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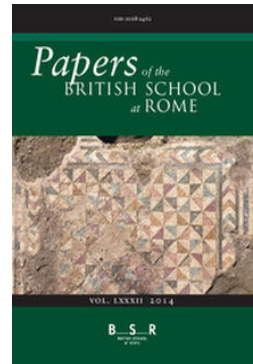
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The Norman Administration of Apulia and Capua more especially under Roger II and William I

Evelyn Jamison

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PAPERS OF THE BRITISH SCHOOL AT ROME

VOL. VI. No. 6

THE NORMAN ADMINISTRATION OF
APULIA AND CAPUA

MORE ESPECIALLY UNDER ROGER II. AND WILLIAM I.
1127-1166.

By EVELYN JAMISON,

Librarian of Lady Margaret Hall, formerly Fellow of Somerville College, Oxford.

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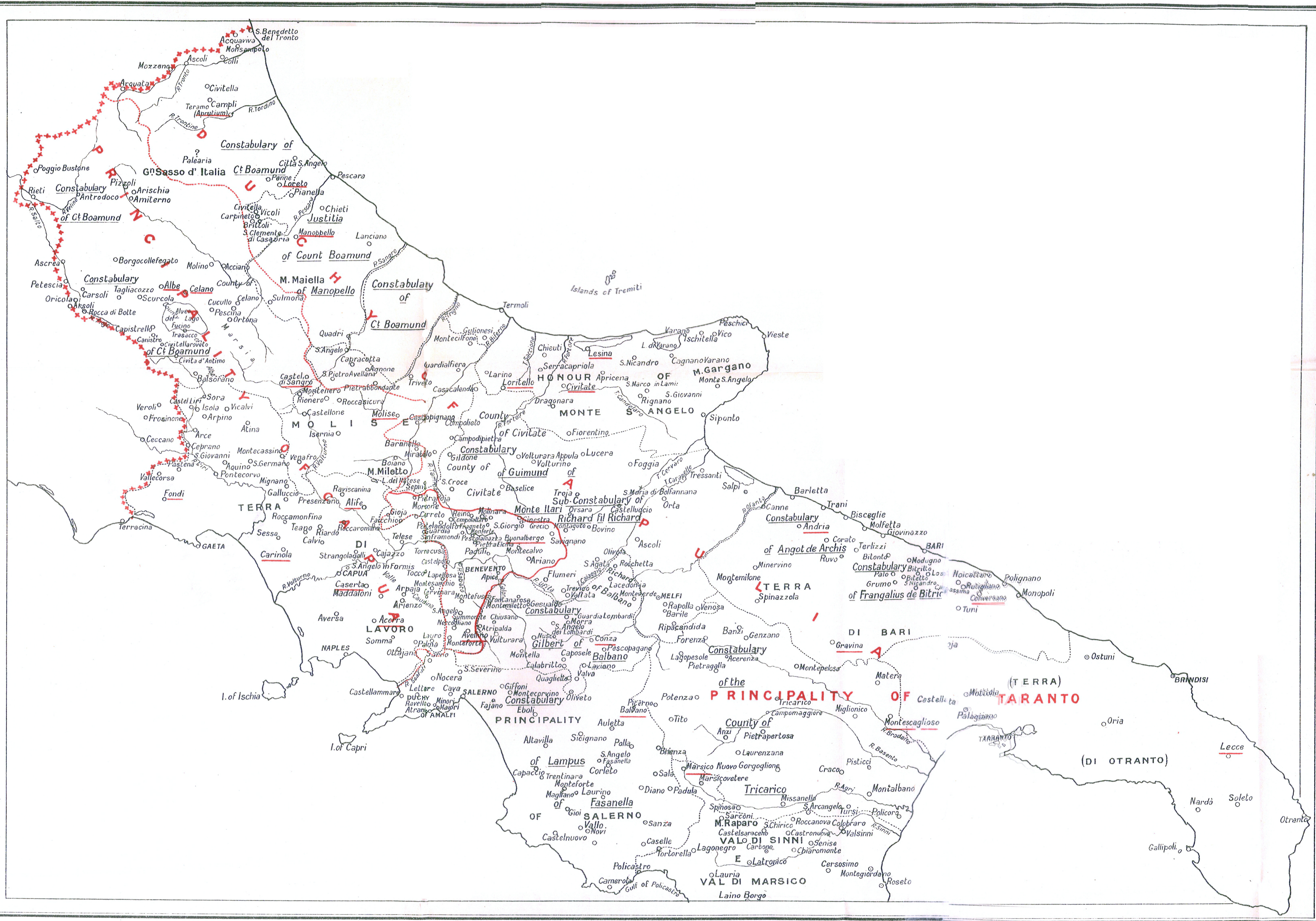
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Amalfi : Collection of manuscripts of the late Signor Matteo Camera—
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Abbreviations.
Chartolarium
Amalphitanum . . .
cura Matthaei
Camera.



+++++ FRONTIER OF THE KINGDOM.
 BOUNDARY BETWEEN THE PRINCIPALITY OF CAPUA & THE DUCHY OF APULIA.

SKETCH-MAP TO ILLUSTRATE THE ADMINISTRATIVE DISTRICTS
IN APULIA AND CAPUA.

Scale 1 in 1,250,000.
 0 5 10 20 30 40 50 60 70 80 90 100 Kilometric
 0 5 10 15 20 25 30 35 40 45 50 55 60 English Miles.

— SUGGESTED BOUNDARY OF TERRA BENEVENTANA.
 CIRCUITS OF THE JUSTICIARS.
 ————— Avellino COUNTIES DESCRIBED IN THE CATALOGUE OF THE BARONS UNDERLINED IN RED.

- Abbreviations.
- Capua : Archbishop's Archives.
- Cava : Archives of SS^{ma} Trinità di Cava—
Original charters and documents.
Dictionarium Archivi Cavensis . . . opus perfectum
a R.P.D. Augustino Venereo et exaratum a R.P.D.
Camillo Massaro. Archives of Cava.
- Monte Cassino : Archives.
Original charters and documents. Codex 64o.
Privilegia et diplomata pro Monasterio S. Matthaei
Servorum Dei. Codex Caveosus. Codex Diplomaticus
Cassinensis. Archives of Monte
Cassino.
- Naples : Biblioteca Brancacciana. Bibl. Brancac. Nap.
Repertorium Omnium Scripturarum Monasterii
Monialium S. Laurentii de Amalfia. IV. F. 4.
Biblioteca Nazionale. Bibl. Naz. Nap.
Cartario di S. Maria di Tremiti XIV. A. 30. mano-
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torno alla Città di Troja in Capitanata Pel Sacerdote
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Vatican Library. MSS. Lat.
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PREFACE.

OF late years the history of the Normans in South Italy and Sicily, both in its political and institutional aspects, has been the subject of considerable investigation. The works of Heinemann, K. A. Kehr, Caspar, Chalandon, Meyer, and even more recently the studies of Herr Niese and Professor Haskins, have thrown much-needed light on the conquest and organisation of the Norman kingdom of Sicily. With this extensive literature in view, it will not be out of place to explain how the present investigation came to be undertaken. Some fifteen years ago, when this wave of interest was as yet hardly suspected, I was attracted, as all students of the Middle Ages must be, not only by the dramatic story of the Norman adventure in the South, but by the extreme importance of the constitutional and administrative system which grew up in the conquered regions. The older writers stimulated rather than satisfied the spirit of inquiry. They drew attention to analogies between Norman institutions in England and Sicily and they indicated a fruitful field of study in the comparison of the two greatest Norman states, holding out the hope of winning by this means more exact knowledge of the primitive Norman system, unaffected by the civilisations with which it came in contact.

In 1903 the offer of the Somerville College Research Fellowship gave me the opportunity to attempt some such inquiry, but it soon became evident that the area must be narrowed before any useful purpose could be served, and I limited myself to the study of the government of the Italian Normans, and that moreover in a part only of their dominions and in a restricted period. The administration took different forms in Sicily and in the provinces of the mainland, and considerable developments appeared during the period of Norman rule. For the present therefore I have only attempted to describe the administration in the duchy of Apulia and the principality of Capua, in the reigns of the first two kings, Roger II. and William I., when it assumed definite shape. Later developments have only been treated in so far as they seemed to illustrate the period of creation. Even this restricted investigation was not finished during the years for which the Fellowship was granted, and the further delay in completion has been unavoidable owing to the claims of other work. A necessary consequence has been the publication meantime of several of the

works mentioned above and of other studies besides, and from these I have received much assistance. I have endeavoured always to acknowledge my indebtedness, but I had in many cases arrived at independent conclusions.

I am very glad to have this opportunity of expressing my thanks for much personal kindness from many friends in England and abroad. In Oxford I am indebted particularly to the late Professor Pelham; to Mr. R. L. Poole, Lecturer in Diplomatic; to Mr. H. A. L. Fisher, Fellow of New College; and to Miss A. E. Levett, Tutor of St. Hilda's Hall, for help and encouragement; and I am under especial obligations to Mr. E. Barker, Fellow of St. John's College, who read the whole of the MS. and gave me the benefit of his criticism and experience. Professor C. H. Haskins of Harvard University has generously allowed me to draw on his special knowledge of the subject; he read the Calendar and Appendix of Documents in proof, and made some valuable corrections and additions. During visits to Italy in 1906 and 1912, my way was made smooth by the influence of the British School at Rome and I owe much to the good offices of the Director, Dr. Ashby. Directly, or through the British Consuls in Naples and Palermo, who gave generous assistance, he obtained permission for me to visit many libraries and archives public and private. The names of most of these collections will be found in the Index of Authorities, but to the list must be added the Archives of the Greek College in Rome and the Library of the Società di Storia Patria, which are not included, because none of the documents from these sources happened to concern the present study. My obligations to all who allowed me to use unpublished material, in their possession or under their care, are very great, and I owe especial thanks to Father Ehrle, Prefect of the Vatican Library; to Don Ambrogio Amelli, Prior of Monte Cassino; to Don Guglielmo Colavolpe and Don Leone Mattei, Archivists of Cava; to the Count de la Ville sur-Yllon, secretary of the Società Napoletana di Storia Patria; to the Signori Camera of Amalfi; and to Professor Garufi of the University of Palermo, who placed at my disposal books and photographs of Sicilian charters. My sister Miss C. Jamison has throughout given me the help of constant discussion and advice, and she has laboriously verified the references. I cannot conclude this attempt to express my obligations more fitly than by offering my gratitude to Somerville College. My debt is twofold: without the assistance of the Fellowship these Norman Studies could never have been undertaken, and I owe much friendship and happiness to many members of the College of my adoption.

CHAPTER I.

INTRODUCTORY CHAPTER: SOUTH ITALY BEFORE 1127.

(1) *The Landing of Roger II. at Salerno: the beginning of the Conquest.*

ON July 25th, 1127, duke William of Apulia died, and in the first days of August his kinsman and vassal, count Roger of Sicily, anchored his fleet in the bay of Salerno. Ambassadors left the ships and demanded the submission of the citizens to the count of Sicily, who claimed their allegiance on the ground of hereditary right. He asserted moreover that duke William, being childless, had during his life-time appointed him his heir. The Salernitans refused submission outright, because, they said, they had suffered much evil at the hands of the duke and his predecessors, and they expected no better from the count of Sicily. Not content with a plain refusal, they made their meaning clearer by killing one of the count's messengers. Roger in spite of this insult continued to urge his claim, and at length his politic self-control was rewarded. He obtained the submission of Salerno, but only at the price of confiding the custody of the castle to the citizens. In the meantime count Rainulf of Alife, the husband of Roger's sister Matilda, came to meet him and sought an interview on ship-board. Once more concessions were demanded as the price of homage. Rainulf asked, and after some resistance received, the subordination of the count of Ariano to himself. At length Roger entered Salerno and the policy he had followed bore its natural fruit in an offer of submission from the men of Amalfi, on the condition that they, too, should keep the fortifications of their city in their own hands. The methods of conciliation adopted by Roger no doubt blinded the citizens of Salerno and Amalfi to the real character of the man who became their ruler, and within very few years they were forced to abandon the privileges for which they had bargained. The initial policy adopted by the count was fully justified in the event. He obtained a firm footing on the mainland in the very region where the ducal authority had been strongest, and he won the unwavering loyalty of Salerno, a true city of refuge in later days. Thus

the first act was accomplished in the formation of the kingdom and the union of all the Norman territories in Italy and Sicily in a single state.

(2) *The Development of the Norman States of South Italy.*

Capua,
Apulia, and
Sicily up
to 1085.

Although, owing to the immediate situation, Roger acted with sudden decision when the news of duke William's death reached him, his plans had long been preparing, and his whole policy on the mainland had been directed towards the eventual absorption of Apulia. Indeed, ever since the death of Robert Guiscard in 1085, the counts of Sicily had made it one of their chief objects to increase their influence in the duchy. The fortunes of the two branches of the house of Hauteville had been determined by the circumstances of the Norman conquest of South Italy and Sicily, and the same circumstances had brought them into close relationship with the papacy and the independent Norman state of Capua.

On their arrival at the beginning of the eleventh century the Norman adventurers found the country in which they meant to make their fortune divided into an incredible number of small states, constantly at feud with each other in ever-changing combinations. There were the Lombard states of Salerno, Benevento and Capua, which had been formed out of the ancient duchy of Benevento; there were the duchies of Naples, Gaeta, and Amalfi, nominally subject to Constantinople, but practically independent and free to make alliances with any power, Greek, Lombard, or papal; there was the Byzantine government, which, driven into the southern extremities of the peninsula by the conquering Lombards, had made a wonderful recovery at the end of the tenth and the beginning of the eleventh century at the expense of Benevento and Salerno. In 1028 the Byzantine revival had reached its height and the territories directly subject to the basileus stretched as far north as Termoli. One more power has still to be added to the list: Sicily, since 831 in Saracen hands. In the early years of the eleventh century Southern Italy was the scene of a duel to the death between the revived Byzantine authority and the Lombard populations, whether held down by the Greek governors or enjoying a still independent political existence in the Lombard principalities. Called in at first to help the insurgents against Byzantine absolutism, the Norman adventurers ultimately transformed the political situation. The duel was changed into a three-cornered fight and the future of the country was

given, not to the Greeks or Lombards, but to the Normans. From this time onwards till the death of Guiscard a struggle can be observed between the anarchy and minute territorial subdivision that was the worst legacy of past centuries, and a unifying force which promoted the formation of larger political units for the future. A complete unification of the country proved impossible till the conquests of Roger II., but it seemed likely that two independent Norman states would be established. In the early days of the occupation there was no single leader to direct the operations of the invaders, and when they began to demand land rather than money as the reward of their services they were established in two distinct settlements, one with Aversa, and the other with Melfi, for a centre. The establishment at Aversa absorbed the principality of Capua, while the duchy of Apulia developed out of the primitive federation of counts who were grouped round Melfi.

The mercenary counts of Aversa, who owed their first territorial possessions to Sergius IV. of Naples in 1028, became after some vicissitudes dependent on Guaimar of Salerno in 1043. About this time Rainulf of Aversa established his power in Gaeta, and between 1058 and 1062 his successors conquered the principality of Capua. By degrees they advanced towards the north-east, subduing the inland plateaux of the Abruzzi, in the regions of Rieti and Amiterno and Marsia. The beginning of the dependence of the principality on the papacy dates probably from 1059, since in this year apparently Richard of Capua received investiture of his dominions from Nicholas II. The relations between Richard and his papal suzerains were somewhat troubled, especially since the policy inaugurated by Alexander II. of playing off the prince of Capua against the duke of Apulia drew him into hostility with the latter power. The internal history of the principality was one of perpetual strife and discord stirred up by the discontented Lombard counts, who could always reckon on the support of the city of Gaeta. The power of the prince of Capua, however, steadily increased and whether in alliance or at war, he proved a dangerous rival to the duke of Apulia.

The Normans of Melfi, under the leadership, first of the Lombard Ardoin, and then of the sons of Tancred of Hauteville, gradually conquered all the districts of the south except Capua and Naples, while another group of adventurers in nominal dependence pushed their conquests north along the Adriatic Coast into the region of the Abruzzi. In 1043, William of the Iron

Arm received from Guaimar of Salerno the title of count of Apulia: in 1047 Drogo was invested as *dux et magister Italiae comesque Normannorum totius Apuliae* by the emperor Henry III., who claimed rights of suzerainty over southern Italy, and at the same time granted the duchy of Benevento to the new ruler of Apulia. Soon the dukes freed themselves from any ties of vassalage towards Salerno, and pursued a course of action directly hostile to their old protector. The position of the new state was regularised in 1059 by the bargain made with Nicholas II. at Melfi. The pope, in virtue of the donations of Constantine and Charles, granted investiture of Apulia and Calabria and any future conquests, and the Normans vowed themselves to help and protect the Holy See. The city of Benevento had meantime passed into direct papal possession. Under Robert Guiscard the Apulian power steadily advanced. The fall of Bari in 1071 marked the final collapse of Byzantine authority, and the hostility to Guaimar culminated in the capture of Salerno and the incorporation of his principality in the duchy in 1077. Amalfi had been in the hands of Guiscard since 1073. Meanwhile the conquest of Calabria had been completed in 1060 by Roger, Robert's younger brother, and the fall of Palermo in 1072, twelve years after the first attack on Sicily, marked the establishment of the Hauteville family in the island. The extent of Guiscard's power in 1080 is shown by the oath of fealty sworn to Gregory VII. in this year. Robert describes himself as duke, by the grace of God and St. Peter, of Apulia, Calabria, and Sicily, and these he holds of the pope: he is further in possession of the march of Fermo, of Salerno, and of Amalfi, but the pope regards it as an unjust possession and the oath does not include these districts, which are to be the subject of a future agreement.

In Calabria and Sicily, Robert had been forced to abandon a portion of his authority to his brother Roger. In that part of Calabria which lies between Monte Intefoli and Squillace and Reggio, the brothers shared the most important castles, in such a manner that each held a definite moiety of every castle. In Sicily, Robert kept Palermo and half of Messina in his own hands, while Roger did homage for the rest of the Island.¹

On the death of Guiscard in 1085, the power of the duke of Apulia was in appearance very great, but already in his life-time there

Condition of
South Italy
on the death
of Robert
Guiscard.

¹ E. Caspar, *Roger II. (1101-1154) und die Gründung der Normannisch-Sicilischen Monarchie*. Innsbruck, 1904, p. 5 and n. 2.

were indications of a return to the condition of anarchy from which the house of Hauteville had, to a great extent, rescued 'the broken provinces of the Greeks and Lombards.' The principality of Capua had proved a constant menace to the Apulian power, and the necessity of entering into an alliance with the rival state in 1076 showed that the Hauteville supremacy in South Italy was but a vision, as long as independent Norman princes ruled in Capua. There were perpetual difficulties, too, with the papal suzerain—overlord alike of Apulia and Capua, and direct ruler of Benevento in the heart of the duchy—and the pontificate of Gregory VII. had demonstrated the advantage to the Holy See of maintaining an equilibrium of power between its Norman vassals. The semi-independent position, moreover, of the Great Count of Sicily might well suggest, granted favourable conditions, the rise of a third state to equal or even greater importance. Further, wedged between the Norman states of Capua and Apulia, the city of Naples had maintained its independence in spite of all efforts to reduce it to submission. Within the duchy constant baronial revolts disturbed the peace, and in the regions of Benevento and Calabria the racial hatred of the Lombards and the Greeks for the Normans was ready to break out, as soon as the iron hand of the Guiscard was removed. The genius of the great duke, too, was rather for war and policy than for government, and he had failed to provide any form of administration that would check the power of the Norman barons and the force of Lombard nationality.

The unity of Apulia was but the expression of a great personality, and the future of the duchy depended above all on the character of the successors of the Guiscard. He left his dominions to Roger, the son of the Lombard Sikelgaita of Salerno, thus disinheriting Boamund, his elder son by a previous marriage with the Norman Alberada. This arrangement was no doubt due to Sikelgaita's influence, and Robert probably hoped that such a disposition might bring about an amalgamation of the Norman and Lombard peoples. The plan was fatal to the prosperity of the duchy: Boamund was not the man to submit to the situation of a landless soldier of fortune, and Roger was even less the man to vindicate the position for which he was destined. Romuald of Salerno paints the portrait of a pleasant courteous man, capable only of small things, and satisfied with modest attainments. His good looks and his kindness gave him a certain popularity, and his love of the church and his deference to

Dismemberment of Apulia under duke Roger.

Establishment
of the prin-
cipality of
Taranto.

the clergy were reckoned among his chief virtues. His reign is marked by a dismemberment of the duchy, and a loss of prestige both with his own subjects and in his relations with other powers. Foreseeing the opposition that his succession was bound to arouse, he had assured himself even before his father's death of the support of the Great Count of Sicily. Thanks to this assistance Roger was recognised as duke of Apulia from the outset, but Boamund chose the first favourable opportunity for revolt, a course which he pursued at intervals during the next dozen years. Roger was only able to ensure peace by the cession from time to time of considerable territories. In 1086 Boamund obtained Oria, Otranto, Taranto, and Gallipoli, as well as the country between Conversano and Brindisi, with the title of prince of Taranto. Four years later Bari and certain places in northern Calabria were added to his possessions, and he managed to win over the counts in the Val Sinni. It is a doubtful point how far duke Roger abandoned his rights, but on the whole it seems most probable that Boamund enjoyed sovereign powers in his principality and was never the vassal of his brother.¹ In any case, the duke lost all practical control of the regions between Melfi and the gulf of Taranto, together with the whole heel of Italy. It is perhaps interesting to notice that the districts which had belonged to the Lombard states of Benevento and Salerno remained in the hands of Roger the son of Sikelgaita, while the Norman Boamund held the region formerly under the direct sway of Byzantium, a region in which the baronage was drawn wholly from the descendants of the Norman invaders, and in which the Lombard element was strong only along the Adriatic sea-board.

Advance of
Sicily.

In addition to the dismemberment of the duchy of Apulia to form a princedom for Boamund, a further loss of territory was suffered by the repeated concessions made to Roger of Sicily. Already in 1085 duke Roger had abandoned his moiety of the divided castles of Calabria² to his uncle in return for his prompt support, a support that was requisitioned on more than one future occasion. The Sicilian branch of the family seized every opportunity to improve its territorial position at the expense of the ducal suzerain. In 1089, the Great Count received the investiture of certain lands near Catanzaro³ after helping to put down

¹ E. Mayer, *Italienische Verfassungsgeschichte von der Gothenzeit bis zur Zunft Herrschaft*. Leipzig, 1909, ii. 372.

² F. Chalandon, *Histoire de la Domination Normande en Italie et en Sicile*, Paris, 1907, i. 288.

³ *Ibid.*, p. 294-5.

the revolt of Boamund and Mihera; and in 1091 duke Roger was forced by his need of military assistance to cede half of Palermo and the administration of the whole city,¹ so that nothing remained to him in the island except half the capital city and the bare title of overlord. The help of the Great Count was sought too by Richard II. of Capua, who in 1097 begged the support both of Robert of Sicily and Roger of Apulia to recover his capital city. The former received as his compensation the cession of all Richard's pretensions over Naples, while the duke of Apulia obtained the homage of the prince of Capua. This advantage, though in fact an empty one, is the sole gain that can be ascribed to the reign of duke Roger. Besides the direct increase of territory which the Great Count secured by his interventions, he sought still further to spread his influence on the mainland by the marriages of his daughters. Emma was married to Ralph Maccabeus, count of Montescaglioso, and Adelaide was the wife of Henry, count of Monte S. Angelo. A third daughter, Matilda, married count Rainulf of Alife, but perhaps the wedding did not take place in her father's lifetime.

The predominant position of the count of Sicily not only in Southern Italy but in European politics is illustrated by his relations with the papacy and the empire. Ever since the death of Guiscard, Apulian support had been an almost negligible quantity with the Holy See in its struggle with Henry IV. Duke Roger played but an insignificant part in the negotiations for the elections of Victor III. in 1086, and Urban II. in 1088, and both of these popes seem to have found their best support in Jordan of Capua. The death of this prince at the end of 1090, brought about a temporary eclipse of Capuan prestige, since the principality was involved in the troubles consequent on a minority. The papacy turned more and more to the only effective South Italian power till the death of the Great Count in 1101. The Sicilian ruler possessed one great asset in his dealings with the papacy, and that was his position as an outpost of Christendom. This explains the acquiescence of Urban II. in Roger's high-handed arrangement of the Sicilian dioceses, and in 1098 the grant of legatine authority over the island confirmed the count's exceptional position in relation to the church of Sicily. As the champion of the papacy against the emperor Henry IV., Sicily assumed for the first time a European importance when Roger's daughter Constance was married to Conrad the revolted son of Henry.

European
position of the
Great Count
of Sicily.

¹ Caspar, p. 6.

After the death of the Great Count, during the minority of his sons, Sicily disappeared for a time from the circle of European politics. The energies of the regent Adelaide were absorbed in maintaining authority over the island, and her policy assumed a marked oriental tinge. Nevertheless, the weakness of the duke of Apulia was made more than ever apparent, for he took no steps to recover lost ground towards his Sicilian vassal.

Social condition of Apulia and Capua at the beginning of the twelfth century.

The last ten years of his reign seem to have been passed by duke Roger in a round of pious donations and ineffectual efforts to suppress rebellion. He died in 1111, leaving the duchy to his son William under the guardianship of his mother. Contemporary writers insist with painful emphasis on the anarchy into which the regions of Apulia and Capua had fallen. It was the one fact which could not fail to strike every observer. The ducal authority was utterly ineffective as a means of checking private war between baron and baron, and between baron and city, or of putting down the rebellion of baron and city alike against their suzerain. There was no power with means and vigour sufficient to protect the poor and defenceless classes of the community.

The internal history of the Norman states at this time was profoundly influenced by the varying fortunes of pope and emperor, between the capture of Pascal II. in 1111, and the Concordat of Worms in 1122. The success of Henry V. during the early part of this period of the Investiture Contest, had the effect of sending a wave of revolt through the Lombard populations of the south. Besides the encouragement given to the Lombards, another effect of the papal and imperial struggle was felt. The ascendancy of the partisans of the emperor often made Rome an impossible place of residence for Pascal and his successors, and compelled them to seek aid and refuge in the Norman states. The frequent residence of the popes in the south marks a new stage in the relations of the Norman princes towards their suzerains. At the moment of greatest need, they were least able to give the aid required. Recognizing easily enough the causes of Norman weakness, the popes interfered actively in internal affairs. Not only did they endeavour to patch up reconciliations between the princes and bring to an end the constantly recurring wars, but they further occupied themselves in holding councils up and down the country to institute the truce of God. The popes no doubt justified this interference by their position as vicars of Christ and suzerains of Apulia and Capua, but in essence their action did not differ from that of the private individuals or

associations, who in other countries endeavoured by the machinery of the *treuga Dei* to supply the lack of public authority.

The relative importance of the Norman states, between 1111 and 1127, is best illustrated by the history of their dealings with the papacy. Up to 1120 the strongest power was undoubtedly the principality of Capua, since it alone was ruled by a man of full age, and here the popes found their only real support. Robert I. repeatedly sent troops to the assistance of Pascal and Gelasius, and when they were driven from Rome they found a refuge at Gaeta or Capua.

The Norman States and the Papacy 1111-1127: Capua.

Meanwhile, in the year 1115, duke William of Apulia attained his majority. He is described as a man of medium height, slight in build, a daring and active soldier, well-skilled in knightly exercises. For the rest, his piety and generosity, his lack of self-assertion, his easy manners and good-nature, recommended him to his barons, who made capital out of the unauthoritative disposition of their duke, their general attitude being one of frank contempt. In 1114 William received investiture from Pascal II. at Ceprano and his relations with this pope and his successors were consistently friendly. In spite of his good-will, however, William was powerless to render effective assistance to the occupants of the Holy See. His presence is indeed mentioned with the army under Robert of Capua that restored Gelasius in 1118, but he seems to have played only a secondary part. In general the respective positions of the duke and the pope are reversed: the duke is no longer the armed protector of the pope; but the pope has become the patron of the duke who attends his councils and accepts his intervention in the duchy. The picture of the reign of duke William is but a copy of his father's painted in even darker colours. The ducal authority became restricted to an ever-diminishing region, which, by the end of the reign, seems to have included little more than the principality of Salerno. The other portions, whether nominally subject to the duke like the Terra Beneventana and the county of Loritello, or forming an independent lordship like the principality of Taranto, threw off all obedience to any constituted authority. Side by side with outbreaks of feudal lawlessness, a remarkable movement towards independence surged through the town populations of the duchy. Already apparent in the revolts of Amalfi and Cosenza under duke Roger, the movement gathered force in the reign of his son. The cities were divided by intense party feeling, and this found its expression in constant fighting and intrigues

within the walls, and in revolts against the authority of the overlord, with the aid, as often as not, of one or another of the barons of the surrounding country.

Nowhere perhaps was the vitality of the cities and the turbulence of the baronage better shown than in the ancient duchy of Benevento. Here the forces of disintegration were able to draw fresh vigour from the tangled political obligations of the region, for the boundary between the principality of Capua and the duchy of Apulia passed but a few miles to the west of the papal city of Benevento. From the close of the eleventh century onwards, the region was the scene of a never-ending *guerra* between the citizens and the Norman barons of the surrounding country. Even Robert of Capua himself did not disdain to take part in the petty wars of pillage. To a great extent the *guerra* developed into a struggle on racial lines between the Lombard citizens and the Norman barons. Within the city two factions disputed the various offices of importance. On one side stood the Lombard party headed by the capable constable appointed by Pascal II. to defend the city from its external enemies, and on the other stood the party in alliance with powerful Normans, such as Jordan of Ariano and Rainulf of Alife, led by the archbishop Landulf.

Further south, in the principality of Taranto, a similar situation existed, and Bari played the part of Benevento with such success as to form an independent state. Boamund I. had virtually abandoned his Italian possessions when he joined the First Crusade, and in spite of the presence of his catepans at Bari, the neighbouring districts gradually departed from their allegiance. On the death of Boamund in 1111, his widow Constance tried to secure the principality in her son's name, and in the attempt lived a life of thrilling adventure and hair's breadth escapes. She found a supporter in Tancred, a brother of Robert of Conversano, and gave him a quarter of the city of Bari. The citizens revolted and soon placed themselves under the leadership of their archbishop Riso. A few years later, Constance, after many changes of fortune, gained the support of Riso. As in Benevento, so in Bari, there were two parties: one faction, under Peter Johannikios and Argyrus, aimed at independence for the city, and the other faction led by the archbishop and Grimoald Alferanites relied for the time on Constance. During 1117 the assassination of the archbishop and of Argyrus left Grimoald master of Bari. He now sought to make himself independent at the expense of Constance and before June 1118 he

was recognised as prince of Bari. A year later she was a prisoner in his hands, and although the intervention of the pope obtained her freedom, Bari had wholly shaken off the Norman rule.

After 1120, the most interesting and significant movement in Sicily. Southern Italy was the steady rise of the young count Roger of Sicily to a prominent position in Apulian politics. But scanty records of the years of his minority have survived: nevertheless, there are not wanting hints that the regent Adelaide met with opposition and rebellion from the Norman lords of the island, and found the best counterpoise to their unruliness in a reliance on ministers of Greek or Arabic extraction. In 1112 the count attained his majority, and Adelaide sailed away to Acre to assume the coveted position of queen of Jerusalem. She seems to have left no heritage of external complications to her son, and at home Roger succeeded to a well-administered state and a well-filled treasury. At first his personal government followed the general lines laid down by his mother and her ministers, but soon a certain expansion in his ideas may be noted. His aim seems to have been to make Sicily the commercial centre of the Mediterranean.

The pursuit of this policy did not satisfy all count Roger's ambition, and from 1117 onwards he turned his energies to the task of recovering the position of his father in European politics. His immediate points of contact were found in his relations with the papacy and with the Norman states of Southern Italy. The Great Count had enjoyed the friendship of Urban II. and had received from him the famous legate powers conferred by the Bull of 1098. His son, however, from the outset seems to have fallen under papal displeasure and this disadvantage pursued him during his whole reign of half a century. Men and circumstances had changed since 1098: the balance of success in the war of Investitures was inclining to the papal side, and Roger II., scarcely more than a boy and of no account in the counsels of Europe, did not seem to Pascal worth the concessions which Urban had been willing to grant to the Great Count. About the year 1117 a controversy arose concerning the limits of the legate authority of the Sicilian count, and Pascal took the opportunity of reading Roger a lecture on the duties of a Christian prince, while tacitly assuming the papal right of sending legates *ex latere* to Sicily.

In his relations with Apulia, Roger took up his father's plans and continued his policy of making capital out of the duke's necessities.

Roger II. and
the succession
to Apulia,
1121-1127.

Concession after concession of territory was granted in return for assistance in troops and money. The childlessness of duke William gave special point to Roger's efforts to obtain land and influence in the duchy, for the idea of succeeding to the inheritance of the elder branch of the Hautevilles soon developed into a definite aim. The chief difference in the Apulian situation since the death of the Great Count was the changed attitude of the papacy. The interference of Pascal and his successors within the duchy has already been noticed, and this interference was extended to the relations between duke William and count Roger. Frankly hostile to the rising power of Sicily, Calixtus II. exerted all his influence to check the designs of Roger and to preserve if possible the independence of the duchy. His efforts were rendered of little avail by the continual endeavours of the Apulian barons to stir up strife and by the impecuniousness of duke William. The history of Roger's dealings with Apulia is somewhat difficult to place in its proper order. It seems fairly certain that some sort of agreement was drawn up in September 1121 between Roger and William, for at that date Calixtus II. travelled to Salerno in order to confirm a treaty of peace which they had concluded.¹ We do not know whether the agreement was due to an invasion by Roger of his cousin's dominions, or to William's need of money, but it is not unlikely that the terms of the treaty included the pledging of Calabria to Roger for 60,000 besants, the first of a series of similar transactions.² In October or November of this same year 1121, within a month or two of the treaty, Roger invaded Apulia and Calabria and laid siege to the castle of Niceforo near Catanzaro.³ We know so little of the conditions of the treaty, that it is impossible to say whether the count of Sicily's action was justified. Any way Calixtus felt it his duty to urge Roger to desist; he seems to have met with no success at the moment in his efforts to restore peace, and later he was unable to prevent Roger getting all the advantage he desired in a

¹ Falco Beneventanus, *Chronicon in Cronisti e Scrittori sincroni Napoletani*. Ed. del Re. Naples, 1845, i. 184

² Romoaldus Salernitanus. *Annales* ed. Arndt in *M.G.H.SS.* xix. 418 . . . *predictus dux . . . primo Calabriam pro sexaginta milibus bisantiorum prephato comiti in pignore posuit. Postea mediam civitatem Panormi.* Falco (p. 186) combines these two transactions which Romuald places at different times, and ascribes them to the spring of 1122 (after March); the account of Romuald seems to be the more probable. Cf. Kinnamos *Ἐπιτομή* ed. Meineke in *Corpus script. hist. byz.* Bonn, 1836, Lib. III. 1, p. 89.

³ I. M. Watterich, *Pontificum Romanorum qui fuerunt inde ab exeunte saeculo IX usque ad finem saeculi XIII. Vitae ab aequalibus conscriptae*, Leipsic, 1862, ii. 116.

second treaty, which was drawn up with the duke in February 1122. The terms are once more uncertain. At any rate peace was restored, and shortly afterwards, probably in May, William visited Roger to lay the iniquities of count Jordan of Ariano before him and to implore his help. Another treaty was apparently concluded,¹ and as a result of these agreements Roger found himself in possession of the ducal half of Palermo and Messina, while Calabria, which he had held in pledge, now passed completely into his hands.²

During the years 1123 and 1124, we know nothing of William's doings, but Roger apparently never ceased his aggressions in Calabria and the county of Montescaglioso, which he claimed as the heir of his sister Emma, widow of Ralph Maccabeus count of Montescaglioso, and of her son Roger.

By 1125 the childlessness of duke William seemed assured, and the efforts of Roger of Sicily to increase his prestige in Apulia culminated in an interview at Messina at which William formally recognised him as the heir to the duchy, in consideration of a large sum of money.³ This agreement does not seem to have been ratified by duke William on his deathbed, and this failure to confirm by will a compact entered into in life, imperilled, in the opinion of the time, Roger's right to succeed.⁴ The count of Sicily was engaged in preparing an expedition against certain Mediterranean

¹ It seems fairly clear from the combined evidence of the interpolator of Romuald and Falco that there were two treaties in 1122, one in February to make an end of Sicilian aggression, and a second a little later to arrange an expedition against Jordan. The interpolator (R.S. p. 417) gives February as the date of the conclusion of peace, but he places the reception by William of 700 knights against Jordan, at the same time. Falco on the other hand knows nothing of a peace in February and puts the complaint of William against Jordan some time after March (F.B. p. 186). Falco is likely to be well informed about the doings of the count of Ariano, and the supposition that there was a second treaty is the more probable, since Falco's account of William's visit to Roger does not suggest that a state of war existed between them at the moment. Moreover the campaign against Jordan began about the middle of June, and since it was undertaken the moment the Sicilian troops arrived, and these were handed over to William immediately the negotiations were concluded, the agreement between Roger and William must have been drawn up some time in May. Consequently the treaty cannot reasonably be identified with the peace of February.

² Falco (p. 186) states that the cession of the ducal half of Palermo and Messina and the whole of Calabria was the price paid for 600 troops and 500 ounces of gold which William received in the spring of 1122; Romuald (p. 418) on the other hand distinctly separates the pledging of Calabria from the sale of Palermo. It may be that Falco is in error in attributing what were really distinct concessions to the same occasion, or on the contrary, it is possible that Calabria now passed fully into Roger's hands instead of merely being held in pawn.

³ R. S. p. 418.

⁴ Alexander Telesinus, *De Rebus Gestis Rogerii Siciliae Regis Libri Quatuor*, Lib. I. cap. 4, p. 91, in *Cronisti e Scrittori Sincroni Napoletani*, ed. del Re. Naples, 1845, vol. i.

islands when the news of William's death reached him. The moment for which he had been preparing for years had come, but the circumstances were not wholly favourable, since the suddenness of William's death without a definite recognition of his cousin's right made the task of conquering Apulia more difficult. Roger lost no time in trying to make good his defective title, and at the beginning of August, as has been related already, he reached Salerno and began the great adventure of his life.

CHAPTER II.

DEVELOPMENT OF THE PROVINCIAL ADMINISTRATION.

(I) *Conquest and Reform under Roger II.*

BETWEEN the landing at Salerno, and the Great Court at Ariano in 1140, when the union of Sicily and Southern Italy in a single monarchy was an accomplished fact, more than a dozen years of constant fighting confronted count Roger. In the early period of the struggle he probably failed to realise the length of the contest and the extent of the forces arrayed against him. From the first he must have had a tolerably clear conception of his goal in the formation of a strong South Italian kingdom, and yet he did not conceive of further elements of opposition to his scheme than those with which his interference in Apulian politics had made him familiar; the papacy probably, more certainly the baronage and towns. Nevertheless, as the struggle went on, it involved ever-widening interests, until it became the battle-ground on which the great powers of Europe fought out the problems of political and ecclesiastical theory. Not only the pope, but the pope's champion Bernard, not only the petty nobles and cities of the South, but the Emperors of East and West and the sea-states of the Mediterranean played their parts. In one sense the struggle which began in July 1127 merely meant the reunion of the dominions held by Robert Guiscard, in another, it implied a contest between the universal theocracy that strove to dominate Europe from the eleventh century to the thirteenth, and the lay states organised on national lines that began to appear in the twelfth.

The European aspect of the struggle is for the most part outside the

purpose of the present investigation, which is concerned rather with the effect of the conquest on the internal administration of the country. With Roger conquest and organisation went hand in hand: he determined from the outset to make his power a reality in Apulia, and each stage in the occupation was immediately succeeded by measures for its better government, measures which always bore a definite relation to the precise nature of the hostility directed against him. One of the most interesting features of the history of this period of Roger's reign is the development of his character and methods in a manner corresponding to the development of the forces against him. There is always a definite connexion between the growth of the internal administration and the external events of history.

Another point of considerable interest is presented by the way in which the organisation given to Southern Italy by Roger II. and continued by his successors arrested the development of the country on natural lines. Here, as in Lombardy, there was every sign that a political system of city-states would be worked out through the ordeal of long conflicts between nobles and townsmen. The Norman monarchy put a term to this struggle: the cities were forced back into the position of demesne towns, and genuine city life was killed. Henceforth the feudal element was to be far stronger than the civic element in the kingdom.

1127-1130. *The Union of Apulia, Calabria and Sicily.*—The first period in the conquest and organisation of Apulia extends from the death of duke William in 1127 to the death of pope Honorius in 1130. It is marked by the agreement at Benevento which defined the relations of the new duke of Apulia to the papacy on the one hand, and to the principality of Capua on the other, and by the Great Court held at Melfi which laid down Roger's conception of government and the rights and duties of sovereign and subject. These two measures resulted from the necessity of establishing a *modus vivendi* between the duke and the various elements of opposition. His claim to the duchy of Apulia was met by the formation under the leadership of Honorius II. of a league of his new subjects, the barons and towns of Apulia and the Terra Beneventana, with his natural rival, the prince of Capua. Hitherto their interests had been contradictory: now Roger's appearance, not merely as the supporter of his cousin, but as his would-be successor, united all against him.

So far as the barons and towns were concerned, the coronation of Roger as prince of Salerno and duke of Apulia did not create any new legal situation. In theory he simply stepped into the place of duke William as their lord. Consequently he inherited the same restless but unorganised opposition that had darkened William's life and broke out with fresh vigour at his death. For the moment indeed Roger's vigorous action in winning over Rainulf of Alife and the ducal towns paralysed the revolt, but at the same time it emphasised the practical change that had taken place in the situation. Men like Jordan of Ariano, who had, moreover, good cause of their own to remember the effectiveness of Roger's troops, can have thought *no effort too great to prevent the resolute count of Sicily setting himself up as duke*. This practical aspect of affairs was perceived not only by the barons and towns in the central regions that still nominally acknowledged the duke's authority, but also in the independent principalities of Bari and Taranto. A leader appeared in Honorius II. The Sicilian claim seriously modified the relations existing between the Norman states and the papacy, and Honorius persistently refused to admit it. The previous intercourse between Roger and the Holy See had been, as we have seen, far from cordial, and Honorius knew enough of the young count's character and record to feel sure that his success in the duchy would prove the death-blow to the preponderance of the papacy in the South. The union of Apulia with Sicily and Calabria would destroy the balance of power and no longer would the counts of Salerno and Capua neutralise each other. Robert II. of Capua, who had just succeeded to the principality, was no less sensible of the menace to his power and was eagerly ready to support the pope.

The First
South-Italian
Coalition,
1127-1129.

The papal call to arms was answered, during the autumn and winter of 1127, in the principality of Capua by Robert himself and his vassal for certain lands, Rainulf of Alife, Roger's own brother-in-law; in Apulia by Roger of Ariano, Jordan's successor, by the town of Troia under its bishop, and by the barons of the South, Grimoald of Bari, Tancred of Conversano and his brothers, and Geoffrey of Andria. The league did not long hold together: owing to its division into a northern and southern group, there were now, as always throughout the conquest, two theatres of war, and although Roger was obliged to undertake double campaigns, the failure of the confederates to act in concert was not the least cause of their defeat.

By August 1128, after a thoroughly unsuccessful campaign, the pope, unsupported by the coalition he had created, saw himself forced to an agreement with Roger, which was, he hoped, of the nature of a compromise. He withdrew the sentence of excommunication he had pronounced and granted investiture of the duchy with the homage of the principality of Capua: the duke for his part took the oath of fidelity and did homage to the pope, promising at the same time to respect the integrity of the principality.¹ The balance of success undoubtedly lay with Roger: he had regularised his conquests and had won recognition of his claim in the eyes of the world; the Apulian barons in arms at the moment became henceforth mere rebels. But the treaty of Benevento stood for more than the immediate advantage: it sketched out the general relation that the new South Italian state was to bear to the papacy. By acknowledging at the outset the rights of the Holy See as suzerain Roger gave up any intention of attaining absolute independence. The pope on his side was compelled to acknowledge Roger's position on the mainland, but by the stipulation concerning Capua, he hoped still to preserve some sort of counterpoise to the Sicilian-Apulian power. The loyalty with which Roger strove to obey this clause of his oath is worthy of attention: only when he was absolutely forced by the action of the prince himself did he take the principality into his own hand.

After this settlement with Honorius Roger had now to adjust his relations towards his subjects. In spite of the defection of the pope the rebels continued the struggle, and it was not till after a vigorous campaign in 1129, that their resistance was broken. Once submission was secured, Roger adopted an attitude of conciliation: the lands lost by the Apulian counts during the fight were restored, the counties remained in the hands of their old possessors, and Grimoald kept the city of Bari. Towards the towns, too, Roger stayed his hand for the moment: he hoped to restore peace and justice rather by broad measures on which his power should be established legally than by acts of repression against the rebels. So far, his reign had not improved the condition of utter misery that was the fate of the defenceless classes of the community: rather indeed had matters grown worse, since revolt and its attendant evils had spread over all the regions of the country. Every campaign, every skirmish meant that the villages were given over to fire and pillage, olive trees were cut down and vines

The Treaty of Benevento with Honorius II., 1128.

The Great Court at Melfi 1129.

¹ Caspar *Regesten in Roger II.* p. 501.

grubbed up and newly-sown cornlands ploughed over, till the wonder was that anything was left to burn or to waste. The chroniclers of the time grow eloquent in describing the horrors moral and physical of their day.¹ The cause of the evil lay plainly enough in the contempt for the ducal authority throughout the country. Roger must show that he meant to be master in the duchy if the blessings of peace and justice were to be secured. To this end, he summoned to Melfi in September 1129 a great provincial assembly, and there he promulgated an extensive peace edict. It was the first of the great courts which mark the most important undertakings of the reign up to 1140: after this date we have comparatively little information about these gatherings, although the holding of a solemn *curia* is often recorded. The court at Melfi was attended by the counts, bishops and abbots of all Apulia and Calabria: perhaps representatives of the ducal towns also attended, but of that we know nothing. An oath of fidelity to the duke and his sons Roger and Tancred was imposed on all the counts, and they were forced to swear adhesion to a ducal edict, ordering the cessation of private war between members of the knightly class, and the promulgation of a perpetual and universal peace. The oath bound them henceforth to maintain peace and justice; not to shelter men who had committed larceny and rapine on the ducal lands nor to approve their deeds; to give up malefactors to the justice of the duke's court wherever he should establish it; and to observe and keep the peace towards all the non-knightly classes throughout his dominions, ecclesiastics, labourers, villeins and the whole population, together with their property, as well as towards pilgrims, travellers and merchants.²

¹ Cf. A. T. Lib. I. Praefatio, p. 28.

² Descriptions of the measures taken at Melfi are supplied by Alexander of Teleso and the interpolator of Romuald of Salerno, who emphasise different aspects of the peace, thus supplementing each other's account. A. T. Lib. I. cap. xxi. pp. 99, 100. *His quoque peractis Dux Melfiam properans, cunctos Apuliae Optimates ad se convenire jussit, quibus etiam inter caetera edictum dedit, ut in pace permanentes alterutrum non adversarentur. Simulque eos jurare compulit: ut ab ipsa hora, et in antea iustitiam, et pacem tenerent, et adjuvarent tenere, nec manu tenerent homines, qui latrocinium, aut rapinam facerent in terris suis, nec esse consentirent. Et si aliquis ibi hujusmodi malefactor reperiretur, sine fraude, curiae suae, in loco a se constituto, ut iustitia ex eo fieret, praesentarent, et quod Ecclesiasticis personis, et rebus earum, videlicet Archiepiscopis, Episcopis, Abbatibus, Monachis, omnibusque Clericis, laboratoribus, villanis, et cuncto populo terrae suae dominationis cum rebus eorum, nec non peregrinis, viatoribus, mercatoribus pacem tenerent, et observarent, nec eos inquietarent, nec inquietari ad suum posse permitterent. . . . Cum ergo ibi Dux aliquandiu moratus haec, et his similia ad commune proficuum disposuisset. . . . Tarentum ipse regreditur.*

R. S. p. 419 Anno ab incarnatione Domini 1130, indictione 9. mense Septembris (1129) dux

The true significance and importance of the measures taken at the Great Court at Melfi in 1129 have only recently received the emphasis they deserve. In essence and in form they were neither more nor less than a landpeace and consequently they belonged to a system which had been evolved in western Europe for the maintenance of order in an age of anarchy. Southern Italy and Sicily had not remained unaffected by the institution, and in making the promulgation of a General Peace the basis of the restoration of law and justice, Roger introduced no innovation, but rather linked his government to methods already well-known. Nevertheless certain important modifications appeared in the Peace of Melfi which laid the foundations for the reform of the administration as well as for the introduction of a penal code.

Fully to understand the bearing of Roger's action at Melfi and the conception of the *pax ducis*, it is needful to go back and explain the growth of the peace movement in South Italy and Sicily.¹ At the end of the eleventh and the beginning of the twelfth centuries these regions had not remained strangers to the peace movement permeating western Europe. Differing as the two portions of the Norman conquests did in so many respects, we should expect that the institution of the peace would take different forms in Sicily and on the mainland. Sicily seems to have followed the model of the secular peaces of the period: some time between 1091 and 1094 the Great Count promulgated a peace, but we know nothing of its provisions except that it was a perpetual peace, for he describes his act with the words *pacem posui continuam*. In other words, all seasons were equally sacred and the peace was to last for ever, not merely for a term of years. We have no means of knowing whether it was universal or whether only certain classes of persons were protected. To judge from the analogy of the Great Peace of Melfi, it was probably of general application.

The Conception of the Pax Ducis as the basis of Administrative Reform.

itaque Rogerius postquam omnes Apulie civitates suo subiugavit dominio . . . venit Melfim fecitque ibidem congregari omnes comites Calabrie, Apulie, Salentine [Salerni?] Brizie et Lucanie, Campanie, etiam episcopos, et abbates; iussitque omnibus comitibus ut sibi filiisque suis id est Rogerio et Tancredo omni tempore fideles essent et obedirent suis preceptis, nec in terris eorum furta et latrocinia sinerent esse nec consentirent. Et his omnibus prescriptis sacramento firmatis mense Octubris reversus est in Siciliam.

¹ Niese, *Die Gesetzgebung der Normannischen Dynastie im Regnum Siciliae*, Halle A. S. 1910.

I am indebted in the following pages on the development of peace institutions and their adoption by Roger II as the starting point of his legislation and administration, to this suggestive study—especially to Kapitel II, *Der Reichslandfriede*, pp. 19–36.

In Apulia on the contrary, the central power was too weak to enforce a secular peace, and only the truce of God, frequently renewed, is known to have preceded the conquest of Roger II. Urban II. at Melfi in 1089 and at Troia in 1093 promulgated the truce of God. His example was followed by Pascal II. in 1115 and by Calixtus II. in 1120,¹ both of whom held councils at Troia at which the *treuga Dei* was sworn by the assembled magnates. The truce of 1115 is specially interesting because it marks a distinct advance on previous efforts. It was sworn by count Jordan of Ariano, by the count of Loritello and by other barons of Apulia, and instead of protecting certain days and seasons only, it was to protect every day of the year for three years. That the truce thus sworn was to a considerable extent observed, may be inferred from the fact that no outbreak of count Jordan is recorded till after the expiry of the three years. The spring of 1119 however was marked by the *guerra* that began again between the count and Rainulf of Alife,² and it is interesting to notice the efforts made, in the absence of Calixtus II. beyond the Alps, by the archbishop of Benevento and the papal rector of the city to oppose some barrier to the outburst of anarchy. A synod held at Benevento endeavoured to protect the merchants travelling to and from the city by an anathema pronounced against all who molested them,³ and in 1120 the cardinal and the archbishop-elect arranged a truce between Jordan and Rainulf, from the month of May till the following August, in which truce Benevento was included.⁴ Before the term of the truce had expired, Calixtus had reached Benevento, and in August he promulgated a fresh peace at Troia in the presence of duke William, count Robert of Loritello, and count Richard of Andria, but of the provisions of this peace no details have been preserved. The efforts of Calixtus are nevertheless important since they brought the pope into contact with Roger of Sicily. Immediately after the truce was proclaimed at Troia, Calixtus hastened to Salerno to confirm a treaty made between duke William and his cousin. In this way, the peace movement was directly forced on Roger's attention, and his edict at Melfi in 1129 bears, in form, a close resemblance to the papal measures that preceded it, besides recalling certain features of the secular peaces of northern Europe.

On analysing the accounts given by the chroniclers of the assembly at Melfi, it becomes apparent that a threefold oath was forced on the magnates

¹ Niese does not mention this truce arranged by Calixtus. cf. Chalandon i. 321.

² F. B. p. 176.

³ F. B. p. 176.

⁴ *Ibid.* p. 180.

of Apulia and Calabria: they swore fealty and obedience to the duke and his sons; they swore, too, to obey a ducal edict which forbade private war between members of the knightly class—the *guerra* which fills such a large part in contemporary annals; and finally they swore the oath common to all peaces of the period, to observe peace and justice, to abstain from aiding and abetting theft and robbery, and from molesting all ecclesiastics, labourers, villeins, merchants, and travellers.

Although this last oath has something of the nature of a well-worn formula, nevertheless even here an advance on the truce sworn at Troia in 1115 may be observed. Then the safety of the non-knightly classes was only guaranteed for three years, now, in Apulia as in Sicily, there will be a perpetual peace, for the oath binds the feudatories henceforth from the moment of taking it. Of far greater significance, however, than this advance are the other obligations forced on the magnates by the duke at Melfi. The oath of fidelity taken by all the counts¹ was the keystone of Roger's reforms: while nothing was ostensibly changed in their powers and possessions, it struck directly at the independence of those counts who held their lands and privileges only by the grace of God, and it prepared the way for the extended theory of treason which was peculiar, in the twelfth century, to the Sicilian monarchy. At every fresh stage in the conquest it will be seen the oath of fidelity was imposed, and not only on the magnates but on all classes of the community, or at least on all free classes, and in one instance the very form of the oath has been preserved. One more aspect of the oath of fidelity imposed at Melfi must be observed: not only do the counts promise to be faithful to the duke but in the same breath they promise to obey his precepts—that is, the edict against *guerra*, as well as the prohibition of theft and other crimes. In this way, a special connexion reminiscent of Anglo-Norman usage is established between the lord's peace and the oath of fidelity.² In Southern Italy, as in England and Normandy, a breach of the peace will henceforth be construed as a breach of the feudal bond, and crimes of violence will be punished as felonies.

The edict of the duke forbidding private war between the barons

¹ The interpolator of Romuald of Salerno (p. 419) alone mentions the oath of fidelity, while Alexander of Telesse, who gives a fuller account of the peace in other respects, omits it altogether.

² Niese, *Gesetzgebung*, does not seem to have noticed this identification of the oath of fidelity with the provisions of the Peace at Melfi.

themselves was a step of immense importance. Heretofore the prohibition of attacks on the non-knightly classes had given a tacit acknowledgment of the right of feud claimed by the baronage. Now Roger abolished it in one brief sentence—an achievement only equalled in contemporary Europe in England and Normandy. The exact terms of the edict have not been preserved by the chroniclers, but it is not improbable that certain phrases have been embodied in one of the later Assizes of the Kingdom.¹

The net result of the peace of Melfi was to enhance the power of the duke and to put the responsibility for the maintenance of law and order into his hands. The old *treuga Dei* which was established by a voluntary oath gave the enforcement of the peace to the *conjuratores*. Now, however, that Roger had compelled the barons to swear obedience to his edict, the peace became his peace, and the punishment of its breach lay in his hands. A legal basis was provided for the new conception of the ducal power, and the peace not only contained in the 'precepts' the beginning of the penal code, but it became as well the starting-point of a thorough reorganisation of the government, because the exercise of the legislative power carried with it the duty of seeing that the laws were obeyed throughout the country. In 1129 almost all the machinery of a strong administration was wanting, and Roger did not as yet introduce any change in the actual working of the state. Nevertheless in the peace itself there are not wanting signs of coming changes. The reference to the duke's court as the proper means of punishing thieves and robbers shows that already it was part of Roger's scheme to make his justice a reality, although there is nothing whatever to suggest that he had then undertaken the remodelling of the judicial system. Again the association of his sons Roger and Tancred with himself in the oath of fidelity may have been merely intended to ensure their succession, but it may also indicate that the plan of governing the mainland through the princes was already developing in Roger's mind. Although admini-

¹ *Codice Vaticano*, ed. F. Brandileone in *Il Diritto Romano nelle Leggi Normanne e Sueve del Regno di Sicilia*. Turin, etc., 1884, p. 113, No. xxxi. *Si providentia regie celsitudinis nullo modo patitur inter regni nostri limitem baronum nostrorum quemlibet alterius castrum invadere, predas committere, cum armis insurgere vel inique fraudari*. Niese (p. 26) would make only the first of these prohibitions *alterius castrum invadere* apply to the barons, while the others, *predas committere, cum armis insurgere, vel inique fraudari*, are of equal application to all classes of the community. Consequently he argues that carrying of arms and pillage were forbidden to all classes. While admitting that these crimes were not specially reserved to the knightly classes, I cannot agree to the distinction which Niese here makes; the *quemlibet baronum nostrorum* is the subject equally of all the co-ordinate clauses, and the whole passage does no more than describe a baronial feud.

strative changes were as yet seen only in germ in the Peace, Roger at once began to vindicate in practice his legal rights towards the barons and towns. He did not at this time attempt to alter anything in the position of the feudatories as a class, but the banishment of Robert of Grantmesnil illustrates his policy of compelling individuals to acknowledge the obligations towards their suzerain, imposed by the oath of fealty.¹ Soon after the struggle with Robert, the duke turned against the cities, and as early as the spring of 1130 he set on foot an organised plan of getting all the castles of the ducal towns into his own hands. His first footing at Salerno had been won by leaving the Torre Maggiore in the control of the citizens. Now he suddenly appeared in arms before the walls, laid siege to the city, and against his sworn promise, forced the Salernitans to give up the fortress. His oath gave him small scruple and he was not troubled with Roger Borsa's sentimental desire to conciliate the Lombards. At a later period the same policy was pursued towards Amalfi, and the men of Troia and Melfi were forced to rebuild the castles which they had destroyed on duke William's death.

The achievement of the period 1127-1130 was the restoration of the duchy of Apulia as it existed at the death of Guiscard, since Boamund's possessions were added once more to the ducal dominions. The duchy thus restored was united with the Calabrian and Sicilian lands, while Capua and Naples were bound by ties of fealty: the papacy had, moreover, recognised the new order. In all outward seeming Roger was master of his fate, and a thorough basis for the ducal authority had been established. Nevertheless there was something suspicious in the ease with which he had succeeded. Nothing was practically altered, and favourable external circumstances soon disclosed the discontent which the feverish seizure of the castles had generated. Roger had perhaps shown his hand too soon.

¹ A.T. Lib. I. capp. xvii. xx. xxi. xxii. Robert was a Calabrian vassal who fought under Roger's banner against the Apulian counts and not one of the rebels. During the war, at the siege of Montalto, Robert demanded permission to leave the army and re-cross the Alps, because his fief was not sufficient to support so long a military service. In spite of Roger's promise to increase his fief when Apulia should be conquered, Robert left the army in haste and anger. Later in the same campaign the duke reproached him in the presence of all for his conduct and gave him formal leave to return to his kinsmen beyond the Alps, on condition that he first restored his fief into the duke's hands. Still he delayed to go, and after the Great Court at Melfi, Roger made him swear to leave Apulia. Even this did not bring Robert of Grantmesnil to submission, and a regular campaign was needed to make him give up the castles which he had fortified against the duke.

1130-1135. *The establishment of the monarchy and the organisation of the provinces.*—The second period in the conquest of the mainland begins with the double papal election of Anaclete II. and Innocent II. in 1130, and ends in 1135 with the defeat of the Pisan fleet and the organisation of provincial government. The great event in constitutional history is the realisation of Roger's dream of transforming his dominions into a kingdom. The royal style in the early years of the reign *Sicilie Apulie et Calabrie rex*, as well as the final form, *rex Sicilie ducatus Apulie et principatus Capue*, show that Sicily was to be the predominant partner, and Palermo was to be the seat of the government; consequently the duchy of Apulia and the principality of Capua sank to a secondary position, and the original Norman states became mere provinces of the new political unity. During these five years Roger's scheme of government showed the necessary growth, and in the measures adopted in 1133 and 1135 a new departure was made in the administration of Apulia and Capua. In the political sphere the period is characterised by the fresh support accorded to rebellion owing to the schism in the papacy, and by the introduction of the first external elements in the struggle. The papal dispute was an European question; and since Roger was inevitably forced to take a side in the contest, south Italian affairs began to be of European importance. The first signs of the wider interests involved are shown in the alliance of the rebels with Pisa and their negotiations with the emperor Lothar. This second period is, moreover, the period in which the influence of the towns makes itself felt, and the full force of the movement towards municipal freedom is perceived.

The adoption of the royal title in relation to the papacy and the South Italian magnates.

St. Bernard, who played the arbiter of Europe, greeted Innocent II. as the rightful successor of St. Peter, and Anaclete II. was branded as an anti-pope. All Europe with the exception of Roger and the city of Rome followed St. Bernard's lead. Personal friendship and policy alike bound the duke to Anaclete, and the event justified the wisdom of placing the growing Sicilian-Apulian state on the side of the anti-pope. Roger's action really laid the foundations of his ultimate success, and enabled him to adopt the name of king with all the legality an anti-pope could bestow, at a far earlier period than he could otherwise have taken this step. The royalist chronicler represents it as the natural result of the conquests of Roger. Since he held the whole duchy and all the lands of Boamund, and since Capua and Naples were subject to him, the mere title of duke did

not represent the actual state of affairs. But however well the name of king would match the facts, such a step involved a fresh adjustment of relations with the papacy and with the duke's subjects. Matters were first arranged with the papacy; and a Bull was issued at Benevento in September 1130. By this second treaty of Benevento Roger together with his son Roger and his other sons received the crown of Sicily, Calabria, and Apulia, comprising in this expression all the districts which the dukes of Apulia had held of the Holy See, and in return he promised homage and fealty and the annual payment of 600 schifati. Sicily was to be the head of the kingdom, and besides the hereditary dominions Anaclete granted further the principality of Capua, the honour of Naples, and the assistance in time of war of the men of Benevento.¹ Thus the careful stipulation of Honorius about Capua was swept away: not only was Roger to be the sole Norman sovereign, but the monarchy was made hereditary.

Neither Alexander of Teleso nor Romuald of Salerno, who desired to emphasise the national aspect of the change, so much as mentions the share of Anaclete, and it is probable that the question had not gone beyond the inner circle of the duke's council until the Bull had been issued. Secure in the papal consent he made a show of consulting the magnates in an assembly at Salerno, consisting of some of the most able ecclesiastics and certain of the princes, counts, and barons, and other trusted persons who were best suited to discuss the matter. The use of the term *probatiores viri* suggests that representatives of the cities were present, but the gathering seems to have been a restricted one and not a general assembly like the Great Court at Melfi. However this may be, Roger had made use of a provincial assembly twice within a space of little more than a year. At the ensuing Christmas feast, a solemn coronation at Palermo inaugurated the new kingdom, and soon after the king had the satisfaction of receiving the submission of Sergius of Naples. All the lands granted by Anaclete were now subject to him.

Nevertheless, despite this outward achievement during 1131 and 1132, the baronial league of 1127 was gradually reconstituted in answer to the challenge thrown down by the adoption of the royal title. Rebellion was once more made legitimate, since Innocent II. naturally gave his support against the vassal of Anaclete. Grimoald of Bari, Tancred of

The second
South Italian
coalition,
1131-1135.

¹ Caspar, *Reg.* No. 65.

Conversano, and Geoffrey of Andria, who can have had little liking for the new order of things, were ready first in 1131; in 1132, the league was joined by Rainulf of Alife, who brought with him Robert of Capua and Sergius of Naples, and by the city of Benevento; in 1133, most of the Apulian towns, Venosa, Ascoli, Melfi, Bisceglie, Trani, and many more, threw in their lot with the rebels. Rainulf's reasons for attacking the king throw some light on Roger's policy of vindicating his rights as suzerain. Two of Rainulf's castles in the duchy, Avellino and Mercogliano, which were in the possession of his brother Richard, were claimed by the king, because Richard had boasted that he held them of no lord, and Rainulf had stood by in silence, thus seeming to confirm the assertion. Richard, backed by Rainulf, refused to surrender the castles and Roger seized them by force. Matters were aggravated by the complaints of the countess Matilda that her husband withheld her dowry of the Valle Caudina. She took refuge in the camp of her brother the king, and Rainulf added to his former grounds of hostility this further grievance that Roger refused to compel his wife to return to him. There were again two theatres of war, the one in the southern regions of Apulia and the other, not only as before in the Terra Beneventana, but also in the principality of Capua, now for the first time occupied by the king. Separate campaigns were carried on, and though events in the two districts reacted on each other, their subjugation occurred at different times. In both cases however the work of conquest had to be undertaken twice over within the space of a year and the subsequent reorganisation of the government begun afresh.

First Settlement of Apulia, 1132.

In Apulia after a short campaign the first period in the war came to an end in the early summer of 1132 with the capture of Bari. Roger's attitude on the whole was one of moderation, and yet it departed from the policy of 1129, since definite changes were introduced for the first time both in the principality and city of Bari, and in the neighbouring counties. The one act of real severity was the imprisonment of Grimoald, who had broken his oath of fidelity. With his deposition the history of the semi-independent principality of Bari comes to an end; for the moment Roger took the administration into his own hands, but in the treaty drawn up with the citizens,¹ there is a reference to the future government in the stipulation that the privileges of the town should hold good, even though the king should grant the city to Tancred or any other of his

¹ Caspar, *Reg.* No. 77.

sons. Here is the first definite suggestion of the policy pursued throughout the reign of maintaining the older dynastic and political divisions of the kingdom as provincial units of government under the king's sons. The counts Geoffrey of Andria and Tancred of Conversano, rather than take the risk of answering the summons to appear in the king's court on a charge of conspiracy, relinquished their lands into Roger's hands. Tancred indeed received 20 schifati for Brindisi and his other possessions on condition that he left the country. The arrangement has a good deal of the nature of a bargain about it, and Tancred was employed with other barons to negotiate the treaty with the citizens of Bari. This *pactum* shows a slight modification of the repressive action of 1130, since the king engaged not to rebuild the citadel inside the city: outside the walls however a new fortress at once began to rise. For the rest, while the citizens are granted the enjoyment of extensive privileges, the clauses regulating the appointment of the archbishop and the city judges are calculated to ensure the political subordination of the city.

This first settlement was almost as brief as the campaign which preceded it, for the second period of the war began in Apulia in the autumn of the same year, and was only brought to an end late in 1133. Tancred of Conversano and his brother Alexander, as well as Geoffrey of Andria, all of whom had but just made their peace with the king, were again the leaders of revolt and they were joined by most of the Apulian towns, including Bari. When the king once more got the upper hand the measures he adopted were very different from those of 1129 or even of 1132. Savage retribution overtook the rebel counts and cities, and a drastic reform of the administration probably followed. Revolt after revolt had worn out the patience of the king. On hearing of the fresh rising he had sworn never to spare count nor magnate nor simple knight who conspired against him. Geoffrey of Andria and Robert and Geoffrey the sons of Alexander went to expiate their sins in a Sicilian prison. Alexander saved himself by timely flight, only to spend years in miserable exile. Tancred was condemned to suffer the extreme penalty for the breach of the oath of fealty, but his sentence was commuted to imprisonment. Roger of Plenco, one of his most faithful adherents, was not so fortunate and he suffered 'a horrible death by hanging.'

Second
Settlement of
Apulia, 1133.

This severity towards the barons was followed by a punishment of the towns so pitiless that they ran some risk of total annihilation. Venosa was

burnt early in the war and the inhabitants treated with unimagined cruelty ; the walls of Bisceglie were rased ; Trani was wasted by fire and sword and its fortifications destroyed. At Bari the inhabitants were forced to rebuild the citadel, the work of the hated Saracen garrison, which they had torn down but a few months before. Troia seems to have taken no active part in the war, and yet the judges were hanged, the walls broken down and the inhabitants forced to find in the neighbouring villages a refuge from the burning town. Similar fates overtook Melfi and Ascoli, and the king even thought of withdrawing the municipal privileges of Amalfi and the faithful Salerno. Everywhere the same policy of breaking the effective power of the towns as centres of revolt was pursued.

At the same time a constructive organisation seems to have followed immediately the work of destruction. No details of the measures taken for the government of Apulia have been preserved to us, but it is probable that during the winter of 1133-4 something closely resembling the scheme of government introduced at Capua in 1135 was inaugurated in the south. It is certain that by this time Roger the eldest of the king's sons bore the title of duke of Apulia, and probable that Tancred the second son had received Boamund's inheritance with the title at first of prince of Bari, and later of prince of Taranto. Fresh arrangements, too, were made for the administration of the Apulian counties, for the count of Conversano was in exile and the count of Andria in prison. As early as April 1134, we know that Robert of Basunville, the husband of king Roger's sister Judith, was count of Conversano and Molfetta, but unfortunately nothing is heard of the county of Andria till after Roger's death. The suggestion may be hazarded that a further step in the reorganisation of the country was taken, and that justiciars and chamberlains were established at this time in Apulia, thus preceding by eighteen months their appearance in the principality of Capua in 1135, the date which is commonly regarded as the earliest moment of their introduction in the newly conquered regions. Unfortunately there is no documentary evidence extant for their activity in the south before 1136, but on the analogy of the proceedings at Capua, it would seem that the investiture of the princes and the institution of new counts should be accompanied by the establishment of new royal officers.

First Settlement of Capua, 1134.

The operations against Robert of Capua, Rainulf of Alife, and their allies, in the northern theatre of war were more protracted than the campaigns in the south : there was less rapidity of action since the conduct of Roger

and of his opponents was complicated by the presence of Lothar and Innocent in Rome, and by the relations with Pisa and Genoa. Much time was spent on both sides in negotiation. Robert on the one hand endeavoured to obtain the restitution of Rainulf's wife and castles, and Roger on the other tried his hardest to induce Robert to advance to the assistance of Anaclete, or at least to allow him to march through the principality to Rome. In 1132 Roger received a severe defeat at the Scafati, and it was not till after the departure of Lothar and the settlement of Apulia that he succeeded in making himself master, in 1134, of the principality of Capua, when Robert was away at Pisa. The king's policy after the war was studiously moderate alike towards Rainulf and the other counts and towards Robert of Capua. He does not seem to have contemplated the incorporation of the principality with his other dominions, for he offered Robert the choice of two alternatives which, if accepted, would have ensured the integrity of the state.¹

The apparently excessive reluctance at this time to make any constitutional change in the position of Capua must be attributed partly to the embarrassment still caused by external events, and partly to a genuine respect for the legal rights of the prince. Robert however refused to take advantage of the terms offered, and an arrangement, probably at first intended to be temporary, was made, by which the chancellor Guarin and the admiral John were left in charge of the government and defence of the principality.² Guarin was a man remarkable alike for his learning and his knowledge of affairs: his activities were chiefly confined to the mainland and until his death in 1137 he was practically the viceroy in the principality. In this way the custom grew up which gave the general superintendence of the government of Capua to the chancellors.

The king had only won a breathing space and in the winter of 1134-5 the confederation re-formed, and consisted as before of Robert, Rainulf, and Sergius, with the important addition of Pisa. By the autumn of 1135 the king had made himself once more master of the country. This time there was no forbearance and no half-measures, and immediate steps were taken to build up a new system of government. In September the principality was incorporated in the kingdom and ceased henceforth to be a semi-independent state. The region did not, however, lose its identity, for Roger, following up the policy pursued towards Apulia and Taranto,

Second
Settlement of
Capua, 1135.

¹ A. T. Lib. II. cap. lxiv. p. 126.

² A. T. Lib. III. cap. iii. p. 130.

invested his third son Anfusus as prince of Capua, and all the magnates of the principality in a great assembly swore fealty to the new prince. This assembly at Capua shows all the essential features which marked the Great Court at Melfi as the starting point of a new theory and practice of government. The description of the Capuan assembly is very brief,¹ but the oath of fealty was undoubtedly imposed, and it would seem that a General Peace for the principality was promulgated on the lines of the Peace of Melfi, which only applied to Apulia and Calabria. In the closest connexion with the idea of the Peace is the establishment of the new royal officials as its guardians; the suggestion has been made above that justiciars had been introduced into Apulia more than a year earlier, but however that may be, they are here definitely described; and by their side appeared the first chamberlain, charged with the administration of the royal demesne.² An advance had been made on the situation created at Melfi: there the Peace had been established, but no special machinery was provided for carrying it into effect.

Military organisation, too, was not neglected at this period, and it is possible to see in the grouping of knights round Cajazzo with houses in the city³ an early instance of the system which gave the defence of the more important fortresses to a body of knights under a special constable. The plan had already been adopted in 1132 at Montefusco, where the constable was charged with defending royal interests against the Beneventans.⁴ There is no trace as yet of the other type of constable, under whom all the lesser tenants-in-chief of a wide district, known as a constabulary, were ordered. A temporary device was, however, set up, which gave the command of the troops in the Terra di Lavoro for successive periods of two months each, to the king's son-in-law count Adam, count Robert of Boiano, and count Simon of Monte S. Angelo. There seem to have been changes too in the counties: Rainulf of Alife's lands

¹ *Calendar of Documents*, No. 1 and A. T. Lib. III. cap. xxxi. p. 144.

² *Ibid.*; *Cal.* Nos. 3 and 4.

³ A. T. Lib. III. cap. xxx. p. 143.

⁴ F. B. p. 216: the constables of Montefusco are further mentioned at intervals in documents throughout the period of the monarchy; the first instance is found in a donation of Nov. 1137, in which the name of Pain, the royal constable of Montefusco, appears (State Archives Naples, Pergamene di Monte Vergine, vol. lxxxiii. No. 24). Constables were also established at Naples, and the knights of Naples were specially privileged by Roger II. (F. B. p. 252). The knights of Taranto, Venosa, S. Agata, Bovino, Ascoli, Giffoni, Montecorvino, Tocco, Arce, Sora, and Aquino are mentioned in the Catalogue of the Barons, and it is probable that they were placed under a constable, but of this there does not seem to be any definite evidence.

were confiscated, and Hugh of Boiano's county was forfeited and given to Robert, son of Richard. At the same time Adam, the king's son-in-law, succeeded a certain count Alexander, who has been identified with Alexander of Matera, the brother of Tancred of Conversano.

At the close of the year 1135 Roger was in peaceful possession of all the lands and honours, except Naples, which had been granted by Anacleto four years before. He had made the monarchy a reality and had sketched in the general lines of provincial government. A parallel development in the methods employed may be observed in both regions of the mainland. This development was striking in its orderly sequence and in its rapid adjustment to circumstances. During the following winter and spring the new officials, justiciars and chamberlains, can be seen at work, but the tranquillity was of short duration, and a fresh storm was gathering beyond the Alps.

1136-1140. *The Third South Italian Coalition and the European League.*—The third period in the history of the conquest begins with the formation in 1136 of a European coalition in league with the internal opposition, and ends with the final victory of the king, the adjustment once again of relations with the papacy, and the edicts for the good government of the provinces issued at the Great Court at Ariano in 1140.

The year 1137 marks the lowest point in Roger's fortunes: he had the bitterness of seeing the greater part of his dominions over-run by a foreign foe and the new institutions which he had established in great measure swept aside. This last effort to dislodge Roger II. from the South Italian mainland—like the first, ten years before—was organised by the papacy. Innocent II. obtained the promise of the emperor Lothar to invade the dominions of Roger; the eastern emperor John Comnenus and the ambassadors of Venice, jealous of his control of the Mediterranean, offered help, and the rich presents of Byzantium won once again the support of Pisa. This formidable coalition of the greatest European powers was joined by all the old elements of disruption within the kingdom. Robert of Capua came with the invading army to win his old principality afresh. Naples still held out against the king, and many of the counts of the northern and central regions, notably William of Loritello and Roger of Ariano, went over to the emperor, who advanced by the Adriatic route accompanied by Rainulf of Alife.

The measures
of Roger II.
for the
defence of the
kingdom : the
constables.

The measures taken by Roger for the defence of the kingdom are important for the development of institutions, since they show a continuity with the general scheme of provincial organisation. In the principality the command was again committed to the chancellors. Guarin held the post till his death in 1137, and with him was associated the chamberlain Jocelin. Robert of Selby succeeded Guarin at the chancery and he too assumed control in Capua, till the royal forces were dislodged by the papal and imperial army, and he was forced to retreat to Salerno. The king paid great attention to the defences of the fortresses throughout the country, and in Apulia the existence of special officers at the head of the local forces can be traced to the year 1137. When the system was complete the country was mapped out into districts called constabularies and the lesser tenants-in-chief of each district were grouped under the command of the constable of the region. That this plan was inaugurated as part of the preparations to meet the German invasion may be surmised from an incident which befell the abbot-elect of Monte Cassino on his way to meet the emperor at Lagopesole in July. In passing through the Terra Beneventana, the abbot narrowly escaped being delivered by the inhabitants of Guardia Lombardi into the hands of Gilbert of Balbano and Robert of Morra who were commanding the king's army.¹ Gilbert, we know from the Catalogue of the Barons,² was the constable of this region at a later period, and the fact that Robert of Morra was also a local feudatory makes it sufficiently probable that these were the constables in command of the militia of the district. In the principality of Salerno, too, it may well be that the same system was already established, for the imperial forces marching from the south on Salerno were held up by Roger's troops—in all probability the local feudal levy. Roger's policy of organising local defence and making every castle and fortified town a centre of resistance no doubt contributed to the defeat of the invaders. The emperor never thoroughly secured the country he occupied, and his final success was rendered impossible by the unwieldy nature of the coalition. The Pisans, finding that they gained nothing for themselves

¹ *Chronica Monasterii Casinensis Auctore Petro Diacono*, ed. W. Wattenbach, Lib. III. p. 820, M.G.H.SS. vii. Hanover, 1846.

² *Catalogus Baronum in Cronisti e Scrittori Sincroni Napoletani*, ed. Del Re. Naples, 1845, i. pp. 589 *seq.*, Art. 694 *seq.* (The numbers of the articles are taken from Fimiani's edition in *Commentariolus de subfeudis*.) Cf. *infra* p. 338-41 for the discussion of the date and circumstances of the compilation of the Catalogue.

from the war, made peace on their own account, and their fleet sailed away home. The German troops were tired of the prolonged campaign and practically forced the emperor to begin the homeward march.

Faced as he was under these circumstances with the necessity of leaving a task but half-accomplished, Lothar tried to provide for the organisation of the regions he had invaded as well as the difficulty of the circumstances allowed. Capua had of course returned to the allegiance of its former prince, and Apulia was now committed by a joint papal and imperial investiture to Rainulf of Alife. In this way Innocent achieved for the moment the old papal aim of separating the Norman dominions. Superficially the situation resembled the state of affairs at the death of Robert Guiscard, except that Sicily was no longer dependent on Apulia. The European league was at an end and Roger was once more confronted with Norman rebels supported only by the 800 German knights whom Lothar left in Rainulf's command. Nevertheless it looked as if Roger's task would be a long one, till three events in rapid succession prepared the way for his victory.

In January 1138 Anaclete died, and although the schism was continued till May in the person of Victor IV., the king of Sicily was no longer bound by gratitude and friendship to support the anti-pope: in this way the chief obstacle on his side towards an agreement with Innocent was removed. The pope however still hoped earnestly by his alliance with Rainulf to maintain the separation of Apulia and Capua. Rainulf's death in April 1139 was therefore the turning point in the struggle; Innocent indeed endeavoured to carry on the opposition, both by negotiations and by a military expedition in June, but his efforts were brought to a sudden end by his capture at the hands of the young duke Roger. In the treaty of Mignano Innocent agreed to raise the excommunication which he had pronounced some time before, and to confirm the title of king of Sicily, duke of Apulia, and prince of Capua. The investiture was accomplished by the grant of three banners, one to the king, and one to each of his sons, thus keeping the component parts of the kingdom distinct. At the same time the king and his sons swore fealty to the pope and his successors on the Gospels and promised to pay 600 schifati annually as tribute.¹ The conquests of the king were now fully legal and the *status quo* was at length accepted by Innocent without reserve. Roger had won all along the line,

¹ Caspar, *Reg.* No. 124.

and by the late summer of 1140 the whole kingdom was subdued. Sergius of Naples had died fighting for Roger in 1137, and the citizens after their voluntary submission in 1139 had chosen Anfusius as their duke. Thus the last independent state was brought into line with the new provincial administration.

Policy of
Roger II.
towards the
counties and
the cities.

Repeated revolts drove king Roger to exasperation and in the final pacification of the country he showed a relentless severity to the feudal rebels. The possessions of all the royal vassals who had taken part in the rebellion were confiscated, and they themselves were forced to take an oath to leave the kingdom. These acts of punishment naturally resulted in a reorganisation of the counties. Chiaromonte disappears henceforth as a separate unit, but the lands of the county seem to have been united with Gravina. Much the same course was taken towards Ariano; the city was attributed to the royal demesne, but most of the fiefs are found in the hands of the counts of Buonalbergo. Loritello was merged for administrative purposes with the demesne of the crown, and the county was only revived by William I. Of Rainulf's lands, Avellino was given to Geoffrey of Catanzaro; Alife formed a separate county in the Catalogue, but the date of its bestowal on a new line of counts is not known. Hugh of Molise was restored by 1144, and Boamund of Tarsia replaced the old counts of Manopello. In the principality of Capua some of the small Lombard counties were suppressed or were united to form larger territories, and so far as our knowledge serves the rest of the counties seem to have remained in the hands of the old families. The general result of Roger's feudal policy was to make the counts acknowledge the royal authority: he deposed and executed rebels and set up new men in their places who had to take the oath of fidelity. But with all this, it cannot be maintained that he was specially hostile to the nobility as a class, and in the provincial administration tenants-in-chief of every grade were employed as justiciars and constables. His object was rather to compel the nobility to serve the royal interests than to deprive them of their position.

Towards the cities, on the whole, a policy of moderation was pursued: only at Troia and Bari was real severity shown, but these cities had revolted again and again and had held out to the very end of the war. The final phase of the conquest is marked by many treaties with individual cities, granting rights and immunities. The privileges accorded to Benevento, Salerno, and Trani have come down, and we may conclude that

agreements of a similar nature were secured by other cities. In detail there was endless variety, but the general result was to enforce the royal authority, and to make the cities fall into line with the general scheme of government. Their privileges in military, fiscal, and judicial matters were extensive, although, except in a very few cases, the cognizance of criminal cases was withdrawn from the city judges; there was, however, no political independence and very little administrative freedom since the chief city magistrates were nominated by the king.

In September 1140 the time was ripe to take up once again the general work of organisation and a court was held at Ariano to which the magnates and bishops were summoned to deliberate on a great mass of business laid before them by the king.¹ Unfortunately no clear account of the proceedings of this great gathering has been preserved, and we can only piece together the fragments of information as best we may. All that we know definitely to have taken place is the substitution of a fresh royal coinage and the appointment of commissioners to enforce the use of the new money.² The acts of the courts at Melfi and Capua, however, supply a tolerably exact notion of the normal business transacted on such occasions, and we may assume that the proceedings at Ariano included the imposition of a universal oath of fidelity, the promulgation of a fresh peace combined with measures for enforcing it, and the issue of a penal code and other legislative enactments. In regard to the first of these assumptions, that a general oath of fidelity was imposed, there is no further evidence than the practice followed at Melfi and Capua and the universally close connexion between such an oath and the *pax regis*. That a fresh promulgation of the peace took place as soon as the subjugation of the mainland had been carried out is definitely recorded by Romuald and it was accompanied by the establishment throughout the land of new royal officers, justiciars and chamberlains, to secure its observance. At the same time new laws were enacted and old ones were modified or abolished.³ The actual occasion on which these administrative and legislative measures were taken is not noted by the chronicler but they may nevertheless be confidently ascribed to the *curia* held at Ariano, partly on the general grounds already mentioned and partly because this is the only known assembly of sufficient importance at this period to inaugurate such an extensive scheme of reform. It is certain that much of the legislation

The Great Court at Ariano and the organisation of Apulia and Capua, 1140.

¹ F. B. p. 251.

² *Ibid.*

³ *Cal.* No. 7.

of Ariano has been preserved in the Vatican Codex of the Assizes of the kingdom, and it has been the subject of detailed study.¹ The present investigation is, however, concerned with the organisation given by Roger to the provinces of the mainland. The beginnings have been sketched in outline in their intimate connexion with the conquest, but the working of the system must be traced in the records of judgments and other acts of the royal officials. At the same time considerable information is supplied by the administrative enactments of king Roger which are found in the Casinese version of the Assizes and in the great code of Frederick II. known as the *Constitutiones Regni Siciliae*.

1140-1154. *The Peaceful Years.*

Relations
with the
papacy and
the frontier of
the kingdom.

During Roger's remaining years, except for campaigns on the papal frontiers in 1143, 1144, and 1149, profound tranquillity reigned in Southern Italy and the government seems to have proceeded on the lines laid down at Ariano. With the papacy there was continuous friction due in part to the king's high handed treatment of the bishoprics, and in part to the conquests made by his sons along the boundary of the state of the church, in the land of the Marsi.² An arrangement was arrived at in 1149 on the ecclesiastical question, but although Roger kept the conquests in fact, they were not recognised by the papacy, and he never received investiture from the successors of Innocent II. In spite of the attitude of the popes, these additional territories henceforth formed part of the kingdom and its frontier was definitely fixed: starting from the Mediterranean coast a little to the south of Terracina, the boundary included Vallecorsa, Pastena, S. Giovanni and Arce, and so reached the Liri to the south of Isola: from this point it followed the line of the hills and the R. Fiojo, including Rocca di Botte, and passed thence between Arsoli and Oricola northwards to include Petescia and Ascrea, and away by the R. Salto to Rieti. From Rieti the frontier went north-east taking in Poggio Bustone, thence it reached the R. Tronto at Arquata and followed the river as far as Mozzano;

¹ Niese, *Gesetzgebung*; Caspar.

² *Ignoti monachi Cisterciensis S. Mariae de Ferraria Chronica*, ed. A. Gaudenzi in Società Napoletana di Storia Patria, *Monumenti Storici*, serie prima: *Chronache*, Naples, 1888: *Apostolicus namque a rege et filiis capuanum repetit principatum*: it does not seem probable that Lucius II. intended to go back on the concessions of Innocent II. at Mignano, and claim the principality of Capua, hence this passage must refer to the conquests of the king's sons, which they contended belonged of right to the principality.

here it crossed the Tronto to include this place and Colli, Monsampolo, and Acquaviva, and it reached the Adriatic apparently at S. Benedetto.¹

The original scheme for the government of the provinces was of necessity modified by the death of Anfusus and Roger; in 1149 only William survived of all the king's sons. Two years later he was crowned joint king with his father and the provinces of the mainland were divided between the two kings: Roger kept Calabria and Capua in his own hands and Apulia with Salerno was given to William.² For the rest, additions were made to the penal code, and new laws regulating land tenure and fiscal rights were issued, but there were no changes in the administrative system. The royal supervision was exercised till 1150 in solemn courts held from time to time at different places in the duchy and the principality. In 1142 Roger was at Silva Marca near Ariano with Anfusus and the counts and other barons and the greater part of the population of the kingdom³; in 1143 he held a court at Capua with his sons Roger and William, the archbishops, bishops, abbots, counts, and many other barons⁴; and also at Salerno.⁵ He was again at Salerno in 1147⁶ with duke Roger and the counts and barons, and in 1150 both there and at Sessa.⁷ Besides these general descriptions of the classes of persons attending the solemn courts, more particular information is given in certain cases; at Capua and Salerno in 1143 many magnates, lay and ecclesiastical, belonging to both principalities and the duchy were present as well as certain regular members of the *curia* such as the admiral Stephen, and Roger son of Bonus, *justificator curialis*; at Salerno in 1147 Thomas Brown and chancellor Robert are specially mentioned, and in 1150 we know that the local justiciars were present. The business which occupied the king at these courts was varied and comprehensive. A royal privilege issued at Silva Marca explains that the assembly was summoned to settle disputes and redress injustice, but it is not improbable that the gathering had a further purpose. The statement that not only the counts and barons, but also the greater part of the people of the kingdom were assembled, is a striking one⁸; the business must have been of universal importance, and

Royal supervision and the provincial administration.

¹ This frontier may be established from the Catalogue of the Barons.

² Cf. *infra*, p. 281.

³ Caspar, *Reg.* No. 146.

⁴ *Ibid.* No. 158.

⁵ *Ibid.* No. 159.

⁶ *Ibid.* No. 210, 211.

⁷ *Ibid.* No. 224, 225.

⁸ Guerrieri, G., *I conti Normanni di Lecce nel secolo XII.* in *Archivio Storico. Napoletano* xxv. Naples, 1900, p. 210. (Caspar, *Reg.* No. 146.) *Cum apud Silvam Marcam cum Anfuso Neapolitanorum duce et Cupuanorum principe filio nostro et comitibus nostris ceterisque baronibus et parte maxima populi regni nostri ad altercationes et iniusticias corrigendas congregaremur.*

taken in connexion with a passage in the Catalogue of the Barons, the statement suggests the idea that Roger was making a systematic enquiry into the military resources of the kingdom. The passage is as follows: *Guillelmus de Sirino tenet villanos III. et dimidij feudum militis de Guiffrido Avenabili. Obtulit apud Silvam Mortam [Marcam] militem I*,¹ and it refers plainly to some occasion on which the military tenants declared their liability for service, an occasion which seems to be referred to tacitly by other passages in this section of the Catalogue. The practice of holding courts for the purpose of verifying military obligations is confirmed by the express mention of one at Taranto.² This court probably sat under William I. and it may be that a series of such assemblies was held to enquire into the feudal levy. Much of the business transacted by the king in the solemn courts would seem to have been judicial, but besides hearing suits, he carried out administrative measures as at Sessa, and granted privileges.

In spite of the tolerable frequency of these courts, it does not appear that there was any system of periodical visitation of the mainland by the king, and his presence in almost every case can be shown to be due to political necessities. After the meeting with Eugene III. in 1150, Roger never again, so far as we know, left Sicily, and the royal supervision was exercised more and more by mandates addressed to the local justiciars and chamberlains. This system can be traced back to 1135, but it became more regular and frequent towards the end of the reign. There is not a trace of any control of judicial affairs by travelling members of the central court, and the chancellors who exercised authority on the mainland acted rather as governors and viceroys with a special grant of power, than as members of the *curia*.

In 1144 and 1145 in obedience to the royal orders a great verification of privileges enjoyed by ecclesiastics and laity alike took place. All persons were required to submit to the king's court the evidence for the rights they claimed, and many of the ensuing confirmations of privileges to churches have survived, but unfortunately hardly any to laymen. The documents in existence for the most part merely reiterate old rights and immunities, but there may have been cases in which the privileges were abolished or annulled. In any case the general result of such a universal resignation of privileges must have been to tighten the control of the king and his officials.

The resignation of privileges.

¹ *Cat. Bar.* p. 585, Art 509.

² *Ibid.* p. 589, Art 683.

(2) *Progress of Reform under William I.*

1154-1156. *The European Coalition and the South-Italian Revolt.*—The early years of William I. saw a return of conditions that had distinguished the period of strife under Roger II. Even before the old king's death there were not wanting signs that the tranquillity of the kingdom would be troubled once more by a great European coalition leagued with the discontented cities and counts. Already a state of war existed with Constantinople, and Manuel Comnenus meant to recover the ancient Byzantine possessions in Apulia and Calabria: the old outstanding causes of disagreement with the papacy were a constant menace to the peace of the Norman kingdom, and in 1155 the situation became critical since the intransigent Hadrian IV., like Innocent II., had allied himself with the German king. Frederick Barbarossa, who dreamed of restoring the ancient glory of the empire, made an attack on the South Italian provinces a prominent feature of his policy. In the summer and autumn of 1155 William saw his dominions invaded by the troops of Manuel and Hadrian, aided by the Genoese republic, and it was only the distaste of the German nobility for a prolonged Italian campaign that saved him from a simultaneous attack by both empires and the papacy. The invaders were accompanied by the exiles who had been made to leave the country by king Roger, and within the kingdom the barons and towns led by Robert of Conversano the king's cousin, in whose favour the county of Loritello had just been revived, rose in arms from the Tronto to the Gulf of Taranto, with the exception of Naples, Amalfi, Salerno, Troia, and Melfi. For the first time Sicily too joined the revolt, and only Calabria and the principality of Salerno were untouched by the movement. The grievance of the rebels was the subordinate position forced on them by Roger II., and they soon saw that there was no hope of betterment under the new king, for William and his minister Maio pursued a more definitely anti-feudal and anti-municipal policy than Roger had done. The salvation of the monarchy came once again from the fundamental conflict in the interests of different members of the league, and when William took the field in the spring of 1156 vigorous campaigns against the Greeks, the pope, and the rebels led to a complete restoration of his authority.

The establish-
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master cap-
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Capua, and of
Calabria and
the Valleys.

Just as the pressure of external events had called out the administrative reforms of Roger II., so now the fresh period of invasion and revolt was met by a corresponding advance in the provincial government, and by a fresh settlement of the claims of the citizens and the feudatories as well as of the papacy. During the years of stress the admiral Maio was practically the ruler of the kingdom, for William only roused himself to play a fitful part in public affairs. Nevertheless although he seems to have left the details of administration to Maio, he was in complete accord with the broad lines of the admiral's policy of absolutism. Maio was the true successor of Roger II. in taking up his work of administrative reform, but he carried it considerably further and gave it a direction which was hardly foreshadowed in the king's original scheme. Roger had kept the control of all the officials in his own hands, and at first sight it appears that Maio merely followed his lead. Mandates were issued by the great admiral in his own name to the justiciars in the provinces and to the heads of the *duana* at court, and he sent endless letters to urge fidelity on the barons and cities of Apulia. The old methods of provincial government were followed as closely as possible at the beginning of the new reign: the king's sons were it is true too young to take the command in the duchy and the principalities, but the chancellor Aschettin in association with the master constable of Apulia was charged with the administration. Before long, however, changes were made, and already during the war captains were appointed to the command in Apulia. The appointment of captains is the first hint of a new system of provincial government. The princes in 1156 and 1158 received formal investiture, but the administration of the chancellors was swept aside, and fresh groups of officials were definitely established on the pacification of the mainland. The country was divided into two great provinces, Apulia with the principality of Capua, and Calabria with the valleys of Sinni and Crati. In Apulia and Capua two master captains exercised the powers of viceroy and commander-in-chief with extensive judicial functions, while a master chamberlain took over the control of fiscal matters. In Calabria the old office of justiciar of all Calabria was continued and approximated to that of the new master captains in Apulia, and a master chamberlain was introduced. The importance of these reforms cannot be over-estimated: the establishment of permanent governors and fiscal officers on the mainland must be regarded as a part of the anti-feudal and anti-municipal policy of Maio, especially in

view of the exclusion of the great nobles from the viceregal office during his life.

The year 1156, which saw the completion of the administrative system, saw too the final adjustment of relations between the Norman monarchy and the papacy. The settlement of the outstanding ecclesiastical differences does not here concern us, but the formal recognition of the actual boundaries of the kingdom is important. By granting to William investiture of the kingdom of Sicily, the duchy of Apulia and the principality of Capua *cum omnibus pertinentiis suis*, that is Naples, Amalfi, and Salerno, and moreover Marsia and the other territories beyond Marsia that were claimed by the king, Hadrian legalised at length the conquests not only of Robert Guiscard, but also of the sons of Roger II. In return William offered homage and a tribute of 600 schifati for Apulia and Capua, and an additional 500 schifati for Marsia.¹ The treaty of Benevento thus made an end of the existing causes of dispute between the papacy and the vassal state, and paved the way for a period of friendship.

The treaty of Benevento and the final settlement of relations with the papacy.

Towards his rebellious subjects William adopted a policy of stern repression, but his severity at this time did not result in a permanent settlement of the kingdom. Of his treatment of the cities but few details have come down: Bari we know was utterly destroyed and the inhabitants were forced to leave the city at two days' notice, but it is difficult to estimate the precise extent to which their privileges were curtailed. Former citizens of Bari are found in neighbouring cities, but they were able to dispose of their devastated property,² and the few documents issued at Bari between 1156 and 1164 show that the same judge was in office immediately after as before the destruction of the city.³ A general notion of the conditions in the towns may be gathered from the speech made by William to the inhabitants of Palermo in 1161. There is a plain reference to a reign of terror marked by a diminution of ancient liberty through new customs introduced during the reign, and the imposition of severe financial burdens, especially on internal trade.⁴

The treatment of the towns.

¹ B. No. 135. *M.G.H.CC.* i, p. 590.

² *Codice Diplomatico Barese*, ed. for the Commissione Provinciale di Archeologia e Storia Patria, Bari, 1897-1902, t. v. Nos. 114, 115, 116.

³ *Ibid.* No. 112 before the destruction, Nos. 117, 119, 120, 124, 125 after the destruction of Bari.

⁴ Hugo Falcandus, *La Historia o Liber de Regno Sicilie*, ed. G. B. Siragusa, in *Fonti per la Storia d'Italia*, published by the Istituto Storico Italiano, No. 22, Rome, 1897, pp. 86, 87.

The revision
of the Cata-
logue of the
Barons.

A pitiless repression overtook the rebel barons, who were blinded, imprisoned or banished. In consequence, a considerable rearrangement of the counties took place: Lesina was given to Geoffrey the son of Henry of Ollia, and Manopello to a second Boamond, while Conversano and Loritello, Montescaglioso and Lecce were left vacant and were administered directly by the royal officials.¹ It is more than probable that an extensive revision of the feudal obligations recorded in the Catalogue of the Barons took place, for that document on the whole represents the state of affairs in Apulia and Capua in the years immediately following the revolt of 1155-6.² The Catalogue itself mentions a court at Taranto to which the chamberlain Alfanus reported fresh information and it may well have been sitting at the time. Not only was this revision undertaken with the intention of strengthening the hold of the government over the feudal classes, but further, the new office of master captain which had arisen out of the necessity of defending the country against Byzantium was made the instrument of Maio's policy of absolutism, in the hands of his brother-in-law the seneschal Simon and his brother the admiral Stephen. The master chamberlains, too, men it would seem drawn from the Greek official class, were used to enforce the rigid fiscal administration that was one of the worst grievances of the reign of William I.

1160-1163. *The conspiracy against Maio and the second South Italian Revolt.*—With this policy of repression in view, the charge of weakness in the restoration of order is not one that can be brought against the king and his ministers: their mistake was rather the employment of ill-considered severity in an attempt to force on the population of the kingdom a system of government unsuited to its traditions and its stage of development. The cities and the feudal nobles could be controlled and incorporated in the administrative system as the reigns of Roger II. and William II. proved, but they could not be ignored, and their just rights trampled down by an absolutist bureaucracy. The growing discontent was organised in 1160 into a vast conspiracy against the great admiral by certain of the Sicilian barons and the majority of the Apulian and Capuan counts in alliance with the towns. In the autumn of this year the ostensible object of the league was gained by the assassination

¹ Cf. *infra*, p. 347.

² Cf. *infra* pp. 338-41, for a discussion of the date of the Catalogue.

of Maio, but the movement developed rapidly into rebellion against the king in every region of the country. For the first time Calabria and Salerno joined Sicily, Apulia, and Capua, and Robert of Loritello and the other exiles seized the opportunity to recover their former possessions. They were supported by all the Apulian counts except Gilbert of Gravina the queen's cousin, and Boamund of Manopello, but the danger of foreign invasion was not now added to the danger of rebellion at home as it had been in 1155, since the diplomacy of Maio had secured the friendship of Rome and Constantinople.

Vigorous campaigns on the part of the king in Sicily, Calabria, Apulia, and Capua broke the opposition, and once again savage punishment was meted out to all who fell into his hands. If he had had his will the destruction of Salerno would have formed a pendant to the destruction of Bari: the ancient capital of the Norman princes was only spared by reason of the insistent prayers of Matthew of Ajello the notary, a native of the city, and of others among the king's advisers. As it was, certain citizens suspected of close relations with Robert of Loritello were hanged, and a heavy fine was inflicted on the city.¹ A similar money payment, known as the *redemptio pecunie*, was everywhere imposed on the cities of Apulia and Capua that had been guilty of treason.² It was, in fact, a mitigation of the extreme severity of the law, which made death and the confiscation of goods the punishment for conspiring against the king.³ The counts were less fortunate than the citizens, for they were executed, imprisoned or compelled to leave the kingdom, and in all cases their possessions were confiscated. The counties of Conza, Avellino, Fondi, and Acerra and the lands of Marius Burrellus and William of San Severino came into the king's hand, and all remained vacant till the end of the reign.

The rebellion was crushed, and no further disturbance troubled the remaining years of William I. This result must have been due in part to the absence of many of the most independent of the counts, but the character of the government, during this period, no doubt, also contributed towards it. The internal history of the kingdom is scarcely noticed by the chroniclers, but the broad outlines may be traced. There can be no doubt that royal justice was administered with a firm hand, and the fiscal rights of the crown rigidly enforced. Hugo Falcandus goes much further than

The treatment of the towns—the *redemptio*—and of the barons.

The orders given to the officials and the future character of the government.

¹ R. S. p. 434.

² H. F. p. 78.

³ Siragusa in edition of H. F. p. 78, n. 1.

this,¹ and would have us believe that a veritable tyranny reigned in the name of justice. He says that the members of the *curia* were animated by the most shameless greed, and the master justiciar, Bartholomew Parisinus, and the other justiciars, stratigoti, chamberlains and catapans endeavoured to win the favour of the gaytus Peter, by crushing the people with exactions and oppressions: their chief object in administering justice was to extort money from one or other of the parties, or better still from both, while in the collection of the *redemptio* the largest sums were demanded from those least able to pay. Against this perversion of the administration of Sicily may be set the fragment of the actual orders issued to the officials on the mainland, which has been preserved in a document of 1163:² *quoniam rex per universas regni partes institiam omnibus integre servari mandavit, necnon unumquemque in proprium recte possidere, quia sanctionem decrevit.* This passage vindicates the government sufficiently from the charge of wholesale venality, but there can be no doubt that the financial exactions were regarded as an intolerable burden.³ It was necessary to make good the heavy losses incurred in the sack of the palace and the expenses of putting down the revolt, and the *redemptio* offered a convenient method of raising money. At first it was imposed only on the cities and fortified towns which had helped Robert of Loritello, but in a short time it became a general tax on the mainland, and continued until it was remitted by king William on his deathbed.⁴ In spite of the strictness of the administration there are signs that the government had become less hostile to the feudal classes than it had been under Maio's influence. From 1161 the *curia* itself was not closed to members of the feudal class, for count Silvester of Marsico was associated until his death with the bishop-elect of Syracuse and the notary Matthew to form the inner circle of advisers. It must be admitted, however, that his place was filled by the master-chamberlain Peter, and the administration was once again in the hands of ecclesiastics and of officials of the school of Maio. On the mainland the reaction was more marked, and the master captains were henceforth invariably men of knightly rank, invested with the dignity of count. The way was gradually prepared for the administration of the regency and of William II., which abandoned the attempt to force a system of absolutism on the Norman kingdom.

¹ H. F. pp. 86-87.² *Cal.* No. 54.³ H. F. p. 90.⁴ R. S. p. 435.

(3) *Summary of the Organisation of Apulia and Capua.*

The creation of the Norman monarchy in South Italy was one of the most remarkable achievements of the twelfth century. Not only was there a long-standing tradition of political disunion and social anarchy within the country, but from without a powerful European league had thrown its weight on the side of disintegration, and therefore of anarchy. Yet in twelve years all the elements of opposition had been overcome, and the foundations were firmly laid of the best organised state of the middle ages. The explanation of this change can only be found in the personality of Roger II. He was the one permanent element amid the ever-varying combinations of the period, and he alone had formulated a definite constructive policy and persistently adhered to it during all the vicissitudes of the conquest. His political genius saw the needs of the country and adopted a scheme which should perfectly satisfy them, and his strength of will enabled him to carry it into practice. The basis of the new state was the exalted idea of the royal power which the revived study of Roman Law was furnishing to the progressive statesmen of Europe. The king was responsible to God alone: he was the head of every department of administration, the source of law and justice, a sharp sword held in the hand of God for the punishment of the wicked. This conception Roger set himself to realise, and he began from the outset to establish a system of government which should make the royal power a reality and a blessing, by carrying law and order into every corner of the land.

The outstanding characteristic of Roger's scheme of reform is the careful building of new institutions on old foundations. This is seen both in the theoretical basis of his government and the actual institutions he created. The mainspring of his system, we have seen, was the exaltation of the royal power, but this idea, new in the South Italian states, he brought into relation with current practice through the oath of fidelity and the peace movement, which had already rooted itself in the duchy of Apulia. In the same way the administration in the newly-conquered districts was fitted on to the political and social institutions already in existence. The old units of government, whether municipal, feudal or dynastic were made an integral part of the reorganisation. Innovations no doubt there were, new officials and new methods of procedure, but the

old groundwork of law and custom was allowed to persist, and the old and new were blended with infinite skill, till a system was evolved not unlike the famous mosaics of the churches of the *regnum*.

The new organisation, then, took full account of the peculiarities of the mainland in law and race and government, and there was no attempt to transfer Sicilian and Calabrian institutions wholesale to Apulia and Capua. The previous history of the two parts of the kingdom had been so dissimilar that any such attempt was bound to fail. Still there was some infiltration of alien institutions; for instance, while the new officials were in theory the guardians of the royal peace, the form of the justiciars' office can be traced back to the Byzantine government. In spite of such borrowings, the institutions of Apulia and Capua differed in many important respects from those of Sicily and Calabria, and the study of the two parts of the kingdom on the administrative side, must be kept rigidly separate. The indiscriminate use of illustrations drawn from Sicily and Apulia cannot be too strongly condemned, for it tacitly ignores points of divergence and leads to confusion.

The effect of the conquest of the mainland was to supersede the old central governments of Apulia, Taranto, and Capua: Roger had already a strongly organised *curia* in Sicily, and this became the central authority for the whole kingdom. Modifications indeed were necessary owing to the addition of provinces, Lombard in law and Latin in speech, to the Greek and Arabic regions of Sicily. The chancellor specially charged with affairs on the mainland appears with the conquest, but on the whole the *Curia regis* under Roger as king closely resembled the *Curia comitis* under Roger as count. Roger himself was in theory, and to a great extent in practice, the direct ruler of the provinces: he was crowned prince of Salerno and duke of Apulia and his position is shown in the title *Rex Sicilie ducatus Apulie et principatus Capue*, although he never seems to have himself assumed the title of prince of Capua. The old dynastic divisions of Southern Italy, however, became the foundation of the new provincial organisation, and the king's sons with the titles of duke of Apulia, prince of Taranto and prince of Capua and Naples, became the titular heads of the administration. The exact nature of the power enjoyed by the princes will be discussed later, but it may be said here that they were rather the deputies of the king than the possessors of rights inherent in their principalities.

Within these larger divisions which owed their existence to political or dynastic causes, there was a large number of feudal counties and baronies. Roger's policy here was animated by the same ideas that underlay his treatment of the principalities, for the counties were retained and made to subserve the general scheme of organisation. Roger is often represented as the bitter enemy of feudalism, the destroyer of the rights and privileges of the feudal aristocracy. The facts do not warrant such a drastic idea of the changes he introduced. The counts indeed were no longer allowed to govern their estates by the grace of God alone, for they were made to realise their dependence on the king by the rigid enforcement of the oath of fidelity. In regard to their powers, it does not seem that Roger made any great changes, and so far as can be discovered, they retained the higher criminal jurisdiction and various fiscal rights that in theory were reserved for the king himself. The treatment meted out to the towns, the ultimate unit of administration, was far severer than that which the counties received. Roger seems to have felt that the growing liberties of the towns with their walls and castles and material wealth was a far greater menace than the feudal baronage. The city organisation was preserved as the unit of administration, but the towns were made really subordinate to the king; he appointed the *stratigoti* or the catepans and named the judges, and these officials from this time onwards always add the expression *regius* or *regalis* to their title, thus showing that they were in fact royal functionaries. Privileges the towns did in truth enjoy, but Roger's policy decided that there were to be no communes and no city states in the *regnum*. One aspect of his reform, perhaps the most important, has been left till the last for discussion, so as not to break the treatment of the modifications introduced in the old administrative units. So far Roger had only adapted and modified, but the introduction of new royal officials, justiciars, constables, and chamberlains provided a fresh expression of his power, since they were directly appointed by him and responsible to him.

These new officials occupied a place in the administration like the counts, mid-way between the princes and the towns, although they were at first only answerable to the king himself. From the outset they received definite territorial spheres within which they exercised their office. Their duties were separated as far as possible, although complete differentiation of function was not attained till the time of Frederick II. In this they

differed from the city magistrates in the days before the reform of Roger, for the latter enjoyed a universal competence, presiding over the courts of justice and acting as fiscal and administrative officials. Under the new system the distinctive function of the justiciars was to hear criminal cases, and jurisdiction in these matters was expressly withdrawn from the officials of the towns who had previously enjoyed it, only civil cases being left to their cognizance. The relation of the counts to the justiciars is a complicated question : there is no doubt, it has already been said, that the counts and other feudatories retained in many cases criminal jurisdiction over their own tenants, and the situation has been well summarised in the statement that the jurisdiction of the counts and the justiciars was concurrent, since the justiciars did not supersede the counts in their counties. The chamberlains took over the supervision of the royal demesne, and they exercised besides a general control over the bailiffs in fiscal and administrative matters, and a revising jurisdiction in civil cases. The constables, the third class of new royal officials in the provinces, commanded the lesser tenants-in-chief of the crown, who were grouped in constabularies round them, and their office was often combined with that of justiciar. Other constables were placed over important fortified towns, whose garrisons were formed of special groups of knights.

One peculiarity of the administrative reform needs explanation : the simple justiciars and chamberlains were established before the master justiciars and master chamberlains, so that the development was apparently from below upward. This, however, was not the case theoretically and the circumstances may be explained partly by the fact that a co-ordination of officials under the king as the head of all departments of state was aimed at, rather than a strictly subordinated hierarchy, and partly by the fact that it was Roger's definite scheme to entrust the higher provincial administration to the princes. This plan broke down owing to their early death, and it was for a time supplemented by the appointment of the chancellors to govern the mainland. By degrees under William I. a new system was evolved which subordinated the justiciars and chamberlains to master justiciars and master chamberlains, and the principle of co-ordination was abandoned.

In the evolution of the institutions of the kingdom, the establishment of master captains and master chamberlains marks a distinct advance. During the later years of king Roger and the beginning of Maio's adminis-

tration, the local justiciars and chamberlains were under the sole orders of the central authority, but from 1156 onwards their activity was directed by the master captains and the master chamberlains, who were themselves in close dependence on the *curia*. Royal mandates to the local judicial and fiscal officers did not perhaps wholly cease, but it must be submitted that they became very rare and a change of system can be distinctly traced. The orders of the *curia* were sent to the superior provincial officials and these in turn transmitted them to the justiciars and chamberlains under their orders. The innovation is of special interest in that it completed the organisation of the provinces on a territorial basis. The administration was placed in the hands of a graduated hierarchy of officials with definite local spheres of authority, under the supreme control of the *curia* at the apex. It was consequently no part of Maio's scheme for itinerant numbers of the *curia* personally to supervise justice and finance on the mainland, and it is only at the beginning of the personal rule of William II. that a change of system may be observed so far as the department of finance is concerned. Here the master chamberlains disappear and the masters of the *duana*, the central board of finance, are found directing fiscal affairs on the mainland.

So far, then, the perfect territorial system was abandoned, but it does not appear that a parallel change was introduced on the judicial side, although arguments have been advanced in support of such an innovation.¹ It is maintained that members of the central court as such heard suits in various regions of the mainland, and this contention is based partly on a small number of documents which are held to support it, and partly on an arbitrary conception of the ideal needs of the administration founded on the analogy of the contemporary Anglo-Norman system. It must be submitted that a careful analysis of the documents in question does not confirm the notion of a link of this kind between central and local justice in Apulia and Capua, and further that in the actual system developed by the Norman Kings in Italy, there was no place for such an expedient.² It has been said that 'the Sicilian kingship was less ambulatory than the Anglo-Norman, so that there was greater need of some system of provincial visitation by officers of the central government.'³ This theoretical view of

¹ Mayer, ii. pp. 396-414; C. A. Haskins *England and Sicily in the Twelfth Century in The English Historical Review*, July and October, 1911, vol. xxvi. pp. 642-651.

² See Note on the absence of any system of itinerant justices in Apulia and Capua, *infra*, p. 475.

³ Haskins, p. 648.

the needs of South Italy ignores the general institutional scheme which vested the control of the local justiciars not in travelling members of the central court, but in provincial governors of a viceregal character, the master captains of Apulia and Capua. After 1170, these officers changed their title to that of master justiciars and master constables, but their function as the intermediate link between the central court and the local justiciars remained unaltered. There was consequently no room in southern Italy for itinerant judicial officers. In England and Normandy they were essential just because conversely there were no provincial magistrates at the head of the administration.

Such in outline was the provincial organisation created by Roger II. and extended under his son. It reflects the general notions of his age and many of his measures find a parallel in the contemporary systems of Europe, especially in England and Normandy. But while his ideas were often borrowed in essence, yet he generally gave them a practical shape adapted to the traditions and needs of his dominions. The work of reform was broken again and again by external circumstances, but there is no want of internal continuity, between the scheme sketched at Melfi and the system in force when the king died in 1154. Developments indeed there were, but no going back and no mistakes, and continuous administrative growth was possible for a century on the lines laid down in his reign.

CHAPTER III.

THE PROVINCIAL GOVERNORS.

(1) *The Princes and the Chancellors.*

The scheme
of provincial
government
by the princes.

The broad ideas which animated Roger II. in organising the government of the provinces have been sufficiently elaborated. It has been seen that he made a bold attempt to solve the problem by making his sons the titular heads of the old political divisions: since they were associated with him in the oath of fidelity, he was spared the necessity of definitely delegating any portion of the royal prerogative to viceroys or governors of the mainland. Unlike more than one king of the twelfth century, Roger was fortunate in the capacity and devotion of his sons, but the plan of using

them as his lieutenants offered difficulties from the outset. In the early years of the reign they were too young to undertake the real government and defence of their provinces: Roger, the eldest of the brothers, was born not later than 1118, and he was followed at short intervals by Tancred, Anfusius and William, who was born in 1121 or 1122.¹ Henry, the youngest, was perhaps several years younger than William: he died however a mere child and never had any political importance.² For a time then, the youth of the princes necessitated other means of government: the king himself seems to have administered Apulia directly, and the chancellors Guarin and Robert in turn were made governors of the principality of Capua,³ and commanders of the army.

From the year 1137 however the princes began to take an active share in affairs. In the summer of this year, Roger, who had been made duke of Apulia, was engaged in the campaign against Rainulf of Alife, and from this time onwards he is found at the head of the royal troops, being joined in the command after 1140 by Anfusius the prince of Capua. A brilliant career seemed to open before the brothers, but one by one an early death carried them off in the first years of manhood. Tancred died probably in March, 1138, Anfusius in October, 1144, and Roger in May, 1149.⁴ The king's last surviving son William succeeded each of his brothers in turn, but neither as prince of Taranto nor of Capua, nor yet as duke of Apulia does he seem to have taken an active part in the government.

¹ For the king's sons cf. R. S. p. 421 *Hic autem, cum esset comes et iuvenis Albiriam filiam Regis Yspanie duxit uxorem ex qua plures liberos habuit, Rogerium quem Apulie ducem instituit, Tancredum quem Tarenti principem fecit Anfusium quem Capue principem ordinavit, Guillelmum et Henricum.* A. T. Lib. III. cap. xxvii. p. 142. The eldest son Roger cannot have been born later than 1118: this appears from the information given by Romuald of Salerno (p. 435) that king William I., the fourth of the brothers, was in his forty-sixth year when he died in May, 1166; he must therefore have been born in 1121 or 1122, and since Tancred and Anfusius preceded him, 1118 is the very latest date that can be given for the birth of Roger. Di Meo (t. X. ad an. 1148, n. 2) without giving any authority for the information says that Roger was thirty at the time of his death, which he places in May, 1148. It is however, more probable that this occurred in May, 1149 (cf. *infra* p. 277), but in spite of this alteration, supposing that di Meo's information as to Roger's age is correct, it is still quite possible that he may have been born in 1118. The suggestion may, however, be hazarded that di Meo based his calculation of Roger's age on the supposed date of his birth, which in turn he calculated from Romuald's information about William.

² In 1136 king Roger granted some property to the nurse of his son Henry (Caspar *Reg.* No. 109): we may therefore assume that the child was not very old at the time of this donation. He died on a certain August 29 (*Necrologia Panormitana in Forschungen zur Deutschen Geschichte*, Göttingen 1878, xviii. 473).

³ A. T. Lib. III. cap. iii. p. 130; xiv. p. 135; *Cal.* No. 3; *Chron. Casin. auct. Petro M. G. H. SS.* vii. p. 815.

⁴ Cf. *infra* pp. 277-8.

The Govern-
ment of the
Chancellors :
In Capua.

In these circumstances then a plan which promised well was perforce abandoned ; the expedient of the early years was once more resorted to, and the chancellor Robert from time to time, as occasion demanded, took charge of affairs on the mainland. So far as the available evidence goes he seems to have acted as governor in the principality of Capua only : we know that he was at Sora shortly after the death of Anfusus,¹ and although the only business that he is said to have transacted at this time was the confirmation of a privilege granted by king Roger in favour of the churches of Sora, it cannot be doubted that it was the death of Anfusus in October, 1144, that caused the presence of the chancellor in the principality. This would be the more necessary since William of Taranto, who succeeded his brother, was still in Sicily in November. The royal diplomas of this month mention the absence of the chancellor, and it is not a little interesting to learn the business which took him away from court.² He was again in the principality in September, 1149, when at the head of the royal army he burnt the town of Rieti,³ and once more his presence may be accounted for by the vacancy in the principality caused by the transfer of prince William to Apulia in May of this year. On two separate occasions therefore Robert took over the government of Capua.

In Apulia.

In the duchy of Apulia, on the other hand, his action seems to have been either accidental or merely connected with the duties of the chancery. In 1137, after being driven out of the Terra di Lavoro by the imperial troops, he threw himself into Salerno, determined to do his utmost to prevent the complete overthrow of the king on the mainland.⁴ His action was due to the exigencies of the campaign, for it does not appear that he received a definite command such as he held in Capua. The next notice of Robert's presence belongs to 1140, when he accompanied the king to Pescara, and endeavoured in vain to obtain from him the subjection of the monastery of Casauria to Boamund, the new count of Manopello.⁵ In 1143 he visited

¹ Archives of Monte Cass. caps. ci. fasc. v. No. LXI. Judgment of Sept., 1173, ind. vi. given in the court of the chamberlain Adenulf de Patricio in the course of which certain witnesses testify *se uidisse et audisse quando Robbertus cancellarius parum post mortem domini Anfusi principis venit soram. et recensuit preceptum illud quod dominus Rex Rogerius fecerat apud sanctum valentinum. et ex parte domini regis mandauit perpetua firmitate obediendum.*

² Caspar, *Reg. Nos.* 176-7.

³ *Chron. Ferrar.* p. 28.

⁴ R. S. p. 422

⁵ *Chronicon Casauriense in Rerum Italicarum Scriptores*, ed. L. A. Muratori, Milan, 1726, II. pt. 2, col. 890.

Benevento, but it was as chancellor and not as viceroy that he went there, although it is true enough that his action had an underlying political significance. Owing to difficulties with the Holy See, king Roger had incited the barons of the surrounding country to attack Benevento. The citizens complained of the violation of their privileges and Robert was sent to Benevento to inspect their charter: once it was in his hands Robert refused to restore it till he had shown it to the king, and departed quickly from the city.¹ On another occasion Robert was sent to settle a disputed election to the see of Avellino, but here again he seems to have acted in virtue of a special mission, this time of an ecclesiastical nature.² In September 1146, in February 1148, and again in the year 1151³ Robert's absence is noted in the royal diplomas, but unfortunately it is only in 1148 that there is any evidence of the part of the country he visited,⁴ and there is no means of knowing the business with which he was occupied. His employment in the provinces of the mainland seems to be referred to in a special way in the sketch which John of Salisbury gives of his character and attainments, and his openhandedness and love of display are contrasted with the careful habits of the Lombards of Southern Italy.⁵ The chancellors had no title to designate their position on the mainland, but this is no doubt explained by the fact that their office was occasional, and that the governors of the provinces were, in theory at least, the princes. It is however somewhat hard to determine the precise powers exercised by the king's sons, and the question cannot be discussed profitably until their relation to their father and to each other, as well as the history of each of the provinces under their rule, have been considered.

From a very early period in his reign king Roger showed his determination to establish his dynasty and ensure the succession of his sons by associating them in acts of state. Already in 1128 they were expressly included in the treaty sworn by the ambassadors of Savona to support the

Relations of
the king to
the princes.

¹ *Chron. Ferrar.* p. 27.

² Johannes Saresberiensis, *Ex Polieratico* vii. c. 19 in *M.G.H.SS.* Hanover, 1885, xxvii. 48-9.

³ Caspar, *Reg.* Nos. 207, 214, 217, 230.

⁴ *Cal.* No. 26. Pandulf, a notary of the chancellor, drew up the record of a judgment pronounced by the royal justiciars at Pescara, so that the chancellor himself was probably in the neighbourhood.

⁵ *Ex Polieratico* in *M.G.H.SS.* xxvii. p. 48-9 *Vir quidem in rebus gerendis strenuus et sine magna copia litterarum acutissimus, in primis provincialium facundissimus, eorum non impar eloquio, verendus, omnibus privilegio potestatis et morum elegantia venerabilis, eoque mirabilior in partibus illis, quod inter Langobardos, quos parcissimos ne avaros dicam, esse constat, faciebat sumptus immensos et gentis sue magnificentiam exhibebat.*

duke of Apulia under certain conditions by land and by sea.¹ In the following year, Roger and Tancred together were associated with their father in the oath of fidelity imposed on all classes of the population in Southern Italy. Although Roger II. at no time before 1151 arranged for the coronation of any of his sons as joint-king, yet by the simple expedient of including them in the oath, he secured the allegiance due to them as his successors, while at the same time it was integrally bound up with the allegiance due to himself. The situation thus created was confirmed by Anacleto II., who in 1130 granted the crown of Sicily, Calabria and Apulia to Roger II. together with his son Roger and his other sons,² and the final legitimation of the hereditary monarchy was given by Innocent II. at Mignano in 1139.³ Roger, the eldest son, was definitely acknowledged as his father's heir and in consequence of his rights of succession he had a certain superiority over his brothers, who nevertheless occupied a definite position of their own in virtue of the principalities with which they were invested. The relations existing between the brothers are well illustrated in the oath imposed on the principality of Capua: in 1135 the magnates swore fidelity to the new prince Anfusius, saving however that they owed to the king and to his son Roger who was to succeed him in the kingdom.⁴ The same reservation is found too in the oath taken at Gaeta, of which the very formula has been preserved.⁵

In this way the dynasty was established and the princes were closely bound to the throne, but Roger's policy went further, and he intended to use his sons as the instruments of government, especially in the newly conquered regions. At the outset, indeed, he gathered into his own hands the titles of prince of Salerno⁶ and duke of Apulia,⁷ and Honorius II. confirmed him personally in his new possessions,⁸ yet at a very early date he began the course of investing his sons with the duchy and the principalities of Taranto and Capua. Salerno was never granted out, and seems to have been merged henceforth in the duchy of Apulia. Except as a fiscal and judicial unit it disappears from the history of the *regnum*.

¹ Caspar, *Reg.* No. 54.

² Caspar, *Reg.* No. 65.

³ *Ibid.* No. 124.

⁴ A. T. Lib. III. cap. xxxi. p. 144.

⁵ *Codex Diplomaticus Cajetanus*, cccxxxiv. p. 268 in *Tabularium Casinense II. Ego talis iuro et assecuro domino nostro Roggerio. dei gratia sicilie, et italie regi magnifico. et domino. Roggerio. duci filio suo aliisque suis heredibus secundum suam ordinationem legium hominum et ligiam fidelitatem et domino. Anfosso capuano principi Fidelitate, de vita et membris et terreno honore . . .*

⁶ R. S. p. 418.

⁷ *Ibid.*

⁸ *Ibid.*

The same fate was reserved eventually for the principality of Taranto, although for several years it formed an appanage for the royal princes.

The young Roger in all probability received the title of duke of ^{The Duchy of} Apulia before June 1132, because the suggestion is made at this date ^{Apulia.} in the treaty with Bari that the city should be given to Tancred or some other of the king's sons,¹ and it does not seem likely that the eldest son should be passed over unless he had already received a title. It is possible that he was invested with the duchy at the time of his father's coronation, when the title of duke of Apulia and count of Sicily was exchanged for that of king of Sicily and Italy. From 1134 onwards the young Roger is always called duke,² but it is not till 1139 that any formal investiture is recorded. In July of this year, when Roger II. received the kingdom of Sicily from Innocent II., he was accompanied by his sons Roger and Anfusius, and it is expressly narrated that they received separate investiture *per vexillum* of the duchy of Apulia and the principality of Capua respectively, at the hands of the pope.³ It may well be that Innocent was willing by a definite act to give sanction to the young Roger's claim to the duchy, since Rainulf of Alife, who had received papal and imperial investiture, was now dead. From the chronicle of Ferrara, indeed, it appears that not only Innocent, but also Roger II. invested the young Roger in 1139:⁴ no other source speaks of this investiture, but it is possible that some ceremony took place to mark the final victory of the Sicilian house.

The duke of Apulia had played a not unimportant part in the last years of the conquest and it is above all as a military commander that he was conspicuous. In October 1137 he was given the command of one wing of the royal army at Rignano, and he succeeded in driving the enemy before him as far as Siponto: this partial victory however did not prevent the main body under king Roger from suffering a severe defeat. Two years later in the summer of 1139 the duke carried on the war in the Terra di Bari, and brought about the submission of several important places, notably Trani, with which he concluded a treaty: this success was followed in July by the capture of Innocent II., an advantage for the king, which he

¹ Caspar, *Reg.* No. 77.

² *Ibid.* No. 94, cf. A. T. Lib. III. cap. xxvii. p. 142.

³ F. B. p. 246.

⁴ *Chron. Ferrar.* p. 25 *Eodem anno* [1139] *Rex Rogerius filium suum Rogerium fecit ducem Apulie.*

owed to the ability of the duke. After the reconciliation with the papacy the disturbed condition of the northerly regions of the kingdom offered a further field for his generalship; in the spring of 1140, he was sent to help his brother Anfusius, and together they advanced beyond the city of Pescara, with the object of subduing the outlying districts which depended some on the duchy and some on the principality.¹ It is interesting to notice that the princes were acting during this expedition ostensibly as rulers of their provinces, and in this capacity were vindicating their territorial rights. This was especially the case in those regions of the principality of Capua which bordered the state of the Church.² In July Roger II. came north to inspect his sons' conquests and with their help he captured Sora and Arce and brought the frontier of the kingdom up to Ceprano.³ In August he was at Pescara, and the young Roger joined his father in a grant for S. Saviour of Monte Majella.⁴ Both Roger of Apulia and Anfusius of Capua must have been present at the Court at Ariano, but when the king returned to Sicily with his fourth son William, Roger remained in Apulia and Anfusius went to Capua.⁵ For three years the duke is only mentioned in royal diplomas issued sometimes in Sicily and sometimes in Italy, but in the autumn of 1143 together with his brother he conquered the land of the Marsi,⁶ and in June 1144 he accompanied the king and Anfusius to Ceprano for an interview with Lucius II.,⁷ with the object of arranging the outstanding points in dispute with the papacy. The negotiations broke down owing to the stipulations of the pope in regard to Capua, and the king returned to Sicily to prepare a naval attack on Terracina. The princes took the field at once and attacked the papal possessions in Campania⁸ with such success that Lucius concluded a seven years' truce: Roger II. at first refused to ratify it, but after the death of the prince of Capua in October,⁹ he signed a treaty with the pope. Duke

¹ F. B. p. 250.

² *Chron. Ferrar.* p. 26. The pope sent cardinals to the princes *ne aliena invaderent, et romanos fines non usurparent. Qui respondententes ita eidem rescripserunt 'aliena se nolle appetere sed solummodo terras principatui Capuano suo pertinentes velle reintegrare, et sic omnes terras principatus capuani et ducatus Apulie sibi subiugare.'*

³ *Annales Ceccanenses (Chronicon Fossae Novae) M.G.H.SS.* Hanover, 1866, xix. p. 283.

⁴ Caspar, *Reg.* No. 133.

⁵ F. B. p. 252 and Caspar, *Reg.* No. 135.

⁶ *Ann. Ceccan. M.G.H.SS.* xix. 283.

⁷ *Chron. Ferrar.* p. 27.

⁸ *Ibid.* 28 and *Annales Casinsenses M.G.H.SS.* xix. 310.

⁹ *Cf. infra*, p. 279.

Roger now returned to Sicily where he passed the autumn.¹ The truce with the pope deprived him of a field for the exercise of his military talents, and the notices of him which have come down are few, and shed but little light on his government of Apulia. For the most part his presence with the king at Palermo or Salerno alone is mentioned, but in 1147 he presided independently at a court held to settle a dispute between the abbot of Monte Cassino and John de Boccio of Troia.² On this occasion, the duke's court numbered among its members one or more royal justiciars, and the judgment is of considerable importance, since it is the only illustration extant of Roger's judicial activity in Apulia.

In February, 1148, he was at Palermo,³ and this is the last information we have, except the notices of his death. This has generally been regarded as having occurred on May 2 1148, since the *Necrologia* of Palermo and Monte Cassino give May 2 as the date of the death of a duke Roger, and the *Annales Cassinenses* give the year 1148. Romuald of Salerno, however, has 1149 ind. XII., and this date is confirmed by the Liber Confratrum of Salerno, which has the precise indication *VI. Nonas Maii Anno Domini MCXLnono indictione XII.* This testimony is supported by several Apulian documents, although the indications from this source are not unanimous. The evidence for both dates has recently been reviewed, and a decision in favour of 1149 seems to be supported by the greatest weight of testimony.⁴

The position occupied by duke Roger in the duchy is somewhat ambiguous; although he was always associated with the king in the oath of fidelity and always bears the title of duke, his regnal years are not mentioned in the private documents of Apulia. Nevertheless it happens occasionally that after mentioning the reign of the king, the scribe refers to the duke *regnante cum eo*.⁵ The omission of the regnal years is the more remarkable, since it is always noted for William, his successor to the duchy, and for Anfusius and William alike in the principality of Capua. Duke Roger seems to have exercised a sufficiently independent judicial power, so far as the one surviving judgment given by him on the mainland serves to

¹ Caspar, *Reg.* Nos. 176, 177.

² *Cal.* No. 22.

³ Caspar, *Reg.* No. 214.

⁴ C. A. Garufi, *Guglielmo I. Duca di Puglia e Re di Sicilia*, in *Studi Storici e Giuridici dedicati ed offerti a Federigo Ciccaglione*, Catania, 1910, ii. pt. iii.

⁵ *Cal.* Nos. 10, 11; cf. Caspar, *Reg.* No. 133.

show, and he was the active and successful commander of the royal troops. In both these respects his competence closely resembles that of the later master captains of Apulia, but the frequent presence of king Roger on the mainland to hold solemn judicial courts in person and to superintend the general conduct of military operations, made the duke's position far less regular and assured than theirs. The duchy was divided for judicial, military and fiscal purposes into a number of circuits, but the justiciars, constables and chamberlains to whom the conduct of these affairs was entrusted were royal officials, appointed by the king and receiving orders directly from him. Duke Roger on the whole was a mere representative of the king without the definite functions of an official, and he was in no sense the sovereign of Apulia. He was succeeded by his only surviving brother William, but there are no records at all of any public action on his part during his brief tenure of Apulia as duke.

The prin-
cipality of
Taranto and
Bari.

The importance of the principality of Taranto, which had been deserted by Boamund II in 1126, might not at first seem greatly inferior to that of the duchy of Apulia, since it represented roughly the old sphere of Greek influence, the region in which the first conquests of the Hauteville family were made. Roger gave the principality, some time after June 1132 to his second son Tancred,¹ On the death of the latter, perhaps as early as March 1138² it passed to his brother William, who held it till October 1144. The king, in his will, nominated Simon his natural son as prince of Taranto,³ but he was deprived by William I., who asserted that the principalities and the duchy could only be given to legitimate sons. After this, the principality was never again granted to a son of the royal house, till the time of Frederick II. It was merged for administrative purposes in the duchy of Apulia, and it was only as a feudal unit that the region continued to have any separate existence, since the fiefs are always described in the Catalogue of the Barons as being held of the principality

¹ Caspar, *Reg. No. 77*. Treaty with Bari in which the possibility of giving the city to Tancred or another of the king's sons is mentioned. Alexander of Teleso (*Lib. III. cap. xxvii. p. 142*) in 1135 speaks of the previous granting of the principality of Bari to Tancred; cf. *R. S. p. 421. Tancredum quem Tarenti principem fecit.*

² Tancred died on a certain 16th March (*Necrol. Panorm. p. 472*). He is not mentioned after the autumn of 1137, when he returned to Sicily with his father (*R. S. p. 423*), so that it seems probable that he died shortly after this. William is not mentioned as prince, or indeed at all, till Nov., 1140, but the authenticity of the document has been questioned. (Caspar, *Reg. No. 135.*)

³ *H. F. p. 51; Chron. Ferrar. pp. 28, 30.* It is doubtful whether Simon was prince of Taranto or of Capua. *H. F.* gives Taranto and the Chronicle of Ferrara gives Capua, but Taranto seems the more probable.

of Taranto. Like the duchy of Apulia proper, it was divided among several groups of justiciars, chamberlains and constables, who held their office directly of the king. Neither Tancred nor William played an important part as prince of Taranto: their regnal years are never mentioned and there is no record of their activity on the mainland.

In the autumn of 1135, the king gave the hitherto independent principality of Capua to his third son Anfusus¹ and in October made a solemn entry into Capua to receive the oath of fidelity of the magnates.² In spite of the clause in the oath safeguarding the rights of duke Roger,³ Anfusus seems to have been prince of Capua in a more technical sense than his brother was duke of Apulia. His regnal year is always carefully noted and the court of the prince was more formally organised. In 1149, when William was prince, his chamberlain is mentioned in distinction to the royal chamberlain who managed the financial business of the crown.⁴ The government of the chancellors in Capua, owing to the extreme youth of Anfusus, has already been mentioned, and it was not till after his investiture by Innocent II. in 1139 that the young prince took his share in public events. In this year too he became duke of Naples, after the representatives of the city made their submission at Benevento.⁵ Like duke Roger, Anfusus had considerable military talent and played a conspicuous part in the expeditions of 1140, 1143 and 1144. On October 10 of this last year his career was cut short by an untimely death.⁶ He was succeeded at once as duke of Naples and prince of Capua by William of Taranto.⁷

No direct information is available about the judicial powers of the princes of Capua. The principality formed the sphere of a single group of justiciars—the Terra di Lavoro of a later period—and, as in other parts of

¹ A. T. Lib. III. cap. xxvii. p. 142.

² *Ibid.* cap. xxxi. p. 144.

³ Cf. *supra*, p. 274.

⁴ *Cal.* No. 29.

⁵ F. B. p. 247 . . . *et in his diebus cives Neapolitani venerunt Beneventum, et civitatem Neapolim ad fidelitatem Domini Regis tradentes Ducem filium ejus duxerunt, et ejus fidelitati colla submitunt.* Anfusus witnessed the diploma of Roger II. for the Capella Palatina on April 28, 1140, as duke of Naples and prince of Capua.

⁶ Caspar, *Reg.* p. 554, a. gives the references for Anfusus' death.

⁷ *Regestum S. Angeli ad Formas.* Monte Cassino An. 1144. Doc. lxxi, where the first year of William is reckoned in December. *Tempore domini nostri roggerii dei gratia sicilie atque ytalie gloriosissimi regis et primo anno principatus domni guiliemi filii ejus gloriosi principis Mense dec. ind. oct.*

the kingdom, they were royal justiciars. It is however possible that the princes held courts at Capua that were regarded as the supreme authority, under the king, for the principality. The only information on the subject comes from the time of Tancred, and it cannot be accepted without considerable reserve for the reign of king Roger. It is contained in the extensive privilege granted to the city of Gaeta :¹ the citizens are to be tried in civil matters by the judges of Gaeta, in criminal matters they are to go directly to the *magna curia* at Palermo, unless there should ever again be a prince of Capua, in which case they are to have recourse to his court.

Neither Anfusus nor William took any share in the financial administration of the principality, which was confided to a royal chamberlain : they did not reside continuously in their province, but are often found with the king in Sicily or in other parts of the mainland.

The general position of the princes.

The evidence regarding the government of the princes is far from abundant but, taken as a whole, it shows that they acted as the direct representatives of the king, as his eyes, hands and ears as it were, without any definite delegation of power. Although their sphere of action was chiefly military, and in a lesser degree judicial, like that of the master captains of Apulia and the Terra di Lavoro, who gradually assumed the government of the mainland in the troubled days of William I., their powers were far less regularly constituted. The contrast between the ill-defined position of the princes and the later ordered hierarchy of officials in the time of William II. is even more striking. The difference is explained by the character of Roger II., whose aim was to give minute personal supervision to all departments of state and to use his sons as the instruments when exigencies of time and space prevented his absolute ubiquity. The difficulties in the way of carrying out this ideal were considerable from the outset : indeed it was only the utter devotion of the princes and of the chancellors who supplemented their activity that made such a scheme possible. Roger might with truth be described as the well-served king.

Fresh disposition of the kingdom in 1151.

In 1151 king Roger seems to have felt the burden of advancing years and private sorrows had come fast upon him : his second wife Sibyl had died without giving him a son, and of all his legitimate children, William of Apulia alone survived. His old servants too were passing away : George of Antioch died in the winter of 1150-1, and Robert of Selby did not long

¹ *Tab. Cas. ii. Cod. Dipl. Caj. cccxxxiv. p. 268.*

outlive him. In these circumstances then, the king determined on a fresh disposition of the provinces. At Easter 1151, William was crowned king and associated with his father on the throne¹: in practice a division of the kingdom was made, and Roger kept Sicily with Calabria and Capua in his own hands,² while the government of Apulia was made over to the young king. The history of the last years of Roger II. is obscure, but so far as formal expressions may be trusted, William at length took an active share in the government, for his name is associated with that of his father in the issue of mandates.³

On Roger's death William succeeded to the whole kingdom and for a time kept all the provinces in his own hands,⁴ and Hadrian IV. invested him with Sicily, Apulia, and Capua at Benevento in June 1156.⁵ In this month, however, he returned to the policy of his father by making his eldest son Roger duke of Apulia.⁶ Two years later, Robert, the second son, was created prince of Capua,⁷ but these investitures were of small importance for the history of the administration, since the young Roger was only four or five years old in 1156,⁸ and Robert must have been about the same age in 1158. Roger was killed in the revolution of 1161, but the date of Robert's death is unknown. In any case it took place before king William himself died in May 1166. Two sons survived,⁹ and in his last will, the king recognised the elder William as the heir to the whole kingdom, and confirmed to Henry the younger the principality of Capua, which had already been granted to him.¹⁰ Nothing is said here or in contemporary documents of any title borne by William, and it is not

The princes
under
William I.
and
William II.

¹ *Historia pontificalis*, ed. W. Arndt, *M.G.H.SS.* Hanover, 1868, xx. 539; *Ann. Casin. M.G.H.SS.* xix. 310; R. S. p. 427. The actual date was April 8.

² Di Meo x. ad an. 1151, n. 3. Capua had probably been in Roger's hands since 1149.

³ *Cal.* No. 42.

⁴ Di Meo x. ad an. 1155, n. 15. Document from Saint Blaise of Aversa: 1155 *Ind. III. m. Aprilis & iv. anno Regni D.n. Willelmi Principatum Capuae suis in manibus retinentis.*

⁵ R. S. p. 429.

⁶ Chalandon, ii. 263-4; cf. also *Cod. Dipl. Bar. t. v. Nos. 117-119*, in which the regnal years of duke Roger are noted.

⁷ R. S. p. 429. *Robertum quem Capuanorum principem ordinavit.* The date of Robert's elevation appears from two documents of 1159, *Ind. VII.* March and July, 8th year of King William *et secundo anno principatus domini nostri Roberti dei gratia capuanorum Gloriosissimi principis, et ejusdem domini nostri Regis filii.* (Archbishop's Archives Capua. Decina 1126-1200.)

⁸ H. F. p. 52 speaks of Roger in 1161 as *novennem fere puerum.*

⁹ R. S. p. 429 gives the sons of William I. *Rogerium quem ducem Apulie constituit, Robertum quem Capuanorum principem ordinavit, Guillelmum et Henricum.*

¹⁰ *Ibid.* p. 435 *testamentum fecit, in quo Willelmum filium suum maiorum totius regni heredem instituit, Henrico altero filio principatum Capue, quem concesserat confirmavit.*

a little strange that the elder brother should have had no appanage, while the younger was prince of Capua. This has been explained¹ by the king's desire that the young William should not be definitely regarded as the heir to the throne. If he had been invested with the duchy of Apulia, he would have had a distinct position, and the discontented factions might have made him, as they had made his elder brother Roger, the unconscious centre of opposition to the king. If this be the explanation, it is none the less remarkable than the title of prince of Capua should have been granted to the youngest son. Henry died in the summer of 1172,² when he cannot have been more than eighteen years old, and there was no prince to succeed to the vacant provinces.

These investitures under William I. and William II. have no importance in administrative history, and already other means had been taken for the effective government of the mainland.

(2) *The Master Captains of Apulia and the principality of Capua and the Master Constables and Master Justiciars of all Apulia and the Terra di Lavoro.*

The growth of the office of Master Captain of Apulia and the Terra di Lavoro.

In the early years of William I. there appeared for the first time at the head of the provincial administration an official who bore sometimes the title of master constable³ and sometimes that of master captain⁴ of all Apulia and the Terra di Lavoro or the principality of Capua. He exercised the functions of viceroy on the mainland, and although the office was in its origin mainly political and military, yet from the first, judicial and administrative duties were bound up with it. After 1170 this aspect was recognised in the addition of the words 'master justiciar' to the title :

¹ Chalandon, ii. 306

² R. S. p. 439.

³ *Il Chartularium del Monastero di S. Benedetto di Conversano*, ed. D. Morea, Monte Cassino 1892, i. No. 106, 1163, Dec. Ind. x. 13th year king William = 1162. *Ego Gilibertus dei et Regia gratia gravine comes et magnus comestalus totius Apulie et principatus Capue*; cf. *ibid.* No. 110, 1166 Jan. Ind. xiv. 16th year king William. *Ego Gilibertus gratia dei et domini nostri Guilielmi excellentissimi regis gravine comes et magnus comestabulus totius apulie et principatus capue.*

⁴ R. S. p. 429. *Dehinc Symonem senescalcum cognatum Maionis anirati magistrum capitaneum Apulie constituit.*

H. F. p. 24. *Symonem ergo senescalcum, maritum sororis sue toti Apulie ac Terre Laboris magistrum capitaneum proficiens . . .*

Cal. No. 47, *domino Simoni regio senescalco et magistro capitaneo tocius apulie.*

Chron. Casaur. R.I.SS. ii. pt. 2, col. 1011. Grant of Gilbert of Gravina 1166, Dec. 1, Ind. xv. *Nos Gilibertus Dei, & Regis gratia Comes Gravinae & Magister Capitaneus Apuliae, & principatus Capuae.*

at the same time the expression 'master captain' gave way to 'master constable,' and throughout the remaining years of the reign of William II. the style of the governors of the mainland ran '*magister (or magnus) comestabulus et magister justitiarius totius Apulie et Terre Laboris*,¹ the Terra di Lavoro being a frequent synonym for the principality of Capua. It is noteworthy that a return was sometimes made to the form *master captain* instead of *master constable* during the troubled days of Tancred, so that on one occasion at this period master captain and master justiciar are found in combination.² This is of special interest because it shows conclusively that the master constables and master justiciars of the later Norman period were the direct successors of the early master captains.

The provincial administration of Apulia in the later years of William II. presented a spectacle of such symmetry and order that it appears to be the result of a definite scheme carefully drawn up by a single mind, and as carefully carried out at a single period, and yet it was evolved step by step by different minds and at different periods in obedience to the needs and circumstances of the moment.

The reign of William I. was a period of unrest. During the years 1155-1156, the country was laid open to invasion by the pope and by the emperor of Constantinople acting in concert with the rebellious barons of the kingdom, and it was under the stress of these events that the government of the provinces was gradually reorganised. Faced in 1155 with the necessity of providing for the defence of the mainland, William fell back on the expedient frequently adopted by his father in Capua, and, at latest at Easter of this year, he committed the administration of Apulia to Aschettin the chancellor,³ with Simon count of Policastro the constable,⁴

The chancellor and the constables, 1154-1156.

¹ The earliest instance of this form belongs to the year 1171. Camillus Peregrinus, *Historia Principum Langobardorum*. R.I.SS. 1723, ii. pt. 1, p. 317. *In praesentia Domini Comitiss Roberti Casertae, Apuliae & Terrae laboris Magni Comestabili, & Magni (read Magistri) Justitiarii*. The title generally runs as quoted above in the text.

² St. Arch. Nap. Pergamene di Monte Vergine vol. xv. No. 91. A document of the year 1191, issued by the catepan of Ascoli, mentions *Dominus Berardus gentilis dei et regia gratia egregius Comes Alisine et Dominus Ugo Lupus eadem gratia illustris Comes Cupersani capitanei et magistri Justitiarii totius apulie et terre Laboris*.

³ H. F. p. 11, *sub id temporis Ascotinus cancellarius et comes Symon cum magno exercitu in Apulia erant . . .*

R. S. p. 428 *Rex autem celebrata festivitate paschali, Ascittino Catheniensi archidiacono, quem cancellarium fecerat, Apulie amministrationem commisit.*

⁴ Cf. H. F. p. 13. On the recall of count Simon *aliusque in eius locum comestabulus subrogatur*: from this passage it is clear that he bore the title of constable. It is surely safe to assume from the whole circumstances that he was the master constable of Apulia and not the master

for his colleague. It is not impossible that Aschettin had occupied the same position during the last days of king Roger, for a document issued at Bari in April 1155, mentions a court held some little time previously at Barletta in the presence of the vice-chancellor Aschettin.¹

The mandate ordering a suit to be taken before this court was certainly issued in the names of king Roger and king William—that is between April 1151 and February 1154—but there is no means of knowing whether the court in question was actually held before or after the death of Roger. In any case the passage suggests that Aschettin was charged with the administration of Apulia before Easter 1155, the date mentioned by the chronicler. Like his predecessors Guarin and Robert, he is never given, to our knowledge, any special title beyond that of chancellor, and yet he received perhaps a more definite delegation of authority than they enjoyed. In the appointment of Aschettin, William was only following the precedent set by his father, but in joining the constable Simon with him in the command, the second step in the constable who was one of the officials at the king's court. If this be granted, the supposition of M. Chalandon (ii. 688) that count Boamund of Manopello was master constable of Apulia, falls to the ground. The Catalogue of the Barons informs us that Boamund was constable in the region of the Abruzzi, and gives no hint that he held the higher office of master constable. M. Chalandon further cites, in support of his view, the quarrel concerning the command of count Robert of Loritello's knights at Capua in the spring of 1155. The facts as narrated by Hugo are as follows: the king, suspecting the fidelity of the count, ordered Aschettin to get him inside Capua on pretence of receiving the royal orders and then to send him a prisoner to Palermo. Robert had wind of the plan, arrived at Capua with 500 knights and firmly refused to enter the city. Aschettin was forced to come out and meet him and told him that the king's will was for him to place all his knights under count Boamund *prout feudum suum exigebat*. Robert refused indignantly, saying it was monstrous and against all custom for his knights to fight under any other leader but himself. The exact rights of the case are difficult to discover, but it may be said on Robert's side that as a count he undoubtedly should have led his own men. For the king, it must be remembered that the county of Loritello had been disintegrated from 1137, till its revival in 1154, and probably many of the count's knights had been attributed in the interval to Boamund's constabulary. Robert of Loritello might reasonably object to his men serving under a simple royal constable, but not to their being under the orders of the master constable of Apulia, the commander of the royal army. Thus further evidence is adduced against M. Chalandon's opinion that Boamund was master constable. The significant fact must also be added that he was not commanding the royal army at this moment, and count Simon was.

¹ *Cal. No. 42 . . . coram domino Ascetino Regio Vice Cancellario et domino Riccardo Andrie comiti et domino Gilberto de Balbano Regio magistro comestabili aliisque quam pluribus baronibus et militibus apud barolum curia congregata*; cf. K. A. Kehr *Die Urkunden der Normannisch-Sicilischen Könige*, Innsbruck, 1902, p. 80, n. 3 who regards Aschettin as having been at Barletta at the beginning of April 1155 on the evidence of this document; surely this is a misreading, for the court which issued the document bearing this date was held by the justiciars Robert Seneschal and William of Tivilla, and in the course of their judgment they mention a previous court which Aschettin had held as Vice-Chancellor. Moreover in April 1155 Aschettin was almost certainly at Capua. Cf. H. F. pp. 11, 12.

evolution of the office of master captain of Apulia as it existed later was made. At this stage of the growth of the office its functions were divided rather than shared by the two men to whom Apulia was entrusted, for Aschettin seems to have occupied the position of viceroy, while count Simon was perhaps only in command of the army. From this time onwards the office of master constable which Simon held, was forced by the political situation into pre-eminence, but it seems to have existed already in the latter days of king Roger. The earliest notice that has survived is found in the record of that same court which was held at Barletta by Aschettin some time before April 1155, for there was associated with him, amongst others, Gilbert of Balbano, the royal master constable.¹ It may, therefore, be assumed that William I. found the command of the feudal levy already centralised in the hands of a master constable, when the disturbed condition of Apulia called for a development of the governmental machinery at his disposal.

In March or April 1155, it has been seen, Simon of Policastro and Aschettin held the joint command in Apulia. The task assigned them was no easy one: the kingdom was threatened with invasion by the forces of Hadrian IV., Frederick Barbarossa and Manuel Comnenus. In the event, the German emperor did not cross the frontier of king William's dominions, but the war with the pope began in May, and during the summer the Greek army marched from Ancona to the Terra di Bari. Already too, in the spring, the first suspicions of the baronial revolt were forcing themselves on the king and his minister, who saw the terrible disadvantage of fighting a foreign enemy supported by a rebellion within the kingdom. Aschettin and Simon were ordered to seize count Robert of Loritello, whose fidelity was even then considered doubtful, and to take the field against the papal army. The partnership of the chancellor and the constable was short-lived: count Robert escaped the trap laid for him at Capua, and before ever the Sicilian army saw active service Simon and Aschettin had quarrelled. The former was suspected of sympathy with the count of Loritello: he was summoned to court, apparently before the end of May 1155, and another constable was appointed in his place.²

The name of his successor is not definitely stated, but certain

¹ Gilbert died in 1156 (Haskins, p. 659 and n. 221), but he must have resigned his office before this to make room for count Simon.

² H. F. p. 13.

conjectures may be hazarded. We know that Aschettin after defeating the papal forces turned south to meet the troops which the Greek emperor had sent to invade Apulia. This campaign receives scant notice from the Latin chroniclers, but on the other hand the Greek historian Kinnamos gives a minute account of the operations. At the very first, count Richard of Andria is mentioned as playing an important part by the side of Aschettin,¹ but he was killed at the battle of Andria in the late summer of the same year.² It is possible that he was master constable, but no confirmation from any source is forthcoming. Two other commanders Κάστρος³ and Φλαμίγγος⁴ appear frequently at the head of the Apulian troops. The latter may well be identified with Roger the Fleming⁵ who was royal constable and justiciar at Mottola in March 1155. He may have been made master constable⁶ in succession to count Simon, but it seems more probable on the whole that Κάστρος who is described as ἀνὴρ ἐπιφανής,⁷ held that office. It is not by any means unlikely that he was that Peter of Castro Nuovo who was *capitaneus Apulie* at the time of the mission of Robert of St. John to Venice⁸ The date of this episode is uncertain. M. Chalandon⁹ and Signor Siragusa¹⁰ both incline to place it

¹ Kinnamos, Lib. iv. 4. pp. 141, 143, 144; iv. 6. p. 148.

² *Ibid.* Lib. iv. 4. p. 144.

³ *Ibid.* Lib. iv. 5. p. 145.

⁴ *Ibid.* Lib. iv. 8. pp. 152, 153; iv. 9, 156, 157.

⁵ *Cal.* No. 41.

⁶ Roger is mentioned together with Peter of Castro Nuovo, in the judgments quoted below, as occupying an important position in the court: in the first document neither Roger nor Peter has any specific title, but in the second Peter alone is qualified as *magnificus capitaneus*. The question whether Roger too was *capitaneus* must be left open: it may be added that generally two *capitanei* were in office at the same time, e.g. Simon the Seneschal and the Admiral Stephen, and in the reign of William II. it was the rule to have two master constables and justiciars acting together.

⁷ Kinnamos, Lib. iv. 5. p. 145.

⁸ H. F. p. 67.

⁹ Chalandon ii. 192.

¹⁰ G. B. Siragusa, *Il Regno di Guglielmo I. in Sicilia*, Palermo, 1885, pt. i. 118-9; and H. F. p. 67, n. 1. The chancery being vacant, the story told by Falcandus runs, William I., on his own initiative, wanted to give the office to Robert of St. John, a canon of Palermo. Maio, however, having different designs, sought to get Robert away from the court on the honourable pretext of an embassy to Venice. The plan did not stop here, for the admiral wrote to Peter of Castro Nuovo, who was at that time captain in Apulia, to order him to give Robert unseaworthy ships, so that he might be conveniently drowned. The archbishop of Trani, however, disclosed the plan to the canon, and he in order to escape the plot chartered a ship and sailors at his own expense and came safe to Venice. It has recently been considered that these events belong to the period of the vacancy in the chancery which followed the appointment of Maio as great admiral sometime before June 1154 and that the embassy to Venice referred to, was the one which resulted in the treaty drawn up before the death of doge Domenico Morosini in Feb. 1155. No other embassy to Venice belonging to the reign of William I. is known, and it is maintained that the rest of the evidence fits well. Against this view it may be urged that the vacancy in the chancery referred to was, more probably, that caused by the imprisonment of Aschettin in the spring of 1156. At the time of Maio's vacation of the chancery, there is reason to suppose that Aschettin already had the title of vice-

between June 1154 and February 1155, but there is some little ground for suggesting a period after April 1156. This date agrees far better with the other evidence concerning the time of Peter's command in Apulia than does the earlier one mentioned above. He appears twice besides in judicial documents: in November 1157 together with Roger the Fleming he was present at a court summoned by the master chamberlain Virsacius to decide the quarrel of the men of Corato and their lords concerning feudal aids;¹ and again in a fragment bearing the date 1158² a suit brought before Roger the Fleming and *Petro castri Maris magnifico Capitaneo* is mentioned. This fragment is preserved in a document of exactly one hundred years later and is printed by Ughelli. It is not unreasonable to read *Castri Novi* for *Castri Maris* and *magistro* for *magnifico*, especially as the word *magister* is frequently wrongly transcribed.

The campaign against the allied Greeks, pope and rebels continued till the summer of 1156. Before April, Aschettin lost the confidence of the king and was thrown into prison. During the summer William himself commanded the army in Apulia. In June the treaty of Benevento was signed with Hadrian IV. and the king prepared to return to Sicily, after making suitable dispositions for the government of the mainland. According to Romuald and Hugo Falcandus, Simon the royal seneschal and brother-in-law of Maio was made master captain of Apulia and the Terra di Lavoro in July or August, 1156.³ In this connexion the chroniclers make no mention of Peter of Castro Nuovo, but if the

chancellor, since in the judgment of April 1155 issued by the justiciars at Bari (*Cal.* No. 42) a previous court under the presidency of the royal vice-chancellor Aschettin is mentioned. This court must have been held at the end of Roger's reign or the beginning of William's, and if Aschettin was already vice-chancellor it would have been unusual, to say the least, to have passed him over and to have given the chancery to another. It may be noted in passing that the date at which Aschettin was made chancellor seems generally to be placed too late: March 1155 is the usual date given, but Romuald of Salerno when he says that at this time Aschettin was made governor of Apulia, adds that the king *had* made him chancellor—that is, at a previous date. After the fall of Aschettin, the chancery was, as a fact, not filled up, in accordance with Maio's policy of uniting the post of chancellor *de facto* with that of great admiral, and so keeping all the threads of administration in his own hands. It may be urged that this was a more likely occasion for the king to assert himself and put forward a candidate of his own than at the previous vacancy when Aschettin was waiting to fill it. Moreover, Maio is said to have represented to William that Robert should have the chancery on his return from Venice: yet, if the autumn and winter of 1154-5 were the date of the embassy, the treaty being signed in February 1155, it is somewhat strange that the vacant office should be filled during his absence. The story told by Falcandus shows that Maio planned that Robert should never return, but he could not be sure that the plot would succeed.

¹ *Cal.* No. 46.

² *Cal.* No. 46. a.

³ R. S. p. 429; H. F. p. 24.

two judgments in which he took part are taken into consideration he must have continued in office with the title of *magister capitaneus* till the autumn of 1157. Hence Peter and Simon shared the duties of master captain for over a year.

The master captains of all Apulia and the principality of Capua.

Aschettin was the last chancellor to govern the mainland, and with the appointment of Simon the seneschal, the first governor of Apulia to describe himself by the territorial title, the new office may be considered to have entered on the second stage of its development. During this period, which extended till 1169, the most usual form of the title is *magister capitaneus totius Apulie et principatus Capue*, although between 1160 and 1166 *magister comestabulus* makes its appearance.¹

Simon the seneschal remained in office till November 1160, when the fall of Maio dragged down all his relatives from their high positions. Several documents exist which describe Simon's judicial activity while he was master captain. The record of a suit held at Modugno in January 1158² mentions the letters issued by Simon together with the master chamberlain Virsacius and the justiciar Geoffrey to the catepan of Modugno, ordering him to answer to an accusation of oppression before the judge of that place. At some period not specified, Simon appears issuing letters to the chamberlain Samarus to hold an inquest concerning a claim preferred by the abbot of S. Bartholomew of Carpineto to certain castles in the Abruzzi,³ and on another occasion he heard in person a suit between the citizens of Teano and Sessa about their right to the waters of Sessa.⁴

In May 1158 Simon's colleague was the admiral Stephen, Maio's brother,⁵ who had commanded the expedition against the Greek emperor in the spring and summer of 1157. It may be assumed that Stephen replaced Peter of Castro Nuovo as master captain between November 1157 the date of a court held by Peter, and May 1158 when Stephen issued a privilege in favour of a man at Salpi.

Stephen and Simon were regarded by the opponents of Maio as the representatives of his policy of crushing towns and barons alike. As the conspiracy against the admiral developed, their position in Apulia became increasingly difficult: Melfi refused to receive the captains because Maio

¹ Cf. *supra*, p. 282.

² *Cal.* No. 47.

³ *Cal.* No. 50.

⁴ *Cal.* No. 36.

⁵ *Cal.* No. 48; H. F. p. 31. *Stephanum quoque fratrem suum, qui militibus in Apulia preerat, ut comitis Roberti crebros impetus sustineret, sepius admonens hortabatur, ut amplioribus stipendiis militum sibi mentes alliceret. . . .*

had appointed them,¹ the fidelity of the troops under their command wavered before the attacks of Robert of Loritello, and Simon was forced to take refuge in a strongly fortified town.² With the assassination of Maio they were deprived of their office, and were succeeded in 1161 in the command of the army and the administration of Apulia by Gilbert, count of Gravina,³ and Aquinus of Moac.⁴ The latter was soon superseded by Richard de Say,⁵ and Gilbert and Richard continued to govern Apulia during the remainder of the reign of William I. and during the regency of queen Margaret. The count of Gravina, who describes himself at first as master constable and later as master captain of all Apulia and the principality of Capua, played a prominent part in the troubled political life of his day: on the death of William I. he aspired to govern the whole kingdom, but was forced to be content with his former office on the mainland.⁶ In 1169, however, he was deprived of the captaincy and compelled to leave the country.⁷ One of his judicial acts has come down to us, preserved in the chronicle of the ever litigious S. Clement of Casauria, who seems to have suffered much at the hands of Boamund II. of Manopello. Already the monastery had sought redress at the hands of Simon the seneschal when he was master captain, but in spite of a legal victory, a fresh complaint was made before count Gilbert at Foggia, and once again the saint *rationabiliter devicit & superavit*.⁸

The same chronicle contains another act of Gilbert, belonging to the year 1166 (December 1), but it is administrative rather than judicial, since it grants permission to the monastery to transfer certain men from the city of S. Angelo to the castle of S. Moro.⁹ Of Richard de Say we know little except that he was an energetic general, well-known for his proved fidelity, and that he was the chief figure in a divorce case narrated by the scandal-loving Hugo. In 1167 the regent Margaret made him count of Fondi,¹⁰ and in 1172 he is called count of Gravina, as well as master constable and master justiciar of all Apulia and the Terra di Lavoro, a title he shared with Robert of Caserta.¹¹ Together with Roger of Albe

¹ H. F. p. 29.² H. F. p. 31.³ H. F. p. 75.⁴ R. S. p. 432.⁵ *Ann. Ceccan. M.G.H.SS.* xix. 285, and R. S. p. 434.⁶ H. F. pp. 97, 101. Gilbert is actually described in the *Chron. Casaur. R.I.SS.* ii. pt. 2. col. 903, as *Magistro Capitaneo, & gubernatore totius regni*.⁷ H. F. p. 162; R. S. p. 437; *Ann. Casin. M.G.H.SS.* xix. 312.⁸ *Chron. Casaur. R.I.SS.* ii. pt. 2. col. 903.⁹ *Ibid.* p. 1011.¹⁰ H. F. pp. 108, 162.¹¹ Archives of Monte Cassino, caps. 101. fasc. v. No. lxi. Record of a judgment delivered by the judges of Sora in a court held by Adenulf the royal chamberlain in Sept. 1173, concerning

he carried out the task of driving his former colleague Gilbert from the kingdom. From this time onwards the office of master captain entered its third phase with the change in title to master constable and master justiciar of all Apulia and the Terra di Lavoro.

The title of
the master
captains.

In tracing the growth of their office, the title of the governors of the mainland has been already noticed from time to time, but it will be useful to summarise the varying forms that were used. During what may be called the experimental period, up to 1156, the government was committed to Aschettin the chancellor, who had no special title. Associated with him at first was Simon of Policastro, who is called constable. On his fall, it is related, another was made constable in his place, and this other, it has been seen, was probably Peter of Castro Nuovo, *capitaneus Apulie*, or *magister capitaneus*. Thus it would seem that captain and constable were titles equally applicable to the new governor. During the

the right of exemption from payments of corn, barley, and wine from the churches of S. Mary, S. Dominic, and S. German at Sora. Reference is made to previous stages of the litigation, and a writ of William II. addressed to *Rit̄ ð say ðuine com̄. & Rob̄ caser̄ com̄ maḡ Com̄est. & maḡ justiciarii tocius apulie et ire laboris fidelibus suis . . . data pan̄or̄ xii die m̄sis oc̄ Indīc̄ vi = Oct. 12 1172*, is given in full. It must be noticed however that the words *Rit̄ ð say . . . justiciarii* are written upon an erasure, and the case of the last word is incorrect. Besides this there is an apparent diphthong once in the word *ec̄te* and an accent on *un̄a cum prephato camerario*. Otherwise there does not seem to be anything suspicious about the formulae or contents of the document. The hand is a late form of Cassinese Lombardic and is losing the earlier precision of this writing, as it undoubtedly did in the second half of the twelfth century.

Richard of Aquila, the former count of Fondi, probably returned from exile at the same time as Robert of Loritello in March 1169, and Richard de Say would have to give up the county to him: it is reasonable to suppose, in the absence of direct evidence, that Richard de Say received in exchange the county of Gravina, which was vacant owing to the expulsion of count Gilbert.

A copy of an unedited diploma of Constance, 1196, May, Ind. 14, Palermo, for Nycodemus archimandrite of S. Maria di Patirio, preserved in the State Archives Naples, *Processi di Regio Padronato 1080. f. 8*, records a judgment given by *Ric̄ de Say tunc temporis magistro com̄. et Justic̄. In quo continebatur, quod cum ipse apud sanctum Maurum, in Ecclesia Sanctę Marię de Josaphat̄ cum Baronibus, Judicibus, Militibus, et aliis probis viris Vallis Gratis, vallis signi, et Calabrię de mandato Regio Curiam teneret, accessit ad presentiam suam Blasius venerabilis Abbas de Patiro conquerens de Bajulis . . . et Catepanis Russani, quod ipsi contra tenorem privilegiorum ducis Rogerii, et domini Regis Rogerii Patris nostri sanctę, et inclitę recordationis trahebant coram se ad justiciam faciendam homines monasterii de Patiro . . . glandaticum, et herbaticum capiunt, quę monasterium ipsum habere semper et percipere consuevit. Richard de Say, 'inquisita diligenter per probos homines,' confirmed the diplomas of duke Roger and king Roger. From this document it appears that after being master constable and justiciar of Apulia and the Terra di Lavoro, Richard de Say held the same office in Calabria, the Val di Crati, and Val di Sinni. He had died before 1178, for di Meo (x. ad an. 1178. n. 6) mentions Teodora Contessa, vedova del C. Riccardo (di Gravina). Chalandon (ii. 431) mentions Tancred de Saye, count of Gravina, as a supporter of Roger of Andria, one of the competitors for the crown on the death of William II. Chalandon also refers to documents issued by Tancred in the Archives of Cava of the years 1185, 1187, and 1188.*

second phase of the development of the office from 1156-1169, the most usual form is *magister capitaneus totius Apulie et principatus Capue*. The territorial title is always given, so that the whole of the mainland provinces of the *regnum*, with the exception of Calabria and its dependent valleys,¹ obeyed the master captains. Simon the seneschal and the admiral Stephen always describe themselves by this extended form, and Hugo Falcandus refers to them invariably as captains. On one occasion Simon is called *praepositus universi regni* in the Chronicle of Carpineto, but neither he nor Stephen ever bore the title of constable. Yet, so far as can be learnt from the available information, they fulfilled the duties of the constables, since Simon habitually led the army in the field and Stephen is actually described *qui militibus in Apulia praeerat*. On Simon's fall, the command of the army was given to Gilbert of Gravina, who described himself in 1162 and again in January 1166 as *magnus comestabulus totius Apulie et principatus Capue*. William I. died in May of the latter year, and Gilbert aspired to govern the whole kingdom with the title of *magister capitaneus totius regni*. Queen Margaret refused to grant him this position, and finally in order to rid the court of his presence made him *capitaneus Apulie et Terre Laboris* a title which he bears in a diploma issued by him in December of this same year, 1166. The question then arises, did Margaret only confirm to Gilbert the office he had previously held under William I., or did the office of master captain differ from that of constable? It should be noticed further that Hugo Falcandus, writing of events which took place during the first months of the regency, describes Richard de Say, Gilbert's colleague in Apulia since 1162, as *Apulie diu capitaneus et magister comestabulus*; the fact, then, that in 1166 he had long been captain and constable disposes of any temptation to see a conscious antithesis between the two titles.

The office of master captain has been regarded as exceptional and occasional and in no sense as forming a permanent part of the provincial

General position of the master captains: Viceroy and commanders-in-chief.

¹ The full description of the Calabrian provinces ran: *tota Calabria et Vallis gratis et vallis signi atque Vallis Marsici*; they comprised all the country south of a line, roughly speaking, drawn between the Rivers Sinni and Agri. Thus it appears from the Catalogue of the Barons, which does not include the Calabrian provinces, that Tursi, Missanello, and Spinosa, in the valley of the Agri, belonged to the group of provinces described officially as all Apulia and the Terra di Lavoro (cf. *Cat. Bar.* p. 574, arts. 125, 129, and 105). Places further south do not appear in the Catalogue. On the other hand a document of 1163 (*Cal.* No. 58) tells us that Sarconi, only a little south of the places mentioned above, and also in the valley of the Agri, belonged to the jurisdiction of the master chamberlain of all Calabria and the valleys of Crati, Sinni, and Marsico.

administration. Yet the foregoing sketch of the governors of Apulia has shown that it was continuously filled in fact, if not always in name, from the time of Aschettin onwards. The governors combined the duties of viceroy and of commander-in-chief on the mainland, and it may be that the title of master captain represented rather the viceregal aspect of their office, and that that of master constable expressed the more ordinary military command. Perhaps, too, the master captain received a fuller commission, with a more complete delegation of royal power. However this may be, it is impossible to distinguish in practice between the precise powers of a captain and a constable: both commanded the royal troops and both exercised extensive judicial and administrative powers.

There does not appear to be any justification for turning the word *capitaneus* into *catepan*, and so tacitly regarding the Norman captains as the conscious successors of the old Greek governors of Apulia.¹ In the first place the *magistri capitanei* were created to meet a special combination of circumstances, and there are no apparent links to connect them with the Byzantine past: secondly, they are invariably called *capitanei* in chronicles and documents alike, and never *catepani*. This last word was quite well known as the title of the bailiff in many Apulian towns and often appears in the Latin documents of the twelfth century, so that *capitaneus* need not be regarded as a Latin equivalent of the Greek *κατεπάνω*. Indeed in more than one instance both words appear in the same document with distinct meanings. A judgment of 1158 may be quoted in illustration, in which Simon the seneschal *magister capitaneus totius Apulie* ordered Blaise *catepanus* of Modugno to appear in the king's court.²

Military,
administrative
and judicial
functions.

The master captains or master constables, of whom there were generally two acting together, combined both civil and military functions. In their military capacity they controlled the constables of the different districts of the kingdom and commanded the army in the field. In their administrative capacity they issued orders to the chamberlains and granted fiscal privileges.³ In their judicial capacity they presided over the highest provincial court of justice, and issued orders to the civil and criminal magistrates, the chamberlains and justiciars. Not many records of the judicial acts of the early master captains have survived, but such as remain show a considerable variety in the methods of action employed. On one occasion the aid of Simon the seneschal was invoked in order to bring a

¹ Chalandon ii. 676.

² *Cal.* No. 47.

³ *Cal.* No. 48.

royal bailiff to justice: the prior of S. Lawrence of Aversa with the provost of S. Angelo of Frassineto carried their case before Simon, Virsacius, the master chamberlain of Apulia, and a justiciar Geoffrey, complaining that Blaise, the catepan of Modugno, had unjustly seized animals and oil belonging to S. Angelo, on the ground that they were a rent due to the state. Simon issued letters ordering the catepan to restore the goods seized and a *compellacio* commanding him to appear in the royal court at Modugno to make good his claim in a legal manner. In this case, then, the master captain's court issued a mandate against a royal official ordering him to restore possession to the aggrieved party, before the question of right could be considered. The suit was finished in the judge's court of Modugno in favour of the Church, and nothing more is said about the action of the master captain.¹

On another occasion Berard of Brittolli brought a suit before Simon the seneschal to recover the castles of Fara and Carpineto from the abbot of S. Bartholomew of Carpineto. The abbot urged his counter-claim, and Simon, desiring to know whether Berard or the abbot spoke the truth, ordered Samarus the royal chamberlain to hold an inquest. The chamberlain caused four men of Brittolli and as many of Carpineto to appear before him: *hi jurati dicere veritatem pariter & concorditer sunt testati* that Fara and Carpineto belonged to the monastery. This testimony was sent to Simon by Samarus *literis suis proprio sigillo signatis*; he recognised the right of the church and received it into the demesne of the king under royal protection. All this was noted in the quaternions for the benefit of posterity and Simon *propriis literis* informed the king of the matter, who had it drawn up in a public instrument and given to the abbot.² This case is interesting because Simon issued orders to a chamberlain, and commanded a sworn inquest. In most cases it would seem that the king himself had the prerogative of ordering an inquest, so that the master captains must have enjoyed a very full delegation of royal power.

Another interesting and protracted suit was preferred by the abbôt of S. Clement of Casauria against count Boamund II. of Manopello, concerning the rights of S. Clement over the churches and men belonging to the abbey, within the bounds of the county of Manopello. The abbot sought redress from Simon the seneschal and Gilbert of Gravina in

¹ *Cal.* No. 47.

² *Cal.* No. 50.

succession and on both occasions the rights of the church were vindicated. From these suits it is evident that the counts were included in the jurisdiction of the master captain, as well as the royal bailiffs, while the chamberlains were bound to lend their aid. It may safely be assumed that the justiciars too were subject to the authority of the master captains, but no information on this point has survived. The only hint on the subject which we have is that the justiciar Geoffrey formed part of the court of Simon the seneschal and the master chamberlain, when the prior of Aversa sought a mandate in 1158. The later master constables and master justiciars, who were the successors of the master captains certainly exercised a control over the justiciars and issued orders to them, while the justiciars were often members of the master constable's court.

The actions brought before their court were, like most of the civil actions of the time, which have been recorded, possessory or proprietary actions, but the interests involved were of greater importance than in those cases which were brought before the justiciars or the chamberlains.

An interesting question arises to which the material at our disposal does not fully supply an answer: did the various suitors whom we have seen applying to the master captain come to his court as a court of first instance owing to the greatness of their opponents, or were these suits really brought before him owing to "defect of justice" in the lower court? There is no mention of previous litigation in the records of the cases that have survived, but we know that in suits brought before the justiciars previous recourse had been had to the court of the judge of a town, even when the record of the judgment makes no mention of it. It can only be definitely stated that the master-captain had jurisdiction over counts, royal bailiffs and town communities.

The master
captain's
court.

The composition of the master captain's court cannot be defined with any great degree of precision. Once we find the master chamberlain of Apulia, Virsacius, and a justiciar associated with Simon the seneschal and apparently occupying a subordinate position: on another occasion we find Peter of Castro Nuovo, who almost certainly was a master captain at the time, though the title is not given him, taking part in a court held by the judges of Barletta in the presence of Virsacius the master chamberlain. Besides Peter of Castro Nuovo, Roger the Fleming and many other knights and barons were present. It is difficult to apportion the share taken by all these officials. The

document was drawn up by order of the judges, and they with the council of Peter and Roger pronounced the judgment, yet the chamberlain was regarded as the most important person present and directed the proceedings. On the whole then this court should be regarded as one held by the master chamberlain, especially since the writ instituting the proceedings was addressed to him by name and he summoned the respondents in the case.¹

As a rule the master captain's court would be composed of the justiciars and barons of the neighbourhood and the judges of the town in which the court was held.

(2) *The Master Chamberlain of all Apulia and the Terra di Lavoro.*

Early in the reign of William I. the master chamberlains of Apulia and the Terra di Lavoro and of Calabria and the valleys make their appearance for the first time. There is no trace of these officials under Roger II., and the date at which they are found for the first time coincides with the period of development in the administrative system under the government of Maio. These master chamberlains must be carefully distinguished from the *magister camerarius palatii*, the head of the whole financial administration of the *regnum*. The provinces of the mainland were divided into two unequal portions, and a master chamberlain was placed over each with the lengthy title of *Magister camerarius* or *Protocamerarius tocius Apulie et Terre Laboris*² and *Magister Camerarius tocius Calabrie et Vallis Gratis et Vallis Signi atque Vallis Marsici*.³ A certain Virsacius was entrusted with the oversight of Apulia and the Terra di Lavoro in matters financial between 1157 and 1164;⁴ he was followed by the master chamberlain John in 1167.⁵ The province of all Calabria and its dependent valleys—that is—all the country from the straits of Messina to the river Agri was under the master chamberlain Guy of Ripitella in 1163, but our concern is with the Apulian province. After 1167 the master chamberlains disappear completely for nearly thirty years, and it is not till 1194 in Calabria⁶ and 1201 in Apulia⁷ that these officials are again found.

¹ *Cal.* No. 46. Cf. p. 298, where this case is more fully discussed.

² *Cal.* Nos. 46, 47, 57.

³ *Cal.* No. 58.

⁴ *Cal.* Nos. 46, 47, 57, 59.

⁵ Gattola, *Access.* i. pp. 262, 263.

⁶ Trinchera p. 322, No. 239. 1194 ind. xiii. Dec. Gerace.

⁷ Winkelmann, *Acta Imb. Ined.* i. 79. No. 87.

Personnel.

It seems impossible to learn anything of the previous or later history of the few master chamberlains of the Norman period whose names have come down. The form of the name Bersacius or Virsacius suggests that its bearer may have been one of the Greek or Arabo-Greek officials of the *duana*, and it recalls the name of *Mataracius* who was master of the *duana baronum* and chamberlain of the palace in 1177. This view that the master chamberlain Virsacius was a Greek is confirmed by the grant of land made by him at Salerno in 1163, since it is probable that it is his signature which is represented by the words: † *Graecis litteris*.¹ As to the master chamberlain John, the name obviously tells nothing, but that he too was a Greek may be concluded from the fact that he signed in Greek; this circumstance suggests his possible identity with John the chamberlain of the Terra di Bari, who also signed in Greek in 1164.

Tenure.

The appointment of master chamberlains would seem from the case of Virsacius to be for a term of years, but we do not know in whose hands the appointment was vested in the Norman period. Under Frederick II. it was made *a curia nostra*, but probably at the institution of the office, the king himself made the appointment directly, for Virsacius calls himself master chamberlain *dei et regia gratia*, thus suggesting the personal action of the king.

Functions of
the master
chamberlains
of Apulia and
the Terra di
Lavoro.

The position of the master chamberlains was parallel, in the department of finance, to that of the master captains or master justiciars of all Apulia in the sphere of justice: they were charged with the supervision of the chamberlains just as the master justiciars were supreme over the justiciars in the different regions of the kingdom, although they had no viceregal attributes. The difference between the two classes of officials is shown in the orders which the master justiciars issued from time to time to the chamberlains, while it does not appear that the master chamberlains controlled in any way the ordinary justiciars, although these last are occasionally found forming part of the master chamberlain's court. This happened in 1167 when Andrew of Roccaromana was present at a suit heard by the master chamberlain John. Sometimes too, in the early days of both offices, master chamberlain and master captain sat together in the same court.

(i) Adminis-
trative duties.

The functions of the master chamberlain of Apulia and the Terra di Lavoro were, like those of the subordinate chamberlains, administrative and

¹ *Cal.* No. 57.

judicial. On the administrative side they controlled the chamberlains and bailiffs and were responsible for the collection of dues and taxes. Moreover they were competent to make grants of land without having received any express order from the *curia*.¹ An instance of the relation between the master chamberlains and their subordinates is found in the career of Virsacius. In 1164² two brothers, Ducatus and Cricorius, sons of Matthew of Noia, had claimed unjustly from Stephen Camelo the rector of S. Nicholas at Bari all the moveable and real property of their uncle. Since their claim was disallowed Virsacius ordered them to go before the king's court at Trani, over which John the chamberlain of the Terra di Bari was presiding, there to make a complete renunciation of their claim. The master chamberlains must have exercised an efficient control too over the bailiffs, for according to a constitution of one of the Williams, the sale of the office of bailiff was in their hands. Owing to the scanty records of the activity of master chamberlains it is impossible to illustrate their dealings with the bailiffs in any detail. One notice only throws any light on the question and here the master chamberlain together with the master captain issued an injunction to a refractory catapan to appear before the judge of his town to answer the charges brought forward by those who had a grievance against him.³

A reference to the collection of taxes by the master chamberlains is made in the history of Hugo Falcandus, where it is narrated that queen Margaret, on the death of William I., wrote to the master chamberlains to forbid them henceforward to collect anything further by way of the tax known as the *redemptio*.

Three judgments only given by master chamberlains are known to have survived from the reign of the first two kings, and from this scanty material the question of the judicial powers of the master chamberlains has to be decided. A certain amount of help is given by the constitution of Frederick II., which says that appeals from the chamberlains in Norman times were heard by the justiciars, hence the notion that the master chamberlains formed a court of appeal from the ordinary chamberlains, must be abandoned. For the rest, the constitution attributes the same judicial powers to the master chamberlains and the chamberlains. The three judgments referred to have this much in common, that the master chamberlain always receives a royal writ ordering him to take cognizance

¹ *Cal.* No. 57.

² *Cal.* No. 59.

³ *Cal.* No. 47.

of the case and secondly, in two out of three instances, the case was brought at some previous stage before the king's court, or the king in person; these features, however, are to be found in many records of contemporary judgments. In the case heard at Barletta by Virsacius in 1157¹ the matter in dispute was distinctly of a feudal nature, so that the competence of the master chamberlains in feudal affairs must be admitted. The case was begun by reading a royal mandate explaining the dispute that was raging between the men of Corato and their lords, as to the right of the latter to levy an aid, and to forbid the alienation of property acquired after the fiefs were assigned, and ordering the master chamberlains to do justice. In the subsequent hearing, the men gained all along the line, and were declared free from any obligation to give an aid, since they were bound to pay an annual rent agreed on at the time the fiefs were assigned, while their right to alienate goods acquired since the apportionment of fiefs was established. At Sarconi in 1163² the master chamberlain of Calabria and the Valleys was ordered to settle a long-standing suit between the monastery of S. Elias of Carbone and the lords of Sarconi whose ancestors had wrongfully disseized the church of S. James of a certain tenement. Restitution was ordered by the chamberlain.

Finally, the case decided at Sessa in 1167 by the master chamberlain John also concerned the possession of a tenement belonging to Monte Cassino, wrongfully invaded in defiance of a judgment given by king Roger in person. Thus, except in the instance of the feudal matters debated at Barletta, there seems to be nothing to distinguish these cases from many others pleaded before ordinary chamberlains.³

The court of
the master
chamberlains.

Like other provincial officials, the master chamberlains at first seem to have sat in the court of a city or town together with the judges of that town, but in course of time a more regularly constituted court emerges, belonging properly to the master chamberlain, who was assisted by a judge of his own as assessor. Thus in 1167 John was ordered by royal letters to do justice in accordance with a former royal sentence in regard to an action which abbot Theodinus of Monte Cassino had brought concerning certain tenements at Pontecorvo. A court accordingly was held at Sessa over which the master chamberlain presided, with the assistance of Andrew of Rocca Romana, the royal justiciar, and six knights, the master judge and the judges of Capua, Simon, 'judge of the

¹ *Cal.* No. 46.

² *Cal.* No. 58.

³ Cf. *infra*, pp. 404-7.

court of the aforesaid lord master chamberlain,' the judges of Sessa and other knights and priests.

It is a circumstance worthy of attention that for the ten years from 1157 to 1167, four documents issued by master chamberlains of Apulia and one by a master chamberlain of Calabria have survived, whereas after the latter date no records of their activity are forthcoming till the reign of Henry VI. The question then arises whether the disappearance of the master chamberlains is apparent only, owing to the absence of documents, or whether the office was in truth abolished at the end of the minority of William II., a period that saw considerable changes in the chief ministers of the crown. The argument from silence is always a dangerous one, but it is scarcely credible that no record of the master chamberlains should be known in a period so rich in documents of every sort as the last twenty years of the reign of William II., if these officials were still in full activity. The theory that the office was abolished is strengthened by the appearance of the masters of the *duana* or central bureau of finance, for the first time in the provinces of the mainland, at the very period when the master chamberlains disappear from view; the last time that a master chamberlain is found is in 1167, and in 1174, Eugene a master of the *duana* is engaged in royal business in the principality of Salerno. The conclusion is irresistible that the duties of the master chamberlains were taken over by members of the central financial office. Further confirmation of this theory of the transfer of powers to the masters of the *duana* may be gathered from an examination of the business transacted by them on the mainland, since such an investigation shows a great resemblance in the competence of the two groups of officials.

The masters of the *duana* on the mainland.

Like the master chamberlains, the masters of the *duana* held courts for the despatch of important judicial business,¹ they issued orders to the

¹ Illustrations of the judicial activity of the masters of the *duana* are found in documents of 1174 and 1177: in September, 1174, *Eugenius magister regie duane baronum curiam congregavit* in the castle of Terracina at Salerno in the presence of the stratigotus and judges of Salerno to hear an action brought by the stratigotus *pro parte rei publice* against John, judge of Amalfi, son of Sergius Neapolitanus and Ebolus acting for his father Marinus Neapolitanus, royal justiciar and constable, because they had entered *malo ordine* land belonging to the state in the jerry of the city. The defendants brought instruments to prove their right to the land and place in question and judgment was given against the stratigotus. *Chartolarium Amalphitanum . . . cura Matthaei Camera f. 147: extr. Camera: Memorie* i. 364, n. 2: printed by Perla in *Archivio Storico Napoletano* ix. 346.

Again in June, 1178, the same *Eugenius magister Regie Dohane baronum et de secretis* assembled a court at Nocera to try a case between the men of Amalfi and the men of Ravello

chamberlains and bailiffs¹ and exercised a general control over them ;² and they made grants of land.³ Besides these duties which the surviving evidence shows to have been fulfilled at one time by the master chamberlains, the masters of the *duana* were further charged with examining the accounts of the bailiffs and acting as a travelling court of audit.⁴ Their work was conceived on broad lines and consisted in remedying any serious failure of justice and in exercising a general supervision over the subordinate officials.

concerning the jurisdiction claimed by both over the men of Forcella : Eugene had received orders from *Gualterius de mohac Regii fortunati stolii ammiratus et magister Regie duane baronum et de secretis* to settle the dispute *iudicio curie*, because of the length of time during which it had been raging. It appeared in the course of the suit that it had already come before bishop Leonard of Capaccio, royal justiciar, and before Walter of Moac at Minori. The difficulty in the way of a settlement was the refusal of the men of Ravello to accept trial by battle, to plead except before their own judges, or to admit the testimony of any but Ravellese against them, in virtue of privileges of William I. and William II. Possession of the jurisdiction over Forcella was granted to Amalfi, but the question of proprietary right was postponed pending the decision of the claim of privilege. The case continued at another court held by Eugene at Minori in September, 1178, and in the course of pleading the men of Ravello referred to another dispute with the men of Atrani which was decided by admiral Walter of Moac at Atrani at some period before July, 1177. Camera, *Memorie*, p. 364 seq.

¹ In April 1187 a letter of *Guillelmus filius Johannis*, royal chamberlain of the Terra di Lavoro, to the bailiff and consuls of Gaeta explains that he had received orders from Eugene *magister Regie duane baronum* to publish a royal constitution throughout his camerariate, granting freedom from tolls in the royal demesne. (Minieri Riccio, *Saggio di Codice Dipl. Supp.* pt. i. p. 21.) In May, 1178, Walter of Moac *regii fortunati stolii ammiratus et magister regie duane de secretis et duane baronum*, forbade the oppressions of the bailiffs of Sarno. (Haskins, p. 445 (2)).

² While Walter of Moac *regii fortunati stolij ammiratus et magister regiae duanae de secretis et duanae baronum* was at Barletta on royal business in February 1179, Joachim, abbot of S. Mary of Corazzo produced a mandate from king William to Walter explaining that the abbot had brought into the king's court two writings of the boundaries of lands which the king had formerly granted to the monastery *asserens se divisas ipsas a camerariis ipsius contrate fieri et terminari fecisse*, desiring to have a privilege drawn up giving the boundaries. This king William now ordered Walter to do, and after he had learnt the truth *per litteras camerariorum, et testimonio bonorum hominum et inquisitionem nostro mandato factam proprios fines ipsarum terrarum praesentis privilegio duximus declarandos*. At Strongoli, Buda, Maida, drawn up by *Apollinis nostri notarij*. (*Carte delle abbazie di S. Maria di Corazzo e di S. Giuliano di Rocca Fallucca in Calabria*, No. IV. p. 275, 13 Feb. 1179, in *Studi e documenti di Storia e Diritto*, xxii. Rome, 1901.)

³ In 1179 Hugh of Belmesia, royal chamberlain of the Val di Crati, narrates that Joachim, abbot of St. Mary of Corazzo *in terra . . . Gualterij regii amirati, et regiarum sabaduatiarum Magistri*, lodged a complaint with the admiral to the effect that he had been disseized of certain lands at Strongoli which he held in virtue of a royal gift, by the orders of admiral Walter. Privileges were shown to prove that two pieces of land had been originally given, and that since these were not enough, a royal order had directed *Godinus*, formerly the royal chamberlain, to find more land in *alia terra regia*. The admiral was much disturbed at what he had done, and he ordered Hugh to find another piece of land for the abbot. (*Ibid.* No. V. p. 278.)

⁴ In 1174 at Salerno a very interesting reference is made to this aspect of the activity of *Eugenii magistrì duane baronum qui a regia celsitudine ad partes istas delegatus est pro exigendis rationibus a baiulis partium istarum . . .* (Haskins, p. 653, n. 186.)

Other duties of a different character were expressly assigned to them by a constitution of king William, which was drawn up with the avowed object of separating the functions of various classes of officials. The masters of the *duana* to the exclusion of everyone else are to take cognisance of treasure-trove, wreck and the *hereditaria* of clerks of the demesne dying intestate and without heirs.¹ Here direct action is attributed to the masters of the *duana*, in contradiction to the duties of supervision which formed so large a part of their activity.

The delegation to members of the central office of finance of control over the chamberlains and bailiffs of the mainland was a novelty both in practice and in principle, and as such it seems to have been regarded at the time, because a constitution was specially framed ordering the other officials, justiciars, chamberlains, castellans and bailiffs to give any assistance that may be required to the masters of the *duana*.² Such an order could hardly have been necessary, had the masters of the *duana* always been charged with supervising the administration of the mainland. In principle the reform marks a definite departure: hitherto the officials of Apulia and Capua have been organised on a definite territorial basis, they have been essentially provincial officials and have not been members of the central *curia*. In the later part of the reign of William II. then, itinerant members of the central financial bureau are employed for the first time outside Sicily.³ It is however interesting to notice that the same two masters of the *duana*, Walter and Eugene, are always despatched to the mainland, hence it would seem that the different regions of the kingdom are divided up among the masters of the *duana*, some being permanently charged with the supervision of Apulia, Capua and Calabria, and others

¹ *Const. Lib. I. Tit. lxi. (39) p. 36.*

² *Ibid. Tit. xxxvii. et lxi. (40), p. 37.*

³ In noticing the visitations of the fiscal officials, Professor Haskins attributes them to the influence of England and Normandy: 'Henry I,' he writes, 'had established a system of judicial and fiscal visitations, which could hardly have failed to be brought to the notice of Roger II., and the relations between the two kingdoms under Henry II. were such as to keep the Sicilian rulers well informed of the development of the Anglo-Norman institution.' The view that members of the central court of justice held visitations of the mainland has already been discussed and shown to be untenable: the visitations of the fiscal officers, on the other hand, are abundantly proved by the notices of their activity in the second part of the reign of William II. At the same time it must be emphatically stated that there is no ground whatever for attributing the practice to the reign of Roger II., and moreover the idea was drawn, not from England or Normandy, but from Sicilian usage: whether the practice that prevailed in Sicily of making the members of the *duana* responsible for the bailiffs in the different regions of the island had any connection with Anglo-Norman institutions cannot be discussed here.

with Sicily. Within the island, too, it would probably be found, if the question were thoroughly investigated, that the different districts were regularly assigned, that the same masters were always responsible for the same district.

To judge from the large number of documents issued by the masters of the *duana* in Apulia in 1174 and again in 1177 and 1178, it seems probable that their visitations did not take place annually, but at intervals of perhaps three years. At any rate the activity of Walter of Moac is very marked in 1177 and 1178.

CHAPTER IV.

THE ROYAL OFFICIALS.

(1) *The Justiciars and the Constables.*

The origin
of the
Justiciarate.

THE establishment of justiciars and chamberlains has generally been regarded as the most important administrative reform of king Roger, and the words of the chronicler, Romuald of Salerno,¹ have been interpreted as ascribing to him the invention of these offices, when, in truth, stress should rather be laid on the general extension that he gave them. The evidence for the origin of the justiciarate and for its early history is very fragmentary; but a link of first-rate importance in the chain was supplied when it was shown that Roger extended to Apulia and Capua, with modifications it is true, the office of the *μεγάλοι κριταί* of Calabria. These officials may be traced back to the days of Byzantine rule, so that the ultimate origin of the justiciarate must be sought in the government of the themes or provinces of the Eastern Empire.² A brief sketch of their organisation is needful to explain the administrative descent of the Norman *μέγας κριτής*. The themes were under the control of a strategos or military governor, who in theory united in his own person every executive and administrative function. During the tenth and eleventh centuries, however, the strategos had associated with him a civil official, either the protonotary or the *κριτής* of the theme. In the

¹ *Cal. No. 7: Rex autem Rogerius in regno suo perfecte pacis tranquillitate potitus, pro conservanda pace camerarios et iustitarios per totam terram instituit.*

² Caspar, p. 308.

Italian provinces, no less than in the rest of the empire, an imperial *κριτής* is found whose authority extended over the two themes of Italy and Calabria. He was nominated directly by the basileus, and was probably in no way subordinate to the strategos. Such for instance was the krites Eupraxios who appeared at Rossano soon after the middle of the tenth century. Some years later, in 1026, the spatharo-candidate Leo, *asecretis* or member of the imperial secretariate who heard a suit at Taranto brought by a monk of Monte Cassino, was krites of Langobardia and Calabria. Similarly in 1048 the imperial judge of Italy Cricorius is found at Bari.¹

A series of Calabrian diplomas extending over the period from 1099 to 1144 bears witness to the existence under the Norman rulers of judicial arrangements apparently identical with those just described.

In 1099, Nicholas the protonotary and the *κριτής ἀπάσης καλαβριτίδος χώρας*² were the chief persons present at the court of the Great Count, when a suit brought by the monks of S. John the Reaper was summoned before it. Some years later, in 1131, a judicial decision was pronounced by Philip son of Leo *λογοθέτου καὶ μεγάλου κριτοῦ πάσης καλαβρίας*³. In this instance, the title used in 1099, which reproduces exactly the style of the Byzantine *κριταί* of all Calabria, is slightly altered by the addition of the word *μέγας*. Now *μέγας κριτής* is the ordinary Greek equivalent for the Latin *justitiarius*, and this title of *μέγας κριτής* has been well described as the bridge which connects the Norman justiciars of South Italy with the Byzantine administration.⁴

The remaining documents which deal with the judicial institutions of Calabria under King Roger belong to the period subsequent to the general establishment of the justiciars. In 1144 a judgment was pronounced by Leo Maleinos, strategos of Stilo and Gerace, which gave to the monks of S. John the Reaper possession of a field claimed by the hermits of S. Stephen *de Nemore*. The latter refused to abide by the decision, whereupon the brethren of S. John went *πρὸς τὸν κύριον Πρωγερῖον τὸν κριτὴν τῶν κριτῶν* and showed him the judgment set out in

¹ For the government of the Italian themes and the imperial judges cf. J. Gay, *L'Italie Méridionale et l'Empire Byzantin* (867-1071) in *Bibliothèque des Écoles Françaises d'Athènes et de Rome*, Paris, 1904, pp. 556 *seq.*

² B. Montfaucon, *Palaeographia Græca*, Paris, 1708, Lib. VI. p. 394.

³ B. Montfaucon, Lib. VI. p. 402.

⁴ Caspar, p. 309.

writing. The lord Roger recognised the justice of the sentence and ordered the strategos to go to the field in dispute and make the hermits accept the judgment.¹ It cannot be doubted that this Roger, 'judge of judges,' was the justiciar of the district, for his title has the same force as that of *μέγας κριτής*, and he exercised like the justiciars a jurisdiction superior to that of the strategos. This opinion is confirmed by a grant made in 1140² in favour of S. Stephen *de Nemore* by Roger, son of Bonus, who calls himself *magnus justiciarius tocius Calabrie et magne curie*. That Roger was a justiciar of the central court is known from several documents: in June 1143 he was present at Messina without any special title, with other magnates of the *curia*, who witnessed a concord between the bishop-elect of Catania and the archimandrite of S. Saviour,³ and in November of the same year as *justificator curialis* he is found at

¹ Montfaucon, Lib. VI. p. 411.

² Società Napoletana di Storia Patria MSS. Pergamene Fusco, No. A, xvii. *bis*. The genuineness of this document cannot, however, be accepted without some reserve: it is preserved in what claims to be the Greek original and is accompanied by a Latin translation of the 14th century. Unfortunately I have not been able to obtain a transcription or photograph of the Greek, against the authenticity of which it has been urged that all the signatures, even of non-Greek persons, are in Greek. This scarcely seems a valid objection, for many Latin and Norman names appear in Greek form in the Calabrian documents of the 11th and 12th centuries. The translation begins + *Signum proprie manus Rogerij filii quondam beate memorie domini Bonj magni Justiciarij tocius Calabrie et magne Curie. Ego Rogerius audiens et sciens uocem Euangelicam dicentem pro uno ex minimis meis fecistis mihi fecistis* (there follow more texts) *feci propria manu signum sancte crucis in uertice scripti huius et dono pro remissione peccatorum meorum atque pro genitorum meorum sancte Marie et sancto Stephano de Bosco et oratoribus qui ibi sunt uidelicet Magistro Andree et Johanni farrario et omnibus successoribus suis abbatibus et fratribus qui erunt terras meas quas habeo in tenimento mileti supra casale Mutarj. et vineam que dicitur de calocasar, supra idem casale ubi est oliva. J. et terram que dicitur theophilj et terras que sunt in planicie ab inferiori parte sub ecclesiam sancte Marie . . . pro hac autem donatione mea predicti patres antidotum contulerunt mihi munera que ualuerunt tarenos ccc. quos accepisse ab eos me fateor. et sumarios duos mulos quibus receptis a me per manus eorum. . . .* There follow anathemas for the breach of this grant and a money fine to the *curia* of 200 talents of gold. *fuit autem presens scriptum per manus notarij nicolai precepto domini sui Rogerij annorij boni Justiciarij tocius calabrie mense Januarii xvij^o die mensis Indictione iij^o. Anno ab inicio mundi sexto millesimo sexcentesimo xxiiij^o.*

This date of 6624 ind. 3 = A.D. 1116 is wrong either in the year or the indiction, which do not correspond. If the year is correctly transcribed the whole document is a palpable forgery since Andrew was not then the master of the Eremites, nor Roger justiciar in Calabria. If, however, the indiction be adhered to, then the year 6648 = 1140 may be suggested as the true date. This would agree with the presence of Andrew and Roger, and several of the witnesses are to be found in other Calabrian documents of this decade.

Witnesses.

+ Ego Malgerius de altavilla testor. + Ego Riccardus uileris testis. + Ego petrus fraicosmos testis. + Ego Mätiosalj testis. + Ego bonus Mutarj. + Ego proprius Leo Mutarj. + Ego proprius costa. + Ego notarius Johannes suffragarus. Ego Joffredus filius domini Rogerij annuari qui et bona omnia predicta concedo et testis.

³ *Appendix*, No. I.

courts held by king Roger in Capua and Salerno.¹ This combination of an office at the central court with judicial control over all Calabria was handed down from the days of the Great Count, and even from the time of Byzantine ascendancy. It seems to have been continued till the end of the Norman period, for as late as 1194 we find *λαμβέρτος τῆς βασιλικῆς αὐλῆς ἀρχῶν καὶ κεφαλικὸς μαιστορ καμπεραριου καὶ μέγας κριτῆς πάσης καλαβρίας, σίγνου καὶ λαίνης καὶ χωρᾶς ἰορδάνου*.²

The office of the 'judges of all Calabria' from the holder of the title in 1099 to Roger, resembled in many respects that of the first justiciars: they seem to have exercised jurisdiction in a definite territorial sphere, and the strategoi of the towns were subordinate to them. Cases were taken from the strategotal court to be confirmed and enforced by their superior authority. It is probable, but the evidence for definite proof is wanting, that they held office for a considerable period. Roger son of Bonus was apparently in power in 1140 and in 1144, but since his tenure was subsequent to the general establishment of justiciars, this evidence cannot be used without reservation to illustrate the position of his predecessors. The competence of these *κριταί* and *μεγάλοι κριταί*, so far as it can be gathered from the few surviving judgments which deal exclusively with suits concerning property, was the same as that of the justiciars: in the absence of records it is not possible to define their criminal jurisdiction. In several respects, however, they differed from the Apulian justiciars under king Roger. In the first place they bore a definite territorial title: in 1099 there was a nameless *κριτῆς ἀπάσης καλαβριτίδος χώρας*, Leo was *μέγας κριτῆς πάσης καλαβρίας*, while Roger described himself as *magnus Justiciarius totius Calabriae et magne curie*. Furthermore they had an intimate connexion with the central court, a connexion which the other Rogerian justiciars, with the probable exception of those holding office in Sicily, did not enjoy. They were drawn too from the definitely official class; for example Leo held the office of logothete and Roger the son of Bonus came of official stock, for his father was a Lombard employed by the Great Count and Adelaide as a notary and also on judicial business. The Apulian justiciars on the other hand were for the most part members of the lesser nobility, without any court training or bureaucratic tendencies.

On the whole the evidence points to the conclusion that these early

¹ Caspar, *Reg.* Nos. 158 and 159.

² Trinchera, p. 322, No. ccxxxix.

judges of all Calabria corresponded more closely with the later master justiciars of all Apulia and the Terra di Lavoro than with the local justiciars, whom Roger set over smaller districts. This view is confirmed not only by the title they bore, showing that all Calabria was given into their judicial control, but also by the sub-division of Calabria after 1140 into three districts, Calabria proper in the extreme south, the Val di Crati with Cosenza for its centre, and the Val di Sinni and Val di Laino in the north.¹ In this way the judicial organisation of Calabria was to a certain extent approximated to the new system introduced into Apulia, but the supreme justiciar of all Calabria continued to exercise a control over the sub-provinces. The introduction of master justiciars into Apulia and Capua belonged, as has been seen, to a later period: their judicial duties resembled those of the early justiciars of all Calabria, but they added military functions to their supervising jurisdiction, and they were not justiciars of the central court.

The introduction of justiciars into Apulia and Capua.

The existence of *μεγάλοι κριταί* in Calabria long before the conquest of Apulia, and the resemblances between their office and that of the new justiciars indicate one source at least from which king Roger drew inspiration when he was called to undertake the reform of the judicial system. But while the model came from Calabria, the close connexion which existed between the establishment of the king's peace and the new officials serves to show that contemporary usage in England and Normandy must have influenced Roger's action. The title *justiciar* used in Latin documents in southern Italy and Sicily is identical with that of the royal judges in the Anglo-Norman dominions, and their competence in criminal suits was very similar. Englishmen, moreover, such as Thomas Brown and Robert of Selby, were at Roger's court at the time of the reform of Apulia and Capua, and the conclusion is inevitable that Roger was aware of events beyond the Alps. At the same time it cannot be too strongly maintained, that the institution in Italy developed from its inception on lines of its own, and differed fundamentally in many respects from the system of Henry I. and Henry II. in England and Normandy.

The first establishment of justiciars of which any record has come down, took place at Capua in 1135; it is nevertheless probable that the new office had been introduced into Apulia two years before,² but in the absence of direct testimony, the events at Capua are of first-rate impor-

¹ *Cal.* No. 16.

² *Supra*, p. 248.

tance as the starting-point of a new system. After the magnates of the principality had taken the oath of fealty to Anfusius as prince, the king set up the archbishop-elect and a certain Hamo of Arienzo to administer justice to all the oppressed, while a man named Jocelin, energetic and expert in all secular business was made procurator of the royal demesne.¹ It is plain from the context that the sphere of action attributed to these new officers was the principality of Capua, for the subject of the whole chapter is the new organisation given to that state after its incorporation in the kingdom. Direct confirmation of this interpretation is given by Peter the Deacon, who describes Jocelin plainly as the royal chamberlain of the principality of Capua, and notices his activity within its bounds.² The men appointed to do justice had a close connexion with the region, since one was archbishop-elect,³ and the other was lord of Arienzo.⁴ They are not actually given the title of justiciar, but it is borne in the next year by similar officials in other parts of the country. In 1136 a group of justiciars appeared at Bitonto⁵ or Bitetto, and three others, one of whom also calls himself chamberlain, decided a suit at Taranto in the autumn of the same year.⁶ The new offices were thus established as part of a definite scheme of administration all over the country: they had not of course at the outset that degree of organisation that they received in the later years of king Roger, and the nomenclature was as yet variable, but the important point is that the essential characteristic of justiciars and chamberlains as local officials with a restricted sphere is plain from the first. In 1137 the tide of foreign invasion and civil war swept away the incipient offices, and it is not certain that Roger was once again in a position to continue his reforms till 1140. In this year justiciars and chamberlains were everywhere constituted throughout the land, and continued without further interruption as the most important part, perhaps, of the provincial government. The constables are not mentioned in the account of the measures taken at this period, but it is probable from documentary evidence, that their office received a wide extension. In germ it already existed during the last period of the war.

¹ *Cal.* No. 1.

² *Cal.* Nos. 3, 4, cf. No. 2.

³ A. T. Lib. III. cap. xxx. p. 143.

⁴ Hamo was among the magnates of the court of Jordan II. of Capua in 1120 (E. Gattola, *Historia Abbatiae Cassinensis*, Venice, 1733, i. 236) *per interventum Aymonis de Argincia*. Another link with the past of the principality was thus forged. Cf. *infra*, p. 384.

⁵ *Cal.* No. 5.

⁶ *Cal.* No. 6.

The title of the justiciars in the duchy of Apulia and the principality of Capua.

The titles borne by the justiciars under king Roger vary considerably: such forms as *justificator*¹ and *justificarius*² appear side by side with *justitiarius*, which was ultimately adopted. The word *justitia*³ for the holder of the office, not the sphere of action, which appears in England, does not occur. Great stress is laid on the fact that the justiciars were royal officers; they are described as *domini regis justitiarius*,⁴ or *regalis*,⁵ or *regius justitiarius*.⁶

The class from which they were drawn.

The men who were appointed to fill the new judicial office were, as a rule, persons of a certain importance. Occasionally ecclesiastics of episcopal rank were made royal justiciars, but as only three instances of such appointments have survived out of the total number of documents which give the names and degrees of the justiciars, it would seem that these were exceptional cases. The institution of the archbishop-elect of Capua as the first justiciar of the Terra di Lavoro has already been noticed: a similar appointment was that of archbishop William of Salerno, who was in office in 1143;⁷ and later, during the reign of William II., bishop Leonard of Capaccio was justiciar in the duchy of Amalfi.⁸ With these few exceptions, the justiciars were drawn from among the lay military tenants-in-chief of the crown. They were generally men holding small or middling fiefs, but in some parts of the kingdom the office was given to the mightiest counts. The evidence of the Catalogue of the Barons is invaluable as regards the standing of the early justiciars. The greater part of this document describes the feudal conditions in Apulia and Capua more particularly during the six years following the death of king Roger, and is consequently somewhat too late to yield all the information that could be desired for his reign. In spite of this drawback, it contains the names of most of the justiciars who are found in contemporary documents from the earliest days of the office, or the names of their sons, together with the fiefs which they held. In this way, a considerable amount of information may be obtained regarding the new officers of justice. A few cases may be cited in illustration of the various standing of the justiciars. In the Terra di Bari they belonged decidedly to the class of

¹ *Cal.* Nos. 6, 13.

² *Cal.* No. 15.

³ The district in which Boamund of Manopello exercised jurisdiction is called in the Catalogue of the Barons his *justitia*.

⁴ *Cal.* No. 26, and *App.* No. 5.

⁵ *Cal.* No. 28, and *App.* No. 7; *Cal.* No. 31, and *App.* No. 8.

⁶ *Cal.* No. 27, and *App.* No. 6.

⁷ *Cal.* No. 13.

⁸ *Infra*, p. 369.

small tenants-in-chief. William of Tivilla, who was in office at Bari and Barletta, held 10 knights' fees at Noa, Bitonto, and Rutigliano,¹ while only 1½ at Bitonto and Barletta were in the hands of his colleague Robert Seneschal.² Travelling northward men of greater possessions are found, and among them Henry of Ollia, who exercised jurisdiction between Monte Gargano and the mouth of the Trigno, is an interesting example. Of the lands ascribed in the Catalogue to his son Geoffrey, count of Lesina, only four knights' fees are definitely said to have been held by Henry,³ but it seems certain that a considerable number of other fiefs belonging to Geoffrey must have been inherited from his father,⁴ since several of them are mentioned in documents issued by Henry. They cannot therefore originally have formed part of the county of Lesina, which Geoffrey only received after Henry's death, on the imprisonment of count William.⁵ Altogether Henry must have held some twenty-five fees, and he would seem to have been the chief personage among the lesser feudatories of the district. His colleague, Boamund Briton, was lord of Candelaro,⁶ which is reckoned at two knights' fees,⁷ but he may have held other lands as well. In other parts of the country, too, the justiciars seem to have been tenants-in-chief of the second rank: Lampus of Fasanella, who held office at Salerno in 1143, and together with Florius of Camerota in 1150 and 1151, may be mentioned as a notable example. Lampus, who was also constable of the principality of Salerno,⁸ held the half of Fasanella, which was reckoned at two knights' fees, land at Castel Nuovo and

¹ *Cat. Bar.* p. 571, Art. 9; p. 572, Art. 33.

² *Ibid.* p. 572, Art. 31.

³ *Ibid.* p. 581, Art. 383. *Comes Goffridus Alesinae tenet in capite a Domino Rege Banciam, quam tenuit Henricus de Ullia, quae sicut dixit, feudum IV. militum, et cum augmento obtulit milites VIII.*

⁴ *Ibid.* p. 581, Arts. 377, 384, 385. Of the places here ascribed to Geoffrey, Peschici, Biccari, Serracapriola, Varano, Monte S. Angelo, Siponto, Chieuti, Loreto, and Montecalvo, several belonged to Henry of Ollia and are mentioned in documents issued by him. Cf. *Cal.* Nos. 11, 15. The fiefs belonging to the county of Lesina are recorded in *Cat. Bar.* p. 581, Arts. 387-8.

⁵ H. F. p. 22.

⁶ St. Arch. Nap. Perg. Mon. Sopp. ii. No. 118: grant by Boamund Briton and his son Thomas in June 1164, ind. xii. reign of king William, of certain arable lands *quas in territorio jamdicti nostri casalis candelarii habemus sicut annexum est. ecclesie sancti leonardi de valle nebularia que in strata siponti sita est*, in the presence of Guido Soldanus, royal judge of S. Chirico and others; document written by John public notary of S. Chirico at S. Chirico: at the head of the list of signatures are:

+ *Ego boamundus britto dominus candelarii.*

+ *Ego Thomas filius Boamundi britto domini candelarii testis.*

There is nothing to show whether Boamund was still royal justiciar at this period.

⁷ *Cat. Bar.* p. 581, Art. 370, where Candelaro is ascribed to the *Curia*.

⁸ *Cat. Bar.* p. 583 seq. Art. 437 seq.

Sicignano valued at six fees, and another piece of land of which the amount is not specified.¹ In addition to this group of fiefs, his demesne at Corleto, Trentinara, Magliano, and Selfone made up five fees, and the land of his sub-tenants four more, so that altogether he held over seventeen knights' fees.² His colleague Florius occupied a similar position: his fiefs situated in many places in the principality were reckoned to provide twenty-one knights or forty-three with the *augmentum* and fifty serjeants:³ he had besides an additional knight supplied by a sub-tenant in Policastro.⁴ Turning to the principality of Capua, the names of three justiciars have come down, and they seem to belong to the class of small tenants. Atenulf of Caserta had one knight's fee at Sessa,⁵ or four with the *augmentum*; his colleague Hector of Atina is not mentioned in the Catalogue, but the inquest held by Ebulus of Magliano, the chamberlain, into the customs of Atina shows that he was a knight of that town and one of the chief inhabitants.⁶ Hervey of Bolita, who was tried before king William in 1155, held land to the extent of six fees in Aversa and Sessa.⁷ In the north, however, bigger men were invested with the office of justiciar, such as the counts of Abruzzo and Manopello and count Hugh of Molise. The districts entrusted to men of this type were on the frontiers of the kingdom, and in a very unsettled condition. Roger probably considered that the easiest means of providing for the defence of these outlying regions was to give a free hand to the great barons, just as it was the policy of the Angevins in England to create the Palatinates of

¹ *Ibid.* p. 585, Arts. 487-9.

² *Ibid.* p. 583, Arts. 442-4. It is extremely probable that this group of Lampus' fiefs were held in chief, since at the time the Catalogue for the principality was compiled they were in the hands of the *curia*; the evidence, however, is not conclusive. The fiefs are classed together with those of the sub-tenants of Henry of San Severino, but it seems as if the heading *isti tenent de eo* should not apply to all the subsequent entries (p. 583, Arts. 439-462). No information is forthcoming as to the time at which the fiefs of Lampus came into the hands of the *curia*. He is mentioned as early as 1128 as lord of Fasanella (Di Meo, ad an. 1128, n. 10); and we learn from a grant of 1134 (Archives of Cava, Dictionarium Archivi Cavensis . . . opus perfectum a R. P. D. Augustino Venereo et exaratum a R. P. D. Camillo Massaro, iii. f. 113), which *Lampus Dominus Castelli, quod Fasanella dicitur*, made to the monastery of Cava, that he had a son Tancred. In 1184, Tancred, lord of Fasanella in his turn, conferred a privilege on the same convent, but this Tancred calls himself the son of the lord William Palude (Di Meo, x. ad an. 1184, n. 5). A certain Hamutus of Fasanella (*Cat. Bar.* p. 588, Art. 656) is described as holding twenty-two villeins at Sicignano and doing service with the *augmentum* for two knights. Lampus belonged to a Lombard family: in the grant of 1134 he describes himself as the son of count Guaifer, while his wife was the great-granddaughter of Guaimar, prince of Salerno.

³ *Cat. Bar.* p. 583, Art. 439; p. 584, Arts. 454, 456-9; p. 586, Art. 578.

⁴ *Ibid.* p. 586, Art. 578.

⁵ *Ibid.* p. 597, Art. 934.

⁶ *Cal.* No. 9.

⁷ *Cat. Bar.* p. 595, Art. 867; p. 597, Art. 933.

Durham and Chester. So far as external enemies were concerned, the plan seems to have been successful, but the chronicles of Carpineto and Casauria are filled with long tales of constant oppression by the counts of Manopello and Abruzzo. In one instance only does it appear that a royal justiciar did not hold direct of the king. This was Richard of Turgisio, who was one of four justiciars who heard an important suit between Monte Cassino and the bishop of Abruzzo at Pescara in 1148.¹ According to the Catalogue, he held all his fiefs of the count of Manopello,² but perhaps the fiefs which he held in chief have been omitted from that far from complete document. However that may be, the sum of his recorded fiefs amounts to twenty-five, and with the *augmentum* he owed the service of fifty-two knights and 150 serjeants and whatever more he could muster, if he was called to serve in the neighbourhood. He may, therefore, be regarded as a man of no small importance.

A further question must be considered in treating of the class from which the justiciars were drawn. It has been suggested that the judges of towns were from time to time promoted to the office of provincial justiciar under William II.,³ thus importing into the institution a professional element which had been lacking at the outset. One of the instances brought forward in support of this contention is that of *Judex Maior* of Bitonto; it is, however, difficult to get rid of a persistent conviction that *Judex Maior* is a proper name and not an official title, although the matter is not capable of definite proof, and it is possible that its bearer came of judicial stock. If the *Judex* were an official designation, surely some variety in the form would appear, as *Maior judex de Botonto*, or *Maior Botonti judex* or *Botontinorum judex Maior*,⁴ but in every passage where this personage is mentioned he is invariably called *Judex Maior de Botonto* or *Judex Maior Botonti*. He is never found acting as a judge, and everything we know of him goes to prove that he was of knightly rank and a 'royal baron' of the Terra di Bari. According to the Catalogue of the Barons he was numbered among the knights of Bari in the Constabulary of Frangalis of Bitritto for his fief of 1½ knights at Loseto,⁵ and in 1155 he was himself royal constable at Bari,⁶ long before he

¹ *Cal.* No. 26; *App.* No. 5.

² *Cat. Bar.* p. 600, Arts. 1014-18.

³ Mayer, ii. 397, n. 93, 399, and Haskins, 645, n. 127.

⁴ Cf. the signatures of the judges of Bitonto in 1189: *Cod. dipl. Bar.* v. No. 153.

⁵ *Cat. Bar.* p. 571, Art. 8.

⁶ *Cal.* No. 42.

became justiciar in the reign of William II.¹ In 1155 his signature runs + *Signum manus mee qs. iudex Maior Regalis Comestabulus*, thus omitting the mention of Bitonto, and with it, by implication, any claim to be judge of the place. The use of *Judex* as a surname is found at Barletta, where *Leo Judex* was royal catepan.²

The other example that has been used to support the view of the promotion of town judges to the justiciar's office is capable of conclusive refutation. A certain Ameruzius was royal judge of Bari from 1167 till 1183, and the contention is that he was the same person as John Amerusius royal justiciar of the Terra di Bari. It has not, however, been noticed that both officials appear at the same court, for in 1181, *Bernaldus de Funtanellis et Johannes Amerusius regii justitiarii terre Bari* pronounce a judgment with the advice of a number of royal barons in the presence of Ameruzius, Johannes, Macciacotta, Petracca Buffus, and Sifandus *Regales barensium iudices*.³ Ameruzius and Johannes Amerusius are plainly two different men, and many documents show that Amerusius, Ameruzzius, Amerutius, Amorusius, was the name of a very numerous family which is found at Bari from 1075 onwards.⁴ It should be noticed moreover that Ameruzius, or Amerutius, the royal judge from 1167 till 1183 never bears any other name prefixed to the family name, while the justiciar is careful to distinguish himself as John Amerusius. A good deal can be learnt of the position and family of the latter from his will drawn up in 1186.⁵ By this date he had ceased to be a royal justiciar, but he describes himself as a 'royal baron' and lord of Triviano, a member therefore of a class which had a close connexion with the justiciars. He was connected by marriage with a royal judge, a royal justiciar, and a royal chamberlain. It should be remarked before leaving the subject that it seems clear that city judges did become justiciars of the central court as Mayer has pointed out, but the position of the two groups of justiciars does not seem to have been identical.

The royal
barons.

In considering the class from which the justiciars were drawn, it is important to observe their connexion with the 'royal barons' and the groups of knights who owed suit in the justiciar's court. These feudatories, as lesser tenants-in-chief, depended in a special way on the king's constables, to whom they were responsible for their military service, their

¹ *Cod. dipl. Bar.* v. No. 133.

² *Cal.* No. 60.

³ *Cod. dipl. Bar.* v. No. 145.

⁴ *Cod. dipl. Bar.* vols. i. and v.

⁵ *Ibid.* i. No. 94.

presence in the court of the king's justiciars is often mentioned, and it would seem that they acted on occasion in the capacity of assessors. Moreover, in more than one instance, we know that the justiciars themselves were chosen from the 'royal barons' or from the knights. In the Catalogue of the Barons, the barons of a constabulary are only once mentioned expressly,¹ but with the help of other evidence, certain groups of feudatories may be shown to have a special connexion with the constables and also with the justiciars. An example may be found in the constabulary of Guimund of Montilari, since, immediately following the heading in the Catalogue: *De eadem Comestabulia. Riccardus filius Riccardi sub Comestabulia Guaimundi de Montellâr*, there are the names and fiefs of *Filius Guimundi de Montellâr, Raho de Rocca Troia, Armanus, Maynardus de Grano, Johannes de Boccio and Leo de Foggia*² without any special designation. Now the judgment pronounced by Guimund of Montilari while he sat in the court of S. Mary of Bolfannana *cum baronibus et militibus et aliis probis hominibus pro justitia tenenda* is expressly stated to have been made *in presentia Raonis de Rocca et Johannis de Boccio domini regis baronum*.³ It is therefore probable that the whole group in the Catalogue were either 'royal barons' or knights specially depending on the constable, and owing suit in the king's court.

John de Boccio and his sons are well known from the protracted litigation with Monte Cassino concerning their respective rights at Castiglione,⁴ and in the record of the final settlement the names of Rao of Rocca and Leo of Foggia, who calls himself *Regalis Camerarius* are found in the list of those present.⁵ It is, moreover, worthy of note that the successor of Guimund of Montilari as justiciar, was in 1159 this same Rao of Rocca, royal baron.⁶ Much the same system may be observed in the Terra di Bari: in 1155, a suit, which was begun in the reign of king Roger, was brought to an end when the justiciars, William of Tivilla and Robert Seneschal, put the abbot of All Saints *de Cuti* in possession of the church of S. Nicholas, *coram presentia domini Melispezze Regalis barensium iudicis et domini Guilielmi senescalci militis et baronis regii et Guidonis Casemaxime domini et Goffridi de Lusito, et iudicis Maioris de Botonto*

¹ *Cat. Bar.* p. 581, Art. 380.

² *Cat. Bar.* p. 582, Arts. 396-401.

³ *Cal.* No. 31; *App.* No. 8.

⁴ *Cal.* Nos. 22, 37, 45.

⁵ *Cal.* No. 45.

⁶ *Cal.* No. 51. In addition to Rao the royal justiciar, who was acting as the advocate of the abbot of Orsara, *Mainardus de Grino* was also among those present at the concord drawn up in 1159 between William III. bishop of Troia and the abbot of Orsara.

*regalis comestabilis et Petri bisardi et Asketini militis et Corticii barensis militis.*¹ All these, except the two last and Geoffrey, appear among the knights of the constabulary of the Terra di Bari,² and two of them would seem to have held the office of justiciar; for Geoffrey of Loseto may not improbably be identified with the justiciar Geoffrey, who is mentioned at Modugno in 1158,³ and the constable Judex Maior was justiciar in 1173 and later.⁴ Examples of 'royal barons' may be found frequently in documents of the second half of the century, especially in Apulia.

The local standing of the royal justiciars.

The royal justiciars, whether counts or smaller tenants-in-chief, seem invariably to have held land in the district, within which they administered justice. The examples given above to illustrate the feudal position of the justiciars⁵ make this sufficiently plain, and a careful comparison of all the available judicial records with the Catalogue of the Barons has not revealed a single exception to this rule. It holds good equally for the early period when the justiciars had no territorial title and their sphere of jurisdiction can only be inferred from the places where they held courts and for the later time when territorial designations were common. The fact that the possession of fiefs within their judicial circuit was a necessary qualification for office does not of course exclude the possibility of their holding other fiefs outside it, and several such cases may be traced. Thus while William of Tivilla's fiefs at Noa, Bitonto, and Rutigliano, qualified him to act as justiciar in the neighbourhood of Bari, he also held extensive lands at Nusco, Montella, Oliveto, Vulturara, and other places in the principality of Salerno, and Bignano in the principality of Taranto.⁶ The constables, too, like the justiciars, always had fiefs within their constabularies.

It cannot be doubted that the system of employing the lesser nobility, and in some instances the counts, as officials in their own neighbourhood, was a definite part of Roger's policy intended to ensure local adherence to the government. This policy is in sharp contradiction to that pursued by Frederick II., whose aim it was to rule the country by preventing any alliance between the governor and the governed, instead of enlisting the weight of public interest in a district on the side of law and order. With this object he laid down that no justiciar was to be a native of his province

¹ *Cal. No. 42.*

² *Cat. Bar. p. 571, Arts. 4, 8, 12, 24.*

³ *Cal. No. 47.*

⁴ *Cod. Dipl. Bar. v. No. 133.*

⁵ Cf. *supra*, pp. 308-11.

⁶ *Cat. Bar. p. 589, Arts. 700-1, cf. charter of Simon of Tivilla, brother of William, who signs it, May, 1143, ind. v. (St. Arch. Nap. Perg. Mon. Sopp. i. No. 29).*

nor was he to hold land within it, nor to acquire it during his tenure of office.¹

In regard to the length of tenure, king Roger's policy again differed fundamentally from that of his grandson: whereas under Frederick II. the justiciars held office for one year only, their early predecessors are found acting over a long term of years. In some cases it may be calculated that their disappearance from the judicial records was occasioned only by their death. A good instance is afforded by the career of Henry of Ollia, who appears frequently as a justiciar between 1141 and 1153. He must have died before October, 1156, because at this date² his son Geoffrey is described as count of Lesina, in succession to count William, who was deposed and imprisoned some time apparently not later than the summer of that year.³ Had his father Henry still been alive it is only probable that he would have been invested with the dignity rather than his presumably untried son. Similarly in the case of other justiciars, it may be inferred that they held office till their death, although this cannot be definitely proved. On the other hand, there is an instance in Sicily of a former justiciar living in retirement in the neighbourhood in which he had administered justice.⁴ Probably their tenure depended on the king's pleasure, and in some cases it was a long one. The most notable instance comes from the principality of Salerno, when Florius of Camerota, who began his career as justiciar at least as early as 1150, was still exercising his functions in 1177, though his tenure had not been wholly uninterrupted.⁵ The long periods of time, during which the early justiciars held office has been explained as the result of the scarcity of suitable men for the post,⁶ but it seems more reasonable to see in it part of the definite scheme of enlisting the greatest weight of local support on the king's side. The annual succession of justiciars was no part of the Rogerian plan, and there is no reason for attributing to lack of material, the failure of a system which it was never intended to adopt.

Mention must also be made in this connexion of a certain tendency towards heredity which may be noticed in the early justiciarate: there was

¹ *Novae Constitutiones Regni Siciliae*, Lib. I. tit. li. in Huillard-Bréholles, *Historia Diplomatica Friderici Secundi*, Paris, 1854, iv. 189.

² *Cal.* No. 44; *App.* No. 13.

³ H. F. p. 22.

⁴ C. A. Garufi, *I Documenti Inediti dell' epoca normanna in Sicilia*, No. lxii. p. 153 (*Documenti p. s. alla storia di Sicilia*, serie i. vol. 18).

⁵ Cf. *infra*, p. 366.

⁶ Caspar, pp. 311-2.

not time for this feature to appear in the days of king Roger, but it is evident during the reigns of the two Williams in more than one district. Henry of Ollia was succeeded by his son Geoffrey as royal justiciar in Monte S. Angelo¹: at Troia, Rao of Rocca was followed by Luke of Rocca.² It is probable that such cases might be multiplied considerably, if it were possible to arrive at a complete list of justiciars.

Appointment
of the
justiciars.

The appointment of the earliest justiciars is attributed by the chroniclers to a direct act of the king. The minute supervision exercised by Roger II. in all departments of state may well lead to the supposition that he appointed the justiciars personally, but unfortunately no fragment of evidence survives to show the exact terms of their institution, or the type of mandate which contained their commission. Under the later kings, it is at least probable that the personal act of the sovereign was replaced by a more formal appointment by the *curia*, but of this again we are curiously ignorant. The admiral Maio issued orders to the justiciars on more than one occasion independently of the royal mandate, but there is no evidence to show whether he actually nominated the judicial officers in the provinces.

An abuse grew up by which the justiciars themselves appointed delegates to transact the business that should properly have been done by them in person: instances of such delegations, whether legitimate or not, are found under William I. and William II.,³ and a constitution was framed to forbid the abuse, on pain henceforth of capital punishment.⁴

Judicial
function of
the justiciars.

The establishment of the justiciars *pro conservanda pace* shows that cognizance of those crimes of violence which constituted a breach of the peace was specially attributed to them. This supposition receives full confirmation from the assize of Roger II., which makes the justiciars judges in cases of larceny, house-breaking, assault on the highway, rape, homicide, ordeals, calumny, arson, and all forfeitures which place the offender *de corpore et rebus suis* at the mercy of the *curia*.⁵ One of the most remarkable features of the legislation of Roger II., from the Great

¹ *Cal.* No. 61. ² *Cal.* No. 51.

³ Haskins, p. 646, n. 136.

⁴ *Constitutiones Regni Siciliae*, Lib. I. tit. lviii. in Huillard-Bréholles, *Historia Diplomatica Friderici Secundi*, iv. 178.

⁵ *Cal.* No. 8, *Sancimus ut latrocinia, fracture domorum, insultus viarum, vis mulieribus illata, homicidia, leges parabiles, calumpnie criminum, incendia, forisfacte omnes, de quibus quilibet de corpore et rebus suis mercedi curie debeat subiacerere a iustitiariis iudicentur, clamoribus supradictorum baiulis depositis, cetera vero a baiulis poterunt detineri.*

Peace of Melfi onwards, was the sharpening of the theory of crime and the tacit definition of criminal offences as those which involved punishment at the royal pleasure in regard to person or goods. The phrase *de corpore et rebus suis mercedi curie subiacere* is strongly reminiscent of the conception which placed in the mercy of the king all offenders whose misdeeds were held to involve a breach of his peace. In consequence of this definite theory of crime, and assisted by the notions of Roman jurisprudence, the law of South Italy and Sicily in the twelfth century divides all causes into *civilia* and *criminalia*; this is explicitly recognised in the grant of jurisdiction made by king Roger in 1133 to the monastery of S. Mary in Brindisi: *Insuper de gratia nostra concedimus speciali, ut praefatum Monasterium de caetero in perpetuum haberet Judicem Bajulum tam in terra Misanii, pro praefatis hominibus et bonis eorum a nobis eidem Cœnobio datis pro definiendis quaestionibus civilibus personalibus, & realibus de bonis eorum, quam et in civitate nostra Brundusii, qui Curiam regant . . .*¹ Again in 1154 the idea of the distinction between civil and criminal jurisdiction is set out by William I. in his confirmation of the privileges of Cava: the abbey is to be free of all state control, *nisi in criminali iudicio tantum, quod nobis et praefate nostre reipublice totaliter reservamus, sicut in suo privilegio dux Rogerius noster proavus, constituit et mandavit*.² Here, the distinction is carried back into the early Norman period, and although we do not find the expressions *criminalia* and *civilia* used before the time of king Roger, the notion itself appears sufficiently often. The distinction received fresh emphasis in his reforms, and it was finally crystallised by the establishment of the justiciars as special judges in criminal causes. Hitherto it seems evident that the royal local officials, *strategoti* and *catepani*, were charged with hearing civil and criminal causes alike, though no records of their criminal action have survived. This, however, is not an extraordinary circumstance, since at this time and for long afterwards, it does not appear that records of suits were drawn up, unless it was necessary by so doing to secure rights of property or possession. After the institution of justiciars, all criminal jurisdiction, with the exception presumably of such petty offences as did not involve forfeiture of goods or members, was taken from the local officials, who are termed generically *bajuli* in the

¹ Ughelli-Coleti, *Italia Sacra*, ix. 32.

² Guillaume, *Essai Historique sur l'Abbaye de Cava*. Cava dei Tirreni, 1877, App. p. xxxv.-vi. L.

assizes. It was therefore of first-rate importance to define carefully the spheres of the *bajuli* and the justiciars, and it was with this object that the assize of king Roger was drawn up. The duties of the bailiffs are not expressly set out, but all causes which are not recited in the assize are left in their competence, and the first proclamation, even in cases reserved for the justiciars, must be lodged with the *bajuli*.¹ It is part of their duty, moreover, by an assize of William II., to hand over to the justiciars thieves who had been captured, as well as all their goods and the stolen property.² William II., too, not content with the negative declaration of the bailiffs' duties issued by Roger, defined them positively as jurisdiction over *civiles causas, omnes reales videlicet et personales que super feudis et rebus feudalibus minime moventur* and in addition, those small offences, thefts and the like, *de quibus comprobati penam sui corporis vel ablationem membrorum incurrere non deberent*.³ There is here no advance on the theory underlying the assize of Roger II., only a more explicit declaration of the different spheres, while the phraseology recalls the privilege of 1133 for S. Mary in Brindisi.⁴ The absence of theoretical growth is seen too in the constitution of Frederick II., which lays down the powers of the justiciars: it is confessedly based on previous Norman legislation,⁵ but it would seem to refer not to the assize of Roger II. but to some law of William II., since the list of offences attributed to the cognizance of the justiciars is somewhat more extended than that given in the assize,⁶ and in regard to one of these additions, *defensa imposita*, we know that in the reign of William I. a chamberlain, who, however, also calls himself

¹ Cf. *Cal. No. 8, clamoribus supradictorum baiulis depositis.*

² *Const. Lib. I. tit. lxvi. (42), p. 38.*

³ *Ibid. Tit. lxv. (41), p. 37.*

⁴ Cf. *supra*, p. 317.

⁵ *Const. Lib. I. tit. xlv. (54), p. 47: Que igitur ad ipsorum cognitionem pertineant predecessorum nostrorum assisiis comprehensa, apertius definimus, latrocinia scilicet, magna furta, fracture domorum, insultus excogitati, incendia, incisiones arborum fructiferarum et vitium, vis mulieribus illata, duella, crimina majestatis, arma molita, defense imposita et [contempte ab aliis vel pro aliis ab eisdem], et generaliter omnia de quibus convicti penam sui corporis vel mutilationem membrorum sustinere deberent. Magnum autem furtum accipimus ultra viginti augustales, etiamsi civiliter de furto ipso agatur, ut tamen etiam de quantitate minori coram justitiario [ad corporalem penam] criminaliter possit accusatio intentari.*

⁶ The most important addition is that of treason—*crimina majestatis*: its absence from the assize of king Roger has been explained by the fact that the law of treason had not received its full development as early in the reign of king Roger as the issue of the assize defining the powers of the justiciars; treason, however, is frequently mentioned as a plea reserved to the king and indeed to the count of Sicily long before the formation of the kingdom. The suggestion may be hazarded that under Roger II. cases of treason were reserved for the king's own hearing.

justiciar, was considered capable of dealing with the matter.¹ In spite of greater accuracy of definition in the late Norman and Swabian periods, the principle underlying the distinction between the justiciars and the bailiffs is precisely laid down by king Roger: to the former belong all crimes which were punished by loss of life, members, or goods.² The reference to the mercy of the court naturally dropped out, as the punishments of crimes became stereotyped and established by law.

During the later Norman period the whole group of pleas reserved for the hearing of the justiciars came to be known as the *justiciaria*,³ thus emphatically calling attention to their office. In the general withdrawal of criminal causes from the *bajuli*, however, a few exceptions remained, which endured till the reign of Frederick II. From one of his constitutions we learn that the *compalatius* of Naples and the *strategoti* of Salerno and Messina had had cognizance of *criminalia* in virtue of a special and ancient privilege,⁴ and it is not impossible that other important towns had the same privilege. Nevertheless, it cannot have been a widely extended prerogative at any time, and it was directly opposed to the policy of Roger II. of depressing the towns and subordinating them to the royal authority.⁵

While a tolerably clear notion of the scope of the criminal jurisdiction of the justiciars may be gathered from the assizes and constitutions, records of actual cases are very few, and very little can be discovered as to procedure in criminal trials. It is, however, clear that such cases could be begun either by way of appeal or by an official inquest. The appeal by the injured party is apparently referred to at the end of Roger's assize, where the *clamor* of the crimes reserved for the justiciars is to be made before the *bajuli*. Procedure by way of inquest is found in the only two criminal cases of which any record has survived. Both belong to the latter

¹ *Cal.* Nos. 54, 55.

² Cognizance of a case tried at Bitonto in 1189 is specially attributed to the royal justiciars because it belonged to the *justiciariatus officio*. The crown claimed a certain tenement since its owner had been tried and condemned for murder, but the justice of the forfeiture was disputed, and the counter-claim was allowed by the justiciars, on the ground that the tenement had been alienated before the murder was committed.—*Cod. Dipl. Bar.* v. No. 153.

³ G. Del Giudice, *Codice Diplomatico del regno di Carlo I. e II. D'Angiò*, Naples, 1863, i. *App.* i. p. xlili. ; 1179 in a grant of jurisdiction by Robert, Count of Loritello, *placitis ad iusticiariam pertinentibus in manus domini nostri gloriosi regis et nostris omnimodo retentis*.

⁴ *Const.* Lib. I. tit. lxxii. (49), p. 44. *Circa tamen compalatiis Neapolis et straticos Salerni scilicet et Messane, quibus cognoscere licet de criminibus de speciali et antiqua prerogativa et regni nostri observatione dignoscitur esse concessum, ordinatione constitutionis presentis nihil volumus innovari.*

⁵ *Cf. infra*, p. 331.

part of the reign of William II., and are described by Romuald of Salerno. In 1177, on the conclusion of the peace of Venice, delegates from the emperor Frederick Barbarossa were sent to Sicily to receive the formal oaths in confirmation of the treaty.¹ On their return journey, the imperial ambassadors were accompanied, according to custom, by a knight of king William, who was charged with escorting them as far as the frontier. At Lagonero, however, a quarrel arose between this knight and the people of the village, so that he was forced to seek refuge at the lodging of the ambassadors. The country people, with mad insolence, stoned the house and maltreated the members of the embassy: their archives were broken into, and the silver coffer in which the solemn treaty of peace with its golden bull was preserved was borne off by the mob. No sooner did the news reach king William of this insult offered to the ambassadors of a foreign power than he sent letters to the justiciars of that region by the hand of his usher Daniel, *precipiens eis, ut huius mali factores et complices diligenter inquirerent, et inventos cruce suspenderent*. The justiciars are here ordered to hold an inquest to discover the evil-doers and to bring them to justice. A terrible vengeance overtook them, and they were hanged, some at Barletta, others at Troia, Salerno, Capua, and even away at S. Germano.

Another royal order to hold an inquest for the discovery of criminals was issued about the same time.² On this occasion the country people of Fajano attacked abbot Matthew of S. Benedict of Salerno with swords and staves and lances, and cruelly slew him. The justiciars, Luke Guarna and Florius of Camerota, were ordered *ut huius sceleris auctores cum summo studio et cautela inquirerent et inventos carceri manciparent*.

From the consideration of these cases the question arises whether the justiciars of the Norman period held general inquests for the discovery of evil-doers, as it is certain they did in the time of Frederick II., or whether they only held inquests in special cases on receipt of a royal mandate. There is, however, no material on which to base an opinion in this matter. In the particular instances under discussion, the phrases used by Romuald have every appearance of being quotations from the mandates.

While the general lines of the separation of the offices of the justiciars and the bailiffs is sufficiently clear, the distinction between the justiciars and the chamberlains is more difficult to determine. Romuald of Salerno

¹ R. S. p. 460.

² *Ibid.*

groups them together as officers instituted *pro conservanda pace*, but while the assize of Roger II. confirms this testimony in regard to the justiciars, there is no definition of the powers of the chamberlain in Norman legislation. Occasionally the same person is known to have combined the two offices, for Roger of Bisignano, in 1136, calls himself *Camerarius magnifici regis Justitiarius*,¹ and as late as 1163 Samarus of Trani was *regius camerarius et justitiarius*.² The fact that both offices are expressly mentioned in these two cases tends to show that a difference between them was recognised; nevertheless, that there was some confusion regarding the competence of the various officials in the Norman period may be gathered from the language of Frederick II. in two constitutions defining the powers of justiciars, chamberlains, and bailiffs.

Besides their criminal jurisdiction, the justiciars exercised an extensive jurisdiction in civil causes, of which sufficiently abundant records from the reigns of Roger II. and William I. remain in the written judgments drawn up to safeguard the rights of the victorious party in a suit. No official definition of the limits within which this civil jurisdiction was exercised exists for these reigns, since the Assizes deal only with the *criminalia*, but the practice of the later Norman period may be inferred from the constitution revised by Frederick II., which describes the competence of the justiciars. The portion dealing with the criminal pleas has already been quoted: the constitution goes on to affirm³ that cognizance of civil causes

¹ *Cal.* No. 6.

² Haskins, p. 646, note a, *Cal.* No. 55. Two other documents in support of this combination of offices are brought forward by Prof. Haskins without, it would seem, sufficient grounds. The first belongs to the year 1175, *St. Arch. Nap. Perg. Mon. Sopp. II. No. 178 bis* (Haskins gives the number as II. 99) and contains the mention *coram domino Achille Regio justiciario terre Idroni et Camerario Basilicate*: Capasso regards the document as gravely suspect and for a brief discussion of the matter cf. *infra*, p. 346, n. 3.

The remaining document quoted by Prof. Haskins (p. 654, n. 191) belongs to the year 1183 and records an inquest made by *Bereng[arius] Latronici et Robertus Camer[arius] Vallis Sinni regii iusticiarii*. *Camerarius* is obviously the surname of Robert in this case and does not denote his office: he is found previously among the witnesses of a document of 1178 as *Robertus Camerarius* (*Crudo. La SSma. Trinità di Venosa*, p. 256). A parallel instance of an official title becoming a surname is to be found in *Robertus Senescalcus*, the justiciar at Bari and Barletta in 1154 and 1155.

³ *Const. Lib. I. tit. xlv. (54)*, pp. 47, 48: *Cognitionem civilium etiam causarum in defectu etiam camerariorum et bajulorum ad officium suum pertinere cognoscant. Defectus vero in camerariis et bajulis tunc esse videtur, videlicet cum post duos menses a die proclamationis ad ipsos facte [cause eis a superiori commisse fuerint], nec conquerentibus in rationibus suis satisfaciunt ut tenentur et debent, nisi instructionis [desiderate] necessitas terminum exigat largiorem. . . . De feudis etiam et rebus feudalibus ipsi cognoscant, preter questiones de castris et baroniis et magnis feudis que in quaternionibus doane nostre scripta sunt: que omnia singulariter cognitioni nostre curie reservamus.*

belongs to the justiciar's office in defect of the chamberlains and bailiffs ; and this defect is defined as occurring when the plaintiff has not received the satisfaction due to him within two months of the day on which the proclamation was made, unless a longer period was needful to settle the matter. Furthermore, by this same constitution, the justiciars are to take cognizance of feudal matters except in questions which concern castles and baronies and great fiefs inscribed in the quaternions of the royal *duana* : these are reserved for the central court of the king. Finally, in another constitution¹ it is asserted that under the Norman kings appeals from the chamberlains were taken before the justiciars.

The question then stands : how far does the evidence of the judgments issued under Roger and William I. go to prove that the civil jurisdiction of the justiciars from the outset was limited to the three cases of defect of justice in the lower courts, feudal matters under certain limitations, and appeals from the chamberlains ? The great object of the constitution is to prevent any overlapping of function between the chamberlains and justiciars, and the justiciars, with this object are restrained, except in feudal cases, from hearing suits of first instance. To a very considerable extent the evidence shows that this rule was observed in the reigns of the two kings, for it is plain that in the great majority of cases which have come down there has been lengthy previous litigation and that the justiciars only took cognizance of the matter *pro defectu justitie*, as the constitution and the mandates of William II. have it, or *pro recti penuria*, as a mandate of Roger and William I.² expresses the same notion. The sentences of the justiciars generally refer to a long-drawn contest between the parties,³ and in some instances, where there is nothing in the wording of the judgment issued by the court to suggest such previous history of the suit, other documents exist which show that such was the fact.⁴ In

¹ *Const. Lib. I. tit. lx. (45), p. 41.*

² *Cal. No. 42.*

³ *Cal. No. 16.* The plaintiff appeals against a previous sentence which he regards as unjust ; *Cal. No. 25, App. No. 4,* seems to refer to previous litigation '*exorta controversia,*' but this is only a summary ; *Cal. No. 26, App. No. 5 . . . qualiter longa controversia que, diu fuerat . . . per judicariam sit sententiam diffinita ; Cal. No. 34, App. No. 10 . . . qualiter habui altercationem cum domino romano abbate tremitane insule, i.e.* before the present suit was brought before the justiciars ; *Cal. No. 41, App. No. 12, declaramus quomodo litigia . et altercationes non parvas habuimus. . . . Postea vero utraque pars. venientes ante presentiam domini Rogerii flandrensis Regii comestabuli (et justitiarum) ; Cal. No. 42,* when there had been four previous attempts to obtain satisfaction from various courts.

⁴ *Cal. Nos. 22 (1147), 37 (T. R. R.), 45 (1156)* all deal with the agreement between Monte Cassino and John de Boccio ; the first document describes the action taken by the abbot before

those cases in which nothing is said about the previous action of the lower courts, and nothing can be learned from other documents, it is impossible to say whether the justiciars were taking cognizance of a case of first instance ; nevertheless, it is not unwarrantable to suppose that recourse had been had originally to the local judges and that the assistance of the justiciars was called in only when the aggrieved party had failed to obtain satisfaction. It is, however, evident that in many cases a royal mandate from the central court was necessary in order to carry a civil suit into the justiciar's court. From this it follows naturally enough, owing to the difficulty and expense of a journey to the king, that the litigants in these cases are persons of considerable importance. Generally, owing to the preservation of ecclesiastical documents in greater numbers, the plaintiff in those suits of which a record has survived was an abbot or bishop, but occasionally the men of a town or village are found taking joint action in defence of their rights and seeking a royal mandate. During the reigns of Roger and William I. these mandates are in no case given in full, but their general import is occasionally set down and the plaintiff is stated to have lodged a complaint before the king of the wrong which he has suffered and the king addresses a mandate to the justiciars ordering them to hear the case and give satisfaction, so that the plaintiff may obtain redress.¹ The most complete summary runs : *cum etiam super hoc domini regis Rogerii beate memorie atque invictissimi regis Guilielmi preceptorias litteras accepissimus ut idem abbas super huiusmodi negotio pro recti penuria conqueri non possit.*² In the time of William II. the text of the mandates is always preserved in the record of the suit : they contain the same elements that are indicated in the summaries of the earlier period, but it must be noticed that in this later period they are generally addressed to the master justiciars and constables of Apulia and the Terra di Lavoro, and not to the ordinary justiciars. The mandate begins by describing the visit to the central court or to the king in person and the exposition of the complaint, and it goes on to order the master justiciars to hear the matter after summoning the parties and the witnesses, and to give satisfaction *ut de*

duke Roger, though it is by no means certain that this was the beginning of the suit ; the two others narrate a concord negotiated before the justiciar Guimund of Montilari ; *Cal.* No. 28, records a judgment drawn up in the presence of the justiciars Hector of Atina and Adenulf of Caserta ; nothing is said of previous litigation, but it appears from another judgment that the case began in the court of the abbot of Monte Cassino in 1142, cf. *infra*, p. 324.

¹ *Cal.* Nos. 25, 34, 37, 42, 45.

² *Cal.* No. 42.

*cetero super hoc idem abbas iuste conqueri nequeat*¹ or *ut exinde amplius iuste clamorem non audiamus*.² Sometimes the justiciars are ordered to settle the matter without appeal to the royal court, sometimes they are only to report the result of their inquiries. In many cases under Roger and William I. the mandate is not mentioned, and it may well be that this method of procedure had not as yet been established as a matter of course.

The history of some of the protracted suits is not a little interesting, and illustrates the length of time and the procedure necessary, not indeed to obtain a sentence, but to secure its being enforced. In 1142³ Landulf, son of Pandulf of Aquino, brought a claim against a certain Adoyn, son of Benedict of Aquino, before Rainald, abbot of Monte Cassino, in his court at San Germano. Landulf maintained that Adoyn owed him service with his person and goods, but Adenulf, abbot of S. Matthew de Castello, and Adoyn himself denied the truth of this assertion, because Adoyn's father had offered himself and all his possessions to the church of S. Matthew in the time of prince Jordan I., and consequently no service ought to be claimed except by the church. After the question had been debated at length before the abbot of Monte Cassino, an agreement was arrived at, by which Adoyn was to pay Landulf 15 *solidi denariorum papiensium*, and in return Landulf was to renounce any claim to service into the hands of the church: at the same time Landulf gave pledges never to bring any further suit or molestation against the church or Adoyn. In spite of this undertaking, however, the abbot of S. Matthew in 1148⁴ found it necessary to seek redress of the justiciars, Hector of Atina and Adenulf of Caserta, who were sitting in the palace of the bishop of Aquino. The abbot Adenulf, without referring to the previous suit in the court of Monte Cassino, complained that Pandulf (this is probably a mistake for Landulf) of Aquino was oppressing two of the men of the monastery, John and Adoyn, and seizing their goods because they refused him service. The abbot was ordered to produce proofs of his assertion that the men belonged to the monastery and in justification he brought up a charter of the time of prince Jordan, by which the father and mother of the two men gave themselves, their heirs, and their possessions, to the

¹ Niese, *Urkunden*, i. 4, p. 27.

² Archives of Monte Cassino, caps. 101, fasc. v. No. lxi.

³ Archives of Monte Cassino, Codex 640. *Privilegia et Diplomata pro Monasterio S. Matthei Servorum Dei MSS. R. R. P.* pp. 112, 113.

⁴ *Cal.* No. 28, *App.* No. 7.

service of the monastery. After hearing this donation the justiciars gave sentence for the monastery and confirmed its possession, and invested it with the services of the men, the goods of John's wife Gaytelgrima alone being excepted from the scope of the judgment. In this case there is no mention of the royal mandate, but it seems clear that the suit was brought '*in defectu justitie.*' The history of another protracted suit may be studied in the Calendar of Documents.¹

Almost all the civil suits brought before the justiciars were either possessory or proprietary actions concerning, for the most part, lands, vineyards, mills; sometimes the dispute is about the right to certain services, and once the possession and ownership of a church is contested. The subjects of litigation brought before the justiciars were not markedly different from certain of those which were submitted to the decision of the chamberlains. It may be that the interests involved were greater and the parties to the suit more important when the justiciars presided, while the business before the chamberlains was sometimes of a specially fiscal nature; nevertheless, it would probably be found, if complete records had survived, that the distinction between the jurisdiction of the two groups of officials, at any rate after 1140, when they were definitely established, consisted in the limitation of the justiciar's interference in possessory and proprietary actions to cases of defect in the lower courts.

In defining the feudal jurisdiction of the justiciars Frederick II. declares: *De feudis etiam et rebus feudalibus ipsi cognoscant, preter questiones de castris et baroniis et magnis feudis que in quaternionibus doane nostre scripta sunt que omnia singulariter cognitioni nostre curie reservamus.*² Here two questions are raised for comparison with the usage of the reigns of Roger and William I. In the first place it must be asked: what was the practice in regard to jurisdiction in feudal matters; and secondly, what were the relations between the local justiciars and the central court. The evidence from the early period of the monarchy is not abundant, but so far as it goes it yields certain fairly definite conclusions.

In illustration of the feudal question, one long series of suits has fortunately been preserved concerning the fief of John de Boccio at Castiglione near Troia,³ a fief which is found inscribed in the Catalogue of the Barons: *Johannes de Boccio dixit, quod tenet XX. commendatarios in*

¹ Cal. No. 42.

² Const. Lib. I. tit. xlv. (54), p. 48.

³ Cal. Nos. 22, 37, 45.

*Castellione, et cum augmento obtulit militem I.*¹ The fief then was a *feudum quaternatum*, since it is found in the only extant register or *quaternio* of the *curia*. Considerable confusion has existed in the past on the subject of *feuda quaternata*, because it was supposed that only fiefs held in chief of the king were included in this class, and yet many fiefs of sub-tenants are not only found in the Catalogue but are moreover expressly said to be already inscribed *in quaternionibus curiae*.² Recently, however, the real meaning of the term has been made clear,³ and *feuda quaternata* are shown to have included not only those fiefs which were held directly of the king, but also those mesne fiefs for the granting of which by the immediate lord the sanction of the king was required. The litigation concerning John de Boccio's fief began, so far as we can learn, in a complaint brought in 1147⁴ by abbot Rainald of Monte Cassino before duke Roger, king Roger's son, but it is probable that the matter had already been ventilated. On this occasion the abbot maintained that John cultivated, in the village of Castiglione, certain lands which belonged to Monte Cassino, and paid no rent, and moreover, that he had bought other lands in the same place, and these he regarded as his own, and paid nothing to the monastery for them. By command of the duke, John promised to give to the abbot a tithe from all the lands which he held at Castiglione. Some years later, at the end of the reign of Roger II., it would seem,⁵ abbot Rainald instituted a fresh suit against John, asserting that all his property, his men, lands, houses, and vineyards belonged to the abbey. The abbot began proceedings by lodging a complaint before king Roger, who, with his wonted favour, on learning the arguments of the church, *ut justitiam haberet precepit, et litteris justiciariis significavit ut utriusque partis allegationibus auditis et intellectis, ecclesie justiciam facerent*. In obedience to this mandate the justiciars, the count of Civitate and Guimund of Montilari, summoned the abbot to appear at Troia, or, if he so preferred, to send some of the brethren to represent him. The delegates brought charters of duke Roger, duke William, and king Roger when he was duke, granting Castiglione to Monte Cassino. John replied by demanding the presence of the abbot, but soon the brethren began to talk of a concord, and the count of Civitate and Guimund threw their weight on the side of an arrangement. John de Boccio agreed, and undertook a journey to Monte Cassino to obtain the

¹ *Cat. Bar.* p. 582, Art. 400.

³ E. Mayer, i. 453.

² *Cat. Bar.* p. 575, Art. 138.

⁴ *Cal.* No. 22.

⁵ *Cal.* No. 37.

consent of the abbot in person, because his representatives did not feel able to accept on his behalf all the terms of the concord. The provisions are given in great detail and all are of interest; the most important, however, in considering the competence of the justiciars in feudal matters, are the clauses concerning homage and fealty and the performance of the service due to the king. John agreed to do homage to the church and the abbot as the abbot's other men did, and further, he promised to swear fidelity *si dominus rex permiserit*: John's men were to share in proportion to their numbers with the men of the church in the service of the king and together they were to provide for the service of one knight which was owed to the king, but the abbot was to make himself responsible for the service. Moreover, if John succeeded in getting the service due from his men diminished or remitted, he will do the same for the men of the church. The arrangement made with the abbot was to hold good for the life-time of John himself, his son, and grandson, but after their death the whole property, including the men and their belongings, the lands, vines, and houses are to pass into the hand of the church and the abbot: at the same time the rights of the men are secured in certain particulars after they shall have come into the possession of the church. John finally safeguards his right of trading with the men of Castiglione after he has done homage to the abbot, and he declares himself quit of his service to the king, if the king permit.

The fulfilment of this contract was prevented by the death of John de Boccio, but the king's court seems to have agreed to the terms stipulated, because in 1156¹ his sons Robert and John declare that they are willing to carry it out *ex precepto curie domini nostri magnifici Regis Willelmi*. The abbot makes one concession to Robert that was not included in the original concord, because Robert's son Roger is now dead, and the benefits that he would have enjoyed are now to pass to any other son that he may have or in default of sons to his daughter Lauretta and her future husband. This revised agreement was drawn up in the court of the royal judges of Troia in the presence of Leo of Foggia the royal chamberlain.

It is plain then from this case that a justiciar was held competent to decide a suit concerning a quaternated fief, but at the same time it must be remembered that the court assembled at Troia by Guimund and the count of Civitate, only took action after a royal mandate had been

¹ *Cal.* No. 45.

received ordering justice to be done to the abbot, and further, that the case had already been brought before duke Roger. It might be thought that the justiciar's court on this occasion received a delegation of power that placed it on a level with the central court, were it not for the reservation made about the transfer of the oath of fidelity on the part of John de Boccio and his quittance from the duty of providing one knight's service. The court did not regard itself as competent to settle this matter and it is expressly stated that the permission of the king was necessary. The difference of competence between the justiciar's court and the central court is also brought out in the suit heard at Pescara by four justiciars in 1148.¹ The bishop of Aprutium claimed possession of the church of S. Nicholas of Trontino against the monastery of Monte Cassino: after hearing the evidence of both parties the court decided that the question *potius de proprietate esset agendum*, and ordered that the abbot of Monte Cassino *se a possessione prephati monasterii sequestraret et eadem possessio in manu justitiariorum quasi apud sequestrum collocata est*, on condition that if the question were settled by a final sentence in the present court, possession should be given to the party to whom it was adjudged, but if the matter turned out like the question debated three days ago,² it should be reserved for the hearing of the king. Here again it is plain that the justiciars regarded themselves distinctly as subordinate to the king. Consequently it does not seem possible to regard the justiciar's court and the central court as simply two forms of the same royal jurisdiction.

Before leaving the question of jurisdiction in feudal matters it should be observed that in 1149 the chamberlain Ebulus tried a case which involved a non-quaternated fief, so that the strict limitation of feudal cases to the justiciars does not seem as yet to have been accomplished.

As to the appellate jurisdiction of the justiciars over the chamberlains, which is mentioned in a constitution of Frederick II., no record or reference exists for the reigns of Roger and William I., so that the matter cannot be discussed. The general relations of justiciars and chamberlains will receive further attention in discussing the function of the chamberlains and master chamberlains.

In conclusion, it may be said that the separation between the

¹ *Cal.* No. 26, *App.* 5.

² This seems to be the drift of the fragmentary passage: *Sin autem res J. . . . et nudius tertius fuerat. ita usque ad domini Regis audientiam servaretur.*

justiciars and the bailiffs in criminal matters was insisted on from the first, and the justiciars took exclusive cognizance of all crimes that involved loss of life or limb or forfeiture of property. In civil matters the bailiffs had cognizance in cases of first instance, and it seems at least probable that the justiciars' interference was limited to cases where there was defect of justice and to feudal cases. During the first years in which the new officials, justiciars and chamberlains, were in office, it is hard to distinguish their spheres in civil matters; after 1140, however, the separation of their functions became more explicit, and by the end of the reign of William I. complete definition seems to have been attained. As late, however, as 1149, a chamberlain decided a suit that involved a non-quaternated fief, and in 1163 another chamberlain was concerned in a case of *defensa* which the constitution of Frederick attributes exclusively to the justiciars. In their relations with the central court of the king, the justiciars definitely acknowledge a subordinate position: not only is their action regulated by mandates from the king or his chief minister, but occasionally questions arise which are reserved for the royal hearing. With the gradual development of central institutions the personal action of the king was replaced in the majority of cases by the *magna curia*.

The powers of the justiciars in Apulia and the Terra di Lavoro seem to have been exclusively judicial. In this they differed in a remarkable manner from the attributions of the Sicilian or Calabrian justiciars, who are not infrequently charged with the duty of making administrative inquests.¹ Considering the large number of records left by the justiciars of the mainland throughout the reigns of the Norman sovereigns, it can scarcely be regarded as an accident that no notice of administrative action has survived. Rather must it be considered that there was a fundamental difference between the justiciars in the two great divisions of the *Regnum*, since on the mainland outside Calabria the chamberlains always held the inquests ordered by the *curia* for administrative purposes.

The relation of the justiciars to the bailiffs and chamberlains has been discussed at some length, and now the question of their relation to the counts must be considered. The position of the counts as judicial officers is exceedingly interesting and important: it is bound up with the tradi-

¹ Chalandon, ii. 678. All the examples of administrative inquests by justiciars quoted by M. Chalandon belong to Sicily or Calabria, although he does not appear to have noticed the distinction. The same is true of a case cited by Prof. Haskins, p. 654 and n. 151.

tional administration of justice which had come down from the Lombard and the early Norman periods, and also with the exercise by private persons of rights of jurisdiction. These rights were enjoyed either in virtue of a definite grant from the sovereign, or by reason of long-established custom. Unfortunately actual grants have been preserved only in the case of churches and towns, so that it is impossible to speak with certainty of the origin of rights of jurisdiction held by lay tenants. It is probable that they took their rise without any formal concession, but it is also probable that they were confirmed by an express act of the sovereign, as for instance at the period of the verification of privileges generally under Roger II. The nature of the franchises enjoyed varied considerably and their history followed different lines in Sicily and in Southern Italy.

In Sicily, from the earliest period, the separation of pleas into *civilia* and *criminalia* appears, but a further cleavage within the *criminalia* also reveals itself. In all the known grants of criminal jurisdiction before the reign of William II., with the exception of that in favour of the bishopric of Catania,¹ the most serious crimes are reserved for the king or the great count.² They are designated as *regalia* and almost always include treason and homicide: in the grant to the bishop of Cefalù, felony too is excepted.³ The cleavage seems to lie along the line of the death penalty, since it is explained that it is against the canons for an ecclesiastic to give sentence of death, but it appears to have been the regular practice in Sicily for the sovereign to keep these pleas in his own hands. In the conquest of Sicily, count Roger had a clear field, and he was able to found a new state unencumbered with any previous tangle of rights and interests. It seems certain that so far as churches are concerned, Catania remained for long the sole possessor of full criminal jurisdiction, and that only within the city, but under William II. a fresh departure was made, and the new archbishop of Monreale received the immense privilege of being justiciar in his own territories: he had every plea which was attributed to the cognizance of the royal justiciars and was allowed to appoint his own deputies. In regard to the privileges of the counts and barons of Sicily,

¹ Caspar, p. 615.

² Niese, *Urkunden*, i. 8, n. 3, where the grants of jurisdiction to churches in Sicily, with the exception of Cefalù, are collected.

³ Caspar, *Reg.* No. 194. *Salvis tamen regalibus nostrae majestatis, feloniam videlicet, traditione et homicidio.*

there is unfortunately no information, but it is probable that the highest criminal jurisdiction was denied them. After the establishment of justiciars under Roger II, it became the ambition of town communities to receive justice in criminal matters from their own officers, but only Messina was able to vindicate the right of its *strategos* to this extended jurisdiction.

In Apulia and Capua, with which we are now concerned, the liberties of the churches in judicial matters seem to have been more restricted: for the most part they enjoyed only a civil jurisdiction such as was implied by the appointment of a *judex*, and nothing is said in the ducal and royal grants of even a limited criminal jurisdiction.¹ The only ecclesiastic who exercised full powers in criminal matters on the mainland was the archbishop of Monreale for his city of Bitetto.² Henry VI. followed the example of William II. and won the support of Monte Cassino by a grant of full criminal jurisdiction, and Frederick II. in his early years adopted the same policy to the abbey of Cava and the archbishop of Salerno. Both these grants, however, as well as that to Monte Cassino, were revoked in virtue of the *constitutio de resignandis privilegiis*, and Frederick henceforth pursued a policy even stricter than that of his Norman predecessors.

The towns of the mainland rarely enjoyed the privilege of criminal justice at the hands of the city magistrates: Salerno and Naples alone are known to have emulated the position of Messina, while Gaeta was not able till the reign of Tancred to win a less extensive privilege.³

¹ Niese, *Urkunden*, i. 7, 8. The possible exception in the grant of William I. for the Bishop of Troia is recognised by Niese (*Gesetzgebung*, p. 172) to be inadmissible, since the reference to the privilege of exercising the power of a justiciar is shown to be a later addition.

² Soc. Nap. di Storia Patria MS. xxvii. A 3. Diplomata Monasterii S. Laurentii de Aversa, A.D. 1716, ff. 50 (2) and 51: a donation made by Pizzigaudius of Bitetto to the monastery of S. Laurence in Curia Domini Guilielmi Venerabilis Montis Regalis Archiepiscopi, et Domini Regis familiaris apud Ciuitatem suam Bitecti Præsidente in ea, et Regente eandem Curiam Domino Joanne fratre, et Justitiario eiusdem Domini Venerabilis Archiepiscopi presentibus Ameruzio Joanne Macciacotta, et Petrarcha [sic] Buffo regalibus parentium [sic] Judicibus, et Pascale, et Angelo Curialibus Bitectentium Judicibus. . . . + Signum manus predicti Domini Joannis Justitiarij Bitecti. There follow the signatures of the judges of Bari (properly described as *Barensum*) and Bitetto, 1186, 21st. Kg. William, May 6, Ind. 4; ex suo origin. : Arm^o. 2, fasc. 6.

³ Tab. Cass. t. ii. Cod. dipl. Caf. cccxii. p. 312. *Insuper concessimus vobis, ut a Magistris Iustitiariis ad iustitiam faciendam non cogamini. Civiles quidem cause in Curia Gajete diffiniantur sicut diffiniri consueverunt. Criminales vero cause, que amodo in Gajeta emergerint inter concives vestros in Magna Regia Curia Panormi diffiniantur per testes sine duello, et quicquid super his a Consulibus Judicibus et Consiliariis qui iustitiam et veritatem iuraverint; de his videlicet que acta fuerint coram eis significatum fuerit Curie nostre credatur. De crimine autem Majestatis si appellatio facta fuerit, diffiniantur in magna Curia nostra Panormi. . . . Postquam autem Princeps statutus fuerit Capue; criminales cause sicut agitari et diffinitivi [sic] debent in magna Curia nostra Panormi; sic in Curia ipsius Principis debent diffiniri.*

With the counts of Apulia and Capua, however, the whole question is on a different footing: whereas the exercise of higher criminal jurisdiction was a privilege definitely granted to churches and towns, it seems to have been a right inhering in the possession of a county, and to have been exercised in part at least on behalf of the public authority. The counties of the Norman kingdom had a twofold origin: in the more northerly regions they can be traced back to the ancient Lombard counties which had gradually taken the place of the official gastaldates of the principalities of Benevento, Capua, and Salerno: in the southern districts they were established by the first Norman adventurers in the territory won back from Byzantine rule. The Lombard counts as the successors of the gastalds were in possession of full rights of jurisdiction, and the Normans of the south carved out their counties as they chose and exercised what rights they pleased, unhindered by their first leaders, who were not in a position to reserve to themselves criminal jurisdiction. The legal position of the counts of Norman origin was not different from that of the Lombard counts, for they held their lands in the early days of the conquest from the prince of Salerno. They enjoyed almost absolute power in their counties, since they had full rights of alienation, complete fiscal and forest rights, and the privilege of establishing markets.¹ Further, they appointed their own officials, *strategoti* and judges, through whom they exercised civil and criminal jurisdiction.² It has already been noticed, how in the disruption of the duchy of Apulia under duke Roger and duke William, the counts practically threw off all allegiance and ceased to recognise their dependence on a superior power.

During the conquest of Roger II., it was one of his first cares to modify the powers of the counts and to bring them into line with the

¹ Mayer, ii. p. 376, ns. 38, 40; p. 377, ns. 43, 44, 45, 46, brings together a collection of illustrations of the right of alienation and the fiscal, market and forest privileges of the counts before the conquest by Roger II.

² *Ibid.* p. 377, n. 42. Illustrations of judicial power from the same period: Del Giudice, *Cod. Dipl. Ang.* i. p. xxxii. ff. 1092, the count of Gravina in establishing a bishopric narrates: *integra omnia iudicia et compositiones et forisfacturas et plateam et bannum omnium hominum concessi.* Ughelli-Coleti, *Italia Sacra*, vii. col. 791, 1105, Geoffrey comes Cannarum renounces the right *subtrahendi homines a dominio et jurisdictione ejusdem ecclesie nec ponendi eos sub nostro dominio pro aliqua occasione, placito, quaestione, reatu vel controversia, nisi sint publicae homicidae vel nostri proditores.* C. Minieri Riccio, *Saggio di Codice Diplomatico, Formato sulle Antiche Scritture dell' Archivio di Stato di Napoli*, Naples, 1878-85, i. 19, 1114, the count of Loreto declares, *ut si homines sancte ecclesie rixati fuerint inter se sive homicidium vel incendium aut talium factum fuerit, omnia sua recipiat abbas, et persona ego.*

general scheme of government. It was, however, no part of his policy to abolish the powers of the counts, which still remained very extensive. As early as the Peace of Melfi, a stringent oath of fidelity was imposed on them and the rights of private war and self-help were taken from them.¹ Henceforth every count is careful to say that he holds his county by the grace of God and of the king, a formula which was often shorn of its last clause during the anarchy of the early twelfth century. A further check was established by the severe limitation placed on the hitherto unrestricted right of alienation, but here the modifications introduced by Roger seem to have stopped. He had attained his object in bringing the counties once more within the control of the central power and for the rest was content to leave them their fiscal and judicial rights as a means of providing in part, and on traditional lines, for the administration of Apulia and Capua. One or two counties were suppressed, as, for instance, Loritello and Chiaromonte, but for the most part they were given into faithful hands. Indeed, the establishment of new holders of the counties is described by Romuald of Salerno as a noteworthy feature of the king's policy.²

The question of the maintenance of the rights of criminal jurisdiction and the relation of the counts to the royal justiciars needs further consideration. The evidence from the reign of Roger II. is not very abundant, but so far as it goes it is clear, and agrees with what is known of the judicial position of the counts till the end of the Norman period. There seems to be no room for doubt that they exercised powers of jurisdiction comparable to that of the royal justiciars, so that these officials, instead of superseding the counts, enjoyed a concurrent competence. At the same time, although the counts formed part of the public administration, they were not merely royal officers, since they are careful always to mention their own authority as well as that of the king. The first piece of evidence comes from the Customs of Bari which represent in substance the state of affairs under Roger II. Here the counts and justiciars are put on a level as magistrates having authority, and both are forbidden to summon the citizens outside the city for trial.³ The remaining testimony for this

¹ *Supra*, p. 241.

² R. S. p. 426. *De novo multos in regno suo comites ordinavit.*

³ G. Petroni, *Storia di Bari*, Naples, 1858, ii. *Consuetudini Baresi Rubrica* ii. 7, p. 440. *Neque a Comitibus, neque a Iustitiariis, neque a quolibet Magistratu a civitate nostra aliquis Barensis extrahitur, et invitus ad alia loca ducitur iudicandus.* Capasso first called attention to this passage and insisted on this view of the counts as judicial officers; his view is adopted with fresh emphasis by Mayer and Niese.

reign is supplied by two cases, one of 1144,¹ and the other dated only as in the time of king Roger, but probably belonging to his last years.² In 1144, brother Macchabeus of Monte Cassino, brought a suit against Maynerius of Palena and Matthew of Pettorano, two barons of the county of Molise *coram comite et Justitiario Ug. de Molisi*, and many tenants of the county, and finally obtained the restitution of the church of S. Peter de Avellana at the hands of the barons, *ex precepto et iudicio regalis curie et Comitum Ug.* Here it must be noticed that count Hugh is not called royal justiciar and yet the court was the king's court as well as the count's. The whole question of the jurisdiction of the counts of Molise will be discussed later,³ but it may be said here that they were justiciars within the county, in virtue of their position of count, and at the same time they seem to have acted for the king. Later the counts themselves dropped the title of justiciar, but they used it of the deputies they appointed to act for them, as, for instance, when Richard of Mandra, count of Molise, held a court at Isernia in 1170, with his justiciars and barons, who are all tenants of the county. In every respect these courts of the counts of Molise resemble the courts of royal justiciars, but the barons are barons of the count and not royal barons. The remaining case which seems to throw some light on the powers of the counts is the concord drawn up between the abbot of Monte Cassino and John de Boccio in the presence of the count of Civitate and the royal justiciar Guimund of Montilari. Here the count is never called justiciar, indeed the distinction between him and Guimund is always carefully made; and yet the royal mandate mentioned in the concord is said to be addressed *justiciariis*, thus putting the count and the justiciar tacitly on the same footing. It may be objected that Guimund is called justiciar and not royal justiciar in this concord, but we know from other sources that he was in fact a royal justiciar. The distinction between the count and the justiciar which is always maintained shows that there was a difference in their dignity and yet their function was similar. It should be noticed too that it was a royal court which was being held.

In the reign of William II., with the greater abundance of documents, the evidence for the judicial powers of the counts is stronger and fuller. There is direct testimony both of their possession of criminal jurisdiction, and also of their action in civil suits under a royal mandate in a manner

¹ *Cal.* No. 17.

² *Cal.* No. 37.

³ Cf. *infra*, p. 371-2.

parallel to that of the royal justiciars. Thus the count of Andria (1175),¹ the count of Loritello (1179),² and the count of Lecce (1181)³ all mention their right of cognizance in criminal causes: the count of Loritello indeed designates them as *justiciaria*. This view that the counts held the pleas ordinarily belonging to the justiciars is confirmed by the title of justiciars given to the deputies whom they appoint to act for them.⁴ It is worth noticing too that during the abeyance of the county of Loritello in the reign of Roger II., royal justiciars from the Honour of Monte S. Angelo are found holding courts at places within the county, as at Dragonara, but after the restoration of the count, they are never known to exercise jurisdiction within its bounds. Nevertheless, royal mandates are frequently addressed to counts such as those of Manopello, Aprutium, Loritello, and Molise ordering justice to be done to complainants who have appealed to the king's court for redress. Evidently the powers of the counts are controlled by the same means as those of the justiciars and other royal officials. At the same time, as has already been remarked, the counts, while acting as public officials, have an inherent right of jurisdiction: this is seen in the reference to the commands of count Hugh of Molise as well as those of the royal court, and in the stipulation of Robert of Loritello to retain the *justiciaria* in his hands as well as those of the king. The same idea appears even in regard to the count of Lesina who held the

¹ Ughelli-Coleti, *Italia Sacra*, vii. col. 805. Grant by count Geoffrey of Andria to the bishop of Monte Verde. *Concedo Judicia hominum de Ecclesia faciat Episcopus, praefer criminalia, quae, mortem inducunt, illa vero reseruentur Curiae nostrae*: the date is given as 9th. king William, 7th May, Ind. x. 1177; but the year must be corrected to 1175 (cf. Di Meo, ad an. 1175, n. 2), to agree with the other indications. Besides, in 1177 Roger of Albe was count of Andria. Di Meo, it must be added, without giving any reason, regards the charter as 'di brutto conio.'

² Del Giudice, *Cod. Dipl. Ang. App.* i. No. xx. p. xliii. Robert, count palatine of Loritello and Conversano, in a grant to S. Leonard near Siponto, declares: *ut a modo in antea ipsi homines liberi sint et absoluti sine omni nostra nostrorumque heredum seu successorum contrarietate vel requisitione. placitis. ad iusticiariam pertinentibus, in manibus domini nostri gloriosissimi Regis et nostris omnimodo retentis.* May, 1179.

³ Ughelli-Coleti, *Italia Sacra*, viii. col. 73. Diploma of count Tancred for SS. Nicholas and Cataldus at Lecce: *concessimus . . . in ipsa civitate Lycii de extraneis, & adventitiis affidandi licentiam, Curiam, & Judicem & Notarium de nostris hominibus ex universis causis, praefer illas, quae in publico, & ad censuram regiam pertinere videntur. Quod is, qui pro tempore Praelatus extiterit, primo, secundo, tertiove admonitus justitiam facere distulerit, volumus ut exedio ipsius negotii deveniat in Curiam nostram, et haeredum nostrorum, & si qua compositio inde exacta fuerit, volumus ut ad manus Ecclesiae conferatur.* 1181.

⁴ Robert of Loritello, Biblioteca Nazionale, Naples, Cartario di S. Maria di Tremiti, f. 61 verso: *ego Leonasius eiusdem domini palatini comitis Justitiarius, 1179, April, Ind. 12*; Ughelli Coleti, *Italia Sacra*, x. *Chronica Monasterii S. Bartholomaei de Carpineto*, col. 371. Richard of Molise, cf. *infra*, p. 372.

office of royal justiciar, since his chamberlain, when presiding over a court as his deputy, summons a litigant *ex parte domini regis et domini nostri Comitatus goffredi*.¹ Niese² would explain the references to the royal authority made by Robert of Loritello in May, 1179, and by Tancred of Lecce in 1181, as the result of a law recently passed to prohibit the exercise of the justiciar's office by any count, baron, or knight, within his own territory. This law is attributed in the manuscripts to Frederick II.,³ but Niese would give it rather to William II., partly for the reason mentioned above, and partly for the similarity of its style to that of the Constitution of William forbidding justiciars to appoint deputies. Against this opinion it may be urged, in the first place, that the counts were from the beginning semi-public officials and formed part of the regular administrative system, and in the second, that the language of the Constitution of Capua, which also forbids the exercise of the justiciar's office by a landholder, suggests that it was forbidding not an already prohibited practice due to 'unlawful presumption,' but a usage sanctioned by custom: '*Item precipimus, ut ulla ecclesiastica persona vel secularis pro aliqua consuetudine hactenus facta presumat in terris suis officium iustitiarie modo quolibet exercere.*'⁴ If such a law was passed by William II. it must have been between April, 1179, when Robert of Loritello mentions his justiciar, and May of the same year when he speaks of the share of the king in the pleas of the *justiciaria*. It is more probable that the king had always had a share, and that he and the count divided the fines.

The territorial principle.

The emphasis which has been laid already on the long periods of time during which the same justiciars administered justice in the same district and on their invariable position as landholders within that district, should serve to demonstrate that the reforms of king Roger were based on a territorial principle. From the first a definite sphere, or circuit, was assigned to each group of justiciars, although they did not become the justiciars of a province with a territorial title till the middle of the reign of William II. It is difficult to map out certainly the districts into which the country was divided under the first two kings and the justiciarates had not the regular form they received later.⁵ it was rather jurisdiction over the inhabitants of

¹ Cal. No. 44.

² Niese, *Gesetzgebung*, pp. 171-173.

³ *Const. Lib. I. tit. xlix.*

⁴ Constitutions of Capua xviii. in *Ryccardi de Sancto Germano Chronica Priora*, ed. Gaudenzi in Soc. Nap. di Storia Patria, *Monumenti Storici*, serie i. *Cronache*, Naples, 1888, p. 103.

⁵ This fact has led some historians to doubt the existence of any territorial system underlying the activity of the early justiciars; they have been regarded rather as members of a board travelling

a certain district than the government of a 'region,'¹ that was entrusted to the early justiciars. The distinction perhaps is small, and the transition from circuit to region easy, nevertheless it was by this path that the development of the office proceeded.

But while the existence of definite circuits from the first may be established, the task of mapping out the country is a hard one. It must be laid down at the outset that, while certain of the judicial spheres under the Norman kings coincided with the divisions under Frederick II., others seem to have over-stepped the boundaries of the later justiciarates. Further, it appears that the circuits were not constant during the whole Norman period. In course of time an increase took place in the number of justiciars,² and whether this increase is to be taken as implying fresh grants of private jurisdiction, or an addition to the number of royal justiciars, it was probably accompanied by a re-arrangement of the circuits. In any case it means that evidence from the reign of William II., valuable as it often appears, must not be applied to the earlier period, without considerable reservation.

Material for a judicial map of the kingdom must be gathered from the Catalogue of the Barons and from the records of judgments given by justiciars throughout the kingdom. The Catalogue is an official document containing the names of feudatories and the amount of military service due from their fiefs to the *curia*: it covers, with varying degrees of completeness, the mainland of the kingdom, with the exception of Calabria and its dependent valleys, which were administered separately. Taken as a whole, the Catalogue presents a picture of the feudal condition of Apulia and the Terra di Lavoro in the early years of the reign of William I. The object in view in drawing up the Catalogue was to secure the more

The Catalogue of the Barons and the circuits of the justiciars.

through the country without fixed districts (Caspar, p. 311); and as the successors of the commissioners who were dispatched from the central court by the Great Count and by Roger II. in the early years of the reign (Chalandon, ii. 676). At first, Chalandon says, they were dispatched temporarily and they became gradually the permanent delegates of the *curia* in the provinces. This theory of the origin of the local justiciars is attractive, since it offers a logical theory of development, but it must be abandoned, since it is unsupported by the facts of the case: on the one hand the same justiciars were always in the same region and they were always local personages, and on the other, the temporary delegations of the *curia* ceased after the local justiciars appeared. A juster appreciation of these facts has rightly led the most recent writer on the subject, Professor Haskins, to recognise the existence, from the outset, of provincial justiciars with definite territorial spheres.

¹ The first use of the word *region* applied to the Justiciars is found in Romuald of Salerno in recounting the events of 1178 (p. 460).

² Guillaume, *Essai, App.* p. xli. Q.

effectual fulfilment of fiscal and military obligations, so that it is only incidentally that it illustrates the judicial administration. Its value for the history of the justiciars and their spheres of action lies in the unique description which it gives of the provinces of the kingdom and their subdivisions into counties and constabularies. A justiciarate, indeed, is only once mentioned, but the office of royal constable and royal justiciar was frequently held by the same person. A careful comparison of the geographical indications contained in records of suits heard by an individual in his capacity as justiciar with the places ascribed to his constabulary in the Catalogue, shows that he exercised his double function in the same part of the country. From this it follows that the district which is described in the Catalogue as a constabulary formed at the same time the circuit assigned to a group of justiciars, hence the evidence of the Catalogue as to a constabulary may be generally applied to the corresponding judicial circuit. The complete coincidence of the spheres attributed to the two classes of officials cannot, however, be maintained, and it is therefore important, whenever possible, to check the information of the Catalogue with the help of records furnished by the justiciars themselves.

But before considering the relations of the constables to the justiciars, it is well to obtain some idea of the date and general plan of the Catalogue and of the circumstances which led to its compilation. The document is preserved among the Angevin registers at Naples¹ in a copy, made at the beginning of the fourteenth century from a transcript belonging to the Swabian period, of the Norman original. It has been printed in three separate editions,² but none of them can be regarded as satisfactory. Not only is the spelling modernised, but names of persons and places are wrongly transcribed, and words and sometimes whole articles are omitted. The various editors have, moreover, given an erroneous appearance to the document by the use of different sorts of type in the various headings and titles prefixed to the sections. Consequently some of these titles appear of greater importance than others, but a comparison of the editions with the MS. shows at once that these distinctions are often entirely arbitrary on the part of the editor. Another serious fault is the omission of the many marginal notes and the numerous signs, such as hands and other

¹ St. Arch. Nap. Registro Angiovinico, 242 (1322 A), ff. 13-63.

² C. Borrelli, *Vindex Neapolitanae nobilitatis*, 1653, *App.* pp. 5-154; Fimiani, *Commentariolus de subfeudis*, *App.* pp. 55-326; Del Re, *Cronisti e Scrittori sincroni Napolet.* Naples, 1845, i. *App.* pp. 571-616.

devices pointing to the different articles. Capasso¹ has pointed out many of the errors in his valuable article on the Catalogue, but a new edition made directly from the MS. is eminently desirable.²

The date of the original compilation of the Catalogue has been placed by Capasso between 1155 and 1169, because all the feudatories mentioned, whose history can be checked from other sources, were in possession of their fiefs at some time between these dates.³ The Catalogue as it stands does not, however, represent the feudal condition of Apulia and the Terra di Lavoro in any one year, for it bears traces of corrections made from time to time to bring it up to date. For instance, it sometimes happens that when a fief passed into fresh hands, the name of the original holder was struck through or erased and that of his successor substituted at the beginning of the list of his fiefs, while the name of the original holder was left unaltered in subsequent passages. In other cases, no doubt, the corrections were made with greater thoroughness, so that in the Catalogue as it has come down to us, the name of the holder of the fief at the later date alone appears. It may well be that whole portions were rewritten. The few cases in which the feudatories mentioned came into possession of their fiefs later than 1159 may be accounted for by these corrections, so that the Catalogue as a whole represents the condition of affairs at a period nearer to the earlier than the later limit fixed by the dates 1155 and 1169. While the names of the feudatories and the period in which they lived have been subjected to a rigid criticism by Capasso, an examination of the royal officials, chamberlains and constables, who appear in the Catalogue, seems to have been neglected as a means of fixing the date of the register.⁴ This is an important piece of evidence, for the officials are represented as being in actual possession of their offices and making in

¹ B. Capasso, *Sul Catalogo dei Feudi e dei Feudatarii delle Provincie Napoletane* in *Atti della Reale Accademia di Archeologia, Lettere e belle Arti*, 1868, iv. 293-371.

² I have not been able to see a copy of Borelli's edition, and have generally used that of Del Re as the most easily accessible. In all references to and quotations from the Catalogue the pages are given according to Del Re; the numbers of the various articles, however, are taken from the edition of Fimiani, who alone adopts this method of making reference easier and surer. I was fortunately able in Naples to compare the greater part of the Catalogue in Del Re's edition with the MS. in the Angevin Register, and in consequence to correct many mistakes as well as to obtain a juster idea of the document undisfigured by Del Re's typographical eccentricities. Whenever quotations from the Catalogue given here differ from the edition of Del Re, I am able to claim the authority of the MS. for the variations.

³ Capasso, *Sul Catalogo*.

⁴ Prof. Haskins has now adopted this method with somewhat different results.

many cases inquiries about the fiefs and services due. The following table shows the date at which these officials are known to have been in office, and the date by which they are known to have been superseded or to have died. They may of course have been in office before and after the date given :—

NAME.	OFFICE.	DATE IN OFFICE.	DATE BY WHICH SUPERSEDED OR DEAD.
Angot de Arcis	Constable	1158, <i>Cal. No. 46a</i> : he is not called constable in this document	—
Rainald f. Fredaldi	Chamberlain	1158, <i>Cal. No. 48</i>	—
Guimund of Montilari	Constable	1151, <i>Cal. Nos. 31, 37, 45</i>	1159, <i>Cal. No. 51</i>
Lampus of Fasanella	Constable	1143, 1150, 1151, <i>Cal. Nos. 13, 32</i>	—
Alfanus	Chamberlain	1151-1158, <i>Cal. Nos. 32, 33, 43, 49</i>	1163, <i>Cal. No. 55</i>
Marius Russus	Chamberlain	1163-66, <i>Cal. No. 56, 62</i>	—
Riccardus Philippi	Chamberlain	Unknown, between 1166 and 1176	—
Gilbert de Balbano	Constable	1137-1156	1156, Haskins, p. 659, n. 221
Ebulus	Chamberlain	1140-1158? <i>Cal. Nos. 9, 29, 30, 35, 36</i>	1161, superseded, <i>Cal. No. 52</i> 1162, still alive, <i>Cal. No. 53</i>

The result of this examination would seem to give the years 1156-1158¹ as the period in which the revision represented by the bulk of the Catalogue was carried out, for it must not be thought that such a compilation was undertaken for the first time at this period, and that the register of fiefs was a new departure: this view is negatived by the Catalogue itself, for it contains frequent references to the existing registers of the *Curia* as a source of information, *sicut inventum est in quaternionibus Curie*; and it is possible that king Roger made an inquiry into the military resources of his kingdom as early as 1142 at the great court at Silva Marca. Nevertheless, as Von Heckel² has rightly suggested, a fresh inquest of fiefs was

¹ Two of the chamberlains, Marius Russus and Riccardus Philippi, were certainly in office after this limit, but they only give very little information compared with the large amount supplied by their predecessor Alfanus for the principality of Salerno. Hence the presence of these later chamberlains must be due to still later additions to the Register. Other officials who are found in the Catalogue are not included in the foregoing table, because it has not been possible to establish the dates at which they held office. They form, however, a small minority of the total number of officials mentioned.

² *Archiv. für Urkundenforschung*, vol. i. Leipzig, 1908, Rudolf von Heckel, *Das päpstliche und sicilische Registerwesen*, pp. 389-390.

In this article Capasso's theory that the loss of the *libri consuetudinum, quos defetarios appellant* in the sack of the palace at Palermo in 1161 was the occasion of the compilation of the Catalogue,

no doubt ordered, because the register in former use had become antiquated and valueless. The internal evidence from the names of the officials which gives 1156-1158 as the probable period of the new record is confirmed by the external events in the kingdom. The beginning of William I.'s reign was marked by rebellions and invasions which left a deep impress on the feudal condition of the provinces, so that the changes among the holders of fiefs would make a thorough revision essential.¹ Such a fresh record of the obligations of the feudatories might well form a part of Maio's scheme for increasing official control and tightening the hold of the *curia* over the knightly class. We know nothing of the means taken to obtain the new information except what may be gathered from the Catalogue itself: there is a hint of a court sitting at Taranto to carry out the survey, for the passage occurs: *Et sicut Alfanus Camerarius misit curie apud Tarentum*² . . . The description of the fiefs and the amount of service due is made sometimes by the chamberlain, sometimes by the holder himself, and sometimes by another tenant. In a few cases no return is made and a note is added that the chamberlain has been ordered to hold an inquest. Occasionally, too, as has been already noticed, reference is made to the existing quaternions of the *curia*. The Catalogue is divided according to the big sub-divisions or provinces of the kingdom. These are indicated with varying degrees of clearness; in some cases the description of a province is prefaced by its name, and the fiefs belonging to it are given in a compact group, and in other cases there is no definite heading to the section which begins a new province, while the greatest geographical

is severely criticised. It is obvious that the former registers cannot have been entirely destroyed, since information is frequently extracted from them in the Catalogue. Von Heckel moreover does not regard the *defetarii*, to which allusion is made, as belonging to the same class of registers as the Catalogue.

¹ The Catalogue records for the most part the feudal conditions as they existed after the suppression of the rebellion of 1156, and before the rebellion of 1161. Thus the counties of Conversano, Loritello, Lecce, and Montescaglioso are vacant after the deposition of the counts Robert, Tancred, and Geoffrey, and the count of Lesina is Geoffrey of Ollia and not William who was deprived in 1156. On the other hand Conza, Avellino, Fondi, and Acerra are still in the possession of the counts Jonathan, Roger, Richard of Aquila, and Roger respectively, for these only lost their lands after 1161. Many of the other counts mentioned in the Catalogue were in possession before 1156; such were Hugh of Molise, Robert of Aprutium, Silvester of Marsico, and probably Philip of Civitate. Gilbert of Gravina received his county before 1160, but his son Bertram, who appears in the Catalogue, was only made count of Andria in 1166 by the regent Margaret. In the case of Manopello it is impossible to say whether Boamund I., who took part in the revolt of 1156, or his successor Boamund II., is meant.

² *Cat. Bar.* p. 589, Art. 683.

confusion prevails in the order in which the fiefs are recorded. It should be noticed that the districts most clearly described are those which had a distinct political life in the period preceding the conquest of Roger II. Thus the Terra di Bari and the principalities of Taranto, Salerno, and Capua appear as compact districts, while there is much more confusion in the Central Region of Apulia and in those northern districts of the kingdom which had in course of time escaped the control alike of the dukes of Apulia and the princes of Capua, remaining practically independent until they were won back in the campaigns of king Roger's sons. In the case of the provinces the boundaries of which are well defined a separate chamberlain seems to be placed over each, but in the other more amorphous regions the spheres of the chamberlains are hard to establish. Within the provinces which form the big fiscal divisions of the kingdom, the country is divided into counties and constabularies. These are pre-eminently military divisions, since the Catalogue describes the feudal army. The counts led their own tenants in the field and were responsible for their military service, while the constables were royal officers placed over the lesser tenants-in-chief of the crown below the rank of count. The independence of the counts, in nearly every instance, from the control of the constables appears plainly in the Catalogue, for it frequently happens that the recital of the fiefs of a constabulary is interrupted by the description of a county, and when a return is made once more to the constabulary, it is announced by the words *de eadem comestabulia*. The connexion between the constables and the justiciars has already been noticed, and the value of the Catalogue as a means towards determining the circuits of the justiciars has been explained. It has been seen, too, that the counts exercised the powers of a justiciar in their counties, thus enjoying a jurisdiction concurrent with that of the royal justiciars. Consequently the territories of a county are excluded from the justiciar's authority, just as they are held to lie outside the sphere of a constable. Nevertheless, since a group of justiciars received a whole province as their circuit, the counties cannot be excluded geographically from the territory assigned to the royal judicial officers. It is the more necessary to insist on this fact, since in some cases, the lands of a count were intermixed with those of lesser tenants-in-chief. Generally, however, the counties were compact territories, forming a definite unit.

In the following investigation of the circuits under Roger II. and

William I., the geographical order of the Catalogue of the Barons is followed and the scheme is based on that document.

The Catalogue begins with the heading, *Ista sunt pheuda ducatus* ^{The Terra} *Apulie et Terre Bari*,¹ and gives a remarkably complete description of ^{di Bari.} the fiefs of the Terra di Bari. It is fortunate that the number of documents which mention justiciars in the same district is unusually large, so that a considerable amount of information is at our disposal. It has been shown in tracing the evolution of the political divisions of the kingdom, that the region of Bari had freed itself from the control of Roger of Apulia and Boamund of Taranto in the early years of the twelfth century, and had pursued a practically independent existence since 1118 under Grimoald who called himself prince of Bari. This independence came to an end with the conquest of the city by Roger II., but he seems to have recognised the district as a separate entity when he made his second son Tancred prince of Bari. Although this title was soon discontinued, the region preserved its individuality under the name Terra di Bari, a designation which is first found in the Catalogue and in a document of 1164. According to the Catalogue, the land of Bari was divided into two constabularies and the three counties of Gravina, Andria, and Conversano. The constabularies had for their centres respectively the towns of Bari² and Barletta,³ and each was under a separate constable. It is, however, possible from the wording of the Catalogue, that the knights of Barletta and their constable were under the control of the constable of the whole Terra di Bari. The arrangement of two constabularies does not find a parallel in the distribution of justiciars. There were generally, it is true, two justiciars in the Terra di Bari, but they held courts together both at Bari and Barletta and seem to have exercised jurisdiction jointly in the districts comprised in the constabularies. For instance in the time of king Roger and in 1155 William of Tivilla and Robert Seneschal administered justice together, at Barletta and at Bari.⁴ Again in 1154 Robert acting alone heard a suit at Barletta, in the course of which, a court held by

¹ St. Arch. Nap. Reg. Ang. 242 (1322 A.). The edition of Del Re omits the words *et Terre Bari* which are found in the MS.

² *Cat. Bar.* p. 571. § *De Comestabulia Frangalij de Bitricio.*

³ *Ibid.* p. 572. § *Item de proprio feudo Comestabulie Terre Bari militum*
Isti sunt milites Baroli de Comestabulia Angoth de Arcis.

⁴ *Cal.* No. 42.

him at Bari some time previously, is mentioned.¹ It may be noted further that in the Terra di Bari the offices of justiciar and constable were not united in the same person, as frequently happened in other parts of the kingdom, although a man who had been constable might in the future become justiciar, as in the case of Judex Maior of Bitonto.² No one seems to have held the offices concurrently.

The three counties included by the Catalogue in the Terra di Bari were far less compact than the generality of counties in South Italy, and the number of knights' fees which they contained was comparatively small. The demesne of the counts of Gravina included, besides the name-place, Spinazzola, Polignano, and Montemilone, all undoubtedly situated in the Terra di Bari, and Forenza, apparently in the principality of Taranto. Other places which were held by sub-tenants of the counts must also have lain in the principality although this fact is not mentioned in the Catalogue: such were Tito, Laurenzana, Campomaggiore, while Marsico Vetere was in Val di Sinni. The territory of the county of Andria was no less widely distributed. In the Terra di Bari it possessed Andria, Minervino, and perhaps Banzi, although this probably belonged to the principality of Taranto or to the region of Melfi. Besides these, away in the south the counts held S. Arcangelo, Policoro, Colobrano, Roccanova, and Castronuovo, places which had belonged to the old counts of Chiaromonte and lay within the administrative area of Calabria and the valleys. To the county of Conversano belonged the towns of Terlizzi, Ruvo, Grumo, and Conversano, while the counts were also lords of Molfetta. Before 1132 the county had extended southwards as far as and including Brindisi, but these possessions were sold to Roger II. by Tancred of Conversano and apparently did not henceforth form part of the county.

It is worthy of note that the fiefs belonging to the three counties, even when they were situate within the land of Bari, did not form a compact mass, but were on the contrary intermingled with the lands of the *curia* and of the smaller tenants-in-chief: as a result of this arrangement the royal justiciars must have had all the Terra di Bari as a geographical area for their circuit, the land and men of the counties wherever they were

¹ *Cal.* No. 39.

² In 1155 we find that he was royal constable (*Cal.* No. 42) and in 1173-4 royal justiciar (*Cod. Dipl. Bar.* v. No. 133).

found, being exempt from their jurisdiction, for there is no known instance of a royal justiciar holding a court within their bounds before 1204.¹ The use of the territorial title of 'royal justiciar of the Terra di Bari' is not found till 1177,² and even after that date its appearance is only occasional; nevertheless the district which the 'justiciars of the Terra di Bari' administered, was, so far as can be gathered from the records of judgments, the same as that in which their predecessors without the definite title dispensed the justice of the king. Both before and after 1177, Bari and Barletta seem to have been the cities in which the justiciars as a rule sat to do justice, but exceptions are known: thus in 1136 Urso Trabalia³ heard a suit perhaps at Bitonto or Bitetto, concerning rights at Grumo and Bitetto, and in 1189 Bernard of Fontanella and Robert of Venusio sat at Bitonto.⁴ It is clear that the authority of the justiciars was recognised beyond the cities of Bari and Barletta for in 1154 a suit was brought by a citizen of Molfetta⁵ and in 1158 the justiciar's competence was recognised at Modugno.⁶ There can be no reasonable doubt that one of the circuits assigned to a pair of justiciars under Roger II. and William I. corresponded very closely with the territorial province of the Terra di Bari.

JUSTICIARS IN THE TERRA DI BARI.

1136	May	{ Bitetto? { Bitonto?	Urso Trabalia g. d. et d. n. Rogerii magnifici regis tranensium dominator iusticiam manutenebam mihi ab eadem regia potestate commissam	<i>Cal. No. 5</i>
1146 T. R. R.	Jan.	Barletta	Ugo Blanco Regalis iusticiarius Sansone regali iustitiario Guilielmus de tivilla et Robertus senescalcus regii iustitiarii	<i>Cal. No. 19</i> <i>Cal. No. 42</i>
1154	Oct.	Barletta	Robberto senescalco regis iustitiario	<i>Cal. No. 39</i>
1155	April	Bari	Guilielmus de tivilla et Robertus senescalcus regii iustitiarii	<i>Cal. No. 42</i>
before 1158			Goffrido regio justiciario	<i>Cal. No. 47</i>
1164	July	Barletta	Riccardo de Barolo regali barono et iustitiario	<i>Cal. No. 60</i>
1173	Nov.	 Maiore de Botonto et Riccardo de Barolo iustitiariis iudex Maior regius iustitiarius (acting alone)	<i>Cod. Dipl. Bar. V. No. 133</i> <i>Ibid.</i>

¹ *Chart. Cup.* pp. 288-9.

² Crudo, *La SS^{ma} Trinità di Venosa*, p. 254. A judgment of 1175 (St. Arch. Nap. Perg. Mon. Sopp. vol. ii, No. 178 *bis*) uses the territorial title, but the genuineness of the document has been doubted by Capasso.

³ *Cal. No. 5.*

⁴ *Cod. Dipl. Bar. v. No. 153.*

⁵ *Cal. No. 39.*

⁶ *Cal. No. 47.*

1174	March	Bari	Nicolaus de Canusyo et iudex Maior Botonti regii iustitiarum	<i>Ibid.</i>
[1174	Nov.		Judici Maiori de Botonto terre Bari] regio Justiciario	St. Arch. Nap. Perg. Mon. Sopp. II. No. 178 bis
1177		Bari	Berardo de Fontanella terrae bari Regio Iustituario	Crudo, <i>La SS^{ma} Trinità di Venosa</i> , p. 254
1177	Nov.	Bari	Berardo de Fontanella (royal justiciar)	<i>Ibid.</i>
1181	Feb.	Bari	Bernaldus de funtanellis et Iohannes Amerusius regii iustitiarum terre Bari	<i>Cod. Dipl. Bar. V. No. 145</i>
1184	Nov.	Barletta	Roberto de molino et Riccardo de Sancto nicandro terre bari Regiis Justitiariis	Capit. Archives, Troia Sacks K and M.
1189	Feb.	Bitonto	regii iusticiarii Bernardus de Funtanellis et Robertus de Venusio	<i>Cod. Dipl. Bar. V. No. 153</i>
1192	Feb.		Robertus de Venusio regis Justitarius et Comestabulus	Crudo, <i>La SS^{ma} Trinità di Venosa</i> , p. 254

The prin-
cipality of
Taranto.

The next section of the country described in the Catalogue is the principality of Taranto:¹ it appears to occupy most of the country comprised in the later provinces of the Basilicata and the Terra di Otranto.² The portions of the principality which correspond roughly with the Basilicata are described as the constabulary of the county of Tricarico, and the county of Montescaglioso. The former included the lands of many tenants-in-chief of the principality, as well as those of count Roger of Tricarico and his sub-tenants. The two counties do not include the whole of the later Basilicata,³ since, in the north, Picerno and

¹ *Cat. Bar.* p. 574, Art. 100—p. 578, Art. 267.

² Cf. Huillard-Bréholles, *Historia Diplomatica Friderici Secundi*, Paris, 1861, vi. 734. Innocent IV. mentions a grant of Constance and Frederick to Otto Frangipani of the *principatum Tarenti cum tota terra Idroni*.

³ The name *Basilicata* is not found in the Norman period except in two documents, one of which is a palpable forgery, while the other in the opinion of Capasso is at least suspicious. The former is a judgment of *Philippus de Guisone Regius Justitarius Basilicatae*, of 1162, Ind. x., St. Arch. Nap. : Processi di Regio Padronato an. 1784, 159. Atti M. 13. N 6. f. 21 : a note adds that this judgment no longer existed in the Archives of the Cathedral of Tricarico and was copied from a book called *Esistenza e validità de privilegii conceduti da Principi Normandi alla Chiesa Cattedrale di Tricarico* . . . di Antonio Zavarrone Vescovo della chiesa medesima, seconda edizione, Nap. 30 maggio 1750.

The second document is preserved in the St. Arch. Napoli. Perg. Mon. Sopp. vol. ii. No. 178 bis. It contains a concord between William of Manselleria and his wife Claricia and the abess-elect of S. Mary of Brindisi, Scholastica, in the course of which *domino Achille Regio justiciario terre Idroni et camerario Basilicate* is mentioned ; the date of the document is 1175, 10th king William, Nov. Ind. 8. = 1174. The opinion of Capasso on this document is expressed in his paper *Sul Catalogo dei Feudi*. The concord gives rise certainly to considerable suspicion. The title of Achilles is abnormal, for at this date it is unknown for the same man to be justiciar in one district and chamberlain in another ; further, it is stated that the deed was drawn up by George of Brindisi,

Pietragalla mark the boundary, thus excluding Melfi and the surrounding country, and in the south, much of the later province belonged at this time to Calabria and its dependent valleys. The boundary apparently started south of the mouth of the Agri, and passed to the south of Tursi and then by S. Arcangelo, to the north of S. Chirico and Sarconi, and so to the upper waters of the Agri.

Judicial records for this northern portion of the principality of Taranto are very few and scattered: the first notice of justiciars comes from an undated judgment of the reign of William II., which must be later than 1176.¹ The justiciars are Fulk of Miglionico and Robert of Pietrapertosa, the former a tenant of the county of Montescaglioso, the latter a tenant-in-chief of the principality, according to the Catalogue. At a royal court held by them at Craco, with the assistance of the judges of Montepeloso, and the chamberlain, *domine florentie egregie cometisse*, the prior of S. Michael of Montescaglioso complained that Robert Britton unjustly held the churches of S. Reparata at Gorgoglione, S. Mary of Purgo, S. Mary de Lupo, and S. Benedict and S. Vitus of Rocca. In the course of the suit the prior mentioned a previous court held by the same justiciars at Tursi in 1176, at which he had produced a royal mandate. The suit is interesting because it mentions a good many places both in the constabulary of Tricarico and the county of Montescaglioso, and this suggests that all this region belonged to the jurisdiction of one group of justiciars. In 1183, after the use of territorial designations was becoming frequent, Richard of Balbano 'royal constable and justiciar of the justiciarate of Melfi and the Honour of Montescaglioso' is mentioned.² On the analogy of the Honour of Monte S. Angelo, which included amongst

the notary of Achilles the justiciar, while the signature runs ACHILĒ MĀ CĀMER, giving yet another form to the title: probably a thorough examination of the document would lead to the discovery of further discrepancies.

¹ St. Arch. Nap. Perg. di Matera, No. 16. This judgment originally belonged to the Archive of S. Michael of Montescaglioso, for it appears in the list of documents given in the Codex Caveosus preserved at Monte Cassino.

² Capitular Archives Troia, sack K n. 13, M n. 11. Judgment of Nov. 1184 [= 1183] given in favour of the monastery of St. Nicholas of Troia by a court held by Tancred count of Lecce and Roger count of Andria, great constables and master justiciars of Apulia and the Terra di Lavoro at Barletta in the presence of many judges, royal barons, and justiciars, amongst whom was *Riccardo de balbano Justitiariatus melfie et honoris montis caveosi Regio Comestabili et Justiciario*. It is difficult to decide whether Richard was justiciar of the justiciarate of Melfi, and justiciar of the Honour of Montescaglioso, that is to say two separate regions united under one justiciar, or whether Melfi and the Honour formed one justiciarate. For a summary and discussion of this judgment, cf. *infra*, p. 361-3.

other lands, the counties of Lesina and Monte S. Angelo, it is not improbable that, at the end of the reign of William II., the Honour of Montescaglioso comprised the county of that name and the county of Tricarico.¹ The union of Melfi with the Honour forms a region corresponding, except in the extreme south, very closely with the later Basilicata. The question arises, whether this joint district formed a judicial circuit under Roger II. or William I., but it will be more fitly discussed in considering the justiciars of the Central Region of the duchy of Apulia.

The remaining portion of the principality of Taranto corresponds to the later Terra di Otranto² In the Catalogue it consists of the county of Lecce and the land of a considerable number of smaller tenants-in-chief. The description of the region, however, is not very complete and no constabulary is mentioned. Judicial records again are few and far between. In 1136, three justiciars, Roger of Barolo, Roger of Brahalla, and Roger of Bisignano decided a suit concerning the rights of the church of S. Peter Imperialis at Taranto over the son of a certain villain.³ On the principle that justiciars always held land in the district they administered, Roger of Barolo was probably the justiciar for the region, as he had a fief in Taranto.⁴ His colleagues apparently came from the Val di Crati, and it may have been a joint court which the three justiciars were holding. The only other document which mentions a justiciar of this region, before the territorial title was adopted, is a concord of 1155 concluded by William of Lecce, lord of Palagiano with the prior of S. Angelo of Casalrotto in the presence of *domini Rogerii Flandrensis Regii Justitiarii et Comestabuli*, at Mottola.⁵ In the documents of this period both Roger *Flandrensis* and Roger *Flamingus* appear frequently. Both names imply that he was a native of Flanders and it is probable that both Latin forms stand for the same person. In the Catalogue the wife of Roger Flandrensis held three knight's fees in Nardò,⁶ while Roger Flamingus is mentioned several times: he held three fees in Taranto⁷ as well as others at Grumo⁸ and

¹ On more than one occasion the chamberlains of the Honour of Montescaglioso are found, e.g. in Sept. 1188, Robert *tituli honoris montis scaveosi regii camerarii* was present in Conversano with the chamberlain of that county. *Chart. Cup.* No. 133, p. 257.

² *Cat. Bar.* p. 575, Art. 155—p. 578, Art. 267.

³ *Cal.* No. 6.

⁴ *Cat. Bar.* p. 577, Art. 219, *Fulco Veltrus tenet in Tarento feudum quod fuit Mabiliae uxoris quondam Rogerij de Berulo.*

⁵ *Cal.* No. 41, and *App.* No. 12.

⁶ *Cat. Bar.* p. 578, Art. 267.

⁷ *Cat. Bar.* p. 576, Art. 211.

⁸ *Ibid.*, p. 571, Art. 6.

Palo¹ in the Terra di Bari. Besides his own land, he makes returns in the Terra di Otranto for fiefs in Soletto² and Otranto³ as if he was in some official position, which with the help of the concord of 1155 may be regarded almost certainly as that of constable. The military side of his office is brought out by the Greek historian Kinnamos, who speaks of the resistance offered to the forces of the Byzantine general Doukas at Polignano and Mottola by Flamingus, in his attempt to bar the way to Taranto.⁴ It seems sufficiently obvious that Roger was the royal constable and justiciar in the Terra di Otranto. At a later period he was present at courts held at Barletta and by this time he may have been one of the master captains of Apulia.⁵ The next notice of justiciars in the Terra di Otranto belongs to the year 1175, when they bear the territorial title.⁶

The description of the fiefs throughout the central regions of the kingdom is placed in the Catalogue between the description of the principality of Taranto, which ends in the extreme south of the peninsula at Nardò,⁷ and that of the principality of Salerno headed *De Principatu*.⁸ This central region does not correspond precisely with any province or group of provinces as they were established under Frederick II, since it contains as well as the whole of the later Capitanata parts of the later provinces of Terra Beneventana, Basilicata, and Molise. The geographical order followed in this part of the Catalogue shows considerable confusion, so that before attempting to set out the administrative districts in this region under the Norman kings, it is necessary to enumerate the lands attributed to it in the Catalogue.

The central districts of the kingdom (Honour of Monte S. Angelo and Capitanata).

It has already been noted that the principality of Taranto ends with the fiefs of Nardò at Article 267. The next article takes up the description of Salpi near the Adriatic coast not far north of Barletta, but there is no heading or indication of the subject matter of the section. After the mention of Salpi, the scattered fiefs of Tressanti, Venosa, Rapolla, and Ripacandida are described. These places are widely

¹ *Ibid.*, p. 573, Art. 90.

² *Ibid.*, p. 577, Art. 240.

³ *Ibid.*, p. 578, Art. 253.

⁴ Kinnamos, p. 152, ἡ δὲ τις ἐνταῦθα πόλις Πολυμίλιον κεκλημένη, ἔνθα τῶν Γιλίελλων συνέβαιεν εἶναι τινα Φλαμύγγων ὄνομα; pp. 153, 156, 157.

⁵ Cf. *supra*, pp. 286-7.

⁶ Crudo, *La SS^{ma}. Trinità di Venosa*, p. 254, 1175, *Residentibus Nobis Oliverio de Brancamala et Philippo de Hostuno Domini Regis Terrae Idruntis Iustitiariis. In regali curia apud Brundisium.*

⁷ *Cat. Bar.* p. 578, Art. 267.

⁸ *Ibid.* p. 583, Art. 437.

separated from each other and from the lands next set down in the Catalogue, which now takes up the description of a compact geographical region. It begins with the lands of Richard son of Richard at Vallata, Flumeri, Trevico, and Montaguto, and those of count Robert of Caserta at Mandra and Volturino. Next follows the county of Civitate, first the demesne of the count and then the fiefs of his barons. Some smaller tenants-in-chief seem to be included as well, but it is somewhat difficult to mark the distinction between the sub-tenants of the count and the tenants of the king. The county forms a compact territory lying in the valley of the Fortore and touching on the west the lands of Molise. The fiefs of count Roger of Buonalbergo and his barons are next described under the heading of Terra Beneventana: they were, for the most part, situated on either bank of the lower courses of the R. Tamaro, and stretched in a straggling line by way of Montecalvo to Greci and Savignano on the R. Cervaro. All his possessions lay to the north of the R. Ufita with the solitary exception of Apice. The compilers of the Catalogue now pass north and describe a compact mass of territory between the mouth of the R. Trigno and Monte Gargano and between the Adriatic coastline and Fiorentino, which included the constabulary of William Sclavo, the county of Loritello, the lands of S. John in Lamis, the county of Lesina and a few northerly fiefs of the county of Civitate as well as the possessions of sundry smaller tenants-in-chief. After giving a tolerably complete account of this region of Monte S. Angelo, the Catalogue takes a wide geographical leap and describes the fiefs of the county of Avellino which were situated in the duchy, to the west of the R. Sabato. A step backward is next taken and the tenants-in-chief round Troia are catalogued with a note prefixed to say that they belonged to the same constabulary of Richard son of Richard, under Guimund of Montilari. It should be noted that this constabulary has not been explicitly mentioned before. A number of religious houses and bishoprics, Troia, Orsara, Melfi, and Banzi follow the tenants-in-chief round Troia and together with the knights of S. Agata, Bovino, and Ascoli, seem to belong to the constabulary of Richard. A short summary of the possessions of monasteries all over the central region of the kingdom is next given, and it seems as if the Catalogue of the whole district is thus brought to a conclusion.

Before, however, the description of the principality of Salerno is undertaken, a certain number of scattered fiefs is inserted, which it is hard

to ascribe to any administrative division. They include Montefusco, a few places not far from Benevento, and the lands of Richard of Balbano situated between the Torrente Calaggio and the town of Melfi.

While this whole central region oversteps the provincial boundaries as they existed under Frederick II., it is worth noting that it agrees closely with the diocese of Benevento as it was constituted at the beginning of the eleventh century. The ecclesiastical province was identical in theory with the ancient principality of Benevento, and according to a bull of Benedict VIII.,¹ it contained in 1014 Bovino, Ascoli, Larino, Trivento, Lucera, S. Agata, Avellino, Ariano, Vulturara, Telese, Alife, Sessula, Lesina, Termoli, Siponto, and Gargano. Certain of these places, it is true, Trivento, Telese, Alife, and Sessula, are outside the central region of the Catalogue, for Trivento belonged to the county of Molise and the last three for many years had formed part of the principality of Capua. In comparing the central region with the province of Benevento, it must not be forgotten that as a set-off to the losses on the side of Capua, there was a substantial gain in the district round Troia and Melfi, which was in 1014 in the hands of the Byzantine Catepans. On the whole then this central region corresponds with the duchy of Benevento.

The fact that the provinces as described in the Catalogue do not coincide with those established in the thirteenth century has generally been accounted for by the faulty arrangement of the document and it has been said that the region really corresponded in Norman times to the later justiciarate of the Capitanata, since the presence of fiefs belonging to Basilicata, Terra Beneventana, and Molise was regarded as due to the insertions of portions of these provinces which had been omitted from their right order.² This view can be accepted only to a limited extent; for while it seems clear that the original order of the Catalogue has been disturbed in some particulars, it is equally clear that the provinces in the Norman period, as they existed for administrative purposes, differed considerably from those of the thirteenth century. This has already been shown to be the case, in treating of the principality of Taranto, and the reconstruction of the provinces of the central region by means of a comparison of the evidence of the Catalogue with that of other contemporary documents, must be attempted.

The Catalogue indicates a division of the central region into two

¹ Chalandon, i. 19, 20.

² Capasso, *Sul Catalogo*.

constabularies. The more northerly portion between the mouth of the R. Trigno and Monte S. Angelo was placed under William Sclavo, the successor of Roger Bursellus, at the time the Catalogue was compiled in its present form, while the more southerly part was committed to Guimund of Montilari with Richard son of Richard as under-constable. The counties were five in number, Civitate, Buonalbergo, Loritello, Lesina, and Avellino. The division into two constabularies finds a parallel in the division of the region between two groups of justiciars during the Norman period. Under Frederick II. it formed only one judicial province, but its double title of *Justiciarate of the Capitanata and of the Honour of Monte S. Angelo* bears witness to the previous division into two circuits.¹

The constabulary of William Sclavo² contained many fiefs in the district of Monte S. Angelo, including those lands of count Geoffrey of Lesina which did not form part of the county, since he inherited them from his father, the justiciar Henry of Ollia.³ Besides the region of Monte S. Angelo, the fiefs of the dismembered county of Loritello between the R. Trigno and Dragonara also belonged to this constabulary.⁴ The fluctuating fortunes of this county must have caused many variations in the extent of the constabulary. From the time of its suppression under Roger II. in 1137 until its revival in 1154, the county apparently lost its identity and was merged for military and administrative purposes in the neighbouring constabularies. The revival was short-lived, for when the rebellion of count Robert was crushed by William I., it would seem that his fiefs were once more combined with the constabularies. With the restoration of the count in 1170, this process was once again reversed and during the later years of William II., the county of Loritello enjoyed complete immunity from the control of the ordinary royal officials.⁵

Excluding the lands of the county the rest of the district placed under William Sclavo, corresponded closely with the territory of the Honour of Monte S. Angelo as it existed in 1177. In this year it was granted by William II. to his bride Joan of England, and the diploma issued on this occasion furnishes a list of the component parts of the Honour.⁶ In demesne, the queen held the county of S. Angelo and the cities of

¹ Cf. E. Winkelmann, *Acta Imperii Inedita Seculi xiii.*, Innsbruck, 1880, i. 631, *Justiciariatus Capitanate et honoris Montis Sancti Angeli*, and p. 771.

² *Cat. Bar.* p. 581, Arts. 376-380, and Arts. 383-6, 388-9.

³ *Ibid.* p. 581, Arts. 377, 383-5.

⁴ *Ibid.* p. 581, Arts. 357-375.

⁵ Cf. *supra*, p. 335.

⁶ Benedictus Abbas (Rolls Series), pp. 169-172.

Siponto and Vieste, while *in servitium* she received a grant of the county of Lesina and the monasteries of S. Mary of Pulsano and S. John in Lamis. These latter possessions *in servitium* are described with a good deal of precision in the Catalogue of the Barons.

The immediate predecessor of William Sclavo was Roger Bursellus,¹ and the lands of both these constables seem to have been situated in the north-west part of the constabulary rather than in the region of Monte S. Angelo.² One more constable for this district, Hubert of Calvello, is known from a judgment issued in 1153 by the justiciars Henry of Ollia and Boamund Britton at Vieste,³ a port in the extreme east of the region of the Gargano. It is impossible to fix the geographical position of Calvello, but the suggestion may be hazarded that it is to be placed in the county of Loritello on the borders of the later Capitanata and Molise, for the fiefs of a certain Berard of Calvello are described in the section dealing with the county of Molise.⁴ The boundary between these provinces is not clearly defined in the Catalogue and the same barons appear in the sections dealing with either region. For instance, the lords of Monte Mitolo are expressly called barons of William Sclavo's constabulary and yet a portion of their land is described in the same section of the Catalogue as that which mentions Berard of Calvello in the county of Molise.⁵

Records of justiciars are frequent in this region and cover the period from 1140 to 1183. Henry of Ollia, who appears as early as 1140, heard pleas together with Boamund Britton in 1151 and 1153, both in the district of Monte S. Angelo and in the county of Loritello, so that it seems plain that the judicial circuit corresponded in extent with the constabulary. From 1156 at least to 1175 or later⁶ Geoffrey count of Lesina, a son of Henry of Ollia, exercised the office of royal justiciar. He was probably succeeded by Benesmirus a knight of Siponto, who in 1175 and 1180 calls himself a royal justiciar,⁷ and in 1183 together with his colleague Guimund of Castelluzzo bears for the first time in this region the territorial title of justiciar of the Honour of Monte S. Angelo.⁸ With the restoration of Robert of Loritello in 1170, the county would naturally be removed from

¹ *Cat. Bar.* p. 581, Art. 380.

² *Ibid.* p. 581, Art. 362, cf. p. 601, Art. 1024.

³ *Cal.* No. 34.

⁴ *Cat. Bar.* p. 591, Arts. 735, 736, 740.

⁵ *Ibid.* p. 581, Art. 380, and p. 591, Art. 745.

⁶ *Cal.* No. 61.

⁷ *St. Arch. Nap. Perg. Mon. Sopp.* vol. ii. No. 175, vol. iii. Nos. 216, 217, 218.

⁸ *Capit. Arch. Troia*, cf. *infra*, p. 361-2.

the circuit of this group of justiciars, for the count enjoyed full judicial rights and appointed his own justiciars in his own territory. On his death in 1182, the county seems again to have been vacant, but evidence is lacking as to its administrative fate. Before leaving the subject of the county, it should be noticed that some outlying portions, such as Foggia and Bovino, belonged during the periods of abeyance to the constabulary of Guimund of Montilari and not to that of William Sclavo.

The second constabulary mentioned in the Catalogue for this central region is attributed to Guimund of Montilari with Richard son of Richard as under-constable. The heading runs: *De eadem comestabulia. Riccardus filius Riccardi sub Comestabulia Guaimundi de Montellaṛ.*¹ Now we know from judicial records that Guimund of Montilari² was a royal justiciar at Troia and in the neighbouring country during the last years of king Roger, so that the information given by the Catalogue as to his constabulary is of special value in determining his judicial circuit. The description of the lands of this constabulary is, however, confused to a degree, and it is hard to disentangle the region committed to Guimund from the neighbouring counties and constabularies. The fiefs which follow immediately the mention of his name in the Catalogue are found in the neighbourhood of Troia and Melfi. First come those belonging to small tenants-in-chief at Casteluccio, Rocca Troia, Foggia, and Castiglione.³ Next follow the names of a number of ecclesiastics, the bishop-elect of Troia, the abbots of S. Nicholas of Troia, of Orsara, and of Vultu, the bishop of Melfi and the

¹ *Cat. Bar.* p. 582, Art. 396.

² *Montilari* (Mons Hilaris, Monte Ilaro, Montellara, Montilla) was situated between Troia and Bovino in the Diocese of Bovino, cf. Di Meo, t. xii. p. 408. The castle gained an unenviable reputation in 1051 as the scene of the assassination of count Drogo. In 1100 it formed part of the desmesne of count Robert of Loritello, whose bailiffs at Bovino and Montilari oppressed the church of S. Lawrence *in Valle*, and in 1118 Raymund, son of Rodolph, count of Loritello, issued a charter from the castle of Montilari (Ughelli-Coleti, *Italia Sacra*, t. viii. col. 251).

Under king Roger the castle belonged to the justiciar Guimund, but it does not appear that his descendants inherited the fief. The Catalogue of the Barons states that Guimund's son held Casteluccio.

The Catalogue attributes *Montellaṛ* to count Jonathan of Conza, but probably this is a mistake for *Montella* in the diocese of Nusco, which was certainly in the hands of Simon of Tivilla, one of Jonathan's barons, in 1143. However this may have been, *Montilari* once again formed part of the county of Loritello, for in 1180 its tithes were granted to the see of Bovino by count Robert. By 1226, the castle had passed to count Rao of Balbano, the son of Philip of Balbano. He issued a judgment in this year concerning a dispute about *Montilari* and mentions that in the time of William I. it was in the hands of count Ritrand of Calinta (Ughelli-Coleti, *Italia Sacra*, t. viii. col. 262).

³ *Cat. Bar.* p. 582, Arts. 396-401.

abbot of Banzi.¹ It will be noticed that the first three of these belong to Troia or its immediate neighbourhood: the last three to the district round Melfi on the left bank of the Ofanto, although it does not necessarily follow that the lands ascribed to them were situated in the immediate district. Following these ecclesiastics is a notice of a lay tenant who holds half of Pietra Secca, and then the knights of S. Agata, Bovino, and Ascoli² on the right bank of the Ofanto are set down. The knights of Ascoli owe service to the Trinity of Venosa,³ and the conditions of their service are duly entered. Following hard upon this information are the names both of religious houses in the neighbourhood and of possessions equally in the neighbourhood, belonging to monasteries which were themselves situated at a distance.⁴ It has been already noticed that these lists seem to indicate the conclusion of the constabulary which we have been considering as well as of the whole section of the Catalogue which describes the Central Region of the duchy, since some of the places contained in them are in the honour of Monte S. Angelo while others are found in the Capitanata. The lands, then, which are attributed to the constabulary of Richard son of Richard under Guimund of Montilari, form a compact group stretching from Lucera to the neighbourhood of Melfi. Although this district alone is expressly assigned to the constabulary, the use of the words *de eadem constabulia* shows that another part of the constabulary has been described previously. This formula is frequently used in the Catalogue when the recital of the fiefs under a constable has been interrupted by the insertion of a county. In the instance under discussion the insertion has been a long one, for it included the counties of Avellino, Lesina, Loritello, Buonalbergo as well as the constabulary of William Sclavo and possibly the county of Civitate. Consequently after making these omissions, the portion of the Catalogue to which tacit reference seems to be made is that which contains the description of Mandra and Volturino,⁵ fiefs once more in the neighbourhood of Troia, as

¹ *Cat. Bar.* p. 582, Arts. 401-3.

² *Ibid.* p. 582, Arts. 404-8.

³ *Ibid.* p. 582, Art. 409, § *De Corneto Sancte Trinitatis de Venusio*. § *De Sancto Johanne in Fronte*. Pro *Abbati Sancte Trinitatis de Venusio*. § *De Valle Sorbi eiusdem Abbatis*. § *De Orta eiusdem Abbatis*. § *De Barano eiusdem Abbatis*.

§ *Abbas Sancti Johannis in Lama*.

§ *Abbas Sancte Trinitatis Cave*.

§ *De sancto Petro de Olivula et sancto Jacobo de Luceria*.

⁴ e.g. Varano belonging to the Convent of Venosa is situated in the Honour; so too St. John in Lamis belonged to the same region.

⁵ *Cat. Bar.* p. 579, Art. 294.

well as the lands of Richard son of Richard himself,¹ and the list of places at the beginning of the whole section of the Catalogue, to wit, Salpi, Tressanti, Rapolla, Ripacandida, and Venosa,² which form a sort of boundary line towards the Terra di Bari and the principality of Taranto. The fiefs of Richard son of Richard were Trivico, Contra, Flumeri, and Vallata, and since we should expect to find his lands situated within the constabulary committed to him, it may be regarded as tolerably certain that the sphere of Guimund of Montilari stretched as far south as the river Ufita and consequently included a part of the later Terra Beneventana.

In addition to the lands already mentioned, it is not improbable that part at any rate of the district included under the heading *Comitatus Civilatis*, ought to be attributed to the constabulary of Guimund of Montilari, for some tenants-in-chief are apparently mixed up with the tenants of the county. The authority of the constable may indeed have been exercised over the tenants of the count as well, since *Guarmundus* makes the returns of many knight's fees for count Philip of Civitate,³ and *Guarmundus* may well be identified with Guimund of Montilari, who moreover is found associated with the count of Civitate on judicial business.⁴ The district thus arrived at, as the constabulary of Guimund, is no doubt a large one, but the presence of an under-constable presupposes an area of considerable extent. It would seem to have included the greater part of the later Capitanata proper, the most northerly region of the later Basilicata and some portion of the Terra Beneventana.

Turning to the judicial side of Guimund's activity, contemporary records describe his presence as royal justiciar in 1151 and at some unknown date at the end of the reign of Roger II., within the region of his constabulary. In 1151 he heard a suit in the court of the monastery of S. Mary of Bolfannana,⁵ situated near the R. Sandore, between the abbot

¹ *Ibid.* pp. 578-579, Arts. 291-293.

² *Ibid.* p. 578, Arts. 268-290.

³ *Cat. Bar.* pp. 579-580, Arts. 295, 304, 305, 323. It is possible that count Philip of Civitate was a minor at the time when the returns of his fiefs were made by Guimund. A charter was issued in Jan. 1152 by *Robertus filius quondam Roberti comitis dei et regia gratia civitatis comites* (St. Arch. Nap. Perg. Mon. Sopp. vol. i. No. 58), and this Robert was probably the nameless count of Civitate who was associated with Guimund of Montilari in 'the time of king Roger.' Philip must have succeeded to the county about the beginning of William's reign, but unfortunately nothing is known about him. His son Henry was count in 1180 (St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 226).

⁴ *Cal.* Nos. 37, 45.

⁵ *Cal.* No. 31.

of that convent and the abbot of Cava concerning a mill. The dispute was ended by a concord between the two parties, drawn up in the presence of Rao of Rocca and John of Boccio, royal barons, the castellan of Troia, and two judges of Foggia. It should be noted that Rao and John are mentioned in the section of the Catalogue which describes the fiefs expressly attributed to Guimund's constabulary. In the 'time of king Roger' Guimund held a court at Troia, together with the count of Civitate, to settle a dispute between Monte Cassino and John of Boccio and his sons, about some land at Castiglione.¹ It is an unfortunate circumstance that the only judicial records left by Guimund apply to places which are definitely ascribed to the constabulary in the Catalogue, so that no light is thrown on the rest of his district to which tacit reference is made. Nevertheless, it is significant that the count of Civitate was his colleague, and it may be inferred that the justiciar's circuit, like the constabulary, contained most of the later Capitanata and the northern region of the later Basilicata. Guimund's immediate successors were Rao and Luke of Rocca. The former with the title of royal justiciar is found as the advocate, for this occasion, of the abbot of Orsara in a concord drawn up in 1159 with William III., bishop of Troia, concerning property at Foggia and Monte Calvello.² Luke of Rocca, royal justiciar, witnessed a charter of bishop William's in 1170.³ Here again the people and places mentioned belong to the same region of Troia and its neighbourhood. In 1180 another justiciar, Gervase of Mastrali, is mentioned in a charter issued by count Henry of Civitate.⁴ It is not a little curious that in the later Norman period, when the justiciars were generally assuming territorial titles, the name of Capitanata is never used to describe the circuit of the justiciars in this part of the central duchy. This is the more remarkable, since the word Capitanata is often used by the chroniclers of the 11th and 12th centuries as the customary designation for the region.

Before leaving the region of the Central Duchy, the counties of Avellino and Buonalbergo and the miscellaneous collection of fiefs which are placed just before the description of the principality of Salerno must be discussed. The portion of the county of Avellino described in this section is definitely

¹ *Cal.* Nos. 37, 45.

² *Cal.* No. 51.

³ *Ibid.*

⁴ *St. Arch. Nap. Perg. Mon. Sopp.* vol. iii. No. 226, cf. *Cal. Bar.* p. 616, Arts. 1405, 1406. Appendix of Feudatories of the Capitanata of the 13th century, in which Hugh of Mastrali holds Baselice, and Payn of Mastrali holds Monte Saraceno.

attributed to the duchy,¹ but beyond this statement, which only means that it did not form part of the principality of Capua, there is no clue to the province to which it belonged. It is placed in the Catalogue² between the end of William Scavo's; constabulary and the omitted portion of that of Guimund of Montilari. In the 13th century this part of the county belonged to the Terra Beneventana.

To turn to the county of Buonalbergo, it must be noticed that the heading *Terrâ Beneventana*³ is prefixed to the returns made by count Roger of his demesne and of the fiefs held by his vassals, and this is the only occasion on which the expression is used in the Catalogue. Romuald of Salerno uses the term when he is describing Roger's conquests after the departure of Lothar in 1137. The king besieged Nocera, seized all the Terra di Lavoro, and put Capua to the sword. Sergius of Naples next made his submission, and then Roger taking Sergius with him turned his forces in the direction of Apulia and recovered all the Terra Beneventana and the Capitanata.⁴ Under Frederick II. the name was given to the administrative province in which the county was situated, and at this period the Terra Beneventana included, not only the county of Buonalbergo, but also that of Avellino, the constabulary of Gilbert of Balbano,⁵ and the lands of Richard son of Richard, and part of the fiefs of Richard of Balbano. It does not seem likely that this arrangement already existed during the second half of the 12th century, for there is good reason for believing that Richard son of Richard was constable under Guimund of

¹ For the history of this portion of the county and the reason for its attribution to the duchy, cf. *infra*, p. 373.

² *Cat. Bar.* p. 582, Art. 392.

³ *Ibid.* p. 580, Art. 344. *Terra Beneventana. Comes Rogerius Boni Albergi dixit, quod demanium suum Terre Beneventane de Apice est feudum VI. militum, de Bono Albergo feudum IV. militum, de Sancto Severo feudum III. militum.* His sub-tenants fall into three groups: (a) those who held directly of the county; Gerard of Greci held Greci, Savignano, and Ferrara; his sisters the wives of — of Potofranco and William of Potofranco held Monte Calvo and Ginestra; Geoffrey, son of Pain of Montefusco, held Monterone, Campolattaro, S. Croce, and some villeins in Apice; Robert of Monte Malo held S. Giorgio and Guasto; Robert of Molinara held Molinara; in all twenty knight's fees or forty *cum augmento*: (b) those who held portions of the barony of Thomas of Faicchio; Robert of Monte Malo held Gioia, Palata, and S. Giovanni *Maytiñ*; Robert de Marra or Morra (this is the right reading of Robert *de Marca*, cf. F. B. p. 217, where Pesclo is said to be the fief of Robert *de la Marra*) held Regina; Mallerius della Marra held Pesclo; Savarin of Terra Rossa or Terra Roggia held Tamaro and Terra Rossa; Bartholomew of Pietrapulcina held Pietrapulcina; Raul Pinellus held Fragneto; in all eleven knight's fees or twenty-two *cum augmento*: (c) those who held part of the fief of William of San Framondi; Bartholomew of Monteforte held Fragneto; and Hugh Bursellus held Ponte Landolfo; in all three knight's fees or six *cum augmento*.

⁴ R. S. p. 422.

⁵ *Infra*, pp. 360-3, 365.

Montilari in the district north of the R. Ufita, while Gilbert of Balbano certainly exercised his office south of that river. It is, however, probable that a dislocation has occurred in the order followed by the Catalogue in describing this region. In the county of Buonalbergo itself this is obvious, for the description of the lands of the sub-tenants breaks off at Art. 355, without any summary of the total number of fees in the county. This summary, together with the return of the fiefs of another sub-tenant, is to be found, however, embedded in the account of William Sclavo's constabulary between Art. 380 and Art. 383. While this small dislocation can be proved, a larger one can only be suspected. It has been seen that the miscellaneous collection of fiefs begins with the knights of Montefusco, and contains besides the names of a number of tenants-in-chief, whose lands were for the most part intermingled with the county of Buonalbergo.¹ These tenants-in-chief were moreover in several instances tenants of the county for other fiefs.² It does not seem improbable then that the knights of Montefusco and the small tenants-in-chief should be inserted after the sum of the Buonalbergo fiefs. This is the more likely since all these lands together correspond very closely with the old county of Ariano,³ which was dismembered when the last count Roger was sent a prisoner to Sicily in 1139. The knights of Montefusco were organised under a constable of their own as early as 1132,⁴ and in 1174 the constable Hector was a royal justiciar.⁵

¹ *Cat. Bar.* p. 583, Arts. 427-432. The *curia* held two fees in Pietra Maggiore formerly held by Hugh son of Fulcher, and Simon son of Roger; Hugh son of Fulcher held fifteen villeins in Pietra Maggiore and one fee in S. Andrea; William of Fontanarosa held one fee in Paduli, one in Monte Malo, and one in Santo Lupulo and in Valle Telese; Hugh of Paduli held half Murrone, which was one fee; Raho of Foro Nuovo held one fee; Savarin of Terra Rossa held one fee in Paduli; and Robert of Monte Malo held Monte Leone (two fees).

² Savarin of Terra Rossa, and Robert of Monte Malo, *Cat. Bar.* pp. 580-1, Arts. 347, 345, and 353.

³ The demesne of the county of Ariano contained *inter alia* Ariano, Montefusco, Apice. The two former became royal towns, while Apice went to the count of Buonalbergo. Former tenants of the county of Ariano which extended from Faicchio to Montefusco (F. B. p. 137), and from Montefusco to Ariano, included Robert della Marra (F. B. pp. 217, 235, 238); Bartholomew of Pietrapulcina (F. B. pp. 217, 235); Robert of Potofranco (F. B. p. 238); Raul Pinellus, lord of Fragneto (F. B. p. 240) (all attributed in the Catalogue to Buonalbergo); Thaddeus de la Greca and Guimund (F. B. 235) (knights of Montefusco); and Robert of Pietramaggiore (F. B. p. 238) (tenant-in-chief). Other places which had belonged to the county of Ariano are Ponte Landolfo, Campolattaro, S. Giorgio, and Tamaro (all attributed to the county of Buonalbergo in the Catalogue), Guardia and Morcone (F. B. p. 242).

⁴ *Cf. supra*, p. 250.

⁵ St. Arch. Nap. Perg. Monte Vergine, vol. xlvi. No. 20, 1174, 8th year of king William, April, Ind. vii. Grant of Tancred de Molisio and Amelina his wife of land in the district of

The region round Benevento, which was practically equivalent to the county of Ariano, was sharply contrasted with the Capitanata by Falco Beneventanus,¹ but there seems to be no means of deciding to what district it belonged for judicial purposes under the Norman kings.²

One more group of fiefs which occupy a triangle having the source of the Calaggio, Melfi, and Ascoli at its angles, is described in the Catalogue after the miscellaneous collection of tenants near Benevento, and attributed apparently to the constabulary of the Central Duchy. The group is composed of the lands of Richard of Balbano at Cisterna, Rocca (Rocchetta), Lacedonia, Monteverde, Armatera, and Vitalba, and of the possessions of Samson of Barile, Richard of Genzano, and Geoffrey of Francavilla, at Francavilla.³ Richard of Balbano's father was a certain Gilbert of Balbano, who held Rocchetta and Lacedonia according to a document issued by him in 1152.⁴ He does not here give himself any official title, but it is hard to resist identifying him with the constable of the same name. This Gilbert of Balbano exercised his authority, according to the Catalogue, in that part of the principality of Salerno which lay between the R. Ufita and a line passing from Pescopagano to a point just north of S. Severino. If the evidence of the Catalogue as to the extent of Gilbert's constabulary be accepted, his own fief of Rocchetta will be excluded, although we should expect a constable's fiefs to be situated within his official sphere. Perhaps the difficulty is due to the faulty arrangement of the Catalogue, and Richard's principal fiefs, Rocchetta, Cisterna, Lacedonia, and Monteverde should really be placed in the constabulary of Gilbert and therefore in the principality of Salerno, while Armatera and Vitalba, as well as Francavilla, which were across the Ofanto, alone belonged to the Central Duchy. It should be noted, however, that one branch of the Balbano family did hold

Montefusco in loco ubi Marcopi dicitur to the monastery of S. Mary of Montevegine Ante dominum Hectorem montisfusculi comestabulum et regium justiciarium et dominum Raynaldum filium quondam Gimundi pipini, et dominum Tancredum de cantalupo et dominum Herbertum filium quondam Milonis pagani. . . .

¹ F. B. p. 238, Rainulf of Alife, '*nec mora, Trojam dimittens Capitanatam* (so Chalandon rightly emends *captivatani*) *totam suae alligavit potestati, et inde procedens super Comitis Rogerii de Ariano Comitatum advenit, qui continuo Alferium Draco, et Robertum de la Marra, et Robertum de Petramajori, et Robertum de Potofranco, aliosque Barones ipsius Comitis suae subjugavit ditioni.*'

² A fresh difficulty is raised by the appearance of the chamberlain Alfano (principality of Salerno) in the section of the Catalogue giving the miscellaneous tenants-in-chief already mentioned. The chamberlain states that Hugh of Paduli holds *medietatem Murronis*, *Cat. Bar.* p. 583, Art. 429; probably Murrone was in the principality of Salerno and is only given here in order to complete the fiefs held by Hugh of Paduli, which for the most part belonged to the Terra Beneventana.

³ *Cat. Bar.* p. 583, Arts. 433-6.

⁴ Di Meo, x. ad an. 1152, n. 9.

land that was undoubtedly in Gilbert's constabulary, for Philip, Richard's nephew, had S. Angelo, Calabritto, Caposele, Viara, and Valva ;¹ Gilbert may have been in possession of these fiefs and they may have given him the necessary qualification for office. Still Rocchetta and Lacedonia are the only places that certainly belonged to him. It may be added that a considerable omission in the Catalogue occurs after the recorded fiefs of Gilbert's constabulary, since the description of the county of Molise begins without any heading and many fiefs belonging to the county are omitted.²

Another difficulty is presented by the title of royal constable and justiciar of the justiciarate of Melfi and the Honour of Montescaglioso, which is borne by Richard in 1183. This is the first and only territorial designation given to a justiciar in the neighbourhood of Melfi, and it is found in the record of a suit brought by Segnalis, abbot of S. Nicholas of Troia, against the men of Ascoli, at a solemn court at Barletta held by the master constables and justiciars of Apulia and the Terra di Lavoro, Tancred count of Lecce and Roger count of Andria, together with Richard of Balbano already described, Robert of Molino and Richard of S. Nicandro, royal justiciars of the Terra di Bari, and Benesmirus of Siponto and Guimund of Castelluzzo, royal justiciars of the Honour of Monte S. Angelo, as well as Philip, brother of the count of Andria, several royal barons, Mathew of Matera, royal notary, and the judges of Bari, Barletta, Trani, Monopoli, and Bisceglie.³ Some account of the suit must be given in order to establish the region to which the parties and the land in dispute belonged, in the hope of explaining the problems of jurisdiction which are raised. The abbot produced a mandate from king William (II.) ordering count Tancred to hear the suit in the presence of both parties and of the chamberlain of the principality of Salerno. Cioffus, the chamberlain, failed to appear after repeated summons, but at length he sent two deputies to act for him, and the hearing began. The abbot appealed the men of Ascoli of having deprived the monastery of certain lands which it held in virtue of a charter of Robert of Loritello granting a tenement at Bovino, which was confirmed by pope Calixtus and by king Roger. The

¹ *Cat. Bar.* p. 589, Arts. 702-5.

² Cf. *infra*, p. 369.

³ Capit. Arch. Troia, Sack K n. 13 and Sack M n. 11. The mandate of William II. contained in the judgment is printed by Niese, *Urkunden*. Cf. Di Meo, x. ad an. 1184, n. 2, who gives a summary of this suit, although he calls the monastery *S. Michele de Troja*. The date of the document is given as 1184, nineteenth year of king William, Nov. Ind. ii. which is equivalent to 1183 in southern Apulia : it should be noted that the year of the reign is incorrect, as often happens.

men of Ascoli insisted on their side that the instruments produced by the abbot were not prejudicial to their claim, since the lands in dispute belonged not to the tenement of Bovino, but to the tenement of Ascoli: consequently, the count of Loritello could not give away what did not belong to him. Meanwhile, the rector of the monastery of Venosa had intervened saying that his monastery possessed the greater part of the lands in question, since the whole tenement of Ascoli was divided between the king and the monastery in equal parts. It appears then that the land in dispute was somewhere between Bovino and Ascoli, and the second of two perambulations of the boundaries ordered by the court revealed the fact that the tenement was situated near Ponte Albanito (on the Cervaro, due south of Foggia). We are now in a position to consider the administrative aspect of the case.

In a solemn court, at which many justiciars and barons were present we should expect to find the justiciar of the region to which the litigants and the disputed land belonged. Both parties, the monastery of S. Nicholas of Troia and the men of Ascoli, and the tenement they claimed somewhere between Bovino and Ascoli, all seem to have belonged to the constabulary of Guimund of Montilari in the Catalogue of the Barons. The question then arises, which group of justiciars mentioned in the judgment exercised jurisdiction in this region in 1183. The justiciars of the Terra di Bari may be dismissed at once, and there remain the justiciars of the Honour of Monte S. Angelo and the justiciar of Melfi and the Honour of Montescaglioso. The district of Troia, Bovino, and Ascoli certainly did not belong to Monte S. Angelo in the days of Roger II. and William I.; hence, unless the region was extended in the later days of William II., the justiciars of the Honour cannot have exercised jurisdiction over the abbot of S. Nicholas of Troia and the men of Ascoli. An extension of a definite region like the Honour is improbable, and we know its precise extent from the dowry of queen Joan as late as 1177, when it did not reach so far south as Bovino and Ascoli. The justiciars of Monte S. Angelo may therefore be dismissed,¹ and only Richard of Balbano is left with his double title of justiciar of the justiciarate of Melfi and the Honour of Montescaglioso. The significance of the second part of this description has been considered in treating of the principality of Taranto. There

¹ Benesmirus was already in office in 1175, in which year he is mentioned at Siponto (cf. *infra*, p. 364): the Guimund of Castelluzzo is not known from other sources.

remains then the justiciarate of Melfi, in virtue of which Richard might possibly have been entrusted with the affairs of Ascoli, Bovino, and Troia.¹ It has been seen that the constabulary of Guimund of Montilari probably extended to the southward of Melfi, and though Richard may in some sort be regarded as his successor, there was in all likelihood some rearrangement of judicial circuits in the later part of the reign of William II. It is not probable that the whole of Guimund's district was comprised in the justiciarate of Melfi, because this region, combined with the Honour of Montescaglioso, would have made an enormous district for one group of justiciars to administer. The most reasonable supposition is that some part of the constabulary of Guimund of Montilari was detached and joined to certain districts which had formerly been under Gilbert of Balbano, to form a new justiciarate. The sub-constabulary of Richard, son of Richard, comprising as it did the districts of Troia, Ascoli, Melfi, and Bovino, united with the fiefs of Richard of Balbano, would form a region which would be fitly described as the justiciarate of Melfi. The inclusion of lands which had been under Gilbert of Balbano and therefore in the principality of Salerno may in some sort account for the presence of the chamberlain of Salerno: otherwise the insistence on his intervention in regard to land at Bovino or Ascoli is impossible to understand, for this region assuredly did not belong to his predecessor Alfanus when the Catalogue was drawn up. This suit has been discussed at some length in the hope that the discovery of fresh documents will finally solve the question of the justiciarate of Melfi.

JUSTICIARS IN THE HONOUR OF MONTE S. ANGELO.

1141		Varano?	Henricus Olliae Dei Gratia Regalis Justitiarius	<i>Cal. No. 11</i>
1144	June	Siponto	Henricus de Ollia miles et dominus caprillis atque justificarius domini nostri magnifici regis	<i>Cal. No. 15</i>
1147	Mar. 30		Henricus de Olgia	<i>Cal. No. 22</i>
1148	Oct.	Dragonara	Enrico de ollia et ac boamundo bructone regis Justiciarius	<i>Cal. No. 27</i>
1153	July	Vieste	Henrico de ollia et boamundo bretonone regalibus justitiariis	<i>Cal. No. 34</i>
1156	Oct. 6	Precina	Comitis Goffridi alesine (without the title of justiciar although he probably held the office)	<i>Cal. No. 44</i>
1165	Jan. 20	Lesina	Goffridus Dei et Regis gratia Alisiniae Comes et Regius Justitiarius	<i>Cal. No. 61</i>

¹ It should be noted that Richard heads the list of justiciars present at Barletta.

1173	March		Goffridus Alisinae Comes Regalisque Justitarius	<i>Ibid.</i>
1175	May	Siponto	Benesmro regio justituario	St. Arch. Nap. Perg. Mon. Sopp. II. No. 175
1175	Oct.		Goffridus ollie divina providente clementia comes Alesine et regalis justitarius	<i>Cal.</i> No. 61
Between 1159-1182			Goffridus Dei et regia gratia Comes Alesinae et Domini Regis Justitarius	Chron. Casaur. col. 914
1180	April		Benesmirus de Siponto regius justitarius	St. Arch. Nap. Perg. Mon. Sopp. vol. iii. Nos. 216-8
1183	Nov.		Bonismiro de Sypono et Guimundo de castelluzzo Honoris montis sancti Angeli Regiis Justitarius (at the Master Justiciars' court at Barletta)	Capit. Arch. Troia Sacks K and M
1186	Dec.		Benesmiri de Siponto. Regii baroni	<i>Cod. Dipl. Bar.</i> I. No. 94

JUSTICIARS IN THE CENTRAL DUCHY.

1151	May	Curia monasterii S. Marie de Bolfannana	Guimundus montis ilari	<i>Cal.</i> No. 31
T. R. R.		Troia	[comes de civitate] qui cum justiciario Guimundo de monte ilari	<i>Cal.</i> No. 37
1159		Troia	Raone de Rocca Regio Justituario	<i>Cal.</i> No. 51
1170	March	Troia	Lucas de Rocca Regius Justitarius	<i>Cal.</i> No. 51, n. 3
1180			Gervasio de Mastrali Justituario domini regis.	St. Arch. Nap. Perg. Mon. Sopp. vol. III. No. 226 (charter of Henry count of Civitate).
1183			Riccardo de balbano Justiciarius melfie et honoris montis caveosi Regio Comestabili e Justiciario	Capit. Arch. Troia Sacks K and M.

The principality of Salerno.

The principality of Salerno is next dealt with in the Catalogue in a straightforward manner: it contained the principality proper with the duchy of Amalfi, and that part of the later Terra Beneventana that lies in the triangle formed by the rivers Ufita and Sabato.¹ The boundaries which are thus assigned to the principality show that it had changed little in extent since the beginning of the eleventh century.

¹ It is a curious fact that the Catalogue ascribes the demesne of count Philip of Balbano to the duchy: *Comes Philippus de Balbano dixit quod demanium suum, quod tenet in Ducatu videlicet de Sancto Angelo feudum IV. militum, de Calabretta feudum III. militum, de Capusele feudum II. militum de Viara feudum I. militis. Una demanium eius feudum X. militum et cum augmento obtulit milites XXIV. et servientes L.* *Cat. Bar.* p. 589, Art. 702. This seems entirely inexplicable.

The remainder of the Terra Beneventana in which the lands of the counts of Buonalbergo and Avellino were situated seems to have belonged to the duchy at the time the catalogue was compiled, and the question of the attribution of the triangle of land between the Calaggio and the Ofanto has already been discussed at length. Before leaving the question of the extent of the principality of Salerno it must be noted that Nocera which belonged to it in the Catalogue formed part of the principality of Capua when king Roger conquered the country.¹

The principality of Salerno included two constabularies, that of Lampus of Fasanella with the sub-constabulary of Robert of Quaglietta² and that of Gilbert of Balbano.³ The district attributed to Lampus included the principality proper and the duchy of Amalfi, while Gilbert was responsible for the part of the Terra Beneventana which belonged to the principality. The counties were three in number, Marsico, Conza, and Balbano; but the two latter seem to have been included in the constabulary of Gilbert. The old *Comitatus Principatus* appears to have been suppressed. Count William was in prison at Palermo together with Richard of Mandra in 1161 and the county was never revived. In the catalogue it is specially attributed to the constable Lampus of Fasanella.⁴

The records of justiciars in the principality are abundant especially for the reign of William II., and the justiciars themselves were persons of importance. The earliest notice belongs to the year 1143, when the justiciars were the archbishop of Salerno and Lampus of Fasanella.⁵ In 1150, Lampus again and Florius of Camerota were present at a court held by king Roger at Salerno and the following year Lampus and Florius with a third justiciar Guaimar Sarracenus were again members of a court at Salerno held on this occasion by the judges of the city.⁶ Lampus we have seen was constable of the principality in the Catalogue, but there are unfortunately no other notices of his judicial activity. Perhaps he did not live many years longer, since, although his official position is mentioned in the Catalogue, his fiefs are ascribed to another tenant, or else are in the hands of the *Curia*.⁷ Indeed in

¹ A. T. lib. II. cap. xxix.

² *Cat. Bar.* pp. 583-9, Arts. 437-693.

³ *Ibid.* pp. 589-590, Arts. 694-724.

⁴ *Ibid.* p. 584, Art. 463, *De Comestabulia Robberti de Quaglietta, que est de eadem Comestabulia Lampi de Fasanella de Comitatu Principatus.*

⁵ *Cal.* No. 13.

⁶ *Cal.* No. 32, cf. *App.* No. 9.

⁷ *Cat. Bar.* p. 583, Art. 442; p. 585, Arts. 487, 489.

one case two tenants after Lampus are mentioned, but since it is the chamberlain Marius Russus who is ordered to make inquiries, this entry is probably one of the later corrections in the Catalogue. The history of Florius of Camerota, Lampus' colleague, extends till the middle of the reign of William II. We learn from a letter of pope Alexander III. to Louis VII. of France¹ that he was a nephew of the archbishop of Capua. The pope was writing in 1165 and mentioned that Florius was an exile and had gone to Jerusalem. In 1168, however, he had returned, for we find him in this year assisting at the trial of Richard of Mandra at Messina for treason.² By 1172 he was back again in the principality and heard a prolonged suit between the men of Corleto and their lords at Salerno, Laurino, and Eboli.³ His colleague was now Luke Guarna; but the next notice we have does not concern judicial matters. Florius was employed instead on a diplomatic mission and was a member of the embassy sent to England in the spring of 1176 on behalf of William II., to ask the hand of the lady Joan in marriage.⁴ The month of May 1177 saw him once more at home and together with Luke Guarna he pursued and punished the villagers of Fajano, who had attacked and killed the abbot of S. Benedict of Salerno.⁵ This is the last notice of Florius and in 1178⁶ William of San Severino was royal justiciar and constable, an office which he also held in 1184,⁷ 1186,⁸ and 1187.⁹ Luke Guarna, it has been said, first appeared as a justiciar in 1172, and he is mentioned, sometimes in a private and sometimes in an official capacity, in 1175,¹⁰ 1177, 1178,¹¹ 1182,¹² 1184, and 1186 always in the

¹ Di Meo x. ad an. 1165, n. 1; cf. Migne, *Patrologia Latina*, Paris, cc. col. 332, No. ccciii.

² H. F. pp. 141, 142. At the end of a long list of counts present there follow the names of *Rogierius Tironensis magister comestabulus, Florius Camerotensis, iudex quoque Tarentinus et Abdenago Hannibalis filius, qui magistris erant iusticiarum*. It is not quite clear whether it is intended to join Florius' name with the last two as a master justiciar of the *magna curia*, but he cannot have held this office together with that of justiciar in the principality: probably he happened to be at Messina at the time.

³ Del Giudice, *Cod. Dipl. Ang. App.* i. p. liii.

⁴ R. S. p. 442; Benedictus Abbas (Rolls Series), p. 115.

⁵ R. S. p. 460.

⁶ Guillaume, *Essai*, p. 132, 1178, Guillaume seigneur de San Severino, connétable, justicier royal et baron du Cilento.

⁷ Di Meo x. ad an. 1184, n. 5, Arch. di Cava, *Guglielmo di S. Severino, Signor di San Severino, e Regio Comestabolo e Giustiziere*.

⁸ *Ibid.* xi. ad an. 1186, n. 10.

⁹ *Ibid.* xi. ad an. 1187, n. 4.

¹⁰ St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 172, *Luce qui dicitur Guarna Justiciario*.

¹¹ Ughelli-Coletti, *Italia Sacra*, vii. col. 404.

¹² K. A. Kehr, *Urkunden*, No. 26, p. 449.

principality proper and on the last two occasions with William of San Severino. In April 1187,¹ Malger of Polla was royal justiciar. It is remarkable that none of these justiciars ever bears a territorial title, but there can be no doubt that the principality formed their circuit and that it corresponded with the constabulary of Lampus of Fasanella. During the reign of William II. a separate justiciar was appointed for the duchy of Amalfi. The successive holders of the office are only mentioned in documents belonging to the duchy and in suits concerning it,² so that it must have formed an independent circuit. Justiciars for Amalfi are found till Frederick II. reorganised the judicial provinces, and the previous condition of affairs is shown in the title of the province under the emperor, principality and duchy of Amalfi.

The records of the constabulary of Gilbert of Balbano are by no means so abundant as those for the region ascribed to Lampus of Fasanella. The history of Gilbert himself, who seems to have been the first constable of the district, is, however, tolerably complete. He is first heard of in 1137, when he commanded the royal troops together with Robert de la Marra in the neighbourhood of Guardia Lombardi, precisely in the region over which he exercised the office of constable.³ In 1152, as lord of Rocca (Rocchetta di Puglia) but without any official title, he made with his son Richard a grant to abbot Marinus of Cava for the monastery of Giuncarica, which was subject to Cava. This grant was given in the castle of Rocca and witnessed by the judge of Lacedonia.⁴ In 1155 Gilbert was present at a suit heard at Bari, and on this occasion he bore the title of master constable. He was probably master constable of all Apulia and the first holder of the office.⁵

The only other known constable for the district attributed by the Catalogue to Gilbert, is Elias of Gesualdo, who in December 1186 is described as *providissimi regii comestabuli et justiciarii* in a grant made by William lord of Atripalda to the monastery of Monte Vergine, in the presence of the judge of Avellino.⁶ One other justiciar, Guaimar Sarracenus,

¹ Di Meo, xi. ad an. 1187, n. 4, Arch. della Cava, Malgerio Signor della Polla, Regio Guistiziere.

² Cf. Table of the Justiciars for the duchy of Amalfi, *infra*.

³ *Chron. Casin. Auct. Petro*, iv. 108, *M.G.H.SS.* vii. 820, cf. Chalandon, ii. 70.

⁴ Di Meo, x. ad an. 1152, n. 9.

⁵ See p. 285; Gilbert died 1156, cf. Haskins, p. 659, n. 221.

⁶ St. Arch. Nap. Perg. di Monte Vergine, vol. 16, No. 4.

is known, who in all probability belonged to this region, for he was present together with the justiciars of the principality proper, Lampus and Florius, at a court held at Salerno in 1151, and his lands lay in the constabulary of Gilbert of Balbano.¹

JUSTICIARS IN THE PRINCIPALITY OF SALERNO.

1143	Guilielmus archiepiscopus (Salerni) et Lampus de Fasanella regie iusticie iustificatores	Cal. No. 13
1150		Salerno	Lampo et Florio Justiciariis	f Cal. No. 32 App. No. 9
1151	Oct.	Salerno	Lampo domino de Fasanella et florio de Camarota Justiciariis	Ibid.
1172	May	Salerno	Nos Florius de Camera et Lucas Guernerius regii Iusticiarii [sic]	Del Giudice, <i>Cod. Dipl. Ang.</i> App. I. p. LIII.
"	May?	Laurino	Florius	Ibid.
"	May?	Eboli	Ego Florius Camerote dominus et domini Regis Iusticiarius, Ego Lucas Guernerius Regius Iusticiarius	Ibid.
1175	Feb.	Nocera	Luce qui dicitur Guarna Justiciarii	St. Arch. Nap. Perg. Mon. Sopp. vol. II. No. 172
1177	May		Lucae Guarnae et Florio de Cammarota Justitiariis	R. S. p. 460
1178	Oct. 3	Salerno	D. Lucas Guarna Regius Justitiarius filius q. Alferii qui similiter Guarna dictus est	Ughelli-Coleti, <i>Italia Sacra</i> VII. col. 404
1178			Guillaume seigneur de San Severino cométable, justicier royal et baron du Cilento	Guillaume, <i>Essai</i> , p. 132
1182	July	Salerno	Cum Luca Guarna regio iusticiario	K. A. Kehr, <i>Urkunden</i> , No. 26, p. 449
1184	Feb.	Salerno	Guglielmo di S. Severino, Signor di San Severino e Regio Comestabolo e Giustiziere . . . presente Giustiziere Luca Guarna	Di Meo X. ad an. 1184, n. 5
1186	March		Guglielmo Signor di S. Severino Regio Giustiziere e Comestabolo, presente il Giustiziere Luca Guarna	Ibid. XI. ad an. 1186, n. 10
1187	March		Guglielmo Signor di San Severino, Regio Giustiziere e Comestabolo	Ibid. XI. ad an. 1187, n. 4
1187	April		Malgerio Signor della Polla, Regio Giustiziere	Ibid. ad an. 1187, n. 4

JUSTICIARS IN THE DUCHY OF AMALFI.

1171			Marino qui dicitur de domno Stefano prefati domini nostri Regis Iustitiario filius quondam Constantini qui fuit filius Aliberti Comit ²	Chartolarium Amalphitanum cura Matthæi Camera, No. CLVIII. ff. 512, 513
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¹ *Cat. Bar.* p. 590, Arts. 719, 724.

² This notice comes from a document of 1171, Ind. 4 which begins: Ante nos Guaferium, Romoaldum, Iohannem et Mattheum Iudices, Iohannes Sirrentinus qui dicitur de domna Miro, filius quondam Iohanni Sirrentini. conjunctus est cum Marino It is the second of a suit heard before the judges of Salerno in which the justiciar appeared as one of the litigants and not in

1174	Sept.		ebolus filius marini neapolitanus [<i>sic</i>] regii Justiciarii et comestabuli, qui fuit filius Constantini comitis	Camera, <i>Memorie</i> I. p. 365 (n. 2, of p. 364)
1174-6 ?			dominus leonardus venerabilis caputaquensis episcopus qui tunc supra-scripti domini Regis Iusticiarius erat ¹	Camera, <i>Memorie</i> I. p. 365
1202 1208	Jan. 3 Dec. 11	Amalfi ,,	Nos Sergius Scrofa, reguis Iustitiarius ducatus Amalfie, et Sirrenti. et capitaneus galearum principatus a Policastro usque Gaietam, filius domini Pandulfi	<i>Ibid.</i> p. 382, n. 1

After completing the fiefs of Elias of Gesualdo (p. 590, art. 724) to the south-west of Benevento, the Catalogue passes immediately to Baranello in the principality of Capua, near the source of the Biferno, and proceeds to describe the country which was comprised in the march or county of Molise. Part of the district lay in the duchy of Apulia and part in the principality of Capua. This section of the Catalogue is unprovided with any heading or indication of the subject-matter, and there is evidently a considerable omission at this point. This is shown partly by the sudden transition from the country south of Benevento to Molise, and partly by the treatment given to the fiefs of count Hugh of Molise. In the middle of the section, the sum of the knight's fees *de servitio dicti Comitis in Principatu de propriis feudis* are given, but the figure exceeds the number

The march
or county of
Molise.

his official capacity, and it is contained in the record of another judgment drawn up at Salerno in 1176, eleventh year of King William August Ind. 9. Ante me Truppoaldum Iudicem venerunt Mattheus filius quond. Marini Neapolitani olim prefati domini nostri Regis Iustitiarij qui fuit filius Constantini. This judgment is further mentioned in the Repertorium omnium scripturarum Monasterii Monialium S. Laurentii de amalfia, in the Bibl. Brancac. Nap. IV. F. 4, f. 25. 158. Masteus [*sic*] filius quondam marinj Neapolitanj olim regis guilielmj Justitiarij Panthaleo Amalfitanus: transumptari fecerunt quoddam instrumentum sententie seu decisionis factum per Iudices salernitanos de quibusdam bonis sitis Salernj a la Judeca: die et mense Augusti. Ind. 9^a 1176. Marinus had therefore died some time between September, 1174, when he is mentioned, and August, 1176.

¹ This notice of Leonard bishop of Capaccio and royal justiciar is found in a suit heard by Eugene magister Regie Dohane baronum et de Secretis in 1178 at Nocera, between the men of Amalfi and of Ravello, when the previous history of the litigation is narrated and the action of the bishop in the matter on a former occasion is mentioned. It is not possible to fix the precise date at which he was justiciar, but certain limits may be suggested. The judgment of 1178 tells us that he was in office under William II., and we know further that Marinus was justiciar from 1171-1174, consequently he must have been in office between 1166 and 1171, or between 1174 and 1178. The period may, however, be further limited from our knowledge of the bishops of Capaccio: Ughelli does not mention Leonard, and I have been unable to obtain a work by Volpi: *Cronologia de' vescovi Pestani ora detti di Capaccio, Naples, 1752*, but in the spring of 1176 Arnulf was bishop-elect of Capaccio (Ughelli-Coleti) and he may well have been the successor of Leonard. If this be the case, Leonard must have been justiciar sometime between September, 1174, and the spring of 1176.

of the fees actually inscribed in the Catalogue. Next follow the fiefs of the count's barons in the duchy and the sum of their knights is given correctly. Finally the addition is made of the knights *tam demanii quam servitii Ducatus, et principatus praedicti Comitis Hugonis . . . de propriis feudis*, but this is the first mention in the Catalogue of the count's demesne. It follows then that besides some of his barons in the principality, the demesne of the count both in duchy and principality has been omitted. Other sources of information give Trivento, Isernia, and Venafro as the chief towns of the counts of Molise. The omitted fiefs of the mesne tenants would seem to lie on the western and southern borders of the county, for there is a small gap apparent on the map in these quarters between the recorded fiefs of the county and those of the Terra di Lavoro.

The following are the boundaries of the county of Molise as indicated by the Catalogue. Beginning near the mouth of the Trigno, the frontier follows that river to Trivento: there it bends north-west and touches the Sangro near S. Angelo. Thence the boundary ascends the river for some distance and then follows a sinuous course by way of S. Pietro di Avellana, Roccasicura, Rionero, and Montenero to the source of the Volturno. Owing to the omissions in the Catalogue it is impossible to give the frontier between the Terra di Lavoro and the county with any precision, but it seems to have taken a line somewhat to the west of the Volturno and parallel with it, extending south of Venafro, perhaps as far as Presenzano. Here it again turns north and passes to the east of Venafro, and thence to the south of Monte Miletto and Lago del Matese, to the neighbourhood of Sepino: thence it takes a north-easterly direction by way of Campodipietra, Campolieto, Casacalenda, and Guardialferi to the Biferno, and crossing that river, it reaches the Trigno once more.

With the omitted fiefs of this part of the Catalogue, the title given to the district as a whole is lost too. It is probable that it was called county of Molise, since the term occurs as a geographical designation, at least as early as the reign of Roger II., being found in a grant made by the king to Monte Cassino of the convent of S. Eustace *de Arcu* near Pietrabbondante *in comitatu Molisii*.¹ This name is also used in regard to events in his reign by the chronicler of Ferrara; ² Richard of S. Germano, however,

¹ Caspar, *Reg.* No. 79.

² *Chron. Ferrar.* p. 25, *Et rex cum exercitu suo intrans comitatum Molisii, obtinuit quasdam terras filiorum Borelli.*

applies the designation of *Marchia* to the county.¹ The region was chiefly occupied by the lands of count Hugh of Molise and his vassals, but there were also fiefs belonging to smaller tenants-in-chief, some of which are described in the Catalogue, but the sum of their knights is not set down, nor is it included in the count's total. It is remarkable that this total is made after the lesser tenants-in-chief have been registered, so that the count was apparently responsible for them as constable.

The counts of Molise would seem indeed to have been hereditary constables and justiciars of the whole region of the county of Molise. Count Hugh's military power was very great, since he had 486 knights and 605 serjeants behind him, and in these northern regions of the kingdom the mightiest counts were generally invested with the constable's office in the district. His military position was matched by his greatness in the sphere of justice, to judge from the record of a certain suit of 1144 touching his monastery, compiled by brother Macchabee, provost of S. Peter of Avellana.² The provost says that the matter was decided *coram comite et Justitiario Ug. de Molisio*, but the record is confused and it is hard to disentangle the stages of litigation. The provost claimed half of the church of S. Mark in Agnone, and it would seem that in the first instance he went with his friends to Trivento and sought redress of the count and justiciar Hugh of Molise and a number of barons. Next a complaint was lodged before the bishop-elect of Trivento and his canons, probably because it was the possession of a church that was in dispute, and the ecclesiastical court decided in accordance with the judgment of the royal court. This is the first mention of the royal court in so many words, but it is probable that the court of the count is intended. In the same way Hugh is not called a royal justiciar, but if the court he held was a royal one, he must have acted as a representative of the king. The sentence was carried out *ex precepto, et judicio regalis curie, et Comitum Ug.* Count Hugh would seem to be a justiciar on his own account with an exceptionally large grant of private jurisdiction, and it must be remembered that the counts in general, whether expressly called justiciars or no, acted in a double capacity both on their own behalf and on the behalf of the king. It may well be that count Hugh enjoyed full jurisdiction in regard to his own tenants, and at the same time acted for the king in regard to the lesser royal tenants-in-chief. The justiciar's office in the county of Molise was

¹ Rycardus de S. Germano, *Annales M.G.H.SS.* xix. 329.

² *Cal.* No. 17.

inherent in the counts, for Richard of Mandra, Hugh's successor, held a court in 1170 at Isernia, together with the bishops of Bojano, Isernia, and Trivento, and his Justiciars and Barons.¹ Richard was numbered among the *familiares* of the *curia* and spent most of his time in attendance on the king, wherefore it would be most necessary that he should appoint justiciars to act in his absence. The only other lay tenant whose justiciars are mentioned was count Robert of Loritello, another very great subject of the king.

It should be mentioned that in the case brought before count Richard, as well as in the one decided by count Hugh, the assessor-barons were among the vassals of the county, as were the defendants in the suit. In the former case count Richard expressly mentions *Justiciariis et Baronibus nostris*, and from the information of the Catalogue it can be shown that the barons Julian of Castro Pignano, and probably Mayner of Palena who assisted count Hugh, were his tenants.

In conclusion then, it may be said that the counts of Molise had a very extended grant of private jurisdiction, and that in addition the office of royal justiciar in the district which took its name from their county was bound up with the dignity of count: they acted both on their own behalf and on the behalf of the king, since the king addressed mandates to them.

After giving the sum of the fiefs of count Hugh of Molise, the compilers of the Catalogue proceed to describe the principality of Capua proper, or the Terra di Lavoro, as it was frequently called. There is no special heading or indication of the subject-matter of this section: it begins indeed with the fiefs of count Robert of Buonalbergo *quod tenet in principatu Capue*,² but references to the principality of Capua are also frequent in the sections of the Catalogue which deal with the county of Molise and the Abruzzi, since all the more northerly districts of the kingdom were attributed politically either to the duchy or to the principality. This distinction, however, does not seem to have had a counterpart in the divisions of the country for administrative purposes. Nevertheless,

The prin-
cipality of
Capua or
Terra di
Lavoro.

¹ Arch. Monte Cass. caps. cii. fasc. ii. No. iii. *Nos Riccardus dei et regia gratia de molisio comes et domini Regis familiaris dum plenam curiam ysernie [ten]er[emus]. . . . Residentibus itaque nobiscum Domino Roberto episcopo Bojani et Domino Raynaldo episcopo ysernie et Domino Raone episcopo trentino et Justiciariis et Baronibus nostris ex decreto sanctissime Regie curie et probatione aperta per breve quod ostensum est in curia plena quod continebat et aperte dicebat. . . .* 1169, Feb. Ind. iii. fourth of king William = 1170.

² *Cat. Bar.* p. 594, Art. 806.

after making due allowance for the use of the term principality of Capua as indicating merely a political division, it must be recognised that the fiefs described in the section of the Catalogue¹ following the indication of the count of Buonalbergo's land in the principality, form a compact territory which corresponds very closely with the administrative division of the Terra di Lavoro. Its boundaries coincide nearly everywhere with those of the principality of Capua when it was conquered by Roger II. and the eastern border towards the duchy of Apulia, as it is given in the Catalogue, recalls the terms of the treaty of 1134 between king Roger and Rainulf of Alife.² The fiefs of the latter stretched along the frontier of the principality from Alife and Raviscanina to Avellino: they included all the places in the Valle Caudina³ of which the chief were Arpaia and Montesarchio and the castles of Limatella,⁴ Ponte,⁵ Altacoda, Grutta, Summonte,⁶ and Mercogliano.⁷ The treaty provided that Rainulf should restore to his wife her dowry of the Valle Caudina, while king Roger was to keep the places he had taken by force. The result of this agreement was that the lands which formed the county of Avellino—Mercogliano, S. Angelo, Grutta, Summonte, and Avellino itself—were separated from the rest of the county of Alife and from the principality of Capua. Consequently they are expressly assigned to the duchy in the Catalogue,⁸ while the Valle Caudina and Alife remain in the principality. Passing to the N.W. of Benevento, the boundary in the triangle formed by the Volturno and the Tamaro is somewhat complicated. The places in this region belonged, when the Catalogue was originally drawn up, to William of San Framondi and Thomas baron of Faicchio, but it appears that some of their fiefs passed at a later period into the hands of tenants of the count of Buonalbergo.⁹ The fiefs which are described as actually belonging to William of San Framondi and to the barony of Faicchio, are all placed by the Catalogue in the principality, but those that have passed from their

¹ *Ibid.* p. 594, Art. 805—p. 600, Art. 1012.

² A. T. Lib. II. cap. lxii.

³ *Ibid.* Lib. II. cap. xiv. *videlicet tota vallis Caudina cum ejus omnibus manentibus oppidis.*

⁴ *Ibid.* Lib. II. cap. lxi.

⁵ *Ibid.*

⁶ *Ibid.* Lib. II. cap. liv.

⁷ *Ibid.* Lib. II. cap. xiii. xv. and other passages.

⁸ *Cat. Bar.* p. 582, Arts. 392-395.

⁹ *Cat. Bar.* p. 580, Arts. 345-349, and p. 581, Arts. 355, 381, 382. It should be noted that these two last articles are misplaced in the Catalogue; they ought to follow Art. 355 immediately, since they continue the list of the tenants of the count of Buonalbergo and contain the sum of the fiefs of the county.

possession belong to the part of the county of Buonalbergo which was situated in the duchy and not to the part in the principality. Thus among the fiefs of the principality of Capua we find Limatella, Guardia, and Cerreto, which are attributed to William of San Framondi,¹ and Torrecusa, Castelpoto, Lapellosa, Ponte, and Casalatore attributed to the barony of Faicchio.² Turning, however, to the county of Buonalbergo in the duchy we notice Pontelandolfo and Fragneto, which formerly belonged to the San Framondi fiefs, and Gioia, Palata, Tamaro, Terra Rossa, Pietrapulcina, and Fragneto, which had formed part of the barony. It may be noted in passing that Limatella, Ponte, and Fragneto had been castles of Rainulf of Alife. The frontier of the principality towards the county of Molise has already been discussed in considering that region: from Venafro, the boundary passed to the north of Atina, and thence the frontier towards the Papal State followed the course of the R. Liri to Ceprano. From this town it passed by Pastena and Vallecorsa to the neighbourhood of Terracina. Before leaving the geography of the Terra di Lavoro it must be noticed once again, that Nocera as well as Sarno passed at some period after the conquest by king Roger to Salerno.

Turning to the subdivisions of the principality of Capua, it contained according to the Catalogue part of the counties of Buonalbergo³ and Avellino⁴ and the counties of Caleno, Alife, Caserta, and Fondi, but no constabulary is mentioned at all. The name of Peter Cacapice the constable of Naples, is found, but he was constable of the city and not of the Terra di Lavoro. Contemporary documents yield very little information and only one constable is known throughout the Norman period. The notice is found in a judgment issued in 1171 by Robert of Caserta as master justiciar and master constable, in which Richard de Citro royal constable appears among the witnesses.⁵

In regard to the justiciars, likewise, the information at our disposal is not abundant. We have, it is true, an account of the institution of

¹ *Cat. Bar.* p. 599, Art. 978, *Guillelmus de Sancto Fraymundo, sicut dixit tenet in demanio Limatani, que est feudum II. militum, et de Guardia feudum I. militis, et de Cerreto feudum III. militum, et de Fincella feudum II. militum.*

² *Ibid.* Arts. 982-984, *Baronia Feniculi.*

³ This has been identified by Capasso with the county of Acerra.

⁴ Cf. *Cat. Bar.* p. 582, Art. 392, and p. 594, Art. 808. Part of the county of Avellino consisting of the fiefs of Calvi and Riardo belonged to the principality: they were situated a long way from the fiefs in the duchy.

⁵ Muratori, *R.I.SS.* ii. pars i. p. 317.

justiciars for the first time in the principality, when Hamo of Arienzo¹ and the archbishop-elect of Capua were ordered to maintain justice, but this promising beginning is not followed up, so that it is not possible to make anything like a complete list of justiciars for the Norman period. This is the more remarkable in a region so rich in records as the Terra di Lavoro. In 1148 Hector of Atina and Atenulf of Caserta decided a case in favour of Monte Cassino at Aquino, and in 1155 the abbey brought a suit before king William against Hervey of Bolita a royal justiciar who was accused of various acts of violence committed against the lands, villeins, and churches of Pontecorvo. It is perhaps worth noting that Hervey perpetrated these acts of violence not in his official capacity, but as lord of Roccaguglielma, and he claimed that the lands, villeins, and churches in question were dependent on his lordship. The name of one more justiciar has survived, Andrew of Rocca Romana, who was present at a court held in 1167 by the master chamberlain John, at Sessa.

None of these justiciars bears a territorial title, but there seems to be no doubt that they had the Terra di Lavoro as their sphere.

JUSTICIARS IN THE TERRA DI LAVORO.

1135	Oct.	Capua	praefato electo simulque Magnati cuidam, qui vocabatur Haymon de Argentia	<i>Cal. No. 1</i>
1148	Nov.	Aquino	Atenulfus casertanus et Hector atini regales justiciarii	<i>Cal. No. 28</i>
1155	March		Herbiam de Bolita . . . domini nostri regis justitiarium	<i>Cal. No. 40</i>
1167		Sessa	Andrea de Rocca Romana Regio Justitiario	<i>Gattola, Access. I. 262-263</i>

The remaining districts described in the Catalogue formed the most northerly portion of the kingdom: they were known at a later period by the collective name of the Abruzzi, but this designation was not in use during the Norman period. The expression *Aprutium* referred only to

'The
Abruzzi.'

¹ Hamo's tenure of office does not seem to have been a long one. In 1143 he was present at a great court held by Roger II. at Salerno, but without the title of justiciar. Caspar, *Reg. No. 159*. In 1143 likewise he issued a charter, again without the title: *Ego Aymon dei gratia dominus castri cikale filius quondam raymonis de argencia*. Arch. di Cava, Armario G. 40. Cf. Haskins, ii. p. 643, who gives two further notices, one of 1136 and another of 1145. Cf. *supra*, p. 307.

a small part of the region to which the name of Abruzzi was afterwards applied.

The whole region was bounded on the east by the Adriatic from the Tronto to the mouth of the Trigno; on the south, the Trigno formed the frontier against the county of Molise as far as Trivento; thence the boundary passed in a northerly direction to the Sangro, which it touched somewhat to the south of Quadri. From Quadri it took a south-westerly direction to Castellone on the Volturno and thence bending to the north of Sora, it followed the line of the hills to Carsoli. From this point the valley of Cicolano formed the boundary as far as Rieti and from Rieti it touched the head-waters of the Tronto, which constituted the northern boundary of the kingdom, except that a few places on the farther bank owned the sway of the Norman kings. Thus from Sora to Rieti, the *regnum* marched with the State of the Church, while on the north it came in contact with fiefs of the Empire.

At the time that the Catalogue of the Barons was compiled the nomenclature of this northern region was passing through a phase of transition¹: in the Lombard period the country had been divided into seven counties, Valva, Marsi, Amiterno, Forcone, Penne, Chieti, and Aprutium. These lasted into the Norman period and beyond it, to designate the various regions of the province: some of them, such as Valva and Marsi, have remained till the present day to indicate the dioceses, while others like Amiterno and Forcone disappeared. When the Catalogue was drawn up Aprutium alone of the Lombard counties gave its name to an existing county, and gradually the name Aprutium was extended over the whole territory of the seven counties and the province became known as the Abruzzi.²

Politically, it was attributed from the time of king Roger, partly to the duchy of Apulia and partly to the principality of Capua. This was due to the early history of its conquest by the Normans: the duchy advanced along the Adriatic coast, the principality by way of Marsi and Valva. In 1061 Geoffrey of Hauteville, count of Capitanata, occupied some of the lands of the Chietine march and in 1064 Robert of Loritello continued the conquest with much vigour, and forced the monks of

¹ For the historical geography of this region cf. N. F. Faraglia, *I miei Studii Storici delle cose Abruzzesi*, Lanciano, 1893, to which I am greatly indebted throughout this section

² Faraglia, p. 220.

S. Clement of Casauria to become his vassals. Hugh Malmezzetto completed the conquest of the region of Penne and perhaps of Aprutium. Richard of Capua from the other side advanced to the borders of Rieti. When the sons of king Roger, Roger of Apulia and Anfusius of Capua, carried out the conquest of the whole district for the monarchy, they insisted that they were only winning back the lands formerly belonging to their respective governments, hence we find the distinction maintained in the Catalogue between the duchy and the principality. Chieti, Penne, and Aprutium belonged to the duchy, Valva, Marsi, Amiterno, and Forcone to the principality, the boundary being formed by the great natural barrier of the Gran Sasso and Monte Majella.

The political division into duchy and principality seems, however, to have been ignored both in the feudal and administrative divisions of the district, for the county of Sangro and the constabulary of Boamund transgressed the boundary.

The Catalogue divides the fiefs of this northern region among six counties—Manopello, Aprutium, Sangro, Loreto, Celano, and Albe—and one constabulary, attributed to count Boamund of Manopello: it should, however, be noted that Loreto and Celano, unlike the majority of counties in the Catalogue, seem to be included in the constabulary. This section of the Catalogue differs from the rest of the document, since the sphere of a justiciar is indicated. The portion dealing with the Abruzzi begins *De justitia Comitibus Boamundi. De Ducatu*,¹ and there follows immediately the description of the fiefs of count Boamund and his vassals. The lands attributed to the justiciarate are soon interrupted by the fiefs of the county of Aprutium and a few lesser tenants-in-chief in that district, and the county of Sangro. After the sum of Simon of Sangro's knights has been given, there comes the head-line: *De eadem Comestabulia Comitibus Boamundi*.² The constabulary of count Boamund, however, has not been mentioned before, as the use of the word *eadem* would lead us to suppose. Consequently it has been thought that *justitia* and *comestabulia* are here used as synonymous terms. As a general rule throughout the Catalogue, the expression *de eadem comestabulia* occurs when the insertion of the fiefs of a county has made a break in the description of a constabulary, for the constabularies rarely included the counties. In the region under consideration *de eadem comestabulia Comitibus Boamundi* occurs five times in

¹ *Cat. Bar.* p. 600, Art. 1013.

² *Cat. Bar.* p. 604, Art. 1095.

succession with the addition sometimes of *de principatu* and sometimes of *de ducatu*. Nearly at the end of the section, however, we find *De iustitia Comitis Boamundi. De Ducatu*.¹ These expressions have generally been regarded as proving that Boamund's sphere as justiciar and as constable were co-extensive. A recent suggestion has, however, been made that while the *justitia Comitis Boamundi* was a term applied only to the region of Chieti, the *comestabulia* of the same count was of much wider extent.² In calling attention to this distinction, Faraglia has made an important contribution towards understanding the judicial divisions of the Abruzzi. His opinion that it was Chieti that formed the justiciarate of Boamund is supported by the Catalogue, for all the places mentioned under the heading *de justitia*, whether they belonged to Boamund and his vassals or to lesser tenants-in-chief of the king, are situated in Chieti. In his attempt to define the wider district of the constabulary, Faraglia himself confesses that he is less successful. He suggests that Valva, Marsi, and Amiterno formed the constabulary; but a difficulty is caused by finding that a few places in the districts of Penne and Aprutium³ were also attributed to it. The difficulty is, however, removed by regarding all fiefs within the district of the Abruzzi which did not form part of the counties of Aprutium, Sangro, and Albe as belonging to the constabulary of count Boamund.

A useful commentary on the theory that Chieti was the judicial circuit of Boamund of Manopello is afforded by the record of a court held at Pescara in 1148 to try a case between the bishop of Aprutium and Monte Cassino concerning their possessory and proprietary right to the monastery of S. Nicholas of Trontino.⁴ The court was a very solemn assembly, for there were present four royal justiciars, count Boamund of Manopello, count Robert of Aprutium, Oderisius of Pagliara, and Richard of Turgisio, and the bishops of Valva, Marsi, Chieti, and Alife as well as the counts of Penne and Chieti. It is worthy of note that only two of the justiciars, count Robert and Oderisius, sign the document which embodied the sentence of the justiciars, and this fact may be some guide towards defining

¹ *Ibid.* p. 610, Art. 1223.

² Faraglia, *op. cit.*

³ *Cat. Bar.* p. 604, Art. 1095. Under the heading *de eadem comestabulia Comitis Boamundi*, the list of the fiefs of count Jocelin of Loreto begin with those he held in Penne. So too *ibid.* p. 609, Art. 1204. Under a similar heading are fiefs belonging to the abbot of S. John in Venere in Aprutium and Penne.

⁴ *Cal.* No. 26, *App.* No. 5.

the sphere of activity assigned to the different justiciars. S. Nicholas of Trontino is in the extreme north of the kingdom not far from Teramo and it is besides in the neighbourhood of the fiefs both of count Robert and Oderisius. On the principle that justiciars always held land in the region in which they administered justice, it may perhaps be assumed that Aprutium was the district assigned to these two justiciars. If this be so, it was a joint court of the justiciars of Chieti and Aprutium that sat to try the case of S. Nicholas. In this way the regions of the Abruzzi in the duchy are accounted for, but nothing seems to be known of the justiciars in Marsi and Valva. Records of justiciars in this northern part of the kingdom are few and scattered, although the chronicles of Casauria and Carpineto are filled with accounts of interminable lawsuits. The abbots generally had recourse to the counts of Manopello and Aprutium, but they are never given the title of royal justiciar. Since the accused were generally tenants of the counts, they were no doubt tried in the court of their lord. The judicial action of the count of Loritello is noticed from time to time: it always appears as a disturbing influence, coming in conflict with the judicial claims of the other counts; but the question has been discussed in dealing with the counts. The names of such royal justiciars as have survived must be noticed before leaving the whole question of judicial circuits. In 1172 a mandate was addressed by king William to count Jocelin of Loreto and Odo of Celano royal justiciars to inform them that the abbot of Casauria had obtained leave to withdraw his men from Castello Ripa and take them to his land.¹ These were perhaps justiciars in Chieti, successors of Boamund and Richard of Turgisio, since most of the lands of Casauria were situated in Chieti. Another justiciar for the same district in 1191 was a count Serlone or Serbone, who was present at an agreement drawn up between the men of Lanciano and the Jews, in that city.²

¹ *Chron. Casaur.* col. 912.

² *Bibl. Naz. Nap.* xv. D. 33, Aggiunte alle Memorie Ragionate di Monsignore Antinori, f. 11 *recto* Memorie per lo Giustizierato di Abruzzo Residente in Lanciano. The whole matter is very much confused, but there is some useful information including the notice of the justiciar in 1191. f. 12 *verso*, 'Nel 1191 Leggonsi negli antichi Monumenti le prime notizie del Giustizierato residente in Lanciano mentre in d^o. anno si fece la cautela dei patti, e convenzioni fra i Lancianesi e gli Ebrei, i furono giurati questi patti in Lanzano nel Tocco del Consiglio dell' Università alla presenza di Serlone o Serbone Conte Giustiziere del Re, di Marco e di Andrea Giudici e di altri molti.' A marginal note in another hand adds the information 'Nel 1200 il Conte di Chieti non era Giustiziere di Abruzzo, giacchè questo fu stabilito da Gualtieri di Paleara a Iud. Contract. Antiq. Tom 8. pag. 88 Muratori.' Another marginal note on f. 12 *recto*, in the same hand as the

The number
of justiciars.

It would appear that there were normally two justiciars in each circuit: this was certainly the case in the Terra di Bari, Terra di Otranto, Honour of Monte S. Angelo, principality of Salerno, and principality of Capua. It is not possible to speak with equal precision of the central region of the duchy and of the Abruzzi, owing to the absence of sufficient evidence. The mere fact of a single justiciar holding a court is not sufficient ground for the assumption that he was without a colleague, because in several cases in those regions which are known to have had two co-ordinate justiciars, one of them is frequently found exercising his office alone. Hence it is by no means certain that Guimund of Montilari, who acted alone in 1151, was the sole justiciar of his circuit: indeed it is at least probable from the two other documents in which his name is found, that the count of Civitate was associated with him. So too in the later Terra Beneventana the appearance of a single justiciar may be accounted for by the absence of judicial records.

Four justiciars were present at the great suit heard at Pescara in 1148; but it may be inferred from the presence of magnates from the whole vast region of the Abruzzi, that two groups of justiciars were intended. The three justiciars at Taranto in 1136 may also be regarded as representing different provinces, unless indeed the fact that these officers belonged to the period of the first tentative experiments in re-organising the judicial system, before a definite number was determined, obviates the necessity of accounting for this exception to the rule. The existence of great courts at which the justiciars from several provinces were assembled is by no means hypothetical, for many instances are known in the reign of William II.

The justiciars'
court.

The justiciars travelled throughout the district committed to them and held courts in various places within it, but it does not appear certainly how far their visits were made in a regular order followed year after year. In a great many instances suits were decided in important royal towns, such as Salerno, Bari, Barletta, and Troia, but the justiciars sat to do justice in less important places in a district, as for instance at Bitonto and Aquino. In 1144 the justiciars of the Val di Sinni travelled quickly

previous one, says: '1159 Morto il Giustiere e Conte di Manopello Boemondo di Frisia, il Re Guglielmo mandò per Conte e per Giustiere nel Contado Teatino un altro Boamondo.'

It may be added that the document of 1191 appears to be taken from Pollidori; *De Antiquitate Frentanorum*.

from Senise to Chiaromonte, and a suit begun at the former place was concluded at the latter, because the court had granted a delay in favour of the defendant, and when the case was resumed, the justiciars had reached Chiaromonte. So too in the reign of William II. in a suit begun at Tursi, the final judgment was given at Craco.¹ In the same reign too the important case between the men of Corleto and their lords was heard by the justiciars at Salerno, Laurino, and Eboli, as they travelled on royal business. Perhaps what happened was that the justiciars visited in regular order the most important places and made them centres at which to receive suits from the surrounding country,² and only in cases of exceptional moment and on receipt of a royal mandate visited small and outlying places. We know that it was a serious grievance to be obliged to follow the justices on their travels from place to place, and one of the reasons for desiring a grant of private jurisdiction was to avoid this journeying.

The justiciars had no court-room of their own, but they sat with the local judges in their accustomed place of meeting. In a royal town this is generally described as the *regalis curia*, and at Salerno we know that the place of session was the royal palace of Terracina. A church or chapel seems often to have been used for judicial business. Thus in 1158 the church of the Hospitallers at Barletta was the scene of a court held by a master chamberlain and royal barons, and in 1182 the strategotal court of Salerno was held in the church of S. Peter, which served as the chapel of the royal palace.

Not only did the justiciars use the court-rooms of the royal judges in a demesne town, but they sat in the courts of ecclesiastical lords when royal business brought them there: thus in 1148 Hector of Atina and Atenulf of Caserta sat to do justice *in palacio aquinensis episcopi*, and in 1151 Guimund of Montilari is found *in curia monasterii sancte marie de bolfannana cum baronibus et militibus et aliis probis hominibus pro justitia*

¹ St. Arch. Nap. Perg. di Matera, No. 16, *Nos fulco miglionici et Robertus petroperciate regii justiciarum manifestamus quia in craco pro regis serviciis et altercationibus justicie pertinentibus nobis presentatis curiam regiam tenuimus . . .* hear a complaint brought by the prior of S. Michael of Montescaglioso, who mentions a court held by the justiciars *in mense augusti none indictionis in tursia*: at this court the prior displayed *regium sacrum preceptum in tursitata curia justiciam habere precepturum*.

² The theory that the justiciars followed a regular itinerary receives confirmation from a Sicilian document, which states the termination of a boundary *in feram ubi Justitiarum solebant figere tentoria*. Garufi, *Documenti*, No. LI. 1170, p. 119.

tenenda. The same course would no doubt be followed in the court of a lay tenant, but of this no record has survived.

The *personnel* of the justiciars' court varied with the place of session, for they were not accompanied by a permanent judicial staff. Their court almost always included the local judges and notables, and often the royal catepan, or strategos, was present, but the share taken by the justiciars and the judges respectively in determining a suit varied a good deal. The courts in regard to this division of labour fall into three broad types.

Sometimes it happens that the justiciars hold a court in the presence of the judges and other worthies, but they merely preside and direct the judges, who under their orders hear the evidence, pronounce the sentence, and have the record of the judgment drawn up. Thus in 1148 the judges of Dragonara and Fiorentino describe how in their presence and in that of other competent men at Dragonara a complaint was preferred *coram domino enrico de ollia et ac boamundo bructone regis justiciariis ibidem curiam regentibus*, and how *ex mandato justiciariorum* they brought the matter to a final settlement. On the other hand, in a large number of cases the presence of the judges is barely mentioned, and the justiciars not only preside over the court, but they examine the witnesses and other evidence themselves, and order the judgment to be committed to writing. Examples of this type of procedure are found in 1136 at Taranto, where the justiciars *precepto Domini nostri magnifici Sicilie et Italie regis ad iudicandum . . . sederemus*, in 1144 at Senise and Chiaromonte, in 1148 at Pescara and at Aquino, and in 1155 at Bari. In the third type of court the judges of important towns not only take an active part in the conduct of the case, but they are expressly associated with the justiciars and preside jointly over the court. Thus in 1151 Guimund of Montilari, the royal justiciar and Roger, the royal judge of Troia, narrate a concord which was concluded *dum in curia monasterii sancte marie de bolfannana cum baronibus et militibus et aliis probis hominibus pro justitia tenenda resideremus*. In 1154 too the same method of procedure seems to be indicated when Petracca, judge of Barletta, was sitting *in regali curia eiusdem civitatis Robberto senescalco regis iustitiario et Leone regio catapano eiusdem civitatis mecum considerentibus*. In Salerno the part played by the local judges is equally important, and in 1151 they record *quod cum a lampo domino de fasanella et florio de camarota Justiciariis et ab alfano camerario invictissimi suprascripti domini nostri Regis curia sollemniter*

celebraretur, ante nostram et aliorum presenciam dominus Guilielmus venerabilis noster archiepiscopus . . . recitavit quoddam placitum . . . and later on they state that the judgment was made *consilio habito ab universa curia*.

Besides the local judges and the *boni homines*, or notables, the royal barons and knights are often present, and sometimes the royal constable and the castellan are specially mentioned. Once, at Salerno in 1151, the chamberlain is associated with the justiciars as president of the court.

Just as the court of the justiciars is composed of local barons and judges, so the records of their judgments are for the most part committed to writing by the local notary. Once only, in 1144, do the justiciars mention their own notary; more often a royal notary is employed. For example Guido drew up the record of the sentence given at Taranto in 1136, and in 1148 Pandulf, a notary of the chancellor, is ordered to write the judgment. Nevertheless, these cases are few in comparison with the number of occasions on which use was made of the services of the notary of the town in which the court was held.

In short everything goes to emphasise the importance of the personal action of the justices and to show how little importance was attached to detailed organisation of their court: the most constant feature is the presence of the royal barons and the local judges.

(2) *The Chamberlains.*

The institution of chamberlains took place, it has been seen, under the same conditions and at the same time as that of the first justiciars.¹ In 1135 Jocelin was made superintendent of the royal demesne in the Terra di Lavoro, and Peter the Deacon gives him the definite title of *Capuani principatus Camerario*.² In the following year a chamberlain appeared at Taranto, who combined the office with that of justiciar, for his signature runs *Ego Rogerius de Bisiniano Camerarius magnifici regis justitiarius*.³ During the overthrow of the royal power at the hands of the emperor Lothar, chamberlains as well as justiciars disappeared, but from 1140 onwards, with the final re-establishment of the Norman monarchy, they are found in continuous activity. The origin of the chamberlain's office in the provinces of the mainland may with all probability be traced,

¹ Cf. *supra*, p. 307.

² *Cal.* Nos. 3, 4.

³ *Cal.* No. 6.

behind the events of 1135, to the administration of the principality of Capua under the independent princes. A chamberlain, by name Odoaldus, is found in numerous documents of the princes Jordan II. and Robert II., between 1120 and 1132,¹ and he seems to have occupied an important position at the Capuan court. After the conquest of Roger II. the principality did not lose its identity: it was regarded as a separate unit, but the effect of the loss of independence was to transform the central administration, so far as it was retained, into a provincial administration. Certain departments of government, the treasury for example, would naturally disappear, but the supervision of the demesne would be as necessary after the change as before, and it may fairly be assumed that Jocelin continued to a great extent the functions of Odoaldus. Indeed it is more than probable that Jocelin himself had been employed by the Capuan court under the old system, for in 1129 the name of a certain Cansolinus follows that of Odoaldus among the *fideles* of the prince, and this is the form of Jocelin's name that is used by Peter the Deacon, while Alexander of Telese has Gaucellinus. Traces of his official activity, beyond what is known from these chroniclers, may perhaps be found in the Catalogue of the Barons, for Ganzolinus makes the return of the fief of Robert de Principatu at Aversa,² and Joczolinus makes the return of Strangolagalli which was held by the wife of Philip of Capua.³

Title.

With the exception of Jocelin, who was described by abbot Alexander as *vice-dominus*⁴ or *procurator*,⁵ the chamberlains invariably bore the title *camerarius*: their position as royal officers is marked by the addition of the words *regalis*, *regius*, or *domini regis*.

The class from which they were drawn.

As a rule the chamberlains were of less exalted rank than the justiciars: they did not necessarily belong to the districts which they administered, and consequently did not in all cases exert so considerable a degree of local influence. They were essentially royal servants and dependent to a great extent on the king who appointed them. Some of the chamberlains were numbered among the lesser military tenants, as we learn from the occasional mention of their fiefs in the Catalogue of the Barons—such were Ebulus of Magliano⁶ and Leo of Foggia.⁷

¹ 1120, Gattola, *Access.* i. p. 236; 1123, *ibid.* p. 236; 1125, *ibid.* p. 240; 1128, *ibid.* p. 248; 1129, *ibid.* p. 244; 1132, *ibid.* p. 245.

² *Cat. Bar.* p. 598, Art. 963.

³ *Ibid.* p. 599, Art. 981.

⁴ *Cal.* No. 2.

⁵ *Cal.* No. 1.

⁶ *Cat. Bar.* Art. 456; cf. Art. 578.

⁷ *Ibid.* Art. 343; *ibid.* Art. 401.

Others definitely belonged to the knightly order, for Benesmirus of Siponto invariably described himself as *miles ac regius camerarius*.¹ Some chamberlains were members of the official families who formed the nobility of the great cities, and when they administered the district to which they belonged they exercised considerable influence. Such for instance were the chamberlains of the principality of Salerno, descendants of those families of Lombard counts who appeared so frequently in the documents of Salerno and Cava in the eleventh and early twelfth centuries. They intermarried with the lesser nobility of the surrounding country and were connected with families which supplied the king with officials or provided the cathedral of Salerno with clergy, from the archbishop downwards.

The chamberlains like the justiciars held office for considerable Tenure. periods of time. The length of tenure was specially remarkable under Roger II. and during the early years of William I. Thus Ebulus of Magliano was chamberlain in the Terra di Lavoro from 1140 till 1158 at least: Alfanus held office in the principality of Salerno from 1151 to 1158 and possibly longer. Instances no doubt might be multiplied were there a sufficient number of notices of individual chamberlains. In the reign of William II. they succeeded one another at shorter intervals and were sometimes transferred from one district to another.

The early chamberlains were, no doubt, directly appointed by the king, and were in constant personal contact with him. This direct action on the part of Roger II. is plain enough in the appointment of Jocelin, and it appears again in the orders which he received to put the abbot of Telese in possession of the mountain claimed by that convent. Two occasions on which the king supervised his chamberlains in person have been reported. The first of these occurred just after the conquest of Atina in 1140,² when king Roger assembled the *universitas* of the city, clergy, knights and other men, in order to confirm all good customs and abolish the bad, and there and then commanded Ebulus of Magliano, the royal chamberlain, to hold an inquest as to the royal rights and the boundaries of the city. On the second occasion, king Roger again directed the same chamberlain.³ This time, as he was standing at the window of the palace of Sessa, Ebulus being present, he granted permission to the citizens to divert a certain water-course for the use of their city and ordered the chamberlain to

Method of appointment, payment, and control of the chamberlains.

¹ *Cal.* No. 23.

² *Cal.* No. 9.

³ *Ibid.* No. 35.

assign it to them formally. Such personal intervention naturally became of less and less frequent occurrence, and by the time of William II. there can be little doubt that the chamberlains were appointed by the *curia*, and received orders from it.

Already in the reign of William I. the system of administration was rapidly becoming more complicated, and with the creation of fresh officials both in the central and provincial departments of government, the chamberlains found themselves under the orders of a good many different authorities. Until his fall in 1160 the great admiral Maio fulfilled the functions of the chief minister of the crown and issued commands to lower officials, not only in the king's name but also in his own. No actual example of his directions to the chamberlains is extant, but on more than one occasion he sent mandates to the justiciars. In the reign of William II. the place of chief minister was occupied by a board of three *familiars*, and mandates issued by them to the chamberlains are in existence.¹ Under William I. and the regency of queen Margaret both the master captains and the master chamberlains issued orders to the chamberlains of the mainland, and even dealt over their heads, on occasion, with the bailiffs in their districts. Early in the reign of William II., however, the master chamberlains disappeared, and their work of controlling the financial officers was apparently taken over by the masters of the *duana*, the heads of the central bureau of finance.² An assize of William II. was specially directed to meet the new circumstances by ordering the justiciars, chamberlains, castellans, and bailiffs to render all due assistance to this latest authority set over them.³ Even the ordinary justiciars exercised some control over the chamberlains, for appeals from these officials were to be taken before the justiciars.

In regard to the method by which the chamberlains were paid for their services, it is probable that under king Roger they received a fixed salary: this opinion is based on the analogy of the direct payment of the strategos of Messina in this reign. In the late Norman period chamberlains and strategoi alike received their office *in credentiam* or *in extalium*. The evidence for this system, so far as the chamberlains are concerned, is drawn from a constitution of Frederick II., regulating their payment and

¹ Haskins, p. 444 (1), quoting St. Arch. Nap. Perg. Mon. Sopp. iii. 253.

² Cf. *supra*, p. 299. The master justiciars and constables also continued to direct the chamberlains. Cf. Haskins, p. 445 (3).

³ *Const. Lib. I. Tit. xxxvii. et lxi. (40)*, p. 37.

appointment, which implies tacitly that a similar system had been in use under William II.¹

The region administered by a chamberlain was called a *bajulatio* and towards the end of the reign of William II. a *camerariatus*.² In considering the number and position of such regions, the evidence of the Catalogue of the barons is of first-rate importance, because it shows to a great extent the fiscal divisions of the country. The names of the chamberlains who were charged with collecting information about the value of the different fiefs are often recorded, and in one case definite mention is made *de bajulatione Alfani Camerarii*.³ The information attributed to individual chamberlains nearly always refers to one particular section of the country, so that in many cases it is easy to reconstruct their districts. While the assignment of definite territorial districts to the chamberlains is generally admitted for the later period, it has been denied that this was the fact in the early days of the office.⁴ This position cannot be accepted in face of the results obtained by a careful examination of contemporary evidence. It may be conceded that, except in the case of Jocelin, the chamberlains did not bear a territorial title before 1164, when such a designation is used,⁵ but the frequent documents of the period show that throughout Roger's reign the same chamberlain was to be found year after year in the same district,⁶ thus tacitly proving that definite spheres were from the first assigned to the financial officers in the provinces. Moreover, the instance quoted above of the bailiwick of Alfanus goes to strengthen specifically the case for the early division of the country among the chamberlains, for we know that Alfanus was chamberlain in the principality of Salerno from 1151 to 1158. His

Districts administered by the chamberlains.

¹ *Const. Lib. I. Tit. lxxv. (41), p. 37; Tit. lx. (45), p. 40; Tit. lxxii. (46), p. 41; Novae Const. § ix. Super scholis ratiocinii, iii. p. 219; cf. Winkelmann, Acta imperii inedita, i. 671, where the purchase of the camerariatus or bajulationes under William II. is mentioned.*

² Minieri Riccio, *Saggio di Cod. Dipl. Suppl. Parte I. p. 21; Capit. Arch. Troia, Sack K no. 13 and Sack M. no. 11; Haskins, p. 445 (4), p. 646, n. 136.*

³ *Cat. Bar. p. 587.*

⁴ Chalandon, ii. 684.

⁵ *Cal. No. 59.*

⁶ Thus Ebulus of Magliano is found in October 1140 at Atina, in May 1149 at Capua, in December 1149 at Pontecorvo, and during the reign of king Roger, date not specified, at Sessa, Rocca, and Pontecorvo. All these places are situated in the Terra di Lavoro. *Cal. Nos. 9, 29, 30, 35, 36.* Further instances of continuous activity in a particular district are found in the principality of Salerno. Atenulf is mentioned as chamberlain at Salerno in February 1144, at Ravello, in March 1145, at Salerno again in Feb. 1146, and without any place being mentioned in October 1146; *Cal. Nos. 14, 18, 20, 21; Alfanus, too, is mentioned in the principality in Oct. 1151, in 1152, Oct. 1156, Dec. 1158. Cal. Nos. 32, 33, 43, 49.*

tenure of office may indeed have begun before this, for the latest mention of his predecessor Atenulf belongs to 1146. In any case Alfanus was chamberlain during the last years of Roger and the first years of William. It should be noted that there was never more than one chamberlain over a district. In endeavouring to make a fiscal map it is convenient once more to follow the geographical sequence of the Catalogue of the Barons and to begin with the Terra di Bari.

Terra di Bari.

For this region, rich as it is in judicial records, but little information in regard to the chamberlains is forthcoming. The Catalogue omits the name of the chamberlain in the only passage where such an official is mentioned, and other documents are silent for the reign of Roger II. In 1164, however, a certain John describes himself as *terre Bari camerarius*,¹ thus giving the definite territorial title for the first time on record. After this date no other chamberlain in the land of Bari has come down to us till Tasselgard² late in the reign of William II.

Principality
of Taranto
and Central
Apulia.

For the Terra di Otranto, the southern portion of the principality of Taranto, there is even less information than for the Terra di Bari. No chamberlain is mentioned as such in the Catalogue, and the documents are silent till the reign of William II., when the chamberlains have the territorial title of the Terra di Otranto.³ In the earlier period the region may have been joined with the rest of the principality or it may from the first have had a chamberlain of its own.

The northern region of the principality which, it has been seen, comprised the greater part of the later Basilicata,⁴ appears to have been united with the central districts of Apulia, that is, the later Capitanata and Honour of Monte S. Angelo, at the period when these portions of the Catalogue were compiled, for Raynald son of Fredaldus or Frahdaldus, gave the value of fiefs in Anzi and Montepeloso (principality of Taranto), Casale S. Trifoni (county of Lesina), and received orders to make inquiries

¹ *Cal.* No. 59, John was apparently a Greek, to judge from the fragment of signature appended to the document.

² Crudo, *La SS^{ma}. Trinità di Venosa*, p. 254, An. 1177, *Tasselgardo Regio Camrio* [sic] *Terrae Bari. Cod. Dipl. Bar.* i. No. 65, Diploma of Constance for Doferius, archbishop of Bari: *sicut Rex W[ilhelmus] nepos noster bone memorie sine diminutione aliqua dari precepit Tasselgardo tunc temporis camerario.*

³ Del Giudice, *Cod. Dipl. Ang., App.* i. p. li. No. xxvi. Anno 1176, *Urso de ulita terre ydronti regius camerarius.* Chalandon (ii. 684-5) mentions Marrotus or Pierre de Marrotto chambrier de la terre d'Otrante, from *Cod. Dipl. Brundusinus.*

⁴ Cf. *supra*, p. 346 *seq.*

concerning the knights of S. Agata (later Capitanata).¹ Thus a very large district is tacitly assigned to Raynald. Fortunately we possess a document issued by him at Salpi (Capitanata) in 1158² which helps to fix the date of his office. It is impossible to say how long this great tract of country was united under one chamberlain. Towards the close of the Norman period, the portion of the principality of Taranto which corresponded fairly closely with the later province of the Basilicata, formed the Honour of Montescaglioso, and in 1188 a royal chamberlain of the Honour is found.³ A document of 1175⁴ indeed mentions a chamberlain of the Basilicata, but this is the only case known⁵ in which the name of this province appears before the reign of Frederick II., and the document is open to grave suspicion.

In the more northerly part of Raynald's sphere—the later Capitanata and Monte S. Angelo—the names of several other chamberlains are recorded, but it is not possible to indicate the divisions of the country for financial purposes. Benesmirus was royal chamberlain at Siponto (Honour of Monte S. Angelo) in 1147,⁶ (ten years later he was described as *quondam regalis camerarii*),⁶ and in 1156 Leo of Foggia witnessed a concord at Troia as *Regalis Camerarius*.⁷ A certain Matthew must be numbered among the predecessors of Raynald son of Frahaldus, on the evidence of the Catalogue; after the sum of the fiefs of the knights of Bovino, a note is added *quorum nomina et tenimenta debet scribere Curie idem Mattheus Camerarius*.⁸ Now the duty of making an inquest concerning the knights of S. Agata in the preceding article was entrusted to Raynald son of Frahaldus, not to Matthew. The word *idem* applied to Matthew suggests that he had been mentioned before, but it has been seen that Raynald and not Matthew was the chamberlain found in the foregoing article. This may, however, be explained by the fact that the Catalogue underwent much editing from time to time to bring it up to date. It would seem that Matthew was the chamberlain originally charged with the affairs of S. Agata, and the name of Raynald was substituted later in this article,

¹ *Cat. Bar.* p. 574, Arts. 118–124; p. 581, Art. 387; p. 582, Art. 406.

² *Cal.* No. 48.

³ *Chart. Cup.* No. 133, 1189, Sept. Ind. vii. (p. 257) *Ante presentiam . . . domini Robberti tituli honoris montis scaveosi regii camerarii . . .*

⁴ *St. Arch. Naples. Perg. Mon. Sopp.* vol. ii. No. 178 *bis*, cf. *supra*, p. 346, n. 3.

⁵ *Cal.* No. 23.

⁶ *St. Arch. Nap. Perg. Mon. Sopp.* vol. i. Nos. 84 and 86.

⁷ *Cal.* No. 45.

⁸ *Cat. Bar.* p. 582, Art. 407.

while Matthew was left unaltered in the article dealing with Bovino. One other chamberlain is known in this region, Turgisius, who is described by Hugo Falcandus as chamberlain in the neighbourhood of Troia in 1167.

It must be confessed that practically nothing is known concerning the organisation of the Capitanata and Monte S. Angelo for fiscal purposes and very little can be discovered in regard to those parts of the Central Region which formed the province of the Terra Beneventana under Frederick II. In discussing the circuits of the justiciars it has been shown that the country to the north-west and the west of Benevento, including Morcone, Cerreto, Guardia, Montesarchio, and Cervinara, belonged during the Norman period to the principality of Capua.¹ The rest of the later province was divided, it has been seen,² between the duchy of Apulia and the principality of Salerno. To the former belonged undoubtedly the counties of Avellino and Buonalbergo, but nothing can be discovered about the chamberlains responsible in this district. The Terra Beneventana in the principality was included in the constabulary of Gilbert of Balbano and seems to have been under the same chamberlain as the rest of the principality of Salerno, for Alfano returned the number of knights due from Atripalda, Montemiletto, Cursano,³ and Murrone.⁴ Consequently the chamberlain of Salerno was responsible for all the country south of the Ufita and the Calaggio. At the end of William II.'s reign the principality extended even further north for fiscal purposes, according to the judgment issued by the master justiciars in 1183 in a suit between the abbot of S. Nicholas of Troia and the men of Ascoli.⁵ The land in dispute seems to have been situated between Ascoli and Bovino, apparently on the boundary, for the litigants themselves differed as to whether it was in Ascoli or Bovino. The royal writ charging the master justiciars with the suit ordered the presence of the chamberlain of the principality of Salerno, Cioffus, so that he must have been responsible for the land in dispute. There may of course have been some rearrangement of provinces by 1183, but in the Catalogue

¹ *Supra*, p. 373-4.

² *Supra*, p. 358 *seq.*

³ *Cat. Bar.* p. 590, Art. 714. The catalogue has Melito, but in the margin of the MS. is a note *Mo. de Mileta*, hence Montemiletto near to Atripalda is probably meant rather than Melito nearer to Ariano. Cursano may well be Chiusano between Atripalda and Montemiletto.

⁴ *Cat. Bar.* p. 583, Art. 429, Murrone may perhaps be identified with Morra or Murra near S. Angelo dei Lombardi.

⁵ *Cf. supra*, p. 363.

Bovino certainly did not belong to the chamberlain of Salerno and it is not likely that Ascoli was included in his district. The whole question is most obscure, and it is to be deplored that none of the chamberlains in the Central Region of Apulia bears a territorial title.

In the principality of Salerno no such problems present themselves for solution as come to the fore in dealing with the central regions of Apulia: the Catalogue makes frequent mention of the chamberlains and even speaks of the bailiwick of Alfanus, while contemporary documents supply us with particulars concerning the fiscal officers of the district from a very early period. As it is described in the Catalogue, the region attributed to Alfanus comprised the constabularies of Lampus of Fasanella and Gilbert of Balbano—in other words, the later province of the Principato with the duchy of Amalfi and the Terra Beneventana between the Ufita and the Sabato. Hugh of Lettere is the earliest holder of the office in the principality of whom we have any knowledge. He is mentioned in a document of 1147, drawn up by the strategotus of his widow Marotta, the lady of Lettere,¹ but he had been succeeded sometime before February 1144 by his brother-in-law Atenulf, *filius quondam johannis qui fuit filius ursi comitis*.² Atenulf held a considerable amount of property in and about Salerno, and he was evidently a person of importance in the city; it is impossible to fix the length of his tenure of the chamberlain's office in Salerno precisely; the last notice of him belongs to the year 1146,³ but there is no notice of any successor till Alfanus is mentioned in 1151. It is tempting to identify the chamberlain *Adenolf*, the partisan and friend of Maio, with the chamberlain of Salerno, and there appears to be some little ground for the identification.⁴ Hugo Falcandus couples his name with Matthew the notary, another well-known citizen of Salerno, and Adenolf's nephew is called Philip Mansellus,⁵ a name borne by a Salernitan family. One John Mansella, a clerk of S. Matthew at Salerno, is known to have held land at Giffoni.⁶ This John was in all probability the same person as 'John, clerk and sub-deacon of the archiepiscopal church of Salerno, and cousin of Atenolf, the king's chamberlain.'⁷ There is then not a little evidence to support the identification of Atenolf with Adenolf.⁸ At the

¹ *Cal.* No. 24.

² *Cal.* No. 14.

³ *Cal.* No. 14.

⁴ *H. F.* pp. 42, 48-50, 70.

⁵ *Ibid.* p. 49.

⁶ *Cat. Bar.* p. 585, Art. 518.

⁷ *Cal.* No. 21.

⁸ All the evidence is against Prof. Haskins' identification of the chamberlain Atenulf with the justiciar Adenulf of Caserta.

time of his close association with Maio he is still called *camerarius*, but his tenure of office in the principality of Salerno must have come to an end, for there are notices of his successor Alfanus between 1151 and 1158. Perhaps Adenolf held some financial post at court. At any rate, he lived at Palermo, for his house is mentioned.

Alfanus was lord of Castellamare and Torricella,¹ while he held, besides, one knight's fee in the Cilento; altogether he owed the service of 11 knights and 11 serjeants to the king. His daughter Coligrima married Robert of Trentenara, and in 1156 Alfanus was appointed one of the *distributores* of his son-in-law's will.² Altogether he was a person of considerable importance. He has been identified with the Alfanus who was at the head of the embassy sent in the year 1140 to bring back Elizabeth of Champagne the promised bride of duke Roger, and although there is no definite ground for the identification it is not in any way improbable.³ The first notice of Alfanus as chamberlain belongs to the year 1151;⁴ and three further notices of 1152,⁵ 1156,⁶ and 1158⁷ are extant; it has been already noticed that he is the chamberlain who makes the great bulk of the returns in the Catalogue of the Barons for the principality of Salerno.

In 1163 Marius Russus or Rubeus was chamberlain;⁸ he was still in office in 1166,⁹ but the exact length of his tenure is not known. He is mentioned as late as 1178,¹⁰ but without the title of chamberlain, and he must have ceased to hold office some little time previously, for several other chamberlains are mentioned from time to time. The surname Russus or Rubeus was a family name, for it is given both to Marius and his brother Cioffus, and they would seem to have inherited it from their father *Malfridus qui fuit filius Ademarii Comitis*, if the identification be

¹ *Cat. Bar.* pp. 583-584; Art. 451; Archives of Cava, Armario I^o. H. no. 86, Grant of 1144 of Alfanus de Castello maris to Falco, abbot of Cava; *Cal.* No. 33.

² *Cal.* No. 43.

³ Chalandon, ii. 106, quoting Migne, *Patrologia Latina*, Paris, clxxxii. col. 640, *S. Bernardi Epistolae*. M. Chalandon says that 'le chambrier Alfan' was at the head of the embassy; St. Bernard, however, only mentions *dominus Alfanus nuntius domini regis Siciliae*. Alfanus was certainly not chamberlain of Salerno at the time of the embassy.

⁴ *Cal.* No. 32.

⁵ *Ibid.* No. 33.

⁶ *Ibid.* No. 43.

⁷ *Ibid.* No. 49.

⁸ *Cal.* No. 56, *Mario Rubeo Regali Camerario*.

⁹ *Cal.* No. 62 . . . D. Mario di lui fratello (*i.e.* Cioffo Russo) Regio Camerario.

¹⁰ Ughelli-Coleti, *Italia Sacra*, vii. col. 404, 1178, Suit of *D. Lucas Guarna Regius Iustitiarius, filiusq. Alferii, qui similiter Guarna dictus est cum Mario Russo cognato suo filioq. Malfridi, qui fuit filius Ademarii Comitis*.

admitted of this Malfridus with a certain Malfridus Rubeus who held land at Salerno in the same group as Luke Guarna, the brother-in-law of Marius.¹ The evidence is of course not complete, but the identity of the two men is at least highly probable. Marius himself held a knight's fee at Giffoni,² and he is mentioned in an official capacity in the Catalogue under the name of Marinus Russus:³ this is undoubtedly an error for Marius, elsewhere the invariable form of his name.

Another chamberlain, *Riccardus Philippi*,⁴ is often found in the Catalogue both in the discharge of official duties and as a holder of land. His tenure of office must be placed between 1166 and the notice of John Rassica in 1178. It is not a little remarkable that a document of 1176 concerns a royal chamberlain whose name just reverses that of Richard Philippi—*Philippo olim Regio Camerario filio q. Joannis Iudicis de Riccardo*.⁵ This Philip was a native of Salerno, his uncle being the proto-judex Peter whose property he inherited in 1176 after a journey to Palermo to obtain the intervention of the vice-chancellor Matthew in his favour. There is of course nothing to show that the chamberlain Philip held office in the principality, but the coincidence is peculiar. *Philippus Camerarius* is, however, mentioned in the Catalogue as giving information about a fief he held at Eboli.⁶

The tendency towards the appointment of chamberlains connected by family ties is very marked in the principality, for Atenolf was the brother-in-law of Hugh of Lettere and Marius and Cioffus were brothers. Marius too was connected by marriage with Luke Guarna, the justiciar, himself a relative of archbishop Romuald. The growth of an official caste in the principality is worthy of note.

The succession of the chamberlains of the principality under William II. is somewhat confused. It has been seen that Riccardus Philippi probably succeeded Marius Russus. In May and December 1178,⁷ John Rassica, royal chamberlain, was at Nocera where he granted, in return for a money

¹ *Cat. Bar.* p. 585, Art. 517.

² *Ibid.* Art. 520.

³ *Ibid.* Art. 489.

⁴ *Cat. Bar.* p. 584, Art. 470; p. 585, Arts. 517, 525; p. 587, Art. 587; p. 588, Art. 635; p. 589, Art. 685.

⁵ Ughelli-Coleti, *Italia Sacra*, vii. col. 403.

⁶ *Cat. Bar.* p. 587, Art. 610.

⁷ St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 197 and No. 201. It is interesting to note that Mura, the wife of John Rassica, is commemorated in the *Liber Confratrum* at Salerno: *Anno dominice incarnationis M.C.LXX^o. nono. Indictionis tercie decime. Domina Mura obiit. que fuit uxor iohannis rassice* (C. A. Garufi, *I Diplomi Purpurei della Cancelleria Normanna ed Elvira prima Moglie di Re Ruggiero*. Palermo, 1904, p. 25).

rent to the state, certain pieces of land *pro parte rei publice* to Peter de la Regina, abbot of the monastery *sancte et beate Virginis Marie que constructa est in pertinentia rocce apud montem ubi alafrecta dicitur*, and promised him and his successors that he John Rassica *Camerarius et ejus successores pro parte rei publice illam eis defendant ab omnibus hominibus*. Another document of this same year, issued at Auletta, gives the name Cioffus, notary of Salerno, as chamberlain,¹ while in the following year the judge Rao bears the title.² In 1181 Cioffus appears again repeatedly at Auletta;³ in 1182, William Butrumilio is royal chamberlain at Sarno,⁴ and Alfanus Ioncata succeeds him at the same place in March 1183.⁵ In November of this same year, Cioffus is found again as chamberlain *camerarius principatus Salerni*,⁶ and 1185 William Angeri filius was hearing complaints at Sarno.⁷

CHAMBERLAINS OF THE PRINCIPALITY OF SALERNO.

before 1144			domini Ugoni regalis Camerarij (lord of Lettere, married to Marocta sister of Atenulf)	<i>Cal. No. 24</i>
1144	Feb.	Salerno	Atenolfus suprascripti domini nostri regis camerarius	<i>Cal. No. 14</i>
1145	March	Ravello	dominus Atenulfus regalis camerari- arius	<i>Cal. No. 18</i>
1146	Feb.	Salerno	dominus atenolfus suprascripti domini regis camerarius	<i>Cal. No. 20</i>
1146	Oct.		atenolfus suprascripti domini nostri regis camerarius	<i>Cal. No. 21</i>
1151	Oct.	Salerno	alfano camerario	<i>Cal. No. 32</i>
1152		Auletta	καμνηριλλιγου ο κυρ αλφανος κασ- τελλου μαρης	<i>Cal. No. 33</i>
1156	Oct.	Trentinara	D. Alphanum Regalem Camerarium	<i>Cal. No. 43</i>
1158	Dec.		Alfano Camerario del Re Guglielmo	<i>Cal. No. 49</i>
1163	May		Mario Rubeo Regali Camerario	<i>Cal. No. 56</i>
1166			Mario Regio Camerario Riccardus Philippi	<i>Cal. No. 62</i> <i>Cat. Bar. p. 584, art. 470,</i> <i>p. 585, art. 517, p. 587,</i> <i>art. 587</i>
before 1176			Philippo olim Regio Camerario filio q. Joannis Iudicis de Riccardo	Ughelli - Coleti. <i>Italia</i> <i>Sacra</i> vii. col. 403
1178	May	Nocera	Johannes Rassica regius Camerarius	St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 197
1178	Dec.	Nocera	Johannes Rassica regius Camerarius	<i>Ibid. No. 201</i>

¹ Trinchera, p. 251, No. cxli.² *Ibid.* p. 256, No. cxcv.³ *Ibid.* pp. 272, 273, 274, 275, Nos. ccvii. ccviii. ccix. ccx. cf. *Cat. Bar.* p. 587, Art. 615, *Raho Judex, et idem Judex Eboli de hoc quod tenent in commendationem, obtulerunt cum augmento milites II.*⁴ Haskins, i. 445 (3).⁵ *Ibid.* i. 445 (4).⁶ Capitular Archives, Troia.⁷ Haskins, ii. 646, n. 136.

1178		Auletta?	καπριλίγγου δὲ τῆς αὐτοῦ χώρας νοταρίου του σαλλερνου τζωφφου	Trincherà, No. CXCI. p. 251
1179		Auletta?	καπριλίγγου κατὰ τῆς αὐτοῦ χώρας κριτου ράου	Trincherà, No. CXC. p. 256
1181		Auletta?	καπριλίγγου τῆς χώρας ολεττας νοταρίου τζωφφου δὲ σαλλερνου	Trincherà, No. CCVII. p. 272
			” ” ”	Trincherà, No. CCVIII. p. 273
			” ” ”	Trincherà, No. CCIX. p. 274
			” ” ”	Trincherà, No. CCX. p. 275
1182		Sarno	Guilielmo Butrumilio [not Buarumilio] regio camerario	Haskins, p. 445 (3)
1183	March	Sarno	Alfanus Ioncata domini regis camerarius	<i>Ibid.</i> p. 445 (4)
1183	Nov.		Cioffus camerarius camerariatus de principatu Salerni	Arch. capit. Troia Sacks K and M
1185		Sarno	Guilielmus Angeri filius suprascripti domini nostri regis camerarius	Haskins, p. 646, n. 136

For the county of Molise no chamberlain is mentioned as such in the Catalogue, but Abdenagus filius Anibalis who frequently gives information as to fiefs,¹ was not improbably the chamberlain. No doubt he is to be identified with the master justiciar of the central court,² who took part in the trial of Richard of Mandra, count of Molise, and was present at a suit at Messina in 1168. The silence of the Catalogue is the more unfortunate since no documents of the period make mention of any chamberlains within the county.

For the Terra di Lavoro, on the other hand, there is abundant information about the early chamberlains. Jocelin has already been referred to sufficiently. In 1140 Ebulus of Magliano appears, and he remained in office from this date till 'the time of Simon the seneschal,'—that is between 1156 and 1160. Marinus, of whom nothing but the bare name is known, held office in 1161, when he heard a suit at Capua.³

Besides Jocelin and Ebulus, one other chamberlain, William filius Angerii, probably held office in the principality under Roger II. He is mentioned in a document of 1168⁴ drawn up by the judges Regitius and Manasses, to confirm the boundaries of a certain coppice on the request of a priest called Blaise, who appeared on behalf of Peter of Revello. In support of the request, he produced an instrument describing *quomodo*

¹ *Cat. Bar.* p. 590, Art. 726; p. 591, Art. 752; p. 592, Arts. 761, 778; p. 593, Art. 804.

² H. F. pp. 140, 141.

³ *Cal.* No. 52.

⁴ *Cal.* No. 38.

preteritis annis Guillelmus filius angerii qui tunc temporis camerarius erat domini nostri gloriosissimi regis Roggerii had delimited the boundaries of a coppice granted to Peter by king Roger as a reward for his services. It is most unfortunate that the name of the town to which the judges belonged is not mentioned, especially since the topographical indications as to the position of the coppice are of too local a character to be of much assistance. Some help towards identifying the neighbourhood comes from a charter of count Roger of Alife in 1170, granting this same wood to the church of S. Mary of Montedrogo, *in territorio tocci nostri castri*.¹ Probably the wood in question was in the neighbourhood of Tocco, for Peter of Revello, the former owner of the wood, is numbered among the knights of Tocco.² The place belonged, according to the Catalogue, to the principality of Capua, as did likewise the county of Alife. It may then be regarded as tolerably certain that William fil. Angerii was chamberlain in the principality under king Roger. The period of his activity is narrowly limited by the dates of the other known chamberlains, for Jocelin was in office in 1135 and in the autumn and winter of 1136-1137, while Ebulus began in 1140 a career which extended into the reign of William I. In the spring of 1137 the principality of Capua fell into the power of the emperor Lothar, and Robert of Capua returned to his capital and his possessions. The administration of king Roger must have been broken up, but we have no knowledge of the fate of the chamberlain Jocelin. The imperial occupation, however, was short-lived, and by October of the same year 1137 Roger had again established himself in the Terra di Lavoro.³ One of his earliest acts must have been the restoration of the financial officers and the suggestion is put forward that William fil. Angerii was made chamberlain at this period. As to the particular occasion of the recorded action of this official, another suggestion may be offered for what it is worth. Roger besieged Tocco from September 22 to September 29, 1138,⁴ and it may well have been at the siege of this castle that Peter of Revello did such service to the king that he obtained the grant of the coppice whose boundaries were marked out by William fil. Angerii.⁵ An instance of a similar action on the part

¹ Del Giudice, *Cod. Dipl. Ang. i. App. i.* p. xxxi. No. xiv.

² *Cat. Bar.* p. 599, Art. 991.

³ Caspar, *Reg. An.* 1137.

⁴ *Ibid.* An. 1138.

⁵ Guillelmus f. Angerii is mentioned several times in the Catalogue, notably at Nocera and Rapara, cf. p. 585, Art. 493, *Nuceria. Guillelmus filius Jordani, nepos Guillelmi filij Angerii*

of the king, done in the midst of important state business, was the grant of the mountain to the monastery of Telese. For the reign of William II. the names of several chamberlains have come down, as the following table shows.

CHAMBERLAINS OF THE PRINCIPALITY OF CAPUA.

1135			Gaucellinus—procurator	<i>Cal. No. 1</i>
			Gaucellino Vice-domino	<i>Cal. No. 2</i>
1136	Autumn	Monte Cas- sino	Canzolino qui tunc Capuæ præerat	<i>Cal. No. 3</i>
			Canzolino Capuani principatus camerario	<i>Cal. No. 4</i>
1138 ?	Autumn	Prata near Tocco	Guillelmus filius angerii qui tunc temporis camerarius erat domini nostri gloriosissimi regis Rogerii	<i>Cal. No. 38</i>
1140	October	Atina	Ebulo de Mallano, Regio Camerario	<i>Cal. No. 9</i>
1149	May	Capua	Ebuli Regii Camerarii	<i>Cal. No. 29</i>
1149	December	Pontecorvo	Evulus de Maliano (without the title)	<i>Cal. No. 30</i>
T.R.R.		Sessa	Evulo de Mallano (without the title, but fulfilling the chamberlain's functions)	<i>Cal. No. 35</i>
T.R.R.		Rocca Gug- lielma and Ponte- corvo	Ebulus de Mallano	<i>Cal. No. 40</i>
Time of Simon the Seneschal 1158 ?			Evulus de Mallano	<i>Cal. No. 36; cf. Di Meo ad an. 1162, n. 4</i>
1161	October	Capua	Marino Regal Camerario	<i>Cal. No. 52</i>
1168	October	Naples?	Turgisio de Campora Camerario Terre Laboris	Winkelmann, <i>Acta Imp. Ined. i. 217</i>
1170	March	„	Turgisio de Campora Camerario Terre Laboris	<i>Ibid. loc. cit.</i>
1171	June	Maddaloni	Atenolfo de Patricio (without the title)	Muratori, <i>R.I.S.S. ii. pt. 1, 317</i>
1173	September	Sora	Adenulfo de patricio camerario terre laboris	Archives of Monte Cassino Caps. 101 Fasc. v. No. lxi.
174	December	Teano	Matheo Juncatello Regio terre laboris Camerario	Archives of Monte Cassino, Cod. Dipl. vol. iv.
1182	November	Summa and Otta- jano	Guillelmus Russus regius camerarius terre laboris	St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 253
1187			Guillelmus filius Johannis Regius Camerarius terre laboris	Minieri Riccio, <i>Saggio di Codice Dipl. Supp. pt. i. p. 21</i>

dixit, quod feudum suum est II. militum, et cum augmento obtulit milites IV. ; p. 596, Art. 898, Guillelmus filius Angerii tenet de eo in Rapara feudum I. militis et cum augmento obtulit militem I.

A notice of *Guillelmi filii Angerii* is found in a diploma of Jordan II. of Capua of 1120. His intervention is mentioned together with that of several other barons and knights of the principality of Capua, Gattola, *Access. i. pp. 235-6*. The early chamberlain cannot, of course, be identified with the bearer of the name and office at Sarno in 1185.

The Abruzzi. The northern regions of the kingdom, divided between the duchy and the principality of Capua, formed under Frederick II. the region of the Abruzzi. No apparent notice is given in the Catalogue of fiscal divisions, and contemporary records yield only the name of one chamberlain, Samarus of Trani, who about 1158 held an inquest at Brittolì¹ and in 1163 decided a suit at Sulmona.² In 1167 he witnessed a charter of the master captain Gilbert of Gravina.³

Functions. The functions of the chamberlain fall into two distinct divisions, since they were both administrative and judicial officers.

I. Administrative. In their administrative capacity, the chamberlains were responsible for the whole mass of fiscal rights enjoyed by the king. These rights may be divided into three main groups: the first includes all rights accruing to the king as lord of the royal demesne; rights that any other lord would have over his estates—such were payments in money or in kind, dues on land, cattle, produce, markets, tolls by land and water; exclusive rights to establish ovens, wine-presses, slaughter-houses, mills; labour services especially for building and carriage, and the enjoyment of hunting and rights over the woods, water-courses, and pastures of the demesne. The second group comprises the feudal rights of the king—military service by sea and land and the usual incidents of military tenure, the *adjutorium* or aid, escheats, relief, and wardship with control over the marriage of heiresses. The third group consists in those rights which the king enjoyed as sovereign—the establishment of mints, the monopoly of mines, salt-works, quarries, the tunny fishery, and various manufactures. To this class also belong the right to treasure trove and the produce of wrecks, as well as export and import dues on certain classes of merchandise, the right to tax the Jews and the right to purveyance in various forms. Besides all these fiscal rights, we find from time to time that special direct taxes were imposed. In all these departments the chamberlains were employed, but it is especially with the management of the first two groups, the demesne rights, and the feudal rights of the king, that they were concerned.

Administration of the Royal Demesne. The chamberlains were originally appointed, with a view to the proper administration of the royal demesne,⁴ and although their sphere of action was afterwards extended, this part of the work was always of

¹ *Cal.* No. 50.

² *Cal.* Nos. 54, 55.

³ *Chron. Casaur. R.I.SS.* II. pt. 2, col. 1011.

⁴ *Cal.* No. 1 . . . *super universam terram, que sub proprio erat dominio quendam strenuum, cui nomen erat Gaucellinus . . . procuratorem constituit.*

first-rate importance. They are found vindicating the rights of the king, assigning and verifying grants of demesne land and grants of privilege and immunity to private persons, as well as supervising and coercing those officials—bailiffs and foresters—who were charged with the practical working of the demesne. The period of civil and foreign war which marked the beginning of the reign of Roger II. produced great confusion in the tangled web of fiscal interests, and it was the first duty of the chamberlains to establish the rights of the *curia*. For this purpose they were empowered to use the sworn inquest. A remarkable example of such an inquest was that held in 1140 by Ebulus of Magliano to settle the respective rights of the citizens and the king their lord.¹ No doubt similar inquiries were being held over the country, to form the basis of the royal budget.

Besides vindicating the rights of the king, the chamberlains were charged with the duty of making over to the recipients of royal grants the concessions they had obtained. One or two such cases have already been mentioned in discussing the personal orders which Jocelin and Ebulus received from the king, but another may be added. In 1158, Raynald filius Fredaldi carried out the orders he had received to give permission to an inhabitant of Salpi to build an oven on his property there.²

Sometimes the chamberlains delimited the boundaries of a grant of property, as, for example, when William filius Angerii marked out the coppice granted to Peter of Revello,³ or verified a previous concession of privileges.⁴ The intervention of the chamberlains in these matters was essential, since they were responsible for collecting the revenues from the demesne, and every grant of land or immunity had the effect of diminishing the royal revenue. Any such diminution touched the chamberlains of the later Norman period in a special manner, since they received their office at farm, paying a definite sum down to the *curia* and making what profit they could on the actual receipts from their district. Hence, if certain sources of profit were granted away, the sum demanded of the chamberlains would in justice need reduction.⁵

¹ *Cal.* No. 9.

² *Cal.* No. 48.

³ *Cal.* No. 38.

⁴ Chalandon, ii. 685 . . . Pierre de Marrotto, chambrier de la terre d'Otrante, reçoit de Guillaume II. l'ordre de vérifier le privilège accordé par Guillaume I^{er}. à l'archevêque de Brindisi. (Cod. Dipl. Brundusinus.)

⁵ Cf. *Novae Constitutiones Regni Siciliae* § IX. *Constitutiones super scholis ratiocinii, super ratiociniis ab officialibus recipiendis, et responsiones de excomputationibus, de apodixis et expensis*, p. 219, iii.

The duties of the chamberlains included further a close supervision of the demesne officials, the bailiffs and foresters, and the transmission of royal orders to them. Unfortunately it is not possible to illustrate the ordinary administrative relations between the chamberlains and bailiffs for the reigns of the first two kings, for the records at our disposal only describe the exceptional intervention of the chamberlains in cases of oppression, and this action belongs rather to the judicial side of their office than to the administrative. For the year 1187, however, an instance of the everyday relations between the two groups of officials is available. In this year William filius Johannis, royal chamberlain of the Terra di Lavoro, transmitted a royal order which he had himself received from Eugene *magister Regie duane baronum* to the effect that all tolls at bridges and rivers throughout the demesne were to be remitted for man and beast.¹ This is a late instance, but there is no doubt that the bailiffs were always under the control of the chamberlains. The bailiffs were the representatives of the *curia* in every city or town or castle of the demesne: in their judicial capacity they heard civil suits of lesser importance, and in their administrative competence they managed the demesne lands and collected the dues paid by the district over which they were set. As to the actual method of payment, we know that the bailiffs received the dues in the first instance² and we may suppose that they handed them over to the chamberlain, who would then make any payments chargeable on the revenue; grants of tithe of all the revenue of a certain bailiwick to a church were not infrequent, and in one case under William II. the chamberlain of the Terra di Bari was expressly ordered to make over the tithe to the archbishop of Bari.³ Sometimes a tithe of one particular source of revenue—corn, oil, or fish, was dedicated to the use of the church. Probably, too, the expenses of the royal service in the district—payment of officials, upkeep of castles—were defrayed by the chamberlains out of the local revenues, but of this we have unfortunately no evidence. The fate of the balance after all charges were met must have depended on the method of payment of the chamberlains. Under the first two kings, when they

¹ Minieri Riccio, *Saggio di Codice Dipl.* Supp. Pt. i. p. 21.

² Archives of Monte Cass. Cod. Dipl. Tom. iv. Complaint brought by the farmer and chaplain of Monte Cassino against the bailiffs of Teano and Atina, in the presence of Matthew Juncatellus, chamberlain of the Terra di Lavoro, for having exacted *placta* for the wine of the monastery, Dec. 1174, Ind. 8.

³ *Cod. dipl. Bar.* i. No. 65.

probably received fixed salaries, the balance must have been transmitted to Palermo. After the chamberlains began to farm the revenues, the balance must have represented their own profit. One further duty in connexion with the general supervision of the royal demesne may be noticed—the duty of protecting churches, which the king brought under his special care. An instance of this protection belongs to the year 1158 or 1159, when the chamberlain Samarus was ordered to take the abbey of Carpineto and its possessions under the care and protection of the king.¹

In many instances the chamberlains supplied the information for the *curia* as to the amount of military service due from each tenant: this appears ^{Feudal business.} in countless cases in the Catalogue of the Barons. When the necessary particulars were not to hand, the chamberlains were ordered to inquire, that is to hold an inquest in the technical sense. The method of holding such an inquest is clearly shown in the action of Ebulus at Atina in 1140,² when amongst other matters, he was directed to verify the service due from the military tenants. It is probable that the chamberlains could not hold inquests on their own responsibility, for in all cases where this method was employed, it was ordered by the king himself or by his deputy. The inquests of the chamberlains were not limited to obtaining information about the condition of fiefs and the amount of service due, but they were also a means of finding out the truth, when the opposing parties in a suit made contradictory statements of fact. An example may be quoted from a suit brought before Simon the Seneschal as master captain of Apulia. The parties differed in their version of the facts, and letters were sent by the master captain to Samarus of Trani, the local chamberlain, to find out the truth by a sworn inquest on the spot.³

The concession of fiefs, perhaps only those of lesser importance, has been regarded as part of the chamberlains' duties, but it seems in truth doubtful whether they really had powers of such far-reaching character. The burden of proof rests with a passage of Hugo Falcandus,⁴ for contemporary documents are nearly always careful to mention the orders the chamberlain had received whenever he proceeded to grant an immunity or to put the recipient of property into possession. The story narrated by Hugo emerged in the course of the trial of count Richard

¹ *Cal.* No. 50.

² *Cal.* No. 9.

³ *Cal.* No. 50.

⁴ *H. F.* p. 140.

of Molise, when the count of Caserta asserted that Mandra, and certain other towns belonging to him in the neighbourhood of Troia, were invaded by Richard, who held them without the knowledge of the *curia*. In his defence Richard urged that the gaytus Peter, when he was head of the *curia*, granted Mandra to him, and that the other towns were conceded by the chamberlain Turgisius. The chamberlain, however, for his part, denied that Richard had ever held the towns by his leave. But, supposing that Richard's version of the case was the true one and that the chamberlain had given permission, two explanations of his conduct are possible: he might in so doing have exceeded his powers, or the licence referred to might well have been the formal act of concession which was generally made by the chamberlain acting under orders from a superior authority. In the case of the concession of an oven at Salpi, mentioned already, Maurilianus might have urged with truth that he had the licence of the chamberlain Raynald, but the chamberlain's action was inspired by the orders of the master captain Stephen.

Revenue from
sovereign
rights.

In regard to the administration of the revenue and profits which accrued to the king by reason of his sovereign power, no direct information can be had for the reigns of the first two kings. Among the most important sources of revenue were the customs duties on exports and imports, and the dues paid by ships on entering and leaving the ports of the kingdom. The actual collection of these payments was made by officials called *portulani* and *dohanerii*, but nothing is known of the relations existing between them and any of the superior financial officers. The question must be left in the same unsatisfactory condition, not only as regards customs and port dues, but also so far as all sources of revenue derived from sovereign rights are concerned. It is not possible to do more than infer from the apparent absence of any other financial officers, that these resources of the crown were managed by the chamberlains, or by the master chamberlains after their institution under William I. For the reign of William II. the problem is more complicated, since the masters of the *duana* are found for the first time in the provinces of the mainland in the years 1174, 1177, and 1178,² while about the same period the appointment of master chamberlains of Apulia and the Terra di

¹ *Cat. Bar.* p. 579, Art. 294, *Comes Robertus Casertanus dixit quod Mandra et Pulcarinum est feudum III. militum.* Pulcarinum is certainly Volturino, a village north-west of Troia, near Volturara Appula.

² Cf. *supra*, p. 299.

Lavoro apparently ceased. It is probable, then, that the control of the provincial chamberlains passed to the masters of the *duana*, so that indirectly these officials became reponsible for the whole revenue from the mainland. But besides exercising this indirect control, the masters of the *duana*, by a constitution of king William,² were made directly responsible for certain sources of revenue derived from sovereign rights of the king. There must have been some re-arrangement of official duties at this period, for this enactment was expressly framed, in accordance with the general policy of the Norman sovereigns, to prevent the overlapping of functions: It defines 'those matters with which the masters of the *dohana de secretis* and of the quaestors are to concern themselves, thus separating their office from the rest.' These matters are treasure trove, wrecks, and property on the demesne falling in to the crown owing to failure of heirs in cases of intestacy. The constitution may be interpreted in two different ways: it may have been intended to limit the activity of the masters of the *duana*, who in this case must have enjoyed a wider sphere before this regulation, or its purpose may have been to withdraw the matters in question from the chamberlains or master chamberlains. The second explanation is more probable in view of the disappearance of the master chamberlains of Apulia and the Terra di Lavoro, together with the apparent simultaneous transfer of the control exercised by them over the provincial chamberlains to the masters of the *duana*.

The only extraordinary direct tax in the Norman period was that known as the *redemptio*, which was imposed on the towns of Apulia and the Terra di Lavoro as a punishment for the revolt of 1160-1161. For its collection the master chamberlains were ultimately responsible, but the actual levy of the money must have been undertaken by the chamberlains in the regions committed to them. The precise method of payment is nowhere described, but it is probable that a lump sum was set down for

Collection of
the *redemptio*.

¹ Huillard-Bréholles, *Hist. Dipl. Frid. Sec. t. iv. pars i. p. 36, Tit. lxi. 10. (39)*, Rex Guillelmus, *Dohane de secretis et questorum magistris discretum officium ab aliis separantes, super quibus et de quibus [per se vel per alios quibus hoc specialiter destinant] se intromittere debeant, presentis constitutionis nostre tenore duximus advertendum: in primis videlicet de thesauris inventis, et de pecunia absconsa ab aliquo, quorum domini per probationes dilucidas reperiri non possunt. Item de his qui de naufragiis curie nostre debentur [cum ex naufragio quorum res sunt aliqui vel ex eis successores legitimi non supersunt, intromittere se debebunt]. Preterea si aliquis clericorum qui hereditaria possederit [vel laicorum] de terra demanii nostri sine herede decesserit, nec filium vel filiam legitimam aut aliquem ascendentium vel descendentium aut ex latere venientium qui ad successionem ipsius ab intestato possit [de jure] venire, reliquerit, nec testamentum fecerit . . .*

each town and that this was divided up among the inhabitants. Such a system of repartition seems implied in the denunciation of the tyranny which demanded the largest sum from those who were least able to pay.¹

II. Judicial powers.

The judicial activity of the chamberlains was limited to the cognizance of civil cases, and it is possible to determine with tolerable accuracy the nature and extent of their jurisdiction. The contemporary records of suits pleaded before the chamberlains from the time of king Roger onwards throughout the Norman period support in almost every particular the constitution issued by Frederick II. to regulate their activity—a constitution confessedly based on the practice followed under his predecessors. It is therein laid down that the chamberlains are to take cognizance of civil suits, those dealing with feudal matters alone excepted, but only at the request of the bailiffs or *in defectu ipsorum*, that is to say, when the bailiffs either delay to settle a case, or fail to enforce the sentences they pronounce.² The chamberlains are further empowered to hear causes that arise between the bailiffs and the men of their jurisdiction, and also to receive appeals from the bailiffs' courts in the presence of these officers. Hence it appears that the civil jurisdiction of the chamberlains was an appellate and revising jurisdiction over the bailiffs, and was only exercised in cases of first instance when disputes arose between the bailiffs and those they governed. An examination of the existing records of actual cases decided by the Norman chamberlains shows the points both of resemblance and difference between Norman practice and the principles laid down by the emperor Frederick. And first of all, it should be noticed that the limitations imposed by the Constitution on the cognizance of civil suits by the chamberlains were not regarded in the Norman period, so that these officers were able to withdraw cases from the bailiffs or judges independently of the wishes of these last, and also to deal with questions relating to fiefs. A suit of the year 1149,³ in the principality of Capua, illustrates the freedom of the chamberlains under king Roger to deal with all civil cases: a proprietary action had been begun in the court of the castle of Maddaloni, before the judges of that place and the prince of Capua's chamberlain, the subject in dispute being the ownership of a piece of land claimed by Peter Girardi

¹ H. F. p. 87 . . . *in eos plurimum qui minus poterant redemptionis exactio seviebat* . . .

² *Const.* Lib. I. Tit. lx. (45), pp. 40-41.

³ *Cal.* No. 29, cf. Gregorio, *Considerazioni*, cap. ii. pp. 150, 151.

on the one hand and the provost of S. Angelo in Formis on the other. A delay of eight days was granted to Peter to prepare arguments to meet the documentary evidence produced by the monastery. In the meantime, before the eight days had elapsed, Ebulus the royal chamberlain heard of the matter and ordered the case to be brought before him at Capua in the presence of the barons, judges, and *probi homines* of the city. The sentence was pronounced by the judges of Maddaloni and Capua after consultation with the barons and *viri idonei*. The ground of removal of the suit to the hearing of the chamberlain is never explained in the document, but it may be that Ebulus considered the case too intricate for the unaided wisdom of the judges of Maddaloni. It certainly dealt with feudal matters, because the land in dispute was a fief held of the monastery of S. Angelo in Formis for a term of years, for which the service of one serjeant was due to the *curia*.

So far a case has been considered in which the Norman chamberlains exceeded the limits laid down by Frederick II. Illustrations, however, are not wanting, from the early Norman period, of activity which would have been sanctioned by the Constitution. In dealing, however, with cases of defect of justice, it must be remembered that the records of suits do not always give the previous history of the litigation, so that this may have been the ground of interference even in cases where nothing is said on the matter. In one instance which occurred in 1146,¹ the presence of the chamberlain Atenulf at a suit heard before the judges of Salerno is almost certainly to be explained by a failure on the part of the litigants to obtain a satisfactory settlement, for they implore the court to make an end concerning the disputes which have been waged between the monastery of S. Mary and S. Benedict at Salerno and the monastery of Cava, about the possession and ownership of a certain church.

The appellate jurisdiction of the chamberlains and their control over the inferior officials is well illustrated in a suit of 1145.² A certain John de lu Pendulo maintained that the rector of S. Andrew at Ravello had unjustly seized a piece of land belonging to him, and ought in consequence to pay the penalty of four pounds of pure gold imposed in the charter of the original grant in case of infringement. John appealed to Roger II. for justice, and the king wrote to Constantine strategotus of the duchy of Amalfi

¹ *Cal.* No. 20.

² *Cal.* No. 18.

to make the rector pay the four pounds, supposing that John's assertions were true. Constantine, however, proceeded to seize all the moveables of the rector of the Church of S. Andrew. On the arrival of the royal chamberlain in Amalfi the case was brought before him and a compromise was agreed on between the parties. The action of the strategos of the duchy was overridden and the moveables were restored to the rector. At the same time the strategos of Ravello was ordered by the chamberlain to give surety on the part of the king to the rector that neither he nor his successors should again suffer injury on account of the land in question.¹

¹ Cases from the reigns of the first two kings have been cited wherever possible so as to illustrate the activity of the chamberlains from the earliest period. The revising jurisdiction of the chamberlains over the bailiffs is, however, well illustrated in the reign of William II., by suits brought before chamberlains of the Terra di Lavoro, the principality of Salerno, and the Terra di Otranto. These suits exemplify the more regular methods of procedure which grew up in the later Norman period; in all four cases the bailiffs of the king had been guilty of exceeding their rights in a more or less flagrant manner, and the aggrieved parties had been to Palermo to get a royal mandate ordering the chamberlain of the district to investigate the case and to do justice.

The suits in question are:

1. 1173 Between Monte Cassino and the bailiffs of Sora *re* the exaction of rents of corn, barley, and wine from certain churches; heard by the judges of Sora in the presence of Adenulf de Patricio, *camerarius terre laboris*, Arch. di Monte Cass. caps. 101. fasc. v. No. lxi.
2. 1174 Between Monte Cassino and the bailiffs of Teano who exacted *placta* from the wine which the abbot bought in Teano, against the custom of the time of king Roger; heard by the judges of Teano in the presence of Matthew Juncatellus, *Regius Terre Laboris Camerarius*, Archives of Monte Cass. Cod. Dipl. vol. iv.
3. 1176 Between the men of Castellaneta and the foresters of Matera who seized their goods and animals, thrust them like thieves into the lowest prison and trumped up a charge that they had wounded certain persons in the face; heard by Urso de Ullita, *Terre Ydrunti regius Camerarius*, Del Giudice, *Cod. Dipl. Ang. i. App. i. p. li. No. xxvi.*
4. 1182 Between the abbot of San Severino at Naples and the bailiffs of Aversa and Somma concerning a tenement between Somma and Ottajano; heard by William Russus, *regius camerarius terre laboris*, St. Arch. Nap. Perg. Mon. Sopp. vol. iii. No. 253.
5. 1183 A long-standing dispute between the bailiffs of Sarno and the abbey of Cava concerning a *starza* and a mill in the bailiwick of Sarno (cf. document of May, 1178, Archives of Cava, xxxvi. 26, and document of 1182, Archives of Cava, xxxviii. 34, giving previous stages of the dispute in which the royal chamberlain, William Butrumilio, had taken the side of the bailiffs in oppression) occasions finally the interference of Alfanus Ioncata, the royal chamberlain, who sends letters to the stratigotus of Sarno ordering him to give up molesting the possessions of the church of Cava in the bailiwick of Sarno. Archives of Cava, xxxix. 13, *extr.* Haskins, 445-6.
6. In 1185 the royal chamberlain, William filius Angeri, *curiam in Sarnum secundum mandatum regium iusticiam omnibus sue baiulationis facturis teneret*, and recited the royal letters of general instructions which he had received *ut omnia negotia de camerariatu principatus Salerni et cause que ante eum venirent iusti et rationabiliter determinarentur, ut pro defectu iuris ipsa magna curia que arduis et magnis negotiis intenta esset non defatigaretur*, Archives of Cava, xxx. 34, *extr.* Haskins, 646, n. 136.

There seems to have been a good deal of trouble in the bailiwick of Sarno between 1178 and 1185.

Although the judicial action of the chamberlains of the Norman period from the time of king Roger onwards follows very closely the lines laid down by Frederick II., still the separation of the functions ascribed to the different groups of officials was not so rigidly enforced as it was in the time of the emperor. Indeed it was his avowed object to prevent the overlapping of functions which had previously existed. This was specially the case in the relations of the justiciars and the chamberlains, for the justiciars were frequently charged with deciding cases that seem to belong rather to the province of the chamberlains. Frederick laid down that the justiciars were only to hear civil cases when the chamberlains or bailiffs neglected to do justice in the allotted period for deciding the suit, or when they failed to enforce their sentences. In discussing the action of the Norman justiciars abundant examples have been cited to show the frequent action of the justiciars when the bailiffs or local judges failed to do justice, but it does not appear in any of the detailed descriptions of cases that survive that appeal was made to the chamberlains before the assistance of the justiciars was sought. Notwithstanding this direct action of the justiciars, appeals were carried to them from the decisions of the chamberlains, according to the statement made by Frederick II.'s Constitution.

Like the justiciars the chamberlains had no courts of their own. They travelled throughout their jurisdiction and heard the cases brought before them in the courts of the local bailiffs and judges. In the reign of king Roger, and sometimes under his successors, the chamberlains seem merely to have directed the proceedings or to have watched them, while the court was held by the local judges to whom the pronouncement of the sentence was committed either tacitly or explicitly. Thus the suit between the abbey of Cava and the monastery of SS. Mary and Benedict in Salerno in 1146 was heard in the court of Salerno, the proceedings being arranged by the judges and the judgment pronounced and signed by them, while the mere presence of chamberlain Atenulf is mentioned, together with that of the strategus of Salerno, and the *idonei homines*. Again in the case which Ebulus of Magliano expressly ordered to be brought before himself at Capua in 1149, he charged the judges of Capua and Maddaloni to pronounce the sentence after consultation with the barons and *viri idonei* who were present. The same procedure was observed by Adenulf of Patricio at Sora in 1173, and by his successor Matthew Juncatellus at

The chamberlains' court.

Teano in the following year. On the other hand, cases are not wanting in which the chamberlain himself held the court, conducted the inquiry, and gave the judgment, while the local officials, though present, took no share in the proceedings. For instance, Samarus at Sulmona in 1163 held the court himself. Some chamberlains are careful to explain their position, thus Urso of Ullita in 1176 says: *cum itaque in eadem civitate Castellaneti diffiniendis litigantium questionibus et controversiis ad honorem domini nostri gloriosissimi regis curiam regerem*, and William Russus in 1182 drew up the record of the judgment in his own name and ordered the scribe to commit it to writing. It seems impossible to make any distinction owing to the nature of the suit in these two methods of procedure, for it cannot be maintained that the mere presence of the chamberlain was an early practice, while in the reign of William II. he began to hold the court himself. Examples of both methods come from this reign, and the suits all deal with oppression by bailiffs and are begun by a royal mandate. In the earlier cases the royal mandate is not mentioned, but by the reign of William II. it has become the rule and is generally quoted in extenso. It is impossible to decide whether the mandate was always necessary to begin a suit before a chamberlain or whether it was a new method of procedure, introduced in the later period.

Late in the reign of William II. the chamberlains began to have notaries of their own¹: in the earlier Norman period a local notary drew up records of judgments, but Samarus in 1158 mentions his own seal.²

¹ Haskins. p. 445 (3), 1182, *Iacobo notario ipsius camerarii*.

² *Cal.* No. 50.

CALENDAR OF DOCUMENTS

TO ILLUSTRATE THE HISTORY OF THE JUSTICIARS AND CHAMBERLAINS IN APULIA AND CAPUA, 1135-1166.¹

1. 1135. Capua. A.T. Lib. III. Cap. xxxi. p. 144.

The appointment of the archbishop-elect of Capua and Hamo of Arienzo as justiciars and Jocelin as chamberlain, at Capua by Roger II.

Deinde, ut omnibus injusta patientibus exhiberetur justitia, praefato electo, simulque Magnati cuidam, qui vocabatur Haymon de Argentia imposuit. Verum et super universam terram, quae sub proprio erat dominio, quendam strenuum, cui nomen erat Gaucellinus, virum utique in saecularibus sollertissimum rebus, procurator constituit.

2. Telese. A.T. Lib. III. Cap. xxxv. p. 145.

Jocelin, the king's *vicedominus*, on receipt of a royal mandate orders the viscount Mianus to put the abbot of Telese in possession of the mountain above the monastery.

The king, *scriptoque Gaucellino ejus Vicedomino direxit, quatenus Montem praefatum Telesino Abbati, quod juris Monasterii esset, assignaret. Gaucellinus ergo cum mandatum ipsius accepisset, illico Montem ipsum, sicut per literas mandaverat, per Mianum Vicecomitem eidem Abbati assignari fecit.* Cf. *Cat. Bar.*, p. 598, Art. 963.

3. 1136, Autumn, Monte Cassino. *Chron. Casin auct. Petro M.G. H.S.S.* vii. pp. 811-2, § 98.

The chamberlain Jocelin at Monte Cassino.

Inter haec regis cancellarius Guarinus nomine, Canzolino qui tunc Capuae praerat mandat, quatinus Casinensi abbati ut ad se veniat destinet,

¹ There are included in this calendar five documents of master chamberlains and two of justiciars in the Val Sinni.

The date given in the head-line of each No. of the Calendar is reduced to modern reckoning: such a rectification is necessary for the observance of a strict chronological order, since in Apulia the year begins with the indiction on September 1st preceding January 1st of our style, and in the principalities of Salerno and Capua on March 25th following. The date as actually given in the document will be found at the end of each number, except in a very few cases, where no rectification was needed.

The first reference in the list of sources given at the head of each document has been used as the basis of the Calendar in each case.

venientem protinus capiat . . . Cancellarius vero iuncto sibi Capuano electo et Cansolino, Casinum ut disposuerat venit. Cf. p. 813, l. 10.

4. *Ibid.* p. 816, § 104.

The chamberlain Jocelin and the election of the abbot of Monte Cassino.

Sed ut ad id redeam unde digressus sum, cum adhuc abbatis feretrum in ecclesia esset, destinati sunt a Canzolino Capuani principatus camerario milites, ut nullus eo absente de abbatis electione tractare praesumeret.

5. 1136, May, Ind. xiv. Garufi: *Documenti* No. xiii. p. 33. Cit. K. A. Kehr, *Urkunden*, p. 52: Caspar, p. 308 and n. 2: Chalandon, ii. p. 677: Haskins, p. 643: Mayer, ii. p. 396, n. 90, p. 397, n. 91, p. 405, n. 1.

Verification of the boundaries between Grumo and Bitetto on the occasion of a complaint lodged against the foresters of Bitetto by Robert count of Conversano, *tempore quo ego Urso Trabalia gratia dei et domini nostri Rogerii magnifici regis tranensium dominator iusticiam manutenebam mihi ab eadem regia potestate commissam et sub nostra curia Desigijs hecatepanus Botonti et Bitetti baiularet.* The count complained that the foresters asserted their right to take *terraticum* which belonged to him, from certain lands at Bisceglie. Urso summoned Desigijs and William Pascal, his colleague, together with the foresters, who denied that they had wronged the count, maintaining that they only took *terraticum*, *de propriis terris Bitetti*, in accordance with the ancient boundaries between Bitetto and Grumo. Urso ordered the foresters to produce the *probos et senes homines Bitetti* to describe the boundaries on the spot, and summoned *quosdam de baronibus d. n. gl. R. Rogerii vid. dompnum Thomam de rutiliani et dompnum Amonem Bitricti et dompnum Riccardum Castellanum bari. et dompnum Hugonem Blancum¹ et Iusticiarios eiusdem d. n. Regis dompnum Iohannem Gallum Capite et dompnum Ebolum et sapientes quosdam Botonti et Bitetti.* On the appointed day the foresters of Grumo by command of the count offered to show the boundaries against the foresters of Bitetto,

¹ Cf. *Cat. Bar.* p. 572, art. 45. In view of the attribution of the title of justiciar to Hugh in the signature it seems reasonable to emend *et iusticiarios* into *et iusticiarium*, and to apply it to Hugh rather than to John Gallum Capite and Ebolum. Ebolum may very possibly be Ebulus of Magliano the chamberlain. A Johannes Gallu in capite is mentioned in *Cat. Bar.* p. 596, art 907. (Capua.)

but the court ordered both sets of foresters and the *probi homines* of Bitetto, (their names are given), who cultivated the land in question, to describe them together. Then unanimously they pointed out the boundaries between Bisceglie and the adjoining tenement which the men of Bitetto had held in peace without disturbance on the part of the count and the men of Grumo. The boundaries follow. The men of Bitetto further asserted their term of possession to be not only thirty but upwards of sixty years, and by order of the court they confirmed their testimony with the oath on the gospels. The count then *sicut iudicatum fuerat per fustem dimisit eis terras ipsas quiete tenere sicut designaverunt*: written by John, the king's notary. *An. dominice inc. Mill. Cent. tric. sexto Regni autem iamdicti fel. R. n. Rog. an. quinto m. madio quarta decima Ind.*

*Witnesses: Thomas Rutiliani dompnus
Amone Bitricti dompnus
Ugo Blanco Regalis iusticiarius
Erbert miles Birnecti
Lucifer Bosontinus Bitectensium iudex
Ioannocarus Botontinus protonotarius*

6. 1136, Nov. Ind. xv. Taranto. Gattola, *Access.* i. 254. Cit. Chalandon, ii. p. 677: Haskins, p. 643: Mayer ii. p. 396, n. 90, p. 405, n. 1, 3.

The original in the Archives of Monte Cassino among the documents of S. Peter Imperialis at Taranto.

Judgment pronounced in a suit between Peter provost of S. Peter Imperialis and Guarin de Bellaaqua *Dum Ego Roggerius de Bisiniano, & Rogerius de Barolo, & Rogerius de Brahala regalis curiæ Justificatores ad dirimenda negotia & injustitias dirigendas, precepto Domini nostri magnifici Siciliae & Italiae regis ad iudicandum Tarenti sederemus.* Peter claimed that Guarin unjustly withheld the natural son of a certain *villana*, the boy having paid tribute to the church. Guarin denied that the mother of the boy belonged to the church and that *puerum suis prædecessoribus & sibi tributarium fuisse peribebat, absque ulla ex parte ecclesia calumpnia.* The justiciars ordered that the church should prove:

- (1) That the mother was its *villana*
- (2) That the boy was her natural son
- (3) That he had paid tribute to the church.

All this was sworn by Urso Bernachius whom Guarin alone chose out of all that were prepared to swear.

Ut autem hoc nostrum iudicium firmum, & inviolabile omni tempore permaneat, præsens scriptum per manus Guidonis magnifici regis domini nostri Rogerii notarii scribi præcepimus & signa S. crucis propriis manibus nostris fecimus. + Ego Rogerius de Bisiniano camerarius magnifici regis Justitiarius qui supra confirmo. + Ego Rogerius de Barolo regis Justitiarius qui supra confirmo.¹ + Ego Rogerius de Brahala regis Justitiarius qui supra confirmo.

An. inc. ejusdem mill. cent. trig. sept. m. Novembri ind. quintadecima.

7. 1140, Sept. Ariano? R. S., p. 423.

The universal establishment of justiciars and chamberlains.

Rex autem Rogerius in regno suo perfecte pacis tranquillitate potitus, pro conservanda pace camerarios et iusticiarios per totam terram instituit, leges a se noviter conditas promulgavit, malas consuetudines de medio abstulit.

8. *Assise Regum Regni Sicilie. Codice Cassinese.* No. 36. in Brandileone: *Il Diritto Romano*, p. 136, and Merkel: *Commentatio qua juris Siculi, sive Assisarum Regum Regni Siciliae fragmenta ex cod. ms. proponuntur.* Halle, 1856.

Pleas reserved for the justiciars.

Sancimus ut latrocinia, fracture domorum, insultus viarum, vis mulieribus illata, homicidia, leges parabiles, calumpnie criminum, incendia, forisfacte omnes, de quibus quilibet de corpore et rebus suis mercedi curie debeat subiacere a iustitiariis iudicentur, clamoribus supradictorum baiulis depositis, cetera vero a baiulis poterunt detineri.

9. 1140, Oct. Ind. iv. Tauleri. B. *Memorie Istoriche dell' Antica Città d'Atina.* Naples, 1702, pp. 92-5, cit. Caspar. *Reg.* No. 128: B. 49. (Tauleri gives no source.)

Record of the confirmation of customs granted by king Roger to the city of Atina, and of the inquest held by royal command by Ebulus of Magliano the royal chamberlain, to discover the rights of the *curia* in Atina and the boundaries of the city.

King Roger, having captured Arce and Sorella, encamped near

¹ Cf. *Cat. Bar.* p. 577, art. 219.

the River Melfi and with a few followers entered Atina : he assembled the *universitas*—clergy, knights and other men—in the episcopal palace and *omnes bonos usus, & bonas consuetudines, confirmans, & malas penitus abolens præcepit statim Ebulo de Mallano, Regio Camerario, ut omnia jura Regia, nec non, & fines tenimentorum Civitatis ejusdem, diligenter investigaret, & per Viros idoneos inquireret solícite. Qui jussis Regiis obtemperare paratus, jurare fecit ad sancta Dei Evangelia duodecim homines de antiquioribus Civitatis, ut ea, quæ idem Dominus Rex præceperat, fideliter intimarent.*

The twelve men were the provost Benedict¹; Nautarius and Albericus, priests; Bransaricus, a deacon; Hector,² Actenacius, and Assahel, Knights; Peter (who had been made bailiff); Martin de Lando; Giso; Landulph Pupae and Aymerisius. In consultation with many others, they unani- mously declared the rights of the *curia* and of the citizens heretofore in Atina, and described the boundaries.

(a) Rights of the citizens:—

(1) That the government should protect the roads, mountains, woods and water courses for the benefit of the citizens *majores & minores* with the exception of any hereditary rights that there might be in wood and water.

(2) That as long as the stream (*Rivus*—now *Rio*) had water in it, a piece of land should be left on either side, both by the men of Atina and by their neighbours, for the use of the animals coming to water.

(3) That the hunting within the boundaries described should be common to the men of Atina and their neighbours, in such a way that they should hunt by turns.

(4) That rights of pasture, wood and cattle-pens should be in common with the neighbours, but that forest trees and their produce should belong to the occupier.

¹ A *præpositus* or provost had taken the place of the bishop at Atina in the time of Innocent II. Cf. Ughelli-Coleti, *Italia Sacra* x. *Chronicon Atinense* § 46, who says *Episcopalis dignitas suppressa dicitur Innocentii III temporibus loco Episcopi, in ea Ecclesia Præpositus successit, S. Sedæ immediate subjectus*. For Inn. III read Inn. II, since Benedict appears in the inquest of 1140 and the *Chron. Atin.* mentions the deposition of Alberic in 1155.

² Hector of Atina was royal justiciar in 1148. Cf. *Cal.* No. 28 and *Appendix* No. 7.

b. Rights of the *curia* as recognised by ancient custom :—

(1) *Startias*,¹ *Molendina*, *Plateaticum*,² *Cancellorum*, & *Civitatis forfacturas*, & *bona Demanii*, & *medietatem bannorum*³ *hominum*, *Ecclesiarum* & *Militum*.

(2) Service from the knights owing service, and from the other men according to the custom of the Val Comina, as the *curia* now exercises them by its bailiffs.

All these customs when they were written down were presented to Leo judge of Atina and public notary, so that he might draw up a public instrument.

Witnesses: *Ebulus de Mallano Regius Camerarius*, Benedict the *praepositus*, and the two priests.

Ab Inc. ejus an. mill. cent. quad. ind. quarta mense Oct.

10. 1140, Oct. Ind. iv. Reign of King Roger and his son Duke Roger.

Varano. Archives of Cava, *Dictionarium Archivi Cavensis* . . . opus perfectum a R.P.D. Augustino Venereo et exaratum a R.P.D.

Camillo Massaro t. ii., p. 295. Cit. Di Meo, x. ad an. 1140, n. 8.

Henricus de Ollia providente Dei nutu Bardonis Olliae magnae memoriae haeres et filius makes a grant *pro redemptione igitur supradicti Patris mei & Matris meae, pro salute quoq. mea ac Rogerii filij mei charissimi* to abbot Simon of Cava of two fishermen at Varano. Written by Bartholomew, notary of Varano.

Signatures:

Ego Dominus Henricus qui haec concessi.

+ *Signum Sanctae Crucis proprijs manibus Domini Henrici Olliae ubique Domini Regis Rogerii beneuoli.*

An. ab Inc. D. MCXLI. Regnante d.n. Rogerio . . . et filio ejus Rogerio invictissimo Duce, mense. Oct. Ind. iv.

11. 1141, Reign of King Roger and his son Roger Duke of Apulia.

Crudo: *La SS^{ma}. Trinità di Venosa*, p. 240. Cit. Haskins, p. 644, n. 122: Mayer, ii. p. 396, n. 90.

Fragment of a document from Gittio: *Raccolta manoscritta*. Bibl.

¹ *Startias*: I have been quite unable to discover the meaning of this term, which appears sufficiently often in the charters of the Terra di Lavoro.

² *Plateaticum*, *Cancellorum*: Perhaps the comma should be omitted, so that *Plateaticum Cancellorum* would mean tolls at the barriers or entrance to the city, *octroi*.

³ *Banna* would seem to be a *fine* in this passage.

Brancacc. Nap. Another copy exists in Cod. of Vat. Lat. 8222, Priuelegia Ecclesię Monasterii S. Trinitatis de Venusio, f. 59.

*Ego Henricus Olliae, Dei Gratia, Regalis Iustitiarius olim magnificae memoriae Bardoni Olliae heres et filius. Anno 1141. Regnante Domino Rogerio Italiae invictissimo Rege, et Rogerio ejus filio Apuliae Duce Testes Guilielmus Normandiae, Guilielmus, Pandulfus, Manzonus, Basilius Berardus Vicecomes barani.*¹

- 12.** 1142, after Sept. 1, Ind. vi. Ariano. Capitular Archives of S. Peter's, Rome. Cartulary of S. Saviour on Monte Majella of XIIIth century. f. 6 verso.

Printed in the *Collectio Bullarum Sacrosancta Basilicae Vaticanae I. (Dissertatio de Antiquitate, abbatiae S. Salvatoris ad Montem Magellae)* p. xxii. § xx. T. Vitale: *Storia della Regia Città di Ariano e sua Diocesi*, Rome, 1794, pp. 369-370. No. 3. B. 70. Caspar. *Reg.* No. 147.

Mandate issued by king Roger *prelatis ecclesiarum. Comitibus. Baronibus. Justitiariis. Batulis. et universis fidelibus suis* announcing that the monastery of S. Saviour on Monte Majella is received *in nostra protectione. Data apud arianum Indictione Sexta.*

- 13.** 1143, Jan. Haskins: *England and Sicily in the Twelfth Century* in *The English Historical Review*, xxvi. p. 643, n. 112, quoting archives of Cava, xxv., 3, 38, 40.

In curia quam dominus Guilielmus archiepiscopus istius civitatis et dominus Lampus de Fasanella regie iusticie iustificatores tenebant per iudicium baronum et iudicum recuperavit. January 1142.

Jan. 1142 at Salerno = Jan. 1143.

- 14.** 1144, February, Ind. vii. Fourteenth of King Roger. Salerno. I omitted to note the source of this document; it belongs probably to the Archive of Salerno, since Don Leone Mattei, Archivist of Cava, assures me, after careful search, that it does not belong to Cava. Original. Unedited.

Exchange made in the presence of William archbishop of Salerno and John and John judges and other *idonei viri* between *atenolfus suprascripti domini nostri regis camerarius filius quondam johannis qui fuit filius ursi*

¹ This mention of the viscount of Varano makes it probable that the document was issued like No. 10 at Varano.

comitis et guaymarius hujus salernitani archiepiscopi clericus, atque abbas ecclesie sancte marie de alimundo. Atenolf asked leave of the archbishop to make an exchange advantageous to the see, namely to give to the see the land and houses which *ipse camerarius sibi et marotte sorori sue. relicte ugonis quondam suprascripti domini nostri regis Camerarius. pertinere clarificavit* within the city of Salerno, and to receive instead certain lands and houses contiguous with those of the chamberlain and Marotta, also within the city.

An. ab inc. ej. mill. cent. quad. tercio. et quarto dec. autem R. d. n. Rog. Sic. et Yt. gl. regis. M. Feb. septima Ind.

- 15.** 1144, June, Ind. vii. Reign of King Roger. Siponto. St. Arch. Nap. Perg. Mon. Sopp. vol. i. No. 34. Original. Unedited. *Appendix* No. 2. Cit. Haskins, p. 644, n. 122 as No. 40.

Grant made by *Henricus de ollia miles et dominus caprilis atque justificarius domini nostri magnifici regis* of the church of S. Peter on the mountain near the castle of Vico, with all its vines, olives, and lands cultivated and uncultivated, and everything that of right belonged to it, to the church of S. Leonard between Siponto and Candelario (*in lama volari*). Possession of the church was delivered to the prior Andrew, accompanied by his advocate Benesmirus, knight, with all the formalities of Lombard Law, in the presence of Gaderisius, judge of Siponto, and the other *boni homines*.

Written by *Gaderisius Notarius*.

Signatures of:

Henrici de Ollia justificarii Domini nostri magnifici Regis.

Riccardi militis f. predicti Henrici de Ollia.

Maraldi Gaderisius Censor, Censoris filius.

An. Inc. ej. Mill. Cent. Quadragesimo Quarto M. Junii Ind. Sept. Regnante D. Rogg. Vict. et Seren. R. Sic. Atque It.

- 16.** 1144, Ind. vii. Senise and Chiaromonte. *Rivista storica calabrese.* Anno VI., 15 Ottobre, 1898, Serie 2, Fasc. 10, p. 388. The editor of the document, R. Cotroneo, quotes the remarks of Batiffol that in an archive, inaccessible to scholars, of a Roman convent, are to be found many interesting documents for the history of the Greek monasteries of Southern Italy, especially of S. Elia di Carbone,

and continues, 'grazie alle cortesie di un egregio personaggio noi possediamo già in copia varie pergamene a cui il Batiffol accenna.' The Greek text is accompanied by an Italian translation.

Marc. *Plan eines Corpus der griechischen Urkunden*, p. 79, n. 3. Cit. Haskins, p. 643 and n. 114.

Τῷ σχυβ. και ινδ. ζ. ημεις οι κρατοιδες βαθυσιγνου και λαινων οτε Γιβελης λωριας και Ρουβερτος Κλετζης καθεξομοενοι εν συνεσιω και κατακρατουντες, και εκαστω το δικαιον κατα το πρεπον παρερχειν, Gilios of Calabria claimed rights over certain fields which had (apparently in a former suit) been adjudged unjustly to Hilarion, abbot of Carbone, because the abbot produced false documents in support of his claim. After a short stay in Senise, the court moved to Chiaromonte and there in the presence of the magnates, barons, and other notables, as well as of abbot Hilarion, Gilios repeated his contention. The abbot insisted that his documents were genuine and produced them for the inspection of the justiciars. The court allowed the truth of this statement and ordered Gilios to bring forward proofs of his assertions, whereupon he rose up and confessed that he had none, and had only been actuated by anger and spite against the abbot. He was condemned to forfeit all his moveables to the king, and the church was to retain its rights as set out in the charters.

Written by Nicholas the notary of the justiciars.

Signatures :

+ Γιβελης λωριας¹ ο διονομασμενος δικαιω τε² βαθυσιγνου μαρτυρω και κυρω.

+ Ρουβερτος Κλετζης³ ο διονομασμενος δικαιω τε βαθυσιγνου μαρτυρω και κυρω.

+ Ioannes Montis Caveoli Catapanus.⁴

¹ Cf. *Cat. Bar.* p. 587, arts. 586, 601. In the first passage Gibel Lorie holds 3 villeins in Policastro, and in the second he is a tenant of Gisulf of Palude, who holds Palude and Turtarella of count Silvester of Marsico. Both these articles are placed under the general heading of the principality of Salerno, but Policastro was almost certainly in Calabria, and it should be noticed that the chamberlain Alexander and not Alfanus makes the returns. Count Silvester's lands were to a great extent on the borders of the principality and Calabria. Loria is perhaps Lauria south of the Sinni.

² δικαιω τε both here and as the designation of Robert Kletzes should probably read δικαιοτής, a term not infrequently used for judge or justiciar in Calabrian and Sicilian documents.

³ Cf. *Cat. Bar.* p. 587, art. 607 (*de Ebulo*). *Robertus de Cles* may possibly be identified with *Robert Kletzes*. If this is correct he must have held land in Calabria besides the 46 poor villeins in the principality of Salerno at Eboli which are here mentioned.

⁴ *Montis Caveoli* should read *Montis Caveosi*.

- + Ραος υιος Ρουβερτου μαρτυρω κυρω.
 + Signum manus Ugonis de Tursia.
 + Βιβιανος στρατηγος μαρτυρω και κυρω.
 + Αλεξανδρος Κυτζινος μαρτυρω και κυρω.¹

17. 1144, Nov. 21. Ind. viii. Tuesday. Trivento and Agnone. Gattola *Hist.* i. 246-7, from Arch. Monte Cassino, Caps. 102, No. 2. Cit. Haskins, p. 643, n. 113.

The document could not be found in the archive of Monte Cassino June 1906, but Professor Haskins saw it in May 1909 and July 1910. He considers it an early copy rather than an original, and notes that there are no witnesses. By his kindness, I am able to quote certain readings which differ from the version given in Gattola.

Record of a suit at Trivento drawn up by brother Machabeus a monk of Monte Cassino and provost of the monastery of S. Peter de Avellana concerning the half of the church of S. Mark in Agnone, the possession of which he disputed with Maynerius of Palena and Matthew of Pettorano. *Unde coram comite, et justitiario Ug. de Molisi, et Barones Marmons, et Julianum de castro Piniani, et Maynerium de Palene, et Mathæum de Pectoranu*² *et aliis multis hominibus sic fuit causa finita*: and after a complaint had been lodged in the presence of Robert bishop-elect of Trivento and some of the canons *fuit ita iudicatum ei per curiam*³ *domini regis*,⁴ *et nos recepimus medietatem ipsius ecclesie S. Marci in nostris manibus, et per investituram curie*, the rights and portion of the bishop being in all things secured. Then Hugh of Molise verbally ordered *ut ipse Maynerius sic nobis pro S. Petro conservaret medietatem ecclesie S. Marci, et redderet sicut continet carta Gualterii filii Burrelli, qui hanc dederat S. Nicolao, et ita factum est*. Later the provost returned to the castle of Agnone with Roger Archygeronta of Agnone who had been with him to Trivento and on Nov. 24, Friday, Maynerius and Matthew *ex præcepto & iudicio regalis curie & comitis Ug.* restored to us the half of the church in the presence of many knights, a judge and the *boni homines*

¹ Cf. Crudo, p. 256, An. 1178, where among the witnesses to a document mentioning *Osbernus Coezinus Regis Justitiarius Calabrie et Vallis Gratis* is *Alexander Coezinus*. In the version of the document given in Cod. Vat. Lat. 8222, f. 59, the name reads *Coczinus*. Perhaps this Alexander is identical with the chamberlain Alexander. Cf. *supra*, p. 300, n. 3. *Godinus* royal chamberlain.

² *Pektoranu*. Haskins.

³ *Cartam*. Haskins.

⁴ A word seems to be omitted in the document after *regis*. Haskins.

and William f. Burrelli. Next, at the request of Matthew, Maynerius, and William, and the other knights, the provost granted the church *ad ipsos pro anima Burrelli filii Gualterii and pro animabus ipsorummet de ipso foris facto*. In return they promised that they and their heirs would always defend the monastery of S. Peter as far as possible. Subsequently Roger Archygeronta of Agnone was invested with the half of the church which belonged to the provost and swore fealty to the monastery of S. Peter.

ab inc. d. n. J. C. an. sunt mill. cent. quad. quarto¹ ind. oct. concurrent. vi. epacta xxv. xi. Kal. Dec. die iii. Feria quae dicitur Martis.

18. 1145, March. Ind. viii. T.R.R. Fifteenth year of his reign in duchy of Amalfi. Ravello. Camera: *Memorie*. i. 342. Cit. Haskins, p. 659.

Record of a dispute between John son of Urso de lu Pendulo and John Presbiter son of Maurus Carissus, the provost and rector of the church of Saint Andrew in Ravello, concerning a piece of land. John de lu Pendulo had recourse to king Roger at Palermo and complained that the rector had seized a piece of land belonging to him. In support of his contention he produced a charter which duke Roger son of duke Robert had granted to his father Ursus, imposing a penalty of four pounds of pure gold on anyone who should disturb his possession of a certain piece of land, which he had brought from Maurus bonus annus, near the church of Saint Andrew. King Roger sent a letter to Constantine Mutelione strategotus of the whole duchy of Amalfi, ordering him to make the rector pay the four pounds, if the assertion of John de lu Pendulo was true. Constantine thereupon seized the priest and all his moveables and those of the church of Saint Andrew. When, however, *dominus Atenulfus regalis camerarius* came to Amalfi, and the case was pleaded in his presence, the parties at length came to an agreement and the rector paid fourteen ounces of Sicilian money, while the moveables which Constantine Mutelione had unjustly seized were restored to him. Further the chamberlain ordered John son of Maurus de Berosara strategotus of Ravello to give surety on the part of the king to the rector that neither he nor his successors should again suffer injury on account of the said piece of land.

¹ Quadrag̃ iiiii. or Haskins.

Signatures :

+ *Leo iudex filius domini iohannis de la camera testis est.*

+ *Leo iudex mansonis mirandi filius testis est.*

+ *Ego sergius iudex et scriba filius constantini mutelionis scripsi.*

temp. d. Rog. r. Sic. ap. duc. cap. princ. quinto dec. an. regni. eius duc. amalfi m. martio. ind. oct. Rabelli.

- 19.** 1146, Jan. Ind. ix. Sixteenth of King Roger. Barletta. *Pergamene di Barletta*, No. 53, p. 73.

By the kindness of the Prior R.R.P. Don A. Amelli I was able to make extracts from the forthcoming edition of the *Pergamene di Barletta* preserved at Monte Cassino. The edition is already in type, but not yet published. Extr. Haskins, p. 644, n. 115.

Sale of vineyards with all the formalities of Lombard Law by Alfanus Presbiter and Pamphilia his mother, citizens of Barletta, to Julian Parmentarius, their fellow citizen, *presentibus Sansone regali iustitiario et Petro de Salmuro regio catapano eiusdem civitatis necnon Bisantio ac Cadelaito iudicibus aliisque viris idoneis subnotatis testibus.*

Signatures :

Petrus de Salmuro regius catapanus Bisantius, iudex and four others.

D. n. Iesu Ch. ab gl. inc. an. mill. cent. quad. sexto. m. jan. ind. nona. regni. v. d. n. R. reg. mag. an. sexto decimo.

- 20.** 1146, Feb. Ind. ix. Sixteenth of King Roger. Salerno. Archives of Cava. Arca xxv. No. 117. Original. Unedited. *Appendix* No. 3. Cit. Haskins, p. 659.

Judgment pronounced by John and John, judges of Salerno, in the presence of Atenulf the royal chamberlain,¹ Sergius, strategotus of Salerno, and the *idonei homines*, sitting in the sacred palace at Salerno, between Peter, the provost of the church of S. Mary *de Domno* in Salerno, which belonged to the monastery of the Holy Trinity at Cava, and Ursus, a monk of the monastery of S. Mary and S. Benedict in Salerno, acting for the abbot John. Peter and Ursus desired that a term should be put to their dispute concerning a piece of arable land with some oak trees, situated outside the city of Salerno beyond the river Picentino in a place

¹ Haskins identifies this chamberlain with the justiciar Adenulf of Caserta, but there seems to be no evidence for the identification. Cf. *supra*, p. 391, for the history of Atenulf the chamberlain.

called Bespanicum. For this purpose Marinus the treasurer and certain brethren of the Holy Trinity were present. Before, however, the question of the ownership of the land was discussed, the provost demanded that possession should be restored to his church, for he said that the monastery of S. Benedict had seized it. This, he maintained, was done unjustly, because his church had held the land for a long time previous to this ejection, and he had witnesses to prove the point. Urso, on behalf of S. Benedict, denied the justice of this demand, since he said that the monastery had not seized the land, as it had never been in the possession of the church, but always in that of the monastery. On being asked by the judge whether he could produce witnesses, he replied in the negative. The provost, on the other hand, in reply to the same question, there and then produced three witnesses, John, priest of S. Mark, Hugh, and Matthew. These the judges summoned and examined separately *ut moris est*. Their testimony agreed with that of the provost. The judges therefore ordered them to confirm it with an oath on the gospels, while the provost was required to do the same *per interpositam personam per sacramentum ad ipsa evangelia*. Further Urso, by other witnesses and *sacramentales*, by order of the court *ipsum sacramentum remisit*. Whereupon the judges ordered possession of the land to be restored to the church. For the further question of the ownership of the land, the end of the month of August was fixed as the limit of time for carrying on the litigation on this matter. Until the completion of the suit, the church was to remain in possession.

Written by *Salernus notarius et advocatus*.

Signatures :

Johannes Judex and Johannes Judex.

An. ab. Inc. ej. mill. cent. quad. quinto et sexto dec. an. regni d. n. R. Sic. et It. gl. regis Men. Feb. Ind. nona.

21. 1146, Oct. Ind. x. Sixteenth of King Roger. Archives of Cava. Arca xxvi. No. 61. Original. Unedited.

In the presence of John and Peter, judges, Marinus, abbot of the Holy Trinity of Cava, gives the church of S. Andrew, near the castle of Auletta, to '*johannes clericus et subdiaconus hujus salernitani archiepiscopii et atenolfus suprascripti domini nostri regis camerarius consobrinus frater ejus*.

1146. Sixteenth of King Roger. m. Oct. Ind. 10.

- 22.** 1147, March 30. Gattola, *Hist.* i. 395, from the Register of Petrus Diaconus, f. 259, No. 638, in the Archives of Monte Cassino. Cit. Haskins, p. 660, n. 231.

Abbot Raynald de Columente of Monte Cassino narrates how he went before duke Roger, son of king Roger, and complained *quod quidam Johannes de boczo*¹ *quasdam terras de quodam Casale Castellionis nomine, q. pertinet monasterio S. Benedicti montis Casini laboraret, & nihil exinde par. suprascripti monasterii redderet*, and that certain lands in the same village which John had bought he retained as his own and paid nothing from them to the monastery. John, by command of duke Roger *per pilleum q. in manu tenebat*, promised to give to the monastery and the abbot a tithe from all the lands which he had there.

There were present: *Dnūs. Rog. Electus Panormitanus, Electus Trojanus, Henricus de Olgia*,² *Giffredus de Rodano, Marmonte, Berardus S. Rufinæ, Wilielmus de Bantra, Landenulfus de Mortula*; also *Mazulinus*, the judge and advocate of the abbot, and *Roffrid*, judge of Benevento.

An. dom. n. J. C. MCXLVII. M. Martio trigesima die ipsius mensis.

- 23.** 1147, July. Ind. x. Reign of King Roger. Siponto. St. Arch. Nap. Perg. Mon. Soppressi, vol. i. No. 45. Original. Unedited.

Sale by Episcopus, knight, son of the late Grimo, of the city of Siponto, to Adenulf, clerk of the church of S. Leonard, *in lama volari*, containing the incidental mention of Bonesmirus, royal chamberlain: *tibi domino Adenolfo . . . tecum astante atque recipiente Ursone zito filio Bonesmiri militis ac regii camerarii tuo advocato per fustem tradendo voluntarie vendo . . .*

Written by *Gaderisius Notarius*.

1147, m. Julij. Ind. x. Reign of King Roger.

- 24.** 1147, Aug 19. Ind. x. Camera, *Memorie* i. 338.

Record issued by *Guaimarius straticotus*, who *sub domina nostra Marocta olim domini Ugoni regalis Camerarij coniuge et domina Licterensis, justitiam ministrat*, on the occasion of a dispute between Pardus, abbot of S.S. Chirico and Giulitta in Atrano, and Sica, daughter of John de Leone de

¹ Cf. *Cal.* Nos. 37, 45.

² Cf. Nos. 10, 11, 15, 27, 34.

Iu presbiter and wife of Leo, son of John Rapicani, concerning a vineyard situated in Casola, belonging to the castle of Lettere.

An. 1147 die 19 mensis augusti Indict. decima.

- 25.** 1147. S. Chirico. St. Arch. Nap. *Rerum in Rev. Curia Regii Capellani majoris judicatarum Tomus Primus ab an. 1774 ad an. 1786.* Neap. ex Regia Typ. 1787.

Appendix No. 4. Cf. Caspar, *Reg.* No. 213.

Summary of a suit of 1147 concerning the rights of Clement, abbot of the monastery of S. Angelo of Raparo, at Castro Saraceni. King Roger dispatched a mandate to the justiciars that they should inquire into the matters in dispute. They held a court at S. Chirico, and interrogated the abbot, the neighbouring barons, bishops, and knights, and Samson, son of Manghisius, and examined a charter of a grant which the abbot produced. As a result they decided that the church had dominion of the village in question, and their sentence was confirmed by Roger.

These are probably the justiciars of the Val Sinni and Val Laino, Gibel of Lauria and Robert Kletztes, in *Cal.* No. 16.

- 26.** 1148, Ap. 22. Ind. xi. Pescara. Archives of Monte Cassino, caps. 120, fasc. 10A, No. 114 (1). Original A. Codex. Dipl. Cass. Tom. IV. MS. two copies, B, C. Published Gattola, *Hist.* i. 198 § 2. P. evidently based on copy B. B.C.P. are full of errors: hence republished *in extenso* in *Appendix* No. 5.

Extr. N. Palma: *Storia Ecclesiastica e Civile della Regione più Settentrionale del Regno di Napoli*, Teramo, 1832, i. 157: Romanelli: *Scoverte Patrie di Città Distrutte, e di Altre Antichità nella Regione Frentana oggi Appruzzo Citeriore*, Nap. 1805. i. 65. Cit. Chalandon ii, p. 678: Haskins, p. 644, n. 116: Mayer ii, p. 405, n. 1, p. 407.

Record of a suit between the abbot of Monte Cassino and the bishop of Aprutium, drawn up by command of the royal justiciars, count Boamund, Oderisius of Pagliara, count Robert of Aprutium and Richard Turgisio. In the presence of the justiciars and of the bishops Benedict of Marsi, Siginulf of Valva, and Peter of Alife, and Geoffrey, bishop-elect of Chieti, the bishop of Aprutium lodged a complaint that the abbot of Monte Cassino had dispossessed him of the monastery of S. Nicholas of

Trontino of which he said that he had been in possession for more than thirty years in the name of the church committed to him. He offered to prove this by witnesses who should suffice according to the judgment of the court, and by other means. The abbot replied to this that the statement of the bishop was contrary to right and reason because Monte Cassino had been in possession of the monastery of S. Nicholas for more than a hundred years. He added that he had witnesses and means of proof, written and unwritten. The justiciars committed the decision of the case to the bishops of Valva, Marsi and Alife, the bishop-elect of Chieti, count Berard of Chieti, and many others, clerk and lay: after much consultation, these reported that it would be a long business and that both parties would be wearied by adducing proofs by witnesses and oaths concerning possession, when all the while it was rather a question of ownership. Therefore the court decided that the abbot should be sequestrated from the possession of the monastery and that it should be lodged in the hands of the justiciars, as if in sequestration, on the condition that if the present court should pronounce a final sentence, possession should be granted to the party in whose favour the judgment was given. This course, however, would not be pursued, if the case were reserved for the audience of the King.

The bishop adduced in the first place that the monastery of S. Nicholas was built in his diocese, and so could not have been subjected to any external jurisdiction without the consent of himself or his predecessors, and secondly that the possession of the monastery in question was confirmed by the privileges of the Roman Pontiffs, *e.g.* Paschal, Honorius, Calixtus and Lucius, which were produced and read, while there had formerly existed others, now lost through pillage. The abbot on the other hand produced, first the charter by which the founder of S. Nicholas gave it to Monte Cassino, and secondly, a charter by which Peter, a former bishop of Aprutium, granted a farm belonging to his patrimony to S. Nicholas, and incidentally mentioned that S. Nicholas was in the obedience of Monte Cassino. He also displayed privileges of the Roman Pontiffs not only of Calixtus and the others quoted above, but also very many more ancient, to the same effect. The bishops of Valva and Marsi, and the rest, clerk and lay, associated with them, pronounced a final sentence in favour of the abbot and imposed a perpetual silence on the bishop and his successors. The justiciars in accordance with this

judgment invested the abbot of Monte Cassino *de proprietate et possessione supradicti monasterii*.

Written by Pandulf, notary of the Chancellor.

Signatures :

Sicenolf, Bishop of Valva, Geoffrey, Bishop-elect of Chieti, *Tustanus quondam Magister*, Albertus, Judge of Farfa, *Magister Rogerius Canusine Melfensis ecclesie canonicus*, Count Rabo of Penne, Robert, Count of Aprutium, *d. r. justitiarius*, Oderisius of Pagliara *d. r. justitiarius*, Count Berard of Chieti.

Actum an. ab. inc. dui. MC. XLVIII. m. aprilis die xxij. Ind. xi. apud Piscariam feliciter Amen.

27. 1148, Oct., Ind. xii. Reign of King Roger. Dragonara. St. Arch. Nap. Perg. Mon. Soppressi, vol. i. 1131-1157, No. 53, Original A. Unedited. *Appendix*, No. 6. Extr. Haskins, p. 644, n. 123 as No. 60.

Record of a final judgment pronounced by William, judge of Dragonara, and Deletterius, judge of Fiorentino, in the presence and by the command of the royal justiciars, Henry of Ollia and Boamund Britton, who were holding a court at Dragonara, in favour of John, prior of S. Leonard, between Siponto and Candelario (*in lama volari*), against Campus, bishop of Dragonara. The bishop had disturbed the monastery in the possession of certain lands granted to it by William count of Loritello. The prior and his whole chapter offered to prove their cause by producing instruments and competent witnesses, while the bishop was able to adduce no proofs in favour of his contention. In order to prevent further litigation, the judges ordered the boundaries to be certified.

Written by John, notary of Dragonara.

Signatures :

Guilielmus Judex, Deletherius Judex, Arrabitus Florentini, Plan-cardus, Simeon, Leo Ugonis Florentini, Landulfus, Manasses, Riccardus Porcicii, Guarinus, Lupus de Spanio, Sabinus, Rottardus Plantaliani, Abibonus Plantiliani, Bonomus Plantiliani, Scikelmannus, Johannes de Corello.

An. dominice Inc. Mill. Cent. quad. nono M. Oct. Ind. duodec. regnante d. n. Rog. invict. r.

- 28.** 1148, November. Ind. xii. Reign of king Roger. Aquino: curia in palacio Aquinensis episcopi. Archives of Monte Cassino. Codex 640. Privilegia et Diplomata pro Monasterio S. Matthæi Servorum Dei. Twelfth century cartulary. Cod. Dipl. Cass. tom iv. MS. copy. Unedited. *Appendix*, No. 7. Cit. Haskins, p. 644 n. 117.

Record drawn up by Maccabeus judge of Aquino of a judgment pronounced by Atenulf of Caserta and Hector of Atina royal justiciars, in the court which they were holding in the palace of the bishop Guarin of Aquino, who was himself present. Adenulf abbot of S. Matthew through his advocate Robert son of Franco lodged a complaint that the lord Pandulf of Aquino had unjustly molested certain men of the monastery, John and Adoyn the sons of Benedict Johannis Coni, and had seized their goods, because they had refused to do him service.

The justiciars ordered the production of proofs by the monastery. The advocate thereupon produced a charter drawn up in the time of prince Jordan, by which the parents of John and Adoyn granted their lands, vineyards, and houses to the monastery. The justiciars being convinced of the justice of the cause, confirmed the monastery in its rights over these men and the land.

Written by *Aquinus Notarius*.

Signatures:

Adenulfus Casertanus, Ector Atine, Machabeus judex.

An. Inc. ej. Mill. C. quad. oct. M. Nov. Ind. duodec. r. d. n. R. gl. reg. Sic. duc. Ap. et Pr. Cap.

- 29.** 1149, May. Ind. xii. T.R.R. Fifth year of the Principate of William. Maddaloni. Peregrini (C.) *Historia Principum Langobardorum* in Muratori R.I.S.S. ii. pars i. p. 316. *Libellus Dilati judicii, sive notitia judicati*, from the Register of S. Angelo in Formis preserved at Monte Cassino. An edition of the register has been printed at Monte Cassino, but not published. Cit. Gregorio, *Considerazioni*. Op. scelte, ed. 3. p. 151. n. 1: Haskins, p. 659, n. 212.

Record of a suit between Peter Girardi¹ of Maddaloni and John of Sessa, provost of the monastery of S. Angelo in Formis, concerning a piece

¹ Cf. *Cat. Bar.* p. 595, art. 872.

of land. The case was begun in the court of the castle of Maddaloni, in the presence of Richard and Leo judges, and John Frater chamberlain of the prince of Capua. The advocate of the monastery complained that Peter Girardi retained unjustly and by force a piece of land belonging to the monastery: a long dispute followed as to the site of the land in question. Peter, supported by Hugh de Solerio his lord, *qui eum ex parte publica dominabatur*, offered to meet the contentions of the monastery by an oath, but the judges objected that such a course would not settle the *litem proprietatis*. Peter thereupon asserted that he possessed the land *suo nomine*, while the monastery replied that it held it *ad suam proprietatem* and could prove the matter by witnesses. The judges and the four witnesses then repaired to the land and each witness, separately interrogated, affirmed that he knew the monastery held the land *ad suam proprietatem* and offered to confirm his statement by an oath. On returning to the court, the monastery produced two instruments: one of 1108—a grant by the monastery to Lando Girardi, grandfather of Peter, of the said land to hold and cultivate for 29 years at a rent, and another of 1117, by which Lando offered himself and Roger de Miglia as guarantors of a pledge that he would fulfil the obligations set out in the first charter on a penalty of 100 gold tarins of Amalfi. Peter asked for time to prepare his arguments and obtained a delay of eight days. Before the appointed day came, Ebulus the royal chamberlain heard of the matter and ordered it to be brought before him in Capua in the presence of the barons, judges, and *probi homines* of Capua. Peter now urged *per se et per jam dictum Ugonem de Solerio* his lord, that his grandfather, his father, and himself had possessed the land for forty years, asserting that prince Richard had granted it to his grandfather Lando, and that he had fulfilled the service of one serjeant due from it to the *curia*. He produced witnesses who testified one by one that Lando and his heirs possessed the land for forty years doing service for it, but also paying rent to the monastery. Thus it appeared plainly that Peter only held of the monastery. The judges of Maddaloni and Capua being ordered to pronounce a sentence, declared after consultation with barons and *viris idoneis*, that now and always the land belonged to the monastery without any rights on the part of Peter. They added that the service of the *curia* was to stand as before, and Philip the notary was ordered to draw up a record, to which the signatures of four judges and eleven others were appended.

An. ab. Inc. ej. mill. cent. quad. nono. Temp. D. n. Rog. D. g. magnif. Reg; & quinto an. Principatus D. Guil. filii ejus gl. Princ. mense Madio. Indict. xii.

30. 1149, Dec. Ind. xiii. Nineteenth of King Roger. Pontecorvo.

Gattola : *Access.* i. 256-7.

Orig. in Arch. Monte Cassino.

Privilege of Richard of Aquila, count of Avellino, for Monte Cassino : among the witnesses is Ebulus of Magliano.

+ *Ego Richardus Dei gratia Comes*

+ *Ego Evulus de Maliano*

+ *Ego Anneo de Rivo matrice*

+ *Ego Raynaldus Judex*

Ab. Inc. ejusd. D. n. an. mill. cent. quad. nono, quam et nono dec. an. d. Rog. Mag. r. men. Dec. tercia dec. ind.

31. 1151, May. Ind. xiv. Curia monasterii S. Marie de Bolfannana.

Archives of Cava. Arca xxvii. No. 117. Original. Unedited.

Appendix No. 8.

Guimund of Montilari royal justiciar and Roger royal judge of Troia narrate a concord concluded in their presence while they were sitting to administer justice with the barons, knights, and other '*probi homines*,' in the court of S. Mary of Bolfannana, between Marinus abbot of the Holy Trinity at Cava, and Peter abbot of S. Mary. John the treasurer, John the chaplain, Roger prior of S. James, and Marius prior of Fabrica, representing abbot Marinus, lodged a complaint against the abbot Peter, saying that he had entered the land belonging to the monastery of the Holy Trinity, and had built there the *capud* of a certain mill belonging to the church of S. Mary. In support of their claims they produced two privileges—one of duke Roger and another of king Roger, whereupon abbot Peter preferred not to let the matter come *ad placitum et strictum jus*, but entirely withdrew his claim. There were present two royal barons, Rao de Rocca¹ and John de Boccio,² John Presbyter judge of Foggia, Nicholas of Andrew judge of Foggia, William *Avēn*, and Raymund castellan of Troia.

An. MCLI. M. madii quarta dec. ind.

¹ Cf. *Cal.* No. 45.

² Cf. *Cal.* Nos. 22, 37, 45.

- 32.** 1151, Oct. Ind. xv. Twenty-first of King Roger and first of King William. Salerno. Archbishop's Archives, Salerno. Arca ii. No. 86. Original A. *Appendix* No. 9.

Ed. Muratori: *Antiquitates Italicae Medii Ævi*, Milan, 1741, v. col. 317. Incorrectly transcribed in many places and attributed to the Archives of Cava. M. G. Cappelletti: *Le Chiese d'Italia*, Venice, 1866, xx. 300, copies Muratori, with some further inaccuracies. Cit. Paesano, ii. 130. Haskins, p. 644 and 649. Mayer ii. p. 405, n. 1.

B. 111^a.

Caspar, *Reg.* No. 224, and p. 312, n. 3.

Suit between William, archbishop of Salerno, and Landolf f. Ademari, the count, concerning the rights of the latter over the churches of S. Peter, S. Lawrence, and S. Martin, and their priests in the neighbourhood of Nocera.

Peter protojudex of Salerno, and the judges John, Alfanus, Peter, and Salernus narrate how at a court held by the justiciars Lampus of Fasanella, Florius of Camerota (and apparently Guamarius Sarracenus), and the royal chamberlain Alfanus, the archbishop appeared before them and recited a plea held in the previous year in the palace of Terracina during the king's stay there, in the presence of *Costa buccafurno et gualterio de misiano et suprascriptis lampo et florio Justiciariis*. The rights of Landolf were limited to receiving from the priests candles at certain times and a gift at Christmas and Easter, and they were obliged to say mass for him whenever he wished to hear it. In spite of this judgment Landolf had again entered the land of the churches and had ordered his servants to gather the grapes so as to satisfy his claim to receive altar dues from the priests. The present court, having considered the matter, upheld the previous judgment, and ordered Landolf to restore the churches and vineyards to the archbishop, and to leave him in peace. The claim to altar dues was denied again, and the candles and gifts at Christmas and Easter only were allowed. In case of a further breach of the judgment, the fine which the king had ordained in such cases was imposed. In obedience to Lampus and Florius, the judges ordered Landulf the notary to draw up a record.

Signatures of the judges.

An. ab inc. ejus mill. cent. quinquagesimo primo et vic. primo an. Regni

d. n. Rog. Sic. et yt. glorios. Regis et primo an. Regni d. Guil. Regis kar. ejus filius. M. oct. quintadec. Ind.

For notes on the justiciars cf. chap. iv. (1).

33. 1152. Trinchera: *Syllabus*, No. cxlviii. pp. 195-6.

Ex originali membrana Archivi Cavensis, No. 53.

Ascettin called Armus sells, for 10 tarins of Salerno, to Urso f. Pagani of Pertosa land situated in a place called Monte Pardi.

After the date and the witnesses the document ends: 'Εν τοῖς καιροῖς του κρατεωτάτου αυθεντι, ημῶν, ρίξ ρογερίου, και ὁ υἱος αὐτοῦ ρίξ γουλιέλμου και καμνηριλλιγου ο κυρ ἀλφανος καστελλου μάρης και στρατιγὸς δὲ ὀλεττας ιωαννης τῆς ὠρτης ο υἱος βιταλη κρητης.

Date 'Εν ἔτει ,ςχξ' ινδικτιωνι ιδ'.

6660 ind. xiv = 1152 ind. xiv: there is an error either in the year or the indiction, for 1152 = ind. xv.

King Roger and king William are both mentioned, hence the document must have been drawn up after April 8, 1151, ind. xiv., when William was crowned joint king.

34. 1153, July. Ind. i. Twenty-third of King Roger and third (second) of King William. Vieste. Bibl. Naz. Nap. Cartario di S. Maria di Tremiti, xiv. A. 30. manoscritti f. 29 verso and 30 recto. B. Unedited. *Appendix* No. 10.

A second copy of the Cartario exists in the Bibl. Naz. Nap. xiv. A. 27 of the sixteenth century.

A third copy is in the Vatican MS. Lat. 10657. f. 68.

Cf. J. Gay, *Le Monastère de Tremiti au XI^e Siècle d'après un Cartulaire Inédit*. in *Mélanges d'Archéologie et d'Histoire*, Paris and Rome, xvii. année 1897. Extr. Haskins, p. 644, n. 124.

Martin of Avalerio narrates a concord concluded by him with Romanus abbot of S. Mary of Tremiti. By royal command it took place at Vieste in the presence of Henry of Ollia¹ and Boamund Britton, the royal justiciars; Richard of Ollia; Gentile of Cagnano; William of Gradunzone; Jonathan

¹ For further notices of Henry of Ollia, cf. *Cat. Bar.* p. 581, art. 383; St. Arch. Nap. Perg. Mon. Sopp. i. No. 38. 1145, 18th year of king Roger. July. Ind. VIII. a grant by Adenolf, warden of S. Peter near Vico, made with the permission of Henry of Ollia, and the prior and brethren of S. Leonard *in lama volari* to Actus Markesanus; written by Bartholomew notary *domini Henrici de Ollia* in the Castle of Vico.

of Ischitella; Hubert of Calvello the constable; Sindolf, Alfanus and Peter, judges of Vieste and other *boni homines*. Under this agreement he delivers to the abbot and his advocates the church of S. Andrew in Saccione, together with the tithes and mortuary dues of the inhabitants, three vineyards and a garden with olive yards and as much land as three yoke of oxen can plough: also waste land to the extent of the third part of the precincts (*castellarium*) around the church, and a third part of the lands exclusive of the vineyards, gardens, and buildings of the men. Further he agrees to accompany the abbot and his successors to Rome or Benevento at the charges of the monastery and on condition that the loss of his riding-horses is to be made good if they die while on the service of the monastery. For the remaining two-thirds of the *castellarium* he swears fealty to the abbot, saving his fealty to king William and king Roger. Henry of Ollia, Hubert of Calvello and Gentile of Cagnano are appointed sureties.

Written by Sindolfus notarius.

Signatures:

Sindolfus Censor, Alfanus Censor, Peter Judex, Boamund Briton *regalis justitiarius*, Jonathan lord of Ischitella.

Ab inc. Jhesu Xⁱ MCLIII. et vicesimo tertio an. regnante d. Rog. mag. r. scic. duc. ap. et princ. cap. An. vero d. Guil. eiusdem gr. gl. r. cum eodem d. et patre suo regnantis sec. m. julii ind. prima.

N.B.—1153, July, ind. I, 23^d of king Roger = 3rd not 2nd of king William.

35. T. R. R. Sessa. Muratori R. I. SS. ii. pars I. p. 317-8. Caspar *Reg.* No. 225. (From the register of S. Angelo in Formis at Monte Cassino)

Record of a suit between the citizens of Sessa and Teano which took place at Maddaloni, June 1171, Ind. iv. in the presence of count Robert of Caserta, *Magister Comestabilis et Justitiarius Apuliae et Terrae Laboris*.

In the course of the suit reference is made to a grant which king Roger *praesente Evulo de Mallano, in Palatio castri Suessae stans ad fenestram ordinavit, concessit, et donavit Suessanis, ut à partibus Roccae Monfini, & ab eis pertinentiis aquae caperent Suessani, et ad civitatem suam aquam ducerent; & praecepit Evulo de Mallano, ut illud eis assignaret.*

36. T. R. R., and Time of Simon Seneschal. *ibid.*

Reference is also made to a dispute between the same parties before Simon Seneschal, when *Evulus de Mallano* and *Anneus de Rivomatritio* testified that king Roger had granted the water to the citizens of Sessa.

37. T. R. R., Troia, and in the presence of the abbot of Monte Cassino.
Archives of Monte Cassino. Ex chartis Civ. Troje. Caps. cxvi. Fasc. i.
Num I. Original A. Unedited. *Appendix* No. 11.

MSS. copies: (1) enclosed with the original. B; (2) Stefanelli: *Memorie storiche intorno alla città di Troja in Capitanata*, vol. ii. Documenti. Soc. Nap. di storia patria, *MS. C.*

Concord between John de Boccio of Troia and Rainald, abbot of Monte Cassino, drawn up by John de Boccio. He narrates that the abbot maintained that he held wrongfully certain lands belonging to the monastery. Before instituting a suit, the abbot had lodged a complaint before the king, who dispatched letters to the justiciars and ordered them to hear the contentions of both parties and do justice to the church. The justiciars, in fulfilment of the mandate, sent letters to the abbot requesting him to send certain of the brethren to Troia, if he himself did not wish to appear. The representatives of the abbot duly appeared before the court held by the count of Civitate and the justiciar Guimund of Montilari, and produced in support of the allegations of the monastery a donation of duke Roger and confirmations of duke William and of king Roger, granted when he was only duke. After much argument John de Boccio asked the opposing party to agree to a concord, and in this the count and the justiciar supported him. The representatives of the monastery agreed, but maintained that certain articles in the concord demanded more than they were empowered to concede. John therefore presented himself before the abbot and the following agreement was concluded:

(1) That John de Boccio should pay tithes of all the lands and vineyards cultivated by himself or on his behalf by others, in the territory of Castiglione.

(2) That he and his sons, in addition to the tithe, should pay a third of everything, for the souls of his wife, his sons, and his ancestors.

(3) That all the men of himself and his sons in Castiglione should pay tithes of all the lands and vineyards which they cultivated, and mortuary dues and other customary offerings to the church and tolls (*plateaticum*),

and that they should do homage to the church and the abbot just as the other men of the church did, their rights of trade and marriage with the men of Castiglione being safeguarded.

(4) That John himself and his sons should swear fealty to the abbot, if the king permit, while his rights of trading with the men of Castiglione were confirmed.

(5) That his men should share with the men of the monastery in the performance of the king's service, in proportion to their numbers, and in providing the service of one knight due to the king, for which, however, the abbot should make himself responsible.

(6) That in case the amount of service due should be reduced or altogether remitted, John and the abbot should benefit equally from the concession.

38. T. R. R. St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 127 bis.
Original A. *Appendix* No. 15.

Verification of the boundaries of a coppice, made in June 1168, Ind. i. Second of King William [II.] from the month of May, in the presence of the judges Regitius and Manasses at the request of Blasius Sacerdos, appearing on behalf of Peter of Revello. In support of the request he produced an instrument describing *quomodo preteritis annis Guillelmus filius angerii qui tunc temporis camerarius erat domini nostri gloriosissimi regis Roggerii* had assigned the boundaries of the coppice, which had been granted to Peter by king Roger as a reward for services rendered. In addition to the instrument three witnesses, John Portaurie, John Constantini, and John de Landulfo Rotunde, were produced. One by one they declared and perambulated the boundaries in the presence of the judges and their testimony agreed with the instrument.

Written by Adenulfus notarius.

Signatures: Regitius Judex. Manasses Judex.

39. 1154, October. Ind. iii. Fourth (Fifth) of King William. Barletta: in regali curia. Archives of Monte Cassino. *Pergamene di Barletta*. No. 73 p. 93. Cf. *Cal.* No. 19. Cit. Haskins, p. 644, n. 120, as No. 75.

Deferred judgment pronounced "*Dum ego Petracca barolitanus iudex residerens in regali curia eiusdem civitatis Robberto senescalco regis*

iustitiario et Leone regio catapano eiusdem civitatis mecum considentibus aliisque viris idoneis subnotatis testibus. Gabrihel camerarius advocatus monasterii sancte Trinitatis de Monte Sacro f. Laurenti Beneventane curie advocati pro parte ipsius monasterii agens postulavit ab eodem iustitiario placitum eiusdem monasterii finiri quod apud Barenses regalem curiam coram ipso nostro et barensibus iudicibus inceptum fuerat contra Leontium f. Ursonis melfictensem civem. scilicet quod idem advocatus pro parte ipsius monasterii appellasset eundem Leontinum malo ordine detinere res stabiles prefate ecclesie Melfictensis arbores olivarum prope locum dictum Granum in pertinentiis civitatis Melficte quas Senatulus et Saracenopulus fratres f. Amati in testamentis suis ordinaverant ipsi monasterio. The advocate went on to assert that it had been shown in the previous court at Bari before the judges of Bari and the justiciar now present that these brothers had left to the monastery certain property which Leontius as *epitropus* of Senatulus should have handed over to it. On the same occasion, he said, Leontius had replied that he held and possessed the *hereditas* in virtue of an exchange made with the monastery. The advocate had denied this statement and the court had ordered Leontius to prove it if he could: he had bound himself by sureties to produce legal written proof. After this statement of the case, the justiciar *ex parte regia* ordered the judge Petracca to decide the case. Petracca thereupon demanded and received from Leontius confirmation of the truth of the advocate's statement. Leontius, however, said that he could not immediately bring forward the written proof. The judge thereupon *consilio habito* ordered him to restore the *hereditas* to the monastery. He now alleged that he held the property by right of pledge for his wife's dowry and so ought not to make restitution. The judge disallowed such discrepancy in the ground of defence after and before sentence, and repeated his judgment in favour of the church. The restitution was thereupon made *per fustem* so that no doubt might remain, and Leontius gave a pledge himself in five gold regales that neither he nor his heirs would further molest the monastery.

*Divini verbi incarnati an. mill. cent. quinquagesimo quinto m. oct. ind. tertia regni v^o. d. n. Guillelmi invict. regis an. quinto.*¹

¹ There is an apparent discrepancy in the various elements of this date. Since the year in Apulia began with the indiction on Sept. 1, Oct. 1155, Ind. iii. = Oct. 1154, but the regnal year of William I. ought, in Oct. 1154, to be the fourth year and not the fifth, as here given, because his reign began on April 8, 1151. It appears, however, from the examination of a considerable number of documents in the *Codice Diplomatico Barese*, i. and v., that it was customary in Apulia

Quod scripsit Iohannis notarius qui interfuit.

Witnesses :

+ *Petracca iudex.*

+ *Ego Leo prefatus regius catapanus Baroli.*

Niger miles et capitaneus f. Mandonis iudicis testificatur hoc.

40. 1155, March. Ind. iii. Fourth of King William. Salerno : in palatio Terracinae. Gatto: *Access.* i. 258. B. L. Tosti : *Storia della Badia di Monte Cassino*, Naples, 1842, ii. 196. C. Archives of Monte Cassino, original A. B. 133^a.

Record of a judgment pronounced at a court held by king William with the counts and magnates of the kingdom in a suit between Rainald, abbot of Monte Cassino, and *Herbiam de Bolita*¹ *supradicti domini nostri regis justitiarium*. The abbot lodged five separate complaints.

(1) That certain villeins and lands which had been recognised by king Roger to belong to the abbey's castle of Pontecorvo were claimed by Hervey as appertaining to his castle of Rocca by a donation of Marotta, formerly lady of Pontecorvo, to W., lord of Rocca. The *curia* decided that if the abbot could prove his assertion by suitable witnesses, he and his successors should enjoy undisturbed possession. Hervey, moreover, was forbidden to challenge any of the witnesses to combat.

(2) That Hervey had not respected the boundaries between Rocca and the territory of the abbey described by Ebulus of Magliano and Marius Borellus by command of king Roger. Hervey maintained that the boundaries had been drawn unjustly. The king ordered that the delimitation then made should stand, and if Hervey could prove that it had been made unjustly, he should be heard when the court was able to attend to the matter.

(3) That Hervey exacted corn, wine, and beasts by way of rent from two churches belonging to the abbey, which king Roger had taken under his own protection and freed from all public burdens. Hervey replied that his exactions were an equivalent for protection afforded the churches, and

to reckon the regnal year like the year of the Incarnation from Sept. 1, and not from the actual date of the king's accession. This conclusion is borne out by Nos. 42, 44, 46, 47, 51, and 59 of the present *Calendar*; the evidence of No. 42 and of the last three is of special importance, because the dates of these documents do not involve any rectification of the year of the Incarnation, and yet in every case the regnal year is ahead by a single unit.

¹ Cf. *Cat. Bar.* p. 595, art. 867, p. 597, art. 933.

that the animals grazed on his land. The court adjudged that nothing was due for protection, because the whole kingdom was under the protection of the king, but that a just payment must be made by the churches for pasturage.

(4) That Hervey forbade the men of Pontecorvo to let their animals graze on the lands of certain churches belonging to the monastery, and to cut wood. Hervey answered that the defence of these churches had been granted to the lords of Rocca by the abbots of Monte Cassino. The court pronounced that if Hervey could prove his contention by instruments or witnesses, the rights of pasturage should be his, while the wood should be common to his men and the abbot's. Otherwise the lordship of the lands was to remain with the abbot.

(5) That the use of a certain wood belonging to the knights of Pontecorvo was forbidden to the knights by Hervey, whereas formerly the lords of Rocca on behalf of the knights had kept out the men of Rocca.

Hervey answered that he did this because his ancestors had done it, and because he lent his protection to those woods. The court judged that on this account he ought not to forbid the woods to the knights of Pontecorvo, *eo quod omnes defensiones totius regni domino regi pertinent, et nullum lucrum pro defensione rerum S. Benedicti ipse Herbias consequi debeat.*

Two copies of the judgment were made *per manum Roberti regalis notarii* and witnessed by *Majo Dei et regia gratia amiratus amiratorum* and *Aschettinus gloriosissimi regis W. cancellarius.*

An. Inc. dominice mill. cent. quinq. quinto m. Martio Ind. tertia. reg. vero d. W. d. g. Magnif. et gl. reg. Sic. duc. Ap. & princ. Cap. an. quarto fel. Amen.

41. 1155, March, Ind. iii. Mottola? Archives of Cava, Arca xxviii. No. 120. Original A. Unedited. *Appendix* No. 12.

Cit. Guerrieri: *Possedimenti Temporalis e Spirituali dei Benedettini di Cava nelle Puglie*, Trani, 1900, p. 142, and Haskins, p. 660, n. 226.

Concord between William of Lecce, lord of Palagianò, and Campus, prior of S. Angelo of Casalrotto, concluded in the presence *domini Rogerii flandrensis Regii Justitiarii et Comestabuli* concerning certain lands at *Plano*. The motives inspiring William are justice *et quod majus est, preceptum domini Riccardi dapiferi Mutule et palaiani dominatoris in presenti consequendo. pro eadem ecclesia. de predictis terris factum.* The

boundaries are recited and a record is ordered to be made by Bonius, judge and notary of Mottola.

Signatures :

Gosmanni judicis. Accarini militis filii fulconis. Riccardi buccarelli. fulconis palajani.

An. salut. inc. d. et salv. n. Jhesu Xⁱ Dei eterni. Mill. Cent. quinq. quinto. M. marcii Ind. tercia.

- 42.** 1155, April 5. Ind. iii. Fourth (Fifth) of King William. Bari. *Cod. Dipl. Bar.* v. No. 112; G. B. Siragusa : *Il Regno di Guglielmo I. in Sicilia, illustrato con nuovi documenti.* Palermo 1885, pt. I, p. 165; Cit. Luigi Volpicella : article in *Il Bugiardo Nap.* Anno I. N. 37. 27 luglio; Mayer ii. p. 393, n. 71, p. 405, n. 1; and Haskins p. 644, n. 120. Cf. Del Re : *Cronisti et Scrittori Sincroni Napoletani.* p. 395, n. 21; and K. A. Kehr : *Urkunden*, p. 80, n. 3.

William of Tivilla and Robert Seneschal royal justiciars narrate how they executed a sentence pronounced by Leo royal protojudex of Bari and father of the admiral Maio. Whereas Nicholas abbot of All Saints *de Cuti* had very often made complaint to the justiciars of Richard Turgisius and his wife Sivilia and of their predecessors, he now lodged a complaint because the suit which he had had with him and his predecessors concerning the church of S. Nicholas *de paleariis*, and the lands, woods, waters, and vineyards, which belonged to the monastery of All Saints near Gioja, could not be, so the abbot asserted, brought to a final conclusion. The justiciars then recited the previous occasions on which there had been a failure of justice.

(1) The abbot had not been able to obtain possession of the property in accordance with the sentence pronounced in his favour by Leo royal protojudex of Bari with the advice of the barons and knights, even when

(2) Preceptory letters were addressed to the justiciars by king Roger b.m. and king William in order that the abbot should not go on complaining of his defect of right in this business.

(3) In obedience to this mandate, the justiciars had summoned Richard Turgisius to appear *coram domino Ascetino Regio Vice Cancellario et domino Riccardo Andrie comite et domino Gilberto de Balbano Regio magistro comestabili aliisque quam pluribus baronibus et militibus apud barolum curia congregata* in order to bring the suit with the abbot to a

conclusion in a fitting manner. He, however, had asserted that he was not prepared to plead and refused on that account to acquiesce in the termination of the suit: the court then granted him a delay.

(4) At this juncture Maio, admiral of admirals, had sent orders to the justiciars that they were to deliver the property to the abbot in accordance with the sentence of his father b.m. In spite of everything, Richard allowed the time granted by the court to elapse without making any denunciation and finally

(5) When he failed to appear in answer to further letters sent to him by the justiciars by the hand of his bailiff, the justiciars proceeded to make over the property to the abbot in his absence. This was done in the presence of Melispezza royal judge of Bari, William Seneschal knight and royal baron, Guy lord of Casamassima, Geoffrey of Loseto, Judex Major of Bitonto royal constable, Peter Brisard, Aschettin knight, and Corticius knight of Bari, and the church, the lands, vineyards, woods, and waters were delivered *per fustis traditionem* to the abbot and his advocate William in accordance with the original judgment, since the abbot had proved by fit witnesses in legal form that the monastery had been in possession of the property *ante assisam domini Regis, et postea jure quieto*. The boundaries were then set down with great elaboration, and Pascal, notary of Bari, was ordered by the justiciars to draw up this record.

Signatures :

- + *Regalis qui supra barensium judex Melipeza.*
- + *Signum proprie m. d. Wilelmi de tibilla regii justiciarii qui supra.*
- + *Signum proprie m. d. Roberti Seneschalchi regii justiciarii qui supra.*
- + *Signum manus mee qui supra judex major Regalis comestabulius.*
- + *Signum proprie manus mee Goffridi lusiti.*
- + *Ego Petrus brisardus miles testis sum.*
- + *Signum sancte crucis factum manu ascitayni militis.*

*An. ab Inc. Mill. Cent. Quinqua. quinto. Regni autem fel. D. G. Regis Vict. Sic. et It. an. quinto M. ap. quinto die ejusdem ind. tertia.*¹

43. 1156, Oct. 3, Ind. v. Sixth of King William. In ipso castello Trentenariae. Ughelli-Coleti *Italia Sacra* t. vii. col. 400.

Will of Robert of Trentenaria made in his castle of Trentenaria. He appointed as *distributores*, Romuald archbishop of Salerno, Celsus bishop

¹ Cf. Note to *Cal.* No. 39 on the rectification of the date.

of Pesto, Marinus abbot of Cava, and *D. Alphanum Regalem Camerarium socium ejus*,¹ also Walter Buccafollis and Guy of Campora.

An. ab inc. ejus 1156 & 6 an. Regni D. n. G. Sic. & It. gl. r. 3 die intrante mense Oct. 5 Ind.

44. 1156, Oct. 6, Ind. v. Sixth (Seventh) of King William. Castellum Precine. Bibl. Naz. Cartario di S. Maria di Tremiti, xiv. A. 30 manoscritti f. 42 verso, 43 recto. B. Unedited. *Appendix* No. 13.

The original is preserved in the Chigi Library at Rome, E. 6. 182, f. 55. A. Two further copies of the cartulary exist, cf. *Cal.* No. 34. Extr. Haskins, p. 646 n. 136.

Concord drawn up between Peter abbot of S. John *in Plano* and Berelmus abbot of Tremiti, to terminate a long dispute concerning the sluices of a mill on the River Caldule. Abbot Peter having refused to remove the *extortorium* which prevented sufficient water reaching the mill belonging to the monastery of Tremiti, the abbot of the latter lodged a complaint with Robert f. Malfridi *terre totius comitis Goffredi alesine camerario*, who summoned abbot Peter *ex parte domini regis et domini nostri Comitis Goffredi*, to appear at the appointed time in *curia domini nostri regis et comitis*. Berelmus represented that however much the water might belong to Peter at his mill, he had no right to dispossess the church of Tremiti, *sine legali judicio*, whether that church held justly or unjustly. At length the chamberlain suggested a compromise and after much consultation the two abbots and their advocates agreed in the presence of Gilbert, judge of Precina, Bartholomew judge, and the *boni homines*, that the *extortorium* should be closed by a wall, but that it should be provided with a gate one foot square.

Written by Nichodemus *in Castello precine*.

*An. dominice inc. mill. cent. quinquag. vii. Ind. v. Regn. d. n. G. gl. et invict. r. Sic. Calab. ap. et princ. cap. An. vii regni ejus. M. oct. die vi. intrante.*²

Signatures:

Petrus abbas, Judex Gilibertus, Malfridi filius Robertus, Johannes de Pantano miles.

¹ *Socium* should read *socerum* because Coligrima, wife of William of Trentenaria, is described in this same document as the daughter of Alfanus.

² Cf. Note to *Cal.* No. 39 on the rectification of the date.

45. 1156, Dec., Ind. v. Sixth of King William. Troia. Archives of Monte Cassino, Ex Chartis Civ. Troje Caps. 116, Fasc. i. No. ii. A.

Two MS. copies: (1) Cod. Dipl. Cass. Tom. iv.; (2) Stefanelli: *Memorie storiche intorno alla Città di Troja in Capitanata* vol. ii. Documenti. Soc. Nap. di storia patria No. 51 bis.

Published by B. Capasso *Sul catalogo*: App. I, p. 367. Cit. Haskins, p. 659, n. 219, Mayer, ii. p. 405, n. 2, 406, n. 5.

Robert and John de Boccio, sons of the late John de Boccio, and inhabitants of Troia, narrate the concord¹ agreed upon between their father and Rainald cardinal and abbot of Monte Cassino, after the matter had been much discussed in a royal court held at Troia by the count of Civitate and the justiciar Guimund of Montilari. After reciting the terms of the concord they proceed to say that their father was prevented by death from fulfilling it. They wish to do so *ex precepto curie domini nostri magnifici Regis W.*, and the abbot agrees to the terms formerly laid down and further grants that since Robert's son Roger has died, the agreement shall hold good towards any other son he may have, who shall survive him. If, however, he does not have any more sons the abbot promises that his daughter Lauretta shall, during her life, enjoy the same advantages, and that they shall extend to her husband if she have one.

Written by *Peter*, notary, son of the late *Petracca de randisio* in the city of Troia.

Signatures :

+ *Ego qui supra Mallanisius Regalis Judex.*²

+ *Ego Johannes Leporinus Regalis Judex.*³

+ *Hoc signum crucis proprie manus Leonis de fogia Regalis camerarii est.*⁴

+ *Haec crux proprie manus raonis de rocca est.*⁵

+ *Ego ypolitus filius landulfi interfui.*

+ *Signum crucis proprie manus robberti de amori caccisio est.*

An. ab inc. ejusdem ihesu xpi Mill. Cent. Quinquagesima septimo. Et sexto an. regn. D. n. G. d. g. Sic. et it. r. invict. M. dec. quinta ind.

¹ Cf. *Cal.* Nos. 22 and 37.

² *Ibid.* No. 51.

³ *Ibid.* No. 51.

⁴ Cf. *Cat. Bar.* p. 580, art. 343; p. 582, art. 401.

⁵ Cf. *Cal.* No. 31.

46. 1157, Nov. Ind. vi. Seventh (Eighth) of King William. Barletta: in the church of S. John of the Hospital. St. Arch. Nap. Perg. di Corato, No. 37. Original A. Unedited. *Appendix*, No. 14. A faulty copy is found in the Repertorio of the Perg. di Corato under No. 36. B. Cit. Chalandon, ii. p. 686. Haskins, p. 645, n. 134, and p. 660, n. 226.

Judgment pronounced by Geoffrey of Molfetta and Jonathan of Venusio, royal judges of Barletta, sitting on royal business in the church of S. John of the Hospital in Barletta, in the presence of Bersacius, master chamberlain of all Apulia and the Terra di Lavoro, the lord Roger the Fleming and the lord Peter of Castronuovo and the other barons and judges. The men of Corato produced a royal mandate directed to Bersacius, ordering him to inquire into the complaints brought by them before the king against the barons their lords, the men asserting that their lords demanded an unaccustomed aid and forbade them to alienate property which they had acquired since the assignment of their fiefs. They admitted, however, that they were bound to pay an annual rent by the conditions under which they had received their fiefs. The chamberlain summoned all the barons of Corato to the royal court at Barletta, and the men of Corato repeated their complaint. The barons, on their side, said that they had never imposed an unreasonable aid, but that they wished to live justly and peaceably with their men in accordance with the royal decision. The chamberlain ordered the judges to terminate the suit, and after consultation with Roger the Fleming, Peter of Castronuovo, and the other barons, they decided that the men of Corato were bound to pay an annual rent, but that they ought not to give an aid. They had, moreover, the right of alienating freely possessions acquired since the assignment of their fiefs.

Written by Costa, the royal notary.

Signatures:

+ Gosfridus qui supra Regalis iudex

+ Ego Jonathas Venusii et Baroli Regalis Iudex Hec dicta . . .
firmiter.

*An. inc. ej. mil. cent. quin. oct. et oct. an. reg. d. n. Gulielmi Gl. Reg. Sic. atque duc. Ap. ac princ. Cap. Mense Nov. Ind. sexta.*¹

¹ Cf. Note to *Cal.* No. 39 on the rectification of this date.

46a. 1157 or 1158. Eighth of King William. Barletta: Ughelli-Coleti. *Italia Sacra*, vii. col. 793. *Cannenses Episcopi*, 'ut in veteri cartula *Archivii Caprensis*.'

In 1258, in the reign of Conrad, *Dom. Vener. Mag. fr. Dalmatius sacra domus templi* produced a certain charter belonging to his house of the Temple of *an. 1158, an. 8 Regni D. nostri Guillelmi excellentissimi Regis Siciliae, Duc. Apul. & Princ. Cap.*, in which John bishop of Canne narrates how his predecessors had had a long-standing dispute with the brethren of the Temple concerning the church of S. Mary *de Salinis* in the neighbourhood of Canne, and how he had granted *presentibus Willelmo Trojano Episcopo. D. Rogerio Flandrorum*¹ & *D. Petro castri Maris magnifico Capitaneo*,² *Angosto de Archis Domino Urbis Cannarum*³ *predictam Ecclesiam vobis fratribus templi in capitulo Baroletti.*

47. 1158, Jan. Ind. vi. Seventh (Eighth) of King William. Modugno. St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 88.

Ed. Del Giudice: *Cod. Dipl. del Regno di Carlo I. e II. d' Angiò*, vol. i. App. i. No. ix.

Judgment pronounced by Petracca, judge of Modugno (*Castelli Medunei*), in the royal court there, surrounded by many *boni homines* of the place, in a suit between William prior of S. Lawrence at Aversa, and William provost of the church of S. Angelo at Frassenito, and Blaise, knight and catepan of Modugno. The two Williams, by the mouth of their advocate Martin, make their proclamation, saying: 'Lord judge, Blaise a knight and catepan of the *castellum* unjustly seized and holds animals and oil belonging to our church of S. Angelo, concerning which we want, if you please, justice. We explained all this wrong *domino Simoni regio senescalco et magistro capitaneo tocius apulie et domino Virsacio regio magistro protocamerario tocius apulie et terre laboris. et domino Goffrido regio justiciario*, and made complaint to them all about it, and gave letters from them to the catepan to make him restore to us those animals and the oil, in this way, namely, that if there be anything which he wishes to urge justly against us, he should do so in the royal court of the said *castellum*. Now are we prepared to abide by the law in whatever he shall bring

¹ Cf. *Cal.* Nos. 41 and 46, and chap. iii. (2) *supra*.

² Cf. *Cal.* No. 46, and chap. iii. (2).

³ *Cat. Bar.* p. 572, arts. 34-52.

against us, and to perform whatever the court shall adjudge.' After hearing this proclamation the judge questioned the catepan, who produced the letters in court, and ordered him to make answer concerning the injunction (*compellacio*) which he had received. The catepan replied that he had not seized the animals and oil unjustly, because the monastery ought to pay *12 stavia* of oil annually to the state for the olive trees, which belonged formerly to Alberic of the *castellum*. He, the catepan asserted, had always paid this tax, and the monastery had done so up to the present time. The advocate of the monastery explained that sixty years ago the monastery had received the trees from Alberic, without any obligation of payment to the state, for Alberic had obtained them from a certain man of Bari, and produced a document in court which bore out all his assertions. The catepan, again questioned, admitted that he had no further proof to offer that the olives were tributary to the state. Whereupon the judge narrates how *Interrogavi eciam et conjuravi complures homines predicti castelli per sacramenta et fidelitatem quam prefato domino regi debebant ut si scirent quod aliquod tributum pars ipsius monasterii pro ipsis olivis parti publice dare solita fuisset nobis dicerent*. They all replied in the negative, and by the advice of the wiseacres present the judge ordered the side of monastery to swear on the gospels with twelve *juratores* that it had never paid nor ought to pay any tribute or oil to the state from these olives. The prior and eleven others swore one by one to this effect, *sic me deus adjuvet et hec sancta dei evangelia*. For greater security this record of the judgment was made by Felix a notary of Bari and witnessed by :

+ *Petracca judex medunei.*

+ *Luca miles testis sum.*

+ *Pascalis miles.*

+ *Signum manus nicolai ama panis.*

+ *Signum manus pauli factum pro testimonio.*

+ *Signum manus . . . us mund . . . factum [pro te]stimoni[o].*

*An. dei Eterni d. n. jhesu xpi Mill. cent. Quinquagesimo Oct. Regni autem fel. d. n. G. Sic. et It. R. invict. an. oct. M. Jan. Ind. Sexta.*¹

48. 1158, May 10. Ind. vi. Salpi. *Pergamene di Barletta*, No. 85, p. 108. Cf. *Cal.* No. 19. Cit. Haskins, p. 660, n. 226 ; Chalandon ii. p. 676, n. 1.

¹ Cf. Note to No. 39 on the rectification of this date.

Raynaldus f. Fredaldi regalis camerarius,¹ while he was at Salpi on the king's business, received letters *a domino Stephano Amirato et magistro capitaneo tocius Apulie*, brother of Maio, the great admiral of admirals, granting permission to Morilianus, son of Germanus, an inhabitant of the city of Salpi, to erect an oven on his own property in Salpi, as a reward for faithful service rendered to the king. Raynald proceeds to give effect to this mandate, *in presencia Maroldi venerabilis episcopi eiusdem civitatis, et subscripti iudicis Montis et catapani Salparum et iudicum eiusdem civitatis scilicet Adde et Abbane aliorumque bonorum virorum.*

- 49.** 1158, Dec. Ind. vii. Di Meo : *Annali*. x., an. 1158, n. 8, quotes from the Archivio di Cava a Bull of Henry archbishop of Benevento, who gave to abbot Marinus the churches of S. Mary, S. Peter, and S. Andrew, at Paterno, by the intervention of *Ubaldo*, Cardinale di S. Prassede, e di *Alfano*, Camerario del Re Guglielmo.

An. ab Inc. D. M.CLVIII. mense Dec. Ind. vii. Pont. D. Hadriani . . . Papae IV. an. v. nostri autem Archiepiscopatus ann. iii.

- 50.** Time of Simon Seneschal 1158 or 1159. Brittoli. Ughelli-Coleti *Italia Sacra*, x. col. 368, *Chron. de Carpineto*.

Account given by the Chronicler of a suit between abbot Oliver of S. Bartholomew of Carpineto and Berard of Vicoli. Berard presented himself before Simon Seneschal who had recently been made *praepositum universo Regno usque Pharum Messanae* and claimed *Castellum Britulum & Ripaltum & Fabrica* which had belonged to Gentile and Richard of Brittoli, and also *Carpinetum & Fara, Castella* of the church of S. Bartholomew.

The abbot urged his claim before Simon, who, desiring to know whether the abbot or Berard spoke the truth, sent letters to *Samarus Regis Camerarius, ut diligenter inquireret, quid huic Monasterio pertineret de Castellis Carpineto & Fara, & veritatem inventam propriis literis ei significaret.* Samarus thereupon came to Brittoli and began to hold a diligent inquiry: he ordered four men (whose names are given) from Brittoli and as many from Carpineto (also mentioned by name) to appear

¹ Cf. *Cat. Bar.* p. 574, art. 118; cf. arts. 119-124 (Monte Peloso) and p. 581, art. 387; cf. p. 582, arts. 404-406.

before him. *Hi jurati dicere veritatem pariter, & concorditer sunt testati* in the presence of the abbot, Berard of Vicoli and the chamberlain Samarus, that Fara and Carpineto with all their belongings were the property of no one but the monastery.

This testimony was sent by Samarus *litteris suis proprio sigillo signatis* to Simon, who recognised the right of the church, restored it to full liberty, received it into the demesne of the king under royal protection, and made restitution of the *Castella* of Fara and Carpineto. All this was noted in the quaternions for the benefit of posterity and the king was informed of the matter by Simon *propriis litteris*. The king then had it drawn up in a public instrument and given to the abbot. Later he sent letters to Samarus ordering him to take the monastery and its possessions under the care and protection of the king, and to 'defend' it.

There followed peace for two years till Robert of Loritello came back.

- 51.** 1159, March 8. Ind. vii. Eighth (Ninth) of King William. Troia. Stefanelli: *Memorie storiche Intorno alla Città di Troja in Capitanata* Vol. ii. Documenti n. 51 bis. Soc. Nap. di storia Patria MS. Doc. 26, p. 85. B. Original is probably in Capit. Arch. Troia.

Concord between William III. bishop of Troia and Pelagius abbot of S. Angelo in Orsara *presentibus etiam de Confratribus nostris D. Laurentio, et D. Ordonio, et Petro de Alba coram Lupo de Mallanisis,¹ Secundino Rogerio, atque Ioanne Leporino² Regalibus Iudicibus, et subscriptis testibus, interveniente Nobiscum Raone de Rocca Regio Justitiario³ in hoc negotio ipsius nostri monasterii Advocato.*

Notary: *Joannes Notarius Pinzardi filius.*

Signatures of *Frater Pelagius Abbas, Frater Laurentius, Ordinius, Frater Petrus de Alba, Mainardus de Grino, Guillelmus de Menescalco, Maffredus filius Joannis de Mastro, Lupus Mallantius Regius Judex, Regalis Judex Caesar Rogerius, Secundinus judex, Joannes Leporinus Regalis Judex, Nicolas Judex.*

- 1159, March 8. Ind. vii. Ninth of King William.⁴

¹ Cal. No. 45.

² *Ibid.*

³ Cf. *Cat. Bar.* p. 582, art. 397, and *Cal. No. 31*. In 1170 *Lucas de Rocca Regius Justitiarius interfui* is found among the signatures of a charter of William III, bishop of Troia. Stefanelli, p. 91.

⁴ Cf. Note to *Cal. No. 39* on the rectification of this date.

- 52.** 1161, Oct. Ind. x. Eleventh of King William. Di Meo: *Annali* x, ad an. 1161, n. 8.

Quoting from *Rinaldi*, ii. 171, l. 7, c.1. *Mem. Istor. di Cap.*, who 'dall' Archivio Capuano reca una Carta, in cui *Giovanni* di Burgetta, Stratigoto di Capua fa istanza avanti *Ruggieri* Mastrogiudice, *Guglielmo* Giudice di Capua e *D. Marino* Regal Camerario contra *Giovanni* di Stefania filio del qu. *Giovanni*, cognominato di *Aversa*, di aver edificato in luogo del pubblico; ma questi dimostrò, ch'era proprio. Fu scritto da Pietro Notajo: *An. ab Inc. D. MCLXI. & XI. an. Regni D. n. Guilielmi . . . mense Octub. Ind. x.*'

- 53.** 1162, Jan., Ind. x. Eleventh of King William. Salerno. Di Meo: *Annali* x. ad an. 1162, n. 4.

Nell' Archivio della Cava si ha, che *Ebulo* di *Malliano*, figlio del qu. Conte *Lamberto*, con suo nipote *Ebulo* Chierico dell' Arcivescovado di Salerno, figlio del qu. suo fratello *Aliberto*, conferma in Salerno all' Abbate *Marino* i beni in *Lirino*, e' *Tufo*, col jus aquatico del fiume stesso *Lirino* ec. conceduti sette anni prima. Fu scritto in Salerno da *Matteo* Notaio, presente *Truppoaldo* Giudice: *An. ab Inc. MCLXI* (finiva al Marzo) & *XI an. D. n. Guilielmi Sicil. & Ital. gl. Regis, mense Januar. x Indict.*

N.B.—Ebulus does not here bear the title of chamberlain: perhaps he had retired by this date. Haskins, p. 659, n. 212, cites a document of 1161 (Archives of Cava, H, 36) where Ebulus appears without the title: possibly this document is identical with the document given by Di Meo.

- 54.** 1163, Feb., Ind. xi. Twelfth of King William. Sulmona. *Chron. Casaur.* R. I. SS. II. Pt. 2, col. 1009-1010. Cit. Niese, *Gesetzgebung*, p. 34.

Samarus Trani Camerarius suus, i.e. of king William, narrates how he settled a complaint brought by Leonas, abbot of S. Clement of Pescara against Senald a priest of Sulmona, in the presence of two abbots, a judge of Termoli, two judges of Sulmona, and others. Senald held a tenement in Sulmona from S. Clement, for which he had to do service and pay a rent for a term of years. He had withheld the rent and when the period had elapsed the abbot deprived him of the tenement. Senald complained that he had been unjustly despoiled. The abbot, wishing to remove his ground of complaint, *justitiam inde sibi facere spopondit; et die constituto uterque*

in Curte Monasterii convenerant, ubi Sacerdos justitiam recipere recusavit. Consequently the abbot forbade him *ex Regia & sui parte* to enter the tenement again, since he had refused to receive the justice offered. The priest then invaded the tenement in contempt of the king and church. In his defence Senald denied the whole allegation except that *in die statuto justitiam ab Abbate recipere refutavit. Calumpniae vero sibi objectae dedecore inlato Domino Rege congrue non respondit.*

The abbot offered to make proof of the entry, *post Abbatis defensionem*, by witnesses. This he did the following day at Sulmona. The chamberlain gave judgment that the land was to be restored to the abbot and that the priest was to make a composition in money to the court *pro invasionis culpa.*

55. 1163, Feb. Ind. xi. Reign of King William. Sulmona. Bibl. Nat. Paris MS. Lat. 5411. f. 256 recto. Instrumentarium monasterii Casauriensis. Cit. Haskins, pp. 645–6 n. 134.

Brevis recordationis placiti quem ego Sammarus regius camerarius et justitiarius de quodam tenemento fieri precepi.

The suit is the same as that of the previous document [No. 54], and the chamberlain makes a short record of the facts. The priest Senald held a certain tenement of the church of S. Clement and failed to fulfil the service due for it. He was summoned many times to make amends in vain, and kept the tenement beyond the term for which he held it. Leonas, abbot of the monastery, disseized Senald of the tenement, and because he began to murmur in consequence against the abbot and brethren, fixed a time at which Senald should appear to receive justice. This Senald refused to do, and the abbot, seeing that he was threatening to take possession once more of the tenement, *prohibuit eum ex parte domini Regis et sue ecclesie que est camera eiusdem domini regis predictum tenementum ulterius non invaderet.* Sammarus came to the church of S. Clement to hold the pleas on the appointed day, and sitting there, the court was well advised by the abbots and the archdeacon. Later Sammarus¹ in the royal

¹ Two further notices of Sammarus belong to the reign of William II :

(1) *Chron. Casaur.* R.I.S.S. ii. pt. 2, col. 1011. Donation of Gilbert count of Gravina, *Magister Capitanus Apuliae et Principatus Capuae* 1166, Dec. 1. Ind. xv. 1st king William Sulmona † *Signum propriae manus Domini Samari Regii Camerarii.*

(2) *Cod. dipl. Bar.* i. No. 94. Mention is made in the will of John Amerusius of the son of *Sammarus de Trano.* 1186, Dec. 4. Ind. 5.

palace at Sulmona, in the presence of bishop Sigenolf of Valva, archdeacon Matthew of Chieti, Bernard and Walter, judges of Sulmona, and in the presence of Theoderic, *termulano iudice regalis curie et Alpherio regio notario et aliis*, gave the abbot fresh seisin [*resascivi*] of the tenement and made Senald return to the abbot the little letters he had.

Document drawn up by Walter, notary of Sulmona, by command of the lord chamberlain and justiciar.

An. dom. inc. MCLX^o III^o Ind. xi^o V^o id. Feb. Reg. fel. d. n. W, etc.

56. 1163, May, Ind. xi. Thirteenth of King William. Ughelli-Coleti *Italia Sacra*, vii. col. 401-2 in *Tab. Salernitanæ Ecclesiæ servatum*.

Confirmation by Romuald archbishop of Salerno of the election of Algayta, a nun of St. George at Salerno, as abbess of the monastery *Puellarum S. semper Virginis Dei Genetricis Mariæ* in the presence of a large number of persons, clerk and lay. *Laicis siquidem, Mario Rubeo Regali Camerario, Gisulfo iudice, Matthæo iudice, filio Joannis iudicis, Cioffo germano ipsius Camerarii, etc.*

Document drawn up by Guafer the judge.

An. ab inc. ej. 1163 & 13 an. R. D. nostri G. Sic. et It. gl. R. mense Majo 11 Ind.

57. 1163, June, Ind. xi. Thirteenth of King William. Salerno. Ughelli-Coleti *Italia Sacra*, vii. col. 406.

Grant of the southern half of a piece of land with vines and apples outside Salerno at Verniano near the church of S. Eustace, made by *Hersacius Dei et Regia gratia Apulie, Terræque Laboris Magister Camerarius* in the presence of Matthew and Truppoald, judges of Salerno, and the *idonei viri* to the *xenodochium pro sustentatione pauperum* outside the city near the watercourse (*rivum*) called *Faustinus*. The charter was written by the notary Grimoald and signed by the judges *Gisulfus* (sic) and *Truppoaldus* so that the xenodochium may have full rights of ownership over the land for the benefit of the poor, etc.

+ *Græcis litteris.*

+ *Ego qui supra Matthæus Judex.*

+ *Ego qui supra Truppoaldus Judex.*

An. ab Inc. ej. 1163 & 13 an. Regni D. n. W. Sic. & It. gl. R. m. Junii 11 Ind.

58. 1163, July, Ind. xi. Reign of King William. Sarconi. St. Arch. Nap. Perg. Mon. Sopp. vol. ii. No. 111. Original. Ed. Minieri Riccio, *Saggio di codice diplomatico di Napoli*, i. 283. Cit. Chalandon ii. pp. 686-7.

Guido de ripitella domini regis magistri camerarii tocius calabrie et vallis gratis et vallis signi atque vallis marsici per preceptum domini nostri regis was at Sarconi in order to give a final sentence concerning the injustice which the church of Carbone had suffered from the lords of Sarconi. The archimandrite Eunufrius and many of his monks and brethren appeared and showed the master chamberlain the tenements which justly belonged to the church of S. James at Sarconi (these are named), and demanded that he should restore the rights of the church as the king ordered. The master chamberlain then summoned before him the men of Sarconi, knights, priests, and others whose names are written below, and ordered them to go and say whether that tenement justly belonged to the church of S. James. They told him that the tenement had formerly so belonged, and that the ancestors who had been lords of Sarconi had unrighteously disseised the church of the tenement. The master chamberlain, hearing the testimony of the *boni homines*, saw the justice of the archimandrite's demand and immediately restored the tenement to the church of S. James. He ordered this charter to be drawn up and imposed a fine of 10 oz. of gold to the royal court in case of its breach.

Witnesses :

- + *Ego Riccardus filius yvonis testifico hoc.*
- + *Ego Johannes guarneru confirmo hoc.*
- + *Ego Angerius miles hoc confirmo.*
- + *Ego Johannes Pinzonus testis sum.*
- + *Ego presbyter Mayus similiter.*
- + *Ego presbyter Mangisius.*
- Ego Johannes milandus.*
- Ego Maius maynardus.*
- Ego Rogerius de Sala.*
- Ego Petrus alberti.*
- Ego Adilelmus tornator.*
- Ego Nicolaus malaza.*
- + *Ego Laysius ekatipanus confirmo hoc.*

An. ab inc. ejus M.C.LXIII Regn. d. n. W. d. g. r. Sic. duc. ap. et princ. cap. M. Jul. ind. xi.

N.B.—The grammar is frequently incorrect.

59. 1164, March 13. Ind. xii. Thirteenth (Fourteenth) of King William. Trani. *Cod. Dipl. Bar.* v. No. 121.

Concord concluded between *Ducatus* a priest and *Cricorius* his brother, sons of Matthew of the *castellum* of Noia, and Stephen Camelus son of the lord John of Bari, rector of the church and hospital of S. Nicholas, of Bari, in the court of the king held by order of *Bersacii dei et regia gratia totius Apulie terreque Laboris magistri camerarii* at Trani, *ubi dominus Iohannes eadem gratia terre Bari camerarius presidebat*. The brothers *Ducatus* and *Cricorius* explain that they claimed all the property which their uncle Laurence f. Kurinicolay de Pascali had held in the village of Noia and its neighbourhood, in virtue of a written donation which they produced and read in court. Stephen, however, asserted that the church could not give up the property to them, because the *dominium proprietatis et possessio* in the property in question belonged to the church by reason of a written grant made by Thomas Briton, son and heir of Joel lord of Noia and Rutigliano, concerning the aforesaid uncle and his brother Felix and their property. Since, therefore, this donation was made long before that of Laurence f. Kurinicolay to his nephews, and since in the opinion of the judges present, *Trasagustus*, *Nicolas*, and *Sergius*, judges of Trani, and *Porfidus* judge of Giovenazzo and *Tasselgard* of Trani a doctor, son of *Docibilis* the judge, the property by that donation belonged to the church, Laurence could not at a later time alienate it, nor could alienation be made without the licence of the king, because the church and its property were specially placed under the protection of the *curia*. Under these circumstances therefore *Ducatus* and *Cricorius* gave voluntary pledges to Stephen that they had no right whatever in the property, and would bring no action against the church. *Cricorius* further undertook to defend it against his wife, and her heirs, relatives, and *mundualds*. The penalty for the breach of these pledges was 25 ounces of tarins of Sicily to the state and as much to the church.

Written by *Bisantius* the notary.

Signatures :

+ *Bapeos* 'Ιωαννης

- + *Testis Robustus index his est Trasagustus.*
- + *Censor nunc testis. Nicolaus probus adest his.*
- + *Ego defensor. Sergi. que profero censor.*
- + *Iuris defensor fert Porfirus hoc fore censor.*
- + *Tasselgardus Trani Docibilis iudicis f.*

*Inc. chr. iesu d. n. An. mil. cent. sex. quarto et quartodec. an. reg. d. n. Guilielmi magnifici regis Augusti Sic. atque It. tertiodecimo die mensis martii ind. Duodecima.*¹

60. 1164, July Ind. xii. Barletta. *Pergamene di Barletta*, No. 100. Cf. *Cal.* No. 19.

Grant made by Lucia a citizen of Barletta, living by the law of the Franks, widow of John de Castello Novo, in the presence of Leo Judex royal catepan of Barletta and Maralditius and Jacobus judges of Barletta and other fit witnesses, to Benedict venerable monk and prior of the church of S. James '*astantante (sic) et suscipiente tecum domino Riccardo de Barolo regali barono et iustitiario iam dicte ecclesie advocato.*'

61. 1165, Jan. 20. Ind. xiii. Thirteenth of king William. Lesina. *Chron. Casaur.* R. I.SS. ii. pt. 2, col. 1010.

Grant made by *Goffridus Dei & Regis gratia Alisinae Comes, & Regius Justitiarius* to the monastery of Casauria of:

- (1) *locum prope Alesiam pantano circumdatum.*
- (2) A house in the city of Lesina formerly belonging to Wido of Bari.
- (3) All lands outside the city which formerly belonged to Wido, namely in *Castelluczo, Quattrovalle* and *Aquadulce.*
- (4) Vineyard in *Insula.*
- (5) Rights of pasture, cutting wood, etc.
- (6) Freedom from *plateaticum.*
- (7) Right to withdraw men.
- (8) *duas nicossas in sauce retro Canniczum usque ad mare.*
- (9) Three fishermen.
- (10) *jus uniuscujusque* which has been made to us, to be made to the monastery.

Notary: *Thomas*, written in Lesina.

¹ Cf. Note to *Cal.* No. 39 on the rectification of this date.

Signatures:

Ego Goffridus Dei et Regis gratia Alesinae Comes, & Justitiarius hoc breve confirmo.

Ego Gaidoni de Molisio testis sum.

+ *Hoc signum crucis proprie manus W. de Torpo est.*

+ *Crucis hujus signo Robertus Malfridi hoc breve confirmo.*¹

+ *Ego Amor Termolentis Alisinae Protojudex subscribo.*

+ *Signum Crucis propriae manus Quintavallis militis Roberti Pagani est.*

Ego scripto stabile rogatus assero breve.

N.B. Further notices of count Geoffrey of Lesina.

(1) *Chron. Casaur.* R.I.SS. ii. pt. 2, col. 914.

Epistola Goffridi Comitis to abbot Leonas (undated, hence 1155-1182) begins *Goffridus Dei et regia gratia Comes Alesinae & Domini Regis Justitiarius.*

(2) Archives of Cava Dictionarium Archivi Cavensis, t. ii. f. 179.

Goffridus divino munere Lisinae Comes, Regalisque Justitiarius, Dei magnae memoriae Domini Henrici Olliae haeres & filius.

Signature: *Ego Goffridus Alisinae Comes, Regalisque justitiarius qui hoc concessi 1173 M. martii Ind. vi. anno quoque Comitatus nostri octavo decimo.*

(3) Bibl. Naz. Nap. Cartario di S. Maria di Tremiti xiv. A. 30 manoscritti f. 60 recto. Grant made by *Goffredus ollie divina providente clementia comes Alesine et regalis justitiarius Domini Henrici ollie bone memorie heres et filius.*

Signature: *Ego Goffridus dei et regia gratia Alesine comes et justiarinus (sic) hoc breve confirmo.*

Salv. n. Ihesu Xpi an. ab inc. ejus mill. cent. septuagesimo sexto. Regni d. ac triumphatore W. s. R. sic. duc. ap. et princ. cap. An. Undec. M. Oct. Ind. ix. = 1175. Cf. Cat. Bar. p. 581, Art. 377, 383, 387.

(4) Chalandon ii. 567, n. 20 quoting Archives de la Cava I. 38. *Diplôme de Sibille, veuve de Geoffroi comte de Lesina (1182).*

62. 1166, Ind. xiv. Di Meo: *Annali*, x. ad an. 1166 n. 10, from Archivio Cavese.

Nell' Arca 83, n. 52, *Lucia* figlia del qu. *Giovanni* della Monica, vedova di *Filippo* Melloto, moglie di *Liguoro*, detto *Caputo*, Napoletano; vende la

¹ Cf. *Cat.* No. 44.

sua 4 in *Fellina* al suo cognato *Cioffo* Russo per parte di Teodora di lui moglie, e per parte di *Griselaita*, moglie di *D. Mario* di lui fratello Regio Camerario,¹ e figlia del qu. *Mauro* Amalfitano detto *Gattola*.

APPENDIX.

UNEDITED DOCUMENTS AND TWO DOCUMENTS EDITED AFRESH FROM THE ORIGINALS, ILLUSTRATING THE HISTORY OF THE JUSTICIARS AND CHAMBERLAINS.²

No. 1.

1143. June, Ind. vi.

Place : Messina.*Notary* : —

Contents : Concord concluded between Julian (Juanus) bishop-elect of Catania and the church of S. Salvatore in Messina, concerning the claim of the latter to construct a mill near the bishop's mill of Mascali situated at *Pliero* in the neighbourhood of S. Giovanni. The bishop-elect resisted this claim and brought the matter before king Roger, who ordered both parties to appear before the royal court at Messina. Finally a compromise was arranged.

Source : Vatican Codex 8201, ff. 50-51. Seventeenth century copy. B. Cit. R. Pirro, *Sicilia Sacra Disquisitionibus et Notitiis Illustrata*, ed. A. Mongitore, Palermo, 1733, i. 528-9, ii. 978, who adds to the latter notice: *nos in Not. Cat. eo anno fol. 23* (i.e. reference to the notice in i. 528-9) *et in tab. Archim fol. 171*. De Grossis, *Catana Sacra*, p. 82, *anno prædicto 1144. mense iunio. Indict. 9*. P. Batiffol, *L'Archive du Saint Sauveur de Messine*, in *Revue des Questions Historiques*, Paris, 1887, xlii. Batiffol does not mention this concord, and writes (p. 564) : 'A la suite des chartes et diplômes, voici une série de contrats, concessions, accords, donations, legs, achats, et ventes ; ces diverses pièces n'offrent guère que l'intérêt de minutes notariales, elles sont toutes rédigées en grec' : in spite of this emphatic assertion, the concord in question must have been drawn up originally in Latin. The date in the Vatican copy is given *Anno 1144, Indictione vi.*, and a note is added *extat originale*. In the case of the translations

¹ Ughelli-Coleti, *Italia Sacra*, t. vii. col. 404, gives a suit of 1178 of *D. Lucas Guarna Regius Justitiarius, filius q. Alferii qui similiter Guarna dictus est, cum Mario Russo cognato suo f. q. Malfridi qui fuit filius Ademarii Comitibus . . .* It should be noticed that Marius no longer bears the title of chamberlain.

² In transcribing these documents I have, by the advice of Mr. R. L. Poole, used the forms j and v as consonants, and i and u as vowels except in No. 1. The forms used by the scribes for these letters are so varied that it is impossible to know in every case whether j or i, v or u was intended. The date given in the head-line is reduced to modern reckoning.

from Greek originals the year of the world is always given. Further, Pirro notes that he made his abstract of the suit from the archives of the Archimandrite, and he never worked directly on Greek originals. Garufi, *Documenti*, Pref. pp. xii and xiii, does not mention the concord. Caspar, *Reg.* No. 155 and No. 219, makes a strange confusion between the present document and the judgment given before the Admiral in June, 1149. Under No. 155 he describes the concord between Julian the bishop-elect and the archimandrite, and gives the references in Pirro; but in giving the source as Copie, s. xvii, Cod. Vat. 8201, foll. 71 and 158, he refers to No. 219, and the quotation of *Batiffol Revue S. 562 mit 1148* which he gives is of the same document.

Dissentio fuit inter Ecclesiam nostram Cathaniensem, et Ecclesiam Sancti Saluatoris Messanæ de quodam molendino quod ipsi uolebant facere iuxta molendinum nostrum de Mascalo quod est apud Pliero in pertinentia Sancti Joannis quod ab illis fieri non permittebamus. Vnde domino magnifico Regi R. conquesti sunt adeo quod ex ipsius præcepto et nos et ipsi in curia Domini Regis Messanæ conuenimus ut ibi præsentem Curia de præfata calumpnia discuteretur et rationis examine unicuique; nostrum quod suum esset confereretur. Venimus igitur et nos, et ipsi in Curiam. Quod uidentes quidam Sapientes, et discreti uiri uidelicet Dominus Symeon domini Georgij Admiratorum Admirati filius, et magister Thomas et Rogerius filius Boni, et Nicholaus Amīrati Eugenij filius, et Aschetinus Cathaniensis Archidiaconus, et Riccardus de Brolio, et Petrus de Lentina et Heruetus de Terona qui nequaquam uolentes discordiam esse inter Ecclesiam nostram, et Ecclesiam Sancti Saluatoris Messanæ præfatā dissentionem in pacem converti studuerunt. Ex præcepto igitur Domini Regis mediatores effecti quod super hoc in mente habuerunt Deo uolente peregerunt. Sic autem inter nos et illos pax firmata fuit. quod Ecclesia nostra concessit eis ut molendina aquæ facerent quoquo uoluerint iuxta præfatum molendinum nostrū uel superius uel inferius ita tamen ut si superius fecerint molendina non perdat molendinum nostrum aquam unde non possit molere pro defectu aquæ. Sin autem inferius ut non reuertatur aqua refluyendo unde rota molendini nostri habeat impedimentum uel perdat suum molere. Præterea concessimus eis medietatem terræ nostræ quā iuxta molendinum nostrum habebamus pro descensu asinorum, et alia medietas terræ ipsius remansit nobis, et ut habeant licentiam irrigare terram suam ab aqua desuper molendinum nostrum ita tamen ut molendinū nostrum non perdat suum molere. magis quam solet præterito tempore ante hanc concordiam. Haec omnia fuerunt facta inter nos, et illos tali conditione ut Ecclesia eorum de præfato molendino nostro nequaquam faciat nobis molestiam uel impedimentum. Si quidem Ecclesia eorum inuenietur proclamationem faciens, et molestiam contra nostram ecclesiā de præfato molendino nostro. C.C. Bisancios donet^a nostræ ecclesiæ, et curiæ Regali. CCC. Et similiter si nostra Ecclesia uoluerit infringere præfatā concordiam inter nos, et eos factam donet Ecclesiæ eorum. CC. Bisancios et curiæ Regali. CCC. et has præfatas conuentiones concessi. Ego Iuanus Cathaniensis Electus consilio, et assensu fratrum meorum de quibus aliqui subscripserunt. Et ut præsens priuelegium inuiolatū et firmum maneat Ecclesiæ nostræ sigillo plumbeo illud sigillari fecimus, et Ecclesiæ Sancti Saluatoris Messanæ dedimus. Anno ab Incarnatione Domini M^oC^oXL^oIIII^o. Indictione vi. Mense Iunij Haec Crux ✠ quam fecit¹ Iuanus prædictus Electus, et

^a B. donec.

¹ In margin of B. beside the signatures is written

Anno 1144

Indictione VI

extat originale.

+ Hugo prior . hanc quoque + Fulcherius . et hanc + Girardus magister . hanc uero
+ Robertus Jacijs Magister, et hanc + Lucas . hanc quoq + Nicolaus cantor.

No. 2.

1144. June, Ind vii.

Place : Siponto.

Notary : Gaderisius.

Description : Italian parchment irregularly cut, varying from 25 cm. 8 mm. to 25 cm. 5 mm. × 37 cm. 4 mm. to 37 cm. 8 mm. Very faint traces of ruling on recto. Space between the lines, 7 mm.

Hand : Minuscule, closely resembling Cassinese Lombardic.

Contents : Grant by Henry of Ollia, knight, lord of Capriola and royal justiciar, of the church of S. Peter at Vico to the church of S. Leonard, made in the presence of Gaderisius the judge, and the *boni homines* of Siponto, with the formalities of Lombard Law.

Source : St. Arch. Nap. Perg. di Mon. Sopp. vol. i. No. 34. Original. A. Unedited. Extr. Haskins, p. 644, n. 122, as No. 40.

In nomine dei eterni et Salvatoris nostri jhesu christi. Anno Incarnacionis ejus Millesimo Centesimo Quadragesimo Quarto Mense Junii Indiccionis Septima. Regnante Domino ROGGERIO Victoriosio et Serenissimo Rege Sicilie Atque Italie Ego HEnricus de ollia miles et dominus caprilis Atque justificarius domini nostri magnifici regis Presente Gaderisio iudice Aliisque bonis hominibus testibus subnotatis civitatis Siponti Intus in eadem civitate pro redempcione Anime mee meorumque parentum . et ut requiem in eterno vita^a acquirere valeamus Voluntarie unam ecclesiam cujus vocabulum est beati Petri apostoli. Cum vineis Cum olivis Cum terris Cultu et incultu^b et cum omnibus que jure sibi pertinent . et est supra montem prope castellum bici offero quantum mihi pertinet ecclesie Beati Leonardi site inter sipontum et candelarium tradando per fustem in manus tui domini Andree prioris predicte ecclesie Beati Leonardi tecum astante atque recipiente benesmiro milite de prelecte^c sancti Leonardi et tui advocato. Et propter sponte nullam vim paciente tibi Guadium do unanimiter prescripto tuo advocato tecum accipiente fidejussore me ipso per convenienciam Ut semper ego et heredes mei oblacionem a me factam nullo [modo] infringamus^d sed contra omnes jamdictam beati Leonardi infestantes legaliter defendamus Quam si infringere temptaverimus et defendere noluerimus seu nequiverimus hoc scripto semper firmo manente Viginti Regales Solidos tibi tuisque successoribus componamus Et ego in ea prephatus fidejussor per convenienciam tibi prenominato priori tuisque posterioribus me meosque heredes pignerandi licitis ac vetitis licenciam tribui donec prelecta prephate ecclesie Sancti Leonardi adimpleantur QUE Scripsi EGO GADERISIUS. Notarius jussu predicti judicis.

+ Signum Manus Henrici de ollia justificarii Domini nostri magnifici Regis
+ Signum Manus Riccardi militis filii predicti henrici de ollia

MARALDI · GADERISIUS · CENSOR · CENSORIS · FILIUS.

^a in *etno* vita A.

^b sic A.

^c Originally written *milite plecte*, altered to *milite de plecte* A.

^d *i frigamus* A.

No. 3.

1146. February, Ind. ix.

Place: Salerno.*Notary*: Salernus notarius et advocatus.*Description*: Thick Italian parchment. 37 cm. 7 mm. × 66 cm. 3 mm. No sign of ruling, but the lines are straight, at distance of 16 mm. from each other.*Hand*: Minuscule of the peculiar Salernitan form of Lombardic.*Contents*: Judgment pronounced by John and John, judges of Salerno, in the presence of Atenulf, the royal *camerarius*, and Sergius, *strategotus* of Salerno, in a suit between Peter provost of the church of S. Mary *de Domno* in Salerno, which belonged to the monastery of Cava, and Ursus a monk of the monastery of S. Mary and S. Benedict in Salerno, concerning the ownership and the possession of a piece of arable land beyond the river Picentino, in a place called *Bespanicum*.*Source*: Archives of Cava, Arca xxv. No. 117. A. Unedited. Cit. Haskins, p. 659, n. 215.

+ In nomine domini dei eterni et salvatoris nostri ihesu christi. Anno ab Incarnatione ejus millesimo centesimo quadragesimo quinto . et sexto decimo anno regni domini nostri Rogerii sicilie et italie gloriosissimi regis. Mense februario nona Indictione. Dum in sacro salernitano palatio Essemus Nos Johannes et Johannes Judices . et ibidem dominus atenolfus suprascripti domini regis camerarius . et Sergius suprascripte civitatis strategotus ✓ adessent^a aliques complures idonei homines ✓ petrus monachus et prepositus ecclesie sancte marie . que constructa est intra hanc civitatem et dicitur de domno ✓ que cum omnibus rebus suis pertinens ac subjecta est monasterio sancte et individue trinitatis quod constructum est foris hac^b civitate in loco mitiliano in quo dei gratia falco venerabilis abbas prehest . et ursus monachus monasterii sancte marie et beati patris benedicti quod constructum est intra hanc civitatem in orto magno ubi [ad]^c corpus dicitur in quo dominus johannes eadem gratia venerabilis abbas prehest conjuncti sunt . inde tandem prepositus pro parte suprascripte ecclesie sancte marie . et ipse ursus monachus pro parte suprascripti monasterii sancti benedicti ad faciendum finem de causationibus que inter ipsam ecclesiam Sancte marie et predicti monasterii sancti benedicti habebantur . de quadam terra laboratoria cum aliquantis quercubus que est foris hac civitate^d ultra fluvium pcentinum ubi proprie bespanicum dicitur. Ad quam videlicet litem diffiniendam ✓ marinus monachus et vestarius suprascripti monasterii sancte trinitatis cum quibusdam de confratribus ejusdem monasterii sancte trinitatis in eodem palatio affuit ✓^e——Set ante quam de proprietate ejusdem terre ageretur ✓ ipse prepositus querebat pro parte suprascripte ecclesie . sibi restitui possessionem ejusdem terre quam pars^{ee} ejusdem monasterii sancti benedicti nuper invasisse dixit ✓ dixit etiam ipse prepositus eandem terram jam longo tempore transacto ✓ et usque tunc quod ipsam terram pars suprascripti monasterii sancti benedicti ut dictum invaserant . pars ejusdem ecclesie tenuissent . et dominati fuissent . et idoneos testes ipse prepositus pro parte suprascripte ecclesie se habere dicebat. At contra ipse monachus pro parte suprascripti monasterii respondit . dicens eandem terram pars ejusdem monasterii sancti benedicti minime invasisse . et ipsam possessionem parti suprascripte ecclesie restituere

^a *adessent* inserted between the lines A.^b *hac civitā.*^c *ad* half erased.^d *hac civitā.*^e A. *affuit* ✓ *uit* ✓ is written on an erasure.^{ee} A. *pars* and so throughout, except l. 14 on p. 457 *pars*. Whether expanded *pars* or *partes* the verb does not always agree.

non debere . eo quod in possessione ejusdem terre nullo tempore pars suprascripte ecclesie extiterat . set ipse monachus eandem terram pars suprascripti monasterii sancti benedicti possidere dicebat. Quo audito eundem monachum interrogavimus si^f hoc quod pro parte suprascripti monasterii sancti benedicti dixerat testibus probare vellet . qui habito consilio respondit . testes ex inde pro parte suprascripti monasterii minime exhibere velle.^g Quo facto eundem prepositum interrogavimus si ipsos testes pro parte suprascripte ecclesie habere posset. Qui videlicet prepositus statim in eodem palatio pro parte suprascripte ecclesie tres testes coram nobis exhibuit. Videlicet iohannem presbyterum ecclesie sancti marci . et ugonem filium quondam [omission] et matheum filium quondam [omission] Quibus videlicet testibus exhibitis et assignatis eos semotim ut moris est . convocavimus et perscrutati fuimus . et tandem super id quod ipse prepositus pro parte suprascripte ecclesie dixerat . conveniens testimonium reddere visi sunt. Unde redeuntis judicavimus per sacramentum ipsi testes prius singuli ad sancta dei evngelia ipsum . eorum testimonium confirmarent de inde pars ejusdem ecclesie similiter per sacramentum ad ipsa evngelia jurando firmaret . sic esse verum quemamodum ipsi testes testificati fuerant . et paratis sacro sanctis evngeliis ipse presbyter per interpositam personam per sacramentum ad ipsa evngelia juravit. Sic esse verum quemamodum coram nobis testificatus fuerat. Aliis vero testibus et sacramentalibus ipse monachus pro parte suprascripti monasterii sancti benedicti . ipsum sacramentum remisit. Celebrato vero ipso sacramento judicavimus ut pars suprascripte ecclesie sancte marie in possessione suprascripte terre restitueratur.^h Que videlicet terra unde questio mota fuerat . de capite . est conjuncta ad viam . que ducit per mediam serram montis . et a parte occidentale ad res suprascripte ecclesie sancte marie et tandiu ipsa ecclesia sancte marie quiete in possessione ipsius terre esset . quam diu a possessione ejusdem terre expoliata fuit . de inde de proprietate et dominio ejusdem terre^h pars suprascripti monasterii sancti benedicti adversus ipsam ecclesiam sancte marie ageret. Terminus vero exercendi litis debet esse completo mense augusto prius venturo . ipsa tamen ecclesia sancte marie usque ad essitum litis in eadem possessione permansura. Unde ex parte suprascripti monasterii sancti benedicti fidejussor extitit truppoaldus notarius filius quondam alfani et ex parte suprascripte ecclesie fidejussor extitit ademarius notarius filius quondam musci judicis . quod autem superius inter virgulos scripsi est legitime adessent . et quod disturbavi est legitime velle. Et taliter pro parte suprascripte ecclesie sancte marie tibi salerno notario et advocato scribere precipimus

- + Ego qui supra johannes Judex
- + Ego qui supra Johannes Judex.

No. 4.

1147.

Contents: Summary of a decision pronounced, on receipt of a mandate of king Roger, by the royal justiciars at a court held at S. Chirico. They were ordered to inquire into the right of ownership enjoyed by the church of S. Angelo of Raparo over Castelsaraceno, and after taking the testimony of the abbot and the neighbouring barons, knights, and bishops, they recognised the rights of the church and their sentence was confirmed by the king.

^f A. *si*: an erasure of one letter follows.

^g A. *velle* written on erasure.

^h Small erasure between *terre* and *pars*.

Source: St. Arch. Nap. The summary is found in *Rerum in Rev. Curia Regii Capellani majoris judicatarum Tomus Primus ab an. 1774 ad an. 1786*. Neapoli ex Regia Typographia, 1787. The volume was intended to be the first of a series embodying the Processi di Regio Padronato and Processi di Padronato Feudale, of which no more were printed. Unfortunately no efforts on the part of Professor Barone could discover the original MS. volume dealing with the case of S. Angelo of Raparo, which should contain a copy *in extenso* of the sentence described in this abstract. The circumstance is the more to be regretted since judicial sentences from the Val di Sinni are rare. Cf. Caspar, *Reg.* No. 213, who mentions two notices of this judgment. Vargas, *Esame delle vantate carte e diplomi della certosa di S. Stefano del Bosco*, p. 507. Dragonetti, *Origine de' feudi nei Regni di Nap. & Sicilia*, p. 205.

P. 497. In causa redintegrationis patronatus feudalis in Abbatiam S. Angeli de Rapario. Die . . . Decembris 1786.

P. 499. Idem Ill. Princeps [*i.e.* Joannes Baptista Pignatelli Princeps Marsici Novi] intendit, per ea tempora Baronibus licuisse proprii feudi bona per donatione delibare, et decerpere; nam prohibitionem alienationis bonorum feudalium in nostris Provinciis ex posteriore Constitutione Rogerii enatam esse. Ostendit etiam anno 1147, exorta controversia de dictorum bonorum possessione, a Rege Rogerio Justitiariis suis in mandatis datum, ut inquirent quo tandem modo Ecclesia S. Angeli de Rapario dominio haberet in virum Castri Saraceni; eosdem Justitiarios Curiam in S. Chirico habuisse, et auditis Abbate, finitimis Baronibus, quibusdam Episcopis Militibus, & Sansone Manghisii filio, et attente discussa charta donationis per Abbatem exhibita, definivisse quod Clemens Abbas, qui per id temporis regebat Ecclesiam, et Monasterium, juste dominabatur in prædicto Casali; Ea vero sententia a Rogerio confirmata fuit.

NO. 5.

1148. April 22, Ind. xi.

Place: Pescara.*Notary*: Pandulf notary of the Chancellor.

Description: Rectangular parchment 50 cm. 5 mm. × 69 cm. 3 mm. surface much worn in places—a few small holes. Ruling on recto with a dry point over the whole surface: lines 16 mm. apart. Perpendicular marginal lines on both left and right hand margins.

Hand: Diplomatic minuscule of the twelfth century.

Contents: Record of a suit between the abbot of Monte Cassino and the bishop of Aprutium concerning the monastery of S. Nicholas di Trontino, drawn up by command of the royal justiciars count Boamund, Oderisius of Pagliara, count Robert of Aprutium, and Richard of Turgisio.

Source: Archives of Monte Cassino, Caps. 120, fasc. 10 A, No. 114 (1). Original A. Codex Dipl. Cass. Tom. iv. MS. two copies B, C. Published Gattola: *Hist.* i. 198 §. 2. P. evidently based on copy B. B.C.P. are full of errors, hence it seemed desirable to republish it in extenso. Extr. Palma: *Storia ecclesiastica*, i. 57. Extr. Romanelli: *Scoverte Patrie di città distrutte, e di altre antichità nella regicne frentana, oggi Appruzzo Citeriore*. Naples 1805 i. 65. Cit. Chalandon ii. p. 678; Haskins p. 644.

In nomine dei Eterni et salvatoris nostri jhesu christi nos JustitiaRii^a domini ReGis.

^a P. *Justitiari*.

Boamundus^b comes. OdeRisius de PalliaRia.^c Comes Robertus de Aprutio^d. et Riccardus TuRGiSi.^e

Brevem recordationem facimus. qualiter longa controversia quę diu^f fuerat inter ecclesiam aprutinam et monasterium Casinense. per judiciariam sit sententiam diffinita.^g In presentia siquidem nostra et aliorum qui subter^h annexi suntⁱ convocatis ad idipsum diffiniendum Benedicto marRsicAno.^j et Siginolfo balvensi.^k seu etiam domino PETRO^l aliphano episcopis. et domino Goffrido Teatino electo. Dominus episcopus Aprutinus cum clericis et advocatis suis hanc querelam et clamorem deposuit. quod Aĥbas et monasterium Casinense eum dejecerat^m de possessione monasterii Sancti Nicolai de Trutino cum cellis et pertinentiis suisⁿ quod per xxx^a et eo amplius annos nomine ecclesie sibi commisse se Possidisse dicebat. et inde optulit se habere Testes sufficientes secundum iudicium Curie et alias rationes. Ad quod dominus abbas et pars predicti^o Casinensis monasterii de communi consilio Respondit. et Juri et Rationi contrarium esse quod a parte episcopi dicebatur cum pars monasterii Casinensis predictum monasterium sancti nicolai a centum et pluribus annis integre et in solidum possederit. et^p habere Testes. et rationes scriptas. et non scriptas Hoc audito delegati a nobis Iudices prenominati episcopi Teatinus electus. Comes Berardus Teatinus. et alii quamplures^q clerici atque laici. diu multumque inter se quę dicta fuerant examinantes. tandem de consilio redeuntes dixerunt longum esse utramque partem testibus et sacramentis de possessionis allegatione fatigari. cum potius de proprietate esset agendum Unde Toti Curie Placuit ut dominus abbas Casinensis se a possessione prephati monasterii sequestraret et eadem possessio in manu Justitiariorum quasi^r apud sequestrum collocata^s esset. Ea videlicet condicione ut si contro[versia]^t in presenti fuisset curia per diffinitivam sententiam terminata ei daretur possessio cui sententia diffinitiva faveret. Sin autem res sicut J^u et nudius tertius fuerat. ita usque ad domini Regis audientiam servaretur. Utrique igitur parti inunctum est ut de proprietate prephati monasterii siquas haberent allegationes. rationes scriptas et non scriptas in nostra et eorum^v qui aderant audientia recitarent. Prephatus Itaque episcopus per se et per advocatos suos proprie a^w [sibi] vindicare conatus est.

^b C. Boamundi.

^c B.P. Oderisius de Palliaria, Comes.

^d B.P. Robertus de Aprutio, Comes.

^e B.P. Richardus Lurgis. C. Comes Richardus Iuruisi.

^f B.C.P. acta. A. almost disappeared, but certainly not acta.

^g B.C.P. per iudicium sit sententia diffinita.

^h B.C. Iudices, but written over subter. P. iudices.

ⁱ B.C.P. cum.

^j B.C.P. Maklicdrio.

^k B.C.P. Valvensi.

^l C. Petro omitted.

^m B. reiecerat. P. rejecerat. C. d written over initial r.

ⁿ A. suis. B.C.P. suis.

^o B.P. a parte supradicti. C. a parte omitted.

^p B.C.P. nunc. A. perhaps reads *ibidē* or *inde*.

^q B.C.P. complures.

^r B.C.P. quatenus.

^s B.C.P. collata. A. very much rubbed, but the space is too great for collata.

^t B.P. omit *controversia*. C. has *con*.

^u P. Sin autem res sicut tertius . . . nudius fuerat. B.C. Sin autem res sicut . . . tertius nudius fuerat.

^v B.C.P. omit *in nostra et eorum*.

^w B.C.P. proprie utraque . . . vindicare. A. two words in the space : first begins with a ; a large hole in the parchment in place of the second.

tum quia monasterium in sua parrochia constructum erat. nec sine^x sua suorumve^y predecessorum concessione. aliene potuit iuridicioni^z submitti.^a tum quia prephatum monasterium confirmatione^b Romanorum Pontificum de Jure Possidebat. et inde protulit privilegia bone memoRie Paschalis. honorii. Calixti. et Lucii. quibus coram nostra presentia recitatis et ad interRogationem nostram si qua alia^c haberent ostenderent^d. respondentibus illis. habuimus quidem sed direptione consumpta sunt. tandem Pars domini abbatis de juRe suum esse allegavit. Ad quod probandum prius ostenderunt.^e caRtulam publicam formam habentem. testibus roboratam qua continebatuR. quod fundator et dotator prephati monasterii optulit idem cum dote sua monasterio Casinensi pro redemptione anime suę et suorum. censumque et pensionem eo nomine prephato monasterio annualiter persolvendam constituit. Aliam deinceps cartulam ostendit qua PetRus^f quondam Aprutinus episcopus monasteRio sancti Nicolai predium sui Patrimonii optulit. et inter cetera^g confessus est in^h eadem cartula prephatum monasterium cui res offerebatuR esse in subjectione Monasterii Casinensis. Que cartula.^h etⁱ Publice forme et testium auctoritate subnixa est. Addidit etiam et ostendit^j privelegia Romanorum Pontificum non tantum a Calixto. et ceteris prenomminatis. sed etiam a multis aliis Retro sanctis pontificibus In quibus omnibus que et legere et recitare longum erat. ecclesie sancti nicolai cum cellis et pertinentiis suis possessio sollempniter^k fuerat confirmata. Quibus omnibus utrimque^l diu multumque tractatis tandem^m Venerabiles episcopi benedictus MaRsicanus et Siginolfusⁿ Valvensis cum aliis qui secum aderant clericis ac laicis sententiam judicariam^o diffinitivamque tulerunt. et secundum ea que proposita sunt perpetuum silentium episcopo Aprutino et^p successoribus^q ejus de prephata causa et proprietate monasterii sancti nicolai cum cellis et pertinentiis suis omnibus imposit[um est]^r Ut^s neque ipse neque successores sui deinceps audeant quamlibet monasterio Casinensi controversiam inferre. et totum prephatum monasterium cum omnib[us] pertine[n]tiis suis monasterio Casinensi in proprietate libere absoluteque^t adjudicatum est. Nos igitur^u secundum iudicium eorum^v abbatem Casinensem de proprietate et possessione supradicti monasterii investivimus. et secundum Pacem Regiam in perpetuum possidendam decrevimus. et taliter te quidem magister TRastaine actis comprehendere. Te vero Pandulfe domini Cancellarii NotaRie scribere rogavimus Actum anno ab incarnatione domini M^o. C^o. XLVIII. Mense aprilis die xx^a ii^a. Indictione xi^a apud Piscaliam feliciter Amen.^w

+ Ego Sicenolfus valvensis episcopus subscripsi.

+ Egaufridus Teatinus^x electus subscripsi.^y

^x B.P. *jure*.

^a B.P. *submicti*.

^c B.C.P. *alia* omitted.

^e A. *ostender*. P. *ostendit*.

^g B.C.P. for '*confessus est in*' read . . . *offeri*.

ⁱ B.P. *esse*. C. *esse* written over *et*.

^j B.P. *hodie etiam et dicta*. C. . . . *etiam et* . . .

^k B.C.P. *solempniter*.

^m B.C.P. omit *tractatis tandem*.

^o B.C.P. *sententiam et iudicium*.

^q P. *subcessoribus*.

^s C. omits *Ut*.

^u A. '*g*' P. *ergo*.

^w P. *Amen* omitted.

^y A. five lines blank between this signature and that of *Ego Tustainus*.

^y B.P. *suorum*.

^b C. *confirmationē*.

^d B.C.P. *ostendent*.

^f C. *per*.

^z B.C.P. *iurisdictioni*.

^h B.P. *cartulam*.

^l B.P. *utrinque*. C. *utrinque* corrected to *utrinque*.

ⁿ B.C.P. *Sicenolfus*.

^p C.P. *vel*.

^r B.P. *jamphatis*. C. *impeditum* cancelled.

^t B.C.P. *deinceps* for *absoluteque*.

^v A. *eo*. B.C.P. *Te*.

^x B.P. *Ego Gaufridus Theatinus*.

- + Ego Tustainus^z quondam MAGISTER. subscripsi
 + Ego albertus Judex farfensis subscripsi.
 + Ego MaGisteR RoGeRius canusine Melfiensis^a ecclesie canonici subscripsi.^b
 + Ego comes Rabo pinnensis.^c + Ego rubertus comes aprutinus domini regis
 justitiarius subscripsi. + Ego oderisius de pallaria domini regis justitiarius subscripsi.
 + Ego berardus comes teatinus subscripsi.

N^o. 6

1148. October, Ind. xii.

Place: Dragonara.*Notary*: John, notary of Dragonara.*Description*: Very irregularly cut—size 46 cm. 7 mm. to 44 cm. 5 mm. × 25 cm. to 23 cm. 2 mm. Italian parchment, ruling on recto, lines 15–16 mm. apart.*Hand*: Small round diplomatic minuscule.*Contents*: Record of a final judgment pronounced by William judge of Dragonara and Deleterius judge of Fiorentino in the presence and by the command of the royal justiciars Henry of Ollia and Boamund Britton, in favour of John prior of S. Leonard *in lama volari*, against Campus bishop of Dragonara, who had disturbed the monastery in the possession of certain lands granted by William count of Lorotello.*Source*: St. Arch. Nap. Perg. Mon. Sopp. vol. i. 1131–1157, No. 53, original A. Unedited. Extr. Haskins, p. 644, n. 123, as No. 60.

+ Anno dominice Incarnacionis . Millesimo . Centesimo . quadragesimo nono . Mense . octubris . Indicione duodecima . regnante domino nostro ROGGERIO invictissimo rege . Breve recordacionis factum a nobis Guillelmo draconarie iudice . et deleterio florentinensi^a iudice . qualiter nobis presentibus aliisque viris ydoneis inferius annotatis . dompnus Johannes dei gratia ecclesie sancti leonardi prior que sita est inter sipontum et candelarium in lama volari . et dompnus attenulfus ejusdem ecclesie prepositus . dompnus petrus sacerdos . et alii fratres prephate ecclesie venerunt draconariam eorum querimoniam proponentes coram domino enrico de ollia et ac boamundo bructone regiis Justiciariis ibidem curiam regentibus . de episcopo campo draconarie . qui quasdam terras eorum monasterio pertinentes indebite molestabat . et quas eciam dictus prior cum capitulo asserebat pretaxato monasterio fore donacionis titulo erogatas a Comite Guillelmo de lorotello pro remissione parentum atque peccatorum suorum . Unde vocato in jus dicto episcopo incontinenti coram nobis causam jussimus in iudicio deduci et si qua instrumenta vel alie probaciones inessent . deberent adduci ab utraque parte . et sic dictus prior una cum suo capitulo obtulit se probaturum per instrumentum et testes ydoneos qualiter dictus Comes Guillelmus diu erogaverat pro remissione peccatorum suorum ecclesie sancti leonardi dictas terras . et productis itaque instrumento . et testibus scilicet jordano . Johanne magistri ursi et quibusdam aliis probis viris eorum causam tam per instrumentum . quam per ipsos testes legitime probaverunt . pro parte vero episcopi nichil novimus fore probatum . Unde nos videntes utriusque partis rationes et ex mandato predictorum justiciariorum hanc causam

^z B.C.P. *Justinus*.^a A. very doubtful. C. omitted. B.P. *Melfiensis*.^b One line blank between this signature and that of *Ego comes Rabo*.^c B.C.P. Signature of Count Berard inserted here before that of Count Robert of Aprutium.^a sic A.

duximus fine debito terminandam Nos igitur habito sapientium consilio ecclesiam sancti leonardi a tali inquietacione [fini]aliter liberavimus . et sic postea jussimus de fine in finem per circuitum totas terras titulis consignari . ne de cetero possit inter predictos viros oriri. Unde ut inposterum recordent^b hoc breue . quod scripsi . Ego Johannes draconarie notarius . quia Interfui.

+ Ego Guilielmus	Judex
+ Ego deletherius	Judex
+ Ego Arrabitus florentini	testis
+ Ego Plancardus	testis
+ Ego Simeon	testis
+ Ego leo ugonis florentini	testis
+ Ego landulfus	testis
+ Ego Manasses	testis
+ Ego Riccardus porcicii	testis
+ Ego Guarinus	testis
+ Ego lupus de spanio	testis
+ Ego Sabinus	testis
+ Ego Rottardus plantaliani	testis
+ Ego abibonus plantiliani	testis
+ Ego bonomus plantiliani	testis
+ Ego Scikelmannus	testis
+ Ego Johannes de corello	testis

No 7.

1148. November, Ind. xii.

Place : Aquino.*Notary* : Aquinus (sic).

Contents : Record, drawn up by Machabeus judge of Aquino, of a judgment given by Atenulf of Caserta and Hector of Atina royal justiciars at the court which they were holding in the palace of bishop Guarin of Aquino, who was himself present. The plaintiff was Adenulf abbot of S. Matthew, who sought redress against the action of the lord Pandulf of Aquino in molesting the persons and goods of certain men of the monastery.

Source : Archives of Monte Cassino, Codex 640. *Privilegia et Diplomata pro Monasterio S. Matthæi Servorum Dei*. MSS. R.R.P., p. 42. B. The codex is a small quarto of 178 pages bound in parchment and written in the characteristic Cassinese Lombardic hand of the twelfth century. Cf. preface to the edition of the *Register of S. Angelo in Formis*. Tip. Cass., and Capasso, *Fonti della storia delle Prov. Nap.* Nap. 1902, p. 36. A copy of B exists in Cod. Dipl. Cass. t. iv. MS. C. Unedited. Extr. Haskins, p. 644, n. 117.

Hic continet de homines aquinatis Johannem et Adoynum filios^a Benedicti johannis conī . molestaverunt curiam domini Regis.

+ ✠ In nomine domini nostri ihesu christi. Anno incarnationis ejus Millesimo . Centesimo . quadragesimo octavo. Mense novembris. Indictione duodecima regni domini nostri Roggerii gloriosissimi regis sicilie ducatus apulie et principatus capue.^b

^b A. recordēt.^a B. sic.^b B. regnal year omitted.

Dum ego Machabeus¹ iudex aquinatis civitatis essem In curia quam ATENULFUS casertanus², et HECTOR atini regales iusticiarii in palacio aquinensis episcopi pro iusticia facienda et ibi adessent dominus GUARINUS³ ejusdem urbis pontifex aliique quamplures homines. ADENULFUS monachus et abbas monasterii ecclesie sancti mathei quod situm est in monte qui vocatur castellum per advocatum suum robbertum filium franconis conquestus est quod dominus pandulfus aquini injuste et contra rationem molestaverat homines predicti monasterii johannem videlicet et adoynum filios benedicti johannis conii. et de rebus eorum eis abstulerat eo quod ei servire volebant. Quos homines monasterium tenebat et rationem de eis habebat. Cumque prephati iusticiarii proclamacionem audivissent rationem monasterii eos demonstrare preceperunt. Unde per supra nominatum advocatum quedam carta ostensa est. quam pater et mater suprascriptorum virorum sub tempore principis Jordani in monasterio fecerant de terris et vineis atque mansionibus suis quas tunc habebant. Ita tamen ut ipsi et eorum heredes tenerent illas et fruerentur dum viverent et servirent inde in monasterio. Et si necessitas famis illis evenisset tantum possent vendere ut de fame se liberarent. Et quicumque ipsos de jamdicto monasterio subtrahere voluisset. maledicchio dei patris et filii et spiritus sancti ab eo non recederet et veniat ei anathema a trecentis et octo patribus sanctis. et cum anna et caypha consorcium ejus deputetur. et in futuro fiat socius Jude traditoris. Sed cum tantis rationibus monasterium munitum^c iusticiarii^d vidissent illosque homines in monasterii possessione esse astantis populi confirmatione cognovissent. in manibus jamdicti monachi suisque^e advocati investiendo predictos homines monasterio confirmaverint^f. ut nullus ulterius calumpniam illam pro rebus eorum et pro dominio^g generare potuisset. excepto de rebus quas johannes habebat a parte gaytelgrime uxoris^h sue. Cumque ego prescriptus iudex taliter acta et monasterio confirmataⁱ vidissem pro securitate ejusdem monasterii per jussionem suprascriptorum iusticiariorum et inde peregi. Ego Aquinus Notarius feci hoc scriptum per jussionem suprascripti Atenulfi. et hectoris. In Aquinensi civitate.

+ ADENULFUS CASERTANUS
+ ECTOR ATINE
+ EGO QUI SUPRA MACHABEUS JUDEX.

No. 8.

1151. May, Ind. xiv.

Place: Curia S. Marie de Bolfannana.

Notary: —

Description: Size, 27 cm. 5 mm. × 15 cm. 2 mm. Space between lines, 8-9½ mm. Lines not ruled, but straight.

Hand: Carolingian minuscule.

Contents: Suit between Marinus abbot of the Holy Trinity at Cava and Peter abbot of S. Mary of Bolfannana, in the presence of Guimund of Montilari royal justiciar,

¹ Cf. *Cat. Bar.* p. 615, art. 1360.

² Cf. *ibid.* p. 594, art. 836; p. 597, art. 934; p. 600, art. 1009.

³ C. gives reference 'De Guarino Episcopo tunc Electo Aquinate Chron. Casin. lib. 4. cap. 98. anno 1136.'

^c B. *munitū.*

^d B. *juciarii.*

^e B. *suisq; advōc.*

^f B. *confirmauerjt.*

^g B. *dno.*

^h B. *uxorj.*

ⁱ B. *īfirma.*

Roger royal judge of Troia, John of Boccio and Rao of Rocca royal barons, John Presbiter and Nicolas Andree judges of Foggia, William Aven̄, and Raimund castellan of Troia, concerning the *capud* of a mill built by abbot Peter on land belonging to the church of the Holy Trinity.

Source: Archives of Cava. Arca xxvii. No. 117. Original. A. Unedited.

Anno. M.C.L.I. Mense madii quarta decima indictione. Nos guimundus montis ilaris regalis justitiarius . atque Rogerius regalis iudex troie. Dum in curia monasterii sancte marie de bolfannana . cum baronibus et militibus et aliis probis hominibus pro justitia tenenda resideremus. Johannes bestarius . ac Johannes cappellanus atque Rogerius prior sancti iacobi . et Marius prior fabrice . pro parte domini Marini Venerabilis abbatis monasterii sancte trinitatis cavensis . in presentiam nostram devenerunt. Qui adversus dominum Petrum predicti monasterii sancte marie venerabilem abbatem . querelam deposuerunt dicentes. Quod terram que pertinet ipsi monasterio Sancte trinitatis . secundum duo privilegia . que jamdicti monachi in curia illa ostenderunt . unum scilicet de donatione quam Rogerius dux bone memorie ipsi monasterio sancte trinitatis fecerat . aliud de concessione quam dominus noster Rex Rogerius magnificus fecerat ipsi monasterio sancte trinitatis . de rebus omnibus que ipsi monasterio a suis antecessoribus date fuerant . ipse dominus petrus venerabilis abbas . invaserat . et capud cujusdam molini ipsius ecclesie sancte marie . ibi construxerat. Qui prefatus dominus petrus abbas . audiens et videns contentia illorum supradictorum duorum privilegiorum . cum suis confratribus et monachis ejusdem sancte marie . et cum amicis quam pluribus ipsius sui monasterii habito consilio . cum prenomatis monachis qui venerant ex parte jamdicti venerabilis abbatis eorum cavensis . de jamdicta terra . et capite illius molini ad placitum et strictum jus venire noluit. Sed postmulta tandem litigia et contentiones inter eos inde habitas . idem dominus petrus ejusdem monasterii sancte marie abbas . ipsis monachis . pro parte jamdicta abbatis eorum predictam illam terram . cum capite illius molini . penitus dimisit . et quietam clamavit. In presentia Raonis de rocca¹ . et Johannis de boccio² domini regis baronum. Johannis presbiteri iudicis fogie. Nicolai iudicis andree fogie. Guillelmi aven̄.³ Raimundi troiani castellani.

No. 9.

1151. October, Ind. xv.

Place: Salerno.

Notary: Landulfus.

Description: Size, 90 cm. × 40 cm. 6 mm. Lines 13 mm. apart: ruling with a dry point on the right side.

Hand: Minuscule of the peculiar Salernitan form of Lombardic.

Contents: Suit between William archbishop of Salerno and Landulf f. Ademari the count, concerning the rights of the latter over the churches of S. Peter, S. Lawrence, and S. Martin, and their priests, in the neighbourhood of Nocera. Peter protojudeus of Salerno, and the judges John, Alfano, Peter, and Salernus narrate how at a court held by the justiciars Lampus of Fasanella, Florius of Camerota (and apparently Guamarius Sarracenus), and the royal chamberlain Alfano, the archbishop appeared before them and recited a plea held in the previous year in the palace of Terracina during the king's

¹ *Cat. Bar.* p. 582, art. 397, and *Cal.* Nos. 45, 51.

² *Cat. Bar.* p. 582, art. 400, and *Cal.* Nos. 22, 37, 45.

³ A. aven̄.

stay there, in the presence of *costa buccafurno et gualterio de misiano et suprascriptis lampo et florio Justiciariis*. The rights of Landulf were limited to receiving from the priests candles at certain times and a gift at Christmas and Easter, and they were obliged to say mass for him whenever he wished to hear it. In spite of this judgment Landolf had again entered the land of the churches, and had ordered his servants to gather the grapes in order to satisfy his claim to receive altar dues from the priests. The present court having considered the matter upheld the previous judgment and ordered Landolf to restore the churches and vineyards to the archbishop, and to leave him in peace. The claim to altar dues was denied again, and only the candles and gifts at Christmas and Easter were allowed. In case of a further breach of the judgment the fine which the king had ordained in such cases was imposed, and in obedience to Lampus and Florius, the judges ordered Landulf the notary to draw up a record.

Source : Archbishop's Archives, Salerno. Arca ii. No. 86. Original. A.

Bibliography : Ed. Muratori *Antt.* v. p. 317. Incorrectly transcribed in many places and attributed to the Archives of Cava. M. Cappelletti, *Le chiese d'Italia*, xx. 300, copies Muratori, with some further inaccuracies. Cit. Paesano, ii. 130. Haskins p. 649. B. III^a. Caspar, *Reg.* No. 224.

+ In nomine domini^a dei eterni et salvatoris nostri ihesu christi. Anno ab incarnatione ejus millesimo centesimo quinquagesimo primo et vicesimo primo anno Regni domini nostri Rogerii sicilie et ytalie gloriosissimi Regis et primo anno Regni^b domini Guilielmi Regis^c karissimi^d ejus filii. Mense octobris quintadecima indictione. Nos Petrus protojudex et Johannes et Alfano et petrus et salernus Judices salernitane a deo conservande civitatis. Brevem recordacionem facimus quod cum a lampo^e domino de fasanella et florio de camarota^f Justiciariis . et ab alfano camerario. Invictissimi suprascripti^g domini nostri Regis . curia sollempniter celebraretur. Ante nostram et aliorum presenciam . dominus Guilielmus venerabilis noster archiepiscopus . per advocatum suum prius recitavit^h quoddam placitum quod anno preterito tractavimus et diffinitum fuerat . In curia ejusdem nostri Regis . celebrata . In palacio terracine. Dum autemⁱ predictus dominus noster rex . In eodem palacio moraretur . Coram costa buccafurno^k et gualterio de misiano et suprascriptis^l lampo et florio Justiciariis . et aliis^m qui tunc aderant . facta est talis proclamacio . a parte prefati domini archiepiscopi adversus landolfum filium quondam ademarii comitis quod ipse landolfus invaserat terras cum arbustis ✓ ecclesie sancti petri et ecclesie sancti laurencii . et ecclesie sancti martini . queⁿ site sunt in territorio nucerino . et per suam violenciam expulerat inde presbyteros ipsarum ecclesiarum quos dominus archiepiscopus ibi antea^o ordinaverat. Ad quod^p prefatus landolfus responderat . se ydeo presbyteros de suis beneficiis expulisse quia de altare . et de aliis . non serbiebant sibi^q sicut mansoni^r olim fratri suo . erant soliti servire . Ad quod prefati presbyteri responderunt ✓ quia nunquam mansoni^r fratri suo . aliud dare soliti fuerant . nisi per aliquas vices candelas . et duas salutes . alteram in pasca . alteram in natali domini . et cum missam audire vellet

^a om. M.

^d *carissimi* M.

^g *dicti* M.

^k *Cossa, Buccafurno* M.

ⁿ *qua* A.

^q *quia de Cantare & de Altari sibi non serbiebant* M.

sibi A.

^r *Mantoni* M.

^b om. M.

^e *Alumpo* M.

^h *revocavit* M.

^l *dictis* M.

^o *ante* M.

^c om. M.

^f *Camarata* M.

ⁱ *enim* M.

^m *alj. A. alii* M.

^p *quos* M.

^{ga} *& atre et & alj. non serbiebant*

presbyteri eam sibi cantarent.^s Cum igitur^t diu multumque res ventilata . et examinata fuisset . ✓ tale veritatem^u a curia cognita ✓ iudicatum fuit ut prefatus landolfus restitueret presbyteris et parti ejusdem domini archiepiscopi ✓ terras et arbusta ipsarum ecclesiarum et quicquid inde abstulerat. Et presbyteri earundem ecclesiarum . nichil aliud^v dare cogantur prefato landolfo . nisi candelas per vices et duas salutes per annos singulos et missas sibi cantaret sicut suprascriptum est. Hoc placito anno preterito recitato^w . per advocatum suum prefatus dominus archiepiscopus adversus eundem landolfum proclamationem fecit . quod ipse landolfus easdem terras earundem ecclesiarum et beneficia eorundem presbyterorum . yterum invasit . Et per suos ministros vindemiari fecit . de quibus iudicium et diffinitiva sententia data fuerat^x . anno preterito in palacio terracinensi ✓ Quod jamdictus landolfus cum prius^y negare vellet . tandem confessus est ✓ ministros suos prefata^z arbusta suo precepto vindemiasse. Tunc nos et suprascripti^a lampus de fasanella et florius^b et guamarius sarracenus^c justiciarii recordati sumus . quia anno preterito coram nostra presencia ✓ sic fuerat tractata causa. Et sic inde fuerat iudicatum sicut superius scriptum est. Hac commemoratione facta ✓ ab iudicio^d preteriti placiti quod tractatum et diffinitum fuerat . in terracine palacio consilio habito ab^e universa curia iudicatum est. Id ipsum debere tueri^f et observari quod anno preterito in palacio terracine per sententiam^g fuerat diffinitum. Videlicet . ut predictus landolfus restitueret et deinceps quiete pateretur habere^h . predictum dominum archiepiscopum et partemⁱ ejus predictas tres ecclesias sitas . ut dictum est in territorio nucerino ✓ Cum terris arbustis . et omnibus pertinentiis suis ✓ nec aliud a presbyteris earum exigeret . nisi ut superius legitur . per vices aliquas candelas^k . et per annos singulos binas salutes alteram in pasca ✓ Alteram in natali domini Et missam sibi cantarent . altare^l vero nullum^m ab eis exigeret.ⁿ Et quoniam quod in prima curia . iudicatum constitutumque fuerat ✓ ausus fuerat sepe dictus landolfus remove . nomine pene dare curie iudicatus est quod dominus rex de talibus constituerat.^o Et voluntate predictorum Justiciariorum lampi videlicet et florii^p que superius leguntur. Te landulfum notarium ad memoriam in scriptis redigere jussimus.

+ Ego qui supra petrus protoJudex + Ego qui supra Johannes Judex + Ego qui supra Alfanus Judex. + Ego qui supra petrus Judex. + Ego qui supra Salernus Judex.

No. 10.

1153. July, Ind. i.

Place : Vieste.

Notary : Sindolfus.

Contents : Concord concluded between Martin de Avalerio and Romanus abbot of S. Mary of Tremiti concerning the church of S. Andrew in Saccione in the presence of

^s eam cantarent sibi M.

^t Cumque M.

^u tali veritate M.

^v om. M.

^w sicut dictum est hoc Placitum anni preteriti. (recitato om.) M.

^x fuerit M.

^y primis M.

^z om. M.

^a dictus M.

^b Florus M.

^c Guamarius Terracinenses.

^d Hanc commemorationem facere de iudicio M.

^e in M.

^f teneri M.

^g presentialiter M.

^h & deinceps quiete pacificare habere M.

ⁱ partes M.

^k Candela M.

^l Tanus M.

^m nullus M.

ⁿ exigeretur M.

^o quod dominus . . . constituerat appears as . . . Verum de talibus constituerant M.

^p & voluerunt predicti Justitiarum, Lampus videlicet et Florius M.

Henry of Ollia and Boamund Britton royal justiciars, Richard of Ollia, Gentile of Cagnano, William of Gradunzone, Jonathan of Ischitella, Hubert of Calvello constable, and Sindolf, Alfano, and Peter judges of Vieste and other *boni homines*.

Source : Bibl. Naz. Nap. Cartario di S. Maria di Tremiti xiv. A. 30 manoscritti f. 29 verso and 30 recto. B. A second copy of the Cartario exists in the Bibl. Naz. Nap. xiv. A 27 of sixteenth century. Cf. J. Gay *Le monastère de Tremiti in Mélanges d'arch. et d'hist.* xvii. année 1897. Unedited. Extr.: Haskins, p. 644 n. 124, who quotes from a further copy of the Cartario in the Vatican M.S. Lat. 10657. f. 68, which offers, in the fragment quoted, only trifling variants.

Breve ejusdem sancti andree ecclesie.

+ In nomine Domini nostri ab Incarnatione Jhesu Christi. M^o. C^o. L. iii. Et vicesimo tertio anno regnante domini Rogerio magnifico rege scicilie ducatus apulie . et principatus capue. Anno vero domini Guilielmi ejusdem gratie^a gloriosissimi regis cum eodem domino et patre suo regnantis secundo mense julii prima indictio.^b Breve recordationis atque convenientie : factum a me martino de avalerio qualiter habui alterationem cum domino romano abbate tremitane insule de quodam loco sancti andree qui dicitur in saccione. Unde regali precepto stetimus in civitate vestie coram domino Henrico de ollia et boamundo bretteone regalibus justitiariis . et Riccardus de ollia, et gentile de caniano . et Guilielmo de gradunzone . et jonathas de iskitella. Et uberto de cavello comestabulo . ac sindolfo alfano et petro iudicibus vestie aliorumque bonorum hominum testium subscriptorum. Unde nos altercantes venimus in finem . et bonam convenientiam . et voluntarie predictorum presentia per fustis traditionem remitto tibi domino romano abbati tecum recipientibus Grimo almo iudice termole et Ruberto sclavo tuis advocatoribus. Corpus . sancte . ecclesie sancti andree in saccione . et decimas^c et mortuorum hominum ibi habitantium. et tres vineas et ortum unum cum olivetis . et tantum de terra ut sufficiat tribus pariis boum . unum in iscla et duobus superius et tantum de terra vacua quod sit tertia pars castellarii circa ecclesiam . et tertiam partem de terris preter vineas . et ortos et edificium hominum . et ut vadam cum eo et suis posterioribus romam . vel beneventum . cum corrodo monasterii . et reditu de equitaturis si mortue fuerint in eo servitio . et pro duobus reliquis partibus castellarii juravi sibi fidelitatem salva fidelitate domini regis guilielmi cum eodem domino et patre suo regnantis. Quapropter voluntarie ego quidem martinus Guadium eidem domino romano abbati . et fidejussores. Henricum de olla . et dominum Hubertum calvelli . et gentilem de caniano dedi . secum recipientibus predictis advocatoribus . ut si aliquo tempore . Ego vel meis posterioribus aut aliquis homo pro nostra parte aut pro parte filiorum urselli que predicta sunt movere voluerimus . componamus regales centum . et in antea vice semper taciti maneamus. Et nos predicti fidejussores tribuimus licentiam pignorare nos et nostros heredes sine compellatione : pignera licita et illicita donec quod prelegitur adimpleatur. Scriptum quod scripsi ego sindolfus notarius eo quod interfui.

Deinde defensor sindolfus hec approbo censor.

+ Alfano censor fateor nunc esse defensor. ,,,

+ Judex testatur petrus quod carta profatur.

+ Signum sancte crucis feci manibus meis. Ego boamundus britone regalis justitiarius.

+ Hoc signum sancte crucis feci propriis manibus meis Ego Jonathas iskitelle dominus.

^a B. sic.

^b B. sic.

^c apparently *vivorum* omitted.

NO. II

T.R.R.

Place : None given ; the events in question happened at Troia and in the presence of the abbot of Monte Cassino.

Notary : None given.

Description : Parchment not rectangular : a strip 13 cm. 8 mm. long, varying in width from 5 mm. to 3 mm. attached at the left hand bottom corner, has been cut off the bottom edge. Size : length 38 cm. 7 mm. (including strip where attached) on left hand side, 38 cm. 5 mm. (without strip) in the middle, 39 cm. 2 mm. (without strip) on right hand side, breadth 23 cm. 4 mm. at the top 24 cm. 5 mm. at the bottom.

Original ink is a pale yellowish brown. Ink used for corrections pale but black.

Hand : Small round Carolingian minuscule.

Contents : Record of a concord regulating their respective rights and mutual relations at Castiglione between John de Boccio and Rainald abbot of Monte Cassino. The abbot maintained that John held unjustly certain lands of the monastery, and obtained a royal mandate ordering the justiciars to hear his suit and do justice to the church. He sent representatives to the court held at Troia by the count of Civitate and the Justiciar Guimund of Montilari, but nothing was settled. John suggested a concord, which was, however, concluded not at Troia, but in the presence of the abbot.

Source : Archives of Monte Cassino. Ex chartis Civ. Troje. Caps. cxvi. Fasc. i. Num. i. Original A. MSS. copies. (1) enclosed with the original B. (2) Stefanelli : Memorie storiche intorno alla Città di Troja in Capitanata vol. ii. Documenti. Soc. Nap. di storia patria MS. C. Unedited. Cf. *Cal.* Nos. 37 and 45.

Ego johannes de boccio troiane civitatis habitator. Notum facio quomodo dum Dominus Rainaldus dei gratia cardinalis et casinensis venerabilis abbas adversus me querimoniam^a movere^b instituisset inquirens res . homines . et alias possessiones terrarum domuum et vinearum ad casinense monasterium pertinentium . quas me contra ejus voluntatem^c in castellione et territorio ejus detinere dicebat . querelas antequam michi litem moveret . in conspectu domini nostri Regis deposuit. Qui solita pietate rationes ecclesie intelligens . ut^d justitiam haberet precepit . et litteris justiciariis significavit ut utriusque partis allegationibus auditis et intellectis . ecclesie justiciam facerent. Qui [man]datum^e domini regis exequi cupientes . ad eundem dominum abbatem ut de fratribus suis ad justiciam recipiendam si ipse adesse nequiret mitteret . litteris nunciaverunt. Quod ut audivit^f . quosdam de fratribus suis troiam cum judicibus et aliis bonis hominibus direxit . et ut justiciam reciperent et facerent precepit. Qui venientes se curie presentaverunt . et adversus me in conspectu tocius curie agere ceperunt . ostendentes rationes ecclesie quas de predicto castellione ex donatione Roggerii ducis et confirmatione Willelmi ducis filii ejus et Gloriosissimi domini nostri Roggerii regis eo tempore quo dux erat. Quod ut curia audivit . jussit partem meam respondere. Ego vero consilio habito . quia dominus abbas [absens] erat^g ipsius domini

^a A. *q^rrimoⁿis* in different ink, but the same hand as the concord, though less carefully written.

^b A. *moue*. Abbreviation sign omitted.

^c A. *voluntate*. Abbrev. sign omitted.

^d *ut*. A. very indistinct. B. reads *et*.

^e [man]datum. B. *mandatum*.

^f *audivit*. A. *audiu*. Abbrev. sign omitted.

^g *quia* . . . *erat*. A. *qa dñs* . . . *erat*; same hand but different ink, very much rubbed inserted above the line. B. *quia dñs Abbas Casin*, *absens erat*, but there is not sufficient space for this.

abbatis presentiam requirere cepi. Post multa tandem hinc inde verba effusa . partem domini abbatis de concordia rogare cepi. Ipse etiam^h comes de civitate qui cum iusticiario Guimundoⁱ de monte ilari curiam tenebat . uti concordia fieret . et curia non gravaretur . suadere cepit. Quod et ipse iusticiarius suadebat. Pars vero monasterii per preces et suasiones concordie annuit. Sed quia pars mea quedam in concordia exigebat que his qui a domino abbate missi fuerant gravia videbantur . presentie ipsius abbatis supplicatione mea et interventu troianorum parentum et amicorum meorum concordia ipsa complenda ut firmior haberetur . servata est. Que concordia postquam ego jamdictus johannes ad prefatum dominum et venerabilem abbatem accessi . in sua presentia recitata et ab ipso recepta est. Ego itaque prenominate johannes de boccio bona mea voluntate^j promisi me daturum decimas^k omnium terrarum et vinearum quas in territorio castellionis ego per me vel per alios laboravero. Promisi insuper tertiam partem omnium que pro anima mea vel uxoris mee et filiorum meorum . et majorum domus mee daturus sum ego et filii mei . et promisi me facturum ut omnes homines mei quos in territorio castellionis habeo vel habuero ego et filii mei dent^l decimas omnium terrarum et vinearum quas per se^m vel per alios laboraverintⁿ in territorio castellionis . et oblationes mortuorum . et alias oblationes quas ecclesie dare debent^o . et plateaticum . et facere hominum ecclesie . et eidem domino abbati sicuti ei alii homines sui faciunt. Et promisi me et filios meos ecclesie et ipsi domino abbati fidelitatem jurare si dominus rex permiserit. Promisi etiam me facturum . ut homines mei cum suis hominibus comuniter sint in servicio domini regis secundum numerum hominum quos ibi habuero . et ut comuniter servicium unius militis quod domino regi serviat . fiat . quem dominus abbas super se recepit pro servicio faciendo . de comuni tamen quod ab hominibus castellionis recipiet ego et ipse dominus abbas.^p Et si in aliquo homines meos alleviare vel in totum (*sic*) de servicio retrahere precibus vel alio modo possim ita de hominibus monasterii sicut et de meis facerem. Quod et ipse dominus abbas michi vicissim promisit. Ipse vero dominus abbas hanc concordiam audiens et recipiens . concessit michi et filiis meis robberto et johanni . et nepoti meo roggerio filio robberti habere homines et omnia que modo habemus in castellione et in territorio ejus . et quod inantea juste acquirere poterimus in vita nostra tantum . Post mortem vero meam et predictorum filiorum meorum robberti et johannis . et roggerii nepotis mei jamdicti robberti filii . omnia supradicta homines videlicet cum omnibus pertinentiis eorum . et terre . et vinee . et domus . et omnia que ibi habemus vel inantea juste acquirere poterimus . revocantur in potestatem et dominium casinensis ecclesie . et in potestate ejusdem domini abbatis et successorum suorum . et rectoris qui eo tempore ibi prefuert . sine contradictione et molestatione alicujus persone . exceptis rebus mobilibus quas ibi eo tempore ego et filii mei habuerimus . aut roggerius filius robberti . et exceptis frugibus si eo anno in campis

^h etiam. A. 7. B. et.

ⁱ A. cum iusticiario G. & mote ilari. B. and C. omit G. For extension into Guimundo cf. Cal. Nos. 31 and 45, and Cat. Bar. p. 582.

^j A. bona mea voluntate inserted above the line in the same hand and ink as the document.

^k A. after decimas, et primitias cancelled with a straight bar in a different ink.

^l A. abbrev. sign over ē in different ink ; t is written on an erasure.

^m A. se in different ink and apparently similar hand on half erasure under which 'alios' appears.

ⁿ A. laboravit ; vit in different ink, similar hand.

^o A. debent : nt in different ink on erasure.

^p A. recipiet : ego 7 ipse dñs abbs, inserted above line in different ink and same hand.

steterint . vel in area collecte fuerint . Et postquam homines mei hominum ecclesie et domino abbati fecerunt^a . habeant^r potestatem emendi . vendendi . maritandi . et uxorandi cum hominibus castellionis infra ipsum castellionem . Michi quoque predicto johanni de boccio et filiis meis robberto et johanni . et roggerio filio ejusdem robberti^s nepoti meo data erit potestas^t emendi et vendendi cum hominibus castellionis infra ipsum castellionem et territorium ejus^u postquam ecclesie et ipsi domino abbati hominum fecerimus si dominus rex permiserit.^v Et de milite quem dominus abbas super se recepit . me a domino nostro rege quietum vocari faciet .

NO. 12

1155. March, Ind. iii.

Place : Mottola ?

Notary : Bonius, judge and notary of Mottola.

Description : Size 30 cm. 5 mm. × 18 cm. 2 mm. Parchment, thick Italian, margins irregularly cut, no ruling, usual distance between the lines, 6mm.

Hand : Carolingian minuscule, untidy and careless.

Contents : Concord between William of Lecce lord of Palagiano and Campus prior of S. Angelo of Casalrotto, concluded in the presence of Roger the Fleming royal constable and justiciar, concerning certain lands at Plano. The boundaries are recited and the signatures of Gosmannus, judge, Accarinus fil. Fulconis knight, Richard Buccarellus, and Falco of Palagiano are appended.


Source : Archives of Cava. Arca xxviii. No. 120. Original A. Unedited. Cit. Guerrieri : *Possedimenti temporali e spirituali dei Benedettini di Cava nelle Puglie*, p. 142. Haskins, p. 660, n. 226.

Ego Willelmus lippie dominator palajani affirmo hoc . Anno salutis incarnationis domini et salvatoris nostri jhesu christi . dei eterni . Millesimo centesimo quinquagesimo quinto . mense marcii Indictione tercia . Ego Guillelmus licii . dei et regia gratia dominator palaini . una cum predicti^a hominibus declaramus . quomodo litigia . et altercationes non parvas habuimus cum dompno campo priore sancti Angeli casalisrupti . de terris videlicet de plano . et earum finibus . adeo quod inter nos . de terris et illarum finibus conveniri non poteramus . Postea vero utraque pars . venientes ante presenciam domini Rogerii flandrensis Regii comestabuli . cujus provida . et justa arbitracione . nec non et aliorum bonorum hominum testium subscriptorum venimus in pacem . et bonam voluntatem . de predictis terris et earum finibus . de quibus litigia . et contenciones inter nos . et predictum priorem sepius evererant . Ea . . . ejusdem domini Rogerii flandrensis Regii Justitiarii et comestabuli . et subscriptorum testium . qui nobiscum super ipsas terras earum fines videndos interfuerunt . justicia . et legis ratione hoc

^a A. *fecerunt* : no abbrev. sign. A. *ipse dñs abbs del eis* cancelled with straight bar after *fecerunt*.

^r A. *habeant* inserted above the line in different ink and the same hand.

^s A. erasure after *robbti*.

^t A. *data ipse dñs abbs*^{erit} ~~potesta~~  probably read originally *dat ipse dominus abbas potestatem* : cancellation and insertion are in different ink and the same hand. B. has *dat*—not cancelled like three following words : either altered to *data* or cancellation intended. *Cal.* No. 45, repeating this record almost verbatim, has *potestas esset emendi*, etc.

^u A. *infra* . . . *ejus* inserted in different ink and the same hand.

^v A. *pmiserit*.

^a A. *pdicti*.

volente . et quod majus est preceptum domini Riccardi dapiferi Mutule . et palajani dominatoris . in presenti consequendo . pro eadem ecclesia . de predictis terris factum ab eodem Riccardi habet. Concedimus tibi dompno campo priori sancti angeli . et eidem ecclesie . tuisque posteris terras edictas possidere et colere . quantum videlicet nostro juri pertinet. Sed quia de ipsarum terrarum finibus sepius litigabamus . placuit nobis earum fines clarius et apercius denotare . quatinus inter nos et posteros nostros . nulla oriantur litigia . sed sit deinceps^a penitus sopita contentio. Fines igitur quarum terrarum hos dicimus esse. Ad partem austri subter^b curtis finis^c est gurges . qui vocatur lacus de churicii et ab eodem lacu . ab aquilone vadit ad petram que est juxta viam. Et ab hac petra vadit . de petra ad petram . usque ad petram antiquam . que est sursum ad jugonem . et post jugonem . vadit ad duos ferros. Et deinde pergit juxta ferrum majorem . qui est prope locum qui vocatur calcea. Deinde vadit ad palmentum recule^d . et porticellum qui vocatur de Johanne achillea . quod si in aliquo tempore futuro nos nostrique heredes hoc factum et ordinatum per aliquod ingenium evacuare . vel infringere temptaveremus^e voluntarie penam adhibuimus dandi eidem ecclesie . vel ejus rectori aureos regales quadraginta . tandemque in puplico . nobis deinde ad predicta invitis manentibus. Et causa eciam firmitatis et stabilitatis. Signum vivifice crucis propriis nostris manibus superius descripsimus. Et hanc exinde cartulam jussu et rogatione nostra scripsit Bonius Mutulansis Judex et notarius . qui interfuit ;—

Signum manus Gosmanni judicis.

Signum manus Accarini militis filii falconis.

Signum manus Riccardi buccarelli.

Signum manus falconis palajani.

NO. 13.

1156. October 6, Ind. v.¹

Place : Castellum Precine. (Apricena?)

Notary : Nichodemus.

Contents : Concord drawn up between Peter abbot of S. John in Plano and Berelmus, abbot of Tremiti, to terminate a long dispute concerning the sluice-gates of a mill on the River Caldule. Abbot Peter having refused to remove the *extortorium* which prevented sufficient water reaching the mill of the abbot of Tremiti, the latter lodged a complaint with Robert f. Malfridi *terre totius comitis Goffredi alesine camerario*, who summoned abbot Peter *ex parte domini regis et domini nostri Comitis Goffredi*. Finally a compromise was agreed upon in the presence of Gilbert, judge of Precina, Bartholomew, a judge, and the *boni homines*.

Source : Bibl. Naz. Nap. Cartario di S. Maria di Tremiti, xiv. A. 30 manoscritti f. 42 verso to f. 43 recto. B. For Bibliography cf. Appendix No. 10. Extr. Haskins, p. 646, n. 136, from the original in the Chigi Library at Rome, E. 6, 182, f. 55, A., which I have been able to examine. The chief variants from B. are noted below.

+ Anno dominice incarnationis millesimo centesimo quinquagesimo vii. Indictione v^a. Regnante domino nostro Guilielmo gloriosissimo et invictissimo rege sicilie calabrie apulie et principatus capue . Anno . vii . regni ejus Mense octubris die . vi. Intranste. En ego petrus divina et apostolica gratia concedente sancti Johannis in plano

^b A. *subi*.

^c A. *finis*.

^d A. *recte*.

^e A. *tētauerem*.

¹ On the dating of this document see the note to *Cal.* No. 39.

abbas. Clarefacio me habere quoddam molinum^a aput caldulas cum omnibus suis pertinentiis quod molendinum dum sepe pro habundantia aque ingurgitaretur^b per quoddam extortorium aquam extorquebamus ut molendinum aque habundantia non impediret.^c queritur^d berelmus tremitane ecclesie diuina gratia abas^e videns quod aqua minueretur molendino tremitis quod subter molendinum sancti Johannis constitutum est per extortorium illud petens a me . ut eum claudere faceremus . quod omnino facere renui. Vnde quia hoc ego facere nolebam fecit proclamationem . Ruberto^f malfridi filio terre totius^g comitis Goffredi alesine camerario ut de me ei justitiam faceret . quo audito prephatus camerarius me ex parte domini regis et domini nostri Comitis goffredi summonuit ut ad terminum constitutum preparatus essem ad justitiam faciendam prephato tremitane ecclesie abbati in illo loco^h unde litigium erat. Unde termino constituto adueniente curia domini nostri regis et comitis ordinata ambo ad supradicti litigii causam diffiniendam in curia supradicto loco aduenimus ut judiciali diffinitione supradictum litigium finiretur. Quo facto berelmus abbas prephatus erga nos per advocatoremⁱ suum obidium judicem civitatis proposuit actionem de forma caldulis fluminis quam invaseram et aperueram per me et per superpositas^k personas. Unde ecclesia tremitana enudata et divestita sine legali judicio . restitutionem a me petens supradicte aque quam silicet^l aquam suam probare posse promittebat judiciali diffinitione ad quam actionem ego satisfacere cupiens consilio accepto nostrorum amicorum et ecclesie fidelium per nostrum advocatum amnardum^m respondi . negans primo loco invasionem sed quod accepi prout meum accepi promittens ostendere probationem qualiter nobis supradicta aqua pertineret. Ad quod prephatus obidius domini abbatis berelmi advocatus e contra respondens dixit licet vestra esset supradicta aqua tamen ecclesia tremitana investita juste vel injuste devestiri et denudari sine legisⁿ judicio minime debuit . cum juste tenuit . et judiciali diffinitione. Ad quod prefatus noster advocatus econtra respondit petens probationem quod ecclesie tremitane supradicta aqua pertineret judiciali diffinitione^o . ad quod iudices qui in curia ordinati fuerant causam diffiniende litis accepto consilio ceperunt proferre sententiam. Vnde prefatus camerarius utramque partem diligens et ut discordia^p inter me et supradictum ecclesie tremitane abbatem non ampliaretur . sed penitus tolleretur cepit nos ad concordiam provocare. Quam ob rem ego accepto consilio nostri propositi rosemanni et omnium nostrorum fidelium amicorum ejus dictis acquievi et prephatus abas^q suorum fidelium hominum et advocatorum suorum^r . cunctorum amicorum ecclesie qui ibi aderant consilio^s accepto similiter camerarii dictis acquievit cujus postmodum litigii talem firmavimus concordiam coram Guiliberto^t iudice precine . et bartholomeo iudice et aliis bonis hominibus qui subterscripti sunt . ut extortorium illud prephatus abbas berelmus ab has^u muro claudere tali modo ut fenestram unius pedis in longitudine et unius pedis mensura in latitudine ibi dimitteret tali quidem loco ut omni tempore plena aqua currat ne ecclesia sancti Johannis supradicte concordie amodo fraudulenter^v mensura vero pedis ad quam fenestra mensurari debet in cartula ista descripta est unde ad iudicem^w causa supradicte concordie cartulam confirmandi penam posuimus talimodo . ut si ego vel mei decessores^x supradicte

^a A. *molendinnm.*^d B. *qr.*^g A. *totius terre.*^k A. *subpositas.*ⁿ A. *legali.*^q A. *abbas.*^t A. *Gilberto.*^v A. *fraudetur.*^b B. *ingurgarentur.*^e A. *abbas.*^h A. *in loco illo.*^l A. *scilicet.*^o A. *judiciali diffinitione pertineret.*^r A. *has et after suorum.*^u B. *sic ab has*, possibly for *abbas* repeated, not found in A.^w A. *Unde ad invicem.*^c A. *aque non impediret abundantia.*^f A. *Roberto.*ⁱ B. *sic.*^m A. *ainardum.*^p B. *discordiā*, A. *discordia.*^s A. *consilio aderant.*^x A. *postdecessores.*

concordie pactum qualicumquemodo vel cartulam pacti^y infringere . vel irritam facere voluerimus componamus solidos . c. medietate ecclesie tremitane aliam vero medietatem in lesinensi curia. Quam cartulam pactus^z et concordie te nichodemum^a notarium scribere rogavi acta in castello precine mense et indictio¹ suprascripta.^b

+ Ego Petrus abbas signum hoc mea propria scripsi. + Testor in hac certus carta iudex gilibertus ÷ Malfridi filius Robertus testis sum inde certus. + Signum crucis proprie manus Johannis de pantano militis.

NO. 14.

1157. November, Ind. vi.¹

Place : Barletta.

Notary : Costa royal notary : he is not mentioned by K. A. Kehr. *Urkunden*.

Description : Size 24 cm. 2 mm. × 26 cm. 2 mm. : ruling with a dry point : distance between lines 8 mm. : rectangular : right hand margin worn away.

Hand : Beautiful Carolingian minuscule resembling diplomatic minuscule.

Contents : Geoffrey of Molfetta and Jonathan of Venusio royal judges of Barletta sitting on royal business in the church of S. John of the Hospital at Barletta in the presence of Bersacius master chamberlain of all Apulia and the Terra di Lavoro, decided under the direction of Bersacius, who received a royal writ explaining the nature of the case, a dispute between the men of Corato and their lords as to aids and rights of alienation of property. The suit was decided in favour of the men, by the judges with the assistance of Roger the Fleming and Peter of Castronuovo and other barons.

Source : St Arch. Nap. Pergamene di Corato No. 37 (in the Repertorio it is numbered 36). Original. A. Cit. Chalandon ii. 686. Haskins, p. 645, n. 134.

+ IN NOMINE DEI ETERNI et Salvatoris nostri ihesu Xpi. Anno Incarnacionis ejusdem Millesimo centesimo quinquagesimo octavo et octavo Anno Regni Domini nostri Gulielmi Gloriosissimi^a Regis Sicilie ducatus Apulie ac principatus capue Mense Novembris. Indictione sexta. Dum nos GOSFRIDUS Melficte^b et Jonathas Venusie^c et barolis Regales Judices pro Regiis agendis resideremus In ecclesia sancti Johannis ospitalis Baroli coram domino Bersacio Magistro camerario totius Apulie et terre laboris congregata Regali cura ibique adesse[nt] Dominus Rogerius flandrensis et Dominus Petrus de castro novo reliqui quoque Barones et iudices, Homines caurati Venientes eidem domino camerario a regis [majestati] litteras detulerint Quibus ipsi camerario injungebatur ut de querelis Regie celsitudine^d super Barones ab ipsis depositis studioso dis in ipsis namque Regiis litteris continebatur quod homines caurati sancte Regie Majestati properantes de baronibus dominis suis clamorem deposue[rant] . . . [adjutorium] ab ipsis querebant quod non erant soliti dare. et de rebus post assignationem feudorum acquisitis eos alienare prohibebant Alias ducebant ultra ordinationem

^y A. *pacti cartulam*.

^z sic B.

^a A. *nichodemum*.

^b B. sic. A. *Indic sup^{no}noiat*.

¹ On the dating of this document see the note to *Cal.* No. 39.

¹ sic.

^b A. *Melf*: Molfetta is more likely than Melfi for the origin of a judge of Barletta.

^c sic; better *Venusii* as in the signature. Cf. *Cat. Bar.* p. 571, art. 4, *Guido de Venusio*; p. 572, art. 29, *Ferraczanus Venusii*; so too *Robertus de Venusio*, royal justiciar and constable in the Terra di Bari in 1192 (*Crudo, SS^{ma} Trinità di Venosa*, p. 254).

^d sic.

feudorum ascriptam. Dicebant enim tempore se assignationis per singulos annos certis redditibus fuis[se ascriptos]. regis litteris et bene cognitis idem Dominus camera-rius omnes Barones caurati in regalem curiam convocare fecit. et facta appell[at]ione ab hominibus caurati sicuti superius dictum est. Predicti Barones respondentes dixerunt nunquam ab ipsis hominibus [adjuto]rium ques ultra modum imposuisse. Sed juxta discrimen Regalis curie cum ipsis inde juste et pacifice vivere que Dominus cam[erarius]. nostro intuitu lis pribata terminaretur. Nos igitur consilio Dominorum Rogerii flandrensis et Petri de castronovo aliorum quoque Baron[um]. sident judicavimus homines caurati certis redditibus ascriptos per annum Baronibus adjutorium dare non d[ebere] et res po[st] assignationem feudo[rum] libero modo acquisitas sine obstaculo alienare posse. Hujus vero nostri judicii memoriam COSTE Regali notario Qui interfuit[t] ta scribere mandavimus.

+ GOSFRIDUS qui supra Regalis iudex.

+ EGO Jonathas . Venusii . et Baroli Regalis iudex Hec dicta firmo.

No. 15

1168. June, Ind. i.

Place :—

Notary : Adenulf.

Description : Size 34 cm. 2 mm. to 35 cm. 5 mm. × 23 cm. 4 mm. to 22 cm. : margins irregularly cut, no sign of ruling, but lines regular at an almost constant distance of 9 mm.

Hand : Carolingian minuscule—small.

Contents : Verification of the boundaries of a coppice at Prata, made in the presence of the judges Regitius and Manasses at the request of Blasius Sacerdos, appearing on behalf of Peter of Revello. In support of his request he produced an instrument of William fil. Angerii, chamberlain of king Roger, assigning the boundaries of the coppice which had been granted to Peter by king Roger as a reward for services rendered. In addition to the instrument three witnesses appeared to declare the boundaries.

Source : St. Arch. Nap. Perg. Mon. Sopp. ii. No. 127 bis. original A. Unedited.

+ In nomine domini anno Millesimo centesimo sexagesimo octavo ab incarnatione domini nostri ihesu christi mense junii et Regni autem domini nostri Willelmi dei gratia magnifici Regis anno secundo de mense madii¹ indictione prima. Scriptum pro futuri temporis memoria est emissum a nobis Regitio et manasse iudicibus de hoc quod in nostra et aliorum hominum presentia Veniens blasius sacerdos pro parte domini petri revelli² ostendens instrumentum continens quomodo preteritis annis Guilielmus filius angerii³ qui tunc temporis camerarius erat domini nostri gloriosissimi regis Roggerii beate memorie eidem domino petro de revello ex jussione et mandato nominati regis quandam cesinam in loco ubi prata dicitur assignaverat per suos fines . quam cesinam memoratus dominus rex roggerius dicto domino petro donaverat propter sua bona servitia sicut in instrumento continebatur. Insuper autem carta de assignatione facta per predictum camerarium adduxit tres idoneos testes videlicet Johannem portaurie.

¹ William I died May 7, 1166, and William II was acknowledged as king two days later. Cf. H. F. p. 89, nn. 1 and 2.

² *Cat. Bar.* p. 599, art. 991.

³ *Ibid.* p. 596, art. 898 ; p. 585, art. 493.

Johannem constantini . et Johannem de landulfo rotunde qui singillatim perambulaverunt coram nobis ipsam cesinam sicut assignata fuerat per hos fines . a prima parte est via vetus que venit de montenigro usque ad illam viam que vadit per canpitellum de meleta. A secunda parte incipit ab ipsa via de predicto canpitello . et vadit recte usque ad magnum^a cerrum quam inciderat prefatus Johannes portaurie. A tertia parte incipit ab ipso^b cerro que vadit per valloem descendendo usque ad mensam regine. A quarta parte assendit^c per vallonem de cerrito usque in finem priorem . et dicebant dimisisse sex passus secundum quod ipsi domino petro assignatum fuerat per supradictum camerarium . et exinde ad sancta^d dei evangelia juraverunt sic esse verum. Sicuti perambulaverunt et testificati sunt. Nos vero Judices hoc viso intellectu et cognito tam per instrumentum quam et per testes et ne aliquando oblivioni traderetur tibi adenulfe notarie qui interfuisti . ad partem domini petri de revello et suorum Heredum taliter in scriptis redigere precepimus.

+ EGO QUI SUPRA REGITIUS JUDEX +
+ EGO QUI SUPRA MANASSES JUDES.^e+

NOTE

ON THE ABSENCE OF ANY SYSTEM OF ITINERANT JUSTICES IN APULIA AND CAPUA.

'To the student of Anglo-Norman institutions,' Professor Haskins writes, 'the most interesting aspect of the judicial organisation of the Sicilian kingdom is the question whether there existed a system of itinerant justices.' This question has been raised by most of the recent writers on South Italian and Sicilian institutions, from somewhat various points of view. Caspar regards the justiciars instituted by Roger II. in Apulia and Capua as well as in Sicily as members of a board travelling through the country without definite circuits, and tacitly, though not perhaps explicitly, suggests that they were itinerant members of the *curia*. Chalandon goes further and considers that they were at first temporary delegates of the *curia*, successors in some sort of the commissioners who were sent to administer justice or make inquests under the regency of Adelaide and in the early years of Roger II. Only by degrees did they become fixed as local justiciars with definite circuits some time in the reign of William II. He does not, however, assert in so many words that the same men were central and local justiciars, a view which is adopted by Ernst Mayer. Originally, in the opinion of this writer, the justiciars were employed not only at the central court, but were also sent to administer justice in the provinces. Gradually a distinction appeared between the ordinary justiciars, who became fixed in the provinces, and the three master justiciars who remained at the central court, or *magna curia*, as it came to be called. These three master justiciars, however, had besides provincial functions, for they were employed respectively as master justiciars of Apulia and Capua, Calabria, and Sicily, and complete separation of functions was only achieved in the Hohenstaufen period. Such, in outline, seems to be Mayer's

^a A. sic.

^b A. sic.

^d A. *ad s̄c̄i d̄i evangelia*.

^c A. sic.

^e A. sic.

argument, but it is rendered valueless by an unfortunate misreading of dates and evidence and by the confusion between the master justiciars of the *magna curia*, and the master justiciars in the provinces, for these two groups differed in numbers and duties and the same individuals never served in both. So far as Apulia and Capua are concerned, Mayer's contention must be rejected, but if a careful distinction is made between the judicial system in Sicily and on the mainland, it may be admitted that in Sicily the same justiciars performed central and local functions perhaps as late as the reign of William II. It is, however, hard to decide whether central justiciars perambulated the provinces or whether provincial justiciars on occasion sat as judges of the central court, but there is scarcely space in a paper on the institutions of Apulia and Capua to discuss in detail a question concerning the organisation of Sicily.

Professor Haskins, the most recent writer on the subject of a connexion between the central and local systems, approaches the question from a fresh point of view: he recognises that the justiciars instituted by Roger II. 'are, or tend to become, justices for a particular district, and while they hold court in different towns of the region, their functions did not in themselves involve any closer relations with the central *curia* than is implied in the transmission of the royal writs under which they acted.' At the same time he is unwilling to abandon the itinerant principle and asks: 'Can we follow justices through different parts of the kingdom, or, better yet, can we see justices of the *magna curia* also holding local court? The evidence is not abundant, but it is clear, and so far as it goes seems sufficient to establish the existence of such a connexion of the *magna curia* with the local administration.' The evidence from documents on which Professor Haskins relies belongs entirely to the reign of William II. and it falls into two groups: the records of courts held at Messina in 1168 and 1185, and the cases heard by Robert of Loritello and Florius of Camerota in connexion with the judicial system on the mainland. Besides the documentary evidence, Professor Haskins seeks to strengthen the case for itinerant justices by reference to the presumed needs of the government, and by the analogy of the financial administration. Once more space is lacking for a discussion of the interpretation placed by Professor Haskins on the Sicilian documents of 1168 and 1185, but this is the less to be regretted since he appreciates fully the differences in Sicilian and Apulian usage. It may, however, be noticed in passing that the courts of 1168¹ and 1185² were sessions in one form or another of the *magna curia* as the central court of justice, and not as itinerant in the provinces.

¹ Cod. Vat. 8034 f. 30. Judgment pronounced at Messina in Feb. 1168 by Roger archbishop of Reggio, William bishop of Anglona, John bishop of Malta and Tustain bishop of Mazzara in a suit between the Canons of Bagnara and the monks of S. Euphemia in Calabria. The latter were accused of attacking repeatedly the property of the Canons, thereby breaking the king's peace and the injunctions of Hugh count of Catanzaro, the master justiciar and constable of all Calabria. A mandate of William I. had ordered the justiciars of Calabria Andrew Cafurnus and Matthew of Salerno to try the question, but the monks of S. Euphemia still proved obdurate. The bishops then received a special commission from William II. to pronounce a final sentence, a method of procedure not infrequently adopted in prolonged suits between ecclesiastics. The master justiciar of the *magna curia* Abdenagus filius Anibalis was present at the court held by the bishops at Messina, the residence of the king, and it must be regarded as a special session of the central court.

² Cod. Vat. 8201 f. 11. In March 1185, while *Sanctorus Magnae Regiae Curiae Magister Iustitarius* was holding a court in Messina *more solito*, Ninphus Archimandrite of S. Saviour of Messina brought a suit under two different heads against Bartholomew de Parisio. The previous history of the case is not told at length, but there had already been litigation between the parties, so that it seems likely that the matter was brought before the *magna curia* when there had been

The cases of Robert of Loritello and Florius of Camerota on the other hand demand a thorough analysis. The record of the activity of Robert belongs to the year 1175 and purports to set out a suit heard by him at Aterno (Pescara) with the assistance of two judges of the *magna curia*, Master Peter and Master Thomas of Carbonara, and a number of counts, barons, and knights. There is frankly something suspicious about the document,¹ both from the diplomatic and the historical point of view. On diplomatic grounds it may be urged in the first place that the addition of the numeral to the title of king William : *regnante Domino nostro Rege Guilielmo Secundo* is abnormal in a contemporary document. Again the description of Robert : *Nos Robertus Palatinus Comes Rotelli magister iustitiarius* may be compared with that in a grant of his, issued in 1173,² 7th king William, Feb. Ind vi. *Robertus dei et regia gratia palatinus Comes lorotelli et Cupersani Comes filius et heres domini Roberti cupersanensis Comitibus bone memorie*, and with two other grants of 1174³ and 1179,⁴ where the form is identical. It is of course possible that Robert might leave out the reference to his father in a judicial decision, but *dei et regia gratia* would scarcely be omitted. It has already been pointed out by K. A. Kehr that the salutation in the mandate of William II. which is embodied in the document, is unique for the Norman period : it runs *gratiam suam et bonam voluntatem*, instead of *salutem et dilectionem*, the regular form till the time of Constance.⁵ Further the king omits to describe Robert as *fideli suo*. Leaving the diplomatic side of the question, Robert's qualification as *magister justitiarius* is the first point that needs explanation. What does it imply? It may be regarded as certain that he was not a master justiciar of the *magna curia*, because there is no record of his activity as such, and the list of the master justiciars of the *magna curia* is tolerably complete for the reign of William II. They were, too, always men of lower rank than the count of Loritello, with a professional training. Again there is no record that he ever held the office of master justiciar of Apulia and the Terra di Lavoro, an office for which his rank would no doubt have qualified him. The designation of *magister justitiarius* without further specification does not occur outside this document, and it is most ambiguous. It is possible that it is used in reference to the wide powers of private jurisdiction that the counts of Loritello enjoyed as palatine counts. We know that Robert appointed his own justiciars to act on his behalf,⁶ and the Chronicle of Carpineto describes his judicial

defect of justice. Sanctorus pronounced a sentence in favour of the archimandrite, and the archbishop of Monreale presented it to the king, who graciously confirmed it and ordered Sanctorus to execute it. The court here described seems to be a regular session of the *magna curia* held in Messina, because the king in all probability was there. Not only is his confirmation of the sentence spoken of, as if he were close at hand, but we know certainly that he was there on April 2. (Garufi, *Documenti*, p. 209.)

¹ It is preserved at Monte Cassino in an early copy which unfortunately I did not see. It is printed in slightly varying forms in Gattola : *Historia Abb. Cass.* i. p. 142 and *Accessiones* i. p. 265. The former seems on the whole the better version but in the signature of Master Peter, *Magister Curie iudex* should read as in the *Accessiones*, *Magne Curie iudex*. Cf. the quotation in Haskins, p. 649, n. 154.

² Arch. St. Nap. Perg. Mon. Sopp. ii. No. 156.

³ Cod. Vat. 8034 f. 32 r.

⁴ Bibl. Naz. Nap. Cart. di S. Maria di Tremiti f. 61 r.

⁵ K. A. Kehr : *Urkunden* p. 256 and n. 5 ; p. 330, n. 2.

⁶ Bibl. Naz. Nap. Cart. di S. Maria di Tremiti f. 61 v. *Ego leonasius eiusdem domini palatini comitis Justitiarius ; Ughelli-Coleti x. Chron. Carp. col. 371 . . . Comes Loretelli misit Qualertum de Castilione & Theodinum de Aversa suos Justitiarios curiam celebraturos.*

activity after he was restored to his county: it even mentions at great length a suit which he heard at Aterno.¹ Nevertheless there is little resemblance between the language of the chronicle, which says that he gave orders *ex regia et sua parte*, and the document under discussion, which does not even suggest that he held the county of the king. Again the qualification of Master Peter and Master Thomas of Carbonara as *judices magne curie* is unknown at this period. Nowhere else are judges as distinguished from justiciars of the *magna curia* found under the Norman kings. Once more, the expression *juratus* used in reference to the notary is quite abnormal in the passage: *Unde . . . ad majorem cautelam Ecclesie presens scriptum per manus Robberti notarii nostri Curie juratus jussimus scribi*. The document exists only in an early copy, and everything goes to prove that it was drawn up on the basis of perhaps a genuine document of the 13th century, since it agrees closely with the forms and institutions of that period, and in no way with those of the previous century, to which it purports to belong. Whatever be the true explanation, the judgment of Robert of Loritello cannot be accepted as it stands, and it cannot serve as a foundation of the theory that members of the central court perambulated the provinces of Apulia and Capua.

The history of Florius of Camerota has already been described at some length,² and only a brief recapitulation of the facts is necessary here. In 1150 Florius with the title of royal justiciar was present together with his colleague Lampus of Fasanella at the hearing of a suit brought before a great court held by king Roger at Salerno, and in 1151 both justiciars heard a repetition of the suit, likewise at Salerno, but this time in the court of the strategotus and judges of the city, the king not being present. In 1165 Florius was in exile; in 1168 he had returned, and was a member of the great court at Messina that tried Richard of Mandra; in 1172 he was hearing suits once more in the Principality, at Salerno, at Laurino, and at Eboli, with a new colleague Luke Guarna, and during that year visited the *magna curia* sitting probably, as will be explained later, at Salerno. In 1176 he went to England as a member of the embassy that arranged the marriage of Joanna with William II.; in 1177 he was once more in the principality, and, together with Luke, condemned the rustics who killed the abbot of St. Benedict of Fajano. After this we hear nothing more of Florius. The Catalogue of the Barons gives the information that he held much land in the principality, a fact that agrees with the general rule that justiciars were land-holders in the districts they administered. There seems absolutely no room for doubt that Florius was a local justiciar in the principality; it is, however, somewhat difficult to know what is Professor Haskins' precise view of his office here, for he writes: 'Another example is that of Florius of Camerota, who is found as justiciar in the region of Salerno between 1150 and 1178,' and goes on immediately to insist on his close connexion with the central court. It would seem, however, in accordance with the general line of argument used by Professor Haskins in this paragraph, that he regards Florius primarily as a member of the central court, and consequently sees in his presence in the principality a striking example of the activity of a member of that court as an itinerant justice. The close relations of Florius to the royal *curia* are evident and abundantly proved, but the conclusion which is drawn as to the nature of his position in the region of Salerno does not by any means necessarily follow. The facts seem to show conclusively that when he was acting as a justiciar in the region of Salerno he was acting as a local justiciar, for his colleague was, in every case known to us, likewise a native of the district and a land-holder there, as was Florius himself. The first colleague Lampus was in office before Florius joined him, and Luke

¹ *Ibid.*

² *Supra* pp. 365 *seq.*

remained in office long afterwards, with apparently a fresh justiciar, William of San Severino, again a land-holder in the region. It would assume an immense amount of organisation of the *magna curia*, and an immense staff of justiciars, if a native of the district were always chosen as itinerant justiciar.

The nature of Florius' connexion with the central court needs further examination. In 1168, it has been seen, he took part in the trial of Richard of Mandra at Messina, but from the words of Hugo Falcandus it is not clear whether he was reckoned among the large body of counts or with the master justiciars, Judex Tarentinus and Abdenago, son of Hannibal.¹ It is by no means impossible that Florius should have been a master justiciar at this moment, because his tenure of the post of local justiciar at Salerno must have been interrupted by his exile in the year 1165, and he may, on his return to favour, have occupied a post at the central court. However this may be, his tenure could only have been a short one, for by 1171 the master justiciars of the *magna curia* are Judex Tarentinus, John Burdonis, and Bartholomew de Placia,² and more than three are never found at any one time. He had therefore vacated the office, if he ever held it, before 1172, when we know he had returned to the principality. In this year he played an active part in establishing the customs of Corleto, and Professor Haskins lays stress on his relations, during this case, with the central court. An examination of the circumstances recorded serves, however, it would seem, to establish the fact that it was only as a provincial justiciar that Florius was present at the *magna curia* at this time. In May the royal justiciars Florius of Camerota and Luke Guarna were holding a court *apud Salernum pro quibusdam regiis agendis*. This is the usual type of formula employed by the local justiciars to show that the court was a royal one. On this occasion they received at the hands of the men of Corleto a writ, addressed to them by name, from King William, stating that the men of Corleto complained of the unlawful services imposed by their lords, and ordering the justiciars to hold a court, summon the parties, and settle the matter *ut . . . pro defectu justicie amplius inde curie nostre querimoniam non deponant*. It should be noted that this mandate was dated May 17th at Canosa, during a rare journey of William II. on the mainland.

The lords of Corleto, all but one, attended on the appointed day: the customs were declared to the court by the men, reduced to writing and agreed to by the lords who were present. Since, however, one of them was absent, and Florius was a very short time after holding a court at Laurino, at which the absentee was found, the customs were again viewed and conceded in the presence of the justiciars. After this second concession of the customs the men of Corleto once again, we are told, travelled to the *magna regia curia* and requested that the customs should be shown to the justiciar and reduced to writing. The first journey to the *magna curia* had been to get the writ. The record proceeds: *Curia vero eorum petitiones admittens precepit michi Florio predicto in eadem regia curia existenti eorum consuetudines que ab ipsis dominis eorum concesse sunt insimul cum domino Luca guarnerio socio meo in scriptis redigere iuberemus ipsis omnibus tribuentes quas nos ex precepto magne regie curie scribere precepimus*.³ Florius indeed attended this royal court, but it is plain from the language which he uses in this passage, that he was not a regular member of it. It may be urged further that the *curia* which Florius attended was sitting at Salerno or Capua because, as has been noticed,

¹ Supra, p. 366, n. 2.

² Doc. p. servire alla storia di Sicilia, xvi. 2, p. 31.

³ The customs were solemnly granted by the lords and expounded by order of Florius, at a court at Eboli.

William II. was travelling on the mainland. On May 17 he was at Canosa, he then went to Capua and Salerno, where he remained during the first fortnight of June.¹ Even as late as the end of this reign, the *magna curia* had not wholly abandoned its ambulatory character, although it was tending to become fixed in Sicily, because the court oscillated for the most part between Palermo and Messina. The government still followed the king, since the royal writs are issued from the place of the king's actual residence. It may perhaps be objected that since the mandates were issued in the name of the king, and not in that of the master justiciars, these may have remained constantly in Sicily. Against this contention it must be said that in accordance with the extant evidence, the master justiciars at this period held their sessions at the place of royal residence: consequently they may presumably have visited the mainland at rare intervals, though we have no record of such a visit, but they would still be members of the central court and in no sense itinerant justiciars. In the case under discussion then, it is extremely probable that the *magna curia* attended alike by the men of Corleto and by Florius was held at Salerno: indeed there is no time allowed by the narrative of the suit for a visit to Sicily. Finally it may be suggested that had Florius been one of the 'justices of the *magna curia* also holding local courts' it would not have been necessary for the men of Corleto to appeal in the middle of the suit to the central court.

After accepting the evidence of these two cases of Robert of Loritello and Florius of Camerota, as the basis of his view of the connexion between the local and central judicial system, Professor Haskins turns for further illustration to the practice of the financial administration, though he admits that the association of justice and finance was less close in the Italian-Norman than in the Anglo-Norman system. The history of the development of the financial administration under the Sicilian kings is not a little interesting, but it does not tend to confirm the value of analogies between the judicial and financial systems. In the fiscal organisation of the island of Sicily, it would seem that the members of the central bureau, the *σικρετικοι* or masters of the *duana*, also controlled the *bajuli* and local finance generally. In Apulia and Capua on the other hand, the fiscal administration established by king Roger at the conquest was on a territorial basis with local chamberlains acting in a restricted sphere, and this system was further developed under William I. when provincial master chamberlains were introduced. After 1170 it appears that the financial administration in both parts of the kingdom was approximated, for the provincial master chamberlains disappear and the control of the ordinary chamberlains is vested in the masters of the *duana*. It appears too as if a parallel approximation was taking place in the sphere of justice, but in the contrary direction, so that while the fiscal control of island and mainland alike was vested in itinerant members of the *duana*, the judicial system in Sicily became territorialised to a certain extent after the pattern of the mainland. Thus, while the same justiciars for long exercised both local and central functions in Sicily, very gradually local justiciars with a territorial title begin to be distinguished from the master justiciars of the *magna curia*. Provincial master justiciars like those of Apulia and the Terra di Lavoro and of all Calabria, do not, however, emerge in Sicily under the Norman kings, and for the very reason that Professor Haskins uses to support the itinerant principle on the mainland. The monarchy became less and less ambulatory, consequently the central machinery of government was fixed in Sicily, and in a country of such small extent, provincial officers were not needed. It is plain that king Roger contemplated this line of development

¹ B. Nos. 185 and 186.

from the outset : Sicily was to be the head of the kingdom and the usual place of royal residence, consequently the mainland was organised from the outset as a province with local officials, a system perfected under William I.¹ It seems that the failure fully to appreciate these circumstances has led Professor Haskins to lay too much stress on the need of itinerant justice, and consequently on the indebtedness of Roger II. and his successors to the Anglo-Norman system. The origin of the connexion between the local and central justiciars in Calabria and Sicily may with great probability be found in the Byzantine system of Calabria, and though Roger must indeed have been aware of contemporary practice in England and Normandy, it was a greater debt that he owed to Byzantium ; in conclusion his own genius in adapting and shaping institutions to the particular needs of his dominions must once more be emphasised.

¹ The development of the central government in Sicily is a subject that needs fuller investigation than it has as yet received. The above is only a tentative sketch of the lines of growth.