery of a photo of the lost original of D O II 143¹⁸ – another Worms charter, which Sickel had only known from later copies – has yet to engage with it¹⁹.

The only substantial discussion to date is to be found buried within a footnote to Harmut Hoffmann's review article of Wolfgang Huschner's Habilitationsschrift, at the point where he discusses Huschner's arguments regarding BA and Bruno. Here Hoffmann draws attention to the existence of the original, noting its modern archival signature (München, Geheimes Hausarchiv, Mannheimer Urkunden, Hessen-Darmstadt 1). He also observes that it would represent BA's last surviving work, were Sickel to be right about its authorship. According to Hoffmann, however, the charter does not belong to BA at all; rather, it is the product of another notary, perhaps Hildibald B (HB), a leading draftsman-scribe of the later 970s and 980s²⁰. HB enjoyed close ties

16) Ergänzungen zu den MGH DD Karol. 1 und Imp. Germ. 1 und 2, O.I.161, https://data.mgh.de/databases/dderg/bin/dderg_db_search.xml?id=dderg01837 (accessed 14.09.2022).

17) See, e.g., Hermann WEISERT, *Die offizielle Titulatur der Herrscher und die Bezeichnungen für das Reich in der Zeit von 911 bis 973*, 2 vols. (Diss., Heidelberg 1953) 2, p. 25 n. 115, attributing the unusual *apprecatio* of this document to the „Schuld des Kopisten“; Michael GOCKEL / Elsbet ORTH / Fred SCHWIND, Frankfurt, in: *Die deutschen Königspfalzen. Repertorium der Pfalzen, Königshöfe und übrigen Aufenthaltsorte der Könige im deutschen Reich des Mittelalters 1: Hessen (1983–1996)* p. 131–455, at p. 233 (n. 89), designating D O I 161 as „cop. s. XII. und XVIII.“ rather than „org.“ (as DD O I 159 and 160); Wolfgang HUSCHNER, *Transalpine Kommunikation im Mittelalter. Diplomatische, kulturelle und politische Wechselwirkungen zwischen Italien und dem nordalpinen Reich (9.–11. Jahrhundert)*, 3 pts (Schriften der MGH 52, 2003) p. 155 n. 631, speaking of the „im original überlieferten D O. I. 160“ in contrast with the „abschriftlich tradierten D O. I. 161“. I also failed to take note of the original until recently: ROACH, *Forgery and Memory* (as n. 9) p. 24, 42; IDEM, „Chancery“ of Otto I (as n. 8) p. 49f. n. 149.

18) *Mosbacher Urkundenbuch. Stadt und Stift im Mittelalter*, hg. von Konrad KRIMM (1986) p. 2f. n. 1; Wilfrid RÖSSLING / Hansmartin SCHWARZMAIER, *Unverrückbar für alle Zeiten. Tausendjährige Schriftzeugnisse in Baden-Württemberg* (1992) p. 86f.

19) See, e.g., BÜTTNER, *Ladenburg* (as n. 6) p. 91; Andreas Urban FRIEDMANN, *Die Beziehungen der Bistümer Worms und Speyer zu den ottonischen und salischen Königen (Quellen und Forschungen zu mittelrheinischen Kirchengeschichte 72, 1994)* p. 40f.; KOHL / FELTEN, *Worms* (as n. 7) p. 122.

20) Hartmut HOFFMANN, *Notare, Kanzler und Bischöfe am ottonischen Hof*, DA 61 (2005) p. 435–480, at p. 451 n. 55.

to Worms, whose bishop (Hildibald) was imperial chancellor at the time; and he was apparently also responsible for the infamous Worms forgeries²¹. As Hoffmann was well aware, ascribing D O 161 to HB posed a major challenge to traditional wisdom regarding this notary, which placed his work (including forgeries) in Hildibald's chancellorship (977–998). Yet Sickel and his Mitarbeiter had originally dated the Worms forgeries to the episcopate of Anno (950–978); and here they would seem to have found their validation²².

Hoffmann's remarks were only an aside to his main purpose, however, so the question of the precise relationship between HB (or indeed BA) and the original remains open. The surviving single sheet itself is a fairly standard privilege of the era. It measures approximately 40 × 49 cm and its opening chrismon takes the form of a large C with flourishes on the ascender, wavy lines on the descender and two sets of diagonal lines out of and then back into the main body (Plate 1). Such forms were common in the 940s and 950s and closely approximate, without completely duplicating, those of BA²³. The ensuing protocol is likewise laid out in accordance with BA's conventions, with a wide ligature on *et* in the verbal invocation (*in nomine sanctae et individuae trinitatis*) and a demonstratively large N on *noverit* at the start of the publication formula. The context is in a clear, if not especially elegant, diplomatic minuscule appropriate for the era. The scribe has judged the space well and this was evidently not his first effort at charter production. At the same time, the hand is more compressed than that of many notaries, lacking the long ascenders and descenders to which

21) Johann LECHNER, Die älteren Königsurkunden für das Bistum Worms und die Begründung der bischöflichen Fürstenmacht, *MIÖG* 22 (1901) p. 361–419, 529–574; IDEM, Zur Beurteilung der Wormser Diplome, *MIÖG* 25 (1904) p. 91–111. See also ROACH, *Forgery and Memory* (as n. 9) p. 20–60.

22) Die Urkunden Konrad I., Heinrich I. und Otto I., hg. von SICKEL (as n. 12) p. 444, 533f.; Die Urkunden Otto des II., hg. von Theodor SICKEL (*MGH DD regum et imperatorum Germaniae* 2/1, 1888) p. 55; Karl UHLIRZ, *Jahrbücher des Deutschen Reiches unter Otto II. und Otto III.* 1: Otto II. 973–83 (1902) p. 217–225.

23) Helpful comparanda are offered by D O I 100, Lille, Archives départementales du Nord, 3 G 7/69; D O I 117, Würzburg, Domkapitel Urkunden, 950 Januar 18; D O I 160, Marburg, Hessisches Staatsarchiv, Urk. 75, 72. For a reproduction (and discussion) of the first of these: Wolfgang HUSCHNER, *Diplom König Ottos I. für Cambrai*, in: *Otto der Große, Magdeburg und Europa 2: Katalog*, hg. von Matthias PUHLE (2001) p. 167f; and for rich illustrative material: Peter RÜCK, *Bildberichte vom König. Kanzlerzeichen, königliche Monogramme und das Signet der salischen Dynastie* (*elementa diplomatica* 4, 1996) p. 60–68.

they typically aspired. This suggests that we are dealing with someone whose default script remained a Caroline bookhand, but who was at least periodically involved in charter production. The closing eschatocol also looks like the work of BA, with the recognition clause only slightly lower than the royal subscription, offset to the right. This is followed by a recognition sign in the shape of a robot (or a dalek, for those acquainted with British science-fiction television). Here the main distinction with BA is that while he normally includes pseudo-Tironian notes within the sign, evoking the forms of an earlier era, no attempt has been made to do so in D O I 161. Somewhat closer in this respect are the recognition clauses of Bruno C (BC), one of the less active notaries of these years – though even BC tends to produce a line of z-like letters as a nod to the Tironian tradition²⁴. The dating clause thereafter takes a fairly standard form, but is notable for the use of a wide majuscule n in *amen* at the end of the closing *apprecatio* – a feature particularly favoured by, but not unique to, BA. These observations already suggest someone modelling themselves on BA (perhaps with some influence from BC), rather than BA himself. And the script, both within the *elongatae* and context, is evidently not that of BA, as Hoffmann already noted. Thus BA's most characteristic feature, looped flourishes on ascenders that turn sharply left and then travel almost parallel to the text (Plate 2), are notably absent in D O I 161, replaced with much shorter flourishes that angle down towards the script line. This is not the only difference. While the scribe of our diploma forms his **g** with an elegant loop travelling well below the line, BA's either meets back up forming an oval or else creates a much tighter loop. And one searches in vain in BA's large and well-established oeuvre for the most distinctive feature of our scribe, an **h** with a pronounced descender on the second stroke. There can, in short, be no question of BA having produced D O I 161. But might he still have been its draftsman („Verfasser“, in Sickel's lexicon)? Sickel never elaborated on the reasoning behind his ascriptions of authorship, so here we must return to first principles²⁵. The *intitulatio* (or royal superscription) and publication formula both take forms frequently seen of BA, but these are sufficiently common formulae that it is dangerous to put too much store in them. The *dispositio*, royal subscription and chancery recognition all tell a similar

24) See, e.g., D O I 159, Magdeburg, Landesarchiv Sachsen-Anhalt, U 1, I, 10. More generally: RÜCK, *Bildberichte* (as n. 23) p. 72–85.

25) Cf. Carlrichard BRÜHL, *Theodor Schieffer als Diplomatiker*, in: Theodor Schieffer 1910–1992 (1993) p. 37–42, at 39f.

tale: these are appropriate for BA, but the same could be said of many other notaries of the era. More distinctive is the corroboration clause, which speaks of the *succidentium curricula temporum* – a formula popular in the earlier years of the century, but only once attested in BA's work and more frequently seen in the charters of Bruno E and Otpert²⁶. Similarly significant is the dating clause, where the reference to the reign of the pious King Otto (*regnante pio rege Ottone*) – rather than the „most serene“ (*serenissimo*) or „most pious“ (*piissimo*) King Otto – speaks strongly of BA's influence. This formula had been introduced by BA in the 940s and is otherwise only found in the work of BC and Liudolf E – and then rarely²⁷. It was probably this, combined with Hoholt's presence, which determined Sickel's attribution of the diploma. But all these demonstrate is that our draftsman was acquainted with BA's forms – a conclusion already suggested by the diploma's script and layout. Certainly they are insufficient to prove that our scribe was working to a draft (Konzept) produced by BA. Indeed, as Hermann Weisert noted back in 1953, the phrasing of the apprecatio (*in dei nomine feliciter amen*), points in a rather different direction. BA consistently prefers *in domino* here; and while Weisert was inclined to ascribe the variation to a later copyist, we now know it to be original²⁸.

Where does that leave us with Hildibald B? It is important to note that HB enjoyed a long and varied career – a very long one indeed, if Hoffmann is correct – so we should expect to see changes and developments in his script over time, as indeed we do. Thus in his early years, HB employed a simple loop as his abbreviation sign, but later switched to the ampersand-shaped one favoured by most notaries of the era; we can see similar signs of evolution in the form of his chrism²⁹. Still, many of HB's forms, particularly in the execution of individual letters, remained remarkably stable across his career, providing an excellent

26) D O I 65, Dessau, Landesarchiv Sachsen-Anhalt, Z 1, 3. For Otpert's use of the phrase: D O I 114, Magdeburg, Landesarchiv Sachsen-Anhalt, U 9, A Ia, 7; D O I 156, whose original was burnt with the rest of the Kartenabteilung of the Württembergische Landesbibliothek in September 1944; and for BE's: D O I 105, Brandenburg, Domstiftsarchiv, Urk. 1; D O I 152, Dresden, Sächsisches Hauptstaatsarchiv, 10001 Ältere Urkunden, 00003.

27) e.g. D O I 159, Magdeburg, Landesarchiv Sachsen-Anhalt, U 1, I, 10 (by BC); D O I 163, Chur, Bischöfliches Archiv, 011.0015 (by LE).

28) WEISERT, *Titulatur* (as n. 17) p. 25 n. 113, 115.

29) ROACH, *Forgery and Memory* (as n. 9) p. 39, 48, 49f. Cf. LECHNER, *Königsurkunden* (as n. 21) p. 531–535.

basis for comparison³⁰. From this, it is clear that HB shares a number of forms with the notary of our charter: the looped bowl on **g**, the **t** with an inward flick on the left side of the horizontal crossbar, and the straight-backed **d** (Plate 3). Yet there are also a number of significant differences: whereas HB typically employs a straight or wavy line on the descender of **p** to form the *per* abbreviation, our scribe uses his ampersand-shaped abbreviation sign here; where HB's second stroke on **h** never travels far (if at all) below the script line, our notary's consistently does (as already noted); while the second stroke on HB's **x** often travels below the line, ending in an upwards flick, our scribe's never does so; and whereas HB's **ε** takes the form of a distinctive lightning bolt, our notary employs a simple loop. There are other potentially significant variations. HB only uses a recognition sign in his first charter (D O I 330 of 21 August 966), and this takes a form very different from that seen in D O I 161: it is introduced by *et* in elongated letters after the recognition clause (as older convention had dictated) and includes pseudo-Tironian notes. Finally, HB normally employs a squiggly flourish on the final **n** of *amen* in the *apprecatio*, only rarely using the wide majuscule forms seen here (which are more reminiscent of BA). There are, therefore, grounds to doubt that HB produced D O I 161.

This is hardly surprising. HB is last attested in 994, which would be most surprising had he been active in the early 950s. Moreover, there is good reason to believe that HB began his career in the mid- to late 960s. For HB's first securely attested diploma is a grant of 966 in favour of a layman called Gumbert; and as Harry Bresslau noted, this is such a poorly executed performance that it must be considered one of HB's first efforts at charter production³¹. If this is what HB's handiwork looked like in 966, there is little space for the more assured forms of D O I 161 over a decade earlier. Of course, it is conceivable that the latter was yet another of HB's notorious forgeries, a possibility Hoffmann flagged up when he first suggested the identification. But since

30) For these purposes, I have used the following as my primary examples of HB's script (spanning his career): D O I 392, Darmstadt, Hessisches Staatsarchiv, A 2, 251/1; D O II 46, Speyer, Landesarchiv, F 7, 2; D O II 189, Bückeberg, Niedersächsisches Landesarchiv, L 0, c Bd. 1, 3; D O II 279, Karlsruhe, Generallandesarchiv, A 47; D O III 12, Darmstadt, Hessisches Staatsarchiv, A 2, 255/5; D O III 114, Duisburg, Landesarchiv Nordrhein-Westfalen, Essen, Stift, Urkunden AA 0248, 6.

31) D O I 330, Darmstadt, Hessisches Staatsarchiv, A 2, 255/4, with Harry BRESSLAU, Rezension von Lechner, Königsurkunden, NA 27 (1902) p. 545–547, at p. 546.

the other early Ottonian diplomas in HB's hand have recently been rehabilitated³², we should be wary of hypercriticism: it is increasingly clear that the focus of forgery at Worms in these years was on Carolingian and Merovingian precedents, not on contemporary Ottonian privileges. Certainly nothing in the appearance of D O I 161 is suspicious. The hand is perfectly acceptable for the early 950s and the single sheet shows every sign of having borne an authentic (now lost) seal. Significantly, the latter was affixed using a Kreuzschnitt, rather than the Sternschnitt generally favoured after 972, not least by HB³³. At the same time, the hand of our notary and HB share a number of notable similarities, which make a relationship of sorts likely. In fact, there is one diploma traditionally ascribed to HB that displays almost all of the features noted above: D O I 84, another early toll charter in favour of Worms, dated Frankfurt 14 January 947 (Plate 4). The main distinction here is that the hand of this document is more cramped, on account of the lengthier text (itself owed to its model, a toll charter of Louis the Pious). It may be this which has dictated the use of a more restrained form of **h**, though the same distinctive descender on the second stroke can be found in *hoc* in the first line of context. Otherwise, the performances are very similar indeed – in fact, it was almost certainly this diploma which inspired Hoffmann to ascribe D O I 161 to HB. Yet the differences listed above pertain to D O I 84, too, right down to the presence of a recognition sign (unconnected to the recognition clause) and use of a Kreuzschnitt. And while Johann Lechner was inclined to see such variations as a clever attempt to hide HB's identity by mimicking earlier forms³⁴, the discovery of a similar performance dated just a few years later suggests a simpler conclusion: these were products of a different notary altogether. In other words, D O I 84 was not drafted and copied by HB, but rather by an older Worms scribe, who went on to produce D O I 161.

This finding has significant implications for our treatment of D O I 84. So long as this was thought to be the work of HB, it was hard

32) ROACH, *Forgery and Memory* (as n. 9) p. 30–50.

33) Karl FOLTZ, *Die Siegel der deutschen Könige und Kaiser aus dem sächsischen Hause*, NA 3 (1878) p. 9–45, at p. 16 n. 2; Otto POSSE, *Die Siegel der deutschen Kaiser und Könige*, 5 vols. (1909–1913) 5 (1913) p. 144 n. 7. For HB's preference for the Sternschnitt: D O II 46, Speyer, Landesarchiv, F 7, 2; D O II 189, Bückeburg, Niedersächsisches Landesarchiv, L 0, c Bd. 1, 3; D O II 226, Magdeburg, Landesarchiv Sachsen-Anhalt, U 5, II, 3; D O II 309, Münster, Landesarchiv Nordrhein-Westfalen, W 701 / Urkundenselekt, KU 53.

34) LECHNER, *Königsurkunden* (as n. 21) p. 531.

to believe that it could be authentic in the full sense of the term. Sickel was inclined to give the underlying text, a confirmation of tolls within the city of Worms, the benefit of the doubt, but spoke of the surviving single sheet as a „copy in diploma form“ („Abschrift in Diplomform“), a conclusion which is hard to square with the fact that it bears a completed monogram and was once sealed. Lechner therefore went further, arguing that this charter – along with all of HB’s diplomas dated before 978 – was a forgery of the scribe’s later „chancery“ years. According to this interpretation, we are dealing with forgery in the chancery (Lechner spoke of „Kanzleifälschungen“), directed and supported by the imperial chancellor, Hildibald of Worms. As noted, however, Lechner’s judgements have been seriously challenged. Already in the early 1900s, an authentic diploma of HB from 976 was discovered by Peter Albert within the private collection of Marc Rosenberg (where it had been since 1896), the details of which he published in 1908³⁵. And while the diploma itself was lost seven years later when Rosenberg’s Schapbach residence burned down, a photograph taken shortly before survives in the Generallandesarchiv in Karlsruhe, from which it is clear that this was indeed an authentic product of HB³⁶. This, combined with a reassessment of HB’s other early diplomas, has led to the rehabilitation of almost all of these documents. It is now clear that HB was an authentic recipient scribe in the later 960s and earlier 970s, whatever hand he may have had in reworking the see’s Merovingian and Carolingian privileges. The only remaining doubts have attached to D O I 84, which was too early to be a credible work of HB. Yet in content, there is nothing at all suspicious about the diploma: it simply rehearses the terms of an authentic earlier toll charter in the name of Louis the Pious and his eldest son Lothar³⁷. At some point before 970, this latter document had been reworked to include mention of these rights extending to Ladenburg and Wimpfen; however, D O I 84 cites the privilege in its uninterpolated form³⁸. If D O I 84 had been forged to lend weight to HB’s other falsifications, as Lechner suggests, it does a remarkably

35) Peter P. ALBERT, Die ältesten Nachrichten über Stift und Stadt Mosbach, ZGORh 23 (1908) p. 593–639. See also Johann LECHNER, Die Wormser Kaiserurkunde Ottos III. über die Abtei Mosbach, ZGORh 25 (1910) p. 151–157, with the response from Peter P. ALBERT, Noch einmal die Wormser Kaiserurkunde über Mosbach vom 15. November 976, ZGORh 25 (1910) p. 355–357.

36) Karlsruhe, Generallandesarchiv, A 46a, with ROACH, Forgery and Memory (as n. 9) p. 49f.

37) D L Fr 282.

38) The *terminus ante quem* is provided by D O I 392, Darmstadt, Hessisches

poor job of doing so. There was, therefore, always a strong case for treating this document as substantially authentic³⁹; and the realization that it was not the work by HB lends weight to such arguments. It also explains other features which would be unusual of an outright forgery: how D O I 84 bears a plausible date (14 January 947) and place of issue (Frankfurt)⁴⁰, names the correct chancellor (Bruno), and displays an appropriate form of chrismon, recognition sign and monogram.

What we are dealing with, therefore, is an early Worms notary, whose career spanned at least 947 to 951, and who in all probability went on to introduce HB to diploma production a few years later – hence the close resemblance between their script. One final feature speaks in favour of D O I 84. The surviving single sheet is endorsed in a distinctive hand, which is found on the reverse of a number of other early Ottonian single sheets for the see. Endorsement at Worms seems to have proceeded by archival dossier, with a Caroline hand endorsing all those documents concerning rights within the city and a majuscule hand doing the same for those relating to Ladenburg and the Lobden-gau. It is the former we find on D O I 84. This hand is last attested on the reverse of D O III 12 from April 985 and there are good reasons for suspecting that it was active in the later years of Bishop Hildibald (Hoffmann dated the script to the tenth century)⁴¹. Our other diploma (D O I 161), meanwhile, is endorsed in the majuscule hand found on the Ladenburg charters. The last to bear these forms is D O I 392 of April 970 and a very different script can be found on the reverse of

Staatsarchiv, A 2, 251/1, which cites the interpolated privilege. See further ROACH, *Forgery and Memory* (as n. 9) p. 37, 42–45.

39) As WEISERT, *Titulatur* (as n. 17) p. 19f. n. 5, already appreciated. See further *ibid.*, 1, p. 170–175; Thomas KOHL, *Religious Exemption, Justice, and Territories around the Year 1000: The Forgeries of Worms*, *Medieval Worlds* 6 (2017) p. 217–230, at p. 223 n. 23.

40) GOCKEL / ORTH / SCHWIND, *Frankfurt* (as n. 17) p. 231 (n. 84); Eckhard MÜLLER-MERTENS, *Reichsstruktur im Spiegel der Herrschaftspraxis Ottos des Großen. Mit historiographischen Prolegomena zur Frage Feudalstaat auf deutschem Boden, seit wann deutscher Feudalstaat?* (*Forschungen zur mittelalterlichen Geschichte* 25, 1980) p. 274.

41) D O I 84, Darmstadt, Hessisches Staatsarchiv, A 2, 255/1; D O II 46, Speyer, Landesarchiv, F 7, 2; D O III 12, Darmstadt, Hessisches Staatsarchiv, A 2, 255/5, with Hartmut HOFFMANN / Rudolf POKORNY, *Das Dekret des Bischofs Burchard von Worms. Textstufen – Frühe Verbreitung – Vorlagen* (*MGH Hilfsmittel* 12, 1991) p. 14 n. 6. Hoffmann's remarks are only addressed to the first two documents, but the endorsement of the third clearly takes the same forms.

D H II 247 of August 1012, confirming episcopal rights in the town⁴². This suggests that our second endorser was also operating in the later tenth (or very early eleventh) century. By this point, D O I 84 and D O I 161 were evidently well-established parts of the archive. This is not to deny that forgery was practised on a considerable scale in tenth-century Worms; it clearly was. It is simply to observe that the focus of such activity was on diplomas of Merovingian or Carolingian rulers, which were sometimes used to elicit authentic confirmations⁴³.

One more question must detain us before we return to the elusive Hoholt: that of our diploma's date. Following Otto I's abortive bid for the Italian throne in 951–952, we see a spate of charters recognized in the name of figures beyond the royal chancellor Bruno. The grounds for this are hard to discern, but clearly lie in the political upheaval of these years, which see many new notaries appear in the charter record. Another factor was apparently Bruno's slow transition into the role of archchancellor. As Josef Fleckenstein observes, Bruno starts appearing as archchancellor from autumn 951, perhaps in response to tensions between the king and Frederick of Mainz (who would go on to join the rebellion of Liudolf), and it would become Bruno's sole purview from September 953⁴⁴. In the meantime, there are reasons to believe that many of those who recognize acts in Bruno's stead (typically styled „chancellor“, but sometimes simply called „notary“) are the scribes of the documents in question, a conclusion which is all but certain in the cases of the well-attested notaries Wigfrid and Otpert⁴⁵. That not all of the named figures were necessarily the scribes in question, however, is revealed by the presence of the future chancellor Liudolf in three diplomas of these years, produced by at least two (and conceivably three) different hands⁴⁶. It would seem that Liudolf, like Bruno, was easing

42) D O I 161, München, Geheimes Hausarchiv, Mannheimer Urkunden, Hessen-Darmstadt 1; D O I 310, Darmstadt, Hessisches Staatsarchiv, A 2, 255/3; D O I 392, Darmstadt, Hessisches Staatsarchiv, A 2, 251/1; D H II 247, Darmstadt, Hessisches Staatsarchiv, A 1, 176/1.

43) ROACH, *Forgery and Memory* (as n. 9) p. 21–60. See already UHLIRZ, *Jahrbücher* (as n. 21) p. 217–225.

44) Josef FLECKENSTEIN, *Die Hofkapelle der deutschen Könige 2: Die Hofkapelle im Rahmen der ottonisch-salischen Reichskirche* (Schriften der MGH 16/2, 1966) p. 24f., 31.

45) SICKEL, *Beiträge VII*. (as n. 12) p. 721f., 725–730. See also Harry BRESSLAU, *Handbuch der Urkundenlehre für Deutschland und Italien*, 1 (21912) p. 426f.

46) DD O I 149, 151, 152. Of these, the former (Wolfenbüttel, Niedersächsisches Landesarchiv, 12 Urk., 1) is the work of BG and the latter (Dresden, Haupt-

his way into his new role; and it may be that some of the other figures who appear periodically as „chancellor“ were also acting as temporary heads of the royal writing office. In any case, the fact that Bruno does not recognize D O I 161 was sufficient for Sickel to conclude that the recorded date for the act, Frankfurt on the ides (i.e. 13th) of January 951, must be wrong; and the presence of Hoholt, whom he knew to have been active at Frankfurt in early January 953, suggested a redating to 13 January of this year. Whether Sickel thought the dating error to be original or a down to later transmission, he did not say, though the latter is suggested by the remarks in his *Beiträge zur Diplomatik*⁴⁷. Now, there can be no doubt that many notaries of these years fell into error in their dating practices, with regards both to the incarnation and the king's regnal years; and errors in transmission are even more common. But the fact that the best copies of D O I 161 bear internally consistent dates, with the correct indiction (ninth) and incarnational (951) and regnal (15) years for January 951, should give us pause. The situation is complicated by the fact that BA's charter of New Year's Day 953 (in which Hoholt is also named) bears contradictory dating elements: the incarnation is given as 958 (!), the regnal year as seventeen (so correct for 7 August 952–6 August 953) and the indication as six (948 or 963)⁴⁸. Despite the apparent confusion, Sickel was almost certainly correct to place this diploma in early 953: LVIII is presumably a slip for LIII in the incarnation, while XI would have been easy enough to misconstrue as VI in the indiction. Thus emended, all elements point to January 953. But could BA really have made such a hash of things here, only to produce an internally consistent date pointing to 951 (two years too early!) just twelve days later? Rediscovery of the single sheet of D O I 161, confirming the readings of the *Vidimationsbuch* and earlier Worms cartulary, only deepens these concerns. Is a local Worms notary likely to have erred by precisely two in all three par-

staatsarchiv, 10001 Ältere Urkunden, 00003) that of BE. D O I 151 only survives as a copy in the older Worms cartulary and reveals little by way of distinctive formulation, so its scribe cannot be established with any certainty. (A strong candidate would be our own notary of D O I 161.)

47) SICKEL, *Beiträge VII*. (as n. 12) p. 730 n. 1: „Für St. 191 [= D O I 161] bieten die mehrfachen Überlieferungen sehr verschiedene Zeitenmerkmale, so dass ich es nur aus Wahrscheinlichkeitsgründen zum 13. Januar einreihe“.

48) D O I 160, Marburg, Staatsarchiv, Urk. 75, 72. Note that BA typically reckoned the regnal year one too high (perhaps intentionally), but this would not be his first return to correct practice (cf. D O I 116, Karlsruhe, Generallandesarchiv, A 38). See further HUSCHNER, *Transalpine Kommunikation* (as n. 17) p. 155 n. 631.

ticalars, just after BA had confused them so badly? It is important to note that the royal court had indeed been present in Frankfurt in early 951, as Sickel was well aware; for it was there on 19 January 951 that Otto I confirmed forest rights to Fulda, in a diploma which survives in its original format (also bearing the correct incarnational and regnal years)⁴⁹. As the court is last attested at Memleben on 6 December 950 before this, there would have been ample time for Otto and his entourage to reach the old Carolingian royal palace in Frankfurt by 13 January⁵⁰. Karl Friedrich Stumpf had always been happy to accept D O I 161's transmitted date; in the light of original, he was clearly correct in this regard⁵¹. The disruptions in traditional „chancery“ practice which Sickel first detected in connection with Otto I's invasion of Italy in autumn 951 had evidently begun at start of the year⁵². This also means that Bruno did not first appear as archchancellor in response to tensions with Frederick, as Fleckenstein thought – indeed, it may be that the tensions were a result of Bruno's elevation.

So what of Hoholt? So long as his name was restricted to BA's oeuvre, there was a strong case for seeing him as the latter's alias⁵³. And if we were to maintain Sickel's redating of D O I 161, there would still be something to be said for the identification. On this reading, Hoholt first appears in a diploma of BA in early 953. Then twelve days later, a local Worms notary followed what he thought to be current convention, copying the recognition clause of the most recently issued royal diploma – little knowing that the Hoholt in question was the document's scribe rather than the chancellor. Yet if D O I 161 was issued a full two

49) D O I 131, Marburg, Hessisches Staatsarchiv, Urk. 75, 71. The indiction given, IIII, is presumably a miscopying of VIII, as found in D O I 161. For facsimiles of the former: Kaiserurkunden in Abbildungen, hg. von Heinrich von SYBEL / Theodor SICKEL (1880–1891) III, 19; Waldemar KÜTHER, Echzell im Mittelalter, in: 1200 Jahre Echzell 782–1982: Ursprung, Epochen und Strukturen einer Dörfergemeinschaft (1982) p. 42–81, at 47f.

50) D O I 130, Dessau, Landesarchiv Sachsen-Anhalt, U I, 4. See further GÖCKEL / ORTH / SCHWIND, Frankfurt (as n. 17) p. 232f. (n. 88–89), noting the possibility that D O I 161 was issued (or at least enacted) on this occasion.

51) Karl Friedrich STUMPF(-BRENTANO), Die Reichskanzler vornehmlich des X., XI. und XII. Jahrhunderts, 3 vols. (1865–1881) 2, p. 19.

52) The next diploma in which Bruno is not named as chancellor is D O I 139, Chur, Bischöfliches Archiv, 011.0013, where Wigfrid (the notary of the diploma) is found in his stead.

53) ROACH, „Chancery“ of Otto I (as n. 8) p. 49–53. Note, however, the earlier objections of HUSCHNER, Transalpine Kommunikation (as n. 17) p. 154f., now proven correct.

years before D O I 160, then the connection between Hoholt and BA is severed. At the same time, Hoholt is most unlikely to be our Worms notary, since it is hard to understand why BA would choose to accord him such prominence two years later, in a diploma with no obvious Worms connection. It is, therefore, safest to conclude that Hoholt was a prominent court chaplain, who occasionally helped cover for Bruno in these years, perhaps with an eye to securing promotion to the post of chancellor. In fact, he may be the Haolt who appears as chancellor in a privilege of late summer 952 in favour of Einsiedeln, written in two otherwise unknown (almost certainly recipient) hands⁵⁴. While Sickel preferred to see this latter figure as a different individual (probably the diploma's notary), Bresslau already signalled the possibility that he and Hoholt may have been one and the same – a possibility made all the more likely should we abandon Sickel's identification of Hoholt with BA⁵⁵. It is still conceivable that Hoholt/Haolt was a royal notary, but this is by no means certain; and the connection between him and BA is only marginally stronger than that with many other draftsman-scribes of the era. This is not to say that we should follow Wolfgang Huschner's alternative identification of BA with Bruno himself⁵⁶ – indeed, Bruno's absence from his usual position in D O I 160 would seem to militate against the proposition. But it does mean that Hoholt can no longer be allowed to stand in the way of the identification⁵⁷. BA was probably one of the many resolutely anonymous draftsman-scribes of the era – figures who made a lasting mark on the diplomatic record, but only rarely left any indication as to their true identity.

Summaria

In den letzten Jahren gab es eine Reihe spektakulärer Funde von verlorenen oder bis dahin unbekanntem ottonischen Königs- und Kaiser-

54) D O I 155, Einsiedeln, Klosterarchiv, A.AI.3, with discussion of the hands in Hartmut HOFFMANN, *Schreibschulen des 10. und des 11. Jahrhunderts im Südwesten des Deutschen Reichs*, 2 vols. (Schriften der MGH 53, 2004) 1, p. 58. For a partial reproduction: *ibid.*, 2, pl. 11.

55) SICKEL, *Beiträge VII.* (as n. 12) p. 728f.; BRESSLAU, *Handbuch* (as n. 45) p. 440. See also FLECKENSTEIN, *Hofkapelle* (as n. 44) p. 37 n. 109, favouring the identification of Haolt with Hoholt.

56) HUSCHNER, *Transalpine Kommunikation im Mittelalter* (as n. 17) p. 151–159. For objections: HOFFMANN, *Notare* (as n. 20) p. 450–452.

57) Cf. ROACH, „Chancery“ of Otto I (as n. 8) p. 49–53.

urkunden. Bei allem Aufsehen, das solche Neufunde erregen, werden ältere Entdeckungen leicht übersehen. In dieser Arbeit geht es um solch ein „übersehenes“ Original: D O I. 161, ein Zollprivileg aus den frühen 950er Jahren für das Bistum Worms. Theodor Sickel und sein Team kannten dieses Stück nur aus späteren Kopien. Erst Paul Kehr machte 1931 darauf aufmerksam, dass das Original noch existiert, und zwar im Familienarchiv der Wittelsbacher in München (Bayerisches Hauptstaatsarchiv, Geheimes Hausarchiv). Doch bis heute hat davon kaum jemand Notiz genommen, auch nicht der Autor dieser Zeilen. Dabei zeigt eine eingehendere Untersuchung, dass man viel daraus erfahren kann über die Geschichte und die Kanzlei-praxis der Entstehungszeit, vor allem was die berüchtigten Wormser Fälschungen und die Karriere der Notare Bruno A und Hildibald B betrifft.

Recent years have seen a number of startling new discoveries of lost or previously unknown Ottonian royal and imperial diplomas. Yet in the excitement generated by such finds, there is a danger of overlooking earlier discoveries. This article addresses one such „neglected“ original: D O I 161, a toll charter of the early 950s in favour of the bishopric of Worms. Theodor Sickel and his editorial team only knew this document from later copies and it was Paul Kehr who in 1931 first drew attention to the existence of the original in the Wittelsbach family archive in Munich (now the Geheimes Hausarchiv of the Bayerisches Hauptstaatsarchiv). Since then, however, it has been almost entirely neglected, including by the present author. Close investigation reveals that it has much to say about history and documentary culture in these years, shedding new light on the infamous Worms forgeries and the careers of the notaries Bruno A and Hildibald B.