

## 13. Capitularies

*The author of the epic poem, Charlemagne and Pope Leo, conceived of Charlemagne not only as a warrior, but also as a law-giver. Einhard had noted in his biography that Charles ordered collections of the Germanic law codes to be compiled, but he neglected to explain the king's chief legal activity which was to issue laws of his own orally and in public. These laws seem to have had legal force because the king "said" them, often in response to specific questions from his agents, the missi dominici, or to address some general problem. Versions of these oral statements must have been written down and were kept at court and spread by the missi as they made their judicial inquiries throughout the kingdom. They are called capitularies because they consist of a series of sections or chapters of laws. Although his heirs would also issue laws, no Carolingian king laid down as impressive or fundamental a set of laws as Charlemagne himself.*

## 1. The Capitulary on the Saxon Territories

*As described by Einhard, the conquest of Saxony proved particularly difficult for Charlemagne because of the persistent paganism of the Saxons. For the Carolingians, conquest and conversion to Catholicism were to be almost equal parts in an overall policy of integrating new territories into the kingdom. Thus, the protracted Saxon conflict forced the king, at some point between 775 and 790, to think about how to institute and legally enforce the Carolingian and Christian control of Saxony.*

Source: trans. D.C. Munro in *Translations and Reprints from the Original Sources of European History*, vol. 6.5: *Laws of Charles the Great* (Philadelphia: The University of Pennsylvania, 1899), pp.2-5; revised.

1. It was pleasing to all that the churches of Christ, which are now being built in Saxony and consecrated to God, should not have less, but greater and more illustrious honor, than the temples of the idols had had.
2. If anyone shall have fled to a church for refuge, let no one presume to expel him from the church by violence, but he shall be left in peace until he shall be brought to the judicial assemblage; and on account of the honor due to God and the saints, and the reverence due to the church itself, let his life and all his members be granted to him. Moreover, let him plead his cause as best he can and he shall be judged; and so let him be led into the presence of the lord king, and the latter shall send him where it shall have seemed fitting according to his clemency.
3. If anyone shall have entered a church by violence and shall have carried off anything in it by force or theft, or shall have burned the church itself, let him be punished by death.
4. If anyone, out of contempt for Christianity, shall have despised the holy Lenten fast and shall have eaten flesh, let him be punished by death. But, nevertheless, let it be taken into consideration by a priest, lest perchance anyone from necessity has been led to eat flesh.
5. If anyone shall have killed a bishop or priest or deacon, let him likewise be punished capitally.
6. If anyone deceived by the Devil shall have believed, after the manner of

the pagans, that any man or woman is a witch and eats men, and on this account shall have burned the person, or shall have given the person's flesh to others to eat, or shall have eaten it himself, let him be punished by a capital sentence.

7. If anyone, in accordance with pagan rites, shall have caused the body of a dead man to be burned and shall have reduced his bones to ashes, let him be punished capitally.
8. If anyone of the race of the Saxons hereafter concealed among them shall have wished to hide himself unbaptized, and shall have scorned to come to baptism and shall have wished to remain a pagan, let him be punished by death.
9. If anyone shall have sacrificed a man to a devil, and after the manner of the pagans shall have presented him as a victim to the demons, let him be punished by death.
10. If anyone shall have formed a conspiracy with the pagans against the Christians, or shall have wished to join with them in opposition to the Christians, let him be punished by death; and whosoever shall have consented to this same fraudulently against the king and the Christian people, let him be punished by death.
11. If anyone shall have shown himself unfaithful to the lord king, let him be punished with a capital sentence.
12. If anyone shall have ravished the daughter of his lord; let him be punished by death.
13. If anyone shall have killed his lord or lady, let him be punished in a like manner.
14. If, indeed, for these mortal crimes secretly committed anyone shall have fled of his own accord to a priest, and after confession shall have wished to do penance, let him be freed by the testimony of the priest from death.
15. Concerning the lesser chapters all have consented. To each church let the parishioners present a house and two *mansi* of land, and for each one hundred and twenty men, noble and free, and likewise *liti*, let them give to the same church a man-servant and a maid-servant.
16. And this has been pleasing, Christ being propitious, that whencesoever any receipts shall have come into the treasury, either for a breach of the peace or for any penalty of any kind, and in all income pertaining to the king, a tithe shall be rendered to the churches and priests.
17. Likewise, in accordance with the mandate of God, we command that all shall give a tithe of their property and labor to the churches and priests; let the nobles as well as the freemen, and likewise the *liti*, according to that which God shall have given to each Christian, return a part to God.
18. That on the Lord's day no meetings and public judicial assemblages shall be held, unless perchance in a case of great necessity or when war compels it, but all shall go to the church to hear the word of God, and shall be free for prayers or good works. Likewise, also, on special festivals they shall devote themselves to God and to the services of the church, and shall refrain from secular assemblies.
19. Likewise, it has been pleasing to insert in these decrees that all infants shall be baptized within a year; and we have decreed this, that if anyone shall have despised to bring his infant to baptism within the course of a year,

without the advice or permission of the priest, if he is a noble he shall pay 120 *solidi* to the treasury, if a freeman 60, if a *litus* 30.

20. If anyone shall have made a prohibited or illegal marriage, if a noble [he shall pay] 60 *solidi*, if a freeman 30, if a *litus* 15.

21. If anyone shall have made a vow at springs or trees or groves, or shall have made any offering after the manner of the heathen and shall have partaken of a repast in honor of the demons, if he shall be a noble [he shall pay] 60 *solidi*, if a freeman 30, if a *litus* 15. If, indeed, they have not the means of paying at once, they shall be given into the service of the church until the *solidi* are paid.

22. We command that the bodies of Saxon Christians shall be carried to the church cemeteries and not the mounds of the pagans.

23. We have ordered that diviners and soothsayers shall be handed over to the churches and priests.

24. Concerning robbers and malefactors who shall have fled from one county to another, if anyone shall receive them into his power and shall keep them with him for seven nights, except for the purpose of bringing them to justice, let him pay our ban. Likewise, if a count shall have concealed him and shall be unwilling to bring him forward so that justice may be done and is not able to excuse himself for this, let him lose his office.

25. Concerning a pledge: that no one shall in any way presume to pledge another, and whosoever shall do this shall pay the ban.

26. That no one shall presume to impede any man coming to us to claim justice; and if anyone shall have attempted to do this, he shall pay our ban.

27. If any man shall not have been able to find a fidejussor [one who gives security], his property shall be sequestrated until he shall present a fidejussor. If, indeed, he shall have presumed to enter into his own dwelling in defiance of the ban, he shall forfeit either ten *solidi* or an ox for the violation of the ban itself, and in addition he shall pay the sum for which he was in debt. If, indeed, the fidejussor shall not observe the day fixed, then he shall suffer as much loss as his proportion of the guarantee was; moreover, he who was debtor to the fidejussor shall restore double the loss which he has permitted the fidejussor to incur.

28. Concerning presents and gifts: let no one receive gifts to the detriment of an innocent person; and if anyone shall have presumed to do this, he shall pay our ban. And if perchance the count shall have done this (may it not happen!) he shall lose his office.

29. Let all the counts strive to preserve peace and unity with one another; and if perchance any discord or disturbance shall have arisen between them, they shall not on this account neglect either our aid or profit.

30. If anyone shall have killed or shall have aided in the murder of a count, his property shall go to the king, and he shall become the serf of the latter.

31. We have granted the authority to the counts within their jurisdiction of inflicting the ban of 60 *solidi* for revenge [*faida*] of the greater crimes; for the lesser crimes, on the other hand, we have fixed the ban of the count at 15 *solidi*.

32. If anyone owes an oath to any man whatsoever, let him duly make his oaths to that one at the church on the day appointed; and if he shall have despised to take the oath, let him give a pledge, and let him who was con-

tumacious pay fifteen *solidi*, and afterwards let him fully compound for his act.

33. Concerning perjuries, let it be according to the law of the Saxons.

34. We have forbidden that all Saxons shall hold public assemblies in general, unless perchance our *missus* shall have caused them to come together in accordance with our command; but each count shall hold judicial assemblies and administer justice in his jurisdiction. And this shall be cared for by the priests, lest it be done otherwise.

*Questions: How successful by this time had the Carolingians been in converting the Saxons? What problems persisted? How were they being dealt with?*

## 2. The General Capitulary for the *Missi* from 802

*The reader should first notice the need Charlemagne felt to have his people swear a new oath to him as emperor. Whether he believed that some might feel that the old oaths sworn to him as king were now without force or that he required a clearer statement of allegiance to him as emperor can be debated, but what is certain is that the imperial title had altered the constitutional character of his rule. Students might also like to think here as well about the extent to which Charlemagne's government was theocratic or the church monarchic.*

Source: trans. D.C. Munro in *Translations and Reprints from the Original Sources of European History*, vol. 6.5: *Laws of Charles the Great* (Philadelphia: The University of Pennsylvania, 1899), pp.16-27; revised.

First chapter. Concerning the embassy sent out by the lord emperor. Therefore, the most serene and most Christian lord Emperor Charles has chosen from his nobles the wisest and most prudent men, both archbishops and some of the other bishops also, and venerable abbots and pious laymen, and has sent them throughout his whole kingdom, and through them by all the following chapters has allowed men to live in accordance with the correct law. Moreover, where anything which is not right and just has been enacted in the law, he has ordered them to inquire into this most diligently and to inform him of it; he desires, God granting, to reform it. And let no one, through his cleverness or astuteness, dare to oppose or thwart the written law, as many are wont to do, or the judicial sentence passed upon him, or to do injury to the churches of God or the poor or the widows or the wards of any Christian. But all shall live entirely in accordance with God's precept, justly and under a just rule, and each one shall be admonished to live in harmony with his fellows in his business or profession; the canonical clergy ought to observe in every respect a canonical life without heeding base gain, nuns ought to keep diligent watch over their lives, laymen and the secular clergy ought rightly to observe their laws without malicious fraud, and all ought to live in mutual charity and perfect peace. And let the *missi* themselves make a diligent investigation whenever any man claims that an injustice has been done to him by anyone, just as they desire to deserve the grace of omnipotent God and to keep their fidelity promised to Him, so that entirely in all cases everywhere, in accordance with the will and fear of God, they

shall administer the law fully and justly in the case of the holy churches of God and of the poor, of wards and widows and of the whole people. And if there shall be anything of such a nature that they, together with the provincial counts, are not able of themselves to correct it and to do justice concerning it, they shall, without any ambiguity, refer this, together with their reports, to the judgment of the emperor; and the straight path of justice shall not be impeded by any one on account of flattery or gifts from any one, or on account of any relationship, or from fear of the powerful.

2. Concerning the fidelity to be promised to the lord emperor. He commanded that every man in his whole kingdom, whether ecclesiastic or layman, and each one according to his vow and occupation, should now promise to him as emperor the fidelity which he had previously promised to him as king; and all of those who had not yet made that promise should do likewise, down to those who were twelve years old. And that it shall be announced to all in public, so that each one might know, how great and how many things are comprehended in that oath; not merely, as many have thought hitherto, fidelity to the lord emperor as regards his life, and not introducing any enemy into his kingdom out of enmity, and not consenting to or concealing another's faithlessness to him; but that all may know that this oath contains in itself this meaning:

3. First, that each one voluntarily shall strive, in accordance with his knowledge and ability, to live wholly in the holy service of God in accordance with the precept of God and in accordance with his own promise, because the lord emperor is unable to give to all individually the necessary care and discipline.

4. Secondly, that no man, either through perjury or any other wile or fraud, on account of the flattery of gift of anyone, shall refuse to give back or dare to abstract or conceal a serf of the lord emperor or a district or land or anything that belongs to him; and that no one shall presume, through perjury or other wile, to conceal or abstract his fugitive fiscaline serfs who unjustly and fraudulently say that they are free.

5. That no one shall presume to rob or do any injury fraudulently to the churches of God or widows or orphans or pilgrims; for the lord emperor himself, after God and his saints has constituted himself their protector and defender.

6. That no one shall dare to lay waste a benefice of the lord emperor, or to make it his own property.

7. That no one shall presume to neglect a summons to war from the lord emperor; and that no one of the counts shall be so presumptuous as to dare to dismiss thence any one of those who owe military service, either on account of relationship or flattery or gifts from any one.

8. That no one shall presume to impede at all in any way a ban or command of the lord emperor, or to dally with his work or to impede or to lessen or in any way to act contrary to his will or commands. And that no one shall dare to neglect to pay his dues or tax.

9. That no one, for any reason, shall make a practice in court of defending another unjustly, either from any desire of gain when the cause is weak, or by impeding a just judgment by his skill in reasoning, or by a desire of oppressing when the cause is weak. But each one shall answer for his own

cause or tax or debt unless anyone is infirm or ignorant of pleading; for these the *missi* or the chiefs who are in the court or the judge who knows the case in question shall plead before the court; or if it is necessary, such a person may be allowed as is acceptable to all and knows the case well; but this shall be done wholly according to the convenience of the chiefs or *missi* who are present. But in every case it shall be done in accordance with justice and the law; and that no one shall have the power to impede justice by a gift, reward, or any kind of evil flattery or from any hindrance of relationship. And that no one shall unjustly consent to another in anything, but that with all zeal and goodwill all shall be prepared to carry out justice.

For all the above mentioned ought to be observed by the imperial oath. [Also]:

10. That bishops and priests shall live according to the canons and shall teach others to do the same.

11. That bishops, abbots, and abbesses, who are in charge of others, with the greatest veneration shall strive to surpass their subjects in this diligence and shall not oppress their subjects with a harsh rule or tyranny, but with sincere love shall carefully guard the flock committed to them with mercy and charity or by the examples of good works.

12. That abbots shall live where the monks are and wholly with the monks, in accordance with the rule, and shall diligently learn and observe the canons; the abbesses shall do the same.

13. That bishops, abbots and abbesses shall have advocates, vicars and *centenarii* who know the law and love justice, who are pacific and merciful, so that through these great profit or advantage may accrue to the holy church of God; because we are entirely unwilling to have in the monasteries harmful and greedy provosts and advocates, from whom greater blasphemy or injury may arise for us. But they shall be such as the canonical or regular institution orders them to be, submissive to the will of God and always ready to render justice to all, fully observing the law without malicious fraud, always exercising a just judgment in the case of all, such provosts indeed as the holy rule teaches that they should be. And let them wholly observe this, that they shall in no way deviate from the canonical or regular norm, but shall exhibit humility in all things. If, moreover, they shall have presumed to do otherwise, let them feel the discipline of the rule; and if they shall have been unwilling to amend their ways they shall be removed from the provostship, and those who are more worthy shall be appointed in their places.

14. That bishops, abbots and abbesses, and counts shall be mutually in accord, following the law in order to render a just judgment with all charity and unity of peace, and that they shall live faithfully in accordance with the will of God, so that always everywhere through them and among them a just judgment shall be rendered. The poor, widows, orphans and pilgrims shall have consolation and defense from them; so that we, through their goodwill, may deserve the reward of eternal life rather than punishment.

15. We will and command in every way that abbots and monks shall be subject to their bishops in all humility and obedience, just as is commanded by the canonical constitution. And all the churches and basilicas shall remain

in the defense and power of the church. And no one shall dare to divide or to cast lots concerning the property of the basilicas. And what has once been offered shall not be taken back, and shall be sanctified and shall be claimed as legal property. But if any one shall have presumed to do otherwise he shall pay and make good our ban. And the monks shall be corrected by the bishops of their province; but if they do not amend their ways then the archbishop shall summon them to the synod; and if even then they shall not have amended their ways, then they shall come together with their bishop into our presence.

16. Concerning choosing men for ordination, just as the lord emperor had formerly granted it, by the law of the Franks, to the bishops and abbots, so he has also now confirmed it; nevertheless, in this manner, so that neither a bishop nor an abbot in a monastery shall prefer the more worthless to the better, and he shall not desire to advance any one before his betters on account of relationship or any flattery, and that he shall not lead such a one to us to be ordained when he has a better concealed and kept back; we are in no way willing that this should be done, because it seems to be a mockery and deceit of us. But in the monasteries men of such a character are to be prepared for ordination that reward and profit may accrue both to us and to those who recommend them.

17. Moreover, that the monks shall live firmly and strictly in accordance with the rule, because we know that any one whose goodwill is lukewarm is displeasing to God, as John bears witness in the Apocalypse: "I would that thou wert cold or hot. So then, because thou art lukewarm, and neither cold nor hot, I will spue thee out of my mouth." Let them in no way usurp to themselves secular business. They shall not have leave to go outside of their monastery at all, unless compelled by a very great necessity; but nevertheless the bishops, in whose diocese they shall be, shall take care in every way that they do not get accustomed to wandering outside of the monastery. But if it shall be necessary for anyone to go outside in obedience to a command, and this shall be done with the counsel and consent of the bishop, persons of such character shall be sent out with a certificate, that there may be no suspicion of evil in them and that no evil report may arise from them. For the property and business outside of the monastery the abbot, with the permission and counsel of the bishop, shall ordain who shall provide, not a monk, but another of the faithful. Let them wholly shun secular gain or a desire for worldly affairs, because avarice or a desire for this world ought to be shunned by all Christians, but especially by those who seem to have renounced the world and its lusts. Let no one presume in any way to incite strifes and controversies, either within or outside of the monastery. But if anyone shall have presumed to do so, he shall be corrected by the most severe discipline of the rule and in such a manner that others shall fear to commit such actions. Let them entirely shun drunkenness and feasting, because it is known to all that from these men are especially polluted by lust. For a most pernicious rumour has come to our ears that many in the monasteries have already been detected in fornication and in abomination and uncleanness. It especially saddens and disturbs us that it can be said, without a great mistake, that some of the monks are understood to be sodomites, so that whereas the greatest hope of salvation to all Christians is believed to

arise from the life and chastity of the monks, damage has been incurred instead. Therefore, we also ask and urge that henceforth all shall most earnestly strive with all diligence to preserve themselves from these evils, so that never again such a report shall be brought to our ears. And let this be known to all, that we in no way dare to consent to those evils in any other place in our whole kingdom; so much the less, indeed, in the persons of those whom we desire to be examples of chastity and moral purity. Certainly, if any such report shall have come to our ears in the future, we shall inflict such a penalty, not only on the guilty but also on those who have consented to such deeds, that no Christian who shall have heard of it will ever dare in the future to perpetrate such acts.

18. Monasteries for women shall be firmly ruled, and the women shall not be permitted to wander about at all, but they shall be guarded with all diligence, and they shall not presume to arouse litigations or strife among themselves, nor shall they dare to be disobedient or refractory in any way toward their rulers and abbesses. Where, moreover, they have a rule, let them observe it in every respect; let them not be give to fornication or drunkenness or lust, but let them live justly and soberly in every respect. And into their cloisters or monasteries let no man enter, except when the priest enters with a witness to visit the sick, or for the mass alone; and let him immediately go forth. And let no one from another place enroll his daughter in the congregation of the nuns without the knowledge and consideration of the bishop to whose diocese that place pertains; and the latter shall diligently inquire why she desires to remain in the holy service of God, and shall confirm her residence or profession in that place. Moreover, maid-servants belonging to other men, or such women as are [not] willing to live in the holy congregation in accordance with its manner of life, shall be wholly cast out from the congregation.

19. That no bishop, abbots, priests, deacons, or other members of the clergy shall presume to have dogs for hunting, or hawks, falcons and sparrow-hawks, but each shall observe fully the canons or rule of his order. If anyone shall presume to do so, let him know that he shall lose his office. And in addition he shall suffer such punishment for it that the others will be afraid to usurp such things for themselves.

20. That abbesses, together with their nuns, shall live within the cloisters in concord and watchfully, and shall never presume to go outside of their cloister. But if the abbesses wish to send any nuns out of the cloisters, they shall not do this without the consent and advice of their bishops. Likewise, also, when there ought to be any ordinations or receptions in the monasteries, they shall previously discuss these fully with their bishops; and the bishops shall announce to the archbishop what seems the safer or more useful way, and with his advice they shall perform what ought to be done.

21. That priests and the remaining canonical clergy, whom they have as associates in their minister, shall be wholly subject to their bishops, and just as the canonical institution orders let them consent to be taught the sacred discipline fully by their bishops, if they desire to have our favor or their own offices.

22. Moreover, the canonical clergy shall observe fully the canonical life, and shall be instructed at the episcopal residence or in the monastery with all

diligence according to the canonical discipline. They shall not be permitted to wander outside at all, but shall live under strict guardianship, not given to base gain, not fornicators, not thieves, not homicides, not robbers, not quarrelsome, not wrathful, not proud, not drunken, but with a chaste heart and body, humble, modest, sober, merciful, pacific, that as sons of God they may be worthy to be promoted in the sacred order; not in the villages or villas near to or adjoining the churches, without a master and without discipline, like those who are called sarabaites, living in luxury or fornication or other iniquity, to consent to which is absurd.

23. The priests shall carefully watch over the clerks whom they have with them, that the latter live according to the canons; that they are not given to vain sports or worldly convivialities or songs or luxuries; but that they live chastely and healthfully.

24. If, moreover, any priest or deacon shall presume hereafter to have with him in his house any women except those whom the canonical license permits, he shall be deprived of both his office and inheritance until he be brought into our presence.

25. That counts and *centenarii* shall compel all to do justice in every respect, and shall have such assistants in their ministries as they can securely confide in who will observe the law and justice faithfully, who will oppress the poor in no manner, who will not dare under any pretext, on account of flattery or reward, to conceal thieves, robbers, murderers, adulterers, magicians, wizards or witches, and all sacrilegious men, but instead will give them up that they may be punished and chastised in accordance with the law, so that, God granting it, all of these evils may be removed from the Christian people.

26. That judges shall judge justly in accordance with the written law, and not according to their own will.

27. And we command that no one in our whole kingdom shall dare to deny hospitality to rich or poor or pilgrims, that is, no one shall deny shelter and fire and water to pilgrims traversing our country in God's name, or to anyone traveling for the love of God or for the safety of his own soul. If, moreover, any one shall wish to serve them farther, let him expect the best reward from God, who Himself said: "And whoso shall receive one such little child in my name, receiveth me," and elsewhere: "I was a stranger and ye took me in."

28. Concerning embassies coming from the lord emperor. That the counts and *centenarii* shall provide most carefully, as they desire the grace of the lord emperor, for the *missi* who are sent out, so that they may go through their departments without any delay; and he commands to all everywhere that they ought to see to it that no delay is encountered anywhere, but they shall cause them to go on their way in all haste and shall provide for them in such a manner as our *missi* may direct.

29. Concerning the poor to whom in his mercy the lord emperor has granted the ban which they ought to pay, that the judges, counts or our *missi* shall not, for their own advantage have the power to compel them to pay the fine which has been granted to them.

30. Concerning those whom the lord emperor wishes, Christ being propitious, to enjoy peace and protection in his kingdom, namely, those who are hastening to his clemency, either Christians or pagans, because they desire to announce some news, or seeking his aid on account of their poverty or

hunger, that no one shall dare to constrain them or alienate or sell them; but wherever they are, there under the defense of the Lord, in his mercy. If anyone shall have presumed

who has so presumptuously despised the law, that he shall suffer the loss of his life.

31. And against those who announce the justice of the Lord, no one presume to plot any injury of damage, or to stir up any one shall have presumed, let him pay the imperial ban. If a heavier punishment, it is commanded that he shall be brought before the emperor's presence.

32. Murders, by which a multitude of the Christian people perishes, are commanded in every way to be shunned and to be forbidden; God himself forbids them to his followers hatred and enmity, much more murder. For in what manner does anyone trust to placate God, who has killed his son nearest to him? In what manner truly does he, who has killed his brother, think that the Lord Christ will be propitious to him? It is a great and terrible danger also with God the Father and Christ, Lord of heaven and earth, to stir up enmities among men: it is possible to escape for some time by remaining concealed, but nevertheless by accident at some time he falls into the hands of his enemies; moreover, where is it possible to flee from God, to whom all secrets are manifest? By what rashness does anyone think to escape his anger? Wherefore, lest the people committed to us to be ruled over should perish from this evil, we have taken care to shun this by every means of discipline; because he who shall not have dreaded the wrath of God, shall find us in no way propitious or to be placated; but we wish to inflict the most severe punishment upon any one who shall have dared to murder a man. Nevertheless, lest sin should also increase, in order that the greatest enmities may not arise among Christians, when by the persuasions of the Devil murders happen, the criminal shall immediately hasten to make amends and with all celerity shall strike an accommodation for the evil done with the relatives of the murdered man. And we forbid firmly, that the relatives of the murdered man shall dare in any way to continue their enmities on account of the evil done, or shall refuse to grant peace to him who asks for it, but having given their pledges they shall receive a suitable accommodation and shall make a perpetual peace; moreover, the guilty one shall not delay to achieve an accommodation. When, moreover, it shall have happened on account of sins that anyone shall have killed his brethren or his neighbor, he shall immediately submit to the penance imposed upon him, and just as his bishop arranges for him, without any ambiguity; but by God's aid he shall desire to accomplish his atonement and he shall compound for the dead man in accordance with the law, and shall make peace in every way with his relatives; and the pledge being given, let no one dare thereafter to stir up enmity against him. But if anyone shall have scorned to make the fitting accommodation, he shall be deprived of his property until we shall render our decision.

33. We prohibit in every way the crime of incest. But if anyone shall have been contaminated by sinful fornication, he shall by no means be released without severe punishment, but for this he shall be corrected in such a manner that others shall fear to do likewise and that uncleanness shall be wholly

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25. That counts and *centenarii* shall compel all to do justice in every respect, and shall have such assistants in their ministries as they can securely confide in who will observe the law and justice faithfully, who will oppress the poor in no manner, who will not dare under any pretext, on account of flattery or reward, to conceal thieves, robbers, murderers, adulterers, magicians, wizards or witches, and all sacrilegious men, but instead will give them up that they may be punished and chastised in accordance with the law, so that, God granting it, all of these evils may be removed from the Christian people.

26. That judges shall judge justly in accordance with the written law, and not according to their own will.

27. And we command that no one in our whole kingdom shall dare to deny hospitality to rich or poor or pilgrims, that is, no one shall deny shelter and fire and water to pilgrims traversing our country in God's name, or to anyone traveling for the love of God or for the safety of his own soul. If, moreover, any one shall wish to serve them farther, let him expect the best reward from God, who Himself said: "And whoso shall receive one such little child in my name, receiveth me," and elsewhere: "I was a stranger and ye took me in."

28. Concerning embassies coming from the lord emperor. That the counts and *centenarii* shall provide most carefully, as they desire the grace of the lord emperor, for the *missi* who are sent out, so that they may go through their departments without any delay; and he commands to all everywhere that they ought to see to it that no delay is encountered anywhere, but they shall cause them to go on their way in all haste and shall provide for them in such a manner as our *missi* may direct.

29. Concerning the poor to whom in his mercy the lord emperor has granted the ban which they ought to pay, that the judges, counts or our *missi* shall not, for their own advantage have the power to compel them to pay the fine which has been granted to them.

30. Concerning those whom the lord emperor wishes, Christ being propitious, to enjoy peace and protection in his kingdom, namely, those who are hastening to his clemency, either Christians or pagans, because they desire to announce some news, or seeking his aid on account of their poverty or

hunger, that no one shall dare to constrain them to serve him, or to seize them or alienate or sell them; but wherever they may wish to remain voluntarily, there under the defense of the lord emperor they shall be aided in his mercy. If anyone shall have presumed to act contrary to this, let him who has so presumptuously despised the commands of the lord emperor, know that he shall suffer the loss of his life for it.

31. And against those who announce the justice of the lord emperor, let no one presume to plot any injury of damage, or to stir up any enmity. But if any one shall have presumed, let him pay the imperial ban or, if he deserves a heavier punishment, it is commanded that he shall be brought into the emperor's presence.

32. Murders, by which a multitude of the Christian people perishes, we command in every way to be shunned and to be forbidden; God himself forbade to his followers hatred and enmity, much more murder. For in what manner does anyone trust to placate God, who has killed his son nearest to him? In what manner truly does he, who has killed his brother, think that the Lord Christ will be propitious to him? It is a great and terrible danger also with God the Father and Christ, Lord of heaven and earth, to stir up enmities among men: it is possible to escape for some time by remaining concealed, but nevertheless by accident at some time he falls into the hands of his enemies; moreover, where is it possible to flee from God, to whom all secrets are manifest? By what rashness does anyone think to escape his anger? Wherefore, lest the people committed to us to be ruled over should perish from this evil, we have taken care to shun this by every means of discipline; because he who shall not have dreaded the wrath of God, shall find us in no way propitious or to be placated; but we wish to inflict the most severe punishment upon any one who shall have dared to murder a man. Nevertheless, lest sin should also increase, in order that the greatest enmities may not arise among Christians, when by the persuasions of the Devil murders happen, the criminal shall immediately hasten to make amends and with all celerity shall strike an accommodation for the evil done with the relatives of the murdered man. And we forbid firmly, that the relatives of the murdered man shall dare in any way to continue their enmities on account of the evil done, or shall refuse to grant peace to him who asks for it, but having given their pledges they shall receive a suitable accommodation and shall make a perpetual peace; moreover, the guilty one shall not delay to achieve an accommodation. When, moreover, it shall have happened on account of sins that anyone shall have killed his brethren or his neighbor, he shall immediately submit to the penance imposed upon him, and just as his bishop arranges for him, without any ambiguity; but by God's aid he shall desire to accomplish his atonement and he shall compound for the dead man in accordance with the law, and shall make peace in every way with his relatives; and the pledge being given, let no one dare thereafter to stir up enmity against him. But if anyone shall have scorned to make the fitting accommodation, he shall be deprived of his property until we shall render our decision.

33. We prohibit in every way the crime of incest. But if anyone shall have been contaminated by sinful fornication, he shall by no means be released without severe punishment, but for this he shall be corrected in such a manner that others shall fear to do likewise and that uncleanness shall be wholly

removed from the Christian people, and the guilty man shall fully atone for this by penance, just as his bishop shall arrange for him; and the woman shall be placed in the hands of her parents until we render our judgment. But if he shall have been unwilling to consent to the judgment of the bishops concerning his amendment, then he shall be brought to our presence, mindful of the example which was made concerning the incest which Fricco perpetrated with the nun of God.

34. That all shall be fully and well prepared, whenever our order or proclamation shall come. But if anyone shall then say that he was unprepared and shall have neglected our command, he shall be brought to the palace; and not only he, but also all who dare to transgress our ban or command.

35. That all shall wholly venerate their bishops and priests with all honor in the service and will of God. That they shall not dare to pollute themselves and others by incestuous nuptials; that they shall not presume to be married until the bishops and priests together with the elders of the people have inquired diligently into the consanguinity of those marrying; and then they shall be married with a benediction. Let them shun drunkenness, avoid greed, commit not theft; let them wholly shun strifes and contentions and blasphemies, both at feasts and assemblies, but let them live in charity and concord.

36. And that all shall be entirely of one mind with our *missi* in performing justice in every respect. And that they shall not permit the use of perjury at all, for it is necessary that this most evil crime shall be removed from the Christian people. But if anyone after this shall have been proved a perjurer, let him know that he shall lose his right hand; and they shall be deprived of their property until we shall render our decision.

37. That those who shall have been guilty of patricide or fratricide, or who shall have killed a maternal or paternal uncle or any other relative, and shall have been unwilling to obey and consent to the judgment of the bishops, priests and other judges, our *missi* and counts, for the safety of their own souls and in order to bring about a just judgment, shall be kept in such custody that they may be safe and may not infect other people until they are led into our presence; and from their own property in the meantime they shall have nothing.

38. And let this likewise be done with those who have been seized in illegal and incestuous unions and corrected, and who are not willing to amend their ways nor to obey their bishops and priests, and who presume to despise our ban.

39. That in our forests no one shall dare to steal our game, which we have already many times forbidden to be done; and now we again strictly forbid that anyone shall do so in the future; just as each one desires to preserve the fidelity promised to us, so let him take heed to himself. But if any count or *centenarius* or our *bassus* or anyone of our ministerials shall have stolen our game, he shall be brought into our presence without fail to render account. But if anyone of the remaining people shall have stolen our game, let him without fail pay what is just; let no one hereafter be released from this on any account. But if anyone knows that this has been done by another, let him not dare to conceal this, in order that he may preserve the fidelity which he has promised to us and which he now has to promise.

40. Lastly, therefore, we desire all our decrees to be known in our whole kingdom through our *missi* now sent out, either among the men of the church, bishops, abbots, priests, deacons, canons, all monks or nuns, so that each one in his ministry or profession may keep our ban or decree, or where it may be fitting to thank the citizens for their good will, or to furnish aid, or where there may be need still of correcting anything. Likewise also to the guardianship of the holy churches or of widows and orphans and the weaker; or the robbing of them; or the arrangements for the assembling of the army; or any other matters; how they are to ban, or how each one strives in all things to keep himself in the holy service of God; so that all these good things may be well done to the praise of omnipotent God, and we may return thanks where it is fitting. But where we believe there is anything unpunished, we shall so strive to correct it with all our zeal and will that with God's aid we may bring it to correction, both for our own eternal glory and that of all our faithful. Likewise we desire all the above to be fruitfully known by our counts or *centenarii*, our ministerials.

*Questions: How far down did Charlemagne's control of the church penetrate? Indeed, did he not have more direct control over the church in northern Europe than Pope Leo III did from distant Rome? How was the church in Francia organized and how did Charlemagne enforce his control over it? What were the principal forces of corruption, according to the king?*

### 3. Relating to the Army

*Despite Einhard's account of Charlemagne's extensive conquests, Charlemagne was not, it must be said, a Roland, a warrior who risked all in heroic and reckless combat. In fact, the king was exactly the opposite. He conquered his enemies by superior organization, by cleverly planning his campaigns, and by wearing down his enemies. Indeed, the Carolingians were like Republican Romans a thousand years earlier in that they fought on a seasonal basis, the army marching out from Francia in the spring as soon as there was sufficient fodder on the ground to support their horses and returning in November when the fodder and their supplies were exhausted. Because of his superior planning, Charlemagne was often able to put more men into the field than his enemies, who promptly retreated, whereupon Charlemagne's troops would destroy their crops and wait for the enemy to surrender. Some evidence of the deliberate and rational nature of Carolingian warfare is to be found in the capitularies.*

Source: trans. D.C. Munro in *Translations and Reprints from the Original Sources of European History*, vol. 6.5: *Laws of Charles the Great* (Philadelphia: The University of Pennsylvania, 1899), pp.6-12; revised.

### Capitulary of Herstal, 779

14. Let no one presume to gather an armed following.  
20. Let no one dare to sell any coats of mail outside of our realm.

Capitulary of the *Missi*, 803

7. Shields and coats of mail shall not be given to merchants.

## Italian Capitulary, 801

2. Concerning the payment of the host. If any free man, out of contempt for our command, shall have presumed to remain at home when others go to war, let him know that he ought to pay the full *heribannum* according to the law of the Franks, that is, sixty *solidi*. Likewise, also, for contempt of individual capitularies which we have promulgated by our royal authority, that is, anyone who shall have broken the peace decreed for the churches of God, widows, orphans, wards, and the weak, shall pay the fine of sixty *solidi*.
3. Concerning deserters. If anyone shall have shown himself so contumacious or haughty as to leave the army and return home without the command or permission of the king, that is, if he is guilty of what we call in the German language *herisliz*, he himself, as a criminal, shall incur the peril of losing his life, and his property shall be confiscated for our treasury.

Double Capitulary of Thionville for the *Missi*, 805

6. Concerning the equipment in the army the same shall be observed as we have previously commanded in another capitulary, and, in particular, every man who possesses twelve *mansi* shall have a coat of mail; he who has a coat of mail and shall not have brought it with him shall lose his whole benefice, together with the coat of mail.
7. Concerning those merchants who go to the countries of the Slavs and Avars, whither they ought to go on their business; that is, in the country of the Saxons as far as Bardowiek, which is under the charge of Hredi; and to Schesel, which is under the charge of Madalgaudus; and to Magdeburg, which is under the charge of Aito; and to Erfurt, which is under the charge of Madalgaudus; and to Halazstat, which is under the charge of the same Madalgaudus; to Forchheim and to Pfreimt and to Regensburg, which are under the charge of Audulfus; and to Lorsch, which is under the charge of Warnarius. And they shall not carry arms and coats of mail for sale; but if they shall have been discovered carrying any, all their property shall be taken from them; half shall go to the royal treasury, the other half shall be divided between the above-mentioned *missi* and the discoverer.
19. Concerning the payment of the host (*heribannum*) we decree that our *missi* ought to exact it faithfully this year in accordance with our command, without indulgence for any person, either from favors or terror; that is, that they shall receive the lawful fine, namely, three pounds, from each man who has six pounds in gold, silver, coats of mail, bronze utensils, clothing, horses, oxen, cows, or other live stock; but the women and children shall not be deprived of their garments for this fine. Those who do not have the aforesaid property to the value of more than three pounds shall pay thirty *solidi*; he who has not more than two pounds, ten *solidi*; if indeed, anyone has not more than one pound, five *solidi*, so that he may be able again to prepare himself for the service of God and for our need. And our *missi* shall take

care and inquire diligently, lest through any evil action any defraud our justice by transferring or commending their property to others.

## Memorandum concerning Calling Out the Army in Western Gaul, 807

1. In the first place, all who seem to have benefices shall come to the army.
2. Each free man who seems to hold five *mansi* shall likewise come to the army; and he who holds four *mansi* shall do the same, and he who seems to have three shall likewise go. Moreover, wherever two have been found of whom each seems to have two *mansi*, one shall equip the other, and the one of them who shall be better able shall come to the army. And where two shall have been found of whom one has two *mansi* and the other has one *mansus*, they shall join together in the same way and one shall equip the other, and the one who shall be better able shall come to the army. Wherever, moreover, three shall have been found of whom each has one *mansus*, two shall equip the third, the one of them who is better able shall come to the army. Of those who have half a *mansus*, five shall equip the sixth. And of those who shall have been found so poor that they have neither serfs nor their own property in lands, and yet have personal property to the value of [100] *solidi*, five shall prepare a sixth [and where two, a third from those who seem to have small possessions in land]. And to each one of those who go in the army five *solidi* shall be paid by the aforesaid poorer ones who seem to have no property in land. And let no one abandon his lord on this account.

## Capitulary on a Variety of Subjects, circa 807

2. If it shall be necessary to furnish aid against the Saracens of Spain or the Avars, then five of the Saxons shall equip a sixth; and if it shall be necessary to bear aid against the Bohemians, two shall equip a third; if, indeed, there is need of defending the native country against the Sorbs [that is, Slavs], then all shall come together.
3. From the Frisians we will that the counts and our vassals, who seem to have benefices, and all the horsemen in general, shall come well prepared to our assembly; of the remaining poorer men six shall equip a seventh, and thus they shall come well prepared for war to the aforesaid assembly.

Capitulary for the *Missi* on Mobilizing the Army, 808

1. Every free man who has four *mansi* of his own property, or has a benefice from anyone, shall equip himself and go to the army, either with his lord, if the lord goes, or with his count. He who has three *mansi* of his own property shall be joined to a man who has one *mansus*, and shall aid him so that he may serve for both. He who has only two *mansi* of his own property shall be joined to another who likewise has two *mansi*, and one of them, with the aid of the other, shall go to the army. He who has only one *mansus* of his own shall be joined to one of three who have the same and shall aid him, and the latter shall go alone; the three who have aided him shall remain at home.



4. From the men who have been enfeoffed by the counts the following are to be excepted and are not commanded to pay the ban: two who shall have been left behind with the wife of a count and two others who shall have been commanded to remain to guard his territory and to perform our service. In this case we command, however, that each count shall leave at home two men to guard each separate territory which he has, in addition to those two who remain with his wife; all the others, without any exception, he shall take with him, or if he remains at home, he shall order them to proceed with the one who goes to the army in his stead. A bishop or abbot shall leave at home only two of those who are enfeoffed and laymen.

#### The Capitulary of Bologna, October 811

3. If any man holding an office under us shall have been summoned to the host and shall not have come to the appointed muster, he shall abstain from meat and wine for as many days as he shall have been proved to be late in coming to the appointed muster.

4. If anyone, without the license or permission of the prince, shall have deserted from the army, the Franks call this *herisliz*, we wish the ancient law to be preserved, that is, he shall be punished by a capital sentence.

5. If anyone of those who holds a royal benefice shall have abandoned his peer proceeding in the army against the common enemies, and shall have been unwilling to go or stay with him, he shall lose his office and benefice.

6. That in the host no one shall ask his peer or any other man to drink. And if any drunken person shall have been found in the army, he shall be so excommunicated that in drinking he shall use nothing but water until he acknowledges that he has acted wrongly.

7. Concerning the royal vassals who serve in the household at the present time and yet are known to have benefices, it has been decided that those who remain at home with the lord emperor shall not retain their vassals in the household with themselves, but shall permit the vassals to go with the count to whose district they belong.

8. It has been enacted that the preparation for serving in the army shall be defined and continued in accordance with the ancient custom, namely, victuals for a three months' march and arms and clothing for a half-year. But, nevertheless, it has been decided that this shall be observed in the following manner, so that those who march from the Rhine to the Loire shall compute the beginning of their provision from the Loire; those, indeed, who make their journey from the Loire to the Rhine shall compute their victuals for the three months from the Rhine; those moreover, who dwell across the Rhine and proceed through Saxony shall know that the Elbe is their boundary; and those who remain across the Loire and ought to go to Spain shall know that the Pyrenees are their boundary.

9. If it shall have been learned that any free man has not been, during the present year, in the army with his lord, he shall be compelled to pay the full *heribannum*. And if his lord or count shall have permitted him to remain at home, the former shall pay the same fine on his account; and as many *heribanni* shall be demanded as he has allowed men to remain at home. And because in the present year we have allowed each lord to leave two of his

men at home, we will that these shall be shown to our *missi*, because we have granted the *heribannum* to these alone.

10. It has been enacted that no bishop or abbot or abess, or any rector or guardian of a church, shall presume without our permission to give or sell a coat of mail or sword to any man outside, except only to his own vassals. And if it shall happen that he has in any church or sacred place more coats of mail than are needed for the men who guard the same church, then the same rector of the church shall ask the king what ought to be done with these.

#### Capitulary of Aachen, 802-803

9. Concerning going to the army; the count in his country under penalty of the ban, and each man under penalty of sixty *solidi* shall go to the army, so that they come to the appointed muster at that place where it is ordered. And the count himself shall see in what manner they are prepared, that is, each one shall have a lance, shield, bow with two strings, and twelve arrows. And the bishops, counts, and abbots shall oversee their own men and shall come on the day of the appointed muster and there show how they are prepared. Let them have breast-plates or helmets, and let them proceed to the army, that is, in the summer.

10. That the equipment of the king shall be carried in carts, also the equipment of the bishops, counts, abbots and nobles of the king: flour, wine, pork and victuals in abundance, mills, adzes, axes, augers, slings, and men who know how to use these well. And the marshals of the king shall add stones for these on twenty beasts of burden, if there is need. And each one shall be prepared for the army and shall have plenty of all utensils. And each count shall save two parts of the fodder in his county for the army's use, and he shall have good bridges and good boats.

#### Letter Calling for the Mobilization of an Abbot's Troops

In the name of the Father, Son, and Holy Ghost. Charles, most serene, august, crowned by God, great pacific emperor, and also, by God's mercy, king of the Franks and Lombards, greetings to Abbot Fulrad.

Be it known to you that we have decided to hold our general assembly this year in the eastern part of Saxony, on the river Bode, at the place which is called Stassfurt. Therefore, we have commanded you to come to the aforesaid place, with all your men well armed and prepared, on the fifteenth day before the Kalends of July [17 June], that is, seven days before the festival of Saint John the Baptist. Come, accordingly, so equipped with your men to the aforesaid place that thence you may be able to go well prepared in any direction whither our summons shall direct; that is, with arms and gear also, and other equipment for war in food and clothing, so that each horseman shall have a shield, lance, sword, dagger, bow and quivers with arrows; and in your carts utensils of various kinds, that is, axes, planes, augers, boards, spades, iron shovels, and other utensils which are necessary in an army. In the carts also supplies of food for three months, dating from the time of the assembly, arms and clothing for a half-year. And we command this in gen-

eral, that you cause it to be observed that you proceed peacefully to the aforesaid place, through whatever part of our realm your journey shall take you, that is, that you presume to take nothing except fodder, wood and water; and let the men of each one of your vassals march along with the carts and horsemen, and let the leader always be with them until they reach the aforesaid place, so that the absence of a lord may not give an opportunity to his men of doing evil.

Send your gifts, which you ought to present to us at our assembly in the middle of the month of May, to the place where we then shall be; if perchance your journey shall so shape itself that on your march you are able in person to present these gifts of yours to us, we greatly desire it. See that you show no negligence in the future if you desire to have our favor.

*Questions: What was the procedure for calling up the army and who had to go? How did Charlemagne enforce his military rights? Why were the Carolingians worried about the spread of mail coats?*

#### 4. Relating to Vassalage

*When the Carolingian family had served the Merovingians as mayors of the palace, it had employed the bonds of vassalage as a means of securing the allegiance of subordinates. In 757, in fact, Tassilo, the duke of the Bavarians, came to King Pepin at Compiègne and commended himself with his hands into vassalage to the king. While placing his hands on saints' relics, the duke swore oaths of allegiance and faithfulness to Pepin and his sons. Still vassalage was an institution in flux throughout the ninth century and one that often as not compromised royal power rather than enhanced it. Yet it was also a social fact, one that the Carolingian royal house had pioneered, but could not completely control despite all its legal attempts to do so.*

Source: trans. D. Herlihy in *The History of Feudalism* (New York: Harper & Row, 1970), p.87; reprinted with permission.

#### No. 64, in 810

17. Let every [lord] compel his dependants to obey better and better and consent to the imperial commands and orders.

#### The Capitulary of Aachen, 802-803

16. Let no man abandon his lord after he has received from him the value of a single *solidus*, unless the lord wishes to kill him, or to beat him with a stick, or to violate his wife or daughter, or to deprive him of his inheritance.

#### No. 104, circa 801-813

8. If any vassal should wish to abandon his lord, he may do so only if he can prove that the lord has committed one of these crimes:

1. if the lord should have unjustly sought to enslave him.

2. if the lord plotted against his life.
3. if the lord committed adultery with the wife of his vassal.
4. if the lord willingly attacked him with drawn sword in order to kill him.
5. if after the vassal commended his hands into his, the lord failed to provide defense when he could have done so.

If the lord has committed any of these five offenses against his vassal, the vassal may abandon him.

*Questions: What did Carolingian vassalage consist of? What rules governed conduct? Why did the king wish to enforce what were essentially private contracts?*

#### 5. Sample Inventory of a Royal Estate

*Though not a capitulary itself, the following is one of a series of inventories included in the capitularies as examples of the form and content such inventories should take. But the figures provided are an indication of the problems faced by a subsistence agricultural economy. The ratio of the harvest that had to be sown to produce the next year's crop is very high: 100% of the rye and 54% of the spelt. Thus Asnapius, in the year of the inventory, seems to have suffered a particularly poor harvest, since its old grain supplies almost equal the previous year's production. These percentages are repeated in the other sample inventories for that year. What they seem to testify to is an agricultural economy that often experienced cycles of good and bad harvests and needed to balance the two in order to achieve subsistence levels. Though the Carolingians had cerealized northern Europe and were heavily dependent on wheat, their economy was still diversified. They produced a wide range of foodstuffs, some of which—such as wild pigs roaming in the forests and nuts and berries—were available in seasons when there were wheat shortages.*

Source: trans. R.P. Falkner in *Translations and Reprints from the Original Sources of European History*, vol. 3.2: *Statistical Documents of the Middle Ages* (Philadelphia: University of Pennsylvania, 1907), pp.4-5; revised.

We found on the royal estate of Asnapius a royal house built of stone in the best manner with 3 rooms; the whole house surrounded with balconies, with 11 rooms for women; beneath, 1 cellar; 2 porticoes; 17 other houses built of wood within the courtyard with as many rooms and other appurtenances, well built; 1 stable, 1 kitchen, 1 mill, 2 granaries, 3 barns.

The yard surrounded carefully with a hedge and stone gateway and above a balcony from which to make distributions. An inner yard, likewise enclosed within a hedge, arranged in a suitable manner, and planted with various kinds of trees.

Linen: coverings for 1 bed, 1 table cloth, 1 towel.

Utensils: 2 bronze vessels, 2 drinking cups, 2 bronze cauldrons, 1 iron one, 1 frying pan, 1 gramalmin, 1 pair of andirons, 1 lamp, 2 hatchets, 1 chisel, 2 augers, 1 axe, 1 knife, 1 large plane, 1 plane, 2 scythes, 2 sickles, 2 spades tipped with iron. Enough wooden utensils for use.

Farm produce: old spelt from last year, 90 baskets which can be made into 450 measures of flour; 100 measures of barley. From the present year,

110 baskets of spelt, of which 60 baskets have been planted, the rest we found; 100 measures of wheat, 60 sown, the rest we found; [some] measures of rye, all sown; 1800 measures of barley, 1100 sown, the rest we found; 430 measures of oats, 1 measure of beans, 12 measures of peas. At the 5 mills, 800 measures, 200 of which were given to those from the home farm who worked. At the 4 breweries, 650 small measures, 240 given to the prebendaries, the rest we found. At the 2 bridges, 60 measures of salt and 2 shillings. At the 4 gardens, 11 shillings, 2 measures of honey, about 1 measure of butter (for dues), from last year 10 sides of bacon, 200 sides of new bacon, as well as fragments and fats, 43 measures of cheese from the present year.

Of cattle: 51 older horses, 5 three-year-olds, 7 two-year-olds, 7 yearlings; 10 two-year-old colts, 8 yearlings, 3 stallions; 16 oxen; 2 donkeys; 50 cows with calves, 20 young bullocks, 38 yearling calves, 3 bulls, 260 hogs, 100 pigs, 5 boars, 150 ewes with lambs, 200 yearling lambs, 120 rams, 30 goats with kids, 30 yearling kids, 3 male goats, 30 geese, 80 chickens, 22 peacocks.

Also concerning the dependencies which pertain to the above demesne. In the villa of Grisio we found domain buildings, where there are 3 barns and a yard surrounded by a hedge. There is 1 garden with trees, 10 geese, 8 ducks, 30 chickens.

In another villa we found demesne buildings and a yard surrounded by a hedge and within 3 barns, 1 arpent of vines, 1 garden with trees, 15 geese, 20 chickens.

In a third villa, [we found] demesne buildings. It has 2 barns, 1 granary, 1 garden, 1 yard well enclosed by a hedge.

We found all the dry and liquid measures just as in the palace. We did not find any goldsmiths, silversmiths, blacksmiths, huntsmen or persons engaged in other services.

The garden herbs which we found were lily, putchuck, mint, parsley, rue, celery, lovage, sage, savory, juniper, leeks, garlic, tansy, wild mint, coriander, shallotes, onions, cabbages, kohlrabi, betony. Trees: pears, apples, medlars, peaches, filberts, walnuts, mulberries, and quinces.

*Questions: What problems were there with the Carolingian manorial economy? Are there certain items in these inventories that seem unnecessary?*

#### 6. Articles from the Capitulary on the Maintenance of Royal Estates (De Villis)

*Charlemagne, like his father before him, was extremely interested in proper and careful estate management. In part this was because, in a subsistence economy, his large court was an expensive operation to run. Hence it was necessary for his royal estates to produce a surplus with which to supply his palace with food and material resources. But it was also the case that his court, especially in the early years, was peripatetic and so his scattered estates needed to support the king and his retinue when they arrived for a short stay. Indeed Pepin the Short and the young Charlemagne may have moved so frequently from palace to palace, because no single estate could long support the presence of the king and his party.*

Source: trans. R.P. Falkner in *Translations and Reprints from the Original Sources of European History*, vol. 3.2: *Statistical Documents of the Middle Ages* (Philadelphia: University of Pennsylvania, 1907), pp.2-4; revised.

62. That each steward shall make an annual statement of all our income: an account of our lands cultivated by the oxen which our plowmen drive and of our lands which the tenants of farms ought to plow; an account of the pigs, of the rents, of the obligations and fines; of the game taken in our forests without our permission; of the various payments; of the mills, of the forest, of the fields, of the bridges, and ships: of the free-men and the hundreds who are under obligations to our treasury; of markets, vineyards, and those who owe wine to us; of the hay, fire-wood, torches, planks, and other kinds of lumber; of the waste-lands; of the vegetables, millet, panic, of the wool, flax and hemp; of the fruits of the trees, of the nut trees, larger and smaller; of the grafted trees of all kinds; of the gardens; of the turnips; of the fish-ponds; of the hides, skins, horns; of the honey, wax; of the fat, tallow and soap; of the mulberry wine, cooked wine, mead, vinegar, beer, wine new and old; of the new grain and the old; of the hens and eggs; of the geese; the number of fishermen, smiths [workers in metal], sword-makers, and shoe makers; of the bins and boxes; of the turners and saddlers; of the forges and mines, that is iron and other mines; of the lead mines; of the people giving tribute; of the colts and fillies; they shall make all these known to us, set forth separately and in order, at Christmas, in order that we may know what and how much of each thing we have.

23. On each of our estates our stewards are to have as many cow-houses, piggeries, sheep-folds, stables for goats, as possible, and they ought never to be without these. And let them have in addition cows furnished by our serfs for performing their service, so that the cow-houses and plows shall be in no way weakened by the service on our demesne. And when they have to provide meat, let them have steers lame, but healthy, and cows and horses which are not mangy, or other beasts which are not diseased and, as we have said, our cow-houses and plows are not to suffer on account of this.

34. They must take the greatest care, that whatever is prepared or made with the hands, that is, lard, smoked meat, sausage, partially salted meat, wine, vinegar, mulberry wine, cooked wine, garum, mustard, cheese, butter, malt, beer, mead, honey, wax, flour, all should be prepared and made with the greatest cleanliness.

40. That each steward on each of our domains shall always have, for the sake of ornament, swans, peacocks, pheasants, ducks, pigeons, partridges, turtle doves.

42. That on each of our estates, the chambers shall be provided with counterpanes, cushions, pillows, bed-clothing, coverings for the tables and benches; vessels of brass, lead, iron and wood; andirons, chains, pot-hooks, adzes, axes, augers, cutlasses and all other kinds of tools, so that it shall never be necessary to go elsewhere for them, or to borrow them. And the weapons, which are carried against the enemy, shall be well cared for, so as to keep them in good condition; and when they are brought back they shall be placed in the chamber.