

## The Chronicle of Burchard of Ursperg, 1196-1212

*This chronicle is one of our most important contemporary sources for the history of the Reich in the early thirteenth century. Its author was a Praemonstratensian canon, who was provost of the abbey of Ursperg, in the diocese of Augsburg from 1215 until his death on 10<sup>th</sup> January in (probably) 1231. Burchard was a Swabian, who records that he visited Rome, while still a layman, in 1198, subsequently entered the Church and was ordained priest by Bishop Diethalm of Konstanz in 1202, entered the religious life (presumably as a novice) in 1205, and was received as a fully-fledged Praemonstratensian in 1207. He became provost of a house of this order in Swabia in 1209, and spent a substantial period in 1210/11 at the papal court on its business, before his eventual 'translation' to Ursperg in 1215. Although he records that he was still in minori etate in 1198, he must by then have been about twenty, assuming that he had reached the canonical age by the time of his ordination.*

*His chronicle covered the history of Germany from the time of the Emperor Lothar III until 1230; the last event mentioned was Frederick II's peace with the church in the latter year. It was probably begun shortly before this: it appears to have been written as a continuous work rather than over a period of years. The author seems to have intended his work to be a continuation to the Chronicle of Ekkehard of Aura, which broke off in 1125, when Lothar was elected emperor. The early part of Burchard's chronicle was inevitably compiled from older sources, including the Chronicle of Bishop Otto of Freising, the History of the Welfs, written at the monastery of Weingarten, near Konstanz, and the annals of the monastery of Zwiefalten (in Swabia, to the NW of Lake Konstanz). He also mentioned that he had used the work of a certain John of Cremona, which was probably a major source for what he knew of events in Italy, and he may also have used a chronicle from Tivoli, in Sabina. Neither of these works now survives. He also had access to a written source for events in the Holy Land, and he may in addition have read another contemporary, and still-extant, south German chronicle from the diocese of Konstanz, that of Otto of Sankt Blasien, written c. 1209/10. But the real value of Burchard's chronicle is for the events of his own time, of which he was an eyewitness. He also had access to some official documents, such as Frederick Barbarossa's edict from Roncaglia in 1160 and*

*his land peace of 1188, both of which he copied into his chronicle, and some papal bulls, and as the extract below shows, he had seen the canon law collection compiled for Innocent III by Pietro Collevacino in 1209. He was a partisan of the Staufer, and was prepared to be quite critical of papal policy towards Germany, and of the papacy generally.*

[The extract below has been translated from *Burchardi Praepositi Urspergensis Chronicon*, ed. Oswald Holder-Egger & Bernhard von Simson (MGH SRG, Hanover 1916), pp. 74-101, 108-9.]

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At this time [1196] in Germany Conrad, duke of the Swabians, the emperor's brother, led an army against Duke Berthold of Zähringen, on the emperor's instructions.<sup>1</sup> But while he was staying at a certain town called Durlach he died, and was buried at the monastery of Lorsch.<sup>2</sup> Many people claim that he was murdered, either by a man whose wife he had forced into adultery, or by the wife herself. For he was a man completely in thrall to adultery, fornication and lust, and every other sort of excess and impurity, although he was a fierce and gallant soldier, and generous to his friends. Both his own men and foreigners quaked before him. The emperor then granted the duchy of Swabia to his brother Philip, who left Italy and came to Germany with his wife, whom he left in the castle of Schweinhausen. Then he also, on the emperor's orders, placed a royal diadem on the head of King Ottokar of Bohemia.

At Easter of the following year he celebrated a great marriage feast, along with many princes and barons at Augsburg, in the great plain that is called Gunzlech.<sup>3</sup> Also at this time it happened that at the emperor's behest almost all the princes of Germany elected his little son as king and swore fealty to him, although he was only a

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<sup>1</sup> Berthold V, the last Duke of Zähringen (d. 1218).

<sup>2</sup> He died on 15<sup>th</sup> August 1196, at Durlach near Karlsruhe.

<sup>3</sup> Burchard had earlier recorded how Philip had been given Irene, the daughter of the Byzantine Emperor Isaac II, as his wife. She had previously been betrothed to the son of King Tancred of Sicily, and had been in the palace at Palermo when Henry had captured the city in December 1194, *Chronicon*, p. 73. She was as yet quite young, which may explain why, although Philip brought her back to Germany, the marriage (as opposed to betrothal) had not yet been formalised. Alternatively, the 'marriage feast' here described was a celebration after the event.

whimpering baby, and they sent a letter with their seals attached recording this event to the emperor.

In the year of the Lord 1198 the Emperor Henry died in Sicily and was buried in state in the church of Palermo. <sup>4</sup> The Emperor Henry was shrewd, eloquent, reasonably good-looking, if on the lean side, of middling height, feeble and slight of body, but of fierce disposition and fearsome and terrible towards his enemies, given up to vanities, especially hunting and hawking. Many claim that he died by poison administered by his wife, in revenge for his having had her nephews tortured to death. This, however, is improbable, and those who were closest [*familiarissimi*] to him at this time were [also] accused of this. I myself have heard this story from the lord Conrad, who later became a Praemonstratensian abbot, but who was then still a layman, and who held an appointment in the emperor's chamber and was most intimate with him. <sup>5</sup>

### **The Deeds of Philip**

Philip, the brother of the emperor, had at that time left Germany and was on his way to meet him in Sicily. He had travelled as far as Monfalcone, a *castello* near Viterbo, when news of the emperor's death reached him. Disorder broke out in those regions, directed especially against the Germans who were then living in Italy. As a result some of the duke's household were killed in that *castello*, among whom was Frederick of Tanne, a noble *ministerialis* of his, and the brother of the man who is now the [imperial] steward. <sup>6</sup> The duke was in great danger, and he came back from Italy and travelled, with difficulty, to Germany, where the princes had now forgotten their [previous] oaths and had begun to hold discussions concerning the election of a new emperor. They were keen to seize the hereditary property that belonged to the aforesaid [imperial] family. But God trampled upon all the impiety and treachery of these men, and did not permit this to happen. He breathed into the hearts of men, to

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<sup>4</sup> He died at Messina on 28<sup>th</sup> September 1197, probably from dysentery.

<sup>5</sup> Conrad joined the Praemonstratensians before 1203 when he became provost of Weissenau, and was subsequently abbot of Premontre 1220-32. He died in 1241.

<sup>6</sup> Eberhard of Tanne, whose family came from upper Swabia. Burchard later recorded that in 1221 Frederick II placed him in charge of the safekeeping of the crown and imperial regalia, and his relative Conrad of Tanne, the butler, was appointed as the governor supervising the upbringing of his son Henry, Burchard, *Chronicon*, pp. 114-15. See Bosl, *Reichsministerialität*, pp. 429-35.

prevent them abandoning their native lords and supporting strangers. Hence Philip took himself in haste into the Rhineland, and he celebrated Christmas in the castle of Hagenau, and there came to him there officials and *ministeriales*, and some of the princes and barons of the land, with whom ‘he shared the secrets of his counsel’.<sup>7</sup> Also present there was Bishop Conrad of Strassburg, who promised the duke his favour and assistance in obtaining the imperial crown.<sup>8</sup> For he wished to hold imperial rule, since he had in his power the imperial insignia, namely the crown, the cross and those other things that belonged to it. For it would not be sensible for him to allow imperial rule to pass to another, and thus for both him and his nephew, who was still a little boy, to be deprived of their whole inheritance, which indeed was not pleasing to the Almighty, as the future course of events was clearly to demonstrate, although many problems started to get in the way.

Indeed, Pope Innocent III, then newly raised to the Apostolic throne, did his very best to oppose him, trying to prevent him from being able to accede to the high office of ruling the empire, charging him that his brother and relations had acted cruelly, from which action, however, many evils among men are believed to have stemmed. In this matter, despite our respect for the Apostolic See, it does not seem that he judged with equity, since the Lord makes clear through his Prophet that ‘the son shall not bear the iniquity of the father’, how much less should the sins of the brother or of other relations be visited on the son?<sup>9</sup> For Ezekiel and Josiah, the most religious of kings, had the most wicked of relations, while even in the ancestry of our Saviour Jesus Christ many evildoers are numbered. There still survives a letter of the aforesaid Innocent, sent to Duke Berthold of Zähringen, in which many absurd, and even false, accusations are made against Philip, which he had inserted into the compilation of his decretals that Master Peter the Beneventan, a subdeacon of his, later compiled in one volume, distinguishing them under clear titles and different books, in conformity with the sentences contained therein.<sup>10</sup> The pope then began to dwell upon frivolous objections and special claims, insofar as these counted against him, and proclaimed a sentence of excommunication against him. For it was claimed

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<sup>7</sup> *Judith*, 2:2.

<sup>8</sup> Conrad of Hühnenburg, Bishop of Strassburg 1190-1202.

<sup>9</sup> *Ezekiel*, 18.20.

<sup>10</sup> This letter was sent to Berthold on 26<sup>th</sup> March 1202, *Regestum super Negotio Romani Imperii*, pp. 166-75 no. 62. Burchard here refers to the canon law collection known as the *Compilatio Tertia*, completed in 1209 by Pietro Collevacino of Benevento, the first official collection of papal decretals.

that while he was exercising princely rule over Tuscany the pope's predecessor Celestine had excommunicated him. Indeed, so that he could prove his disobedience more clearly, if he refused to obey his orders, the pope sent the bishop of Sutri [to him] to demand that he release the hostages from Apulia, whom his brother Henry had previously ordered to be blinded.<sup>11</sup> However when Philip, who was gentle and kind, heard of the sentence of excommunication, he humbly asked the legate to absolve him. Furthermore, he sent the aforesaid hostages back to the lord pope. The pope then had these blinded counts, noblemen and other persons paraded before the many people living at the Roman court, so as to increase the hatred felt for Philip. I myself was in Rome at that time, being then a young man still living a secular life, and I saw them. Because the aforesaid bishop of Sutri had exceeded his instructions by illicitly absolving Philip, as the pope made clear in the letter cited above, the latter deprived him of his bishopric and sent him to a strict monastery on a certain island in the sea, where he finished his life happily.<sup>12</sup>

Although the story is unlikely and scarcely to be believed, I have also heard that at this time the pope said that either he would deprive Philip of the royal crown or the latter would take the Apostolic insignia away from him. While it is not to be believed that he would have given his own wishes precedence over the Divine will, it is certainly true that he was always greatly opposed to him. Looking down from on high, however, God did not permit the service of the Divine office and the ecclesiastical hierarchy to perish throughout Germany, for these two things were more faithfully respected there than among other peoples, even though they were everywhere corrupted by the incitement of sins and extraordinary dissipation.

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<sup>11</sup> These were leading members of the Sicilian court who had been arrested after Henry's coronation as king of Sicily in December 1194: they included Archbishop Nicholas of Salerno and his brother Count Richard of Ajello, Counts Richard of Carinola, Roger of Avellino and William of Marsico, the admiral Margaritus of Brindisi, and the former king, William III, still only a child, and his mother and sisters. All the male captives except for the archbishop were blinded on Henry's orders early in 1197 as a reprisal for the continued resistance to his rule from within the kingdom of Sicily. Both Celestine III, and Innocent III from the very start of his pontificate, made repeated efforts to secure their release. See especially E.M. Jamison, *Admiral Eugenius of Sicily. His Life and Work* (London 1957), pp. 122-37.

<sup>12</sup> Neither the name of the bishop nor of the monastery are known, the former may have been Radulf, attested in 1194. Innocent himself referred to the invalidity of his absolution of Philip on a number of occasions, including (as Burchard says) in the letter to the Duke of Zähringen, for which *Regestum super Negotio Romani Imperii*, p. 173.

After inserting this information about the hostility of the Apostolic See, which sought to extirpate the royal family, let us return to describe the labours which he [*Philip*] undertook in Germany, as a result of a plot by the most wicked of the princes. His first action was indeed most sensible, for since he saw that he was threatened with setbacks and conflicts, he gained for himself the favour of [various] princes and magnates: from Saxony he had the support of Duke Bernhard, the Margrave of Meissen, and other most powerful secular princes, and as well as of the archbishops of Magdeburg and Bremen and of their suffragans.<sup>13</sup>

But Discord, then mother and root of all evils was unwilling to lie still, but rather it moved the Germans, who hate and detest all justice, to be so greatly deceived by wealth and honours that they fell out with each other, and what was worse, those who lacked these things murdered each other in atrocious ways. With the intention of harming the family who had for a long time held dominion over the kingdom, they agreed to hold a court at Andernach, a town on the Rhine, that they might there elect an emperor. Hearing of this, Philip sent envoys there, forbidding an election to be held, both on account of his absence and that of various other princes, and because the royal dynasty had not died out, and also on account of the oaths that the princes had made to his family. But they trusted rather in the wealth and power of the people of Cologne, and summoned their meeting [to take place] there. The lord Philip once again sent his envoys there, forbidding them to make any election that would be to his detriment. There are also those who claim that promises were made to the archbishop of Trier of 2000 marks. However, Duke Berthold of Zähringen was then nominated as king, not however on the grounds that he could be seen to be a just man or a lover of truth – for it is written, ‘the king’s strength [also] loveth justice’,<sup>14</sup> but rather that he seemed to be poor, although he was most avaricious and full of every iniquity.

When Philip saw that the Germans were unwilling to abandon such insolence, he arranged a meeting with the princes who favoured him in the town of Mühlhausen, where he was elected as king by the Swabians, Saxons, Bavarians, Bohemians and a

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<sup>13</sup> Berhard of Anhalt, Duke of Saxony (d. 1212), Dietrich I, Margrave of Meissen (d. 1221), Luidolf, Archbishop of Magdeburg and Hartwig II, Archbishop of Bremen 1185-1207. The last of these had once been a notary of Henry the Lion, but subsequently became a committed supporter of the Staufens.

<sup>14</sup> *Psalm*, 98.4 (Vulgate), 99.4 (AV).

number of the princes from the Rhineland. ‘Then evils began to be multiplied in the land’.<sup>15</sup> [*A page of lamentation follows.*] ....

For the princes who ought to have assisted Philip uttered fine words to his face. Meanwhile the aforementioned duke of Zähringen began to lose confidence, knowing that he lacked the funds necessary to obtain the imperial title. Hence he returned to the grace of King Philip, received benefices from him, which the latter was at pains to grant him, and rendered homage and fealty to him. He failed to free his nephews, whom he had pledged as hostages at Cologne for his debts. These two, namely lord Conrad and Berthold, the sons of Count Egino of Urach, were kept under guard in the town, but eventually secured their release from most of the debt. Conrad later joined the order of Cîteaux, became abbot of Cîteaux, and was then translated to Rome by the Apostolic See and appointed cardinal bishop of Porto and S. Rufina. The other, Berthold, became abbot of Lützel. For while they were still undergoing the dangers of captivity, they had both promised to God that if they were freed they would enter the monastic life.<sup>16</sup>

Meanwhile the people of Cologne and Strassburg, along with their bishops and certain other wicked men, plotted and ‘spoke wickedly’,<sup>17</sup> and they sent envoys, notably Count Albert of Dagsburg and the Count of Leiningen,<sup>18</sup> to England, in order to summon and bring back Otto, for although the latter was proud and foolish, he seemed to be endowed with strength and tall of stature, and they assumed that in any case he would have the assistance of King Richard of England, who was his uncle. Hence at Cologne they elected him as king.<sup>19</sup>

This was done wrongly, but it became as though it was a portent of the many wrongs that followed in these lands. For scarcely any bishopric, or ecclesiastical dignity, or even parish church, that did not become litigious, and its case was brought

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<sup>15</sup> *I Maccabees*, 1.10.

<sup>16</sup> Conrad, son of Count Egino IV of Urach (in the Black Forest), became cardinal bishop of Porto in 1219. Lützel is near Altkirch in upper Alsace, 25 km W of Basel.

<sup>17</sup> *Psalm*, 72.8 (Vulgate), 73.8 (AV).

<sup>18</sup> Count Emicho III of Leiningen (Bavaria). Dagsburg is in the Saar region of Upper Lotharingia.

<sup>19</sup> He was elected on 9<sup>th</sup> June 1198: Otto was the second son of Henry the Lion, the former duke of Saxony, and Matilda, eldest daughter of Henry II of England. Born in 1177 he was thus just twenty-one when chosen as king. His elder brother Henry had taken part in the Crusade of the previous year and was still in the east.

to Rome, though not with an empty hand. Rejoice, our mother Rome, for cataracts of treasure have been brought forth in the land, so that the streams may flow to you and pile up numerous mounds of coins. Rejoice over the iniquities of the sons of men, since a reward will be given to you as compensation for such great evils. Be joyful over your helper Discord, since it erupts from the depth of the ‘bottomless pit’,<sup>20</sup> so that many piles of money are accumulated for you. You have that for which you are always thirsty, sing this song,<sup>21</sup> since you have conquered the world, not through your religion but through the wickedness of men. It drags men to you, not through their devotion or a clean conscience, but for the perpetration of a multitude of wicked acts and for legal decisions that have been bought with bribes. Enough has now been said about the origin of the schism in the kingdom. Now we shall speak about the wars that these acts caused.

### **About the wars of Philip**

Both the kings who had been elected hastened to occupy the seat of the kingdom [*sedem regni*] at Aachen. Philip indeed gained that town first, and he stationed brave and noble men there as its garrison, among whom were Waleran, the son of the duke of Limburg,<sup>22</sup> and Henry, steward of Waldburg, and many others. However, Otto and his supporters then arrived and laid siege to the city. And since those trapped inside the town were unable to resist, they accepted an offer of peace and a guarantee of their personal safety and surrendered the city. Then the lord Adolf, who was at this time Archbishop of Cologne, crowned Otto as king in the seat of the kingdom. The aforesaid Pope Innocent did indeed make mention of this fact in his letter.<sup>23</sup> The whole imperial court and the imperial officials supported Philip, as did most of the princes. Meanwhile Bishop Conrad of Würzburg, the former chancellor,

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<sup>20</sup> Cf. *Revelation*, 9.1-2; *Isaiah*, 24.18.

<sup>21</sup> Cf. *Deuteronomy*, 31.19, which continues: ‘that this song may be a witness for me against the children of Israel’, a passage that was no doubt in the author’s mind.

<sup>22</sup> Henry III, Duke of Limburg 1167-1221, one of the two rival families attempting to control the old duchy of Lower Lotharingia.

<sup>23</sup> That is the March 1202 letter to Berthold of Zähringen, mentioned above. Archbishop Adolf of Cologne (1193-1205, 1212-14), formerly provost of the cathedral, had succeeded his uncle, Archbishop Bruno III (1191-3): they were members of the family of the counts of Berg-Altena. Otto was crowned on 12<sup>th</sup> July 1198.

returned from overseas; he tended towards the party of Philip,<sup>24</sup> although Herman, the landgrave of Thuringia started to work against Philip. This was a dreadful action, since he was the son of the latter's aunt, but he hoped that a rightful claim to the empire [*ius imperii*] might devolve to him.<sup>25</sup>

Philip therefore adopted a sensible policy and first dealt with those who were closer to him, waging war upon them and making them subject to his rule. Thus he gathered an army and moved into the province of Alsace, where he ravaged the lands of his enemies. First of all he marched on the castle of Haldenburg, near Strassburg, which was situated in a plain but strongly defended by walls and ditches. After he had surrounded and laid siege to it, a few days passed, and then he stormed it with a warlike hand and reduced it to rubble, leading those who were within away as captives. Thereafter he stormed and destroyed the castles at Rufach and Efig.

In the following year he hastened to the siege of Strassburg, where he first burned down the suburb and started to ravage the lands of the citizens. The latter, seeing that they were unable to resist him, received Philip as their lord and swore fealty to him. The bishop also returned to his grace.<sup>26</sup>

While this was taking place, war was raging on both sides of the Rhine. Otto indeed marched up one bank with his army as far as Speyer, but was forced to withdraw and return to the lower regions. Battles frequently took place between them, especially around the River Moselle, and Otto was always put to flight. Meanwhile Otto was betrothed to the daughter of the Duke of Brabant, but later repudiated her.<sup>27</sup>

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<sup>24</sup> Conrad of Querfurt, Bishop of Hildesheim 1194-8, and of Würzburg 1198-1202. He was a younger son of Burgrave Burchard II of Magdeburg, and had been appointed Provost of SS. Simon and Jude at Goslar in 1188, later serving Henry VI as chancellor. Philip sent him to plead his case in Rome in 1200. Innocent III was unhappy about his election at Würzburg, but eventually reluctantly consented to permit his translation, perhaps in return for his changing sides to support Otto.

<sup>25</sup> Herman I, Landgrave of Thuringia (d. 1217) was the son of Judith, the daughter of Duke Frederick 'the one-eyed' of Swabia' (d. 1145), Philip's grandfather, by his second wife Agnes, daughter of the Count of Saarbrücken, Burchard, *Chronicon*, p. 24, where it was also noted that Herman 'unmindful of his blood kinship, revolted against King Philip'.

<sup>26</sup> Philip issued a charter while besieging Strassburg on 10<sup>th</sup> July 1199, *Die Urkunden Philipps von Schwaben*, ed. Andrea Rzhacek and Renate Spreizer (MGH Diplomata Regum et Imperatorum Germaniae 12, Wiesbaden 2014), pp. 62-4 no. 28.

<sup>27</sup> Otto was betrothed to Maria, daughter of Henry I, Duke of Brabant 1190-1235, soon after his coronation in July 1198. However, papal dispensation was needed for this union because the two were related within the fourth degree of kinship. Innocent III granted this in late-summer 1200, *Registrum de Negotio Imperii*, pp. 66-7 no. 23. However, relations between Otto and the duke soon broke down, and

The princes of these lands were infected by the cunning of the Devil, and they had no qualms about breaking their oaths, violating their pledged word and setting at naught every law; many now abandoned Philip and supported Otto, or vice versa. The aforesaid landgrave indeed many times deceived Philip, acting wickedly towards him and rebelling once again. Thus, forced by necessity, Philip levied war against the aforesaid landgrave in Thuringia, where he laid siege to the castle of Weißensee.<sup>28</sup> The landgrave summoned King Ottokar of Bohemia to his aid, and the latter came to Thuringia with many men. King Philip went with his army to block his way and meet him in battle. But when the two armies were joined in battle nearby, the Bohemians were terrified of the power of their enemies. Abandoning the castle, they fled at night. Their enemies pursued them, and inflicting great slaughter and other damage on them. The landgrave now realised that he had been deprived of his power, and so he came to the feet of Philip and surrendered himself into his power, in order to seek his grace. Philip, who was a most kindly man, received him with a pure heart, and after this the landgrave did not openly fight against him.

Therefore after successfully waging these campaigns, and allowing a space of two years for the people to recover their strength, Philip decided to wage war on the people of Cologne. He thus entered their territory with a great army, and ravaged the land with fire and devastation. Many towns in their region were captured, and many people were forced, or were won over by money or promises, to abandon Otto and join Philip. Among these was Archbishop Adolf of Cologne, who was reconciled with the king, came with him to Aachen, and there crowned him as king.<sup>29</sup>

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he had moved over to King Philip's side by 1204. Maria of Brabant eventually became Otto's (second) wife in May 1214. She died in 1260. Bernd-Ulrich Hucker, *Kaiser Otto IV* (MGH Schriften 34, Hanover 1990), pp. 378-9. Duke Henry was the brother of Bishop Albert of Liège, murdered, allegedly on the orders of Henry VI, in 1192, so he was already ill-disposed to the Staufens,

<sup>28</sup> Near Erfurt: this campaign actually took place in 1204. The increasingly confused chronology of Burchard's account shows that he was writing some years later. Philip issued a privilege for the Cistercian monastery of Walkenried (in the diocese of Hildesheim) while besieging Weißensee on 24<sup>th</sup> August 1204, *Urkunden Philipps*, pp. 181-4 no. 80.

<sup>29</sup> At Epiphany (6<sup>th</sup> January) 1205, *Chronica Regia Coloniensis*, p. 174. Philip confirmed his father's grant of the duchy of Westphalia to the archbishopric of Cologne on 12<sup>th</sup> January 1205, since he was 'aware of the sincere devotion of our beloved prince, Archbishop Adolf', *Urkunden Philipps*, pp. 195-8 no. 86.

Conrad, Archbishop of Mainz, meanwhile returned from the regions overseas. He did this cunningly because of his fear of the lord pope; he was opposed to Philip rather than in favour of him, but he acted covertly, for he was afraid of him [too]. Anyway, he soon afterwards finished his life.<sup>30</sup> King Philip therefore went to the city of Mainz, anxious to secure the appointment of a suitable person to the archbishopric. And it happened that in this election all the votes except for three went to Leopold, Bishop of Worms; but the three dissidents used the excuse of the king's presence to claim that the election could not be free, although in fact they did this because they knew that the pope was against the king. Hence they left the city to make an appeal [to the pope]. Although Leopold had been elected by all the others, these three met at the town of Bingen, and elected one of their own number, namely Siegfried, who remains bishop to this day.<sup>31</sup> For the lord pope wanted to uphold this for many reasons, and so he quashed the election of Leopold and confirmed all that had been done [in electing Siegfried], even though there could be no rightful case for it. He explained this in his decretal beginning *Bone memorie*, where it was [also] explained how the bishop of Palestrina came to Cologne on this and other business.<sup>32</sup> He did not make a judgement [*iudicium*] about this election, but an injury [*iniuria*].

In addition, since the citizens of Cologne were still at this time, along with various others, supporting Otto, and because of this the aforesaid legate could multiply the injuries, in an attempt to harm Philip he deposed Archbishop Adolf, because he had crowned Philip, and in his place he arranged the appointment of Bruno, who had formerly been provost of Bonn, and consecrated him as archbishop. But because of King Philip and other supporters of justice, neither he nor the aforesaid Siegfried of Mainz were able to exercise temporal administration [of their sees] until after the death of Philip. During this time the king engendered four daughters through his aforesaid wife, of whom one was betrothed to the son of the

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<sup>30</sup> Conrad of Wittlesbach, Archbishop of Mainz 1161-5, then cardinal and Archbishop of Salzburg 1177-83, finally Archbishop of Mainz once again 1183-1200. He returned from the Holy Land in the summer of 1199, arriving in Italy in July of that year, Claudia Naumann, *Der Kreuzzug Kaiser Heinrich VI* (Frankfurt am Main 1994), p. 210. He died on 25<sup>th</sup> October 1200, *Chronica Regia Coloniensis*, p. 170.

<sup>31</sup> Siegfried [II] of Eppstein, who was archbishop until his death on 9<sup>th</sup> September 1230. The election of Leopold took place in October 1200.

<sup>32</sup> *Register Innocenz' III. 5 Pontifikstjahr 1202/3*, ed. O. Hageneder, C. Egger, K. Rudolf and A. Sommerlechner (Vienna 1993), no. 14 (21<sup>st</sup> March 1202). Innocent had announced that he was sending Guido, cardinal bishop of Palestrina, as legate in a letter to Archbishop Adolf and the other bishops of the Cologne province on 5<sup>th</sup> January 1201, *Registrum de Negotio Imperii*, pp. 91-4 no. 30.

king of Bohemia, another to a son of the duke of Brabant, and through this his rule was strengthened. Only a few people in Saxony and in the lower regions [of the Rhineland?], along with the citizens of Cologne, still favoured Otto.

At this time a preacher appeared in France called Fulk, at whose preaching many were signed with the cross, not only in France but also among other peoples who had heard news of this.<sup>33</sup> Among these were two Counts of Brienne, who were indeed noble but poor men, who came to the lord pope in Italy. One of these was called Walter, the other John. The pope then sent the said Walter to fight against Diepold of Rocca d'Arce in Campania. But one night Diepold charged into his camp and killed him, and manfully gained that land, although the pope was plotting against him in whatever way he could. Meanwhile the other one, namely John, was with the Christian army in which there were many noblemen both from France and Germany, and also from Italy, and particularly the citizens of Venice, who set out on the journey to Jerusalem. However, they actually sailed to Greece, something that many claim took place through the planning and with the permission of the lord pope. During this journey the Venetians attacked a certain city called Zara, sited on an island in the sea on the frontier between Dalmatia and Macedonia, and they seized a great deal of plunder there, even though it was a Christian town. Then the whole army sailed to Constantinople where there was then no king, since the princes of that land had deprived the father of the lady Irene, wife of Philip, of his throne and had torn out his eyes. Because of that his son, that is the queen's brother, had come to Philip in Germany. However, a certain noble prince of the Greeks had come before him, wishing to seize the kingdom in the name of the queen. When they realised that he was acting treacherously, the king at first ordered him to be held prisoner, but at the queen's request he soon released him. This man arrived in Greece and claimed the kingdom for himself, but after a little while the Greeks had him strangled. The [prince's] embassy was received by his sister and King Philip, and this man returned to Greece and received the throne. Nevertheless a little while later they murdered him.

While this was going on, the army arrived and began to attack that section of Constantinople where the royal palace and the church of St. Sophia is situated. They

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<sup>33</sup> Fulk of Neuilly, who preached the crusade from 1195 until his death in May 1202. See especially John O'Brien, 'Fulk of Neuilly', *Proceedings of the Leeds Philosophical and Literary Society* 13(part iv) (1969), 105-48, particularly pp. 128-32 on his role as a Crusade preacher.

built wooden towers on the ships, and machines to attack a tower that lay next to the sea. Finally the machines on the top of the tower were overthrown, and some of them jumped, bravely and not without danger, onto it. When that part of the city was captured they found great booty there, and they took many relics of the saints, decorated with gold and jewels, some of which we afterwards saw. Indeed, a certain abbot of the Cistercian order from an abbey built at a place called Pairis in the forest of the Vosges, brought many relics back to his monastery, and these still remain there. Although these were stolen, the reader should judge whether the pope could justify such a theft carried out against a Christian people, as the theft of the people of Israel in Egypt was justified by Divine authority. <sup>34</sup>

The Count of Flanders was then made King of Greece. Many of the army remained in Greece, many others returned to their homes. Some also went to those regions across the sea, among whom was the above-said Count John of Brienne. After the death of King Amaury, he was joined in matrimony to Isabella, the queen of that land. He had one daughter by her, who was afterwards married to the Emperor Frederick. But now let us return to the matter in hand.

### **The Solution to the Dispute**

The princes were now tired of perpetual conflict and they decided to call upon the quarrelling kings to make peace. Since indeed the principal obstacle to this was the lord pope, and as the party of Otto was now greatly weakened, it was therefore decided that envoys should be sent to Rome who would restore Philip to the grace of the lord pope. Thus [two] noble and influential men were sent, Wolfger, Patriarch of Aquileia, and Gebhard, Burgrave of Magdeburg, along with various *ministeriales* of King Philip. <sup>35</sup> After being joined by certain learned men from Cremona, <sup>36</sup> they came

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<sup>34</sup> Cf. *Exodus*, iii.22, xii.35-6. The activities of Martin of Pairis were also mentioned by the chronicle of Otto of St. Blasien (ed. A. Hofmeister, MGH SRG, Hanover 1912), p. 81, and see especially *The Capture of Constantinople: The "Hystoria Constantinopolitana" of Gunther of Pairis*, trans. Alfred J. Andrea (Philadelphia 1997).

<sup>35</sup> Wolfger, Patriarch of Aquileia 1204-18, and Gebhard of Querfurt, Burgrave of Magdeburg, who was the brother-in-law of Albrecht of Käfernburg, Archbishop of Magdeburg 1205-32. See *Regestum Innocentii III Papae super Negotio Romani Imperii*, ed. F. Kempf (Rome 1947), pp. 330-2 no. 140 [Documents illustrating the German Civil War, document (j)], which suggests that this embassy was actually from Philip himself.

<sup>36</sup> These would have been men legal experts: Cremona was a city traditionally allied to the Staufen.

to the Roman court, where the pope was requested by a number of people to allow King Philip to rule. To further this, so we have been informed by truthful men, the pope was promised that the king's daughter would be given as wife to the son of his brother Richard, who had recently through the pope's influence been made a count. Nor did the pope decide to claim once again the lands in Tuscany, Spoleto and the march of Ancona which his predecessors had been accustomed many times to claim from the emperors, for he hoped that through this marriage these lands might come into the power of his nephew.

Legates were therefore sent into Germany from the Apostolic See, with the intention of restoring peace: these were Ugolino, the lord bishop of Ostia and Velletri, and the lord Leo, cardinal deacon of S. Croce in Jerusalem.<sup>37</sup> The aforesaid patriarch came in advance to King Philip, announcing their arrival. The king sent to meet them, and had them brought to him. They met the king at Speyer, where they held talks. Philip then summoned a council of the princes at Nordhausen, on the border between Thuringia and Saxony, to where he brought the legates. He himself arrived there accompanied by the princes, while Otto was nearby in a certain castle.<sup>38</sup> The legates and the patriarch, along with some of the other princes, went back and forth, seeking to negotiate a peace between the kings, but an agreement could not be secured there, and so they went into Saxony: the king was received at Quedlinburg, and Otto stayed nearby in a castle. There finally the text of a treaty was drawn up, in which it was agreed – among other things – and also later put into effect, that Otto should receive Philip's daughter as his wife, although since he was related to her in the fourth degree of consanguinity, a dispensation from the Apostolic See was required for the sake of peace. The legates then returned to Rome.

In the following year King Philip decided to come to Saxony with an army to fight certain men who still remained in rebellion against him. He came therefore to Bamberg. The wicked Count palatine Otto of Wittelsbach also arrived there. There [too] the king was having blood taken from the veins of both arms, and many of his men were also being bled. The wicked Otto then entered the palace, accompanied by

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<sup>37</sup> Ugolino, cardinal bishop of Ostia 1206-27, who was Pope Innocent's cousin (subsequently pope as Gregory IX) and Leo Brancaloneone, cardinal priest of S. Croce 1202-24.

<sup>38</sup> Harlingsburg, near Goslar, according to the fuller account of these negotiations by Arnold of Lübeck, *Chronica Slavorum*, ed. J.M. Lappenburg (MGH SRG, Hanover 1868), VII.6, p. 263.

the knights of Bishop Ekbert and of Henry, margrave of Andechs, the bishop's brother.<sup>39</sup> This evil man went to the antechamber in which the king was resting, and knocked [on the door] seeking admission. Suspecting no danger, the king ordered that he be let in. When Otto realised that there was nobody in the chamber apart from the king, the chancellor and the steward Henry of Walburg, he went back and opened the door of the chamber, taking a sword from a sergeant, with which he aimed a stroke at the king's neck, but when the steward cried out he was terrified and almost missed his target. He only inflicted a small wound on the king's neck, but he cut a vital vein. And when the aforesaid steward tried to prevent him escaping through the door, he wounded him on the cheek with his sword. The steward carried this honourable scar for the rest of his life. General commotion broke out, but the king died a little while later. That wicked man fled to the aforesaid bishop and the margrave, who thus became accessories to this murder. The king was killed on 22<sup>nd</sup> June, and the only reason for this was that he had previously betrothed one of his daughters to this evil man, but after Otto had treacherously murdered a certain freeman who was a *familiaris* of the duke of Bavaria, and was accused of this treacherous act in the presence of the princes, the king then refused to give him his daughter.

After a brief space of time had elapsed, while Otto was ruling, that criminal was gloriously slain by Henry of Kalden, the marshal, in revenge for his lord, at a grange not far from Regensburg.<sup>40</sup> Later, when the Emperor Frederick II had taken the throne, he was reluctant to leave the body of his uncle buried at Bamberg, and so on the advice of Henry of Scharfenberg, Bishop of Speyer and chancellor of the imperial court,<sup>41</sup> he had him exhumed and brought to Speyer, to be buried with his ancestors. To commemorate this great king he granted the church of Esslingen and its appurtenances to the canons of the church of Speyer for the augmentation of their prebends.<sup>42</sup>

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<sup>39</sup> Ekbert, Bishop of Bamberg 1203-37 and his brother Henry, Margrave of Istria (d. 1227), younger sons of Duke Berthold V of Merania.

<sup>40</sup> In February 1209. The 'Deeds of the Bishops of Halberstadt' adds a macabre touch, that Henry threw the severed head of his enemy into the Danube, *Gesta Episcoporum Halberstadensium*, MGH SS xxiii.122.

<sup>41</sup> *Recte* Conrad of Scharfenburg, Bishop of Speyer 1200-24. Burchard consistently misnames him as Henry.

<sup>42</sup> On 30<sup>th</sup> December 1213.

The Romans, and particularly those who are from the Curia, are unwilling to record this Philip in the list of the emperors, rather they describe him as ‘duke of Swabia’, although it can be seen from what has been said above that he would have reigned most effectively, as others of his family had, if death had not intervened. Philip was gentle of spirit, mild at heart, affable of speech, kindly towards men, quite generous and sensible, weak indeed of body but manly enough, insofar as he could rely on his own strength, handsome and graceful of face, golden-haired, of medium height and rather thin than stout.

Since he lacked the money to provide his knights with wages or pay [*salaria sive solda*], he first began to alienate the estates that his father the Emperor Frederick had acquired throughout Swabia, by pledging villages, country estates or the churches that lay next to them to this or that baron or *ministerialis*. And so it happened that nothing was left to him except for the empty name of lord of the land, and the cities and villages in which fairs were held, and a few castles in that region.

Around that time this same Philip mortgaged the church of Ursperg as a pledge to the nobleman Berthold of Neuffen and his son Henry.<sup>43</sup> The then provost and the brothers subsequently freed it from the power of these same tyrants, since they had started to exercise such a tyranny there that the conventual church would never have been able to survive it. They paid two hundred marks of silver for its freedom. This practice of pledging and [then] redeeming churches, and especially those of the Cistercian and Praemonstratensian orders, had hitherto been unknown, and was quite contrary to the freedoms enshrined in their privileges, since it is clear that previous emperors never claimed such a right for themselves over churches of the aforesaid orders. The reason for this occurrence is said to have been, and is described as follows. When the provost Grimo ruled over the church of Ursperg during the reigns of King Conrad and of his nephew the Emperor Frederick who succeeded him,<sup>44</sup> these same emperors never presumed to claim for themselves any right over it, apart from what pertained to the lordship over all the land, that they took it under their

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<sup>43</sup> Berthold witnessed a privilege of King Philip to the abbey of Weingarten at Mainz in August 1198, *Wurtembergische Urkundenbuch*, ii.327-9 no. 508, and along with his son Henry (see below) supported Frederick II after 1212, *Die Urkunden Friedrichs II*. ii. 1212-17, 54-6 no. 194, 61-3 no. 198 (both March 1213), 385-8 no. 365 (March 1216). For him and his family, see Bernd Schütte, *König Philip von Schwaben. Itinerar, Urkundenvergabe, Hof* (MGH Schriften 51, Hanover 2000), pp. 431-2.

<sup>44</sup> Grimo, the second provost of Ursperg, 1132-74, who died on 2<sup>nd</sup> March 1174.

protection, protected it with their privileges and faithfully defended it. It happened, however, that after Grimo's death the brothers of Ursberg chose for themselves as rector one of his brothers, a man of no intelligence or worth, and also of such faltering speech that it was extremely difficult to understand what he said.<sup>45</sup> And when such a prelate appeared before the Emperor Frederick of distinguished memory, he and his court held him in contempt, and he entrusted him to the hateful attention of his nobleman Degenhard of Hellenstein, his procurator for all the royal estates in Swabia, ordering him to go in person to the church of Ursberg, and with the consent of the brothers to levy a yearly due on its lands outside the cloister<sup>46</sup> and its granges, which was to be paid to him for his advocacy and defence, namely so that every holding on the country estates would pay one measure of oats, to enable his officials to have forage for their horses from this, and the church would be otherwise unaffected and exempt from all [other] imperial levies. Thus the opportunity was born, for while the aforesaid tyrants of Neuffen gave an appearance of seeking [only] this little levy from the emperors, [in fact] they made this church completely subject to themselves and tried to destroy it. However, the Lord God, 'to whom vengeance belongeth',<sup>47</sup> exercised his vengeance on the main author of this wickedness, namely the aforesaid Philip, so that he who had first granted churches into the power of tyrants then himself fell to the sword of a tyrant.

### **The Years of Philip**

In the year of the Lord 1198, in the 1953<sup>rd</sup> year from the foundation of the City, Philip, the 93<sup>th</sup> in line from Augustus, received the kingdom. He ruled for ten years, suffering from many conflicts and the treachery of many men. In that same year Otto and his men fled over the Moselle, and moreover he did not obtain the seat of the kingdom.<sup>48</sup>

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<sup>45</sup> Provost Walter, 1174-9.

<sup>46</sup> *extra abbatiam*, this probably means on those lands not directly cultivated for the needs of the canons themselves.

<sup>47</sup> *Psalm*, xciii.1 (Vulgate), xciv.1 (AV).

<sup>48</sup> Aachen, where the coronation was traditionally held.

In that same year Pope Celestine died in the month of February, and Innocent III, who was previously called Lothar, received the papacy. He sat for eighteen years, four months and ... days.

In the year of the Lord 1200 Philip ravaged Alsace and attacked various fortresses.

In the year of the Lord 1201 Philip besieged and took Strassburg into his power.

In the year of the Lord 1202 I received the priesthood from the venerable Diethalm, Bishop of Konstanz.

In the year 1203 Philip ravaged Thuringia and received the surrender of the landgrave.

In the year of the Lord 1204 ...

In the year of the Lord 1205 Philip came with his army to the vicinity of Cologne, where he gained quite a number of supporters, and he received the crown at Aachen from Archbishop Adolf.<sup>49</sup>

At this period Bishop Conrad of Würzburg, chancellor of the imperial court, who had been translated to that see from Hildesheim, was slain by the swords of the wicked, namely certain *ministeriales* from a castle near Würzburg which was called Ravensburg.<sup>50</sup> This was, however, later destroyed by the citizens of Würzburg, and these evil men were expelled from the land. The Bishop of Eichstätt succeeded him in the office of chancellor. He was the brother of the count of Dollnstein, but in only a

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<sup>49</sup> See note 28 above.

<sup>50</sup> Actually on 3<sup>rd</sup> December 1202: the most detailed account of the murder, and the dispute which gave rise to it, comes in the Lauterberg Chronicle.

little while he was driven from that office, which was then granted to the Bishop of Regensburg.<sup>51</sup>

In that same year I entered the religious life.

In the year of the Lord 1206 the legates came to Germany.

Around this time Constantinople was captured.

In the year of the Lord 1207 I came into the Praemonstratensian order.

In the year 1208 there was an eclipse of the sun in the month of February, in the ninth hour of the day. In that same year Philip was murdered in Bamberg in the month of June.

### **The Years of Otto**

In the year of the Lord 1209, in the 1963<sup>rd</sup> year from the foundation of the City, Otto, the fourth of this name and the 94<sup>th</sup> in line from Augustus, who was descended from most noble stock, both on the side of his father, from Swabia and Saxony, and on that of his mother from England, received the kingdom. He reigned for four years and was driven from his throne, something which is believed to have happened above all because of his pride.

First of all he came to Frankfurt, where he received the consent of the princes. The aforesaid legates Ugolino and Leo came to him.

At this time Bishop Siegfried of Augsburg overthrew the walls of a castle at Schwabeck and destroyed that castle, because of the outrages which the townsmen had been accustomed to perpetrate on the properties of his church at Schwabmünchen

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<sup>51</sup> Hartwig, brother of Count Gebhardt III of Dollnstein, was bishop of Eichstätt 1196-1223, but was only attested as chancellor in March and April 1203, *Regesta Imperii*, V(1), nos. 101-2.. Conrad (IV) of Teisbach, Bishop of Regensburg 1204-26, was first recorded as chancellor in January 1205.

and elsewhere. Afterwards he always feared the emperor, even though he loved his true lords more, for he was born of the *ministerialis* Philip of Rechberg.<sup>52</sup>

Henry of Scharfenberg, Bishop of Speyer, who had been the protonotary at Philip's court,<sup>53</sup> was holding in his power at the castle of Trifels the crown, cross and royal regalia, which he refused to give up unless he was appointed chancellor of the imperial court, which indeed he was, and he remained in that office until the end of his life. He also later held two bishoprics, Metz and Speyer.<sup>54</sup>

Otto was afraid that the *ministeriales* who had belonged to Philip would not be easy to make subject to his rule, but would return to their native lords, and so he took as his wife the daughter of Philip, as she was the lady of all those things which belonged to that family.<sup>55</sup> He then left the Rhineland and travelled into Swabia. He began to strike terror into robbers and criminals and exercised judgement over them, although his anger against them was kindled rather by pride than love of justice, as a result of which, and also against the custom of the people, he dishonoured the counts, barons and princes coming to him by deeds and words.<sup>56</sup> He wanted to obtain the fiefs which Philip had held from the ecclesiastical princes, even against their will, and he began to oppress both them and their churches, while pretending zeal for justice, when he was rather acting out of pride. He was in consequence praised by the poor, and monks and clergy, as the defender of justice, but God looked into his heart and saw otherwise; for he had his servants from Saxony and England, both clerical and lay, on whom he tried to confer all the benefices that happened to be vacant. It had

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<sup>52</sup> Siegfried (III) of Rechberg, Bishop of Augsburg 1208-27. He died on 23<sup>rd</sup> August 1227, in southern Italy while on his way to the Holy Land to take part in Frederick II's Crusade. The Rechberg family were Staufen *ministeriales*, first attested when Ulrich of Rechberg witnessed a privilege of Frederick Barbarossa, among the officials of his court, for the Praemonstratensian abbey of Roth, on 22<sup>nd</sup> January 1179, *Urkunden Friedrichs I*, iii.325-6 no. 772.

<sup>53</sup> Actually Conrad: see above note 41. He was protonotary (the principal notary) from June 1198 until March 1200, ceasing to be so after his election as bishop. However, he remained one of Philip's principal supporters, witnessing some 40 of his charters, Schütte, *König Philip von Schwaben*, pp. 507-12. He was also one of the bishops responsible for persuading Archbishop Adolf of Cologne to change over to Philip's side in 1204, *Chronica Regia Coloniensis*, p. 218. He was unusual for a German prelate in coming from a family of *ministeriales*.

<sup>54</sup> He was appointed Bishop of Metz in October 1212, having by then joined Frederick II, Hucker, *Kaiser Otto IV*, pp. 415-16.

<sup>55</sup> Otto's betrothal to Beatrice, eldest daughter of Philip took place in November 1208, although they were not married until 1212, *Chronica Regia Coloniensis*, pp. 183-4, 189.

<sup>56</sup> Otto had proclaimed a general *Landfried* immediately after the general acceptance of his kingship at Frankfurt, *Cronaca Reinhardsbrennensis*, MGH SS xxx(1).576; Hucker, *Kaiser Otto IV*, pp. 105-10.

been the custom of the princes to confer benefices and churches promptly and cheerfully to the first who sought them, which he was never willing to do.

And when he had come to Augsburg in that same year at Christmas, many princes and knights flocked to his court [there]. The emperor ordered the marshal of Kalden and his knights to pursue malefactors and bring them to him for judgement, as a result of which many knights fled in the night. The count of Graisbach was violently dragged into the emperor's presence, and the mantle which he was wearing was shamefully torn in pieces, as a result of which fear of the king fell upon all the barons and knights.<sup>57</sup> There were indeed customarily many plunderers in Germany. Otto gained a great deal of support from ordinary people and monks.

He then marched onwards, passing through the lands and consolidating his power over them, and he mustered an army with the intention of going to Rome to be crowned. The emperor set out and travelled there during the spring and summer of that year, and was crowned by Pope Innocent III around the feast of St. Michael.<sup>58</sup> Although the army of the emperor remained outside the City, some of the knights and other reckless people decided to come in there so that they could watch, and with them was the lord Siegfried, Bishop of Augsburg. The citizens rose up against them, although what the reason for this was I do not know, and some noble *ministeriales* from the diocese of Augsburg were slain, and many others wounded. One wounded *ministerialis*, Henry of Bobingen, indeed returned home, but finished his life soon afterwards, and he granted some lands at a place called Egge to our church.

After his coronation the emperor disbanded his army, and remained in Italy with only a few men, taking that land under his power. He left the imperial regalia at Milan, from which he gained great favour with the Milanese.<sup>59</sup> Then, travelling through Tuscany and the March contrary to the oath which he had sworn to the lord

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<sup>57</sup> Cf. *Judith*, 2:18: 'and fear of him fell upon all'. The count was probably Berthold (I), Count of Lechsgemünd-Graisbach (d. 1253), or possibly his uncle Count Henry (III), although the latter, who died in 1214, was quite elderly.

<sup>58</sup> The feast of St. Michael falls on 29<sup>th</sup> September; Otto received his imperial coronation on 4<sup>th</sup> October.

<sup>59</sup> Otto entered Milan on Easter Saturday 17<sup>th</sup> April 1210, *Annales Mediolanenses Breves*, MGH SS xviii.391, although he only stayed there six days before going on to Pavia, *Regesta Imperii* V(1), nos. 734-41.

pope, he launched an invasion of the Lands of St. Peter which belong to the Roman Church. Furthermore, he absolutely refused to respect the oaths that he had sworn to make peace with King Philip of France and King Frederick of Sicily, nor did he obey the orders of the lord pope that the Church should not be disturbed; rather he entered Apulia with his army and brought many towns which belonged to the king of Sicily into his power. He captured the principality of Capua, along with the palace of that city, and dwelt there. And after he had been frequently warned by the lord pope to refrain from these actions, he was finally deemed to be contumacious and in rebellion, and he was excommunicated by the pope and everywhere denounced.

In the year of the Lord 1210 Otto's excommunication was announced.<sup>60</sup>

The princes of Germany, namely the king of Bohemia, the duke of Austria, the duke of Bavaria, the landgrave of Thuringia and a number of others then met and elected King Frederick of Sicily, to whom they had once sworn fealty when he was still in his cradle, to be crowned as emperor. They therefore sent out messengers to announce his election, both in the city of Rome and to the aforesaid King Frederick of Sicily [himself], and to bring him to Germany. This embassy comprised the nobleman Henry of Neuffen and Anselm of Justingen, a freeman.<sup>61</sup> They were promised for the expenses of their journey that they would be paid 1500 marks from imperial revenues. After they had travelled together as far as Verona, Henry remained there, that he might acquire the support of the Lombards, and particularly that of the people of Verona, for the aforesaid king.<sup>62</sup> Anselm travelled on to Rome, with great difficulty and amid many dangers, and there with the advice and assistance of the lord Pope Innocent he succeeded in getting the citizens and people of Rome to acclaim Frederick as emperor. The pope also confirmed his election. Anselm then travelled on

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<sup>60</sup> 18<sup>th</sup> October 1210.

<sup>61</sup> *Vir ingenuus*: this might also mean simply 'nobleman', but its use in contrast to the adjective *nobilis* applied to Henry suggests 'freeman' is the more appropriate translation. And on 1<sup>st</sup> July 1207 Werner, Bishop-elect of Konstanz confirmed a donation by Anselm of Justingen, *liber homo*, and his mother Matilda to the abbey of Ursberg, *Wurtembergische Urkundenbuch*, ii.363-4 no. 537. This may imply that Anselm was a *ministerialis* who had been formally manumitted., especially since he later became 'marshal of the imperial court', a position previously held by *ministeriales*; see *Die Urkunden Friedrichs II.* ii. 1212-17, 174-8 nos. 256-7 (November 1214), 468-70 no. 409 (April 1217), *Wurtembergische Urkundenbuch*, iii.47 no. 591 (June 1216). Anselm was a frequent witness to Frederick II's charters after 1212.

<sup>62</sup> Henry was subsequently a regular witness to Frederick II's charters, sometimes along with his father Berthold (for whom see above note 42), including for example an important privilege for the Teutonic Knights in June 1217, *Die Urkunden Friedrichs II.* ii. 1212-17, 478-80 no. 415.

and met King Frederick, and with difficulty obtained his agreement that he would go to Germany. For the latter's wife, the daughter of the king of Aragon, who had previously been the wife of the king of Hungary tried very hard to restrain him,<sup>63</sup> as did many of the powerful men of Sicily, fearing that danger would befall him because of the untrustworthiness of the Germans. But since he already had a little son by his wife, namely Henry, who afterwards became king, he left his wife, son and land, and bravely began his journey to acquire the empire.<sup>64</sup> First he came to Rome, where he received the favour and advice of the lord pope, and he then went to Genoa. The citizens of that city took steps to ensure that he could continue his journey safely, for they feared an attack by the people of Milan, and they escorted him as far as Pavia.<sup>65</sup> The men of Pavia and Cremona then joined together to bring him to the valley of Trent.

In the year 1211 Otto gained some of the cities of Apulia, and came to Capua where he spent the winter.

It was at this time that we came to the Roman Curia, where we saw a religious man, the abbot of Morimond, who claimed that between the feast of St. Michael and Lent he had gone five times from Rome to Capua on the orders of the pope, that he might negotiate a peace between pope and emperor. However, he was unable to persuade the Emperor Otto in any way, for the latter wished both to drive the aforesaid King Frederick of Sicily from his land and to take revenge upon King Philip of France, because the latter had conquered the lands of his maternal uncle the king of England, namely Normandy and various other territories, and had dared to insult him [too]. To avoid disturbance to the Church and Christian people, the pope was indeed willing to put up with all the harm which the emperor had inflicted or would bring to the lands of the Roman Church. But when the emperor refused to agree to this attempt at a solution, the lord pope, a courageous man who trusted in God, decided to embark

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<sup>63</sup> Constance was the daughter of King Alfonso II of Aragon (d. 1196). Her first husband, King Emeric of Hungary had died in 1204. She married Frederick II in August 1209.

<sup>64</sup> This passage must therefore have been written after Henry's coronation as king of Germany in May 1222.

<sup>65</sup> Subsequently, in December 1212, Frederick made a grant of property in Sicily to Guglielmo di Marino, one of the Genoese who had assisted him on his journey, *Die Urkunden Friedrichs II.* ii. 1212-17, 26-8 no. 183 (December 1212).

simultaneously upon three difficult endeavours, which we shall describe in what follows.

In the year of the Lord 1212, the pope laboured over the deposition of the Emperor Otto, which was a difficult matter. Secondly, he sent letters throughout Christendom in aid of the Holy Land, an example of which we append below. Thirdly, he despatched letters throughout the world to summon a general council. We also provide an example of these.

*[Burchard then gave the texts of Innocent's Crusading bull, 'Quia Maior', of 1213, and of a letter to the prelates of Germany, dated 19<sup>th</sup> April 1213, announcing the council, to meet in November 1215, noting that similar letters were sent to kings and princes.]*

In the aforesaid year, namely 1212, the Emperor Otto went back to Germany, mustered an army and waged war throughout the spring and summer against the landgrave of Thuringia and other rebels.<sup>66</sup> Meanwhile, since he was unable to reach Germany by the direct route, Frederick, the emperor-elect, made his way from the Trent valley through the difficult terrain of the Alps, avoiding the impassable heights of the mountains, until he reached Chur, where he was received by the Bishop of Chur, the abbot of Sankt Gallen and a nobleman, Henry of Sax, who escorted him to the city of Konstanz.<sup>67</sup> Meanwhile, hearing news of his arrival, the Emperor Otto came from Thuringia, with the intention of capturing or killing his adversary. He stationed himself in the town of Uberlingen, but many of his men deserted and he was [thus] unable to meet Frederick in battle. As a result, with the assistance of the count of Kyburg and others, to whom he generously distributed and pledged imperial lands and others he had inherited from his father, Frederick travelled on to Basel where Henry of Veringen, Bishop of Strassburg, met him with 500 knights.<sup>68</sup> Then, with the

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<sup>66</sup> Otto was at Como, still south of the Alps, on 22<sup>nd</sup> February, *Regesta Imperii*, V(i). no. 469, but held a court at Frankfurt on Palm Sunday, 18<sup>th</sup> March, *Chronica Regia Coloniensis*, p. 232.

<sup>67</sup> Arnold II, Bishop of Chur 1209-21; Ulrich, Abbot of Sankt Gallen 1204-20. Henry of Sax was the latter's brother. The most likely route Frederick took was through the Valtellina valley and across the Splügen Pass, although he might have taken a more northerly route through the Engadine.

<sup>68</sup> Frederick was at Basel on 26<sup>th</sup> September 1212, where he issued several privileges, including the confirmation of the King of Bohemia's right to royal status, *Die Urkunden Friedrichs II.* ii. 1212-17, nos. 171-3. Ulrich III, Count of Kyburg (near Zurich) 1180-1227, had taken part in the 1189-90 Crusade, and was a frequent witness of Frederick's charters in the years immediately after 1212.

help of these men and others, he went down into the Rhineland, where he took the lands and cities into his power, with the exception of a handful of castles. <sup>69</sup> Otto nevertheless did his best to resist him, and travelling down the other bank of the Rhine he came to the fortified town (*castrum*) of Breisach, which remained in his power. But while he dwelt there the citizens of this town became upset, for what reason I do not know, and as the rumour of what was going on spread they were emboldened, and rose up in revolt against him and his men. Some of the latter were killed, and others wounded. Otto was forced to flee and barely escaped from them. As news of this spread, he returned to Saxony, not without considerable difficulty, and so was driven from the kingdom. Frederick was crowned at Aachen. <sup>70</sup>

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<sup>69</sup> Frederick was at Hagenau in Alsace on 5<sup>th</sup> October, Toul on 19<sup>th</sup> November, then at Worms from 21<sup>st</sup> November to 3<sup>rd</sup> December, and at Mainz 9-11<sup>th</sup> December. At some point in December he was also at Speyer, although whether this was before or after his visit to Mainz is not clear, *Die Urkunden Friedrichs II.* ii. 1212-17, nos. 174-183. While he was at Speyer he was accompanied by all three Rhineland archbishops, the Dukes of Bavaria, Lotharingia and Zähringen, and the Landgrave of Thuringia.

<sup>70</sup> Frederick was actually crowned at Mainz on 9<sup>th</sup> December 1212; his coronation at Aachen took place on 25<sup>th</sup> July 1215. Burchard has conflated these two ceremonies.