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HENRY THE LION.







TOMB OF HENRY THE LION AND HIS WIFE MATILDA IN THE  
CATHEDRAL OF ST. BLASIUS AT BRUNSWICK

# HENRY THE LION

THE LOTHIAN HISTORICAL ESSAY

FOR 1912.

BY

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## CONTENTS.

INTRODUCTION . . . . .	1
CHAPTER I . . . . .	5
Henry's minority and the struggle for Saxony—The Crusade against the Slavs—Struggle for Bavaria—Election of Frederick Barbarossa—First Italian Campaign—Final Settlement of the Bavarian Duchy.	
CHAPTER II . . . . .	33
Henry's interference in the Danish Civil War—Trade Enterprise—Second Italian Campaign—Campaigns against the Slavs—The Rebellion of the Princes—Henry's Pilgrimage to the Holy Land.	
CHAPTER III . . . . .	59
Quarrel between Henry and the Emperor—The Meeting at the Chiavenna—Other causes of the quarrel—Proceedings against the Duke.	
CHAPTER IV . . . . .	82
War between Frederick and Henry—Henry's exile—Last attempt of Henry to regain his lost power—The closing years and death of Henry the Lion.	
APPENDIX I . . . . .	103
"    II . . . . .	104
"    III . . . . .	105
INDEX . . . . .	107





# HENRY THE LION.

THE twelfth century, a turning point in German history,\* is one of the most interesting and eventful epochs of the Middle Ages. It is a period of great territorial expansion, municipal growth, and trading enterprise. The country of the Slavs was for the first time really subdued, germanised, and converted to Christianity. Towns were founded in the newly acquired land, which, like Lübeck, soon became prosperous commercial centres, while bishoprics were established to carry out the Church organisation.† All these developments centre round the career of Henry the Lion. He was the principal actor and the chief gainer. He was by far the most important man of his time and was recognised as such not only in Germany but throughout the civilised world; the contemporary chronicler, Helmold,‡ speaks of him as “prince of the princes of the land” and even the foreign historian Gilbert of Mons§ calls him the “most powerful of all dukes.”

His importance cannot be better stated than in the words of Bishop Stubbs,|| “Henry the Lion is one of the most interesting characters in mediæval

\* Güterbock, *Der Prozess Heinrichs des Löwen*, p. 1, emphasises the effect of Henry's fall on subsequent German History.

† Cp. Helmold, *Chronica Slavorum* ii, 110, ed. Schneidler (1909).

‡ *Ibid* ii, 102, “factus est princeps principum terrae.”

§ Gilbert of Mons, *M.G.SS.* xxi, 506 “prepotentissimus omnium ducum.”

|| Stubbs, *Preface to Hoveden* ii (Rolls Series), p. lxxxviii.

## Henry the Lion.

history ; and in the period before us is second in importance to Frederick alone. He was heir of the imperial duchies of Bavaria and Saxony, which had been held by his father, and from his mother he inherited, with the vast estates of the Billung dukes and the counts of Nordheim and Brunswick, the right or claim as the representative of Saxon nationality to the affection and obedience of the whole of the people of Lower Saxony. He had family claims as descended from Azzo and Cunegunda to the domains of the house of Este in Lombardy, and by expectancy, from his uncle Welf of Tuscany, to the allodial estates of the great countess Matilda."

Though he was the contemporary of the most brilliant emperor of the Middle Ages, his influence was in no way eclipsed. In fact Frederick Barbarossa was obliged to make unparalleled concessions to secure his friendship, without which he was powerless to carry out his Italian projects. Indeed, had Henry supported him on his last expedition against the Lombards, it is more than probable that Legnano would have resulted in an imperial victory. Moreover, his name was so feared in Italy that Frederick had no doubt that if Henry took the field in person, even without all the levies he could summon to his standard, success would be insured. Henry's action in deserting the Emperor at a critical moment raised again the old feud between Welf and Hohenstaufen which had been dormant since the acute outbreak between Henry's father and Conrad III and which, after the former's death, had disturbed the years of his own minority. The consequence was the fall of the Lion in 1180. A territorial revolution followed which had a lasting effect in Germany. It was the

beginning of the displacement of the old ducal families by the smaller nobility which had been gradually gathering strength.

If the permanent results of Henry's career are brought into consideration, it is impossible to over-rate its importance. The subject, however, is a complex one; it can be divided into two main divisions: Henry's policy with regard to the Slavs and with regard to imperial affairs. But in his restless activity Henry moved rapidly from one sphere of action to the other: now he was making war on the Slavs, now he was attending an imperial diet. Thus his two fields of energy are so inextricably bound together that they must often of necessity be treated in connexion with one another.

The original authorities for the period are both good and numerous, it is here necessary to make mention only of the most prominent. For Henry's achievements in the North—his work among the Slavs, his relations with the Danish Kingdom—the “*Chronica Slavorum*” of Helmold\* (-1172) continued by Arnold of Lübeck† (-1209) are invaluable. They illustrate how great an impression the work of Henry the Lion made on contemporaries and they are particularly well-informed. The account of the chronicles is supplemented from other annalistic sources, notably the “*Annales Palidenses*”‡ written to the year 1182 at the monastery of Pöhlde in the Harz, the “*Annales Stederburgenses*”§ ending

\* Helmold died in the year 1177.

† Arnold of Lübeck died 1212. *Chronica Slavorum* ed. Lappenberg (1868).

‡ *Monumenta Germaniæ Historica, Scriptorum* xvi, pp. 80-96. The original MS. is in the Bodleian Library. Laud. 633.

§ *M.G.SS.* xvi, pp. 204-231.

with the Duke's death in 1195 and the "Annales Pegavienses"\* which are exceedingly good for the years of Henry's fall (1176-1181). Much useful information on the Duke's relations with Denmark is derived from the Seeland historian, Saxo Grammaticus.† For the history of Bavaria in the twelfth century the work of Otto of Freising‡ and the continuation by Otto of S. Blasius are the main authorities. One other source requires particular mention, the invaluable letters of Abbot Wibald of Corvey.§ The abbot, a political figure of no small importance, was a respected adviser both of the Emperor and Henry. His letters for the years 1146-1157 dealing with a wide range of subjects are of an historical interest scarcely possible to over-estimate. With so rich a supply of primary authorities,|| we are enabled to sketch with some measure of certainty and detail the biography of Henry the Lion.

\* M.G.SS. xvi, pp. 257-270.

† Saxo Grammaticus, *Gesta Danorum* M.G.SS. xxix, pp. 43-161. See also Wattenbach, *Deutschlands Geschichtsquellen* ii, 314.

‡ *Chronicon*—1146 ed. Wilmans (1867) with the continuation. *Gesta Frederici I*—1156 ed. Waitz (1884).

§ *Bibliotheca Rerum Germanicarum* I, ed. Jaffé (1864).

|| The documentary evidence is also very copious; especially useful is the collection "*Origines Gwelficae*," ed. Scheid. See also the list of authorities, App. III.

## I.

THE sudden death of Henry the Proud at Quedlinburg on 20th October, 1139, left the fortunes of the Welfic party in a very precarious position. On the accession of Conrad III the struggle between the two powerful houses—the Welfs and Hohenstaufen—had broken out with great violence. The ban of the Empire had been declared against Henry at the diet of Würzburg in July, 1138, and he had been deprived of his dukedoms. Saxony was granted to Albert the Bear, Bavaria to Leopold of the house of Babenberg, Margrave of Austria. Henry the Proud had succeeded in driving Albert from Saxony, and was preparing to recover Bavaria when he was prevented by his death, attributed by some to poison.\*

His son, Henry, was ten years old at this critical moment in the history of the Welfs. The guardianship of the boy's interests was entrusted to his mother, Gertrude, and his grandmother, Richenza, the widow of the Emperor Lothair; on their resources depended the success of the family cause. Of the young Henry's childhood practically nothing is known. He was born, probably at Ravensburg in Swabia, in January, 1129, and was baptised at Whitsuntide, 1135.† He is said to have received

\* Ann. Palidenses, M.G.SS. xvi, 80. duce . . . veneno extincto. cp. also *Annalista Saxo* M.G.SS. vi, 777 and *Chron. Montis Sereni* M.G.SS. xxiii, 145. Helmold, *Chronica Slavorum*, i, 56 makes no mention of poison and Otto of Freising attributes his death to disease. *Chronicon* vii, 25.

† Ann. Weingarten. M.G.SS. xvii, anno 1135.

his education from a monk of Hildesheim, though the authority for this is of doubtful credibility.\* From his subsequent acts, however, we may judge that his education was good both intellectually and physically.

None of the possessions of Henry the Proud could be secured without a struggle. Attempts were even made to wrest Saxony from the young Duke's guardians; but the Saxon princes remained staunch in their loyalty, which was soon put to the test by the action of Albert the Bear. He seized the opportunity to renew his attempt to occupy Saxony which Conrad had granted him. On All Saints' day he appeared at Bremen, put forward his claim at an assembly of princes and people, but met with no recognition. He was surrounded by enemies and barely escaped with his life.† This was the signal for a general outbreak. The Saxons now took the offensive, making plundering raids into Albert's country and capturing several of his strongholds. The Palsgrave of Saxony, Frederick,‡ and Conrad, Archbishop of Magdeburg conducted the operations on behalf of the young Duke. Conrad III in vain tried to put an end to the quarrel, but the Saxon chiefs refused to obey the imperial summons to diets held at Worms in February and at Frankfurt in April, 1140. The Emperor's attitude, moreover, was not conciliatory; he demanded unconditional surrender, and refused a safe conduct to the Saxon princes for the negotiations. The war was therefore pursued with energy. Albert was driven from his march and fled to the Emperor

\* Vita Meinwerici Patherbrunensis episcopi. M.G.SS. xi, p. 108.

† Ann. Palid., p. 80.

‡ Not *William* as Prutz says. Heinrich der Löwe, p. 26. See Ann. Palid., l.c.

for assistance. But Conrad's attention was directed to a rebellion in the south which threatened to be more dangerous. There Welf VI, Henry's uncle, had taken up the family cause and, according to the *Historia Welforum Weingartenis*,\* himself aspired to the dukedom of Bavaria; no friction, however, appears to have existed between the two branches of the house at this time, though doubtless he hoped to obtain a share of the family inheritance in the event of success. The real element of danger in the rebellion lay in the alliance Welf had formed with Conrad's most determined enemy, Roger of Sicily, whom Pope Celestine II had recently raised to the dignity of king. Roger's policy was to subsidise Welf to enable him to continue the war and thereby keep Conrad engaged in Germany, while he himself was consolidating his power in Sicily. Welf had made a successful campaign against Duke Leopold and the latter had applied to Conrad for help. The Emperor hastened to Swabia and besieged Weinsberg.† Its strong walls and the loyalty of its inhabitants made his efforts vain, and Welf brought an army to its relief. Conrad went out against him and gained a complete victory on the banks of the Necker;‡ Welf barely effected his escape; Weinsberg, despairing of relief, opened its

\* Hist. Welf. Weingarten. M.G.SS. xxi, 467. "Ipse enim Gwelfo præfatum ducatum jure hereditatis ad se spectare proclamans."

† According to a conjecture of Chr. v. Stälin (*Wirtembergische Geschichte* ii, 70) Welf claimed Weinsberg through his wife, the daughter of Palsgrave Gotfried of Calv, as an allodial possession. The Emperor on the other hand claimed that it was a fief which reverted to the Empire on the death of the Palsgrave.

‡ It has been thought that at this battle the party cries of "Welf" and "Weibling" were first used. Giesebrecht, *Geschichte der deutschen Kaiserzeit* iv, 190. It is condemned as unhistorical by Jaffé, "Konrad III" p. 35, n. 22.

gates on 21st December, 1140.\* Thus the opposition in the south was, for the moment at any rate, crushed. The victory had far reaching effects and made an impression throughout the Empire. At a diet summoned at Würzburg in 1141 many Saxon princes presented themselves, but they remained loyal to their young lord and nothing was concluded. The position of affairs, however, was changing. The Welfic cause suffered another severe blow by the death of the Empress Richenza on the 10th June. She had been the soul of the opposition and had, by her energy, succeeded in keeping together the different elements of which it was composed. Her daughter Gertrude, who had shared with her the office of Henry's guardian, was a woman of quite a different stamp. She had not, like Richenza, an inveterate hatred of the Hohenstaufen and she was largely actuated by personal animosities. In this way she had alienated several of the Saxon princes. Thus, for instance, she lost the support of one of her strongest adherents—Count Adolf of Schauenburg.† However, with Richenza's death, the greatest obstacle to a compromise was removed. The moment was favourable. In the south, after a period of intermittent warfare, Duke Leopold had

\* The legend of the women of Weinsberg who were granted their lives and what they could carry away with them is hardly worthy of belief. The story was that they carried away on their shoulders their husbands, who were threatened with death. The contemporary authorities, with the exception of the *Ann. Patherbrunensis*, know nothing of it. See Prutz, *excurs I*, p. 441f; Bernheim, *Historisches Taschenbuch*, 1884, p. 13 f. See account in *Ann. Patherbrun.* ed. Scheffer-Boichorst p. 168, also editor's *Beilage iv* p. 199f. He believes the story to be authentic. The Weinsberg women, according to the *Annals* "*descendebant viros humeris portantes.*"

† She confirmed Henry of Badewide in the possession of the province of Wagira, granted him by Albert the Bear, instead of restoring it to its original owner, Count Adolf. Helmold, *i*, 56, tells us the reason: she received a large sum of money and disliked Adolf.



died in October. Conrad granted the margravate of Austria to Henry Jasomirgott, the brother of the late duke, but kept the dukedom in his own hands, pending a decisive settlement. Preliminaries were drawn up, and a diet was summoned at Frankfurt in May to give effect to them. Henry received Saxony,\* Henry Jasomirgott Bavaria, while Albert the Bear was indemnified by the possession of the North March;† a general pardon was granted to all who had taken part in the rebellion, and the compromise was sealed by a marriage between Gertrude and the new duke of Bavaria, which immediately followed at Frankfurt amid festivities lasting fourteen days.

The settlement appeared more complete on the surface than in fact it was. Otto of Freising gives the truer interpretation of the results when he concludes his account of these events with the remark "*quae res in terra nostra maximae discordiae seminarium fuit.*"‡ It failed to satisfy any of those concerned; Welf VI refused to accept the alienation of Bavaria from his family and soon re-opened the struggle against the new duke. Frederick of Swabia was also dissatisfied; he grudged the favour shown to Henry Jasomirgott, and threw in his lot with the Welfs. He was soon reconciled, but was never again a trusted friend to Conrad and later he even appeared in alliance with

\* In a document dated 26 May, 1142, Archbishop Marculf of Mainz speaks of "*Domina Gertrudis totius Saxoniae ducissa cum filio suo duce Heinrico*" Jaffé, Konrad III, p. 44, n. 48.

† Albert the Bear appears in Conrad's documents 14 Sept. 1141 "*Albertus dux Saxoniae*" Bernhardt, *Jahrbücher des deutschen Reichs unter Konrad III*, p. 234, n. 26; on 20 Jan. 1142, he is mentioned as "*Marchio Saxoniae*" *ibid*, p. 235, n. 28. His renunciation of the dukedom must fall between these dates.

‡ *Chronicon*, vii, 26.

Conrad's most dangerous enemy, Roger of Sicily. Further it remained to be seen whether the young Duke of Saxony, when old enough to manage his own affairs, would be content with the portion of his father's possessions allotted to him. Finally, the peaceful designs of the Emperor received a fatal blow by the death of Gertrude. She died in childbed, when journeying to Bavaria to join her husband on 18th April, 1142.\*

Peace in Saxony however remained for a while undisturbed. Gertrude's influence there had considerably waned since her marriage, and her death made little difference in the political position. Her place as regent had been taken by Count Adolf of Schauenburg. He now recovered the province of Wagira from Henry of Badewide, who was compensated with lands elsewhere; † thus the tension, which had arisen between him and the Duke's party, was removed. Adolf principally confined his energies to the work of germanising the Slavonic lands beyond the Elbe. Together with the missionary priest, Vicelin, he made great steps towards the attainment of this end, and laid down the lines on which Henry the Lion later worked with so much success. Slavonia had suffered much during the civil war and was subjected to continual devastation and lawlessness. Now that peace was secured, Adolf threw himself into the work with renewed energy. He published throughout north Germany that colonists could receive from him good land in the territory of the Slavs. Immigrants poured in

\* Ann. Palid. p. 81. The date is given in the "Necrologium" of the monastery at which she died, Necrolog. Claustro-Neoburg, Pez, *Scriptores rerum Austriacarum* i, 493.

† This took place after Gertrude's death, probably in the year 1143, Bernhardt op. cit. 318 n. 17. Prutz p. 38 wrongly attributes it to the year 1142. See also Helmold, i, 56.

from the over-populated parts of Westphalia, Frisia, and Holland: the conditions of tenure were most favourable; the allotments were held in full possession, tribute was paid only to the count and the privilege of a separate jurisdiction was granted.\* The most important of Adolf's achievements was the foundation of Lübeck, accomplished about this time. Owing to its excellent harbour, it soon became the station through which all the trade between Scandinavia and southern Europe passed. He formed an alliance with Nielot, the prince of the neighbouring Slavonic tribe, the Obotrites, to secure the protection of his new town. Over and above its commercial advantages it became one of the centres for the work of conversion of the Slavs, to which aim Vicelin devoted his life with so large a measure of success.

Henry being now of age according to the mediæval custom (fourteen years old) began to take a personal part in the administration of his duchy. He first appears prominent in a dispute over the fief of Dithmarschen. On 15th March, 1144, Count Rudolf of Stade,† who held it, was murdered, leaving no heir. Adalbert, Archbishop of Bremen, had previously promised to give the possession to Henry the Lion in the event of the count dying childless, and the time had now come for the fulfilment of this compact. The count's brother, Hartwig, provost of the church of Bremen, however, prevailed on Adalbert to give him the fief on condition that he would leave it on his death to his church. A controversy ensued, and Conrad appointed mediators to meet at Ramesloe to decide the question. Duke

\* Helmold, i, 57.

† Ann. Stadenses, M.G.SS. xvi, 324.

## Henry the Lion.

Henry laid an ambush to seize the archbishop and Hartwig on their way to the meeting: the archbishop was captured and imprisoned for a time at Lüneburg; Hartwig escaped, but was pursued and taken. By lavish bribery he induced his captors to hand him over to Albert the Bear, one of the mediators, who gave him his liberty. As this attempt to settle the question had failed, Conrad held a diet in the next year at Magdeburg and decided in favour of Hartwig. By this action he disturbed the delicately balanced equilibrium which existed between him and the Duke of Saxony. It only required the slightest pretext to re-open the old quarrel and to throw Germany again into civil war.

An immediate outbreak, however, was prevented by startling events in a different quarter. The whole of Europe was filled with consternation by the news of the fall of Edessa in 1144 and the danger threatened thereby to Jerusalem. Pope Eugenius III entrusted to Bernard of Clairvaux the preaching of a crusade. Louis VII of France immediately took the cross, but Conrad hesitated long before he was ultimately won over by the eloquence of Bernard at Spiers, and received the cross on 27th December. The danger of leaving Germany at such a critical time was much lessened by the fact that many of the chief princes of the Empire accompanied Conrad to the east, among them Welf VI and Henry, Duke of Bavaria. In Saxony, also, the crusading spirit penetrated; but the princes obtained leave from the pope to direct their energies against the heathen Slavs.\* In this enterprise almost all the principal men, ecclesiastical and secular, in north

\* Otto of Freising, *Gesta Frederici* i, 40. The Saxon princes received all the privileges usually granted to crusaders; but they wore a cross surrounded by a circle as a sign of distinction.

Germany, were partakers; Duke Henry, Albert the Bear, and, from the south, Conrad of Zähringen joined the host. In the meanwhile, news of the intended crusading campaign had reached the Slavs, and Niçlot, the prince of the Obotrites, prepared to take the offensive. He applied to Count Adolf for help according to a mutual alliance which existed between them; Adolf, whose position was a very difficult one, adopted a neutral policy, but he knew that Niçlot could not be trusted in his promise to respect his possessions and newly-founded colonies. The Slavonic chief having established a fortress at Dobin,\* to the north-east of the lake of Schwerin, as a rendezvous, suddenly appeared on 25th June at the mouth of the Trave with his fleet. On the next day he sailed up to Lübeck. The citizens, who were celebrating the feast of SS. John and Paul, were too drunk to offer any resistance and were brutally massacred. The Slavs followed up their success, and over-ran the count's province of Wagira to the very walls of Segeburg, its chief stronghold, killing all who offered any resistance and carrying off the women and children into slavery.† The Holsteiners were spared—possibly the Slavs had made the inroad at their invitation, but Helmold says this with reserve.‡ Their success, however, was not entirely unchecked. The colonies of Eutin and Süssel made an effective stand against the invaders, and when Adolf prepared to take the field the Slavs withdrew with their booty.

In the meanwhile all preparations for the crusade had been completed and the Saxon princes assembled

\* See the article by Schmeidler in *Neues Archiv*, vol. xxxiv, 765 (1909) *Die Lage von Dobin*.

† Helmold i, 63.

‡ Helmold i, 63, "*Sermo fuit eo tempore omnium ore pertritus.*"

on 29th June\* with a vast army. After crossing the Elbe the army was divided ; part turned against the strong Demmin, while the remainder advanced into Pomerania against the town of Stettin.† At the same time a second army had been collected, whose movements have more direct bearing on our subject since it was under the command of Henry the Lion and his close ally Conrad of Zähringen. Niclot's new fortress, Dobin, was the object of attack. The Saxon host was reinforced by an army from Denmark which had suffered much from the inroads of the Slavs ; and, though it had been lacerated by civil war since the death of Eric II in 1137, the two claimants to the throne, Sweyn and Canute, had put aside their internal controversies to crush their common enemy. But the crusade was doomed to failure. Private interests interposed, and the aim that they set out to accomplish was neglected ; disputes arose over territory not yet won, while the Saxon and Danish chiefs entirely failed to maintain unity of action. On 31st July the Danes met with a serious defeat, and it was said the Germans received bribes to leave their Danish allies to their fate. When at last they succeeded in bringing Dobin to submission they granted very easy terms to the garrison ; it was in the interest of the princes to maintain a tributary population and therefore they abstained from anything in the nature of annihilation : hence to accept Christianity, to free the Danish prisoners, to cease from making devastating attacks across the border, were the only conditions imposed on the conquered Slavs. Even these, moreover, were not strictly adhered to.

\* Ann. Magdeburg, M.G.SS. xvi, 188, "eodem anno [1147] circa festum Sancti Petri."

† Helmold i, 65. Vincentius Pragensis, M.G.SS. xvii, 663.

They received Christianity only to renounce it as soon as they secured their liberty; of the Danish prisoners, only the old and infirm gained their freedom, while the more vigorous were retained as slaves.\* The enterprise, therefore, entirely failed in its avowed purpose. The princes had made the crusading badge the pretext for a war of personal profit, while united action for the definite end had been completely disregarded. In reality the campaign retarded rather than promoted the work of Adolf and Vicelin. The German colonists had to bear the brunt of the wide-spread devastation, and great famine ensued. It was with the greatest difficulty that they persuaded the settlers not to leave their new homes where they found it, under the circumstances, far from easy to maintain a livelihood.†

As soon as the crusade was at an end, the civil war in Denmark again broke out. Both claimants to the throne, Sweyn and Canute,‡ applied for help to Count Adolf, who decided to give his support to the latter. But his interference was mistimed. At the suggestion of Etheler, a Dithmarscher, who had been banished from his country by Duke Henry,§ Sweyn took the offensive and invaded Holstein. After burning Oldenburg and ravaging the land as far as Segeberg, Etheler induced the inhabitants to desert their count who was thereby forced to seek assistance from Duke Henry. The latter readily

\* Helmold i, 65.

† Ibid. i, 65.

‡ Eric before his death pronounced Sweyn as his successor, ordering at the same time the other two possible candidates, Canute and Waldemar, to be content with their hereditary possessions. Helmold i, 67.

§ Henry on his return from the Slav crusade made a campaign against the men of Dithmarschen to avenge the murder of their Count, Rudolf of Stade.

complied with his demand and ordered all who had received gifts from Etheler to renounce their allegiance to him or to leave the country. His command was promptly obeyed: the rebels returned to their loyalty, only a few of the most recalcitrant preferring to abandon their homes.\* It is a significant witness of the extent to which Henry's influence had already attained; though his rule was not yet marked by any great achievements, he had succeeded in impressing on his subjects the weight of his authority. Adolf, however, again involved himself in the Danish struggle, from which he extricated himself only by an unexpected stroke of luck. His old enemy, Etheler, once more brought him to the verge of ruin by his treachery, when Adolf with the remnant of his army, which had dispersed in a panic, found himself face to face with the Danish host on the banks of the Eider. In the cavalry engagement that ensued, Adolf had resort to the trick of hamstringing the enemies' horses and by this means gained a decisive victory. Etheler himself was among the slain. The count afterwards came to terms with Sweyn and agreed to the exile of Canute, his former protégé. It was, however, only a breathing space: in the next year, 1149, Canute returned and was completely defeated by Sweyn at Wiborg. After making continual vain attempts against the acknowledged king, he went to Saxony; here he met with a favourable reception from the Saxon Duke, with whom he remained for some time.†

In the meanwhile Henry had been strengthening his position; "from this time," says Helmold, "he began to exercise lordship over all the Slavs."‡

\* Helmold i, 67.

† Saxo Grammaticus M.G.SS. xxix, pp. 87, 88.

‡ Helmold i, 68.



With the crusade Henry had begun the policy of extending his territory eastwards, a policy which continued to be his chief interest throughout his life. Our chronicler complains of the mercenary tendency of Henry's work and the consequent neglect of the claims of the church. This may be true of the early campaigns and it may be said with some justice that Henry used the church as an instrument by which to obtain secular objects; but, in later life, we find him zealous to promote the work of conversion by generous donations and endowments. The neglect with which he is censured at this date probably arose from the appointment of his old enemy, Hartwig, to the see of Bremen on the death of Adalbert, on 25th August, 1148. The new archbishop was a man possessed of worldly ideas, greedy of material wealth and ambitious for hierarchical power. His aspirations first led him to make an attempt to regain for his see the suffragan bishoprics in Scandinavia, but, as neither the Pope nor the Emperor would accede to his request, he turned his attention to the east, to the three bishoprics of Slavonia, Oldenburg, Mecklenburg, and Ratzburg.\* Oldenburg was given to Vicelin as a reward for his thirty years of missionary work, and Mecklenburg to a fellow-worker, Emmehard; both received consecration at Horsefeld on 11th October, 1149.† These steps were taken without consultation either with Henry or with Adolf, and the tension which already existed between the Duke and

\* The bishopric of Oldenburg was founded by Otto I in 968. The see was divided into three parts, Oldenburg, Mecklenburg, and Ratzburg, by Adalbert, Archbishop of Hamburg (1052-4). Shortly afterwards the three sees became vacant and remained so for 84 years until they were re-established by Hartwig.

† Helmold i, 69.

Archbishop was increased. Their differences made successful advance impossible. Henry refused to give assistance to Vicelin until he should receive investiture from his hands, and justified his action on the ground that the land in which the bishoprics lay had been won by him and his ancestors. The bishop, who was entirely indifferent to worldly power, was prepared to concede this, seeing that his work depended for success on lay support; but he was over-ruled by the ambitious Hartwig. Count Adolf, moreover, refused to grant the payment of tithes on which the church depended for maintenance. In spite of these overwhelming difficulties and his own failing health—he suffered from an attack of paralysis—Vicelin made strenuous efforts to further the work to which he had devoted his life. He visited the churches of the diocese, and at Oldenburg, where paganism was still rife, he built a wooden chapel on the spot used by German and Slavonic merchants as a meeting-place for commercial transactions. Henry's attitude towards the church was therefore, if not justified, at least accounted for, by the provocation of Hartwig's ambitious projects. Subsequent events, moreover, show very clearly that, having once attained his aim, Henry was ready to advance by every means in his power the work of the church.

In the meanwhile the trend of events was towards a renewed outbreak of the struggle with the Emperor. Before starting on the crusade Conrad had held a diet at Frankfurt on 13th March, 1147, where Henry appeared and put forward his claim to the dukedom of Bavaria. In other words he had denied the finality of the settlement of Frankfurt in 1143, accepted by his guardians in his name. Conrad gave no decisive answer, but postponed the question

till his return. Now Henry prepared to renew his demand. The Emperor had intended on his arrival in Germany\* to undertake a campaign to Italy, but the business of Bavaria prevented him from carrying out this project. His position for the coming struggle was by no means secure; in the south, where he might expect to find most support, opposition was not lacking. Frederick of Swabia showed a tendency to incline towards the Welfic party, while Conrad of Zähringen and his son Berthold had already declared themselves definitely on the side of the Saxon Duke. Indeed, the interests of the two powerful houses were very closely related; they stood as regards the Emperor on a very similar footing. Conrad of Zähringen had claims on Burgundy† as Henry had on Bavaria, and in this way they were thrown together in a natural alliance which was strengthened in 1148 by Henry's marriage with Conrad's daughter Clementia.‡

Welf VI opened the campaign in Swabia in February, 1150, by laying siege to the strong Hohenstaufen castle of Flochburg, a few miles to the west of Nördlingen. The Emperor's son, Henry, hastened to its relief and, after sending part of his army to cut off the retreat, attacked and utterly defeated Welf on 8th February.§ Conrad made peace; he gave Welf very easy terms because he hoped now to make his postponed journey to Italy. However

\* Conrad was again in Germany 15 Aug. 1149, when he held a diet at Frankfurt.

† Burgundia minor. Lothair had appointed Conrad Rector of the kingdom of Burgundy, which office was held by the dukes of Zähringen until 1218.

‡ See Heyck, *Geschichte der Herzoge von Zähringen* pp. 316, 317.

§ Wibald, ep. 244, 245 (*Bibliotheca Rerum Germanicarum*, ed. Jaffé i).

the failure of this impetuous and immature campaign in the south did not decide the question of the Bavarian duchy. Henry the Lion remained still to be coped with. He had again raised his claim to the southern dukedom and, as Conrad took no steps to fulfil his promise made before he set out for the crusade of dealing with the matter on his return, Henry had assumed the title of Duke of Bavaria and Saxony.\* The Emperor held a diet on 30th July, Henry's presence at which is disputed; † but nothing was concluded, and the question was postponed to a diet to be held at Ulm, on 13th January, 1151. The Duke, however, saw that he could not expect from Conrad a satisfactory settlement; so instead of appearing at Ulm he prepared to win his end by force of arms. ‡

Conrad could rely on some support in Saxony itself if the struggle should be opened there; Henry's strong rule had already made him enemies, and his increasing power in the country beyond the Elbe was not entirely popular with the Saxon princes. His bitterest opponent, Albert the Bear, had also been strengthened by the acquisition of the land

\* "Dux Bavariae et Saxoniae" in a document of 13 Sept. 1149. Bernhardi, *op. cit.* 839, n. 3.

† It is doubtful whether Henry was present at the diet of Würzburg, 30 July, 1150. Jaffé, *op. cit.* p. 184, n. 55, Prutz (*Reg. no.* 16) p. 453, Philippson, *Geschichte Heinrichs des Löwen*, p. 158, n. 2 take his presence as proved from the words of a document then issued (*Origines Gwelficae* iii, 438). Though the document is dated July 30, 1151, the indiction and the year of the reign are given for the year 1150 and we may therefore take 1151 as a mistake for 1150. But the wording of the document "consilio Heinrichi ducis" does not necessarily prove his presence (see Bresslau, *Handbuch der Urkundenlehre*, ch. xv), moreover he does not appear in the long list of witnesses. Bernhardi, p. 839, though he does not discuss the point, says definitely, "he may have been summoned but did not appear."

‡ Wibald, *ep.* 319.

which about this time came to be known as Brandenburg.\*

Before he set out on the Bavarian campaign Henry had the satisfaction of seeing the question of the Slavonic bishoprics settled as he had desired. Vicelin, realising that no progress could be made without lay support, came to Henry at Lüneburg and received investiture from his hands; and from this time the Duke gave to the missionary work in the east of his dominions all the assistance in his power. This matter settled, Henry left to his wife Clementia the management of the affairs of Saxony, to Count Adolf the care of the Slavonic country, and turned southward. Nothing is known of the details of this campaign, and little was achieved; it was certainly soon at an end, for Conrad obtained a truce while negotiations for a real settlement were in progress.

A diet to discuss the matter was fixed for 12th June, 1151, at Regensburg; Henry appears not to have been present, but sent Abbot Wibald of Corvey to represent him and to send him word of the result.† The Emperor clearly did not intend to make good Henry's claim (the Regensburg diet was without effect) but desired only to prolong the negotiations until he should have power to crush his opponent, for during the truce he took active measures in Saxony to this end. His tactics were hardly suited

\* Plotislav, a Slavonic prince friendly disposed towards Albert, having no heir, left by will his property to the latter. Bernhardi p. 835. Henricus de Antwerpe M.G.SS. xxv, 482. "Et cum non haberet heredem, Marchionem Albertum sui principatus instituit successorem." (Tractatus de captione urbis Brandenburg).

† Bernhardi, pp. 866, 881, takes the letter to Wibald (ep. 320) to be merely a formal appeal for help, no idea of asking the abbot to represent him being implied. Why then should Henry ask him to inform him of the verdict? Bernhardi attributes Henry's absence to the fact that he expected the sentence to go against him.

to the dignity of an Emperor. He sent his chaplain, Herbert, through Saxony to stir up hostility against the Duke,\* and a meeting was arranged with the Saxon princes at Cronach near Bamberg to attempt, if not to gain their adherence, at any rate to shake their loyalty. Henry was at this time in Swabia, preparing to take the field against the Duke of Bavaria. The Emperor therefore kept a keen watch on him to prevent his coming to Saxony, while he himself proceeded to Goslar with the view to besiege Brunswick. Henry, seeing the danger, had recourse to a trick. Christmas was at hand and he made it known widely that he intended to keep the festival magnificently with his friends. Instead of appearing at the gathering he escaped in disguise from Swabia, and after a ride of five days, while Conrad still thought his plans unknown, arrived unexpectedly at Brunswick.† Conrad knew his chances of success were shattered, as Henry's influence in his capital was great; he therefore beat a hasty retreat to Goslar, and soon abandoned Saxony altogether.‡ The only result of the campaign had been to lower the estimation of the Emperor in the opinion of his subjects, and to raise that of Henry.

Conrad was too weak to carry on the struggle, and though the question of the Bavarian duchy remained undecided, Henry's position in Saxony was firmly established. The unlucky and degrading enterprise in Saxony was the last event in a far from brilliant career; the Emperor fell ill at Bamberg,

\* Wibald, ep. 339.

† Helmold i, 72.

‡ From documents we know that the Emperor was at Würzburg 23 Nov. 1151 and at Constance 11 Jan. 1152. The campaign in Saxony must therefore fall between these two dates.

while mediating between the rival claimants to the Danish throne, and died on 15th February, 1152.

On 5th March, eighteen days after his death, the princes met at Frankfurt to elect a new Emperor. Conrad's elder son, Henry, had died two years before and the younger was still a child. The elective character of the German kingship was an essential part of the constitution, and it was only natural that the infant son of an unpopular Emperor should be passed over. All eyes were turned towards Frederick of Swabia as eminently fitted for the difficult task of restoring order in the confused political situation. Not only was he well qualified by his age (he was then thirty-five years old) and personal character, but he was also descended both from the Hohenstaufen and the Welfs,\* and therefore likely to be acceptable to both parties.

Henry, who was present at the election, fully concurred in the result† and accompanied Frederick to Aix-la-Chapelle, where he was crowned on 9th March by the Archbishop of Cologne. Henry seems to have continued to follow the movements of the new Emperor's court; he was certainly with him at Easter at Cologne, whence in May they went together to Saxony. Here Frederick began his work of reconciling the enemies made by his predecessor. Berthold of Zähringen‡ received territory

\* His father, Frederick, was the elder brother of Conrad III, while his mother Judith was the daughter of Henry the Black, the grandfather of Henry the Lion.

† Haller, *Der Sturz Heinrichs des Löwen* p. 297, thinks Frederick owed his election to the Welfic party. See *Chronicon S. Michaelis Lüneburgensis*, M.G.SS. xxiii, 396 "qui (Henricus) eum ad imperialem promovemat celsitudinem." The Lüneburg chronicle, however, written in 1230, is not a reliable authority. Simonsfeld, *Jahrbücher der deutschen Reichs unter Friedrich I*, p. 26, contests Haller's view.

‡ Conrad of Zähringen died 8 Jan. 1152.

in Burgundy and Provence\* on condition of his bringing an army to the Emperor's assistance in the campaign then imminent in Italy ; in this document Henry appears in the imposing list of witnesses. On 18th May Frederick summoned his first diet at Merseburg where the long-disputed question of the Danish crown was brought before him as mediator. Both claimants, Sweyn and Canute, appeared, under the respective protection of Archbishop Hartwig and Duke Henry. Frederick gave his decision in favour of Sweyn on condition that he should acknowledge the overlordship of the Empire, and also compensate Canute with the island of Seeland.† Neither was satisfied, Canute because the verdict had gone against him, and Sweyn because he was compelled to do homage to the Emperor, and felt it beneath his dignity as a king to perform the duties of a vassal in carrying the imperial sword at the diet. After so many fruitless attempts had been made to settle the question by mediation, it must have become clear that the death of one of the claimants was the only solution to be hoped for.

During the remainder of the summer, Henry confined his attention to the affairs of his own duchy ; but in October he was again with the Emperor at a diet at Würzburg. Here was settled a dispute, which had been the cause of a war of devastation between Henry and Albert the Bear, over the inheritances of Hermann of Winzenburg and Bernard of Plötzke. Frederick arranged that each should receive an inheritance, Henry that of the Count of

\* "Domus rex dabit eidem duci terram Burgundiae et Provinciae." M.G. Const. , 199. See also Heyck, Geschichte Herzoge von Zähringen p. 332.

† Helmold, i, 73.



Winzenburg, Albert that of the Count of Plötske.\* The diet is also important as the Bavarian question was approached.† Henry Jasomirgott was summoned, but did not appear, and the business was postponed to a diet to be held in the next year at Worms.‡ Frederick was anxious to bring it to a conclusion in order to go to Italy, where his presence was much needed. Ambassadors from Apulia complained of the arbitrary rule of Roger of Sicily at the Würzburg diet, and the general condition of Italy called for immediate attention; the imperial crown, which his predecessor was never able to attain, was an additional motive in Frederick's mind.

From Würzburg Henry the Lion returned to Saxony, but in the following year, 1153, he was again occupied with the Bavarian question, for the solution of which a diet had been arranged for Whitsuntide at Worms. On this occasion the Duke of Bavaria made his appearance, fearing lest he should lose his case by a second default; but he declared that the diet had not been legally summoned, and a day in December was fixed for a meeting at Spiers. Here once more he evaded a decision by finding a flaw in the summons. On 3rd June, 1154, the princes met at Goslar to try for the

\* Ann. Palid. p. 86, also Ann. S. Blasii Brunsvick. maj. fragmenta, M.G.SS. xxx, 19, anno 1152 "marchio comitis Bernardi, dux comitis Hermanni acciperet possessionem regis auctoritate," cp. Giesebrecht op. cit. v. 18. Prutz, p. 103, thinks this did not take place at Würzburg but soon after the diet of Merseburg, he also makes the possession of Bernard fall to the Duke, that of Hermann to Albert.

† It is possible Henry had received an understanding from Frederick before his election that he would grant him the duchy of Bavaria. See Giesebrecht, v. 9.

‡ Otto of Freising, Gesta Frederici, ii, 7

fourth time to arrive at an agreement.\* As the elder Henry did not present himself, the Court proceeded without him, and awarded the dukedom of Bavaria to the Duke of Saxony.† The importance of this diet on the history of Henry the Lion was further augmented by a second concession scarcely less momentous. Frederick now granted to the Duke and his successors the right of investiture in the three Slavonic bishoprics, Oldenburg, Mecklenburg, and Ratzburg, and any others that should be founded in the country beyond the Elbe. It is difficult to find Frederick's motive in conceding so unheard of a privilege ; perhaps we may see it as compensation for the document containing almost more extraordinary rights made to the Duke of Austria two years later. The Emperor indeed saw that Henry's assistance in Italy would be indispensable, and to secure this he may have been actuated to make concessions of this nature. Whatever the cause of these signs of favour, Frederick could now proceed with his preparations for the Italian campaign certain of the support of the Duke of Bavaria and Saxony.

The army assembled in the Lechfeld in October, and crossing the Alps by the Brenner, encamped between Verona and the Lake of Garda. Here Henry looked after his own interests. The elder branch of his family had died out with Welf III, and the younger line had descended through the house of Este, from which it aspired to considerable territory in Italy.‡ While the army was encamped near

\* Perhaps some agreement had been secretly arranged between the Duke and Emperor before the diet of Goslar. For Henry in a document drawn up at the end of the previous year styles himself "Dux Bae et Sae." Orig. Gwelf. iv, 528.

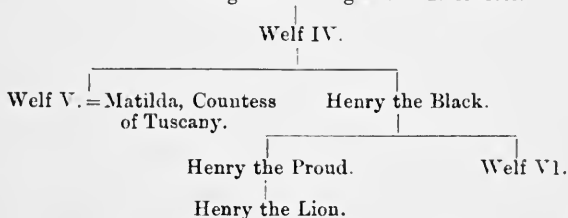
† Otto. of Freising, ii, 11.

‡ See Pedigree opposite.

Verona Henry had a meeting with his Italian cousins in his tent; he came to terms with Fulk, Margrave of Este, whereby he obtained the family inheritance in return for the payment of 200 marks. Welf VI at the same time made good his claim to the invaluable possessions of the Countess Matilda, who had married his uncle Welf V.\* Frederick supported his claim and enfeoffed him with the duchy of Spoleto,† wishing no doubt to compensate him for his failure to secure Bavaria for which he had put in a claim.

From Verona the army moved westward, and crossing the Po encamped on the plains of Roncaglia. Most profitable to Henry were the strong measures now taken by the Emperor against those who had failed to obey his summons to join the expedition. The two ecclesiastical delinquents happened to be the chief opponents of Henry's policy in his northern dukedom—Hartwig of Bremen and Ulrich of Halberstadt. They were both deprived of their fiefs, many of which consequently fell into Henry's hands.‡

\* Cunegunda = Margrave Azzo of Este.



† He seems frequently to have used the title earlier, *e.g.* in a document of the year 1152. "W. Deo gratia dux Spoleti marchio Tuscie, princeps Sardonie et Corsice, dominus totius domus comitisse Mathildis." cp. Prutz, p. 114, n. 1.

‡ Henry did not actually receive many of the fiefs of the church until Ulrich was deposed, as a result of his supporting Alexander III in the schism of 1160.

The details of Frederick's campaign—the diet of Roncaglia—the fruitless negotiations with Milan—the siege and destruction of Tortona—are impertinent to our subject. On 17th April Frederick was crowned at Pavia with the iron crown of Lombardy, and turned southward for his imperial coronation. At Viterbo he was met by the Pope Adrian IV with complaints against the republican movement incited by Arnold of Brescia at Rome. The overtures of the republican ambassadors were rejected; on the advice of the Pope, Frederick then entered the Leonine city with an army, and was quietly crowned at St. Peter's on 18th June. When he had returned to his camp he heard a tumult arising from the city, and before he could make preparations for battle the Romans were attacking the part of his army commanded by Henry the Lion. At first the engagement was fought with wavering success, but the reinforcements brought up by Frederick turned the scale. The Duke drove back the Romans and, forcing his way through a breach in the walls, completed the victory by a rear attack. The credit of the day fell entirely to Henry, both for his stubborn resistance in the first assault, and for his final *coup de main*; his prowess dispelled the jealousy with which he was previously regarded by the princes in the army.\*

He took this favourable opportunity to obtain from the Pope confirmation of his right of investiture to the Slavonic bishoprics. Vicelin had died on 12th December, 1154, and Clementia, who was left in charge of affairs in Saxony, appointed as his successor Gerold, the Duke's chaplain, formerly scholasticus and canon at Brunswick. Archbishop Hartwig, as might have been expected, strongly resented

\* Otto of Freising ii, 32.

this action,\* and when Gerold visited him at Merseburg with a view to receiving consecration, gave a blank refusal. Henry saw in this an opportunity to have his right of election recognised at Rome, and summoned Gerold to come to him in Italy. They met before Tortona, and proceeded together in the course of the march to Rome. Adrian, as he owed Henry a debt of gratitude for saving him from his republican adversaries, confirmed the privilege, and on the following day (19th June) Gerold was consecrated bishop of Oldenburg.

The events of the rest of the campaign in Italy have little to do with the career of Henry the Lion. He accompanied the Emperor until he was again in Bavaria in October, though many of the princes had returned independently. The heat of the summer, causing disease in the army, hastened the journey which was not achieved unhindered. Indeed, the hostility of the Lombards was only overcome by a daring enterprise of Henry and Otto of Wittelsbach, who surprised the enemy by scaling the rocks on the banks of the Adige. At Brixen the army was disbanded.

Before he returned to Saxony Henry was invested with the duchy of Bavaria. Henry Jasomirgott refused to yield, and in the absence of the Emperor had formed a conspiracy against Henry in alliance with Hartwig. It had, however, been discovered and check-mated by cutting off the archbishop from his resources at his metropolis. After two abortive attempts to bring the ex-duke to consent, Henry the Lion was formally enfeoffed with the dukedom at Regensburg in the middle of October.†

\* Hartwig actually prepared to oppose Henry's interests with arms. For this purpose he strengthened his fortresses of Harburg, Bremervörde, and Freiburg.

† Otto of Freising ii, 43.

Well satisfied with the results of his year's absence, he returned to Saxony.\* Here he found the affairs of the church urgently required his attention. Since the death of Vicelin the work had been completely neglected; Gerold indeed had succeeded in reconciling himself with Hartwig, but owing to the latter's hostility to the Duke, his position was not easy. After spending Christmas with Henry at Brunswick, he set out for his diocese, and arrived at Oldenburg at Epiphany. But, instead of the flourishing town of Vicelin's day, he found a deserted ruin; a half-destroyed chapel alone stood to mark the once busy missionary centre. Helmold, the historian of the Slavs, was among the companions of Gerold who witnessed this mournful spectacle.† Gerold retired in despair to Lübeck, where a large gathering assembled to hear him.

In answer to his complaints Pribislav, a Slav prince, pointed out that the chief difficulty in the way of conversion was the attitude of Henry and Adolf who, besides plundering their land, exacted a heavy tribute which they could ill afford to pay. Gerold with his followers and Pribislav proceeded from Lübeck to Artlenburg, where Henry had summoned a provincial diet. The discussion was again raised, and Henry at Gerold's request addressed the assembly, exhorting them to receive Christianity. The reply of Niclot, prince of the Obotrites, is almost pathetic in its rude simplicity: "There may be a God in heaven; he is your God; you be our God, and we are satisfied. You worship him, we will worship you."‡ But

\* He was at Bremen on 1 Nov. 1155.

† Helmold i, 83.

‡ Helmold i, 84.

the result of these efforts at a Christian revival was practically *nil*. The means to carry on the work were not forthcoming; the splendidly equipped Italian expedition had emptied Henry's treasury, and without money Gerold was helpless. He returned with Henry to Brunswick, where he remained inactive for nearly a year at the Duke's court.

In the meanwhile, the Emperor had come to terms with Henry Jasomirgott, and a day was fixed for a final settlement at Regensburg on 17th September, 1157. For this purpose Henry again turned southward.\* The diet was very largely attended by princes lay and ecclesiastical. Henry Jasomirgott did not enter the town itself, but set up a magnificent encampment about two miles from the walls, and here Frederick accompanied by all the princes proceeded on the determined day. The reconciliation of the two opponents and the formalities of the investiture are minutely described by Otto of Freising.† The document‡ declaring the final conclusion of the struggle, which had lasted with only short intervals for eighteen years, and the terms by which the ex-duke had agreed to be compensated, was read out by Ladislaus of Bohemia. The elder Henry renounced all claims to Bavaria, and as a sign of his renunciation restored to the Emperor the seven flags which he had received as

\* He had already in June made a journey to Würzburg to be present at Frederick's marriage with Beatrix of Burgundy. He was obliged to return to Saxony in the interval to make a campaign against the Frisians. See Simonsfeld, *op. cit.* p. 490.

† Otto of Freising ii, 55.

‡ M.G. Const. i, 101. It is unnecessary here to enter into the discussion on the genuine character of the Privilegium Minus and Majus. The conclusions of Huber in *Sitzungsberichte der Akademie der Wissenschaften*, Vienna xxxiv 17ff, meet with general acceptance: the Majus is a forgery of Rudolf IV of Austria made in the winter 1358/9. The minus is the genuine document.

symbols of his enfeoffment. These Frederick in his turn solemnly handed over to Duke Henry, thereby duly investing him with the dukedom. Henry, on receiving them immediately gave back two, as a token that he renounced his claim to the March of Austria, henceforth to be a separate dukedom, "with all its rights and benefices which the Margrave Leopold once held from the duchy of Bavaria." The extraordinary privileges granted to the new duke and his wife show how much, in the Emperor's opinion, depended on a decisive settlement. Among other rights, the new duke had the power of choosing a successor in case of his dying childless. No one was to exercise judicial authority within the duchy without the duke's consent. He was bound only to attend diets held in Bavaria, and only to serve on campaigns in, or in the neighbourhood of, Austria itself.

On the day following the Regensburg diet, so momentous in the history of the Empire, a general peace was proclaimed to continue till the end of the year, in honour of the great results that the Emperor had obtained after the long and bitter struggle.



## II.

THE power of Henry had now reached its zenith. Helmold\* gives him for the first time the imposing title "Henry the Lion, Duke of Bavaria and Saxony." Indeed his position as a prince of the Empire was quite without parallel. In his northern duchy, the limits of which had grown almost beyond recognition, his authority was practically absolute; he had obtained the papal acknowledgment of a right, seldom before granted to a prince, of appointing to bishoprics in the country of the Slavs; his field of expansion in territory and influence lay open before him both in the East and the North.

In Denmark he had already shown the extent of his power. The Slavs had used the occasion of a fresh outbreak of civil disturbances to make piratical inroads into Danish territory, and Sweyn, who had neither strength nor time to deal with them, had recourse to subsidising Henry to rid him of these injurious aggressions. But his connexion with the neighbouring kingdom did not rest with safeguarding its coasts. He was now, on his return to Saxony in the autumn of 1156, drawn into the civil war on the side of Sweyn, whose position during the last two years had grown more and more hopeless. In 1154, alienated from his subjects on account of his cruelty and deprived of his resources, he had fled to Germany, where he lived with his father-in-law, Count Conrad of Wettin, for nearly

\* Helmold i, 85.

two years. When Conrad retired into the monastery he had founded at Lauterberg, Sweyn went in search of help to recover his lost throne. He found the Saxon princes ready for the enterprise : when Henry returned from Regensburg in the autumn of 1156 he was enlisted in the service in consideration of a large subsidy. The campaign was opened at once and successfully. Schleswig and Ripen fell into Sweyn's hands, but a national resistance checked his further progress, and it was discovered that the Slavs in the German host had formed a conspiracy to decoy the army into the interior to its destruction. Henry and Sweyn agreed to withdraw, after receiving hostages from the towns they had captured ; but they did not altogether abandon the plan. For Henry realised how much was to be gained if a king, raised by his help and dependent on him for support, occupied the Danish throne and determined to persist in the undertaking. By the aid of Niclot, the powerful Slavonic chief, and by judicious bribery, Henry acquired a fresh hold on Danish territory for his ally. Further fighting, however, was prevented by the Bishop of Ripen and other churchmen, who succeeded in effecting a compromise. The whole of Denmark was equally partitioned between the three aspirants, Sweyn, Canute, and Waldemar. Three days later, 7th August, 1157, Sweyn's character was revealed in its true colours. Suddenly at a feast in honour of the reconciliation, he fell upon his opponents ; Canute was killed, but Waldemar though wounded effected his escape. The attempt at peace was at once shattered. Sweyn's supporters, disgusted at his conduct, deserted in numbers to Waldemar, who at last won a decisive victory near Wiborg. Sweyn was killed in the

battle and Waldemar, the sole survivor of the three claimants, became the recognised king of Denmark.\*

For Henry the result was equally satisfactory. The inroads of the Slav pirates, which Waldemar in the exhausted state of his resources was powerless to check, still continued. The new king, therefore, following the example of his late rival, applied to his powerful neighbour for help and put himself under his protection. In this way Henry first established his influence in Danish politics—an influence often far from congenial to the king—which he continued to hold for the next twenty years of his life.

In spite of being so deeply involved in the Danish quarrel, Henry had not neglected the affairs of Saxony. The smaller nobility, whose arbitrary measures were the subject of frequent complaint, needed repression. One notable instance is worthy of mention both for its typical character and its legal importance.† Widekind of Schwalenburg, whose aggressive rule had been especially injurious to Abbot Wibald of Corvey,‡ at a court held on 5th May, 1157, at Corvey was sentenced to banishment and forbidden to return without the Duke's permission; satisfaction also was to be made to the Abbot and the widow of a murdered victim, Count Theoderic. The punishment was not fully exacted, as Henry was hurriedly called to join the Emperor in a campaign against the Poles.

In the east of his Duchy the prospects of a revival

\* Helmold i, 85. Saxo Grammaticus. M.G.SS. xxix, 95f.

† The case is cited by Güterbock, *Der Prozess Heinrichs des Löwen*, p. 117f, to prove the use made at this period of feudal law when the procedure would naturally follow customary law. cf. also Haller, *Der Sturz Heinrichs des Löwen*, p. 370f.

‡ See Wibald ep. (ed. Jaffé) nos. 384, 446, 462.

of Christianity and German civilization now looked brighter. Gerold, after nearly two years' inaction, once more sought the Duke's help to regain a firm foothold in his diocese. This time Henry, whose treasury was now replenished, was able to come to his aid. The bishopric was substantially endowed :\* in Oldenburg, now restored, the chapel of Vicelin's day was rebuilt, furnished with books and pictures and dedicated to S. John Baptist. German civilisation and colonisation spread widely and with fresh vigour, though the Slavs, who could no longer resist the pressure, usually withdrew further into the interior rather than bow in subjection to the newcomers.

Lübeck, once the most prosperous town in the newly exploited country, was, however, checked in her progress by the conflict of rival ambitions. Increasing power had stimulated the Duke's desire of acquisition and impatience of anyone who showed himself in the light of a competitor. In this way he was led into a controversy with Adolf of Schauenburg who, while Henry was engaged in the question of Bavaria, had consistently devoted his energies to promote the German policy beyond the Elbe. Lübeck testified to his success ; its market had gradually monopolised the trade of those parts to the great detriment of Henry's towns of Bardewich and Lüneburg. The Duke demanded, as recompense for the loss, half of Lübeck and of the Count's salt mines at Todesloe which excelled his own salt

\* The endowment consisted of 300 hides, Eutin and Gemale and two small villages. Helmold i, 84. A similar generous endowment was made to the bishopric of Ratzburg in 1158, and Mecklenburg in 1160. The document containing the grant to Ratzburg is printed in Mecklenburgisches Urkundenbuch i. no. 65, p. 56. The bishopric of Oldenburg was in 1160 transferred to Lübeck ; cp. Helmold i, 90.

works at Lüneburg. On Adolf's peremptory refusal to comply, the market of Lübeck and the salt mines at Todesloe were closed by the Duke's order.\* This action, which took place at the end of the year 1152, had badly crippled the once flourishing centre, and now a catastrophe completed its discomfiture—a fire broke out destroying the greater part of the city. The citizens in despair besought the Duke to give them a new town where they could live and carry on their trade undisturbed. Henry, therefore, after vainly negotiating with Adolf, built a new town in the same neighbourhood, called after its founder Löwenstadt. It was a complete failure owing to the size of the harbour, which was so narrow as to admit only the smallest ship. But in spite of this misadventure Henry was able to enforce his will; Count Adolf, finding it a profitless task to thwart the Duke's ambition, at last yielded up Lübeck. The city was rebuilt, the burghers returned, and trade once more flourished in the port.† The commerce of Lübeck became one of the richest sources of the Duke's revenue, and so remained throughout his career, for even after his fall a portion of this extensive income was granted to him.

In Bavaria also we find Henry active in promoting commercial enterprise. Regensburg, the capital of his duchy, lay on a great trade route, which passed from Venice across the Brenner, along the rivers Inn and Danube, to Regensburg, thence across Germany to Cologne, the great distributing centre of Western Europe. It was over a question of tolls

\* Helmold i, 76.

† Ibid, i, 86. At the same time he sent ambassadors to Denmark, Sweden, Norway, and Russia, offering them freedom of trade with Lübeck.

that Henry became involved in a dispute with Bishop Otto of Freising. The bishop, who held a bridge at Vehringen over the Isar, monopolised the tolls arising from the produce of the Reichenhall salt mines: Henry, therefore, in order to increase his revenues from this valuable source, built a new bridge at Munich which, then a market town of little importance, now sprang into immediate prosperity. Though Bishop Otto remonstrated with the Emperor, the matter was settled in Henry's favour at Augsburg\* late in the next year. Indeed Frederick, who had resolved upon a new expedition to Italy where the Lombards in alliance with the Pope treated the imperial commands with entire disregard, found his time fully occupied in making the necessary arrangements for his absence. But at Goslar on 1st January, 1158, he was engaged with Henry in an important transaction, the object of which was the rounding off of their respective dominions.† The Swabian possessions which had come to him with his wife Clementia, Henry exchanged for certain castles of considerable value in Saxony.‡ As these had been imperial property Frederick transferred an equivalent from his allodial possessions to the Empire.

The Italian crisis was in the meanwhile becoming daily more acute. In the previous October, when Frederick and Henry were together at Besançon, the famous letters arrived from Adrian IV which implied that the Empire was held as a papal fief. Henry, it is worthy of notice, not wishing entirely

\* Waldemar was here enfeoffed with the kingdom of Denmark. He therefore definitely acknowledged the overlordship of the Emperor.

† The document is given in Orig. Gwelf., iii, p. 466.

‡ Herzburg, Scharzfeld, and Pöhlde.

to break away from the family tradition of papal alliance, at first adopted a neutral attitude and attempted mediation. But the tension between Pope and Emperor had grown so strong that his position was no longer tenable, and he was driven to side definitely with the Hohenstaufen. However, apparently still with the hope that something might be achieved by negotiation, he advised Adrian to send an embassy to put a happier interpretation on the unfortunate sentence in his letter.\* The ambassadors were roughly handled on their journey; a Tyrolese knight, the Count of Eppan, after robbing them of all their valuables, only set them free on promise of a ransom. But they eventually arrived in June at Augsburg. Letters were delivered from Adrian denying that any humiliating interpretation had been intended in his former letter. So far as the Pope was concerned Frederick was now completely satisfied; it only remained for him to deal with the recalcitrant Lombards.

The Emperor started almost immediately for Italy, but he soon found the forces that he had with him inadequate to cope with the obstinacy of the League, and therefore summoned the princes whom he had left in Germany, among them Duke Henry, to join him with their levies. Henry, who was then engaged in his northern duchy, hastened southward with Count Adolf.† In Bavaria, where other princes joined him, he took the Empress

\* It was apparently through Henry's influence that the Pope corrected the interpretation of the word "beneficium." "Nunc igitur quoniam ad commonitionem dilecti filii nostri Heinrici Bavariae et Saxoniae ducis" and also "mediante jam dicto filio nostro duce." Orig. Gwelf., iii, 480; cp. Giesebrecht, op. cit. v. 136. The letter describing the Empire as a "beneficium" is given by Watterich "Pontificum Romanorum Vitae" ii, p. 357f.

† Ann. Weingarten, M.G.SS. xvii, 309.

Beatrix, who was anxious to join her husband, under his escort. On 20th July, 1159,\* Henry found the Emperor occupied in the siege of Crema. After six months of stubborn resistance the inhabitants opened negotiations, asking Henry the Lion and the Patriarch of Aquileia to mediate.† On 26th January, 1160, the terms were arranged; only one condition was insisted upon—that they should not be given up to their deadliest enemies, the Cremonese, who had taken part in the siege. This was granted, together with the lives of the garrison and what property they could carry away with them. The town was then destroyed.

The death of Adrian IV on 1st September, 1159, so far from improving the relations between Empire and Papacy, only accentuated the difficulties. It was the beginning of the great schism. On 7th September the imperialists elected, at Frederick's request, Victor IV, the anti-imperialists the Chancellor Roland, who took the name of Alexander III, the determined opponent of Frederick in his last controversy with Adrian. The Emperor, infuriated by this action, wished peremptorily to hang the ambassadors of his adversary and was only restrained to milder measures by the intercession of Duke Welf and Henry the Lion.‡ He contented himself therefore by summoning Alexander to a council at Pavia; and on his refusal to submit himself to such a tribunal, the court on 5th Feb-

\* Otto Morena, M.G.SS. xviii, 612, "in die Lune que fuit 12 [13] Kalendas Augusti."

† Rahewin, *Gesta Frederici* (ed. Waitz, 1884), iv, 70.

‡ Watterich *Pontificum Romanorum Vitae*, ii, p. 382. "At ille [imperator] nimio superbiae fastu inflatus, non solum retinere literas sprexit, sed tanquam insanus nuncios ipsos, nisi dux Welfo cum duce Saxoniae sibi restitisset, nequiter suspendere voluit."



ruary formally recognised Victor IV as the duly elected Pope.

A large number of the princes now dispersed. Henry himself returned to Saxony, while Count Adolf with Reinald of Dassel, Archbishop Elect of Cologne, departed on an embassy to Henry II of England who was then in Normandy.\* This attempt to win the English king to the imperial side was without success, but the embassy had an important result; it established a connection between Germany and England which for the later years of Henry the Lion was of so much consequence. As in England so in France, the imperial Pope failed to find sympathy; even in Germany, though the majority of the clergy, unlike the Archbishop of Salzburg who openly acknowledged Alexander, ostensibly sided with the Emperor, it was clear that there subsisted a strong feeling of antipathy to Frederick's policy of creating a schism at Rome. It is of significant importance to the subsequent career of the Duke that Ulrich of Halberstadt declared himself a supporter of Alexander; he was deprived of his bishopric which was given to Gero, a man loyal to the Emperor and his Pope. The difficulties of Frederick's position in Italy as elsewhere called for strong measures, if he wished to carry his policy to a successful conclusion. At a meeting of Saxon princes at Erfurt in July Henry decided again to join the Emperor in a third Italian campaign, which was to start at the beginning of the next year.† He had, however, been absent from Saxony so long that he was obliged to devote

\* Gervase of Canterbury ed. Stubbs i, 167. Wm. of Newb. (Chron. Stephen, Henry II and Richard I), i, 120. Helmold, i, 86. cp. Ficker "Rainald von Dassel," p. 36f.

† Monumenta Erphesfurtensia, p. 58.

his attention to that quarter for the remainder of the year.

The measures he had taken, before leaving for Italy on the last campaign, to safeguard Denmark from the incursions of the Slavs (he had guaranteed this in return for 1,000 marks from Waldemar) proved inadequate : he had exacted promises from Niclot that he would not disturb either Denmark or Saxony in his absence, and as an additional security had ordered him to bring to Lübeck the ships used for piratical invasions ; but only those which were unfit for use were given up, while the sea-worthy vessels were secretly kept.\* As soon, therefore, as Henry was at a safe distance, the old troubles were renewed. Crimes and robberies were rife, inroads were made on the Danish coast, unbridled lawlessness everywhere prevailed. Since the Slavs dwelling in Holstein, and therefore directly subject to the Duke of Saxony, were the chief offenders, Waldemar held Henry responsible, and seems seriously to have considered taking up arms against him. Alarming rumours of this nature reached Saxony and it was with difficulty that Gerold managed to maintain the peace till Henry's return.†

At this critical juncture, Henry arrived in Saxony in the summer of 1160. Prompt action was necessary. He summoned the "Marchmen," both German and Slav, to a provincial diet at Barvörde, while Waldemar came to Artlenburg to lay his complaints before the Duke. The Slavs, fearing punishment, did not appear at the Council ; they were outlawed *en bloc* and a general campaign was

\* Helmold, i, 87.

† Ibid.

declared against them. Towards the end of July the German army was in the field. A dual attack was designed; Henry crossing the Elbe, was to co-operate with Waldemar, advancing with Danish troops from the coast. But before these plans could be put into execution, Henry received news that Niclot had anticipated him and was marching on Lübeck. Only the timely raising of a draw-bridge over a small stream by a priest named Athelo checked Niclot's advance,\* and for the moment saved the dangerous situation. This unforeseen incident hastened Henry to action. The double attack, now carried into effect, defied resistance; the strongholds Ilow, Mecklenburg, Schwerin, and Dobin were abandoned and destroyed; the Slav prince retired inland as the German army advanced. At Mecklenburg a slight resistance was indeed attempted by the sons of Niclot. They attacked a foraging party which, however, reinforced from the main army, completely defeated them. Niclot himself, eager to avenge the reverse, now for a moment took the offensive. He attacked a small band of foragers, seemingly unarmed, but really fully equipped with weapons concealed under their clothing; the prince was himself defeated and slain, and his head brought back in triumph to the German camp. No further resistance was offered. The sons of the fallen chief, Pribislav and Wratislav set fire to the last stronghold, Werla, and retired into the swampy forest land of the interior.†

Henry then turned northwards to meet Waldemar at Rostock. Many of the strong places captured during the campaign were given to warriors who

\* Helmold, i, 87.

† Ibid., 88.

had especially distinguished themselves ; Schwerin, for example, was granted in reward for his conspicuous services to Guncelin of Hagen who shortly after received the title of Count of his newly acquired possession. The sons of Niclot were soon reconciled with Henry who granted them the fortress of Werla. After completing these arrangements, the Duke returned to Saxony to conclude his final preparations for the Italian campaign of the next year.

Henry did not remain with the Emperor throughout the campaign ;\* he was again in Bavaria in the autumn of 1161 engaged in settling local disputes, and during the greater part of the next year was also in the south in close attendance on the Emperor, who returned to Germany soon after the fall of Milan on 1st March. It was a consequence of his relations with the Emperor that he now annulled his marriage with Clementia of Zähringen. Marriages in the Middle Ages were commonly of a political nature and though the usual plea of consanguinity was raised,† the divorce can be traced to political causes ; considering that Henry had been married fifteen years, it is not difficult to see through the transparent pretext to more solid grounds. The alliance had taken place when he was at bitter enmity with the Hohenstaufen, now the situation was entirely altered ; Henry was the

\* He was at Como on 29 Jan., 1161, at Milan, 3 June. Frederick's choice of a successor in the event of his dying during the siege of Milan is noteworthy : 1. Frederick of Rothenburg, son of the late Emperor ; 2. Henry the Lion. Sigeb. *Auctarium Affligemense* M.G.SS., vi, 404. "Designavit, si forte vita decederet, duos imperatores, filium Conradi predecessoris sui et post eum Heinricum ducem Saxonie."

† Helmold ii, 106. "Separatus enim fuerat a priore conjugē domina Clementia propter cognationis titulum." Chron. Reg. Colon. p. 123 "ob famam consanguinitatis."

closest friend of the Emperor who was for his part still on hostile terms with Berthold IV of Zähringen.\* The fact that Henry was still without male issue may also have had its influence.†

Henry then returned to Saxony where he found that the trend of events during his absence gave cause for alarm. The German settlers in Holstein, overwhelmed by the heavy tribute, threatened to re-emigrate to Denmark where they might hope for better conditions. A meeting between Henry and Waldemar brought them reluctantly to submission and increased burdens.‡ But further difficulties were in store for the Duke. The sons of Niclot, who for a short space after the last campaign had rested content with what was left to them of their paternal inheritance, now prepared to make an attempt to recover the remainder from Guncelin of Hagen. Count Adolf with his Holsteiners penetrated into the swampy waste whither Pribislav had withdrawn, while Henry and Guncelin attacked Wratislav in his fortress of Werla. The defence was resolute and Henry had recourse to means hitherto unknown in those regions. He brought into requisition siege engines and battering rams, the use of which he had learnt in the sieges of Crema

\* Gilbert of Mons M.G.SS. xxiii. "Fredericus . . . timens vires ducis Saxonum et ducis Ceringhiorum ne per matrimonium confederati sibi possent resistere, divortium in hoc quaesivit." Moreover Berthold had entered into secret negotiations with Louis VII, which, considering the position of affairs caused by the papal schism, was dangerous to Frederick. Cp. Heyck, *Gesch. der Herzoge von Zähringen*, p. 374f.

† The only son by this marriage died young from a fall from a table. *Chron. S. Michaelis Lüneburg*. M.G.SS. xxiii, 396.

‡ Helmold i, 92. 6 measures of wheat, and 8 of oats from every hide. The Holsteiners tried to make it impossible to increase these burdens by having the tribute engrossed in a document under the Duke's seal; but as they refused to pay the fee due to the notary, the document was never completed.

and Milan. The effect was instantaneous: the inhabitants, compelled to relinquish their resistance, were granted their lives on condition of surrender. Wratislav was retained in captivity at Brunswick.\* In consequence of this campaign, Henry not only extended his frontier and strengthened his hold over the Slavs but also, by setting free some Danish captives imprisoned at Werla, drew Waldemar into closer dependence upon himself.

The Slavs, quelled for the moment, were not yet crushed. Early in the next year a renewed outbreak threatened to be of a dangerous nature. On 17th February Pribislav appeared suddenly before Mecklenburg and succeeded in capturing the town after a short resistance. The garrison was massacred, the women and children enslaved, the town destroyed by fire. The prompt action of Guncelin alone prevented further calamities. Marching straight to Ilow, the place next threatened, he frustrated the attempts of the Slav prince, and compelled him to retreat. Wratislav, who had been held captive at Brunswick, was hanged for complicity in the plans of his elder brother. Then Henry himself, supported by many of the neighbouring princes, Waldemar, Albert the Bear, and Adolf of Schauenburg, took the field. The previous tactics were again adopted: the Danish king attacked by sailing up the river Peene, Henry by marching across country against the fortress of Demmin. An advance guard was sent forward under Adolf, Guncelin of Hagen, and Christian of Oldenburg. The necessary precautions were, however, neglected and a catastrophe followed. On the morning of the 6th July, the camp was surprised and, in spite of a brave defence, in which Count

\* Helmold i, 93.

Adolf lost his life, the Slavs were temporally successful. But while the victors were scattered through the camp in search of booty, the German troops rallied under their leaders, made a counter attack and little by little regaining the lost ground, finally turned the disorganised ranks of the enemy to flight. Henry arrived in the evening to find the day which had begun so unfortunately ended in a brilliant success. The Slavs set fire to Demmin and then retired further inland; but the Duke, after joining forces with Waldemar, followed in pursuit and forced them to surrender.\*

Thus ended the last serious campaign which Henry was compelled to make on his eastern frontier. Its success however was overcast by one great blow—the death of Count Adolf of Schauenburg.† The subduing and Germanising of the Slavonic land had been the work of his life; with his death its progress was naturally retarded; the Duke had not the time to deal fully with so large an undertaking, and there was no one else of sufficient enterprise or devotion. But now that the Slavs were kept in hand the German colonies could develop by themselves. Indeed, the prosperity of Lübeck dates from the year 1163. Henry, on the occasion of the dedication of a new church, granted a constitution to Lübeck which marked a new epoch in German municipal history. The government, previously in the hands of a bailiff appointed by the Duke, was now transferred to a body of six men‡ elected by the burghers them-

\* Helmold ii, 100. Ann. Palid, p. 93.

† The Count's possessions were granted to his son, still a minor, under the guardianship of Adolf's widow, Matilda.

‡ The number was gradually increased until the council consisted of more than twenty "consules." The bailiff or "vogt" does not yet entirely disappear, though his powers are practically superseded by the elected council.

selves. The free-born citizens, holding property in the town and owing service to no one else, were eligible for election to the Council ; it was confined therefore to the merchant class, to the exclusion of the artisans. Other privileges were also secured ; the duty of military service was restricted to campaigns in the near neighbourhood of the town ; a citizen of Lübeck, wherever he might be, could claim to be judged by the laws of his native city.\* It was these things† that the citizens recalled to mind when in 1181 they determined to make a last effort to stave off utter ruin from their benefactor.

The affairs of the Empire had not in the meanwhile shown signs of improvement. On the death of the imperialist Pope Victor IV on 20th April, 1164, an opportunity presented itself of ending the schism. Even Frederick seems to have thought this possible, but the precipitous action of his Chancellor, Reinald of Cologne, in immediately electing Paschal III, destroyed all such hopes. The new anti-pope met with hardly any recognition even in Germany and Duke Henry seemed to be the only man on whose support the Emperor could rely. Under these circumstances a new embassy headed by the Archbishop of Cologne was dispatched to England for the purpose of winning over Henry II to the imperial cause. The prospects of success were brighter than on the previous occasion owing to the quarrel between Henry II and Thomas of Canterbury who had been supported by Alexander III. Though it is doubtful how far the king intended to implicate

\* Lübeck also had its own mint, toll and market. Detmar-Chronicle ed. Grautoff i, 49. See also Hoffmann, *Gesch. der Freien und Hansestadt Lübeck*, p. 24f. Frensdorff, *Die Stadt und Gerichtsverfassung Lübecks in xii and xiii Jahrhundert*. Cp. the constitution granted by Frederick in 1188, *Lübeckisches Urkundenbuch* i, 7.

† Cp. the commercial treaty with Gothland, *Lüb. U.B.* i. 3.



himself in Continental affairs, he agreed to two prospective marriages—that of his elder daughter, Matilda, with Henry the Lion and that of his younger with the one-year-old son of the Emperor; in addition he even consented to send ambassadors to a diet to be held at Würzburg.\*

However great was the Emperor's need of support, Henry could not afford to leave Germany at this moment. A storm was gathering round him ready to break out at the first opportunity. Conspicuous signs were not wanting of the attitude of jealousy adopted by the princes with regard to the all-powerful Duke of Saxony and Bavaria. In the previous year a dispute about territory had arisen between him and the Palsgrave of Saxony who, supported by Albert the Bear, had only with the greatest difficulty been brought to submission. Moreover, his policy of concurring wholeheartedly with the Emperor on the question of the schism was by no means popular, especially with the ecclesiastical princes, who were foremost in the rebellion. When therefore in November the opportunity arrived, owing to Frederick's departure to Italy, Henry was not unprepared. Indeed he had spent much of his time in securing his position. To prevent the possibility of a rear attack from the Slavonic frontier he reconciled himself with Pribislav,† while in Saxony itself he strengthened his fortifications and garrisons.

\* Robert of Torigni (Rolls Series) ed. Howlett, p. 224. At the diet of Würzburg both Henry the Lion and the English ambassadors took the oath, dictated by Reinald of Cologne, that they would never recognise Alexander III as Pope or any Pope elected by his party. See also the account of this diet in Gervase of Canterbury (Rolls Series ed. Stubbs), i, 206.

† Pribislav received back all his patrimony with the exception of Schwerin which remained to Guncelin. Helmold ii, 103.

On 20th December the storm burst; Albert, Margrave of Brandenburg, Wichmann, Archbishop of Magdeburg, and many other chiefs appeared before Haldensleben, which defied their attack in spite of the siege engines applied to its walls. Henry hastened from Brunswick and retaliated by plundering the country as far as Magdeburg; he was on the point of bringing relief to his castle when a truce was mediated.\* This example was the signal for an outbreak of hostilities elsewhere. The Palsgrave of Saxony, Widekind of Schwalenburg, and, most serious of all, Christian of Oldenburg, Henry's old ally in the Slav campaigns, combined against their Duke. Bremen was the first object of their attack, but here the inhabitants at the instigation of their archbishop, always ill-disposed towards Henry, opened their gates. On the arrival of Henry, however, the position was reversed. The garrison, too weak to resist, after some days inaction surrendered without coming to actual fighting, and Christian was forced to withdraw to his own castle of Oldenburg. Thither Henry followed him; but owing to Christian's sudden death and the quarrels of the Frisians, who formed the bulk of his force, with the native inhabitants, the town fell into his hands.†

Two attempts had therefore been successfully withstood, but one still more dangerous was to follow. Henry had agreed to surrender Haldensleben to the Archbishop of Magdeburg merely to gain time, without any intention of carrying out his promise. Another effort was to be made in which the leading spirit was the Imperial Chancellor,

\* Henry agreed to surrender Haldensleben to the Archbishop of Magdeburg. Ann. Palid. p. 93. The account given by Helmold, ii, 103, of this campaign is more condensed.

† Helmold ii, 103 and 104.

the Archbishop of Cologne who, though in Italy with Frederick, had abundant opportunities of making his power felt in Germany. On 12th July at Magdeburg an offensive and defensive alliance was concluded between the Archbishops of Magdeburg and Cologne. A solemn oath bound them to mutual assistance for the attainment of the common aim—the annihilation of the powerful Duke : neither was to make peace without the other ; each was to help the other in case of attack.\* The third great ecclesiastical prince of the north, Hartwig of Bremen, joined the confederates. For some time he had been quietly at Hamburg, apparently engaged in the affairs of his diocese, but really watching the turn of events. It was the influence of Bishop Conrad of Lübeck that brought him to declare openly for the princes. Henry summoned the bishop to answer for his conduct on the charge of intriguing with his enemies and especially with the Archbishop of Magdeburg. He failed to appear, excusing himself on the ground that he was engaged on a journey to Frisia at the bidding of Hartwig of Bremen. The Duke, who knew only too well the purport of this expedition—the Frisians had been active in the rebellion of Christian of Oldenburg—renewed his summons. Conrad appeared with Hartwig at Stade, denied the charges and refused to do homage to the Duke. Being in consequence excluded from access to his diocese, he withdrew to Magdeburg, where he lived under the protection of Henry's antagonist, Archbishop Wichmann.† This action drove Hartwig definitely into the camp of the allied princes. Hostilities again broke out,

\* See the document printed in Heinemann "Albrecht der Bar," p. 477f.

† Helmold ii, 105.

in the course of which Haldensleben fell into the hands of the allies, Freiburg, a fortress of the Archbishop of Bremen into the hands of the Duke. An unexpected blow however frustrated the plans of the opposition. The Imperial Chancellor, on whose resources the princes depended, fell a victim to the plague which had broken out in Frederick's camp in Italy. Moreover, a message came from the Emperor bidding Conrad, Archbishop of Mainz and Berthold of Zähringen, to arrange a truce till his return.\*

Thus relieved, for the moment at any rate, from dangers which a little before seemed almost insuperable, Henry had leisure to attend to other things: an embassy was despatched to England to escort his betrothed, the lady Matilda, to Germany,† and soon after her arrival the marriage took place at Brunswick on 1 February, 1168. This connexion with the English court was of the first importance to Henry. The attitude of the princes towards him had been shown in the recent outbreak of hostilities. Since therefore these threatened to recur at the earliest opportunity powerful foreign support, on which the Duke could rely in the final struggle which could not long be postponed, was of supreme value. Indeed, regardless of the truce, the princes had renewed their league and opened a war of devastation against Henry, hoping, no doubt, to crush him before the Emperor's return. In this move Frederick anticipated them. He returned earlier than they expected‡ and summoned the disputants to a diet

\* Ann. Palid. p. 93.

† Robert of Torigni (Rolls Series), p. 234; Ralph of Diceto (Rolls Series) i, 330 and n. 2. Many of the English nobility accompanied the princess to Germany, among them the Earl of Arundel.

‡ Ann. Palid. p. 94. "Imperator clam de Italia reversus."

at Würzburg. The princes failed to appear: they even continued their aggressions, and, in spite of frequent summonses, remained obdurate to the imperial command. The position of parties was now reversed; the princes, the original plaintiffs who, by their continued hostilities and failure to appear, had broken the peace of the Empire, now became the defendants and the judgment was given against them by default at Würzburg on 29th June.

On returning from an embassy to the English court at Rouen in order to gain the support of Henry II in the struggle between Empire and Papacy,\* Henry found his relations with his neighbour Waldemar required adjustment. In the summer, with the help of the Slavs serving under Henry's order, the Danish king had conquered Rügen. According to the agreement between the two princes, all conquests were to be regarded as common, the profits and revenues to be shared equally. Waldemar, now that the strength of Denmark had partially recovered from the civil war, desired a more independent position, and refused to regard his conquest of Rügen as subject to the terms of the compact. Henry's retaliation was easy and effective. He gave the Slavs a free hand to plunder the Danish coasts at will. The violence of their attacks forced Waldemar after two years of intermittent warfare, to recede from his attitude of defiance. He submitted to the terms of the agreement; and the previous alliance was sealed by a marriage between Henry's daughter and Waldemar's son, Canute.

\* Nothing is known of the success of this embassy, but see the *Draco Normannicus* iii, ch. iv; (chron. Stephen, Henry II and Richard I, *Rolls Series*, ed. Howlett ii).

*Dirigit interea proceres princeps Alamannus*

*Angligenum regi pontificesque suos.*

*Hos dux Saxoniae ducit, dux splendidus armis,*

*Terris, divitiis, milite, mente, manu.*

The death of Hartwig of Bremen causing a double election to the see was the signal for a fresh outbreak of the struggle. The Duke, having learnt by experience how much the success of his plans depended on who held the bishopric of Bremen,\* appointed one candidate, the princes, also with their own interests in view, another. The usual form of mediæval warfare—plundering raids—filled the country and it was some months before the Emperor's attempts at mediation met with success. At Bamberg in April, 1169, Frederick settled the matter entirely to Henry's satisfaction. Both candidates were set aside and a certain Baldwin,† a man completely docile to the latter's wishes, was chosen in their room. At Bamberg also Frederick's young son Henry was chosen king, and his second son Frederick invested with the Duchy of Swabia formerly held by Frederick of Rothenburg, Henry the Lion's son-in-law, who had died of the plague in Italy.‡ The death of Welf VII, son of the old Welf VI from the same cause had still greater effects in altering the territorial position of parties. Henry the Lion and Frederick himself had equal claims to succeed the old Duke. This led to a rivalry between the two previously close allies which undoubtedly shewed its influence in the open break of a few years later.

\* For the important connexion between Henry and the see of Bremen, cp. Hartung, *Das Erzstift Bremen und Heinrich der Löwe*. *Historische Zeitschrift*, xxxiv, p. 330f.

† Formerly provost of the church of Halberstadt and chaplain to the Duke.

‡ These appointments may have had their effect in disturbing the friendship between Henry and the Emperor. At the siege of Milau, Henry had been provisionally chosen as Frederick's successor after Frederick of Rothenburg. The election of the young Henry put an end to any hope Henry the Lion may have fostered of succeeding his cousin.

Welf was on crusade at the time of his son's death ; when he returned he gave up the remainder of his life to pleasure.\* The gaieties of his court, typical of the times of chivalry, wine, women, and song, could not be maintained without money. He decided, therefore, to turn to account the fact that he had no heir by selling his inheritance. First Henry was approached : he agreed with alacrity, but was in no hurry to part with his ready money. Welf therefore made the same offer to the Emperor, who not only paid him on the spot but gave him more than he stipulated for.† The inheritance definitely lost, Henry began to draw away from his old ally, though there were no signs of an immediate severance.

After the long war carried on with spasmodic outbreaks Henry's duchies required peace. He devoted the next two years of his life to secure it, prompted especially by his desire of making a pilgrimage to the East. His efforts were crowned with success. Saxony enjoyed a rest such as it had not known for many years.‡ Slavonia also, after the conclusion of the war with Denmark, made rapid progress in the march of civilisation and prosperity. In Bavaria, which had recently been the scene of great atrocities arising from local feuds

\* Monumenta Welforum, p. 41.

† Ibid, p. 42. "Omne demum patrimonium suum Heinrico fratrueli suo, duci Saxonie et Bavarie, conventiono facta tradere sponondit. Sed orto inter eos dissensionis scandalo, ipsam transactionem ad imperatorem Fridericum et ejus filios convertit. Imperator ergo Fridericus vir in omnibus sagax et providus, in auro et argento toto nisu satisfaciens avunculo, traditam sibi hereditatem lege gencium possedit." cp. cont. Sanblasiana (ed. Wilmans 1867) ch. 21.

‡ The death of Albert the Bear, 18 Nov., 1170, removed one of the chief obstacles in the way of a definite peace.

and the papal schism,\* though little is known of the measures he adopted, Henry seems to have established peace sufficient to justify his long absence.

Leaving his affairs in charge of his wife Matilda,† he set out on 20th January, 1172, from Brunswick, accompanied by many princes and clergy—among them Guncelin of Schwerin, Pribislav, Conrad, bishop of Lübeck—on his long adventurous journey to the Holy Land.‡ Their route lay down the Danube through Hungary and so to Constantinople. The Duke of Austria who himself accompanied them as far as his frontier, obtained for them from his brother-in-law, King Stephen, an unmolested passage through Hungary.§ Their journey was fraught with difficulties; the Duke's ship was wrecked owing to the swiftness of the current; Henry himself narrowly escaped through timely assistance from a castle on the neighbouring cliffs. At a further point the shallowness forced them to land and proceed on horseback, but the swampy and wooded ground was impervious to the waggons which carried their provisions. They were compelled to relinquish them, and had to content them-

\* Conrad, Archbishop of Salzburg, a determined supporter of Alexander iii, had been banned at a diet of Salzburg, 29 March, 1166. This was made an excuse for general lawlessness on the part of the small nobility in the diocese.

† To assist her in the work, Henry nominated Wichmann of Magdeburg (to whom he was reconciled), Henry of Lüneburg and Eckbert of Wolfenbüttel; the latter proved unworthy of the trust imposed on him. Arnold, *Chronica Slavorum*, i, 1.

‡ Ibid i, 2, "profectus est de Brunewich post octavam epiphanie." Arnold's account of the pilgrimage is very full and his information probably very accurate, being no doubt received from those who had accompanied the duke.

§ The murder of Stephen by his brother Bela threatened to disturb their journey, but they were able to continue on their way unmolested by the usurping king.



selves with what they could load upon mules. Passing through Servian territory, in spite of the command of the Byzantine Emperor to whom it was nominally subject, they were attacked at night. They, however, successfully repulsed the enemy and were enabled to continue their journey unhindered to Constantinople which they reached on Good Friday (14th April).\* The Emperor Manuel received them with great magnificence supplying them with every kind of entertainment.† They remained over Easter, and laden with rich gifts left for Palestine in a ship fitted out by their host. After a stormy crossing Henry landed at Acre and proceeded straight to Jerusalem. During his stay of three days at the palace of the king, Amalric I, he visited the Holy Sepulchre accompanied by the Orders of Templars and Hospitallars. After journeying through the Mount of Olives, Bethlehem, and Nazareth, he spent two more days at Jerusalem.‡ He then proceeded to the court of Prince Bohemund III at Antioch whence he sailed to Tarsus, but abandoned his plan of returning through Asia Minor on account of the hostility of the Armenian Prince, Malech. He passed through Iconium accompanied by the Sultan, and crossing the Hellespont, made his way again to Constantinople. In the autumn he reached Bavaria without encountering any difficulties.§

Henry was in his capital, Brunswick, early in the next year (1173). He found that under the careful administration of his wife nothing had occurred to disturb the peace in his absence. He

\* Arnold i, 3.

† Ibid., 7.

‡ Ibid., 7, 8.

§ Ibid., 12.

was therefore able to devote much of his time to pious works. He began the building of the church of S. Blasius at Brunswick upon which he afterwards bestowed many of the relics he had brought from the Holy Land ; the foundation-stone of a new church at Lübeck was laid at about the same time.

The emperor had in the meantime determined to make another campaign in Italy in the autumn of 1174. Why Henry did not accompany him is a moot point. No definite breach between the two princes had as yet taken place, and since his return from Palestine Henry had frequently been in attendance on the Emperor.\* The conclusion of Prutz on these grounds appears to be well founded : namely, that Frederick, anxious to leave someone in Germany to maintain the peace of the Empire, selected the most powerful man in Henry the Lion. It must however be remembered that the quarrel between the Duke and the Princes of the year 1167-8 was likely to break out again, and, having regard to this, Henry was the last man to choose for the purpose of keeping the peace. Whatever may have been the cause it is certain that the Emperor and Duke met for the last time in friendship at Regensburg in May, 1174.

\* Henry was with Frederick at Frankfurt on 8 June, Prutz, p. 482, Urkunden, no. 14, and on 10 July, 1173, Orig. Gwelf. iii, 521 ; at Merseburg, 21 Feb., 1174, Stumpf, 4152, 4153.

### III.

It is necessary to deviate from the narrative of Henry the Lion's career to consider in detail two of the most vexed questions in the history of the Middle Ages. Whether or no the Emperor held a personal interview with Henry before the battle of Legnano, and what caused and what was the procedure in, the trial of Henry. Their importance cannot be over-estimated: the consequence of the first was the breach of the friendship, hitherto so close, between Henry and Frederick; upon the second depended the Duke's complete ruin. The problems have been approached by nearly all historians of German Mediæval History with different results. For our purpose, however, it will suffice to examine closely the most recent works on the subject by Güterbock\* and Haller.† The original authorities are so vague and contradictory in details that a thoroughly satisfactory solution of the questions is not to be hoped for, and, unless new and more precise evidence is discovered, it must always remain one of the undecided controversies of history.

The first question to discuss is whether an interview between the Emperor and Duke took place,

\* Der Prozess Heinrichs des Löwen (1909).

† Der Sturz Heinrichs des Löwen (Archiv für Urkundenforschung, 1911).

Since this essay was written, an article, Heinrichs des Löwen Sturz in politisch-histor. Beurteilung, has been contributed by K. Hampe to the Historische Zeitschrift, cix. 50f (1912). It supplies some useful criticism on Haller's view of the causes which led up to the quarrel between Henry and Frederick.

and secondly, assuming that it did, to fix its date and place. The chroniclers who refer to the incident are very confused in their knowledge, so much so that an exhaustive examination leads Güterbock to the conclusion that the whole thing is a myth.\* In his view the annalists are recording an interesting fable, and his contention is so far supported that we possess no account written near the time the event is supposed to have taken place. With the exception of Gilbert of Mons, who probably wrote in 1196 just after the death of the Duke, and the Marbach Annals which are attributed to the year 1184, all our authorities belong to the first quarter of the thirteenth century. This fact, however, may be taken to justify the vagueness of their words, and it is difficult to see how such a widely, though inaccurately, known story could have arisen entirely without foundation. Güterbock rests his contention of the legendary character of the whole affair on the words of one of the Continuator of Sigibert, who, he thinks, wrote as early as the year 1180.† Even if his date is accepted as correct, the chronicler of Artois is not likely to have been very accurately informed of the doings of the Emperor in Italy and therefore, unsupported, the argument *e silentio* is not satisfactory.‡

\* His conclusion is in agreement with Schäfer, *Historische Zeitschrift*, lxxvi, 386f. (1895) and Lucas, *Zwei Kritische Untersuchungen zur Geschichte Friedrichs I* (Berlin Dissertation, 1904).

† 1180 as the date at which the "Continuatio Aquicinctina" (M.G.SS. vi) was written is contested by Haller, p. 339f. He shows that in the same sentence the present and the past time are used, and from this he argues that the whole passage written in past time is by a different hand, and inserted after Henry's death. Further Wattenbach, "Deutschlands Geschichtsquellen im Mittelalter," ii, 147, thinks the "Continuatio" essentially a local history, and not a good authority for the history of Frederick I.

‡ Cont. Aquicinctina M.G.SS. vi, 418.

As we have said, the other chroniclers are both vague and contradictory in their details. Gilbert of Mons\* is the first in point of time.† He says that the Emperor, after suffering great hardships in Italy, often approached his cousin and humbled himself before him, but Henry remained obdurate in his refusal to assist him. Arnold of Lübeck‡ comes next: the Emperor after being frustrated in his war against the Lombards came to Germany, and at an assembly of princes tried to induce the Duke to help him, but Henry pleaded that he was too old for such enterprises, and, though affirming his loyalty and willingness to help him with money, refused to assist him in person; then follows the humiliation incident and the Duke's persistence in his refusal. Arnold proceeds to say that Frederick having gained a great victory over the Italians, began to take measures against Henry. The account is altogether very confused and it may be true, as Güterbock thinks, that Arnold has in his mind the events of the 'sixties instead of the 'seventies. The *Chronicon Montis Sereni*§ gives the same story with a few different details, and with the qualifying word "fertur"; as with Arnold, the interview takes place at a general gathering of princes in Germany, but the author adds a name, Partenkirche: || he,

\* M.G.SS. xxi, 517.

† The Marbach annals, though the earliest, are best considered together with the account of the Cont. Sanblasiana with which they have much in common.

‡ ii. 1. Arnold writing in the reign of Otto IV, is naturally partial. He makes Henry the injured person.

§ M.G.SS. xxiii, 157.

|| Prutz p. 301, thinks it more probable that Frederick crossed the Alps and had a meeting with Henry in Germany—perhaps Partenkirche. It is certainly significant that the Saxon chronicler should single out this rather obscure place in Bavaria. See also Haller, p. 322.

again with Arnold, confuses the time with the campaign during the siege of Milan, and further adds that Henry had conspired with the Lombards. Burchard of Ursperg recounts the essentials of the story, but with reserve.\* His chronology is correct, after the siege of Alessandria: but he makes a clear blunder when he implies that Henry had been present at the siege and received a bribe from Frederick's enemies to withdraw; he makes Como the scene of the interview, and adds a picturesque touch by his introduction into the story of Henry's cup-bearer Jordan.†

Finally we come to the account given by Otto of S. Blasius,‡ which is rightly considered by Haller and others as king's evidence for the truth of the story. His version is of the highest interest. His chronology is good and he is more definite; he mentions Chiavenna as the place, and also says that Henry demanded Goslar§ as a fief in reward for his services; when this was refused, Henry departed in anger. The correctness of this account is strengthened by the notice in the Marbach annals which were probably written about the year 1184.||

\* Burchard of Ursperg, SS. *Rer. Germ.* p. 52, qualifies his account with the words "ut referunt homines" and "narratur"; according to Haller, p. 314, Burchard and Eike of Reppicau, the author of the *Deutsche Chronik*, whose versions show points of similarity, had access to good original information and give indirectly the public opinion of the year 1180. Cp. also *Ann. Patherbrunenses*, ed. Scheffer-Boichorst, p. 173, where Como is given as the place of the interview.

† On the importance of this official, see Haller 314f.

‡ SS. *Rer. Germ.* ed. Wilmans, 448f.

§ Goslar had previously belonged to Henry, but he had lost it in the rebellion of the princes, 1167-8.

|| SS. *Rer. Germ.* ed. Bloch p. 52. Haller's opinion p. 336f, that the Marbach Annals were written in 1184 is partially supported by Bloch (Haller, 337 n. 1), against his original view given in the Preface to his edition of the Annals. Wattenbach *op. cit.* ii, 412, speaks of the Annals for the years 1180-1200 as being the most valuable.

Alsace, where the annals were compiled, is peculiarly well situated for hearing accurate information of the Emperor's movements in North Italy. The notice appears under the year 1180 and is given as an explanation of Frederick's proceedings against Henry. It implies, but does not expressly mention, a personal interview: "the Emperor implored help from Duke Henry, who, complaining of the losses which had befallen his army at the sieges of Crema and Milan, refused to help him unless the town of Goslar should be given him to fief." The similarity of this version with the story as related by Otto supplies good grounds for giving it credence.

Considering these accounts together,\* it is first noticeable that they on the whole agree that an interview of some kind took place between the two princes, that Frederick humiliated himself before the Duke, and that, in spite of this, Henry persisted in his refusal to help him. Güterbock's explanation that such discrepancies as appear in the different authorities preclude the possibility of the event having taken place, that all the chroniclers are repeating a legend — "Otto," he says, "relates legends by preference" — and that this legend, originating in Gilbert of Mons,† was spread by ballad singers after Henry's death in 1195, is not sufficient to account for the general similarity in the various versions. The interview may be regarded as historical. Though Haller's attempt to

\* It is noticeable that the North German chroniclers are vaguer in their statements than the South Germans. Arnold and the Chron. Montis Sereni make the interview take place in Germany; Otto and Burchard, living nearer the scene of events, place it in Italy.

† Güterbock p. 13, thinks, on comparison of the texts of Gilbert of Mons and the *Continuatio Aquicinctina*, that the information of the two authorities came from the same source, though Gilbert adds on the current legend. The proximity of the places of writing, Hainault and Artois, supports this conjecture.

bring the contradictory details into harmony is somewhat unconvincing,\* his conclusions, based on the version of Otto of St. Blasius and the Marbach annals, is ingenious and satisfactory so far as the materials permit. The close friendship between Emperor and Duke had been disturbed by the attempt of Frederick to get into his hands the disposal of Saxony in the event of Henry's not returning from the Holy Land in 1172. Frederick at a critical moment in his Italian relations, probably in March, 1176, sought Henry's help at a personal interview at Chiavenna. The fact that he humiliated himself before his subject implies that he had to make amends for something, presumably his conduct while Henry was absent in Palestine. Henry felt himself in a position to demand recompense and he demanded Goslar; on this being refused the two parted at enmity.† It is further necessary to add that the authorities quoted take this meeting as the cause of the quarrel between Frederick and Henry and of the proceedings that followed.

Güterbock,‡ though he considers the meeting at Chiavenna unhistorical, thinks the refusal of help, which in his view was conveyed by negotiation, played a very important part in the fall of Henry the Lion. With good grounds he further believes that Henry's breach with the Emperor was not a sudden event but of slow growth, and that Henry's refusal of support in 1176 supplied the finishing stroke. The loss of Goslar in 1167 and Frederick's conduct while

\* He speaks of a "harmless changing of names," p. 318. "They are" he says, referring to the various sources, "in the main in agreement especially in the question of place."

† Haller, p. 344f, cp. also Hampe, *Deutsche Kaizergeschichte*, 1909, p. 151, who also accepts Chiavenna as the place of an interview between Emperor and Duke in the spring of 1176.

‡ p. 29f.



Henry was in Palestine were, as we have said, sources of dissatisfaction. The inheritance of Welf VI was an additional cause of grievance to Henry : Welf on failing to extract ready money from his nephew, the Duke, had succeeded with his other nephew, the Emperor, and, on consideration of a sum of money paid down, had made him heir to his rich possessions in Swabia and Italy, which included the valuable bequest of the late Countess Matilda. This circumstance could not fail to disturb the hitherto friendly relations between the two princes.

Henry moreover, had been drawn into closer connexion with Frederick's enemies, not indeed directly with the Lombards, as the *Chronicon Montis Sereni* recounts, but with other powers in sympathy with them. First and foremost stands the Eastern Empire ; on his journey to the Holy Land, Henry had met with a warm reception at Constantinople and there is the evidence of two contemporaries—Godfrey of Viterbo\* and Benedict of Peterborough†—to prove that he maintained this intimacy after his return. Now the Greeks had in every possible way aided the Italians in their opposition to the Emperor, and their attitude was of the greatest danger to the imperial policy. England also was on terms of close friendship with Henry. Henry II, the Duke's father-in-law, had after long negotiations definitely recognised Alexander III and had therefore shown himself in opposition, though not aggressively, to the Emperor. The climax of dissatisfaction between the two parties was reached when Henry refused to join the campaign of 1176 against the Lombards and the breach was made complete.

\* M.G.SS. xxii, 352.

† *Gesta Henrici II*, ed. Stubbs i, 249.

Schäfer's view\* that Henry's refusal had absolutely no connexion with the subsequent legal proceedings must not be disregarded. His opinion is based on a passage in the Pegau Annals† which speaks of a mediation undertaken by Archbishop Wichmann of Magdeburg between Henry and his adversaries, Bishop Ulrich of Halberstadt and the Archbishop of Cologne, and of Frederick's command that Ulrich's fortress of Bishofsheim, which Henry had destroyed, should not be rebuilt. But during these events, 1177-8, Frederick was still in Italy (he returned in October, 1178) and nothing is more natural than that he should have desired to maintain peace in Germany until he was at liberty to deal with the affair himself.‡ Nothing, moreover, would be more out of keeping with his character than to permit Henry to be crushed without the semblance of a trial. Further, Schäfer argues, no authority mentions Henry's refusal of assistance and subsequent fall in the relation of cause and effect until the thirteenth century, at least thirty years after the time of the events. Güterbock successfully refutes this contention. The *Continuatio Aquicinctina*, the *Marbach Annals*, and the *Gesta Henrici II* were all probably written very soon after the events took place, and bring the two circumstances into close correlation. Schäfer's view that Henry's quarrel with Ulrich of Halberstadt was the fundamental

\* *Historische Zeitschrift*, vol. lxxvi, 385f.

† *Ann. Peg.* M.G.SS. xvi, 262.

‡ Haller, p. 349. thinks that Frederick from the first intended to crush Henry and that the mediation of the Archbishop of Magdeburg at the Emperor's request was due to a fear lest the strength of the princes should be exhausted before he himself should be able to carry out the duke's complete annihilation. This view seems rather in contradiction to his opening words that he agrees with Schäfer that a reconciliation was still possible (p. 346).

cause, and that Frederick hoped for, and imagined to be possible, a peaceful settlement of the differences, must on the whole be modified. The quarrel with Ulrich and the other princes was, as we shall see, the actual ground of legal proceedings, but it is impossible in the face of the large number of authorities that connect the two events—the refusal of help and the fall of the Duke—to deny the influence of the one on the other.

The events which occurred between the meeting at Chiavenna and Frederick's return to Germany in the autumn of 1178 throw some light on the second problem before us—the legal proceedings against the Duke. On 28th February, 1176, Henry was at Burghausen, dealing with new complaints of the church of Reichersperg against Henry of Stein. It was apparently after this that the interview with the Emperor took place,\* shortly after which Henry returned to Saxony. Frederick, after his defeat at Legnano on 29th May, 1176, had to make his peace with the Pope before he could deal with Henry, who therefore found time to prepare himself for the imminent struggle.†

Early in the next year, 1177, the Duke made his last campaign against the Slavs, who had given incessant trouble to the Danish king. But conscious that a strong circle of enemies was closing in upon him and that his presence was urgently needed in Germany, he determined to secure himself against attack from this quarter. He, there-

\* Prutz p. 301, places the interview between March 1 and 7. On 7 March he is known by documentary evidence to have been back in Bavaria at Ramshof.

† An embassy despatched to England was without result. His ambassadors were at Westminster 12 Nov. Ralph de Diceto (ed. Stubbs) i, 416.

fore, instead of pressing forward the siege of Demmin in which he was engaged, brought the inhabitants to terms, and received hostages as a security for the maintenance of peace.\* The news which hastened his return was the publication of the peace preliminaries agreed to by Pope and Emperor at Anagni. The clause restoring Ulrich to the see of Halberstadt and the consequent deposition of Gero was the signal for open hostilities. Ulrich was not slow in showing the attitude he proposed to adopt. He at once dismissed from office all the clergy appointed by Gero under the Duke's patronage, and demanded the return of all the fiefs of the Church which had been granted to Henry. The bishop's next move was still more patently hostile in its intent; on a hill, Hopelberg, not far from Halberstadt, he built a fortress obviously as a basis of operations against the Duke. Twice was the stronghold destroyed and twice rebuilt.† A command from the Emperor in Italy, bidding the princes refrain from repairing the obnoxious fortress, for the moment restored peace. But Henry's position was daily becoming more hazardous. In the recent quarrel he had suffered a serious defeat and the loss of more than four hundred prisoners at the hands of Bernard of Anhalt;‡ now, during the momentary truce in the summer of 1178, an offensive and defensive alliance was arranged against him at Cassel between Ulrich and the formidable Philip of Cologne.§ The allies, after plundering the Duke's land as far as the Weser, were only with difficulty

\* Arnold, ii, 4. Ann. Palid. 94. Ann. Peg. 261.

† Arnold, ii, 6. Ann. Peg. 262.

‡ Ann. Peg. 262.

§ The document is printed in Prutz, p. 485f. Urkunden, no. 17.

induced by the efforts of the Archbishop of Magdeburg and the Bishop of Merseburg to postpone further hostilities till the Emperor's return.\*

When Frederick returned to Germany towards the end of October, both parties laid before him their complaints at a diet held at Spiers on 11th November.†

We are now launched into a sea of uncertainty and doubt. Innumerable questions arise: What was the attitude of the Emperor? What were the grounds of complaint against the Duke? What course did the proceedings follow? According to what law was he judged? Where and when was the case heard? All and each of these questions are capable of more than one answer.‡ The Emperor's attitude towards the Duke in his quarrels with the princes in 1168 and 1178 provide a striking contrast.§ In 1168 Frederick mediated on behalf of Henry, in 1178 Henry found the Emperor no longer an impartial judge but a man resolved on his complete ruin. In the complaints of the princes, Frederick saw a means of obtaining his own end.

There seems little doubt that the charges against the Duke brought by the princes were the grounds of the legal proceedings. The only incontrovertible authority is the Gelnhausen document and even this is open to various interpretations. Weiland,||

\* Ann. Peg. 262.

† Ibid. cp. also Arnold ii, 10.

‡ The seemingly conclusive work on the subject by Güterbock (1909), is answered point by point by Haller in *Der Sturz Heinrichs des Löwen* (Oct. 1911).

§ Cp. Haller, p. 432; Prutz, p. 311.

|| *Forschungen zur Deutschen Geschichte* vii, 169 and *M.G.Const.* i, 384f.

Ficker,\* Waitz† and Haller‡ have each their own view as to its meaning, which rests on the manner in which it should be punctuated.§ The original manuscript preserved at Düsseldorf is unfortunately so mutilated that it is in parts entirely illegible.|| A transcript, however, was made in 1306 which supplies us with a legible text. Drawn up at the diet of Gelnhausen, 13th April, 1180, its main object was the partition of Saxony, but it also gives an official account of the proceedings and judgment which fell at Würzburg in January, 1180.¶ From this source it is clear that the plaintiffs were the Saxon Princes *ex instanti principum querimonia et plurimorum nobilium*. The ground of complaint was at first the arbitrary actions of Henry *eo quod ecclesiarum dei et nobilium imperii libertatem possessiones eorum occupando et iura ipsorum imminuendo graviter oppresserit*. The refusal of Henry to give up the fiefs of the church of Halberstadt granted him by Gero and the subsequent hostilities are undoubtedly alluded to; while the passage *deinde quoniam in ecclesias dei et principum et nobilium iura et libertatem grassari non destiterit* obviously refers to the renewal of fighting in the summer of 1179.

But further complications are introduced by the words of the document *tam pro illorum iniuria quam pro multiplici contemptu nobis exhibito ac precipue pro evidenti reatu maiestatis*. The high treason is

\* Forschungen zur Reichs- und Rechtsgeschichte Italiens i, 176, § 81; F.D.G. xi, 303f.

F.D.G. x, 153f.

† p. 442f.

§ See Güterbock, p. 52ff, esp. pp. 55, 56.

|| See facsimile, Haller, Tafel III.

¶ See excerpt from the document, App. I.

considered by Weiland\* to refer to Henry's refusal of help, by Waitz† to Henry's alliance with foreign powers hostile to the Empire, by Güterbock‡ to Henry's continual disobedience of the Emperor's summons, and by Haller§ to the renewed hostilities after the ban had been declared. Weiland's view must be rejected; it is highly doubtful whether Henry had sworn to join the campaign and the mere neglect of the duty was as often as not allowed to pass unpunished.|| Furthermore, one would expect some explanation in the document if this interpretation were to be tenable. Similarly, had the alliance between Henry and foreign powers been intended some reference to it would probably have been made in the document. It is almost impossible to see with Waitz and Schäfer in the charge of high treason the chief cause of complaint, though, supported by many annalistic sources, it must have existed in some form. ¶Haller thinks it is the identical complaint, referred to earlier in the document, clothed in more legal phraseology. In the *multiplex contemptus* he sees the repeated neglect of the Emperor's summons, in the *evidens reatus maiestatis* the continued aggressions against the

\* F.D.G. vii, 169f.

† F.D.G. x 160f.

‡ p. 99.

§ p. 373f.

|| See Haller, p. 434; Schäfer H.Z., lxxvi, p. 388.

¶ Arnold and the Chron. Mont. Sereni mention the challenge of Dietrich of Landsberg to a duel on the ground that Henry had called in the Slavs to invade his territory, perhaps meaning this as the treasonable offence. This is hardly acceptable. "How often" says Schäfer, p. 399, "have the Slavs been called in in private German feuds." cp. also Deutsche Chronik, M.G. Deutsche Chroniken, ii, 230. Treason is also mentioned in Ann. S. Georgii in silva nigra, M.G.SS. xvii, 296. Chron. Reg. Colon. p. 130. Burchard of Ursperg, p. 53; Gesta Henrici II, i, 249.

princes after the publication of the ban, which amounted to direct disobedience of the Emperor's judgment.\* But though the ban had already fallen against the Duke before the diet of Würzburg, it required a year and a day to elapse before the final banishment the *oberacht* took place, and no measures would be necessary in consequence of the *acht* until the *oberacht* was adjudged. Güterbock's explanation† of the *evidens reatus maiestatis* is more satisfactory. The Erfurt Chronicle‡ and the Pegau Annals§ confirm his interpretation of the words of the document—the Duke's failure to appear at Court. To this was due the Emperor's interference in the case. At the same time the refusal of help and the alliance with foreign powers may have been supplementary causes.

In short the proceedings were opened on the charges of the princes, and since Henry neglected to obey the imperial summonses to appear at the judicial court, Frederick, who had already grounds of complaint against Henry, himself becomes a suitor in the case.

The next point in the controversy, according to what form of law Henry was judged is equally difficult to decide. Earlier writers on the subject failed to see, what is now fully established by Güterbock, that there were two distinct proceedings, one according to customary law, *landrecht*, one according to feudal law, *lehnrecht*.|| The Gelnhausen docu-

\* Haller, pp. 374f. 363.

† p. 100.

‡ Mon. Erphes., p. 188.

§ p. 263.

|| The terms customary and feudal law seem best to draw the distinction which is implied in the German words. It is however impossible to get exactly the true meaning in English. See Pollock and Maitland, *Hist. of Eng. Law.* (2nd ed.), i, p. 235. "We can hardly translate into English the contrast which Germans draw



ment draws the sharpest distinction between the two. In the first there is a single summons, *citatione vocatus*; the Swabian princes—Henry's tribal peers\*—are the judges, *iudicio principum et sue conditionis Suevorum*. The judgment is the ban, *proscriptionis sententiam*. In the second there are three summons, *trino edicto . . . . citatus*; the princes without differentiation of tribe are the judges, *per unanimum principum sententiam*; the punishment is the loss of fiefs, *beneficia . . . . abiudicata sunt*.

The first has all the characteristics of customary law. The ban as a punishment and the tribal peers as judges are peculiar to customary law alone. The second case is expressly *feudali iure*. Güterbock shows that from the time of Frederick I suits according to customary and feudal law frequently went forward side by side.† Feudalism reached its height in the twelfth century and in serious cases feudal tenants were liable to punishment under the feudal code. Indeed, this being the only means by which a man could be deprived of his fiefs, its operation was essential in the case of a Duke, whose power lay mainly in his feudal possessions among which, of course, his duchy was reckoned. A suit according to customary law also was necessary to carry out

between Lehnrecht and Landrecht. Our Landrecht is Lehnrecht; in so far as feudalism is mere property law, England is of all countries the most perfectly feudalized. But this truth has another aspect, our Lehnrecht is Landrecht; feudal law is not a special law applicable only to one fairly definite set of relationships, or applicable only to one class or estate of men; it is just the common law of England."

\* The tribe was fixed not by the birthplace of a particular individual, but by the situation of the family castle. Henry apparently claimed to be judged in the country of his birth, but the claim was disallowed; Arnold ii, 10.

† He cites the case of Widekund of Schwalenburg, p. 117f. Haller contests the analogy, p. 370f.

the feudal punishment by means of the ban, followed after the lapse of a year and a day by outlawry. It supplied a force to bring the recalcitrant criminal to compliance with his punishment. Haller, though accepting the two distinct procedures, denies Güterbock's contention that they ran concurrently. He holds, on less convincing arguments, that the feudal suit did not commence till after the declaration of the ban ; the first suit, in fact, ended before the second began.\*

We now come to Güterbock's main contention on which all his conclusions rest.† In feudal law princes of the Empire had the privilege of three summonses with terms of six weeks instead of fourteen days intervening. The rule, however, in customary law was that three summonses should be issued to the defendant with three terms of fourteen days intervening, no privilege being granted to princes. But could these three intervals be made continuous in one long term of six weeks ? Suits by customary law were usually of a local character and were heard in local courts. The short terms were therefore quite practicable. When the suit was cognisable in the Imperial Court, which was always moving about, frequent short summonses were difficult. One peremptory summons after a six weeks' interval would be an obvious and natural evasion of this inconvenience. Güterbock gives eight instances of this practice.‡ His well grounded hypothesis alone supplies a satisfactory explanation of the

\* Haller, p. 372.

† p. 125f.

‡ Otto of Nordheim, p. 131 ; Lothair of Supplinberg, 132 ; Frederick of Swabia, 133 ; Conrad of Salzburg, 134 ; Otto of Wittelsbach, 135 ; Frederick of Isenburg, 136 ; Ottokar of Bohemia, 138 ; Guy of Flanders, 142.

words in the document *citatione vocatus*. Had a threefold summons been intended it would have been expressly mentioned, as indeed it is in the second suit *trino edicto . . . citatus*. Haller,\* on the other hand, thinks this view entirely untenable. It is true that he has the support of the *Sachsenspiegel*†; but Güterbock shows that the *Sachsenspiegel* in this case when it speaks of three terms of six weeks in a suit of customary law is either incorrect or has a very confined meaning.‡ Eike of Reppichau, the author of the *Sachsenspiegel* who is by no means infallible, is giving the law in use in his day fifty years later. “In the duel between Eike of Reppichau and Ferdinand Güterbock” as Haller sarcastically puts it, the weight of evidence is almost certainly on the side of the modern authority. Furthermore, Haller’s evasion of the difficulty of the single summons mentioned in the document is highly unsatisfactory. In his opinion the document was spoilt before the transcript was made in 1306, and needs emendation.§ For “*Quia citatione vocatus*,” he reads *Trina citatione vocatus*. Finding a new difficulty in the insufficient number of judicial diets to supply three summonses in both suits he conjectures that the three summonses in the second suit could be concentrated into one after an eighteen weeks’ term. In the *legitimo trino edicto*

\* p. 367f He contests the instances cited by Güterbock.

† *Sachsenspiegel* (ed. Homeyer) Landrecht i, 67 § 1.

‡ p. 129f. Cp. also Weiland, F.D.G. vii, 179. The evidence of the Land-peace of 1108 (?) M.G.Const. i, 614, supports Güterbock, “et det sibi inducias per quatuordecim dies. Si non habuerit justiciam infra quatuordecim dies, secundo inducietur sibi per quatuordecim dies, et tercio det sibi inducias per quatuordecim dies; et si inculpatus ad satisfactionem non venerit, reus sit corruptae pacis.”

§ Haller, 402f.

*citatus* he sees no contradiction ; *citatio* as in the first case not *edictum* would have been used had separate summonses been implied. This entirely unconvincing hypothesis is insufficient to shake the contention of Güterbock\* which is in complete harmony with the document and the course of the trial.

It remains only to determine the judicial diets at which the law took its course. Here again, the invaluable researches of Güterbock give the most satisfactory results. The chronicle of Arnold of Lübeck and the Pegau Annals render the fullest accounts. Both give four places at which the case was heard : the Chronicle, † Worms, Magdeburg, Goslar and a fourth, the name being omitted ; the Annals, ‡ Magdeburg, Nüremberg, Kaina, Würzburg. From the Gelnhausen document we know that the verdict fell at Würzburg. § Further, we know the sentence was pronounced according to feudal law—the forfeiture of his fiefs. The words of the Magdeburg Annals, *privari beneficiis abiudicatur* confirm the fact. || The question naturally arises why should a fourth day be necessary. Though many writers ¶ on the basis of Arnold's account agree

\* Bresslau in his review of Güterbock's book in the *Neues Archiv* vol. xxxv, p. 291f, thinks this theory of Güterbock's particularly important "ein Nachweis durch den eine ganze Reihe von Schwierigkeiten, die bisher bestanden, behoben werden."

† Arnold, ii, 10.

‡ Ann. Peg. p. 262-3.

§ "Ac provide tam ducatus Bawarie quam Westfalie et Angarie quam etiam universa que ab imperio tenuerit beneficia per unanimum principum sententiam in sollempni curia Wirceburc celebrata ei abiudicata sunt nostroque iuri addicta et potestati."

|| M.G.SS. xvi, 194 ; also Arnold, ii, 10. The Pegau Annals, p. 163, mention that his allodial possessions as well as his fiefs were forfeited at Würzburg. Güterbock thinks that the Annals have been partly copied from the Magdeburg Annals and that this is a mistake of the copyist. See Güterbock, p. 83.

¶ Weiland, Waitz, Ficker, Schäfer, Haller, ubi supra.

that a verdict was given at the third hearing, Güterbock\* clearly shows that this was not the case; at the third hearing the Emperor himself appeared as a plaintiff with new charges against the Duke—especially the repeated disregard of his summons.† An extra day therefore had to be fixed that Henry might have an opportunity of replying. Accepting the view that three summonses were necessary according to feudal law, we must reject the opinion of Haller that the feudal law proceedings were opened at Kaina and concluded at Würzburg. Indeed, accepting this premise no other alternative remains: no conclusion was reached at the third, and new charges having been raised to which the Emperor was a party, a fourth day was determined upon for a hearing at Würzburg on the 13th January, 1180, when the verdict by feudal law was pronounced.

Having settled the day upon which the sentence was delivered, we can trace the course of the proceedings in their reverse order. The third hearing was held in the middle of August, according to Arnold, at Goslar, according to the Pegau Annals, at Kaina. A choice between these two is not hard to make; the Annals are undoubtedly correct. Kaina is a small place not far from Goslar, and it is quite a natural error for a chronicler living at Lübeck to confuse the large and important Goslar with the small town in its neighbourhood. The annalist, on the other hand, writing near to the scene of the event would in this case have accurate

\* p. 162f.

† Cp. Gelnhausen document "pro multiplici contemptu . . . sub feudali iure legitimo trino edicto ad nostram citatus audientiam, eo quod se absentasset nec aliquem pro se mississet responsalem, contumax iudicatus est."

information.\* It is beyond question that Henry received a summons to a diet at Magdeburg on 24th June, 1179.† The problem is, was this the first or the second summons? Did the proceedings open here as the Pegau Annals relate? If this was so, a sitting of the court must be determined between the diets of Magdeburg, 24th June, and Kaina, 17th August. According to the same authority a judicial diet was convened in this interval at Nuremberg.‡ This version of the case is not only in contradiction to other original accounts but also is irreconcilable with the usage of feudal law: six weeks at the least were required to elapse between each summons, and between the 24th June and 17th August there is not a sufficient interval for two such periods. Henry must therefore have received his second summons to Magdeburg. It follows directly that the first hearing was at Worms§ on 13th January, 1179, for which a summons had been issued at Spiers in November of the previous year.

We thus have the proceedings complete according to feudal law: Worms, Magdeburg, Kaina, and Würzburg where the verdict was given. The suit according to customary law alone now remains undetermined. The question turns upon where the ban—the punishment of customary law—was declared. The tribal peers of Henry, the Swabians,

\* Güterbock, p. 151f. The Emperor was at Kaina on 17 Aug. Stumpf, "Reichskanzler," nos. 4289, 4290.

† "Imperator curiam in natali sancti Johannis baptistae Magdeburgh habuit," Ann. Peg., p. 262.

‡ Accepted by Weiland, F.D.G. vii, 182, Schäfer, H.Z. lxxvi, 393, Giesebrecht. op. cit. v. 903f.

§ Arnold ii, 10; Chron. Reg. Colon. p. 130, "in octava Epiphaniae"; Ann. S. Georgii in silva nigra, M.G.SS., xvii, 296.

in such a suit, acted as judges;\* at Worms there were many, at Magdeburg a few, at Kaina, as far as we know, none.† The document tells us that Henry continued his aggressions after the ban had been published. Immediately after the diet of Kaina a campaign opened against him in consequence of these aggressions,‡ which must therefore have already begun before 17th August, 1179. The evidence suggests Magdeburg as the diet at which the ban fell. From another line of argument we can reach the same conclusion. The Land-peace of 18th February, 1179,§ provides that, in the case of a man proscribed, if the ban were not withdrawn before the expiration of a year and a day the outlawry should be made complete, and his allodial possessions confiscated. According to Arnold,|| Henry made an attempt to secure a reconciliation, perhaps the removal of the ban, after the diet of Magdeburg. A meeting between Henry and the Emperor apparently took place at Haldensleben where Frederick demanded the payment of 5,000 marks: Henry refused to pay so large a sum, and the negotiations broke down. The law therefore took its course. At Regensburg on 24th June, 1180, a diet was held where, according to the Pegau Annals,¶ by the sentence of the Princes Henry was

\* Gelnhausen document "principum et sue conditionis Suevorum . . . sententiam."

† See Scheffer-Boichorst "Zur Geschichte des xii and xiii Jahrhunderts" p. 200 f. From this evidence, Worms and Magdeburg are singled out as the diets at which the suit according to customary law was heard.

‡ Arnold ii, 10. Ann. Peg. 262. Not the execution of the ban as Weiland F.D.G., vii, 177, and Haller, p. 413, take it to be

§ M.G. Const. i, 382.

|| ii, 10.

¶ p. 263. cp. also Ann. Reichersperg, M.G.SS. xvii, 506.

deprived of the Duchy of Bavaria, his hereditary possessions, and his fiefs. The more common opinion, accepted by Haller,\* is that Bavaria alone was here dealt with as Saxony had been at the diet of Gelnhausen ; but Güterbock's inference is irresistible. At Regensburg the *Oberacht* (complete outlawry) fell, a year and a day after the diet of Magdeburg, where, therefore, the ban must have been published. It follows on this that the proceedings according to customary law were instituted at Worms† on 13th January, 1179. On 25th July, 1180, a general campaign was declared to carry the *Oberacht* into effect.

The case put shortly runs thus : at Spiers, 11th November, 1178, both parties, Henry and the Princes, brought their complaints before the Emperor, who had recently returned from Italy. On the charges of the Princes legal proceedings were begun against Henry who was summoned to appear at Worms, 13th January, 1179, where both suits (according to feudal and customary law) were initiated. At Magdeburg, whither he was cited for the second hearing on 24th June, 1179, the ban was declared against him according to customary law. The third hearing took place at Kaina, 17th August, and a fourth on account of new charges—especially the neglect of the Emperor's summons—at Würzburg, 13th January, 1180, when the verdict of the loss of fiefs was pronounced against him by default according to feudal law. At Gelnhausen his Duchy of Saxony was partitioned—Westphalia being granted to the Archbishop of Cologne, Saxony with

\* Haller, 419.

† Where also the tribal princes were present.



the title of Duke to Bernard of Anhalt.\* At Regensburg, 24th June, 1180, the complete outlawry of Henry, the deprivation of his allodial possessions, and the dismemberment of Bavaria was finally declared. On 25th July the campaign opened against him to enforce by arms what had been decided in the courts of law.

\* Henry had held a large number of Church fiefs. These now reverted to the bishops, leaving to the new duke a comparatively small portion of Henry's extensive territorial possessions.

## IV.

THE Gelnhausen document had decided Henry's fate, but a war was necessary to give it effect. On Easter Day (20th April), it was agreed at Worms that the princes should assemble on 25th July for a general campaign against the Duke.\* Henry, too, began his preparation for a stubborn resistance; he saw his prospects of help in Germany were very small and turned his eyes towards foreign allies. Denmark and England were singled out as the natural sources of assistance. Under Waldemar, Denmark had recovered completely from the devastations of the long civil war. Waldemar had raised it from the depths of weakness and exhaustion to which it had sunk; now he was able to withstand the piratical inroads of the Slavs, and even to attack them with success. Under these circumstances, the attitude of superiority which Henry had adopted towards him, became very irksome. He was only waiting for a suitable opportunity to throw off the yoke of his powerful neighbour and declare his independence. When Germany was united against Henry, he saw the moment had come: Frederick, moreover, had made overtures to induce him to join the general campaign against his opponent. Though the Danish king did not yet openly declare himself on the side of Henry's enemies, he clearly showed his intentions; for at an interview with the

\* Ann. Peg., p. 263. "Expediitio usque ad festum sancti Jacobi omnibus principibus contra ducem Heinricum indicitur ab imperatore Frederico."

Duke he gave an evasive answer to the demand for help.\*

Seeing that he could expect nothing from this side, Henry turned to his father-in-law, Henry II of England. Here his prospects of success seemed brighter. Henry II was ready to help him if he could find others to do the same, but he was unwilling to undertake so large an enterprise single-handed. He applied, therefore, to Philip Augustus and the powerful Count Philip of Flanders. Both at first expressed their willingness for the undertaking, but unfortunately Henry of Troyes, the uncle of the French king, who was influential at court and on friendly terms with the Emperor, dissuaded Philip from making the campaign.† Thus the whole plan fell through and Henry was left to rely on his own resources.

As soon as the truce expired on 27th April, Henry took the offensive. He made straight for Goslar, the key to upper Saxony, and, after devastating the country in the neighbourhood, closely invested it. The determined resistance of the garrison and the army brought to its relief by the allied princes, who realised the importance of the place, forced Henry to withdraw and to turn southward. At Weissensee on the Unstrut he met an army under Louis of Thuringia; he gained a complete victory, pursued the enemy as far as Mühlhausen, which he destroyed, then with more than four hundred prisoners,

\* Saxo Grammaticus, p. 150.

† *Continuatio Aquicinctina*. M.G.SS. vi, 419. Though the chronicler of Artois would, on account of his proximity to Flanders, have good information on these negotiations, considering the complete silence of the English authorities, his words must be accepted with reserve. Benedict (*Gesta Henrici II*, ed. Stubbs), vol. ii, 250, gives the distance of Germany as the King's excuse for not coming to his son-in-law's aid.

including Louis, he returned victoriously to Brunswick. He dealt another successful blow against his opponents by instigating the Slavs to invade the march of Lausitz. They readily complied with this invitation and made an inroad, plundering and ravaging the country far and wide.\*

Affairs still seemed to favour Henry's cause. On 30th July Ulrich of Halberstadt, who was largely responsible for the proceedings against Henry, died, and two days later came the news of a great victory in Westphalia. Here a number of discontented vassals rose against their fief lord, and Henry had sent a strong army against them under Adolf of Schauenburg, Bernard of Ratzburg, and Guncelin of Schwerin. On 1st August the two armies joined battle at Halrefeld, where, after hard fighting, Henry's supporters utterly defeated the disloyal vassals; a large number, among them several of the leaders, were slain or captured.†

In the meantime, the day fixed for the opening of the general campaign having arrived (25th July), Frederick took the field in person. After capturing an important stronghold of the Duke, Lichtenburg, he held a diet at Werla‡ on 15th August, where, as the result of a decree bidding the vassals of the deposed Duke to join his standard, a large number deserted. For some time the Emperor remained in the region of Goslar. One of the measures then achieved was the partition of Bavaria, which was carried out at Artlenburg on 16th September. The dukedom itself was given to Otto of Wittelsbach, but, as in the case of Saxony, it was diminished in extent. The March of Styria, separated from the

\* A full account of these affairs is given in the *Annales Pegavienses*, p. 263.

† Arnold of Lübeck, ii, 13.

‡ A royal palace near Burgdorf on the river Ocker.

duchy, became an independant dukedom under its former margrave, Ottakar.\* This policy, adopted through a morbid fear of the rise of a second Lion, entirely broke through the ancient traditions of the Empire with regard to the dukedoms. It marks the end of the power of the old ducal families and its transference to the small nobility which, during the years of transition that immediately followed Henry's banishment, threw Germany into a state of confusion and civil discord.

At this time Henry suffered a great loss in the desertion of Adolf of Schauenburg. The latter had refused to give up the prisoners taken at Halrefeld and, as the dispute continued, had crossed over to the enemy. Henry resolved to punish him severely in the hope of deterring others from following his example. He overran Holstein and only met with resistance from the strong Segeberg ; as his presence was necessary elsewhere, he left the siege in the hands of Bernard of Ratzburg who captured it after a stubborn defence organised by Adolf's mother, Matilda. But these strong measures had an effect contrary to Henry's expectation : for daily more and more of his vassals deserted and surrendered their castles to the Emperor. Henry therefore modified his tactics. In this way he succeeded in winning back to loyalty one who had turned against him and was taken prisoner at the battle of Halrefeld, Count Simon of Teklenburg : but he was powerless to check the desertions which continued to weaken his resources. At Christmas, whether with justification or not it is difficult to say, he

\* *Continuatio Admuntensis*, M.G.SS. ix, 585. "Otaker ex marchione Stirensi ducis nomen est adeptus . . . Otto palatinus senior dux Bavariæ constituitur." *Ann. Ratisponenses*, M.G.SS xvii, 589, "eo eodem anno (1180) 16 Kal Octobris Otonem palatinum in Bavaria ducem statuit. Hoc gestum est Artlenburch."

thought he detected treachery in the Count of Ratzburg; he took him in custody and turned to take vengeance by an assault on the town of Ratzburg; after a short siege it was captured by the aid of its jealous rival, Lübeck.\* Bernard was then set at liberty and openly began to negotiate with Frederick. Encouraged by these desertions, the allied princes renewed the struggle early in the next year. In February Archbishop Wichmann of Magdeburg opened the campaign by an attack on Haldensleben, which had previously resisted all efforts made against it. After a brave defence it was forced to capitulate, owing to the city being completely flooded with water from the neighbouring marshes.† So weakened by his recent misfortunes that he dared not meet his opponents in the open field, Henry devoted his energies to strengthening his position in the fortresses which still remained to him. He selected Lübeck and Ratzburg as places best suited to make a last stand. He was, however, destined to suffer a new disappointment; on his leaving Ratzburg where he had completed his preparations for its defence, the inhabitants, in revenge for his treatment to their Count, shut the gates against him. He was prevented from venting his anger on his disloyal subjects by news of the Emperor's approach, and he was compelled to withdraw to Artlenburg. Frederick had in July appeared before Brunswick, but, seeing that it could not be captured without much time and effort left an army under Philip of Cologne to watch it while he himself pushed further into the Duke's country. From Ratzburg he followed Henry to Artlenburg, forced him to evacuate the town and escape by

\* Arnold ii, 19.

† Ann. Peg. 264

night across the Elbe to Stade, then with energy unrelaxed by success turned his attention to Lübeck. He saw that if once this important place fell into his hands, Henry's resources would be at an end. But the inhabitants of Lübeck, realising that they owed their great prosperity to the paternal care of Henry, at this juncture prepared to make a stubborn resistance on his behalf. Their town was well adapted for a long defence : indeed, as long as the approach by sea remained open, the inhabitants could supply themselves with provisions, while their newly strengthened fortifications made them secure against assault. Frederick also was aware that under existing circumstances he could not bring the town to capitulate ; but means were at hand by which he might expect to gain his object. Waldemar of Denmark at last openly declared himself on the side of the Emperor : the Danish fleet by sea, the German troops by land, invested the city so closely that further resistance seemed impossible. The loyal defenders, nevertheless, were still unwilling to open their gates without Henry's express leave, and to obtain this a truce was granted with a safe conduct for the ambassadors. Henry, who was still at Stade, seeing the futility of a prolonged defence, gave the required permission, and the burghers opened their gates to Frederick on his promising to respect their existing privileges.\* The final arrangements concerning the alliance between Frederick and Waldemar, which stood over till Lübeck should fall, were now concluded. The two sons of the Emperor were to be betrothed to the two daughters of Waldemar ; but Frederick demanded such vast dowries that they exceeded the capacity of the Danish treasury, and conse-

\* Arnold of Lübeck ii, 21.

quently the marriage of the elder pair had to be abandoned, that of the younger alone holding good.\*

Henry's resources had, after the fall of Lübeck, dwindled to nothing. Though he resolved to make a final stand at Stade he would first in this eleventh hour try his fortune at negotiations. He sought and obtained a safe conduct to Lüneburg near which the Emperor was encamped, but he found the time had passed when he could get acceptable conditions. Frederick would hear of none, and summoned a diet at Quedlinburg to decide the fate of the Duke. Henry appeared, but owing to a dissension which arose between him and the new Duke of Saxony, nothing was settled. In November a second diet was held at Erfurt. Stade had in the meantime fallen into the hands of Philip of Cologne, and it only remained for Henry to submit. He appeared at the diet and bowed himself before the Emperor, who characteristically raised him from the ground and kissed him with tears; but it was beyond his power, even if he wished, to annul the judgment of the princes. Henry was granted the two cities of his patrimony, Brunswick and Lüneburg, but it was considered, and, as events proved, with justice, unsafe to allow him to remain in Germany. He was therefore banished under oath not to return without the Emperor's leave.†

Henry II was now sorry he had not taken steps to prevent the complete downfall of his son-in-law. He accordingly sent ambassadors to Frederick to secure, if possible, the mitigation of the sentence. His demand was also supported by other foreign powers; Pope Alexander III, Philip Augustus, and Philip, Count of Flanders, used their endeavours

\* Saxo Gram. p. 152.

† Ann. S. Petri Erphesfurtenses Majores, Mon. Erphesfurtensia, ed. Holder-Egger, p. 66f. Arnold ii. 22.



to persuade the Emperor to a more lenient course. Their efforts were not entirely without success: the term of banishment was limited to three years, the Duke's wife was allowed to enjoy undisturbed freedom in her possessions, and to Henry was granted a portion of his revenues during his exile.\*

Towards the end of July Henry with his family (excepting his third son, Lothair, who remained in Germany) left Brunswick to join his father-in-law in Normandy. Leaving his wife with her father, Henry set out on a pilgrimage to the shrine of S. James at Compostella, from which he returned to keep Christmas 1182 with his father-in-law at Caen.† The next year was spent quietly at the court in Normandy; but in the spring of 1184 he apparently paid a visit to Saxony, though the chroniclers of the period know nothing of it. The fact, however, is proved by a notice in the Norman Exchequer Roll under this year.‡ His wife crossed to England on 13th June and from Dover proceeded to Winchester, where she gave birth to her youngest son, William. While Henry was still in Normandy, negotiations were opened by William the Lion of Scotland, who asked for the hand of the Duke's daughter in marriage. After a long dispute on the question of consanguinity, the alliance was made conditional on the Pope's consent; the consent was withheld and the plan had to be abandoned.§ Shortly

\* *Gesta Regis Henrici II* (ed. Stubbs) i, 287.

† *Ibid* i, 288. The pilgrimage was made in the year 1182, not as Prutz thinks, p. 253, in 1183.

‡ *Rot. Normann.* i, 116. The entry is "In Corredio ducis Saxonie apud Drincort quando ivit in Saxoniam 21. 11s. 11d. per breve Regis." See Eyton, *Itinerary of K. Henry II*, p. 255.

§ *Gesta Henrici II*, i, 314. The documents of these transactions are printed in Lawrie, *Annals of the reigns of Malcome and William of Scotland* (1910) p. 253f. Cp. also Pauli, *Heinrich der Löwe und Wilhelm der Löwe, König von Schottland. Nachrichten von der Königl. Gesellschaft der Wissenschaften zu Göttingen 1880*, no 3.

after Henry the Lion himself arrived in England and on 25th July joined his wife at Winchester. We find Henry on 5th August at Reading on his way to London where he appeared with his wife at a council on 25th November.\*

In the meanwhile Henry II used all the influence in his power to renew the friendship between his son-in-law and the Emperor. A fruitless attempt to this end had been made at Whitsuntide when Frederick held a large gathering to celebrate the knighting of his son at Mainz. In June another opportunity offered itself on the occasion of a visit of Philip of Cologne to England. It is unknown for what purpose this journey was made ; it is hardly probable that his aim was a reconciliation with Henry, for not only had he been the chief instrument in his downfall, but he also had received the most valuable portion of his possessions. It has been suggested with more probability that he came as an ambassador from Frederick to discuss the question of a marriage between the Emperor's daughter and Richard Cœur de Lion.† Both this and the reconciliation with the duke are given by the English chroniclers as the cause of the visit, and they further speak of the friction between Henry and the archbishop as being removed.‡ In November the king renewed his efforts to bring Frederick to terms, and sent Hugh of Nonant, Archdeacon of Lisieux, to ask

\* During the stay in England, Henry and his family were in receipt of frequent allowances from the Exchequer. See excerpts from Pipe Roll of 1184. Eyton op. cit. p. 256-7.

† This is not quite satisfactory, as the Archbishop had quarrelled with the Emperor, but it is possible that the latter used this means to get a dangerous man out of Germany.

‡ Gesta Henrici II, i, 319. Hoveden, ii, 288. There are no grounds to justify us in believing the attempt of reconciliation to have been successful.

for the intercession of the Pope, Lucius III. This time he gained his object, and his ambassador returned in the first week of January, 1185, with the news that a reconciliation had in reality been effected.\* Henry the Lion, however, does not appear to have been allowed to return to Germany until the full term of three years was completed.† He was at Windsor when the news of the Emperor's pardon was received, and he remained either there or in London till the summer, when he crossed with Queen Eleanor to Normandy.‡ About Michaelmas he returned with his family to Brunswick.§

On Henry's banishment, the whole of Germany fell into confusion. Arnold of Lübeck opens the third book of his chronicle with a vivid picture of the anarchy, showing at the same time high appreciation of Henry's rule.|| "In those days there was no king in Israel, but each man did what seemed good in his own eyes. Indeed after the banishment of Duke Henry, who alone had reigned supreme in the land, and, as we have said from the beginning, maintained excellent peace, inasmuch as he held in check by the reins of his government not only the neighbouring lands, but also barbarians and foreign countries in such a way that men lived at peace without fear, and the land, by reason of the security, abounded with all good things, each man now

\* *Gesta Henrici II*, i, 322, 334.

† *Chronica Regia Coloniensis* (ed. Waitz) p. 134. "Dux Saxoniae, peractis exultationis suae annis, de Anglia rediit."

‡ *Gesta Henrici II*, i, 337. An entry in the Pipe Roll relates to his departure "et in liberatione esneccae (the royal yacht) quando Dux Saxoniae et Regina transfretaverunt, 7l. 10s., per Ranulfum de Glanvill."

§ Arnold iii, 13.

|| *Ibid*, iii, 1.

reigned after the manner of a tyrant, and each man did violence to his fellow and his fellow to him.”

The political relations of the time illustrate the chronicler's account. Bernard, the new Duke of Saxony, quarrelled with Adolf of Schauenburg; Frederick was at enmity with Canute VI who had ascended the throne of Denmark on Waldemar's death in 1182, with the Papacy, and with the most powerful ecclesiastical prince, Philip of Cologne.\* Under these circumstances Henry might well expect to find allies willing to help him and thereby strike a blow at their adversaries. But he seems to have spent the first two years after his return quietly at Brunswick, though no doubt he was awaiting his opportunity. He did indeed make overtures to Canute of Denmark, but was disappointed in his hopes of getting assistance from this quarter. For though Canute was at enmity with Frederick, he remembered only too well the restraint Henry the Lion, in the time of his power, had exercised over his father.

In the autumn of 1187 news came which made all princes throughout Europe lay aside their hostilities. On 3rd October Jerusalem had fallen into the hands of the infidels. Urban III, who had quarrelled with Frederick on account of the marriage between Prince Henry and Constance of Sicily,† died almost immediately after the terrible news reached Europe. His successor, Gregory VIII, at once proclaimed a crusade, but died soon after his election, leaving to Clement III the work of carrying out the great enterprise. Frederick, though now old, was still active and on 27th March, 1188, took the cross at Mainz. He had many things to arrange before he embarked

\* Arnold iii, 13.

† The marriage took place 27 Jan. 1186.

on so large an undertaking ; his son Henry was to take charge of affairs in Germany during his absence, but he naturally desired to remove as many obstacles as possible from the path of the hitherto inexperienced prince. His first measure was therefore to deal with Henry the Lion, for which purpose he summoned a diet at Goslar in August. Before Henry, who obeyed the summons, he laid three proposals ; either he must content himself with a partial restoration of his possessions, or accompany the Emperor on the crusade at the latter's expense, and afterwards be completely restored to his own, or finally leave Germany with his eldest son for three years.\* Henry saw that if he accepted the first he would be compelled to renounce definitely the remainder of his possessions, while in the second case he saw no possibility of Frederick having the power to make him a full restitution of his lands as they had been already granted away to others. Owing to these considerations he chose the third course, and at Easter 1189 retired for a second time to England. Soon after his arrival there Henry II died on July 9th and was succeeded by his son Richard. Probably in his choice of exile Henry the Lion had contemplated an attempt to recover his possessions during the Emperor's absence ; in this plan he was encouraged by Canute VI, who was alarmed at the increasing power of Count Adolf, and by the new King of England Richard I.† The death of his wife,‡ whom he had left at Brunswick

\* Arnold iv, 7.

† Chron. Regia Colon. p. 143. "Heinricus quondam dux Saxonum, cognita imperatoris absentia, contra juramentum de Anglia reversus, nativum solum expetit, astipulante sibi rege Richardo, cuius sororem habuit, et rege Datio, genero suo."

‡ Matilda died according to Ann. Stederburg, p. 221, 9 April ; to Necrol. Weingart. 24 Junc.

to manage his affairs there, supplied a further motive, and a pretext for breaking his oath. He sent his son to Germany about Michaelmas, and soon followed himself after little more than half a year's absence.

Henry's prospects of success were very promising : his chief adversary, Adolf of Schauenburg, was on the crusade, while Henry VI was engaged elsewhere. He gained a new ally in Archbishop Hartwig of Bremen, his old chaplain, who, being, as Arnold of Lübeck\* puts it, " the friend not of adversity but of prosperity " had refused to help him on his return to Germany in 1185. He now saw that Henry's chances of success were hopeful ; moreover he was at the same time on bad terms with Adolf. He therefore, became zealous in furthering the Duke's plan and enfeoffed him with the county of Stade. From the side of Denmark he was, however, disappointed. Canute, who had in part instigated his return, knowing from his father's experience how opposed were the interests of Denmark and Saxony, and how dangerous to the former was a powerful duke of the latter, refused to take any steps on Henry's behalf. The first campaign was directed against the possessions of Adolf of Schauenburg, which in the Count's absence were left to the care of Adolf of Dassel. Henry invaded Holstein, where many of his old vassals joined him ; place after place fell into his hands and Adolf of Dassel, seeing resistance in the open was hopeless, retired behind the walls of Lübeck. On his way thither in pursuit, Henry met with opposition at Bardewich, which he captured and destroyed after a short siege. When he reached Lübeck in November he found the inhabitants willing to open their gates on condition

\* Arnold iii, 13.

that Adolf of Dassel should be allowed to withdraw in safety. This was granted and Henry entered the town. Encouraged by this success, he turned his arms against Bernard of Saxony in the strong castle that he had built at Lauenburg. Bernard who had not made himself popular in Saxony, too weak to resist, hastened to King Henry for help. After a month's siege Lauenburg fell.\*

The Duke's success, however, was but transient, and a reaction now set in against him. King Henry realising the danger had taken instant steps to check its progress. At a diet held at Merseburg, 16th October, he summoned the princes to assemble under arms in a month's time.† Though the Duke's son successfully resisted the attack of the princes on Brunswick, Henry himself met with a rebuff when besieging the important town of Segeberg. The Holsteiners feared their hasty conduct in joining Henry might bring upon them serious punishment and suddenly withdrew. The Duke was left defenceless when at this critical juncture Duke Bernard approached, and completed Henry's mortification by defeating the army around Segeberg: he was only relieved from further reverses by the hardness of the winter which necessitated a postponement of hostilities till the next summer. In May operations were renewed: a campaign was conducted on Henry's behalf by Bernard of Ratzburg and Helmold of Schwerin, but their army was completely crushed by Adolf of Dassel in a battle fought near Lübeck.

Henry VI, who, in consequence of the death of William II of Sicily, wished to have leisure to make an expedition to Italy to secure his claim through

\* Arnold v, 2.

† They were to assemble according to Ann. Peg. p. 267 at Horneburg; according to Ann. Stederburg, p. 221 at Goslar.

his wife to the Sicilian crown, was anxious to come to terms with the Duke. He entrusted to the Archbishops of Cologne and Mainz the work of mediation. To rase the walls of Brunswick and destroy Lauenburg, to hand over his sons Henry and Lothair as hostages were the terms to which Henry had to give his consent.\* King Henry on his side granted him half of Lübeck on condition that he should leave Adolf of Schauenburg in undisturbed possession of the rest. In his position there was nothing left for Henry but to submit, and the treaty was concluded at Fulda in July. But the mediæval conception of political honesty did not require Henry to fulfil his obligations: the walls of Brunswick continued to stand, Lauenburg remained undestroyed, and finally Henry showed no intention of handing over half of Lübeck to Count Adolf. Henry VI could not deal with the recalcitrant Duke at the moment. The news of his father's death in the east gave him a new motive for a journey to Italy—to receive the imperial crown; moreover in Sicily Tancred of Lecce, the natural son of William II, had been acknowledged as king, and if Henry VI hoped to win recognition he must take steps immediately. In the spring of 1191 he started, taking with him Henry, the eldest son of the Lion. After his coronation at the hands of Celestine III on 15th April,† he continued his march unhindered through south Italy. His success was checked at Naples where his efforts to capture the city proved vain. Further disasters soon increased his difficulties; plague, which broke out in the camp, seriously thinned the ranks of the German army and endangered the life

\* Arnold v, 3.

† According to the *Ann. Stederburg*, p. 223, the young Henry was instrumental in persuading the Pope to crown King Henry.



of the Emperor himself. In addition to this the son of Henry the Lion, hearing of his brother's death at Augsburg and that his father was again preparing to take the field, deserted the Emperor's camp and escaped by ship from Naples to Germany.\* The Emperor was kept in check by the supporters of Tancred of Lecce. Henry himself was aided by the Pope, Celestine III, who on 5th August, 1191, issued an important document putting Henry and his sons under his special protection in the coming war, and safeguarding them from the weapon, so often used with effect, of excommunication.† Meanwhile the Emperor's affairs in Italy went from bad to worse. His wife Constance fell into the hands of the enemy, and he returned to Germany in despair.

But in spite of the difficulties which encompassed the Emperor, in Saxony‡ the Duke's cause did not prosper. Adolf of Schauenburg on his return from the crusade had found every access to his land barred. With the help of Bernard of Saxony and his brother Otto, Margrave of Brandenburg, he succeeded at last in forcing his way through, and at once took the field against his enemies. Lübeck, the first object of his attack, resisted all attempts made against it and, even when the mouth of the Trave was blocked by various devices, the city continued to hold out until it was relieved by an army under Bernard of Ratzburg and Conrad of Rothe. The victorious army followed up their

\* On the question of the date of his desertion see Toeche, *Jahrbücher der Deutschen Geschichte*, Kaiser Heinrich V1, p. 198.

† Orig. Gwelf. iii, 563. Jaffe, *Regesta pontificum* (edited by Wattenbach), 16736.

‡ For the somewhat confused chronology of the events in the following campaign, see Toeche op. cit. Beilage iv, p. 547f. Arnold of Lübeck v, 7f. Ann. Stederburg, p. 225f, are the main authorities.

success and on the next day again met the besieging army, which had retired in the direction of Ratzburg. On this occasion Henry's allies were taken at a disadvantage; after hard fighting they were completely defeated, the larger part of the army being either killed or captured. The Duke's position came steadily worse. Adolf again invested Lübeck and also the strong town of Stade; in the latter place he gained support within its walls by granting liberty to a number of the inhabitants whom he had captured in his recent victory. Conrad of Rothe who was in command of the garrison saw that resistance was hopeless and abandoned the city. Stade opened its gates and Lübeck soon after followed its example. With the fall of these important towns Adolf had secured himself again in his possessions.

Though Henry had entirely failed in North Germany, the position of parties in the Empire gave him ground for hope. The Emperor's resources had lately been largely augmented by the rich inheritances of Welf VI and Frederick of Swabia, both of whom had died in the autumn, 1191; but in Germany where his Sicilian policy was unpopular he had created considerable opposition. A violent dispute over the bishopric of Liège brought matters to a crisis.\* The two most powerful archbishops, those of Mainz and Cologne, Henry the Lion, Berthold of Zähringen, Canute VI, Celestine III, Richard I, and Tancred of Lecce united in a grand alliance against the Emperor. Deposition and a fresh election were openly discussed, while plans were formed for a general campaign. Just at the moment, when Henry VI's fate seemed imminent, the tables were turned by an unexpected

\* Cp. Toeche, *op. cit.* Beilage v, p. 550f.

incident. Richard I of England had been shipwrecked on his voyage back from the Crusade, was making his way by land to join his brother-in-law Henry the Lion when he was captured by his enemy Leopold of Austria and handed over to the Emperor in the winter of 1192. The alliance completely broke down and Henry VI was free to deal with the Duke of Saxony. The latter had gained some transient success while the Emperor was engaged with the recently formidable alliance. He had quashed an attempt made by the bishops of Hildesheim and Halberstadt on Brunswick and an effort made by Duke Bernard to recapture Lauenburg had been overcome by Henry's staunch supporters, Bernard of Wölpe and Helmold of Schwerin. His position was not however appreciably bettered and, after making another fruitless effort to induce Canute VI to bestir himself on his behalf, he opened negotiations with the Emperor. His ambassadors were received coldly; with his valuable prisoner in his hands Henry VI could order affairs as he chose. At last terms were arranged by which Richard gained his liberty: an enormous ransom was to be paid, and Henry's two sons Otto and William surrendered as hostages. A real reconciliation was, however, not yet accomplished. This end was achieved a year later by the marriage of Henry the Lion's son Henry with the daughter of the Palsgrave of the Rhine.\* In his official capacity †he stood in very

\* See Toeche, *op. cit.* Beilage vii §§ ix and x, p. 566f.

† The Palsgrave (*comes palatii*) was in Carolingian times one of the chief officers of the royal household. He still seems to have maintained some of his rights, *eg.* The Palsgrave of the Rhine acted in judicial cases in which princes were concerned as presiding judge in the Emperor's absence. See *Sachsenspiegel* (Homeyer) *Landrecht* iii, 52 §3, 64 §6, 57 §2. Also Waitz, *Deutsche Verfassungs geschichte* ii, 377f.

## Henry the Lion.

close relations with the Emperor and he set to work to be the means of bringing the Duke and Emperor to an understanding. A day was fixed on which the two adversaries were to meet at Saalfeld in February, 1194. On his way thither Henry the Lion met with an accident from a fall from his horse at Bothfelde, near Elbingerode; his injuries were too serious to permit him to continue his journey and he was taken to the monastery at Walkenried to await his recovery. The Emperor at first thought the accident was a trick to excuse him from appearing at Saalfeld, but when he learnt its truth he postponed the appointment till 15th March at Tilleda near Kyffhäuser. Here they at last came to a reconciliation: as a proof of his loyalty Henry the younger agreed to accompany the Emperor on his expedition to Italy, but the Emperor seems still to have mistrusted his old opponent, and he kept Henry's two sons, Otto and William, whom he had received as hostages from Richard I, under close supervision.

Henry the Lion spent the closing years of his life quietly at Brunswick employed in building and endowing churches and monasteries. In his last year he completed the magnificent church of S. Blasius at Brunswick, which he had begun after his return from his pilgrimage to the Holy Land in 1172, and decorated it in the richest and most costly manner. Besides these pious works, he spent much of his time in literary and scholastic pursuits. "He ordered the ancient chronicles to be collected, transcribed, and recited in his presence, and in this occupation he passed many sleepless nights" the annalist of Stederburg tells us\*; at the same time

\* Ann. Stederburg, p. 230. The editor adds a note (M.G.SS xvi, 230 n. 80), possibly the compilation was the *Annalista Saxo*.

poets and minnesingers frequented his court and looked up to the old Duke as their most respected and enlightened patron.

His health, however, was rapidly failing. He received a stroke the day before the Easter festival of 1195, and, though he lingered on for some months, he never recovered his normal strength, and was never again free from continual pain. Having made his last confession on 2nd August, he died four days later in his castle at Brunswick, and was buried by the side of his second wife in the church of S. Blasius, the completion of which had been the work of his last days.\*

The general lamentation which accompanied the news of Henry the Lion's death is testimony of his popularity. In the eyes of contemporaries he was a national hero, and even to-day he is deservedly so regarded in North Germany. His fame became the topic of songs and epics in the mouths of the ballad singers, who played so important a part in the political world of the later Middle Ages, and legends gathered round his name. Nor was he unfitted to be the subject of the literature of his age. He had accomplished, to mention only one, though perhaps the greatest, of his successful achievements, the germanising and conversion of the land between the Elbe and the Oder, which had been the vain endeavour of princes since the time of Otto the Great. Both for his personal character and for the important work of his life is he justly entitled to the high place he has made for himself in the world's history.

Arnold of Lübeck† was inspired to write verses

\* Ann. Stederburg, p. 231.

† v. 24.

on the death of his hero. We cannot better conclude than by quoting his lines :

Princeps laudande, iam letus ad ethera scande,  
 Cultor pacis eras, nunc divitias tibi veras  
 Reddat rex regum, qui solus regnat in evum.  
 Enituit late virtus tua cum pietate,  
 Nobilitas morum cum flore decoris eorum.  
 Ad cultum Christi tu Sclavos perdomuisti,  
 Qui per doctores Sathane sprevere furores  
 Adque Dei cultum satagunt attollere vultum.  
 Structor multarum sic crederis ecclesiarum.  
 Non est gens, que te non miretur, bona de te  
 Dum recolit rite. Te noverat ultima Thyle,  
 Que sua donavit ; te Grecia magnificavit ;  
 Hierusalem, tota tua conspiciens pia vota,  
 Te colit e contra cum rege suo patriarcha.  
 Non aberat tristis livor virtutibus istis :  
 Set pro pressuris seclis potiere futuris.  
 Coniuge coniuncta maneat merces tibi multa,  
 Que Christo gratum pia deprompsit famulatum.  
 Excelsi donis durat benedictio prolis,  
 Et nutu Christi regnant modo, quos genuisti.

## APPENDIX I.

*Excerpt from the Gelnhausen Document, 13 April, 1180.\**

Proinde tam presentium quam futurorum imperii fidelium noverit universitas, qualiter Henricus quondam dux Bawarie et Westphalie, eo quod ecclesiarum Dei et nobilium imperii libertatem possessiones eorum occupando et iura ipsorum imminuendo graviter oppresserit, † ex instanti principum querimonia et plurimorum nobilium—quia ‡ citatione vocatus maiestati nostre presentari contempserit et pro hac contumacia § principum et sue conditionis Sueuorum proscriptionis nostre inciderit sententiam, deinde quoniam in ecclesias Dei et principum et nobilium iura et libertatem grassari non destiterit ||— tam pro illorum iniuria quam pro multiplici contemptu nobis exhibito ac precipue pro evidenti reatu maiestatis sub feudali iure legitimo trino edicto ad nostram citatus audientiam, eo quod se absentasset nec aliquem pro se misisset responsalem, contumax iudicatus est, ac proinde tam ducatus Bawarie quam Westfalie et Angarie quam etiam universa que ab imperio tenuerit\*\* beneficia per unanimum principum sententiam in sollempni curia Wirziburg celebrata ei abiudicata sunt nostroque iuri addicta et potestati.

\* Weiland's text in M.G.Const. i, 384f.

† Haller reads "oppresserat."

‡ Haller reads "trina."

§ Waitz conjectures the insertion of "iudicio" before "principum."

|| Haller reads "destitit."

\*\* Haller reads "tenuit."

## APPENDIX II.

*The Status of Princes.*

Ficker\* has shown that a change in the meaning of the term "principes" took place about the year 1180. On this basis Güterbock† has formed a theory connecting the change with the proceedings against Henry the Lion. The term "principes" originally included "ministeriales" (Reichsbeamten) and Counts. Later it had a more restricted sense—the "princeps" was confined to tenants-in-chief of the Empire. Güterbock thinks 1177 is the last year in which "princeps" is used in documents in undoubtedly the broad sense. The fall of Henry the Lion largely increased the number of tenants-in-chief and caused the breaking up of the old tribal dukedoms. Who, then, were the princes who gave the sentence against Henry? The proceedings fell, if Güterbock's hypothesis is correct, in the period of transition. He draws the conclusion that in the course of the trial the term is used in its old and its new application. The "principum et sue conditionis Suevorum" of the Gelnhausen document were princes in the old and wide sense of the term. In "landrecht" suits the tribal princes were the judges and it is clear that there were not a sufficient number of princes of the new status in a particular duchy to act as judges. The "principes" therefore, in the broad application, continued to perform this function until the 13th century, when the system of tribal peers was abolished. In the sentence of the Schwabenspiegel "a prince may be judged only by princes"‡ there is no mention of a tribal qualification. The only Swabian princes known to have been present at the diet of Magdeburg where the verdict according to "landrecht" was declared, were the Abbot of Schaffhausen and the Count of Vehrigen§—princes not in the new but in the old sense. The princes, on the other hand, who gave the verdict according to feudal law at Würzburg, were princes in the new and confined sense of the term. The change came in, therefore, between 1177 and 1180. There was no trial of a prince between these dates, except the case of Henry the Lion. The contention that the change was connected with Henry's fall is therefore well grounded.

\* Ficker "Vom Reichsfürstenstande."

† "Die Neubildung des Reichsfürstenstandes und der Prozess Heinrichs des Löwen" F. Güterbock (Historische Aufsätze. Karl Zeumer, 1910); also Der Prozess Heinrichs des Löwen, Excurs I "Fürstenstand und Fürstengericht."

‡ Schwabenspiegel, Landrecht 138 (ed. Lassberg), p. 66.

§ cp. Scheffer-Boichorst, zur Geschichte des xii. und xiii. Jahrhunderts p. 200f.



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 Löwen und Ottos I von Wittelsbach, 1867.

## INDEX.

- ACRE, 57.  
 Adalbert, Archbishop of Bremen, 11, 12, 17.  
 Adolf of Dassel, 94, 95.  
 Adolf II of Schauenburg, 8, 10, 11, 13, 15, 16, 17, 21, 30, 36f., 39, 40, 45, 46, 47.  
 Adolf III of Schauenburg, son of preceding, 84, 85, 92, 93, 94, 96, 97, 98.  
 Adrian IV, Pope, 28, 29, 38, 39, 40.  
 Albert the Bear, 5, 6, 9, 12, 20, 24f., 46, 49, 50, 55n.  
 Alexandria, 62.  
 Alexander III, Pope, 40, 41, 48, 65, 88.  
 Alsace, 63.  
 Amalric I, King of Jerusalem, 57.  
 Anagni, 68.  
 Antioch, 57.  
 Apulia, 25.  
 Aquicinctina, *Continuatio*, 60 and n., 66.  
 Aquileia, the Patriarch of, 40.  
 Arnold of Brescia, 28.  
 Arnold of Lübeck, 3, 61, 62, 76, 77, 79, 91, 101.  
 Artlenburg, 30, 42, 84, 86.  
 Athelo, 43.  
 Augsburg, 38, 39, 97.  
 Austria, Dukedom of, 32.  
  
 BALDWIN, Archbishop of Bremen, 54.  
 Bamberg, 22, 54.  
 Bardewich, 36, 94.  
 Barvörde, 42.  
 Bavaria, 4, 5, 7, 9, 10, 19f., 26, 29, 31, 32, 37, 55, 80, 81, 84.  
 Beatrix, Empress, wife of Frederick Barbarossa, 40.  
 Benedict of Peterborough, *Gesta Henrici II*, 65, 66.  
 Bernard of Anhalt, Duke of Saxony, 68, 81, 88, 92, 95, 97.  
 Bernard of Clairvaux, 12.  
 Bernard of Plötzke, 24f.  
 Bernard of Ratzburg, 84, 85, 86, 95, 97.  
 Bernard of Wölpe, 99.  
 Berthold IV, Duke of Zahringen, 19, 23, 45, 52, 98.  
 Besançon, 38.  
 Bethlehem, 57.  
 Bishofsheim, 66.  
 Bohemund III, Prince of Antioch, 57.  
 Bothfelde, 100.  
 Brandenburg, 21.  
 Bremen, 6, 17, 50.  
 Bremen, Archbishopric of, 54.  
 Brenner, 26, 37.  
 Brixen, 29.  
 Brunswick, 22, 30, 31, 46, 50, 52, 56, 57, 58, 85, 86, 88, 89, 91, 93, 95, 96, 99, 100, 101.  
 Burhard of Ursperg, 62.  
 Burghausen, 67.  
 Burgundy, 19, 24.  
  
 CAEN, 89.  
 Canute V, King of Denmark, 14, 15, 16, 24, 34.  
 Canute VI, King of Denmark, 53, 92, 93, 94, 98, 99.  
 Cassel, 68.  
 Celestine II, Pope, 7.  
 Celestine III, Pope, 96, 97, 98.  
 Chiavenna, 62, 64, 67.  
 Christian of Oldenburg, 46, 50, 51.  
 Chronicon Montis Sereni, 61, 65.  
 Clement III, Pope, 92.

- Clementia, daughter of Conrad of Zähringen, wife of Henry the Lion, 19, 21, 23, 38, 44.  
 Cologne, 23, 37.  
 Cologne, Arnold, Archbishop of, 23; Bruno, Archbishop of, 96, 98. *See also under* Reinald of Dassel and Philip of Heinsberg.  
 Como, 62 and n.  
 Compostella, 89.  
 Conrad III, Emperor, 2, 5, 6, 7, 9, 10, 11, 12, 18, 19, 20, 21, 22, 23.  
 Conrad, Archbishop of Magdeburg, 6.  
 Conrad, Archbishop of Mainz, 52.  
 Conrad, Archbishop of Salzburg, 41, 56n.  
 Conrad, Bishop of Lübeck, 51, 56.  
 Conrad, Duke of Zähringen, 13, 14, 19.  
 Conrad of Rothe, 97, 98.  
 Conrad of Wettin, 33.  
 Constance of Sicily, wife of Henry VI, 92, 97.  
 Constantinople, 56, 57, 65.  
 Crema, 40, 45, 63.  
 Cronach, 22.  
 Crusade, the Second, 12; against the Slavs, 12f.; the Third, 92.  
  
 DEMMIN, 14, 46, 47, 68.  
 Denmark, 14, 15f., 33, 34, 53, 82.  
 Dithmarschen, 11.  
 Dobin, 13, 14, 43.  
 Dover, 89.  
 Düsseldorf, 70.  
  
 ECKBERT of Wolfenbüttel, 56n.  
 Edessa, 12.  
 Eike of Reppichau, 75.  
 Eleanor of Anjou, wife of Henry II of England, 91.  
 Emmehard, Bishop of Mecklenburg, 17.  
 England, 41, 48, 52, 53, 65, 82, 89f., 93.  
 Eppan, Count of, 39.  
 Erfurt, 41, 88.  
 Erfurt, Chronicle, 72.  
 Eric II, King of Denmark, 14.  
 Este, 26.  
 Etheler, 15, 16.  
 Eugenius III, Pope, 12.  
 Eutin, 13.  
 Exchequer Roll, Norman, 89.  
  
 FICKER, 70, 104.  
 Flochburg, 19.  
 Frankfurt, 6, 9, 18, 23.  
 Frederick I. Barbarossa, Emperor, 2, 9, 19, 23, 24f., 26f., 31, 38, 38-41, 44, 52, 54, 58, 59f., 64f., 66, 69, 79f., 82, 84, 86, 87, 88, 90, 92, 96.  
 Frederick, 2nd son of preceding, Duke of Swabia, 54, 98.  
 Frederick of Rothenburg, son of Conrad III, 44n, 54.  
 Frederick, Palsgrave of Saxony, 6.  
 Freiburg, 52.  
 Frisia, 50, 51.  
 Fulda, 96.  
 Fulk, Margrave of Este, 27.  
  
 GELNHAUSEN, 70, 80.  
 Gelnhausen document, 69, 72, 76, 82, 103, 104.  
 Gero, Bishop of Halberstadt, 41, 68, 70.  
 Gerold, Bishop of Oldenburg, 28f., 30f., 36, 42.  
 Gertrude, wife of Henry the Proud, 5, 8, 9, 10.  
 Gilbert of Mons, 1, 60, 61, 63.  
 Godfrey of Viterbo, 65.  
 Goslar, 22, 25, 38, 62, 63, 64, 76, 77, 83, 84, 93.  
 Gotfried of Calv. 7n.  
 Gregory VIII, Pope, 92.  
 Guncelin of Hagen, Count of Schwerin, 44, 45, 46, 56, 84.  
 Gütterbock, 59, 60, 63, 64, 66, 71, 72, 73, 74, 75, 76, 77, 80, 104.  
  
 HALBERSTADT, 68, 70.  
 Halberstadt, Bishop of, 99. *See also under* Gero and Ulrich.  
 Haldensleben, 50, 52, 79, 86.  
 Haller, 59, 62, 63, 70, 71, 74, 75, 80.  
 Halrefeld, 84, 85.

- Hamburg, 51.  
 Hartwig, Archbishop of Bremen, 11, 12, 17, 18, 24, 27, 28, 29, 30, 51, 52, 54.  
 Hartwig II, Archbishop of Bremen, 94.  
 Helmold, historian of the Slavs, 13, 16, 30.  
 Helmold of Schwerin, 95, 99.  
 Henry VI, Emperor, 54, 92, 93, 94, 95, 96, 97, 98, 99.  
 Henry II, King of England, 41, 48, 53, 65, 83, 88, 90, 93.  
 Henry, son of Conrad III, 19, 23.  
 Henry the Proud, Duke of Saxony and Bavaria, 5, 6.  
 Henry the Lion, Duke of Saxony and Bavaria, his birth and minority, 5-10; receives the Dukedom of Saxony, 9; comes of age 11; joins the Crusade against the Slavs, 13f.; 15, 16, his relations with the missionary work among the Slavs, 17f.; claims Bavaria, 20, 23; acquires the Duchy of Bavaria, 26; campaign in Italy, 26-29; settlement of Bavarian Duchy, 29, 31, 32; his interference in the Danish Civil War, 33-35; his relations with Lübeck 36f.; dispute with Otto of Freising, 38; second Italian campaign, 38-41; campaigns against the Slavs, 42-47; third Italian campaign, 44; rebellion of the princes against, 49-53; pilgrimage to Palestine, 56, 57; meeting at Chiavenna, 59-64; causes of the quarrel with Frederick, 64-67; legal proceedings against, 69-81; seeks help from abroad, 82f.; opens war on the Emperor, 83; his fall, 88; his exile at the English Court, 89-91; returns to Germany, 91; his second exile, 93; his attempt to regain his position, 94f.; reconciliation with the Emperor, 99f.; his death, 100f.  
 Henry, eldest son of preceding, 96, 99, 100.  
 Henry Jasomirgott, Margrave of Austria, Duke of Bavaria, Duke of Austria, 9, 12, 22, 25, 29, 31, 56.  
 Henry of Badewide, Sn., 10.  
 Henry of Lüneburg, 56n.  
 Henry of Stein, 67.  
 Henry of Troyes, 83.  
 Herbert, Chaplain of Conrad III, 22.  
 Hermann of Winzenburg, 24f.  
 Hildesheim, 6.  
 Hildesheim, Bishop of, 99.  
 Holstein, 13, 15, 42, 45, 85, 94, 95.  
 Hopelberg, 68.  
 Horsefeld, 17.  
 Hugh of Nonant, Archdeacon of Lisieux, 90.  
 Hungary, 56.  
 ICONIUM, 57.  
 Ilow, 43, 46.  
 JERUSALEM, 12, 57, 92.  
 Jordan, 62.  
 KAINA, 76, 77, 78, 79, 80.  
 LADISLAUS of Bohemia, 31.  
 Lauenburg, 95, 96, 99.  
 Lausitz, March of, 84.  
 Lauterburg, Monastery of, 34.  
 Lechfeld, 26.  
 Legnano, battle of, 2, 59, 67.  
 Leopold, Margrave of Austria, Duke of Bavaria, 1, 5, 7, 8, 32.  
 Leopold, Duke of Austria, 99.  
 Lichtenburg, 84.  
 Liège, 98.  
 London, 90.  
 Lothair, 3rd son of Henry the Lion, 89, 96.  
 Louis VII, King of France, 12.  
 Louis of Thuringia, 83, 84.  
 Löwenstadt, 37.  
 Lübeck, 1, 11, 13, 30, 36 and n., 37, 43, 47f., 58, 86, 87, 88, 94, 95, 96, 97, 98.  
 Lucius III, Pope, 91.  
 Lüneburg, 12, 21, 36, 37, 88.

- MAGDEBURG, 12, 50, 76, 78, 79, 80, 104.  
 Magdeburg, Annals, 76.  
 Mainz, 90, 92.  
 Mainz, Archbishop of, 96.  
 Malech, Prince of Armenia, 57.  
 Manuel I, Emperor, 57.  
 Marbach Annals, 60, 62 and n., 64, 66.  
 Matilda, daughter of Henry II of England, wife of Henry the Lion, 49, 52, 56, 93.  
 Matilda, wife of Adolf II of Schauenburg, 85.  
 Matilda, Countess of Tuscany, 27, 65.  
 Mecklenburg, 43, 46.  
 Mecklenburg, bishopric of, 17, 26, 36n.  
 Merseburg, 24, 29, 95.  
 Merseburg, Bishop of, 69.  
 Milan, 28, 44, 46, 62, 63.  
 Mühlhausen, 83.  
 Munich, 38.
- NAPLES, 96, 97.  
 Nazareth, 57.  
 Niclot, Prince of the Obotrites, 11, 13, 30, 34, 42, 43.  
 Nördlingen, 19.  
 Normandy, 89.  
 North March, 9.  
 Nüremberg, 76, 78.
- OLDENBURG, 15, 30, 36, 50.  
 Oldenburg, bishopric of, 17, 18, 26, 36 and n.  
 Olives, Mount of, 57.  
 Ottakar, 85.  
 Otto IV, Emperor, 2nd son of Henry the Lion, 99, 100.  
 Otto of Freising, 4, 9, 31, 38.  
 Otto of S. Blasius, 4, 62, 64.  
 Otto of Wittelsbach, Duke of Bavaria, 29, 84.  
 Otto, Margrave of Brandenburg, 97.
- PALESTINE, 57, 58, 64, 65.  
 Partenkirche, 61.  
 Paschial III, Pope, 48.
- Pavia, 28, 40.  
 Pegau Annals, 4, 66, 72, 76, 77, 78, 79.  
 Philip Augustus, 83, 88.  
 Philip of Heinsberg, Archbishop of Cologne, 66, 68, 80, 86, 88, 90, 92.  
 Philip, Count of Flanders, 83, 88.  
 Pöhlde, Annals, 3.  
 Poles, campaign against, 35.  
 Pomerania, 14.  
 Pribislav, Prince of the Wagiri and Polabi, 30.  
 Pribislav, son of Niclot, 43, 45, 46, 49, 56.  
 Provence 24.
- QUEDLINBURG, 5, 88.
- RAMESLOE, 11.  
 Ratzburg, 86, 98.  
 Ratzburg, bishopric of, 17, 26, 36n.  
 Ravensburg, 5.  
 Reading, 90.  
 Regensburg, 21, 29, 31, 32, 34, 37, 58, 79, 81.  
 Reichenhall, 38.  
 Reichersperg, 67.  
 Reinald of Dassel, Archbishop of Cologne, 41, 48, 50f., 52.  
 Rhine, Palsgrave of the, 99.  
 Richard I, King of England, 90, 93, 98, 99.  
 Richenza, Empress, 5, 8.  
 Ripen, 34.  
 Ripen, Bishop of, 34.  
 Roger II, King of Sicily, 7, 10, 25.  
 Roland, Chancellor, *see* Alexander III.  
 Rome, 28, 29.  
 Roncaglia, 27, 28.  
 Rostock, 43.  
 Rouen, 53.  
 Rudolf of Stade, 11.  
 Rügen, 53.
- SAALFELD, 100.  
 Sachsenspiegel, 75.  
 S. Blasius, church of, 58, 100, 101.  
 Saxo Grammaticus, 4.

- Saxony, 5, 6, 9, 10, 12, 22, 55, 70, 80, 89.  
 Saxony, Palsgrave of, 49, 50.  
 Scandinavia, bishoprics in, 17.  
 Schäfer, 66, 71.  
 Schaffhausen, Abbot of, 104.  
 Schleswig, 34.  
 Schwabensriegel, 104.  
 Schwerin, 43, 44.  
 Seeland, 4, 21.  
 Segeberg, 15, 85, 95.  
 Simon of Teklenburg, 85.  
 Slavonia, colonisation in, 10, 55.  
 Slavs, 1, 12f., 42-47, 67, 84.  
 Spiers, 12, 25, 69, 78, 80.  
 Spoleto, 27.  
 Stade, 51, 87, 88, 94, 98.  
 Stederburg, Annals, 3.  
 Stephen, King of Hungary, 56.  
 Stettin, 14.  
 Styria, March of, 84.  
 Süssel, 13.  
 Swabia, 7, 19, 22.  
 Swabia, Frederick, Duke of, *see* Frederick I.  
 Sweyn, King of Denmark, 14, 15, 16, 24, 33, 34.  
  
 TANGRED of Lecce, 96, 97, 98.  
 Tarsus, 57.  
 Theoderic, Count, 35.  
 Thomas, Archbishop of Canterbury, 48.  
 Tilleda, 100.  
 Todesloe, 36f.  
 Tortona, 28, 29.  
  
 ULM, 20.  
 Ulrich, Bishop of Halberstadt, 27, 41, 66, 67, 68, 84.  
 Urban III, Pope, 92.  
  
 VEHRINGEN, 38.  
 Vehringen, Count of, 104.  
 Verona, 26, 27.  
 Vicelin, Bishop of Oldenburg, 10, 11, 15, 17, 18, 21, 28, 30.  
 Victor IV, Pope, 40, 41, 48.  
 Viterbo, 28.  
  
 WAGIRA, 10, 13.  
 Waitz, 70, 71.  
 Waldemar, King of Denmark, 34, 35, 38n., 42, 43, 45, 46, 47, 53, 82, 87, 92.  
 Walkenried, 100.  
 Weiland, 69, 71.  
 Weinsberg, 7, 8n.  
 Weissensee, 83.  
 Welf III, 26.  
 Welf V, 27.  
 Welf VI, 7, 9, 12, 19, 27, 40, 55, 65, 98.  
 Welf VII, 54.  
 Werla, 43, 44, 45, 46.  
 Werla or Werlaon, 84.  
 Westphalia, 80, 84.  
 Wibald, Abbot of Corvey, 4, 21, 35.  
 Wiborg, 16, 34.  
 Wichmann, Archbishop of Magdeburg, 50f., 66, 69, 86.  
 Widekind of Schwalenburg, 35, 50.  
 William II of Sicily, 95.  
 William the Lion, King of Scotland, 89.  
 William, youngest son of Henry the Lion, 89, 99, 100.  
 Winchester, 89, 90.  
 Windsor, 91.  
 Worms, 6, 25, 76, 78, 79, 80, 82.  
 Wratislav, son of Niclot, 43, 45, 46.  
 Würzburg, 5, 8, 20 and n., 24, 25, 49, 53, 70, 72, 76, 77, 78, 80, 104.

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