

The capitulary of Quierzy, 877

This long and important capitulary, issued in June 877 on the eve of Charles the Bald's departure for Italy, survives only in the early modern edition made by Sirmond. Historians used to consider that the text was a milestone in the emergence of hereditary comital authority, but if anything it shows the precise opposite. Draft translation by CW, February 2017.

Edition: Boretius and Krause, Capitularia II, no. 282, via Sirmond from a lost manuscript

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These chapters were issued by lord Charles the glorious emperor with the agreement of his faithful men at Quierzy, in the year of the Lord's incarnation 877, in the 37th year of his reign, the 2nd year of his imperial rule, on the 18th Kalends of July, in the 10th indiction. Some of them he set out himself, others he commanded to be repeated by his faithful men.

Chapter 1. About the honour and veneration (*cultus*) of God and of the holy churches, which by God's work stand under the power and protection of our rule: with God's aid, we decree that just as these churches were raised up and honoured and endowed with property in the time of our lord and father of blessed memory [356], and have been honoured and enriched by our own Liberality, they should be preserved in their integrity henceforth. And that priests and the servants of God should obtain ecclesiastical vigour and the privileges they are owed, according to reverend authority. And let the imperial power and the zeal of outstanding men and the administrators of the state (*respublica*) rationally (*rationabiliter*) assist them in all things, so that they are able to carry out their ministry properly.

Response: We all praise and wish to keep the first chapter, as you have decreed with God's inspiration.

2. That the monastery built by us at Compiègne in honour of the holy mother of God Mary may be honoured by our son and our faithful men in the way that we have begun, and that the privilege confirmed by the lord pope and all the bishops, and the imperial decree, may be kindly and inviolably preserved by all the faithful men for the love of God and of us, and confirmed by our son.

Response: we respond similarly to the second chapter.

3. That such people may be chosen by you, apart from those to whom we have already commended [this duty], on whose special advice and assistance we may rely in the current journey.

Response. About the third chapter, we understand that the defence and protection of your kingdom and the guarding [*custodia*] of your son through your faithful men that you have with God's inspiration seen to be best and decided upon, both bishops and abbots and counts, is necessary. We cannot and should not disturb that decision, and we do not know how we might set it out better.

4. How can we be sure, that our kingdom may be disturbed by no-one, until by God's gift we return here, as much as God wishes to help you and you have the capacity, and how we can be sure in our son and in you, and you can be sure in our son and he in you, so that you may be able to trust one another?

Response. About the fourth chapter, in which it is written 'How you may be sure in our son', we respond that thanks be to God, you have fathered and nurtured this your son, and God has brought him to his current age, with your nurturing. No one is able to or should or knows how to save him better than you, and his salvation and honour rests in your advice and assistance and decision, after

God and his saints. And how you may be sure in him, according to the will of God and the utility of the holy church and your kingdom, rests in your disposition.

And about that which is written there, how you may be sure in us until by God's gift you return here, and so that your kingdom will not be disturbed by anyone, as much as God wishes to help us and we have the capacity: we respond that there are the oaths (*sacramenta*) that we made to you, and the profession (*professio*) that both clerics and laymen made to you and subscribed at Quierzy [in 858], and there is the grant that your Domination granted and signed to us, and there is the profession and the oath that we made to you at Gondreville [in 872] for the issues arising from Lothar [II]'s death and the envoy of the apostolic lord Hadrian, and the envoy of your nephew Louis. And there is the profession that we professed at Reims about your loyalty, and about the disposition and defence of your kingdom, and about your wife and the son which you have, and another son if God will give one. We have kept all of this up to now, and we shall keep it, and with God's help we wish to keep it to the end of our lives. And you are certainly able truthfully to trust us.

If however anyone deviates from these oaths and professions [357], let him amend it according to reason and authority and custom, and keep the rest. But if there is one of your faithful men who has not made these professions, then let him make them if it is necessary, and preserve the rest. Some of your followers also came to you after the death of your brother. And you know what oath they swore to you. And if anyone deviates from this oath, let him amend it according to reason and authority and custom, and keep it henceforth.

And about that which is written there, how we may be sure in your son, we respond that we seek no other promise from your son, whom we wish to have as a future lord (*senior*) after you through the grace of God and your decision – except that he keeps what you have issued and decreed in your capitulary to each of us in his order and status [*persona*].

And about that which is written there, how he may be sure in us, we respond as we responded at Reims: that if God and you raise him up to the rule of the kingdom, and designate him in some part of it, we wish to be faithful to him as we ought by right to be to our lord. And about that which is written there and which you said to us orally, that we may be able to trust one another, we have faithfully confirmed orally that we may be united according to the will of God and your faithfulness and honour and the utility of the holy church and your kingdom, and the salvation of your faithful men, with God's assistance – as much as each of us is able in thought and deed, according to his order and his status through the grace of God, so that we may trust and mutually assist one another.

5. That our son shall confirm before us those things which through charters of our Generosity we have conceded in ownership to our beloved spouse. And if our death occurs and she survives us, how we may be sure about those things that we have conceded or will concede to her in benefice, that our son and our faithful men will take care to preserve her and all that she has, in suitable honour.

Response. About the fifth chapter, in which it is written about the honour and salvation of your beloved spouse, our lady (*domina*), and the preservation of the property that you have given or will give to her, and about the confirmation to be made by your son: your son is ready to do this as you have ordered and we shall be ready for this in thought and deed.

6. About our daughters: with what honour they ought to remain according to God's will, and with what salvation and assistance. And with what security our little daughter may hold what we have given or will give her. And if God grants that she arrives to adulthood, that she shall be in her

mother's power, so that she will be given by no one to a husband against her will, nor shall a holy veil be placed upon her.

Response. Your son is ready to keep what is contained in your capitulary both for your daughters and also for your little daughter, and we shall give assistance in keeping this as much as we know and are able to.

Chapter 7. About the ordering of the army units [*scaræ*], if our nephews follow the footsteps of their father and wish to devise some wickedness against us while we are travelling or when with God as our guide we have arrived, how with God's assistance they will be most fully resisted.

Response. About the ordering of the army units and about the assistance, if one of your nephews wishes to made some obstacle to you whether en route or in Italy [358]: it will be in your disposition who remains in this kingdom, and who will come after you to provide you with help.

8. If some positions [*honores*] open up before we return: it is to be considered what should be done about it.

Response. If an archbishop dies before with God's will you return, let the neighbouring diocesan bishop look after his see with the count, until the death of that archbishop is brought to your attention. If a bishop dies in the meanwhile, let the archbishop appoint a visitor to that see according to the holy canons, who may guard that church along with the count so that it may not be plundered, until the death of that bishop is brought to your notice. If an abbot or abbess dies, let the bishop in whose diocese the monastery stands guard the monastery with the count, until your command about it is made.

9. If a count dies whose son is with us, let our son with the rest of our faithful men appoint, from those who were closest and nearest to him, someone who may look after that county with the ministers of that county and with the bishop, until it is announced to us. If however he [the count] has a small son, let him [the son] look after that county with the ministers of that county and with the bishop in whose diocese he is, until it comes to our attention. If however he does not have a son, let our son together with our faithful men ordain who should look after the county with the ministers of the county and the bishop, until our order is issued.

And let no one be angered if we give that county to someone pleasing to us, and not to him who has up to that point looked after it. It should be done similarly with our vassals. And we wish and expressly command that bishops and abbots and counts, and indeed all our faithful men, shall take care to act similarly to their men. And let the neighbouring bishops and count watch over bishoprics and abbeys, so that no one will plunder ecclesiastical property and goods, and no one will impede them from their alms. And if anyone dares do this, let him pay according to the human laws, and let him make satisfaction to the church that he has harmed according to the ecclesiastical laws, and let him bear the *harmiscara* according to the nature of his guilt, as pleases us.

Response. The rest of the chapters will not lack a response, since they are issued and decided by your Wisdom.

10. If one of our faithful men wishes to renounce the world after our death for the love of God and of us, and has a son or such a relative who is able to be of use to the state (*respublica*), let him plead his position to him as he best wishes. And if he wishes to live quietly on his allodial land, let no one dare to make an obstacle to that, and nor should anything be demanded of him except only that he should venture out for the defence of the homeland (*patria*).

11. If on some occasion there is an announcement of our death to our son or our faithful men, it should not be readily believed: but let all our faithful men come together and rationally arrange all the matters decided by us according to the will of God.

12. If death should take us in the service of God and of his saints, let our alms-givers [*eleemosynarii*] distribute our alms according to what we have commended to them. And let our books that are in our treasury be divided by them, as we have decided, between St Denis and St Mary in Compiègne and our son. [359] These alms-givers are: the venerable archbishop Hincmar, bishop Franco, Bishop Odo, Abbot Gauzlin, Count Arnulf, Count Bernard, Count Conrad, Count Adelelm. And let them do similarly about those things which pertain to the alms of our spouse, if she dies. Let them keep what is remaining until our inquiry, God willing.

13. It is to be discovered which part of our empire our son ought to hope to be given, if our death takes place; and if God meanwhile gives us another son, which part he ought to have. And if one of our nephews shows himself to be worth of this, or if he does now, let it be decided according to us then to whom it is pleasing.

14. That our son shall prepare himself and be such that when we have returned with God's wishes, he may be able to go to Rome, and there do the service of God and the holy apostles for as long as is necessary, and there he may be crowned as king, as God administers.

15. How and in what fashion our son will remain in this kingdom, and upon whose help he will rely, and who will accompany him in turn. That is, these of the bishops should be assiduously with him: either Ingilwin or Reinelm or Odo or Hildebold. Of the abbots, if no other necessity intervenes, these should be assiduously with him: Welfo, Gauzlin and Folco. Of the counts, either Theoderic or Baldwin or Conrad or Adelelm. Let Boso and Bernard be with him in turn and as often as they are able for our utility.

If he comes to the Meuse, let these be with him: Bishop Franco, Bishop John, Count Arnulf, Gilbert, Letard, Matfrid, Widric, Gotbert, Adalbert, Ingelger, and Rainer, together with the above mentioned. If he goes beyond the Seine, Abbot Hugh, Bishop Walter, Bishop Wala, Bishop Gilbert, and the rest of our faithful men in those parts, along with the above mentioned. And of the rest of our faithful men, according to what is necessary in each part of the kingdom.

16. If some sudden necessity arises in some part of the kingdom, it seems to us that since thanks to God the young man is our son, he will not make all our faithful men work equally. But as we have very often done with God's will, let him come upon our enemies unexpectedly, having taken with him some of the strenuous men from our faithful men, and let him manfully terrify them. And who is not able to go with him, let them send chosen men with him, according to the necessity.

17. Let Adalard the count of the palace remain with him, with the seal. And if he is absent for some necessity, let Gerard or Frederic or one of those who is *scariti* with him hear cases; and let him hear cases for one day a week. And wherever they are, let them look after the peace.

18. Let the counts keep watch on abductors and wicked men in their counts, so that there may be peace, and let them hold *mallum* courts, and let them announce to all those who owe military service [360], so that they may be ready to venture forth in God and our service, if necessity requires. And let our *missi*, constituted throughout all our kingdom, not neglect to carry out our instructions as there is the opportunity for them.

19. If a war [*werra*] should erupt in our kingdom which a count is not able to suppress on his own, let our son take care to suppress it as quickly as he can with our faithful men, before the evil can grow in our kingdom.

20. That our son shall remain in that part of our kingdom where there is the greatest need. And let no one take hospitality in our *villae* or those of our wife, and let no one dare to plunder our men or others. And let the benefices and *villae* of those who have come with us remain under immunity. And if anyone dares [act against this], let him pay for it in triple, like him who acts against the lord's *trustis*. And whoever carries out plundering in the *villae* of the bishops, abbots or other of our faithful, let them amend for it as is contained in the capitularies of our antecessors and in our own.

21. That no one shall despise the letters of our authority or those signed in the name of our son, or the name of those who we have left in this kingdom with him. Nor shall he be disobedient to what is ordered to him. And if he dares do this, let him be punished as is contained in the capitularies of our grandfather and lord and father.

22. It is to be warned and advised that none of the our faithful men who remain with our son will be tardy in their counsel. But let each of them speak as seems best to him, and let them choose what to do what seems best, after everyone's discussion

23. How the kingdom that by necessity was formerly conceded to the Bretons by an oath (*iuramentum*) – since there is no one surviving by whom this was confirmed, let it be received by our faithful men.

24. About the kingdom of Aquitaine.

25. That Bishop Willbert should come first after us, with those things that are to be brought. Then Bishop Arnold, then Bishop Wala. And that our son and the rest of our faithful men shall take care, that nothing new or evil arises in which kingdom that we do not know about by horsemen or by swift foot-messengers, since we shall always be mindful of your prosperity, as of our own. And if our nephews, the sons of our brother, imitating their father's example wish to come after us and rise up against us, it shall not be waited for us to commend to our faithful men that they shall come to us - but as fully as they are able, as soon as they realise this, let them come to us in aid, as quickly as they can, and let them all be in readiness for this.

26. That the fortress of Compiègne begun by us should be should be completed for the sake of our love, and your honour, as a testimony of your love towards our Kindness. [361]

27. About the city of Paris, and the fortifications on the Seine and the Loire on each side, how and by whom they should be carried out; and particularly about the fortress of St Denis.

28. About Wulfram and Gauzmar and Hadebert the goldsmith – as we have decided, so let them remain.

29. About the mints.

30. How it should be carried out and brought to completion, what needs to be given to the Northmen from the *coniectum* [?]

31. About the honores of Boso, Bernard and Wido, and of their other parts. And about Chappes (?) and other merchants: that is that the Jews shall pay a tenth, and the Christian merchants an eleventh.

32. In these palaces of ours, our son ought not to stay if there is no necessity, and in these forests he ought not to hunt: Quierzy entirely with its forests; Senlis with the whole of the Laonnois similarly; Compiègne with Chouzy similarly; Chamouzey similarly; in the villa of *Odreia* let him not take boars or hunt there, except in passing. Let him hunt little in Attigny; in Ver let him take boars only; the Ardennes is entirely exempted, except in passing through; and the villae for our service there similarly. In *Ligurio* let him take boars and wild animals; Herstal with its forest is entirely excepted. In *Lens* and *Wara* and *Astenido*, he can take wild animals and boars. In *Rugitusit*, in *Scadebolt*, in *Launif* only hunt in passing, and as little as he can; in Crisiaco likewise; and in *Lisga* let him only take boars.

33. That Adeilm should diligently find out from our foresters, how many boars and wild animals are hunted in each place by our son.
