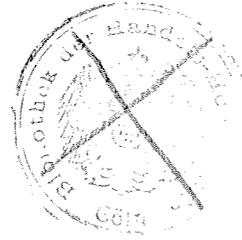


THE UNIVERSITY OF CHICAGO  
FOUNDED BY JOHN D. ROCKEFELLER

# THE DECENNIAL PUBLICATIONS



THE DECLINE OF THE MISSI DOMINICI IN  
FRANKISH GAUL

BY  
JAMES WESTFALL THOMPSON

INSTRUCTOR IN EUROPEAN HISTORY

PRINTED FROM VOLUME IV

CHICAGO  
THE UNIVERSITY OF CHICAGO PRESS  
1903



Copyright 1903  
BY THE UNIVERSITY OF CHICAGO

PRINTED APRIL 1, 1903

## THE DECLINE OF THE MISSI DOMINICI IN FRANKISH GAUL

JAMES WESTFALL THOMPSON

THE passing of the Carolingian *missi dominici* is a short but interesting chapter in the history of feudal origins, and deserves more than the general statement, with which it is usually dismissed, to the effect that the institution passed away in the course of the ninth century.<sup>1</sup> It is not without reason that Waitz and Guizot have concluded that, of all the Carolingian institutions, that of the *missi dominici* contributed most largely to the unity of the Frank empire; but they forget, in noticing the influence of the *missi*, also to observe the particular influence which Charles the Great had upon the institutions of his time, and which ceased at his death.<sup>2</sup> The life of Charles was the condition of the permanence of this administrative device. Government and society in the ninth century were transformed by slow degrees into something different. Yet the name might remain to institutions which had utterly changed. The terms in official use succumbed to the influence of modifications as subtle in operation as the "weathering" of a great building. A preliminary glance into the nature of the Carolingian empire will make an inquiry into the process of the decline of the *missi dominici* clearer.

The revolution of 751, which placed the Austrasian mayor on the Frank throne, implied a recognition of, and reliance upon, institutions that were of a feudal nature. Feudalism may be either a chain of steel or a rope of sand. The reign of the first Frank emperor is a proof of the truth of the first part of this proposition. Under him lordship and homage were links in a chain of steel. The strength of a chain is the strength of its weakest link. The strength of Charles's government was conditioned by the strength of its weakest member. But Charles was a strong man, and he sought to be served by strong men; hence the empire exhibited no sign of breaking down during his lifetime. The combination of Frank kingship, imperial supremacy, and

<sup>1</sup>SCHULTE, *Reichs- und Rechtsgesch.*, §49, 3; RICHTER, *Das karolingische Staatswesen*, p. 607; ESMEIN, *Histoire du droit français*, p. 69; BEAUCHET, *L'organisation judiciaire en France*, p. 325. Some facts on the decline of the *missi* may be gleaned from WAITZ, *Deutsche Verfassungsgeschichte*, Vol. IV (1885), chap. 8; but the allusions are scattered. It is a defect of Waitz's writing that he ignores historical sequence. Bourgeois's examination of the capitulary of Servais (*Le capitulaire de Kiersy*, pp. 239-49) is the best single study of the subject. KALCKSTEIN'S *Privat-Docent Untersuchung, Robert der Tapfere*, has valuable but scattered information. The Exkursus is excellent. NOORDEN'S *Hinkmar* (pp. 133, 134) has two pages upon the capitulary of Servais. VIOLLET, *Institutions politiques de la France*, Vol. I, has a single page (305) upon their decline. The account of the legislation of Charles the Bald in

LAVISSE AND RAMBAUD, *Histoire générale*, Vol. I, pp. 405-12, is succinct and admirable. DÜMLER, *Geschichte des ostfränkischen Reiches*, Vol. II, pp. 441-3, devotes three pages to the decline of the institution in Germany. With reference to the position of the *missi dominici* in Italy, the treatment is fuller. The excellent work of HANDLOIKE, *Die lombardischen Städte unter der Herrschaft der Bischöfe*, pp. 773 ff., may be consulted. SOHM, *Altdeutsche Reichs- und Gerichtsverfassung*, Vol. I, pp. 496 ff., has also collected the Italian proofs, but with an eye less to feudal influences than to juridical processes. The fullest work with reference to the *missi dominici* in Italy is FICKER, *Forschungen zur Reichs- und Rechtsgeschichte Italiens* (1869), Vol. II, pp. 209 ff.

<sup>2</sup>For this observation I am indebted to BOURGEOIS, pp. 242, 284.

headship of the vast feudal society beneath him, in spite of their real incongruity, were sources of power when co-ordinated in the person of one man and directed by a single will. But the efficiency of the imperial administration, in last analysis, depended upon the brain and heart and hand of the great emperor. His death released the forces which he had harmonized. Charles's successors found themselves confronted with grave difficulties. The imperial authority was called upon to defend its claim to universal sovereignty against the rising pretensions of the papacy for leadership in church and empire. The strain to keep things together was too great for the emperor's descendants. The magnificent heritage broke into fragments in the hands of his less able successors. Continual partitions weakened the unity of the empire and tended to dissolve the ties of vassalage and fidelity. The rupture of the empire was soon complete. In the ninth century the Frank monarchy was a centralized state in appearance only. In reality most of those political forces essential to a strong government had escaped from governmental control. The penetration of feudal influences into the government finally caught the last and greatest member of the Carolingian system, and in time the *missi dominici* also declined.

The institution of the *missi dominici*, like every institution, was the result of development. The prototype of the *missi* is to be found in the *legati* and *legatarii*, whom the Merovingian kings were in the habit of sending upon commissions, and who ceased to have authority when the particular duty assigned had been discharged.<sup>3</sup> The title *missus regis*, or the qualifying adjective *dominicus*, *regalis*, *palatinus*, or *fiscalis* was used. They were commonly chosen from the immediate circle of the court, and from early times it was the practice to associate a churchman and a layman.<sup>4</sup> Their duties were various: to restore order in the provinces; to receive homage in the name of a new king; and to collect the royal revenues. But most often these occasional *missi* are employed to redress the injustice of the counts.<sup>5</sup> The Austrasian mayors of the palace made extensive use of them.<sup>6</sup> It remained for Charles, however, to make the practice a permanent organic feature of the Frankish government. The *missi* became the acknowledged agents of the emperor, personally representing him, and endowed with an authority subject only to his revision.

When Charles established the *missi dominici* as a fixed feature of his government, he aimed to bind the widely separated parts of the vast Frank empire together, to arrest feudal tendencies in the state, and to enable him to keep in touch with each man and each place in his realm. It is significant that the creation of the *missi dominici* coincides in time (802) with Charles's effort to convert into an oath of vassalage and service the regular oath of allegiance which every freeman made to the king periodically.

<sup>3</sup>GREG. TOUR., V, 26, 6, 18; FREDG., 68; *Annales Einhardi*, anno 798, in *M. G. H., Scriptores*, I, 185, capit. 779, §§19, 21. Cf. WAITZ, Vol. IV, p. 379.

<sup>4</sup>GREG. TOUR., VI, 18, 31; IX, 18. See "The Mission of Theodolf, Bishop of Orleans," cited by MONOD, *Rev. hist.*, Vol. XXXV, pp. 1 ff.

<sup>5</sup>See the proofs in BEAUCHET, pp. 69, 70.

<sup>6</sup>"Omnibus missis meis discurrentibus," 748, *M. G. H., Diplomata*, I, 105. Cf. HAVET, *Bibliothèque de l'École des Chartes*, Vol. XLVIII, pp. 29-31.

The important capitulary for the organization of the *missi dominici* is that of the year 802<sup>7</sup> and those supplementary to it.<sup>8</sup> In that year numerous agents, designated as *missi*, were appointed for a year, and were charged with the duty of reviewing quarterly the details of the administration practiced by the counts and other officials. Each circuit embraced a determined territory (*missaticum*)<sup>9</sup> composed of a number of counties, in which a count and a bishop had joint jurisdiction.<sup>10</sup> As a rule, there were two *missi* to each district, one temporal lord and one spiritual lord, exercising the power together. They were appointed for only one year, though the ecclesiastical appointment was frequently renewed. The importance of the office lay in the personal character of the *missus*, yearly change, separation from local interests, and the free choice of the king. For the most part the *missi* did not belong to the districts for which they were appointed, either by birth or by possession; moreover, they were not sent consecutively into the same region. These precautions were taken in order to keep them as free as possible from having personal interests involved in their public duties, and also in order to prevent them from localizing their power. The written instructions to the *missi* were called *capitula missorum*. They did not decide matters according to popular law, but according to official law. The activity of the *missi* did not extend throughout the whole year, but only for one month in each quarter. In the time of Charles, four annual local assemblies were held, at which the *missi* upon their circuits, with the advice of the local counts, named ecclesiastical and secular officials from the churchmen and freemen of the district.<sup>11</sup> At these times complaints against administrative officials were heard; and in order to become acquainted with matters, in each *missaticum* men of good repute were pledged to give them information.

The *missi* were the representatives of the king. Their duties were to supervise the administration of the counts, hear appeals, and report to the king cases of maladministration on the part of the counts, whose subordinate officials—*scabini*, *centenarii*—the *missi* had the privilege of nominating. In co-operation with the bishops, the *missi* looked to the material welfare of the church and inspected monasteries and other ecclesiastical foundations.<sup>12</sup> A particular duty was to see that military service and other services to the state were not evaded. In general, it was incumbent upon them to publish laws and ordinances, care for their execution, and punish their violation, in which duties they were to receive aid from counts and bishops. At the beginning of a new reign, the *missi* were required to exact the oath of fidelity from all subjects in the name of the new king. Their civil jurisdiction extended to the control of commerce, roads, bridges, streams, and river dams. More or less particular duties arose from the special needs of their circuits. Thus, from the time of Charles the

<sup>7</sup>*M. G. H., Leges*, I, 91 ff.

<sup>8</sup>"Cap. Missorum specialia," *ibid.*, I, 100; "Cap. Missorum item spec.," *ibid.*, 102; "Cap. Missorum specialia," *ibid.*, 115, etc.

<sup>9</sup>See DU CANGE, *Glossarium*, in loco; cf. BOURGEOIS, p. 241, note 2; BEAUCHET, p. 298, note 1. The word signifies sometimes a territorial circumscription, sometimes an

authority. The latter is its original sense. Cf. WAITZ, Vol. III, Part II (1883), p. 457, note 3.

<sup>10</sup>There is no reason to believe, however, that this regulation was invariable; but the exceptions prove the rule.

<sup>11</sup>Prou, *De Ordine Palatii*, p. 176.

<sup>12</sup>Capit. 803, § 8; 810, § 15; 819, § 28.

Great, in the *missaticum* of Paris and Rouen the care of coast defenses was enjoined upon the *missi*; while in the Saxon region the duty of protecting the church and its missionaries was a special responsibility. The *missi* were protected<sup>13</sup> by a triple *wergeld*, and armed resistance to them was punishable with death.

With the death of Charles the dangers which the emperor had apprehended manifested themselves: the *missi* soon cease to be solely the organs of the sovereign's will, but develop a growing independence, in compliance with the feudal tendencies of the time. Hardly any institution of the Frankish government shows the personal character of Charles's administration so much as the *missi dominici*. No one, perhaps, knew better than the emperor himself how much public efficiency depended upon personal judgment, will, and energy, and no one, perhaps, appreciated so well how soon the system might run down if allowed to go its own way. The institution of the *missi* was a means to make the emperor omnipresent, and to secure as far as possible the exercise of his personal influence, upon which, in a feudal age, all real authority rested.

Charles the Great had divided the empire into *missi* districts, which were modified as experience or interest dictated. Nothing proves that the circuits as ordained by him were more than temporary.<sup>14</sup> These districts, which are handed down to us in the capitulary of 802, have very different extent from, and are without connection with, ecclesiastical divisions;<sup>15</sup> for example, that of Sens included Sens, Orléans, and a large part of Burgundy as far as Besançon; that of Rheims, the whole of Champagne, the Laonnais, Soissonais, and minor districts; that of Rouen, Maine, and the later Normandy, west of the Seine; while that of Paris included only the neighboring country and Chartres.<sup>16</sup>

Under Louis the Pious early evidences of decline in the efficiency of the *missi* appear.<sup>17</sup> He connected the office with the public assembly, and allowed the participation of the latter in the government of the empire, so that the magnates influenced the choice of *missi*, and connected the position with their own interests. Moreover, Louis inclined to allow the administrative divisions of the empire to follow ecclesiastical or provincial lines;<sup>18</sup> and this territorial coincidence of the central magistracy with lines of ecclesiastical jurisdiction or local influence was a potent factor in weakening the power of the crown. The list of *missi* of 825 shows that the circuits of the *missi*

<sup>13</sup> "Capit. Missis dominicis data," §§ 13, 14. It is obviously almost impossible exactly to enumerate their duties. DE ROYE, *De missis dominicis*, divides their attributes into three classes: justice, police, taxation.

<sup>14</sup> "Rien ne prouve que cette liste de 802 ait une valeur générale."—BOURGOIS, p. 243.

<sup>15</sup> KALCKSTEIN, *Robert der Tapfere*, p. 123; BEAUCHET, p. 238.

<sup>16</sup> GUÉRAUD, *Essai sur les divisions territ. de la Gaule*, pp. 67, 68.

<sup>17</sup> "Princeps misit legatos suos supra omnia regna sua inquirere et investigare si alicui aliqua injustitia perpetrata esset; et si aliquem invenissent qui hoc dicere vellet et . . . hoc probare potuisset, statim cum eis in provinciam ejus venire praecepit. Qui . . . invenerunt innu-

meram multitudinem oppressorum aut ablatione patrimonii, aut exspoliatio libertatis; quod iniqui ministri, comites et locopositi . . . exercebant. . . . Princeps destruere jussit acta . . . patrimonium oppressis reddidit, injuste ad servitium inclinatos absolvit."—THEGAN, *Vita Ludovici*, chap. 13; H. F., Vol. VI, p. 77; BEAUCHET, p. 324.

<sup>18</sup> M. G. H., *Leges*, I, 1, p. 291, § 29; p. 328, § 1; WALTER, *Corpus juris Germanici*, Vol. I, p. 363, § 25; FLODOARD, *Hist. Rem. eccl.*, Vol. II, p. 18; WAITZ, Vol. III, p. 386; BOURGOIS, p. 243; SIMSON, *Ludwig der Fromme*, I, pp. 245-7.

The duke of Brittany seems to have been among the earliest to have coerced the king into recognition of him: "reguante . . . Nominoë misso in Britannia" (826-840). *Cartulaire de l'abbaye de Redon (Doc. inédits)*, p. 156; "courante episcopo, Nominoë misso imperatoris in Britannia," Dec., 837, *ibid.*, p. 136.

at that time tended to coincide with dioceses, and that many bishops had become *missi* in their own spheres of authority,<sup>19</sup> while the counts recognized as *missi* are most of them powerful persons within their provinces. Even as early as this the yearly *missi* form a minority as compared with the *missi* permanently established. With the disorder surrounding them and claiming prompt action, Charles's successors felt the need of trustworthy and powerful *missi*; and the principle gradually prevailed of choosing men of distinction within the circuits. The result was that the *missi* were selected from those feudal lords in the locality in which they lived, and thus were tempted to make their administrative circumscriptions a private domain. Abuse of authority on the part of the *missi* is manifested from early in the reign of Louis.<sup>20</sup> The obligation of the people to care for their entertainment and support necessitated definite instructions concerning the services which should be rendered them.<sup>21</sup> At first (819) the furnishing of produce to them was regulated according to their rank, preference being in favor of the bishops; but in 829 it was made alike for all.<sup>22</sup> Particular tasks, such as formerly were given to the ordinary *missi*, fell more and more to the lower class of *missi*, and under special circumstances *missi* extraordinary were sent out. Even Charles the Great had had to resort to this practice, in order to remedy abuse by the regular *missi*.<sup>23</sup> It was necessary, also, to multiply the number of the *missi*, even though the circuits were smaller than formerly.<sup>24</sup> This seemed almost the only recourse of the king in order to arrest development into an independent territorial power. In general, multiplication of their number, a longer term of office, and frequent renewal of the mandates is the practice of the crown toward the *missi* in the ninth century. The emperor in his weakness could not very well prevent nobles, like the Welfs and Adalhard, from remaining in office. Moreover, he probably had not a very great choice of men suitable for office. Localization of authority on the part of the *missi* thus steadily restricted the authority of the crown. By the middle of the ninth century the *missi dominici* had acquired a double position: they were the agents of the king, and at the same time the representatives of the associated nobility.<sup>25</sup> The authority of the *missi dominici* fell to bishops, dukes, and counts in the extent of the jurisdiction of each.<sup>26</sup> The circuits were not administrative districts so much as

<sup>19</sup> M. G. H., *Leges* I, p. 246.

<sup>20</sup> "Commemoratio missis data," 825, M. G. H., *Leges*, I, 1, p. 309; "Cap. de missis instruendis," 829, *ibid.*, Vol. II, 2, 1, p. 7; "Cap. missorum," 829, *ibid.*, p. 9.

<sup>21</sup> "Tractoria," *ibid.*, II, 2, 1, pp. 10, 11; cf. the regulation of Louis II. in Italy (815-50), II, 2, 1, § 15; "Cap. episcoporum papaie edita," "Capit. Serv.," 853, Vol. II, 2, 2, p. 274, § 13.

<sup>22</sup> *Leges*, II, 2, 1, p. 11, "Tractoria."

<sup>23</sup> WAITZ, Vol. IV, p. 477.

<sup>24</sup> KALCKSTEIN, p. 23. <sup>25</sup> BOURGOIS, p. 241.

<sup>26</sup> MANSI, Vol. XV, p. 125, *Synodus Carisiaca*: "Antequam censura ecclesiastica, ac legales sententiae hujusmodi praedatores terribiliter et damnabiliter feriant. episcopi quinque in suis parochiis et missi in illorum missaticis, comitesque in eorum comitatibus pariter placita teneant, quo omnes reipublicae ministri et vassi dominici

omnesque quicumque vel quorumcumque homines in iisdem parochiis et comitatibus, sine ulla personarum acceptione et excusatione aut dilatione conveniant." Cf. *Leges*, II, 2, 2, p. 286, §§ 4, 5, etc.; "Cap. Carisinae," 857, *ibid.*, p. 268, §§ 3-5, 8-10; "Cap. Suess.," *ibid.*, p. 294; "Adnuntiatio Karoli," 857, *ibid.*, 703; "Cap. Pist.," 862. Cf. DÜMMLEB, *Geschichte des ostfränkischen Reiches*, Vol. III, p. 443.

"During this dark and dismal period Carolingian France, almost a sacerdotal commonwealth, was sustained by the hierarchy. . . . The ecclesiastical synods . . . aided the debility or supplied the non-existence of the legislative or judicial powers, preserved good order, watched over public morals, and supported the dilapidated fabric of society."—PALGRAVE, *England and Normandy*, Vol. I, pp. 401-3; cf. PROU, *De Ord. palatii*, introd.; ELLENDORF, *Die Karolinger und die Hierarchie*, Vol. II, chap. 4; BOURGOIS, pp. 271-83.

natural historical divisions.<sup>27</sup> Bourgeois has shown that this view, which recognizes the early influence of feudalism upon the *missi dominici*, is in contradiction with the generally received opinion. They have been regarded as late as the treaty of Verdun as exclusively the agents of the crown. Gfrörer, for example, relying upon the capitulary of Servais (853), which regulates the function of the *missi* and the extent of their circuits under Charles the Bald, holds that they are still representatives of the crown alone.<sup>28</sup> Wenck, Waitz, and Noorden have shown that this view is extreme and ill-founded; but they are slow to admit the profound influence that feudalism had upon the institution.<sup>29</sup>

Even Dümmler believes the continuity of the institution to have been greater than the evidence would seem to warrant, and somewhat strangely assumes the existence of a regular, general, and powerful administration in the German kingdom<sup>30</sup> from the fact that no mention is made of the sending forth of *missi dominici* in any of the diets of Ludwig the German known to us, Ludwig apparently not having followed out the joint resolutions of the brothers at Meerssen in 847. Now it is undoubtedly true that feudalism east of the Rhine had not advanced so far as in Frankish Gaul; that the administration in Germany still preserved much of the military strength which had been so great in the time of Wittikind; that the crown authority was less opposed by feudal proprietorships; and finally that the alliance between the church and the kingship was more mutual than in the West Frankish Kingdom; and these influences may have had an influence on the preservation of the *missi dominici*, but the assumption of Dümmler seems a bold use of a negative to prove a contention.

The *missi dominici* were not cut off; they disappeared gradually as their authority was intrusted to bishops and usurped by feudal dukes and counts. In the wars of the ninth century an institution which was supposed to be the organ of the sovereign's will inevitably fell to pieces, since a permanent and well-ordered system could not exist in the face of bishops and counts who reluctantly submitted themselves to central control or else openly rebelled. Charles the Bald, in rare moments of calm in his stormy life, had in view a revival of the arrangement of his grandfather; but owing to wars with the Aquitanians, Bretons, Northmen, Bernard of Septimania, Pepin of Aquitaine, and his own brothers, he could not succeed in the first half of his reign. Hence, before 853 the *missi* are seldom mentioned, and then only under special circumstances.<sup>31</sup> But the idea of them was kept alive by need for the services of such officers. The church in particular, as the best representative of law and order in that violent society, frequently demanded the re-establishment of the royal messengers.<sup>32</sup> In December, 844, when Charles was at Vern, between Compiègne

<sup>27</sup> Cf. BOUTARIC, "Le régime féodal, son origine et son établissement," *R. Q. H.*, October, 1875, p. 363.

<sup>28</sup> GFRÖRER, *Geschichte der ost- u. westfr. Karolinger*, Vol. I, p. 486.

<sup>29</sup> WENCK, *Das fränkische Reich nach dem Verträge von Verdun*, p. 240; WAITZ, *Götting. gelehrte. Anzeiger*, Jahrgang, 1850, Vol. I, p. 31 ff.; NOORDEN, *Hinkmar*, p. 133, note 4. Cf. BOURGEOIS, *ut supra*.

<sup>30</sup> DÜMMLER, *Geschichte d. ostfränkischen Reiches*, Vol. III, p. 443.

<sup>31</sup> *H. F.*, Vol. VIII, p. 439 (843), in Toulouse; *Leges*, II, 2, 1, p. 258; *H. F.*, Vol. VIII, p. 450 (845), in Touraine; *ibid.*, p. 482 (845), in Tours; *ibid.*, p. 509 (850), in Calais.

<sup>32</sup> MANSI, Vol. XV, p. 677, "Pistensis Synodus," II: "volumus ut negligentia comitis ad nostram notitiam [per episcopos et per missos nostros] deferatur."

and Paris, the bishops presented a petition<sup>33</sup> asking that *missi* from the king, of assured trustworthiness, be appointed who should call to account the lawless and those who set at naught ecclesiastical discipline, and who had long remained unpunished in consequence of the wars. There is some evidence that Charles made an ineffective attempt to comply.<sup>34</sup> The demand was repeated in the next year at the synod of Beauvais, adjourned to Melun, in a petition which gives terrible evidence of the need of restoration of law and order. The clergy demanded that *missi* be appointed to see that the regulations of the church at least be enforced, that restoration be made of the property of the church which had been usurped by violent feudal proprietors, and that lay abbots be suppressed.<sup>35</sup> This naturally aroused the opposition of the nobles, who shut the clergy out of the diet which was held in June, 846, at Epernay.<sup>36</sup> Nevertheless they consented to the appointment of *missi* to execute ecclesiastical ordinances; but this was certainly only a special concession, and not the establishment of a permanent condition of things, for later, at the first diet of Meerssen in February, 847, we find the request repeated that *missi* be sent out to relieve the poor and oppressed.<sup>37</sup> An examination of the articles of this convention confirms the supposition that a re-establishment of the *missi dominici* was necessary, but, inasmuch as their action would have had to be directed against the excesses of the secular lords, effective restoration was not then possible. Hence in the acts of the second diet at Meerssen in the spring of 851 the *missi* are not even mentioned.<sup>38</sup> Not until April, 853, does the demand again occur.<sup>39</sup> This time, for a wonder, the intention was capable of execution. It was not, however, until late in the year that the restoration of the *missi* was realized. In August, at the diet of Verberie on the Oise, the declarations of

<sup>33</sup> *Leges*, II, 2, 2, p. 384, §§ 2, 3: "Tandem igitur ad propriam et ceterorum correctionem conversi quæsumus ut scelerum patratores et apostolice disciplinae contemptores missis a latere vestro probatae fidei legatis absque respectu personarum et excaecatione munerum coherceantur, et otio nobis, quantum possibile est, concessio sermo Dei prædicando fructificet et canonum reverenda auctoritas debitum in omnibus vigorem obtineat. In locis sanctis, hoc est monasteriis, alios studio, nonnullos desidia, multos necessitate victus et vestimenti a sua professione deviare comperimus. Quod petimus, ut in omnibus parrochiis directi a vestra mansuetudine religiosi atque idonei viri cum notitia episcoporum scrutentur et corrigant ac singulorum locorum statum vestrae celsitudini et nostrae mediocritati tempore a vobis constituendo renuntient." Cf. epistle of Hinkmar to Rothad of Soissons, SCHÖRS, *Hinkmar*, p. 74, note 7; KALCKSTEIN, p. 126.

<sup>34</sup> Loup de Ferrières in a letter to Bishop Prudence of Troyes (*H. F.*, Vol. VII, p. 485) mentions that he, with the bishop, in April, was made *missus* in the district of Orléans, Sens, and Troyes. In another letter he mentions Charles's defeat at Ballon on November 22, 845, and again alludes to his office. Cf. KALCKSTEIN, p. 126 and note 2; BOURGEOIS, p. 241.

<sup>35</sup> *Leges*, II, 2, 2, p. 403, § 20: "Et ne magnificentiam vestram illuc vestrae dignitati indecens et inhonesta impelat necessitas, quo non trahit voluntas, et partim necessi-

tate, partim etiam subreptione, quia aliter, quam se rei veritas habeat, vobis dictum vel postulatum fuit, maximo quod ad rempublicam pertinuit aut præreptione in beneficiario iure aut in alode absumptum habetur; videtur nobis utile et necessarium, ut fideles et strenuos missos ex utroque ordine per singulos comitatus regni vestri mittatis, qui omnia diligenter inbrevient, quae tempore avi ac patris vestri vel in regio specialiter servitio vel in vassalorum dominicorum beneficiis fuerunt, et quid vel qualiter aut quantum exinde quisque modo retineat, et secundum veritatem renuntietur vobis." Cf. ST. BERTIN, *anno 846*.

<sup>36</sup> *Leges*, II, 2, 2, p. 261.

<sup>37</sup> "Ut in singulis partibus regni missi idonei constituantur, qui querelas pauperum et oppressorum sive quorumconque causas examinare, et secundum legis aequitatem valeant definire." *Leges*, II, 2, 1, p. 69, § 7; cf. *Mitteilungen des Inst. f. Österr. Geschichtsforschung*, Vol. XI, pp. 238 ff.; FAUGERON, *Les bénéfices et la vassalité*, p. 28, note 1.

<sup>38</sup> *Leges*, II, 2, 1, p. 73.

<sup>39</sup> "Ut in civitatibus et monasteriis utriusque sexus et ordinis Dei cultus quam proxime fieri posset instauraretur, statuit sancta synodus annitente pio principe, ut idonei legati dirigerentur, qui singulorum locorum statum solertissime perscrutarentur; et quae ipsi per se non valerent corrigere, iudicio proxime futuri concilii et potestati regis revelarent."—"Convent Suess," *Leges*, II, 2, 2, p. 265, § 6B.

Soissons were proclaimed and accepted even by the secular nobles.<sup>40</sup> In a conference of Charles and Lothar at Valenciennes in November,<sup>41</sup> in relation to the state of the realms, the idea of re-establishing the *missi* was further elaborated. Lothar recommended that peace and justice be secured by sending out *missi* to take measures against robbers, plunderers, and other evil-doers. Charles in his answer alluded especially to the claims and complaints of the church,<sup>42</sup> and emphasized a recurrence to the capitularies of Charles the Great and Louis Debonair—a fact which is significant for the character of later Carolingian legislation. Finally the diet of Servais confirmed the decisions arrived at during the conference of the brothers,<sup>43</sup> and the Franco-Burgundian portion of Charles's realm was divided into twelve *missatica* and *missi* appointed over them.

The time chosen for this restoration was the most opportune of the entire reign of Charles the Bald. An alliance between Lothar and Charles, the peace of Angers with the Bretons, the death of the rebel Lambert in May, 852, and the capture of Pepin in September of that year, left the king without serious anxieties. Not even the Northmen at this time distracted his attention, having been severely defeated on the Epte.<sup>44</sup>

The preamble of the capitulary of Servais expressly states that the predecessors of the king had established *missi dominici* for the service of God and his holy church, and for the maintenance of law and order.<sup>45</sup> Quotations from capitularies of Charles the Great and Louis the Pious are frequent, and Charles assures the new *missi* that, in case they are not in possession of the capitularies of his father and grandfather, they shall receive them from the king's court.<sup>46</sup> In the face of the condition of affairs evidenced by the prohibitions and penalties of the articles, it would seem that the restoration of the *missi* was a desperate expedient. Yet they do not seem to have been an entire failure at once, for in June, 854, at Attigny, new instructions were issued to them by Charles.<sup>47</sup> The sphere of their activity was widened and the number of them increased. It may be supposed that at this time those formerly appointed reported the success of their missions, for their efforts seem to have met with some success, if the revival of commerce may be taken as a test, since we find Charles ordaining new regulations for the protection of trade and for the suppression of counterfeit coin.<sup>48</sup>

<sup>40</sup> *Leges*, II, 2, 2, pp. 267-70; FAUGERON, pp. 39-42.

<sup>41</sup> *Leges*, I, 2, 1, p. 75.

<sup>42</sup> *Admuntatio Karoli*, §§ 1, 2, 4: "Et missi nostri capitula legis et antecessorum nostrorum . . . omnibus ostendant."

<sup>43</sup> *Leges*, II, 2, 2, pp. 270 ff.; KALCKSTEIN, *De Roberte forte*, p. 15; RUDOLPH FOSS in a doctoral dissertation, *De Carlo calvo* (pp. 16, 17), at Halle, early in the last century, was the first to notice the importance of the capitulary of Servais.

<sup>44</sup> KALCKSTEIN, p. 129, note 1.

<sup>45</sup> "Karolus gratia Dei rex dilectis et fidelibus missis nostris per regnum nostrum constitutis salutem. Sicut vobis notum esse credimus, cum dilectissimo fratre nostro Hlothario apud Valentianas locuti fuimus, et communi

consilio cum fidelibus nostris communibus consideravimus, ut inter cetera sanctae Dei ecclesiae et nostri principatus ac regni nobis a Deo commissi negotia necessaria de his, quae subsecuntur, vos specialiter ammoneremus, ut, sicut hic descripta habentur, una cum Dei adiutorio, prout melius potueritis strenue exsequi procuratis et hoc praesentialiter necessarium opus sine aliqua dilatione vel excusatione, sicut in missaticis coniuncti et deputati estis, simul conveniatis et hoc ad perficiendum quantocius inchoetis et, quantum vel qualiter inde factum habueritis, unusquisque vestrum, sicut in missaticis constituti estis, de unoquoque missatico nobis ad colloquium, quod in proximo cum fratribus nostris habebimus, renuntiare procurat."—*Leges*, II, 2, 2, p. 271.

<sup>46</sup> § 11.

<sup>47</sup> *Leges*, II, 2, 2, pp. 277, 278.

<sup>48</sup> § 9.

Waterways, rendered so long unsafe on account of the Northmen, as also those which had been neglected, are ordered to be reopened.<sup>49</sup> Those who by their fief are responsible for the repairing of bridges are called upon to discharge this duty, and the raising of tolls from passing vessels is prohibited. At the same time preparations are made to arrest the incursions of the Northmen and the Bretons.<sup>50</sup> Finally, the *missi* are enjoined to exact the oath of fidelity from all subjects,<sup>51</sup> and there is evidence which proves the execution of this regulation at Rheims.<sup>52</sup> These provisions and the re-enactment of the conclusions of the synod of Soissons of April, 853, in reference to the investigation of church property and the reformation of monasteries show Charles's earnest efforts to bring about better conditions, and the partial, though not thorough, results of the revival of the *missi dominici*.

The practical worthlessness of the oath was to be shown only too soon; yet the intentions of the king are manifest. Aside from the Northmen,<sup>53</sup> nature itself seems to have frowned upon the royal efforts, for pestilence and a hard winter followed (855-56). Moreover, the Northmen renewed their incursions, and on April 18 sacked the city of Orléans after the death of the brave bishop Burchard who came from Chartres to relieve it. There was great discontent throughout the realm owing to the military inability of the crown. Moreover, at this time in the whole Neustrian land, and among the nobility especially, serious opposition to the crown had been developed, which cannot have been without foundation. Charles often proceeded against rebellious nobles, or those who had fallen under his displeasure, without legal forms, and such conduct was not likely to be lightly considered by nobles whose position was built upon privilege and force.<sup>54</sup> In addition, the royal favor extended to the

<sup>49</sup> §§ 2-5.

<sup>50</sup> § 6.

<sup>51</sup> § 13.

<sup>52</sup> *Leges*, II, 2, 2, p. 278; cf. FLODOARD, *Hist. eccl. Rem.*, Vol. III, chap. 26.

<sup>53</sup> For the movements of the Northmen during the reign of Charles see RICHTER, *Annalen der deutschen Geschichte*.

<sup>54</sup> Charles's high-handed conduct toward Gauzbert of Maine, who was beheaded in March, 853, is a typical example. If we may regard the doubtful word of Ademar (Book III, chap. 18, *M. G. H., Scriptores*, Vol. IV, p. 122), "Insidiis Namnetensium circumventus." Gauzbert was accused by the inhabitants of Nantes—or, corresponding more exactly with the words, was delivered into Charles's hands by their stratagem. Gauzbert had formerly been in high honor in far Neustria, owing to the overthrow of Lambert and his brother Werner, and for distinguished service against the Bretons. He was *missus* in Maine and Poitou in 838, serving with Ebroin, bishop of Poitiers (BALUZE, *Misc.*, Vol. III, p. 117; *Gest. Aldr.*, Vol. I, p. 3), and was possessed of great estates on both sides of the Loire. It may be that he was suspected of treacherous action with the Bretons, and, possibly relying on them and his relatives in Neustria, schemed to renew the rôle of Lambert in these provinces. His execution as a punishment for treason at least leads to the conclusion that he was guilty of an important offense. The punishment, however, seems to have been inflicted upon a despotic command of Charles, who executed him without process of law. (Regino, 866, says: "Jussu Caroli decollatus est." The phrase *judicium*

*fidelium*, which constantly occurs in the capitularies in procedure against nobles, is not here used, and leads to the conclusion that Gauzbert was executed without process of law. Cf. RICHTER, *Annalen*, p. 350, note; KALCKSTEIN, p. 33; DÜMMLER, Vol. II, pp. 394 ff.; BOURGEOIS, pp. 225, 226. But since in case of treason confiscation of the goods of the guilty party followed to the advantage of the crown, it is a not unreasonable presumption that the execution was made in order that Charles might secure possession of the coveted counties of Maine and Nantes; Charles was not the man to scruple at methods, provided the thing in view were desirable. In 861, in violation of his promises at Coblenz, Charles attempted to take forcible possession of the kingdom of his former ally, Charles of Provence, the son of the late emperor Lothar (KALCKSTEIN, p. 73). The enterprise completely failed; but Charles's lust for power challenged his vassals to make sport of law so much the more wantonly since he himself set the example. In 868 Charles deprived one Count Gerard of his goods in order to give them to the Abbot of St. Hilary of Poitiers. Gerard naturally asserted his rights to his own. Undoubtedly the Abbot of St. Hilary could make good use of the new incomes given him, for he had need of every resource against the incursions of the Northmen; but such violent deprivation only antagonized Charles's subjects (*Chron. Sith., H. F.*, Vol. VII, p. 269b; ST. BERTIN, *anno 868*; BOURGEOIS, p. 259). Charles proceeded after similar fashion in 870 with Gerard, count of Provence (ST. BERTIN, *anno 870*; BOURGEOIS, *loc. cit.*). In his efforts to regulate

clergy since 853, which threatened many nobles in possession of church lands by usurpation, had created great discontent among the latter. Hence, with the insecurity of all relations, internal as well as external, the attempt of Charles to help by means of new instructions to the *missi* was abortive. On February 14, 857, an assembly of all lay vassals was summoned at Kiersy. The acts show that at that time much lawlessness prevailed.<sup>55</sup> The direst punishment of the church — ban and outlawry — was threatened for those who disregarded secular and ecclesiastical authority. Bishops, *missi*, and counts are enjoined to take steps against the prevailing robbery. The instructions issued at this diet to the *missi* give power to the priests of each parish to mark evildoers and report them to the bishops, who, it is to be observed, have become — or, at least, act as — *missi* in their dioceses.<sup>56</sup> This dependence of the secular government upon the organization of the church, while most evident in the case of the bishops, is a general feature of Carolingian administration in the ninth century, and is not confined wholly to the higher classes of officials. There is evidence all along the line that archdeacons, deacons, and even simple priests assume the exercise of police functions. This tendency was furthered by the fact that the church of the time of Boniface and Pepin had laid down the lines of subordinate ecclesiastical divisions according to the divisions of the government; in other words, deaconries and vicariates tended to coincide with counties.<sup>57</sup> In view of this identity, Charles the Great's care to avoid having the *missatica* coincide with the dioceses of his empire probably was a wise precaution to prevent ecclesiastical authority from too easily securing secular sway. Examples are the *pagus Pruvenensis* (Provins), which corresponded to the archdeaconry of Provins; the *pagus Waslinensis* (Gâtinais), which corresponded to the archdeaconry of the same name; the *pagus Milidunensis*, which corresponded to the archdeaconry of Melun — all of them in the diocese of Sens.<sup>58</sup> In the diocese of Chartres, the archdeaconry of Dreux coincided with the county of that name.<sup>59</sup> Similar cases are Brienne<sup>60</sup> and Artois.<sup>61</sup> Sometimes the names, ecclesiastical and secular, might differ, even though the circumscriptions coincided. Examples are the county of Morvois, which was known ecclesiastically as the *doyné* of Pont-sur-Seine.<sup>62</sup> The case of Meaux is most interesting, for in 813 Charles the Great conferred upon the count of Meaux the authority of ecclesiastical *prévôt* in Quendes and Broussy.<sup>63</sup> Was the act an attempt to check a tendency toward usurpation of the state authority already apparent in the church?

The close co-operation of the secular and ecclesiastical authority is perfectly apparent at this time; but if we read between the lines of these capitularies, especially

feudal law, the king often went to extremes wholly unwarranted by custom, even if not arbitrary in the letter of the law. The law of feudal succession was not firmly established in the ninth century, and a sovereign could always delay, and not infrequently withhold, inheritance. To constitute a strictly legal right, descent during three generations was required. The sons of Robert the Strong and of Rannulf of Poitou were deprived of their benefices in compliance with this custom. (KALCKSTEIN, *Geschichte*, p. 44.

See the valuable but condensed study of the benefice in the ninth century in BOURGEOIS, pp. 127-36.)

<sup>55</sup> *Leges*, II, 2, 2, p. 285. <sup>56</sup> §§ 2, 3.

<sup>57</sup> LONGNON, *Atlas historique de la France*, Vol. II, p. 92.

<sup>58</sup> *Ibid.*, p. 107. <sup>59</sup> *Ibid.*, p. 109.

<sup>60</sup> *Ibid.*, p. 110. <sup>61</sup> *Ibid.*, p. 123.

<sup>62</sup> *Ibid.*, p. 111.

<sup>63</sup> *Ibid.*, p. 113; cf. *Leges*, II, 2, 2, p. 276, note 90.

that of 853, what becomes more manifest than anything else is the increasing dependence of the crown upon local lords, lay and clerical; or, in other words, the increasing localization of the *missi dominici*. To the capitulary of Servais is fortunately appended a full list of names and places of assignment of those appointed. Careful comparison of these data with allusions in other capitularies, both earlier and later, and in contemporary sources, discloses the significant fact that the same men are to be found year after year exercising authority in the same region, in many cases being the reigning counts or ruling bishops.<sup>64</sup> To demonstrate: We find in Art. 1 that Hinkmar, the famous archbishop of Rheims, Richuin, and Engiscalc are appointed *missi* in Remois, Vouzy, Atenois, Perthois (the upper Marne), Bar-le-Duc, Brie, Chalonnois, and the eastern Soissonais. Hinkmar's name and position speak for themselves. The second was a count in the Remois, and was one of Charles the Bald's faithful vassals. He had fought in Angoulême in 844, when Charles met such disastrous overthrow at the hands of the men of the South under leadership of the renegade Pepin, and was one of the king's ambassadors to negotiate terms of peace and witness the compact between Charles and Ludwig the German at Coblenz.<sup>65</sup> Engiscalc figures as *comes et ministerialis ac fidelis missus noster* at Kiersy in 857.<sup>66</sup>

Art. 2 specifies that Pardulus, bishop of Laon, Altmar, and Theodorich shall be *missi* in the Laonnais, Soissonais, Artois, and Valois. Now a certain count Altmar figured with Odo, the hero of Paris, in the first siege of that city in 882,<sup>67</sup> and frequently appears as one of Odo's partisans. He was lay abbot of St. Medard in Soissons when Odo was merely count of Paris.<sup>68</sup> Was he a son of Charles's *missus* in that region? In the time of Charles the Fat there was a Theodorich who was count of St. Quentin and lay abbot of Morienvall in Valois.<sup>69</sup> He also was a partisan of Odo.<sup>70</sup> Is this a similar case? The inference seems justifiable in the light of the prevailing heritability of fiefs. When we enter the Noyonnais and Vermandois, we find the *missi* to be Immo, the bishop of Noyon,<sup>71</sup> Adalhard, the king's uncle, who is abbot of St. Amand and St. Bertin,<sup>72</sup> and Counts Odelric and Walkand. The text is very impressive here, for one portion of the region of Flanders within the *missaticum* specified is named after Count Walkand himself, while the remainder is designated as *the counties of Ingebram*. The latter, according to Dümmler,<sup>73</sup> was chamberlain to

<sup>64</sup> ROZIERE, *Recueil général des formules*, Vol. I, p. 182, note, says that one Betto, who figures in a diploma of Charles the Bald of July 12, 854 (*H. F.*, Vol. VIII, p. 532), with the qualification of *vir inluster fidelis noster*, was a *missus dominicus*. This certainly is an error. He is not specified as such in the document, and the only other reference to him is in *M. G. H.*, *Leges*, II, p. 283, where he figures in Charles's *Primum Missaticum ad Francos et Aquitanos directos* (July-September, 856), and here he is not a *missus*, but a courier of the king: "Ista capitula missit rex de Basia [near Amiens] per Hadabrannum et Bettonem."

<sup>65</sup> BOURGEOIS, p. 244, notes 2, 3, 4. See the proofs in *M. G. H.*, *Leges*, II, pp. 279, 283, 284.

<sup>66</sup> *M. G. H.*, *Leges*, II, p. 286.

<sup>67</sup> FAYRE, *Études, Comte de Paris et Roi de France*, p. 15, note 5; KALCKSTEIN, *Geschichte des französischen Königtums unter den ersten Capetingern*; BOURGEOIS, pp. 32, 45, 48.

<sup>68</sup> FAYRE, p. 156.

<sup>69</sup> KALCKSTEIN, *Geschichte*, pp. 42-3.

<sup>70</sup> *Ibid.*, pp. 70-77. For his identification with, and distinction from, other counts of the same name, see the very complete description in FAYRE, p. 95, note 5.

<sup>71</sup> See LE FRANC, *Histoire de la Ville de Noyon*, p. 15, note 1; "Bibl. Nat. MS. fr. 8805, fo. 45 . . . donne de nombreux détails sur sa vie."

<sup>72</sup> BOURGEOIS, p. 244; KALCKSTEIN, *Geschichte*, pp. 55, 87, note 1.

<sup>73</sup> Vol. II, p. 112, note 3.

the count of Flanders.<sup>74</sup> In 865 he, with Hinkmar, was Charles's envoy at the convention of Touzy,<sup>75</sup> and figured again at that of Aachen in 870 between Charles and Ludwig.<sup>76</sup> A similar duplication of the name of the reigning count of the *missaticum* is found in Art. 4, where may be read the following excellent proof of the penetration of feudal influences into the Carolingian administration: "Folcoinus episcopus, Adalgarius, Engiscalcus et Berengarius missi in comitatu Berengarii, Engiscalchi, Gerardi et in comitatibus Reginarii."<sup>77</sup> The region comprehended Boulogne and the seaboard of Flanders. Folquin was bishop of Théroouanne.<sup>78</sup> Evidently the *missatica* of Berenger and Engiscalc corresponded to their feudal proprietorships. In the vicinity of Paris, Melun, Senlis, Beauvais, and in the Vexin are Louis, abbot of St. Denis; Ingilwin, in 875 made bishop of Paris;<sup>79</sup> Yrmendfrid, bishop of Beauvais, who once accompanied Hinkmar on a mission to the Aquitanians;<sup>80</sup> and Gozlin, abbot of St. Germain des Prés.<sup>81</sup> Paul, the archbishop of Rouen; Hilmerad, bishop of Amiens; Herlwin, and Hungar are associated in the government of the Rouennais, Ponthieu, and the county of Amiens. In 858 Herlwin countersigned the decisions of the convention of Kiersy,<sup>82</sup> and a year after he inherited the monastery of St. Riquier<sup>83</sup> from his father, Helgaud. That the house was permanently established in the region subsequent history shows. In 925 one Helgaud of Ponthieu, probably grandson of Charles's *missus*, together with Arnulf of Flanders and Herbert of Vermandois, won a signal victory over the Northmen at Eu.<sup>84</sup> In 939 his son, another Herlwin, became embroiled with the count of Flanders, thereby precipitating a war in which Louis IV., Hugh of France, and William Longsword, Duke of Normandy, all became involved.<sup>85</sup> The family of Hungar seems to have been settled there also.<sup>86</sup> The country which later comprised western Normandy—Avranches, Bayeux, Cotentin, Coutances, Lisieux—fell to Evrard, bishop of Lisieux, and Theodorich (who is called an abbot, but who cannot be identified), another Herlwin, and a certain count Hardwin, whose county bears his name.

The circuits of 853 were ordinarily much smaller than those of 802 or 825, but the area which was intrusted to Dodo, bishop of Angers, to Osbert, and the famous Robert the Strong, was very large indeed, including the counties of Maine, Anjou, and Touraine, beside Corbonnais, the later Perche, and the district of Sééz. Robert

<sup>74</sup> "Flandriac comerarium et consiliarium secretis."—M. G. H., *Leges*, II, p. 165 pref.

<sup>75</sup> *Ibid.*, 2, 1, p. 265.

<sup>76</sup> *Ibid.*, p. 192.

<sup>77</sup> *Leges*, II, 2, 2, p. 275, Art. 4; Adalgar appears in the *Cap. ad Francos et Aquitanos* of July 7, 856 (*Leges* II, 2, 2, p. 279). Cf. SIMSON, *Ludwig d. Fromme*, Vol. II, p. 158, note 1. Berengar figures there several times in 856 (*Leges*, II, 2, 2, pp. 279, 283, 284). There was a "Berengarius filius Gebehardi comitis pagi Loganaha" (*ibid.*, p. 154), who signed the convention of Coblenz in 890 (cf. STEIN, *Konrad*, I, p. 44).

<sup>78</sup> *Cartularium Sithiense*, ed. GUÉRARD, Vol. III, p. 92.

<sup>79</sup> *Leges*, II, 2, 2, p. 275.

<sup>80</sup> BOURGEOIS, p. 245.

<sup>81</sup> *Ibid.*; cf. *Leges*, II, 2, 2, p. 275, note 52.

<sup>82</sup> *Leges*, I, 2, 2, p. 458.

<sup>83</sup> *H. F.*, Vol. VII, p. 244; *Leges*, II, 2, 2, p. 275, note 60.

<sup>84</sup> FLODOARD, *Annales* anno 925.

<sup>85</sup> See LAIR, *Étude sur la vie et la mort de Guillaume Longue Épée*, p. 33; LABUTTE, *Histoire des ducs de Normandie*, chaps. 2, 3. Hungar may have been the brother of the later Helgaud; more probably, however, a brother of Herlwin I., since the name appears as late as 921 (KALCKSTEIN, *Geschichte*, p. 170, note 1).

<sup>86</sup> A certain count Hungar in 921 forcibly acquired the abbey of St. Valéry in the diocese of Amiens (*Gallia Christ.*, Vol. IX, p. 1235), and Rudolph's successor in S. Riquier and probably in his county. Helgaud, had a son named Herlwin. Cf. KALCKSTEIN, "Abt Hugo," p. 43, note 2.

the Strong was already at this time *rector* of the abbey of Marmoutier,<sup>87</sup> subsequently lay abbot of St. Martin in Tours, and in 861 was made margrave of Anjou, where he laid the foundation of the future greatness of the dukes of France.<sup>88</sup> The circumstance is interesting as affording evidence that thus early the future march of Anjou is foreshadowed. Osbert probably was a Poitevin. In 889, in the reign of Odo, that king restored the territory of Doussai north of Poitiers to the monks of St. Martin. This domain had been wrested from them in a former time, in all likelihood during the time of Robert the Strong, for Charles the Bald in 862 ordered its restoration. The intention was defeated, however, by a certain count Magenarius, whose son, Osbertus, retained it in Odo's time. Was Charles's *missus*, Osbert, the colleague of Robert, the brother of Magenarius, who named his son after him?<sup>89</sup>

The *missi* in the Orléanais, Vendome, Dreux, and in the region of Chartres cannot be identified, save in the case of Burchard, bishop of Chartres. The Rodolph named as his associate probably was the Welf, cousin of Charles the Bald,<sup>90</sup> but there is no proof of it. We have fuller information regarding Wenilo, archbishop of Sens, and his colleagues, Odo and Donatus. Odo was count of Troyes, and possessed other proprietorships in the valley of the upper Seine.<sup>91</sup> He seems to have been an active agent of the king, for he is thrice mentioned in legislative acts as *missus*,<sup>92</sup> until he joins the standard of Robert the Strong in the great rebellion of 858-61.<sup>93</sup> Donatus was count of Melun.<sup>94</sup> The Burgundian counties of Autun, Tonnerre, Maconnais, Beaune, etc., were under the direction of Tutbold, bishop of Langres; Jonas, bishop of Autun; Abbon, abbot of St. Germain d'Auxerre, and the local lords Isembard and Daddo, the former of whom was feudal proprietor in a county of his own name. The diocese of Nevers was the only *missaticum* in which a bishop was not appointed. The circumstance, however, was wholly exceptional, since at the time of the diet of Servais the see was vacant, the bishop having been suspended in April of that year and the ecclesiastical government put provisionally into the hands of his metropolitan, the archbishop of Sens.<sup>95</sup> In Nevers, Auxerre, and Avallon only one of the appointees of Charles can be traced. This is Hugh, who was Charles's own cousin, being son of Conrad the Welf, and nephew of the brilliant empress Judith.<sup>96</sup> The family possessed extensive proprietorships in the region.

The geographical analysis of these assignments made by Charles the Bald is as interesting and instructive as the personal data. The intimate association of the civil and ecclesiastical institutions to form almost one united fabric of government is made strikingly apparent. It was natural that the lines of the *missatica* should tend to

<sup>87</sup> *H. F.*, Vol. VIII, p. 520.

<sup>88</sup> FAVRE, *Eudes, roi de France*, p. 1.

<sup>89</sup> *Ibid.*, p. 126.

<sup>90</sup> KALCKSTEIN, "Abt Hugo," p. 4, in *Forschungen für deutsche Geschichte*, Vol. XIV, p. 41, thinks it probable (*wahrscheinlich*) that the elder Rudolph is meant; *contra*, BOURGEOIS, "Hugues l'abbé," in *Annales de la Faculté des Lettres de Caen*, No. 2 (1885), p. 66; *Capit. de Kiersy*, p. 245.

<sup>91</sup> KALCKSTEIN, *Robert der Tapf.*, p. 56, note 5; "Abt

Hugo," p. 44 and notes; BOEHMER-MÉHLBACH, *Regesta*, Numbers 1581, 1613, 1720; NOORDEN, *Hinkmar*, p. 143, erroneously identifies him with Odo of Blois.

<sup>92</sup> *H. F.*, Vol. VII, pp. 109, 133, 560.

<sup>93</sup> KALCKSTEIN, p. 56, *op. cit.*

<sup>94</sup> *Ibid.*, p. 57.

<sup>95</sup> *Leges*, I, 2, 2, p. 416.

<sup>96</sup> KALCKSTEIN, *op. cit.*, p. 41; BOURGEOIS, *Capitulaire de Kiersy*, pp. 99-102; "Hugues l'abbé," p. 64.

coincide with the administrative divisions of the church. And yet the king does not servilely make the new civil circuits conform to episcopal jurisdictions. In fact, he shows a greater independence than one might be led to expect. The first *missaticum*, while it chiefly corresponded to the dioceses of Rheims and Châlons, included two portions of that of Soissons, namely, the county of Binson, corresponding to the archdeaconry of Brie,<sup>97</sup> and the western part of the county of Tardenois.<sup>98</sup> The most notable variation, however, is in the case of Bar-le-Duc, which ecclesiastically depended upon the bishopric of Toul, a diocese in the realm of Lothair I.<sup>99</sup> Here the unity of the ecclesiastical organization, whose influence is superior to dividing lines as important as those separating kingdoms, re-enforces the theory of government espoused by the Carolingian kings, who looked upon themselves as ruling states, separate indeed, yet vaguely united into one common whole, and governed according to a joint family compact.<sup>100</sup> The third *missaticum* included the whole of the diocese of Noyon, with portions of the diocese of Tournai (Coutrai),<sup>101</sup> and Cambrai (Arras), in Roman and early Merovingian times an episcopal city, but which was subordinated in the sixth century, and did not secure ecclesiastical autonomy until 1073.<sup>102</sup> The jurisdiction of Folquin of Théroüenne may have included bits of the diocese of Tournai. It is not possible to determine with certainty whether the *pagus Mempiscus* at this time pertained to the bishop of Tournai or the bishop of Théroüenne.<sup>103</sup> The eighth territorial provision is of double interest: in the first place the jurisdiction appertained to Robert the Strong; secondly, the capitulary of Servais of 853, which instituted the *missaticum*, also established the diocese of Sééz. The ecclesiastical jurisdiction of this territory was withdrawn from the bishop of Bayeux, while civilly it was cut off from the *pagus Ooimensis*. Both territories were originally simple *centena*, now become of greater importance owing to the rebellious Breton and invading Northman.<sup>104</sup>

The ninth *missaticum* is, except the first, the most notable departure from ecclesiastical lines. It includes the whole of the dioceses of Chartres, Evreux, and Orléans, but is enlarged by the *pagus Castrensis*, which was ecclesiastically a dependency of the bishopric of Paris, by Brienne, and the tri-county Arcis-sur-Aube (*tres Arcisii*), which was ecclesiastically subject to the bishop of Troyes,<sup>105</sup> and by the *pagus Stampensis* (Étampes), which was a subdivision of the archbishopric of Sens. The fact that Charles made his most notable departures from the form of the dioceses in the case of the two greatest metropolitan sees, which at the same time were ruled by two such notable churchmen as Hinkmar of Rheims, and Wenilo of Sens, argues for great accord between king and prelates, or else considerable determination on the part of the king in his conduct toward the church and its dignitaries.

For five years the institution of the *missi* in its revived and semi-feudal form

<sup>97</sup> LONGNON, *Atlas historique*, text, p. 121.

<sup>98</sup> *Ibid.*, p. 120.

<sup>99</sup> *Ibid.*, p. 117.

<sup>100</sup> "Foedera, pacta inter regem et ejus fratres, aut nepotes, aut fideles." Cf. FAUGERON, *De Fratritate seu Contoquis inter Filios et Nepotes* (842-84), especially chap. 1.

<sup>101</sup> LONGNON, *op. cit.*, p. 124.

<sup>102</sup> *Ibid.*, p. 123.

<sup>103</sup> *Ibid.*, p. 125.

<sup>104</sup> *Ibid.*, p. 100 and note 2.

<sup>105</sup> *Ibid.*, p. 110.

existed. But in 858 a great feudal revolt shook the West Frank realm to its foundations, and almost all the attempts from 853 to 857 for a betterment of the administration fell to the ground. With the insecurity of all relations, internal and external—for Charles's brother Ludwig conspired with the Neustrian nobles and the Northmen penetrated the environs of Paris—the attempt of the king to help matters still by instructions to the *missi* was utterly ineffective. Numbers of them, like Robert the Strong, were in the ranks of his enemies. The church's demand (June, 859, at the synod of Savonnières<sup>106</sup>) for their appointment still was abortive, and the declarations following the reconciliation of Coblentz between Ludwig and Charles remained nothing but ineffectual statutes.<sup>107</sup> At last the defection of Ludwig the German and the intervention of the church, which threatened a general interdict, led most of the revolted nobles to return. All who repented of their conduct toward God, the church, and the king, and who promised to keep peace in the future, were reinstated in their fiefs with the exception of those fiefs which had been the king's own gift. In order to establish peace, Charles commissioned special emissaries (*missi minores* or *discurrentes*) to publish the provisions of the peace. Revolted vassals were to take the oath of fidelity to the king in person, lesser vassals to the *missi*, who were to make known the names of those who responded and those who refused to come. An abstract of certain of the ordinances of Charles the Great and Louis the Pious against spoliation of churches and monasteries, robbery, and theft was given to the commissioners for proclamation. The *missi minores* were enjoined to make use of the advice and aid of the *missi majores*, to whom, on account of the wide extent of their mandate, only supervision and guidance could be given.<sup>108</sup>

The coinage act of July, 861, at Kiersy<sup>109</sup> shows, however, the uncertainty of law and the violence of the time. Nevertheless, Charles still enjoined upon bishops and *missi* to see to it that robbers and rebellious vassals be brought to account and punished according to the laws enacted in 853 at Servais. But the laws were ineffective against the great evils of the time, and were perverted for purposes of oppression by self-seeking officials. The country was impoverished by reason of the incursions of the Danes and the pillaging of the defenseless people of the land by a riotous baronage. Deep distrust prevailed against all organs of the administration, and

<sup>106</sup> *Leges*, II, 2, 2, Art. I, p. 449.

<sup>107</sup> *Ibid.*, pp. 297-301; FAUGERON, pp. 52, 53.

<sup>108</sup> DEMLER, Vol. III, p. 444, note, is inclined to think the difference between regular *missi dominici* and *missi discurrentes* was one of degree only. Cf. also FICKER, *Forschungen*, Vol. II, §§ 267 ff. It is often impossible to separate the two classes. The order issued to one may be couched in the same form as that issued to the other. Ordinarily, however, the *missi discurrentes* had less executive power, although there was no definite limit to their competence, either in the spirit of the times or in the mandate itself. "De his interim *missi nostri discurrentes cum consilio majorum missorum*, ut praemisimus, studeant, donec plenitudinem capitulorum et adnunteandam et observandam ad communem omnium nostrum salutem et pacem per regnum

nostrum, adjuvante Domino, disponamus." (PERTZ, *M.G.H., Leges*, I, p. 475.) These *missi discurrentes* are not to be confounded with those *missi discurrentes* who were often sent on diplomatic missions of a definite sort. Neither the *legati*, who after the convention of Meerssen were sent to the Bretons, to the Danish king, and to the vassals of Lothar hostile to Charles (*Leges*, II, 2, 1, p. 70, §§ 10, 11; ST. BERTIN, *anno 847*), nor the messengers between the brothers ("Conv. ap. Sapon., November, 862," *Leges*, II, 2, 1, p. 161, § 3; "Pactum Tuziac, February, 865," *ibid.*, p. 167, § 7, p. 170, § 5; "Cap. Post. Conv. Confluentium," *ibid.*, 2, 2, p. 297; cf. pp. 193, 301; § 7, p. 860; ST. VAAST, *anno 888*), were true *missi dominici*, nor yet *missi discurrentes* of an executive sort.

<sup>109</sup> *Ibid.*, 2, 2, pp. 301.

even against the king himself. Repeated ordinances in regard to coinage indicate that counterfeiting and debasement of the money largely prevailed, and the king himself unfortunately resorted to the same extreme and unjust means. The text of the capitulary of Pistres in 862<sup>110</sup> is most significant in these particulars. The very reading of this capitulary confirms a conviction of its ineffectiveness. Sounding allusion by the king to the legislation of the great Charles, and to his own earlier legislation, was of little avail with the barons who fattened on plunder.

But in 864 king, clergy, and nobles, for a wonder, were in harmony. Even Aquitaine, for a short season, was quiet.<sup>111</sup> Charles, whose spirit was not as weak as ordinarily supposed, again attempted to rise superior to events. For the first time in a long while a general diet was summoned and could convene at Pistres in June. Thither Solomon of Brittany sent his tribute, and thither the nobles brought their annual gifts. Mahomet, emir of Cordova, in the autumn of 863 had sent an embassy for the purpose of negotiating a treaty of friendship, and rich presents were now exchanged. Thus even on the far southern frontier danger was allayed. The address of Charles to the *missi* on the 25th of this month is in contrast to the complaining tone of that of two years earlier. The prevailing peace made the king ambitious again to restore the ancient Carolingian administration, and certain of the articles of the diets of 853 and 857 were reiterated.<sup>112</sup>

Nevertheless, a thorough improvement of conditions was impossible, even with extensive regulations and resort to drastic penalties. The building of "adulterine" castles and the degradation of the free class continued. There is evidence, however, as late as 865, that the institution of the *missi* was effective in parts of the realm, especially in Burgundy, for in February of that year, owing to the lawlessness in that country, Charles sent *missi* thither, no one of whom is to be found in the roll of those appointed at Servais in 853. One of them was Fulk, probably Charles's *Pfalzgraf*;<sup>113</sup> the other, Gozlin, was in all likelihood the chancellor of that name. Both of them stood high in the king's regard. There is no evidence that they possessed a power in the region, and the character of their mandates indicates that the division of 853 into two districts still prevailed here.<sup>114</sup> The apprehension the crown felt in the appointment of local counts as *missi*—a practice which it dared not disavow without danger of feudal rebellion—united with the growing police authority of bishops and abbots,<sup>115</sup> inevitably led, however, to the gradual discontinuance of the *missi dominici*. In virtue

<sup>110</sup> *Leges*, II, 2, 2, p. 302.

<sup>111</sup> Most of the revolted seignours in Aquitaine by this time had been granted amnesty save the renegade Pepin, who, in company with a band of Northmen, sacked Poitiers and Clermont, and even attacked Toulouse. But this was Pepin's last exploit. He was entrapped in an ambushade by Count Ramnulf of Poitou, the leader of the king's party in Aquitaine, and sent a captive to Charles. In the diet at Pistres (June, 864) Pepin was condemned to death as a traitor to the state and a foe to Christianity. Charles, however, commuted the sentence to imprisonment at Sen-

lis, where soon after (in 865) Pepin terminated his checkered career.

<sup>112</sup> *Leges*, II, 2, 2, p. 310.

<sup>113</sup> On the tendency of the *Pfalzgrafen* to supplant the *missi*, see SOHM, p. 504.

<sup>114</sup> *Leges*, II, 2, 2, § 13, p. 331; cf. KALCKSTEIN, p. 99.

<sup>115</sup> Cf. "Edict Pist., 869," *Leges*, II, 2, 2, p. 334, §§ 5-9, § 12, p. 334. There is evidence of abuse of power even by them, however.

of a practice long established,<sup>116</sup> and confirmed by the king,<sup>117</sup> the bishops exercised not only a general jurisdiction over clerks, but had civil and criminal jurisdiction within their dioceses.

Occasional references to the *missi dominici* as a distinct feature of the administration are to be found throughout the reign of Charles the Bald. In 873 they are mentioned;<sup>118</sup> in 874 the synod of Attigny petitions that *jussio regia haec per fideles missos diligenter ac veraciter inquirere jubeat*;<sup>119</sup> in 875, in a preamble, we find reference to "faithful *missi*;"<sup>120</sup> in 876 the statement is reiterated that each bishop is *missus* in his diocese;<sup>121</sup> in 877 it was ordered that the danegeld be paid to them;<sup>122</sup> in 878, when Louis II. lay ill at Tours, a few forlorn *missi* were sent forth.<sup>123</sup> But the allusions inevitably indicate a tendency on the part of the *missi dominici* toward territorialization of their duties and power. In 882, at the council of Ste. Nacre at Fismes, in the diocese of Rheims, the *missi* are enjoined to be zealous in the protection of church property.<sup>124</sup> In 884 the last isolated recognition of the *missi dominici* as a governmental institution in the West Frank monarchy is found in the capitulary of Vern.<sup>125</sup> The dignity of the title, however, is diminished. The word is applied as a sort of police title to certain presbyters (*strenuum et prudentem presbyterum*)<sup>126</sup> chosen as the bishop's constable in the maintenance of law and order.<sup>127</sup> They are enjoined to co-operate with bishops and abbots in suppression of those remote bands which were desolating the country; to seek to check usurpation on the part of the strong, which tended to diminish the number of royal vassals and freemen; and to

<sup>116</sup> *Leges*, II, 2, 2, p. 268, §§ 3-5, 8-10; "Cap. Suess." (853), *ibid.*, p. 285, §§ 4, 5; "Cap. Carisiac." (857), *ibid.*, p. 294; *Adnuntiatio Karoli*, "Conv. ap. St. Quintum" (857); *ibid.*, p. 309, ll. 34 ff., "Cap. Pist." (862).

<sup>117</sup> "Edict. Pist." (864), *Leges*, II, 2, 2, p. 312, §§ 2, 3; cf. confirmation of Louis the Stammerer (881), *ibid.*, p. 373, § 5: "Episcopus, in cuius parochia aliquis consistens aliquid depraedatus fuerit, semel et bis atque tertio, si necesse fuerit, vocabit illum sua admonitione per suum presbyterum canonico ad emendationem sive ad compositionem et ad poenitentiam, ut Deo et ecclesiae satisfaciat, quam laesit." Cf. Declaration of the council of Tribur (895), *ibid.*, p. 215, § 3. In Italy in 876 each bishop was made a *missus* in his diocese. (*Leges*, II, 2, 1, p. 103, § 12.)

<sup>118</sup> *Ibid.*, 2, 2, §§ 1, 2, 9-12, p. 343.

<sup>119</sup> *Ibid.*, p. 460, ll. 26, 27.

<sup>120</sup> *Ibid.*, p. 458.

<sup>121</sup> *Ibid.*, 2, 1, p. 103, § 12.

<sup>122</sup> "Ut de mansis indominicatis solidus unus, de unoquoque manso ingenuili IV denarii de censu dominico et IV de facultate mansuarii, de manso vero servilli duo denarii de censu dominico et duo de facultate mansuarii, et unusquisque episcopus de presbyteris suae parochiae secundum quod cuique possibile erat, a quo plurimum quinque solidos, a quo minimum IV denarios episcopi de singulis presbyteris acciperent et missis dominicis redderent. Sed et de thesauris ecclesiarum, prout quantitas loci exstitit, ad idem tributum exsolvendum acceptum fuit. Summa vero tributii fuerunt quingue milia librae

argenti ad pensam."—*Leges*, II, 2, p. 354, note; cf. *Ann. St. Bertin*, anno 877.

<sup>123</sup> "Plaid tenu a Tours par les *missi dominici* (29 Mai 878) au sujet des réclamations faites par Adalmarus avoué des chanoines de St. Martin contre le chapitre de St. Maurice."—Anto Theodacum et Aladardum locum tenentes vice Reginarii, comitis Palatii, Adalaldum Turonensem archiepiscopum, cum aliis missis praeteritis, etc. MABILLE, "Les invasions Normands dans la Loire, et les pérégrinations du corps de St. Martin: Pièces justificatives," *Bibl. de l'Ec. des Chartes*, sixth series, Vol. V, p. 427. Cf. KALCKSTEIN, *Abt Hugo*, p. 85.

<sup>124</sup> *Leges*, II, 2, 2, p. 372, §§ 2, 3; PROU, *De Ordine palatii*, p. 14, note.

<sup>125</sup> *Leges*, II, 2, 2, §§ 2, 3, 11, p. 371. In Lorraine in 911 Reginar of Hainault boasts himself to be "comes ac missus, dominicus nec non et abba stabulensis atque Malmundariensis monasteriorum." (DÜMMLER, *de Arnulfo Francorum rege*; cf. *Geschichte des ostfränk. Reiches*, Vol. III, p. 571, note 2.)

<sup>126</sup> PERTZ, *M. G. H.*, *Leges*, I, pp. 551-3, § 6: the seventh article provides that "in vicis autem et villis longe a civitate remotis, constituat unusquisque episcopus reverendos et cautos et prudentia (morum) temperatos presbyteros, qui sua vice superius statuta (modesto) perficiant, et ad quos alii presbyteri juniores et minus cauti suam causam referant."

<sup>127</sup> "Sed causam suam ad illum presbyterum referant qui episcopi missus est," etc. (*Ibid.*, § 14.)

protect the royal domain and the lands of the church. Injunctions borrowed from former capitularies are reasserted. It is plain that the *authority* of the former *missus* is enjoyed by the bishop, and that the title has degenerated in dignity and power, and is shortly to disappear.<sup>128</sup>

In Germany the fate of the *missi dominici* was the same as in Gaul, but the evidence of the decline is not so full. Counts palatine, feudal proprietors, churchmen, push their way into the administration.<sup>129</sup>

In Italy<sup>130</sup> the influence of feudalism upon the *missi dominici* was similar in effect to that in France, but the decline was slower. Contrary to the case in France, where not even the name of *missus* was perpetuated, in Italy the name survived down to the eleventh century, but it occurs in such connections as to show that the power of the office had become merged with the power of a local lord.<sup>131</sup>

The strength of character of the emperor Louis II. was greater than that of his uncle in Frankish Gaul, and seems to have had a more deterrent influence upon the operation of feudal forces, and for a longer period the administration of the *missi dominici* in Italy seems to have been fairly efficient. As late as 858 the old alternation of *missi* obtained at least in part.<sup>132</sup> The case must have been the exception rather than the rule, however, for the tendency to appoint local counts and bishops as *missi dominici* is apparent in Italy as in France, though every bishop was not authorized to act as *missus* in his diocese until 876.<sup>133</sup> Despite this lateness of the recognition of episcopal superiority, however, when compared with the situation in Frankish Gaul, feudal and ecclesiastical invasion of the imperial prerogative had begun early in Italy. Sohm cites an instance in the year 827 and others in 833, 840, 857, and 873, which show that in Lucca the local count had successfully trespassed upon the jurisdiction of the *missus*.<sup>134</sup> Similar examples are in 827 at Turin,<sup>135</sup> and 840 at Trient.<sup>136</sup>

Nevertheless the ascendancy of the clergy in the government of Louis II. was slower of attainment than in the West-Frank monarchy, and there is a more cautious disposition on the part of the bishops to insist that a prior right of correction be given to the church.<sup>137</sup> In spite of a pope like Nicholas I., we find Louis II. in 865 declar-

<sup>128</sup>The synod of Attigny in 870 accurately stated the reasons for the decline: *Leges*, II, 2, p. 459: "Quia vero longum est istos ad praesentiam regis adducere vel periculum est longius a marcha eos abducere, dominus rex commendabit suo marchioni, qualiter eos dstringat atque castiget."

<sup>129</sup>Cf. the count palatine Timo and other *Pfalzgrafen* cited in DÜMMLER, Vol. II, p. 441-4: *e.g.*, the case of Kerold comes seu *missus regis* (anno 851), *ibid.*, Vol. III, p. 444, note; or *missum nostrum Gunzonem venerabilem episcopum* (of Worms), Mühlbacher, 1393; or in Pannonia *Odolricus comes noster et missus*, *ibid.*, 1402-3; SICKEL, *Beiträge*, Vol. II, p. 158. In a document of April 25, 865, pertaining to Lorsch, Ludwig's *missus noster*, Herlewinus figures as count of the Rheingau (DÜMMLER, Vol. III, p. 444, note).

<sup>130</sup>On the whole subject of the *missi dominici* in Italy see FICKER, *Forschungen*, Vol. II (1889).

<sup>131</sup>VIOLLET, *Institutions politiques de la France*, Vol. I, p. 307, note 2.

<sup>132</sup>SOHM, p. 499, note 7; MURATORI, *Antiq.*, Vol. III, col. 1033.

<sup>133</sup>*M. G. H.*, *Leges*, II, 2, 1, p. 103, § 12; cf. FICKER, *Forschungen zur Reichs- und Rechtsgeschichte Italiens*, Vol. II, §§ 218-29. The wording is: "Episcopi singuli in suo episcopio, missatici nostri potestate et auctoritate fungantur."

<sup>134</sup>SOHM, p. 496, note 56.

<sup>135</sup>*Ibid.*, p. 454, note 191.

<sup>136</sup>*Ibid.*, p. 496, note 63.

<sup>137</sup>Cf. "Capit. Episcoporum Papiae edita 845-50," *Leges*, II, 2, 1, p. 81, §§ 2, 14,

ing the direct dependence of the *missi dominici* upon the emperor.<sup>138</sup> The emperor's wish, however, was better than his will. While he kept his hand more firmly upon the public administration than Charles the Bald, he had to use the bishops in civil capacities to such a degree that in the space of twenty years the church had largely won the contention cautiously advanced in 845-50. The bishops increasingly were made *missi* within their dioceses,<sup>139</sup> and finally, as said, in 876 the rule was made universal for Italy.<sup>140</sup> Late examples of partially dependent *missi* in Italy are to be found in the reigns of Charles the Fat, in the year 880,<sup>141</sup> when the Carolingian ruler, returning to Worms to hold a diet, assigned the protection of Rome to John, bishop of Pavia, as imperial *missus*,<sup>142</sup> and of Berengar I. (888).<sup>143</sup> As in Gaul, the administration of the *missi dominici* in Italy at last succumbed to feudal influences and only the personal force and energy of the ruler availed to delay its decline. After 876 the bishops in the main perpetuated the office and wore the title without control by a superior authority.<sup>144</sup> During the chaotic period of Lambert, Hugh of Burgundy, and the Tusculan ascendancy in Rome, every reminiscence of the office seems to have vanished even in the case of the bishops. The power of the office was lost beyond recovery in the maze of things local and feudal.

The institution created by Charles the Great, after a century of existence, disappeared in the midst of civil troubles and foreign invasions. In proportion as the *missi* disappeared, the dukes and counts acquired a personal and independent power.<sup>145</sup> In France the short reign of Louis the Stammerer and the minority of his sons, followed by the troubled reign of Charles the Simple and his successors, and in Germany the rule of a little child, afforded an opportunity for them to satisfy their own ambitions. This is not the place to examine the origin and formation of feudal dynasties; but the origin of the power of some of the feudal houses of France in the tenth and eleventh centuries may be traced to usurpation of authority by an ambitious and unscrupulous *missus* of the king.<sup>146</sup>

<sup>138</sup>"Capit. Missorum," *ibid.*, p. 93, § 4.

<sup>139</sup>SOHM, p. 497, note 4.

<sup>140</sup>*Leges*, II, 2, 1, p. 103, § 12.

<sup>141</sup>*Ibid.*, p. 441, § 27.

<sup>142</sup>GREGOROVIVS, *Geschichte der Stadt Rom*, Book V, chap. vi, § 3.

<sup>143</sup>*Leges*, II, 2, 1, p. 146, § 26.

<sup>144</sup>SOHM, p. 497, note 64.

<sup>145</sup>On this development see BONVALOT, *Histoire du droit et des inst. de la Lorraine*, pp. 94, 95.

<sup>146</sup>FLODOARD, Book II, chap. 18; DÜMMLER, Vol. III, p. 571 (Reginar of Lorraine), "comes ac missus dominicus necnon et abba Stabulensis atque Malmundariensis monasteriorum:" from MARTÈNE AND DURAND, Vol. II, p. 33; "Diploma Reginarii" (anno 911); BOURGEOIS, pp. 87-97 (Boso of Burgundy); cf. TAINÉ, *Ancien régime*, pp. 7 ff.: "After Charlemagne everything melts away. . . . During half a century bands of four or five hundred brigands sweep over the country, killing, burning, and devastating with

impunity. But by way of compensation the dissolution of the state raises up at this time a military generation. Each petty chieftain has planted his feet firmly upon the domain he occupies, or which he withholds. He no longer keeps it in trust or for use, but as property and an inheritance. It is his own manor, his own village, his own county. It no longer belongs to the king; he contends for it in his own right. The benefactor, the conservator at this time, is the man capable of fighting, of defending others. . . . The noble, in the language of the day, is the man of war, the soldier (*miles*). . . . In the tenth century his extraction is of little account. He is oftentimes a Carolingian count, a beneficiary of the king, the sturdy proprietor of one of the latest free territories. In one place he is a martial bishop or a valiant abbot; in another a converted pagan, a retired bandit, a prosperous adventurer, a rude huntsman. . . . In any event, the noble of that epoch is the brave, the powerful man, expert in the use of arms, who at the head of a troop, instead of flying or paying ransom, offers his breast, stands firm and protects a patch of the soil with his sword. To perform this service he has no need of ancestors."

The slow operation of forces, working not through one, but through two and three generations, united with great and untoward events, like the Northmen invasions, gradually transformed the Carolingian traditions in character and result. By a gradual evolution the political doctrines of the ninth century took shape in the minds of men, who at last came to believe in the usurpation of public powers by particular persons—to believe that society was founded upon contract and guarantees of mutual fidelity; who came, in a word, to believe that the feudal state was *the* state.