Charlemagne: Two Capitularies

General Capitulary of the Missi (802)


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 or any Christian. But all shall live entirely in accordance with God's precept, justly and tender 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 any one, 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. And 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 or gift of any one, 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 any one 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.

10-40 consist of thirty detailed regulations to put into effect the general principles given in 2-10.
Capitulary for Saxony (775-90)


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 fanes of the idols had had.

2. If any one 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 to the presence of the lord king, and the latter shall send him where it shall have seemed fitting to his clemency.

3. If any one 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 any one, 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 any one from necessity has been led to eat flesh.

5. If any one shall have killed a bishop or priest or deacon, let him likewise be punished capitally.

6. If any one 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 any one, 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 any one 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 any one shall have sacrificed a man to the 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 any one 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
whoever shall have consented to this same fraudulently against the king and the Christian people, let him be punished by death.

11. If any one shall have shown himself unfaithful to the lord king, let him be punished with a capital sentence.

12. If any one shall have ravished the daughter of his lord, let him be punished by death.

13. If any one shall have killed his lord or lady, let him be punished in a like manner.

14. If, indeed, for these mortal crimes secretly committed any one 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 chapter 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 [freedmen], 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 the especial 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 any one 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 any shall have made a prohibited or illegal marriage, if a noble 60 solidi, if a freeman 30, if a litus 15.

21. If any one shall have made a vow at springs or trees or groves, or shall have made any offerings after the manner of the heathen and shall have partaken of a repast in honor of the demons, if he shall be a noble 60 solidi, if a freeman 30, if a litus 15.
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 to the mounds of the pagans.

23. We have ordered that diviners and soothsayers shall be given to the church and priests.

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

34. We have forbidden that all the 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.