

## **Declaration of the Powers of the Count of Toul over the City of Toul, 1069**

**Source:** G. Waitz, ed., *Deutsche Verfassungsgeschichte* (Kiel: Ernst Homann, 1875), Appendix 2, reprinted in Roy C. Cave & Herbert H. Coulson, *A Source Book for Medieval Economic History* (Milwaukee: The Bruce Publishing Co., 1936; reprint ed., New York: Biblo & Tannen, 1965), pp. 195-199. *Internet Medieval Source Book*, 1998, <<http://www.fordham.edu/halsall/source/1069Toulgild.html>> (20th August 2009).

*Towns, before obtaining their freedom, were under the jurisdiction of a secular or ecclesiastical overlord. The official appointed by the overlord to rule the town was sometimes oppressive unless the complaints of the townsmen resulted in a curtailment and definition of his powers. This was a preliminary step to the obtaining of a charter of freedom, though such a charter was not necessarily permanent.*

In the name of the Father and of the Son and of the Holy Ghost, Odo, by the grace of God, Bishop of Toul. It is the work of a servant of God to bring to an end discord and contention between combatants and, by dispensing justice, to ensure peace and concord as long as God, who is the Supreme Good, is believed to be the True Peace. Therefore let it be known to all the faithful, both present and future, that in our time there has been a count of the city of Toul---over which city by God's command we rule---whose name is Arnulph. For his blameworthy exactions we have thought fit to deprive him of his office, especially as, by his cupidity, he has greatly oppressed the poor of our diocese. Therefore we believe it to be a good thing that we should commit to writing the duties of a count of the city, and have proclaimed such of those duties as we have been able to discover from the older people of our diocese, who have told us what they believe to be true with regard to affairs of the church. These people met together and took an oath that they would speak the truth about the office of count of the city and about the way in which the office was performed by Raymbald, Raynald, father and son, and Raynold the younger, who ruled the city with the greatest honor and success, and defended it in the time of our predecessors of pious memory, Gerard, Stephen, Bertold, Herman, and Pope Leo of blessed memory surnamed Bruno. We have therefore transferred the office of count to Arnulph's successor on the condition written below, and all his successors in the future shall abide by this agreement---that they will no longer oppress the poor in any way and will abide by the rules written below:

**C.2.** Just as is done in Gruria, he ought to make a furrow at the right time around the vineyard on Montbard at a distance of sixty paces as far as the rye-fields. If any case should occur within the area so marked at the time when the vines are being cared for, the count shall take a third part of the fine and the bishop two-thirds, according to the judgment of the reeve and the assessors. His officers ought not to enter the vineyard except in pursuing a thief. Nor should the count give permission to any one to harvest the grapes without the consent of the reeve and the city council. After the day of the harvest has been declared by the abbots, clergy, reeves, and the city council, the count's jurisdiction shall not run over Montbard. Nevertheless the abbots of St. Aper and St. Mansuetus, and the congregation of St. Stephen, St. Gengoul, and St. Anianus ought to

harvest their grapes one or two days before the rest. And, besides, each should give a *muid* of wine for the count and the reeve. And if the count should not divide it he should lose the *muid* of wine.

**C.4.** And if a stranger should open his bundle to sell salt, the servant of the count should take a handful of salt. But if a citizen should open his bundle then the count should have nothing.

**C.5.** The count should hold three courts a year for his lord in the town. To these courts the knights, the prebends of the bishop and congregations of St. Aper, St. Mansuetus, and St. Gengoul, and the prebends of the clergy and of the knights of the bishop shall not come. And if a case be heard there, the count shall have a third part of the fine and the bishop two thirds, with the consent of the reeve and assessors. If a thief be convicted before him and he pay head-tax to any one of this diocese, his value will be paid to his master, and his body will belong to the count and the bishop; but if the thief redeem himself, a third of the money will be paid to the count and two thirds to the bishop; but, if he redeem himself, he will belong to his lord. If the thief be a foreigner, a third of the fine will belong to the count and two thirds to the bishop; if he redeem himself, his body will belong to the count and the bishop except his lord pursue him.

**C.6.** Foreigners or aliens who reside within the jurisdiction of the count shall give him four denarii each year at the feast of St. Remigius. And if any one neglect to do this, let him pay head-tax to the count. Of the fines (for breach of this law) the bishop shall have two thirds and the count one, according to the judgment of the reeve and assessors.

**C.9.** And the reeve and the assessors shall make certain measures without consulting the count. But if any of them be found to be false, the count shall have a third part of the proceeds of justice and the bishop two thirds, on the advice of the reeve and assessors.

**C.10.** The bishop on the advice of his servants and without consulting the count will change the money. And if any false money be found, he who is convicted shall give one third of his fine to the count and two thirds to the bishop.

**C.11.** The bishop and his reeve will change all the officers of the city, except the warden of the gate, without consulting the count. The count and the reeve will appoint the warden of the gate in open court. If the warden should have to redeem himself, the bishop shall take two-thirds of the money and the count one third, on the advice of the reeve and his assessors. After the warden of the gate has been appointed with the approval of the council of the city he shall not be changed except he be publicly accused of a fault by several of the leading citizens.

**C.12.** Within the seven special places of jurisdiction belonging to the bishop the count may not take free lodging, nor may he accept any duty or service except gifts and the transport of wine given to him by officials. If they have no wine, let them pay ten solidi for cartage. And if the officials of the bishop cannot make gifts, they shall give seven solidi for them. Except for these the count shall have nothing in the seven special areas of

episcopal jurisdiction. But if he take anything more there he will be treating the poor men of the bishop unjustly.

**C.13.** If any contention arise between the bishop and the count about things of this kind which the predecessors of the count have had from ancient times, let them both by common consent agree to decide the matter by the oath of seven well-accredited men of this diocese.

**C.14.** Besides if the count arrest any one of his enemies, or find him within the area of his jurisdiction, if the man be also an enemy of the bishop, the count may take him without a writ from the bishop; but if he be not an enemy of the bishop the count may not take him without the approval of the bishop or of the advocate of the city.

On this condition therefore we have given the office of count to Frederick, who has been appointed in place of the above-mentioned Arnulph; and he shall take nothing more from the poor than has been mentioned in these constitutions; and he shall keep the rules unbroken until he relinquishes his office to his successors who likewise shall observe them forever. And in order that these customs concerning the office of the count with regard to the poor of our diocese may remain secure forever, we have left this charter to remind our successors, and we have given it for confirmation to the undermentioned witnesses.

And we remind them that the count shall have no service, jurisdiction, or hospitality, except those freely given to him, on the manors, holdings, or places belonging to the prebend of the canons; but these things shall be regulated by the free will of the canons, without any claim to secular authority on the part of the count, ourselves, or our successors....

Witnesses, etc.