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SOME ASPECTS OF CROWN-TOWN
RELATIONSHIPS
IN
NORMAN SICILY AND SOUTHERN ITALY

by

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A dissertation submitted in application for the degree of
Master of Letters in the University of St. Andrews

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TL B214

ABSTRACT

One of the characteristics of the Norman conquest in the south was that the Norman conquerors had to overcome a strong civic element of Southern Italy. The towns of *Mezzogiorno* had long been accustomed to their flourishing autonomy under the weak reign of Lombard princes and Byzantine catepans. During the anarchy of the early Norman period, the communal aspiration of the Southern Italian towns grew. The establishment of the kingdom by Roger II brought fresh change in this situation. Henceforth, important towns became 'royal towns' and were made subordinate to the king in their administrative, commercial, judicial and military activities.

The development of the relationships between the Norman kings and Southern Italian towns is significant where the extension of royal power is concerned. Unlike in Sicily, where majority of the land was in the king's own hand, the mainland part of the *regno* was largely held by feudal counts and barons. Here, royal administration could not be advanced without establishing sufficient control of the towns which became the centres of royal government on the peninsula.

The study provides aspects of the crown-town relationships by close examination of two groups of royal charters, one from Roger II and the other from Tancred. The former shows an early development of the king's idea of his royal towns, while the latter reveals an established framework of the royal control over the towns at the end of the Norman period. Although the number of the charters is strictly limited, the evidence is vital to confirm the transformation of the Southern Italian towns under the Norman domination.

DECLARATION

I, Kyoko Kamiya, hereby certify that this thesis, which is approximately 30,000 words in length, has been written by me, that is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

date *30 Oct 1992* signature of candidate ,

I was admitted as a candidate for the degree of M.Litt. in October 1991 the higher study for which this is a record was carried out in the University of St.Andrews between October 1991 and October 1992.

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I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of M.Litt. in the University of St.Andrews and that the candidate is qualified to submit this thesis in application for that degree.

date *11 Nov 1992* signature of supervisor

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LIST OF ABBREVIATIONS

- Abulafia, 'Crown and economy' Abulafia, David, 'The crown and the Economy under Roger II and his successors,' *DOP*, XXXVII(1983), pp.1-14.
- Abulafia, *The Two Italies* Abulafia, David, *The Two Italies: Economic Relations between the Norman Kingdom of Sicily and the Northern Communes*, Cambridge 1977.
- Al. Tel.* Alexander Telesinus, *De rebus gestis Rogerii Siciliae regis libri quatuor*, in: Del Re, ed., *Cronisti e scrittori sincroni napoletani editi e inediti*, I, Naples 1845, pp.81-156.
- Amatus* Amatus of Montecassino, *Ystoire de li Normant*, in: *Storia de' Normanni di Amato di Montecassino*, ed. Vincenzo de Bartholomaeis, Rome 1935.
- BAS* Amari, Michele, ed. and trans., *Biblioteca arabo-sicula, versione italiana*, 2 vols., Rome/Turin 1880-1881.
- BISIME* *Bullettino del Istituto storico italiano per il medio evo e Archivio Muratoriano*, Rome 1886-
- Cat. Bar.* *Catalogus baronum* ed. Jamison, Evelyn, Rome, 1972 (*FSI*, CI).
- Chalandon, *Hist.* Chalandon, Ferdinand, *Histoire de la domination normande en Italie et en Sicilie*, 2 vols., Paris 1907
- DOP* *Dumbarton Oaks Papers*
- EHR* *English Historical Review*
- Falcandus* Hugo Falcandus, *Liber de regno Siciliae*, in G.B. Siragusa ed., *La historia o liber de regno Siciliae*, Rome 1897 (*FSI*, XXII).
- Falco Benev.* Beneventanus, Falco, *Chronicon*, in Giuseppe Del Re, ed., *Cronisti e scrittori sincroni napoletani editi ed inediti*, I, Naples 1845, pp.157-276.
- FSI* *Fonti per la storia d'Italia*, Rome 1887-

- Gay, *L'italie méridionale*
- Gay, Jules, *L'italie méridionale et l'empire byzantin, depuis l'avènement de Basile Ier jusqu'à la prise de Bari par les Normands, 867-1071*, Paris 1904
- Jamison, 'Norman Administration'
- Jamison, Evelyn, 'The Norman Administration of Apulia and Capua, More Especially under Roger II and William I, 1127-1166,' *PBSR*, VI (1913), pp. 211-481.
- Jamison, *Admiral Eugenius*
- Jamison, Evelyn, *Admiral Eugenius of Sicily, His Life and Work*, London 1957.
- Liber Augustalis*
- Liber Augustalis*, trans. J.M. Powell, Syracuse, N.Y. 1971.
- Malaterra*
- Geoffrey of Malaterra, *De rebus gestis Rogerii Calabrie et Robertis guiscardi ducis fratris eius*, ed. E. Pontieri, (*RIS*² V/1), Bologna 1927-8
- MGH SS*
- Monumenta Germaniae historica, Scriptores*
- PBSR*
- Papers of the British School at Rome*, London 1902-
- QF*
- Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, Rome 1890-
- RIS*
- Rerum italicarum scriptores*, ed. L.A. Muratori, 28 vols., Milan, 1723-1738, 1751
- RIS*²
- Rerum italicarum scriptores*, 2nd ed., Città di Castello and Bologna 1900-
- Rogerii II*
- Codex Diplomaticus Regni Siciliae: Rogerii II Regis Diplomata Latina*, ed. C.R. Brühl, Cologne 1987.
- Rom. Sal.*
- Romualdus Salernitanus, *Chronicon sive Annales*, ed. Arndt, *MGH SS*, XIX, 1864, (New ed. C.A. Garufi, Città di Castello 1909-1935 *RIS*², VII/1)
- Takayama, *Ph.D.*
- Takayama, Hiroshi, *Exploring a Medieval Kingdom of Mystery: The Norman Kingdom of Sicily and Its Administration*, 1990, Yale

University, Ph.D.dissertation,
unpublished.

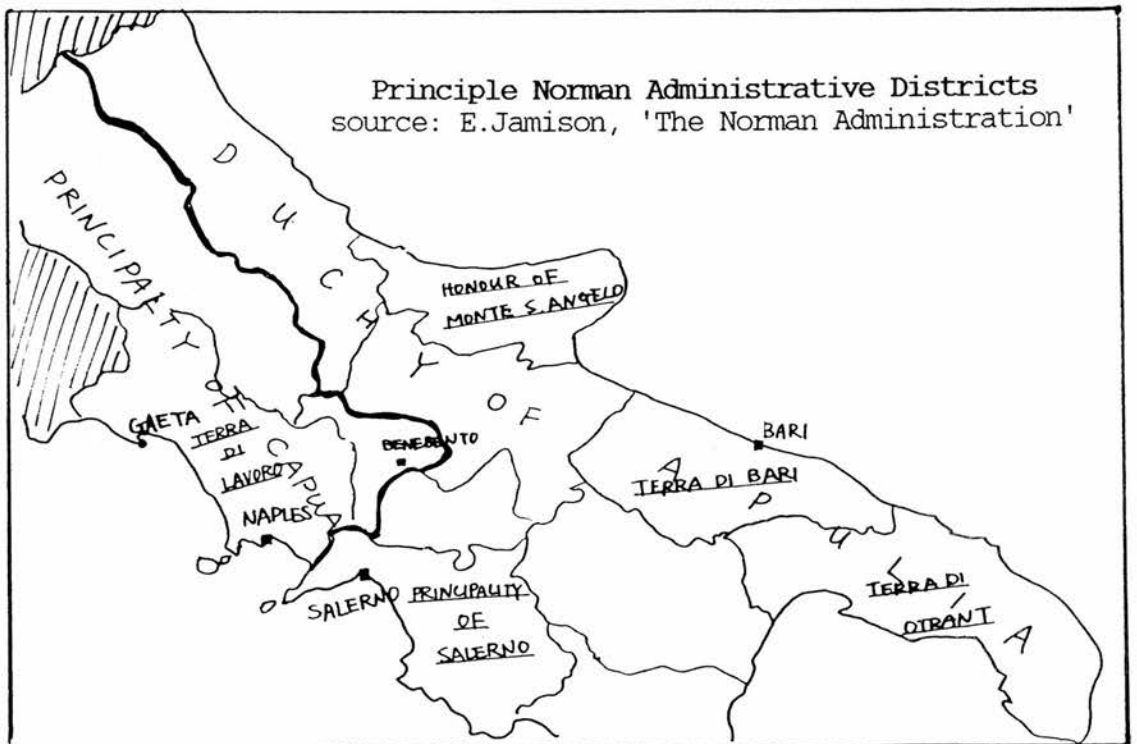
Tancredi

*Codex Diplomaticus Regni
Siciliae: Tancredi et Willelmi III
Regum Diplomata*, ed.H.Zielinski,
Cologne 1982.

Wil.Ap.

Guillelmus Apuliensis, *Gesta
Roberti Wiscardi*, in Guillaume de
Pouille, *Le geste de Robert
Guiscardo*, ed.M.Mathiew, Palermo
1961 [Istituto Siciliano di Studi
Byzantini e Neolenici, Testi 4].

Southern Italy (900-1070)
 from: J. Gay, *L'Italie Méridionale*



Introduction

This study intends to outline the development of the relationships between the Norman kings of Sicily and Southern Italian towns by close examination of the charter materials.

One of the characteristics of the Norman Conquest in the South was that the Normans had to overcome the strong civic element in Italy which had been inherited from the earliest period of the Greek-Roman Empire. As a result of the consistent struggle with the foreign invaders and among themselves, the Southern Italian towns had attained strong solidarity under the name of *commune* or *universitas*, with well established municipal government and their own militias. Their commercial prosperity, drawn from the first flourishing of the Mediterranean trade, had also stimulated their autonomous development. The Norman rulers had to face the vigorous resistance of these towns as well as other Norman barons. Even after the pacification of the area by Roger II, the towns were still being a source of disturbance in the kingdom.

On the other hand, the political, economic and military strength of the towns was of great advantage to the king if he could properly assimilate them into the royal structure. Compared with Sicily, where the majority of the lands was held in the king's own hands, the territorial resources of the crown were much less extensive on the mainland.¹ The towns could be transformed into the centres of royal power to administer demesne lands, to supervise the

¹According to Galasso, only 20-30% of the mainland part of the kingdom was royal demesne. D. Abulafia, 'Crown and Economy,' p. 4, from Galasso, *Dal comune medievale all'unità*, Bari 1969, p.53.

feudatories, and to prepare for the outside enemies. Although the growing importance of the towns for their finance, defence and extension of their power was a commonplace during the period, few other twelfth century monarchs encountered such great problems and also advantages from their towns.²

In the later years of William II's reign, the Norman *regno* enjoyed almost complete peace for twenty years. This is something other contemporary monarchies could rarely achieve. This is generally accepted as a result of the success of royal bureaucracy.³ However, had there not been the successful control over the towns, it would not have been possible. On this ground, political significance of the crown-towns relationship in the kingdom is considerable.

Although there are studies of the Southern Italian towns under the Norman rulers, little is available in English except for the partial accounts in the works by E. Jamison and D. Abulafia. On account of the scarcity and difficulty of the access to the materials, this paper takes a rather peculiar form. In the introductory part, it observes the initial phase of the relationship

² cf. J.W.Baldwin, *The Government of Philip Augustus*, California 1986, pp.59-64, S.Reynolds, *An Introduction to the History of English Medieval Towns*, Oxford 1977, pp.46-139. A few examples that the towns deserved much attention of the crown were in the cases of Germany in its Lombardian relation and Spain for its reconquest. cf. P.Munz, *Frederick Barbarossa*, London 1969, J.F.Powers, *A Society Organized for War: the Iberian Militias in the Central Middle Ages, 1000-1284*, California 1987.

³ Takayama, *Ph.D.* p.248.

between the Normans and the Southern Italian towns according to the political development. In the second and third parts, the two groups of charters, one from Roger II and the other from Tancred, will be examined to provide aspects of the development of the royal control over the towns. Since the number of the surviving charters is strictly limited and all of them were granted in diverse political circumstances, generalizations about the royal towns cannot be made from these materials alone. However, this diversity presents various aspects of their relationships: what was the requirement from the kings to them, or what did they demand from the kings, the variety of their importance to the crown, their roles in the royal administration and economy, the chronological development of the royal institution over the towns, etc.

All the texts of the charters were taken from the recent publications of the *Codex Diplomaticus Regni Siciliae* by modern scholars.⁴ The reign of the two Williams had to be largely bypassed, as the critical edition of the *Codex* of these two kings is still in preparation. It should also be said that the bibliography of the secondary works is far from complete due to the variety of the languages they were written in. However, I hope the modernity of the *Codex* and other English and French sources may reduce the problem.

I have tried to present clearly the connection between the roles played by each town, or sometimes by each district, vis-à-vis the kings and their historical, political geographical and economic

⁴ *Codex Diplomaticus Regni Siciliae: Rogerii II Regis Diplomata Latina*, ed. C.R.Brühl, Cologne 1987; *Tancredi et Willelmi III Regum Diplomata*, ed. H. Zielinski, Cologne 1982; *Constantiae Imperatricis et Reginae Siciliae Diplomata* (1195-1198), ed. T. Kölzer, Cologne 1983.

background. Commercial aspects are also given special attention as they have been studied in the works of Abulafia and form the most important long term factor for this subject.

Part I

Traditional relationships between the towns and their sovereigns before the conquest of Roger II

Chapter 1. Southern Italian towns before the Norman Conquest

1) Towns in Campanian region

The region of Campania is a part of Southern Italy best suited to urban development with its fertile plains and a number of good ports. Cities had been the centre of its life since the early period of Roman domination. The background of the Campanian towns shows great complexity as a result of successive invasion of various political groups on Southern Italy after the fall of Roman Empire.¹ Following the establishment of Ostrogothic kingdom, the Byzantine Emperor Justinian also commenced his conquest of Italy and Sicily. The Byzantines conquered Sicily, Naples, Ravenna and finally overthrew the Ostrogoths in Italy (552). The Greek hegemony was soon halted by the foundation of the Lombard Kingdom in Italy. The most important change in the south of Italy resulting from this was the establishment of the Lombard duchy of Benevento. In the Campanian region of Southern Italy, the duchy of Naples alone remained in Byzantine hands and kept off the Lombard influence.

The conquest of Charlemagne brought an end to the Lombard kingship of Italy in 774. However, Frankish authority did not make

¹Main sources for the chronological account of early history are: Gay, *L'Italie méridionale*, C.Wickham, *Early Medieval Italy: Central Power and Local Society 400-1000*, London 1981, J.Tabacco, *The Struggle for Power in Medieval Italy*, Cambridge 1989, trans. by R.B.Jensen from *Egemonie sociali e strutture del potere nel medioevo italiano*, 1979.

substantial changes south of Rome. The already half independent Lombard duchy of Benevento assumed the title of principality and claimed to be the successor of the Lombard kingdom. During the ninth century the separation of Salerno (849) and Capua (861) from this principality took place as a consequence of civil discord. Both of the new states assumed the title of principality. Meanwhile, the Byzantine duchy of Naples gained greater autonomy after the loss of the exarchate by the Empire. The areas under Byzantine influence too came to be divided by the substantial independence of cities of Gaeta and Amalfi. These city states took the title of duchy during the tenth century as their special role as commercial entrepots gave them an extraordinary wealth and political power. Thus at the beginning of the eleventh century, there were three Lombard principalities and three duchies nominally subjected to the Greek Empire. These two groups were distinct from each other in their racial and social composition.

In the Campanian region of Southern Italy, the important towns were all capitals of these principalities and duchies, namely, Benevento, Salerno, Capua, Naples, Gaeta and Amalfi. The characteristic of each town varied according to its geographical and historical background.² The two inland towns of Capua and Benevento had their primary function as administrative centres. Although their economic environment was essentially agricultural, the cities retained vigorous commercial activity and the Lombard nobility settled in them.³ Amalfi and Gaeta, which had a relatively small

² G.Galasso, 'Social and Political Developments in the Eleventh and Twelfth Centuries' in *The Normans in Sicily and Southern Italy*, Oxford 1977, p.49.

³ Wickham, *Early Medieval Italy*, pp.149-150.

hinterland but good harbours and political connection with the Empire, were completely directed towards maritime commerce.⁴ Salerno also became one of the entrepots of Mediterranean trade, but the commercial element among the ruling class does not seem to have been as dominant as in the other two cities. The commercial network of these towns up to the eleventh century included North Africa, Byzantium and Middle East. Their trade activity was especially encouraged by the Arab conquest of Sicily and the transfer of the Fatimids to Egypt.⁵ Finally, Naples retained a primarily political and military character with its tradition of the militia inherited from Roman times.⁶ The commercial activities of the city seems to have been less important.⁷

Despite the variety of their process of urban development, the relationship between the citizens and their suzerain followed similar courses in the Campanian states of Southern Italy. From the very early period, the authority of the princes and dukes was constantly undermined by the powerful aristocracy who eventually gained immunity

⁴ Tabbaco, *The Struggle for Power*, pp.145-150.

⁵ For the commerce of Southern Italy and Sicily, see, A.O.Citarella, 'The relations of Amalfi with the Arab World before the Crusades,' *Speculum*, XLII(1967), pp.299-312, S.Goitein, 'Sicily and Southern Italy in the Cairo Gheniza Documents,' *Archivio storico per la Sicilia orientale*, LXVII(1971), pp.9-33, also L.C.Chiarelli, *Sicily during the Fatimid Age*, 1986, University of Utah, Ph.D. Dissertation, pp.155-179.

⁶ Gay, *L'Italie méridionale*, pp.155-179.

⁷ An Arab traveller Ibn Hauqal put Naples second to Amalfi, *BAS*, I,p.25.

for their own territories and became independent of their lord.⁸ The real power of a prince was gradually restricted to his capital town and its territory. The rise of town nobility occurred in parallel with the improvement of their financial status brought from landed properties and engagement in commercial activities. The town nobles eventually gained considerable influence in the ducal and princely government. This phenomenon was encouraged by an urgent necessity of self-defence and demand for the effective administration in order to survive continuous Arab invasion and mutual conflicts within Southern Italy. Thus there was a direction moving from monarchic regime towards communal organization.

This development can be seen in many ways. There is an obvious increase in the roles played by the aristocracy in the administrative documents. These nobles with the titles of *judex*, *miles* or *boni homines* frequently assisted their lord in their council and signified the documents together with him.⁹ Occasionally, the aristocracy acted collectively to limit the authority of the princes and even deposed them by their own decision under urgent political circumstances. The *pactum* between the duke Sergius of Naples and Neapolitans, for instance, regulated the precise function of the duke and the rights of the citizens.¹⁰ In Benevento, the prince was

⁸ Gay, *L'Italie Méridionale*, p.553. cf. Wickham, *Early Medieval Italy*, p .159. The decline of public authority and territorial fragmentation were even more far reaching than the similar process developing in France, for the transaction of land was virtually an outright gift in Southern Italy.

⁹ Gay, *L'Italie méridionale*, pp. 560-61.

¹⁰ Chalandon, *Hist.*, I, p. 76, The date has been in question between 1030 and 1120.

temporarily expelled by the citizens and the first communal organization of the citizens was formed in 1015.¹¹ The Amalfitans had their child duke deposed in 1073 and commended themselves to Robert Guiscard to save the city from the ambition of the neighbouring prince of Salerno.¹² The overwhelming influence of the town aristocracy was no less remarkable in Gaeta where the nascent communal movement was apparent since 1040s.¹³ In the principalities of Capua and Salerno, although the princes seem to have retained greater power before the Norman conquest, they had to struggle with their restive subjects and heavily depended on the mercenary forces.

This political rise of the citizens must have brought various prerogatives for them. Although there were various traditional rights of the seigneur particular to Southern Italy, how far the dukes and princes could exercise their seigneurial right over their powerful subjects is doubtful. The appointment of judges or notaries, for instance, was at first in the hands of the princes but then they eventually became hereditary positions attached to the particular families of the town.

Various kinds of traditional fiscal rights of Southern Italian seigneur are known from documents. As a rule, people owed to their lord a rent paid in money for their land tenure called various names such as *census*, *denarii censuales*, *denarii conditionales*. This payment was accompanied with renders in kind called *salutes*, *exennia*,

¹¹ Gay, *L'Italie méridionale*, p. 561<*facta est communitas prima*> quoted from *Chronicon Beneventanis*.

¹² Chalandon, *Hist.*, t.I,p.234

¹³ G.A.Loud, *Church and society in the Norman Principality of Capua 1058-1197*, Oxford 1985,p.42 G.Galasso, 'Social and Political Development', p. 49.

xenia, etc. Besides these, there were labour duties (*opere, angariae*) for a fixed duration of days *per annum*. The payments levied for particular agricultural products (*terraticum, olivam, vinnum*, etc.) were also common.¹⁴ Towards the end of the eleventh century, a collective payment by each locality called *data* or *datio* to their lord began to appear frequently in written sources.¹⁵ Apart from these renders and labour services, a number of duties for commercial activities such as *kommerkium* (tax of Greek origin levied for market), *plateaticum* (tax for sales), *anchoraticum* (tolls for harbours), *scalaticum* (tax for weights and measures), *repaticum* (tolls for the passage through harbours, on bridges and in waterways), etc. must have been an important revenue for the lord. Some of these rights seem to have been abandoned and revived by the Normans in the later period.¹⁶

To what extent these duties were owed by the inhabitants of greater towns must have varied according to the relative strength of the citizens and their princes in each town at different times. However, considering the political supremacy of the citizens, there is no doubt that they had gained extensive fiscal privileges from

¹⁴ P.Toubert, 'La terre et les hommes dans l'Italie normande au temps de Roger II:l'exemple campanien,' in *Società, potere e popolo nell'età di Ruggero II*, Bari 1979, pp.63-67.

Chalandon, *Hist.*, t.II, p. 696, These taxes were generally a tenth of the products.

¹⁵ Chalandon, *Hist.*, t.II, pp.690-695.

¹⁶ Abulafia, 'Crown and Economy', p.10.

their lords.¹⁷ The financial resources of the Southern Italian princes whose wealth was still renowned during the eleventh century, were presumably based on the revenues from their own landholdings and commercial engagement and the payments from foreign merchants.¹⁸

Finally, concerning the military service and other personal obligation owed by the citizens, there seems to have been no formalized regulation. Some evidence of service in return for the possession of land is known. However, these are exceptional cases and by no means coherent.¹⁹ Above all, the aristocracy in the Southern Italian towns was essentially civil. The heavy dependence of Southern Italian princes on mercenary force is a clear indication of the weakness of their own military resource. Although citizens fought for their lord in time of war, this was not because it was a fundamental part of their duties for their lord but rather for their own protection, or on many occasions, their own profits. When they were merely forced to fight, the reluctance of the citizens often aided invaders.²⁰ Thus, during the pre-Norman period of Campanian towns, the citizens maintained a considerable degree of freedom from their princes and dukes in various aspects of their relationships with them.

¹⁷ cf. Gaetans had paid various duties in Naples until they were given a number of judicial and commercial privileges from duke Sergius in 1029. Chalandon, *Hist.*, t.I, p.76.

¹⁸ According to the Cairo Geniza documents, there was no limit of the duration of visit by foreigners in Amalfi. Goitein, 'Sicily and Southern Italy', p.12.

¹⁹ Claude Cahen, *Le régime féodale de l'Italie normande*, Paris 1940, pp.21-31.

²⁰ The fall of Salerno in 1076, for example.

Apart from the general relation between the citizens and their own lord, there is the question of the relationship between two city states when one was subjected by the other. The recognition of suzerainty by one town of another or other foreign powers was particularly frequent in Southern Italy. The form of subordination was normally maintained by the payment of a sum of tribute.²¹ There is no sign of an attempt to establish any efficient system to control the subjected town except occasional acts of oppression by the alien lord. The internal structure of the town was left intact and the domination by the outsider was in many cases nominal and short-lived. The idea of fuller lordship accompanied with more substantial rights of sovereign was completely absent in the eleventh century Southern Italy as a consequence of political fragmentation continuing for several centuries.

2) Towns in Apulia: Byzantine Italy

Except the Campanian region, Apulia was the only area in Southern Italy which could provide sufficient hinterland and economic condition for urban development. In the middle ages the plain of Apulia was one of the major granaries of Mediterranean. Most of its towns stood on Roman sites and the geographical closeness to the Empire guaranteed them some amount of commercial activity. Byzantine influence over Southern Italy was largely restored during the period of Macedonian revival in the ninth century. Their territory included

²¹ The Amalfitans commenced their revolt against Guaimar V of Salerno by refusing to pay their tribute *Amatus*, III, 28, When they revolted against the Normans later, they refused the *tributum* and *servitium*, Chalandon, *Hist.*, t.II, p.691, from Malaterra IV 24.

all Apulia and Calabria and occasionally wider range of frontier areas. The theme of Lombardy was created as an administrative unit for Apulia. In the tenth century, it was transformed to the theme of Italy and the first *catepan* directing whole Byzantine territory on Italy was installed at Bari in 969.²² Although they extended their authority at times, Byzantine domination over the native Italians was by its nature problematic and inefficient. In particular, the increase of Muslim attacks after the Arab establishment in Sicily was a decisive factor in the weakening of the Byzantine provincial government. This course of history favoured the emancipation of the cities of Apulia like Bari, Trani and Brindisi which had been well established since ancient times.

Firstly, one of the important elements for the development of town autonomy, control of military command, became increasingly obvious. Despite the effort of the Empire to construct a number of *castra* for the defence of its Italian province,²³ the garrisons sent from the central government were constantly under strength, especially when the Empire had troubles within its main territories. The defence of the province was left to the native population and the Byzantine government itself took an initiative to form the militia of each locality.²⁴ The command of these militias was given to the

²² Chalandon, *Hist.*, t.I, p.4.

²³ Most notably, the construction of the *castra* including Troia(1019) by Catepan Basil Bojoannes at the beginning of the 11th century. cf.A.Guillou, 'Notes sûr la société dans le katépanat d'Italie au XIe siècle, *Mélanges d'archéologie et d'histoire*, LXXV(1963),pp.79-110.

²⁴ For the creation of Byzantine militia in Apulia, see Chalandon, *Hist.*,t.I, pp.33-37.

local magistrates with Byzantine titles such as *strategoi* or *turmarches*.²⁵

Secondly, the structure of the provincial government itself provided some favourable factors for town autonomy. Since the population was largely Lombard, Byzantine authority came to include a strong Lombard element in its administration. Except the highest officials such as *catepan* or *strategos* of theme, all the *archontes* of the provincial government were the indigenous aristocracy.²⁶ This structure of government particularly favoured the rise of the citizens of Bari who had considerable influence in the provincial government as its officials. In addition, the lower class of the local officials such as *judices* or *krites* retained its social and political importance since the laws and customs of Lombards and particular *usus* of each locality were preserved.²⁷ Although there appeared some distinguished personalities such as Basil Bojoannes,

²⁵ These officials had originally both military and administrative functions. The function of eleventh century *strategos* seems to have been limited to the military position. L-R. Ménager, ed., *Les actes latins de S. Maria di Messina*, Palermo 1963, pp.30-31. cf. N. Oikonomidès, 'L'évolution de l'organisation administrative de l'empire byzantin au XIe siècle (1025-1118)', *Travaux et Mémoire -6=Recherche sûr le XIe siècle*, Paris 1976, pp.125-152.

²⁶ For the Byzantine officials in Italy, see Vara von Falkenhausen, 'A provincial aristocracy: The Byzantine provinces in Southern Italy' in the *Byzantine Aristocracy IX to XIII* ed. by M. Angold, BAR, International series 221, 1984, pp.211-235.

²⁷ Gay, *L'Italie méridionale*, p.570. The usage of *lex langobardorum* was frequently expressed in the charters.

the authority of individual Byzantine administrators never became supreme as their tenure of the office was normally limited to a couple of years. In theory, all the officials had to be direct nominees of the *catepans*. However, in practice they were often locally elected and imperial titles and dignitaries became hereditary within a particular local family. As the weakening of Byzantine authority became apparent, these officials came to act as local magistrates representing their own interest rather than public functionaries. Primary concern of the class of local aristocracy in relation with their sovereign was simply to gain more land of their own from him. Their loyalty frequently shifted to the one who offered them more possibilities of achieving this purpose whether their own Byzantine government or its adversaries like German emperor, their own rebel leaders, or the Normans.²⁸

The dismembering of the province was also extended by the government's policy of granting a certain degree of immunity to individual nobles or a particular locality in return for a fixed payment. Most notably, Troia was granted an extensive privilege as recompense for its heroic resistance against German emperor in 1022. The town obtained freedom of commercial activity throughout the catepanate without paying any dues, and exemption from labour service and any contribution in kind, in return for the annual payment of 100 *sous* of the *skiphati* of gold.²⁹

²⁸ von Falkenhausen, 'A Provincial Aristocracy', pp. 224-225. A.Guillou, 'Production and Profits in the Byzantine province of Italy', *DOP*, XXVIII(1974),pp.98-100.

²⁹ Gay, *L'Italie méridionale*, p.564.

On the other hand, there are also frequent mentions of heavy taxes and military service demanded by the Byzantine government.³⁰ This is generally accepted as the main cause of the resentment of the Apulian population against the Byzantine domination. The nature of the fiscal obligation was essentially identical to the rest of Southern Italy as they preserved existing customs of the Lombards. However, the Byzantine system of farming out public office may have caused stricter exaction of the local officials than in other areas. Concerning military service, organization of the local militia by Byzantine government accompanied military obligation of local people.³¹ The requirements for naval service seem to have been strengthened while the general decline of Byzantine sea power became inevitable. This burden was often a direct cause of local insurrection.³² The existence of the service for the construction and maintenance of the fortresses is also known.³³

³⁰ Chalandon, *Hist.*, t.I., p.35, von Falkenhausen, 'A Provincial Aristocracy,' pp.223-224.

³¹ A charter of Catepan Argiros in 1054 exempted the monastery of St. Nicholas of Monopoli from diverse serviced including what Chalandon thought the provision of people and horses for local militia, Chalandon, *Hist.*, t.I, p.36.

³² *Ibid.*, pp.35-37 cites from the *Life of St. Nils* obligatory provision of vessels. Whether the sailors were also recruited from the towns is not mentioned but extremely probable.

³³ J-M.Martin, 'Les communautés d'habitants de la Pouille et leur rapports avec Roger II', in *Società, potere e popolo nell'età di Ruggero II*, Bari 1979, p.79.

Resulting from these various factors, the towns of Apulia became overwhelmingly independent of Byzantine authority. In 1009, the first major occurrence of anti-Byzantine revolt took place under the leadership of Meles, a rich citizen of Bari. In this insurrection, most of the towns stood against the empire. By the mid eleventh century, Apulia was divided into numerous towns and *castra* acting as they pleased for the benefit of their own community. Their independence and aggressiveness seem to have been considerable at this period.³⁴ Thus when the Norman attack became a serious problem, the catepan was unable to prevent the citizens of Bari and other towns from concluding individual treaties with the Normans.³⁵ Except for Bari, the scale of urban communities in Apulia was much smaller than the greater towns of Campania. Their commercial activity which was more tightly connected with the Empire was also less important than that of Campanian towns. However, the citizens of Apulian towns seem to have sought their autonomy more consciously due to the difficulties arising from the foreign domination. Although Byzantine government retained a certain degree of fiscal rights until the end of its rule, its lordship over the Apulian towns was as weak as that of other Southern Italian princes.

Autonomous development of the towns of Southern Italy thus took place as early as that of Northern communes.³⁶ In the great towns of

³⁴ Guillou, 'Production and Profits', pp.106-107, cites a record of organized brigandage among the cities of Apulia.

³⁵ Gay, *L'Italie méridionale*, p.533, in 1064, <Duke Robert came to Bari and we exchanged the oath > quoted from *Anonimus Barensis*.

³⁶ cf. Supposed date of the formation of communal organization in Southern Italy, Polignano(992), Terracina(994),

Campania, communal organization was created in due course of the taking over of princely authority by the town nobles. In Apulia, the weakness of the Byzantine government brought the separation of the towns from imperial authority. The relationship between the citizens and their sovereign was essentially limited to the fiscal matters and judicial and administrative control was lacking.

Atrani(997), Troia(1019), Naples(1030), Melfi(1040), Devia(1054), Gaeta(1060), Ravello(1096), Monopoli(1098), Bitetto (1105).G.Fasoli, 'Città e ceti urbani nell'età dei due Guglielmi', in *Potere, società,e popolo nell' età dei due Guglielmi*, Bari 1981, p. 149.

Chapter 2. Initial relationships between the Normans and the towns

1) Political development

The Normans became the masters of Southern Italy during the second half of the eleventh century. Most of the important towns of Southern Italy, were put under the Norman rule during this period. First of all, Capua was taken by Richard of Aversa in 1057 who usurped the title of prince by forcing the citizens to recognize his claim. The new prince also gained the control of Gaeta in 1063.¹ Meanwhile, the Byzantine catepanate was terminated by Robert Guiscard in 1071 with the fall of Bari and this city became the most important centre of the duchy of Apulia. The citizens of Amalfi capitulated themselves to the duke in 1073. Finally, Salerno was taken in 1076 by the same duke and recognized him as the prince of Salerno.² The commune of Benevento survived the death of the last prince in 1077 without being annexed to Norman rule but fierce civil discord developed between the Papal and Norman parties within the town. Thus the South Italian city states, who were at first the masters of the Norman mercenaries, sharply lost their previous political strength. On the Campanian side of the peninsular, Naples alone retained its independence and ducal dynasty. In Apulia, the towns of secondary

¹ The ducal dynasty of Gaeta seems to have been preserved but the succession of the title became confusing by claims of various Norman princes and barons. Chalandon, *Hist.*, t.I., p.215, 309, 316. Loud, *Church and Society*, pp.91-92.

² L-R. Ménager, 'L'institution monarchique dans les états normands d'Italie', *Chaiers de civilization medieval*, II(1959), p.329.

importance became the target of various Norman barons. There was also creation of new *castra* by the Normans in this region.³

The death of the two first Norman leaders and weak reigns of their successors brought anarchy in Southern Italy. The period from the last decade of the eleventh century till the conquest of Roger II marked vigorous individual activities of towns in their struggle to survive the chaotic situation. The control of Apulia by the duke became particularly weak with the transfer of the ducal seat from Bari to Salerno. In 1113, there appeared a genuine communal movement in Bari led by its archbishop.⁴ This development in Bari finally created the principality of Bari under the wealthy citizen Grimoald Alferanite. In Campania, communal tendency was especially strong in Gaeta.⁵ Capua and Amalfi were also restive under their weak lords. However, in Salerno, ducal authority maintained some influence over the town.⁶ Other than this exception, towns seem to have been under

³ Most notably, construction of Andria, Corato, Bisceglie and Barletta by Count Pierron, *Wil.Ap.*, II, 31-32, cf. Martin, 'Les communautés d'habitants', p.78.

⁴ *Ibid.*, p.82, the expressions <*consilio totius civitatis*>, <*communi civium nostrorum assensu decretum et*> and the fact that the archbishop managed the <*pecunia de rebus publicis exquisita*> leave no doubt to the communal organization.

⁵ Gaeta signed a treaty without mentioning their duke in 1105, dated in the year of the Greek emperor, Chalandon, *Hist.*, t.I, p.309, Loud, *Church and Society*, p.15.

⁶ In 1127, the Salernitans refused Roger's requirements on account that they had suffered enough under the Norman rule, Chalandon, *Hist.*, t.I., p.386.

the similar direction and acted independently.⁷ Consequently, the immediate result of the Norman conquest was the detachment of the town organization, which had already been well developed, from the rule of existing authority. Thus when Roger II launched his Southern Italian conquest by the death of duke William of Apulia in 1127, the towns were at the height of their political power.

The framework of the relationship between the early Norman rulers and the towns can be provided from the surviving evidence of their mutual treaties and some information about their institution in the towns. There are two useful records of the negotiations of early Norman leaders with the towns. Firstly, Richard of Aversa, when he occupied Capua in 1057, left the possession of the citadel and gates of the town to the citizens in return for the recognition of the princely title. However, he changed these conditions when he made the second occupied the town for the second time in 1062.⁸ It is known that the Capuans offered him a large amount of gold, but he answered that he did not want any gold but the subjection of those who possessed gold.⁹ Secondly, evidence of the conditions offered by Robert Guiscard to the citizens of Bari in 1071 is provided by William of Apulia.¹⁰ After the surrender of the citizens, the duke

⁷ Bari concluded treaty with Venice in 1122. Amalfi also made treaty with Pisa after the death of duke William in 1127. Abulafia, *The two Italies*, pp.77-78, p.59.

⁸ *Amatus*, III 12 ed p127, *Leo Ostia* II 66 <de la volonté et alegresce delo pueple> Ibid., III 15 <cedente Landulfo, recipiunt hominem et sacrant in principem>

⁹ Galasso, 'Social and Political Developments,' p.59.

¹⁰ *Wil.Ap.*, III 144, Gay, *L'Italie méridionale*, pp.537-538, Chalandon, *Hist.*,t.I. p.188.

received an oath of fidelity from the Argyrizzos, the leader of the Norman party in the city and other representatives of the citizens. Guiscard recognized this Argyrizzos as the lord of Bari. The tribute which had been paid to Constantinople should be transferred to the duke. The Norman garrison was to be installed in the town. To the citizens, Guiscard engaged to respect the law of the inhabitants and promised to restore the territories of the citizens outside the town which had been occupied by the Normans. These surprisingly favourable terms are generally accepted as intended to gain the support of the citizens for the following siege of Palermo.¹¹

Some common features of their relationships arise from these two cases. Firstly, the possession of the citadel of the town and other military facilities was a serious concern for both the conquerors and the citizens. The promise of the preservation of the fortification was frequently gained by the citizens when their position was relatively advantageous.¹² Secondly, the payment of the

¹¹ D.Waley, 'Combined operations in Sicily A.D. 1060-78', *PBSR*, XXII(1954), pp.119-121, 'men of Bari' were found fighting for the Normans in the siege of Palermo. It seems one of the objects of this siege of Bari was to seize the Greek fleet for the next siege.

¹² cf. Chalandon, *Hist.*, t.I, p. 295, In 1089, Duke Roger and Bohemond promised to the inhabitants of Bari and Cosenza not to construct citadels, p.315, In Benevento the citizens obtained an agreement of the Normans to the destruction of their citadel in return for money. Galasso, 'Social and Political Developments,' p. 58, Robert Guiscard refused to bargain for autonomy for certain rich citizens and also declared that he

tribute was also mentioned. It seems that this was an essential part of the relationship maintained between the Normans and towns as it is most frequently mentioned by the chroniclers.¹³ The restoration of the land may have been a particularly serious concern for the citizens of Bari, as their financial base was essentially landed properties rather than commerce. Finally, it should be noted that the preservation of the law and customs of the inhabitants was confirmed as it was always under the Byzantine government. As a whole, it does not seem that there was any important change from the previous regime in the positions of the Southern Italian towns vis-à-vis their lord. In principle, while the Normans were still small in number and lacking their military and financial base, they had to make favourable terms in order to gain the support of towns.

There is evidence comparable to these two examples from later period. In 1127, Roger II obtained recognition as duke of Apulia after a patient negotiation with Salernitans who showed strong resentment at first and even killed an envoy of the count. The new duke received an oath of fidelity from the citizens, confirmed their possessions and customs and left the custody of the citadels to them. He also engaged that the citizens would never be conscripted into military service more than two days' march from the city and that no

had no interest in gold nor in any other gifts and wished to build a castle in the upper part of the town.

¹³ Chalandon, *Hist.*, t.II., 599, *Wil. Ap.*, I. V. 405-6, <Atque urbes aliae quam plures, foedure spreto>, <Grecorum, pactum cum Francigenis iniere> Ibid., II. V. 286, <Omnes se dedunt aut vectigalia solvunt>, Ibid., II, V. 294, <solvere Troiani comiti coepere tributum>

Salernitan should be imprisoned without proper trial.¹⁴ A similar treaty was concluded with the citizens of Amalfi shortly after this. This generous concession was granted under the extremely urgent political pressure because of his determination to obtain legitimacy as a successor of the duke of Apulia from the Salernitans.

The confirmation of the *consuetudines* and the preservation of the custody of citadel have already been come across. However, new elements of this treaty with the Salernitans are the appearance of the condition on the military obligation and judicial matters. Firstly, it is related to the question of the feudalization of Southern Italy by the Normans. The evidence for this problem is only fragmentary and far from being sufficient to make any clear statement.¹⁵ However, frequent mention of the oath of fidelity and the requirements of the Salernitans for the limitation of their military service implies that there had been an effort of the Norman lord to assimilate the native population to their own system. Secondly, stipulation on judicial matters suggest that the Norman authority began to have certain judicial rights over the town community. This is a fresh change for the Southern Italian towns as they had never given away their municipal jurisdiction within the town to the outsiders.

¹⁴ Jamison, 'Norman Administration', p.221.

¹⁵ For example, there is evidence of a knight of Bari serving in sicily but there is no information about whether he was on feudal obligation or paid soldier, Cahen, *Le régime féodale*, p.65.

2) Early Norman government of the towns

Little is known about the government of towns by the early Norman seigneurs. It is generally accepted that the early Norman rulers did not create an effective administrative system and their institution remained in rather primitive stage.¹⁶ There were some local officials invested by the Norman lord, such as *catepans*, *turmarches*, *strategoï*¹⁷ and viscounts. Although the terminology is complex, it is generally agreed that their function is identical.¹⁸ It should be noted that none of these offices were of Norman origin but direct borrowing from the existing administrative system. The officials had a fiscal function to collect the products of his domain, to receive the rent, to levy the aide and labour service and to confiscate the crops and animals of those who failed to pay their duties. Occasionally, they aligned the boundary of the lands and exempted people from their duties. It seems that they were also in charge of the civil jurisdiction in their own domain. In general, the type of the duties collected from the towns by these officials were the same sort as in previous period, such as *data*, *salutes*, *terraticum*, *angaria*. etc.¹⁹ Chalandon suggests that the fact Bari had paid *data* up to 1132 means that this payment had been exacted in less favoured towns than Bari.²⁰ In the regions of Naples and

¹⁶ Takayama, *Ph.D.*, p.90, Loud, *Church and Society*, p.87.

¹⁷ The officials with Byzantine titles lost their military function during the Norman period, Ménager, 'Les actes latins', p.32.

¹⁸ Mario Caravale, *Il Regno Normanno di Sicilia*, Milan/Varese 1966., p.329-330.

¹⁹ Chalandon, *Hist.*, t.II, pp.654-665.

²⁰ *Ibid.*, p.692.

Benevento various payments were required under the specific name of *fidantia*. This payment seems to have been paid by the locals in return for the promise of the Normans not to devastate their own land.²¹

These officials were direct nominees of the sovereign and appointed from both Norman and local population. Some of the officials were clearly attributed their function as *vice domini*.²² However, the actual sphere of their activity is diverse and does not seem to be coherent. Although these officials' authority over the towns considerably varies, it is clear that their power was limited. Their activity could not be carried out without the consent of the town people. The grants of the protection from the authority of the officials were given to some communities by the Norman lords.²³ Surviving documents also proves that existing law and customs were unchanged as they are frequently mentioned.²⁴ Caravale considers that the competence of the officials of the early Norman period was to supervise state properties and that they were not the

²¹ Ibid.,pp.693-694,

²² Particularly the catepans of duke Roger and Bohemond in Bari and Giovinazzo, and in Santangelo. Ibid.,pp.652-659, Caravale, *Il regno normanno*, pp.328-329.

²³ Caravale, *Il regno normanno*, p.330, An act of Sikelgaita, wife of Guiscard, protects a monastery from the authority of officials. Chalandon, *Hist.*,t.II.,p.659.

²⁴L-R. Ménager, 'Le législation sud-italienne sous la domination normande,'in *I Normanni e la loro espansione in Europa nell'alto Medio Evo* [Settimane di studio del Centro italiano di studi sull'alto medioevo XVI], Spoleto 1969, pp.446-450.

administrators of municipal organization.²⁵ Instalment of the officials did not destroy the existing system of the towns. The activity of these officials declined noticeably during the anarchic period before the conquest of Roger II.

To conclude, three points should be made for the initial relationship between the Normans and Southern Italian towns. Firstly, the political circumstances were favourable for the autonomous development of the towns after the decline of the authority of early Norman dukes and princes. Secondly, the aspects of their relationships drawn from the evidence of early treaties were not very different from the previous period. However, the military and judicial rights of the sovereign seem to have been strengthening. Finally, the institution created by early Norman rulers did not change the existing structure of town organization.

²⁵ Caravale, *Il regno normanno*, p.328.

Part II

The charters of Roger II

Chapter 3. Political background of the charters of
Roger II : The conquest

Three surviving charters of Roger II for the towns are known to be genuine. They were granted to Cefalu (March, 1132), Bari (June, 1132) and Salerno (November, 1137).¹ A charter to Benevento (November, 1137) from the chronicle of Falco of Benevento has been considered to be a forgery but probably based on the original document.² Besides these, the charter to Trani (June, 1139) issued by duke Roger, the son of the king, should be included in this group as it was prepared by his father.³ The charter to the church of Cefalu in 1145 by Roger II also includes some confirmations for the citizens.⁴ Two charters to Galipolli (1136), and to Giovinazzo (between 1130 and 1154) are known to have existed.⁵ The surviving documents of the privileges to Messina (May 1129) and a *deperditum* to Atina (ca. October 1140) are generally agreed to be forgeries.⁶ Thus all the charters to the towns were granted during the conquest of Southern Italy by Roger II between 1127 and 1139.

¹*Rogeri II*, Cefalu, pp.52-53, Bari, pp.54-56, Salerno, pp.129-131.

² Ibid., pp.131-133.

³Ibid., pp.237-238.

⁴Ibid., pp.197-200.

⁵Ibid., Giovinazzo, p.297, Gallipoli, p.298, These two are only known to be a confirmation of their customs.

⁶Ibid., Messina, pp.29-35, Atina, p.280, This Atina charter had been drawn attentions of many scholars.

1127- 1129

After the death of Duke William of Apulia in July 1127, Southern Italy was divided into the parties of pope Honorius II and Roger II, count of Sicily, over the succession of the duchy of Apulia. The first action taken by the count was to land in Salerno and gain the recognition of Salernitans as duke of Apulia. As we have seen, favourable terms were given to the citizens and Roger was consecrated as duke. At this moment many of the towns recognized Roger's claim. Other than Salerno, towns of Amalfi, Troia, Melfi, and Reggio, are known to have been on Roger's side. Benevento recognized Roger at first but the installation of the Pope in the town changed the situation. Meanwhile, the pope succeeded in forming a strong league among the subjects of the new duke. The principal members of this party were Robert, prince of Capua, Count Rainulf of Alife, the brother-in-law of Roger, Count Roger of Ariano, Count Tancred of Conversano, Count Geoffrey of Andria and Prince Grimoald of Bari. The citizens of Troia turned to this league and destroyed their citadel under the leadership of their bishop William.⁷ The town obtained from the pope extensive municipal privileges which seem to have had some influence over the town charters issued by Roger in later period.⁸

⁷ This bishop was elected by the pope as one of his policy of strengthening the control over the local churches. Loud, *Church and Society*, p.142.

⁸ Martin, *Les communautés d'habitants*, pp.86-88, The charter was issued at Benevento on 5 December, 1127 and consists of 36 articles. According to the charter: the Troians should live *<una lege et sub uno dominio>*. Judicial guarantees (prohibition of ordeal, election of the judges from

During the year 1128 Roger crushed the revolt and subjected all the land between Salerno and Brindisi. In August of this year, he finally gained investiture from the pope as duke of Apulia. However, the rebels continued to fight and the uprising was serious in most of the Apulian towns but especially at Troia. In the summer of 1129, Roger subdued the towns of Siponto, Monte Gargano, Trani and Troia. The two leaders of the rebels, Robert of Capua and Rainulf of Alife were subjected.⁹ The town of Bari also surrendered with its prince Grimoald and the counts of Conversano who had been defending the town. An important assembly took place at Melfi in September.¹⁰ In this assembly, all the vassals of the duke from Apulia, Calabria, Lucania and Campania took an oath of fealty to the duke and his sons. The duke promulgated abolition of private war and the observation of the peace and justice. The protection of non-knightly class was explicitly mentioned. Thus the first act of Roger to acknowledge his lordship was to declare his will and authority to establish public peace. In fact, this was the continuation of the peace movement which had existed before him. There had been a desperate need for the establishment of peace in Southern Italy which had been suffering from the continuous warfare. Jamison suspected that the attendance

the native population, right of asylum, etc.) and exemption from public duties (*census*, aide, labour service, *plateaticum*) are granted. Military service was subordinated to the will of the town or the decision of the *<sanioris partis civium>*. The dependency of Foggia on the bishop of Troia was recognized. Finally, the construction of a new *castrum* at Mount Grimaldi was confirmed.

⁹Chalandon, *Hist.*,t.I.,p.399.

¹⁰Jamison, 'Norman Administration',pp.237-243.

of the representatives of the cities in this assembly is probable but nothing is known about them.¹¹ This political event was the end of the first phase of Roger's conquest of Southern Italy. The attitude of the duke towards the rebellious barons and towns up to the formal recognition of the ducal title shows a measure of moderation rather than repression.¹² The cities of Salerno and Amalfi kept their citadels and Grimoald of Bari retained his city after the submission.

1130 - 1133

The first sign of the modification of this policy occurred in the spring of 1130. Roger forced the Salernitans and Amalfitans to give up their fortresses and made the citizens of Troia and Melfi reconstruct their citadels.¹³ The duke secured all the castles in the ducal towns in his own hands and his garrisons were installed for the supervision of the cities. Meanwhile, the papal schism following the death of Honorius II this year brought Roger an opportunity to expand his power by becoming the champion of the anti-pope Anacletus II. In September, the duke succeeded in gaining a papal bull promising the title of king of Sicily. The grant included Calabria, the duchy of Apulia, the principality of Capua, the honour of Naples, and the help of the citizens of Benevento in times of war. These latter two suggest the weak dependency of Naples and Benevento on the papal authority.¹⁴ After this, Roger held a consultation at Salerno

¹¹ Ibid., p.239.

¹² Barons were often conferred the defence of the same place they had surrendered.

¹³ Ibid., p243.

¹⁴ Chalandon, *Hist.*, t.II, p. 7-8, The situation of Naples at this period is uncertain. Probably the negotiation between

with a certain number of clerics, princes, counts, barons and other important people (*probatores viri*) and obtained their agreement to his taking of the royal title. The two princes, prince Robert of Capua and Grimoald of Bari seem to have been present at this court. Although the description is ambiguous, the term *probatores viri* implies the presence of the representatives of the towns at this consultation.¹⁵ At the end of this year, Roger was formally consecrated as king of Sicily in Palermo. After his coronation, the king rapidly seized Amalfi and its neighbouring territories. The duke of Naples made submission on this occasion and the last Southern Italian city-state which had been maintaining its independence came under the Norman rule.

Roger apparently moved to a more high-handed policy towards the towns while his position in Southern Italy became more firmly established. Importantly, he at length managed to put the military facilities of the towns under his control. However, from the fact they were included in the consultation made at Salerno, political power of the townsmen could not be ignored by the king.

In the early 1130s, the revolt spread again. This insurrection was deeply related to the papal schism which gave the rebels a good cause to stand against the king who was a champion of the anti-pope. The situation was intensified by the news of the proclamation of the German emperor in favour of pope Innocent II and his anticipated expedition to Italy. The principal theatre of the revolt during 1131 was Apulia. The rebels were under the leadership of Grimoald of

the pope and the duke of Naples was undergoing but not yet completed.

¹⁵ Ibid., t.II, pp.8-9, Jamison, 'Norman administration,' p. 245.

Bari, Tancred of Conversano and Geoffrey of Andria. Most of the principal towns in Apulia such as Venosa, Ascoli, Melfi, Bisceglie and Trani took opposition against the king.¹⁶ While the revolt was spreading on the mainland, Roger commenced the reorganization of Sicilian church and granted privileges to city of Cefalu in March 1132, where he had created a new bishopric.¹⁷ In June, the king successfully besieged Bari and subdued most of the rebels in Apulia. It was on this occasion that the charter to Bari was granted.¹⁸ Contrary to the treatment of prince Grimoald who was imprisoned in Sicily, the charter shows considerably favourable terms to the citizens. It was essentially important for the king to secure their obedience while he was fighting against the revolt in the north which had already become widely spread.

Shortly after, the king was heavily defeated at Nocera by the coalition of the rebellious barons. Bari rose again and the revolt of the towns of Southern Italy culminated the following year. The power of the rebels led by prince Robert of Capua, steadily increased in the hope of help from the German emperor and Northern Italian communes. However, reinforcements failed to appear. By the end of 1133 Roger was able to gain subjection of the majority of the rebels. One of the most eminent rebel counts, Tancred of Conversano was imprisoned in Sicily. The rebellious towns were severely punished this time. Venosa was burnt and according to Falco of Benevento, numerous acts of cruelty were inflicted on the town.¹⁹ Other

¹⁶ Ibid., pp.245-246.

¹⁷ Chalandon, Hist., t.II, p.10

¹⁸ Ibid.,pp16-17.

¹⁹ *Falco Benev.*,p.117.

revolting towns were treated in the same way.²⁰ The devastation of Troia seems to have been complete as no charter of the town during the year between 1132 and 1138 exists.²¹ The king even thought of taking away municipal liberties of Salerno and Amalfi, which had so far been untouched. However this was not put into effect.²² In the following year, Roger received the submission of the remaining rebels, Robert of Capua, Rainulf of Alife and duke Sergius of Naples.

During this second phase of insurrection, some measures were taken by the king to develop his administration on the peninsula. Firstly, he invested his sons Roger and Tancred as respectively duke of Apulia and Prince of Bari. Secondly, two officials, chancellor Guarin and admiral John were installed in Capua as administrators of the mainland while the king was away in Palermo. Thirdly, the king began to organize local military force to defend important fortresses. The first evidence of this appears in 1132 by the organization of local militia by the knights of Montefusco.²³ Thus, during this period of second insurrection, the king showed a strict attitude to the rebellious towns. At the same time, the first steps in organizing the native population in his forces were taken. However, it should be noted that both the repression and the measures of assimilation of the towns were operated rather in the smaller

²⁰ Corato, Barletta, Minervino, Matera met the same treatment. Fortifications were destroyed in Bisceglie, Trani, Troia, Melfi and Ascoli. Some of judges were hanged in Troia, Melfi and Ascoli. Chalandon, *Hist.*, t.II, pp.27-31, Jamison, 'Norman Administration', pp.247-248.

²¹ Martin, 'Les communautés d'habitants', p.91.

²² Jamison, 'Norman Administration', p.248.

²³ *Ibid.*, p.250 and n.3.

localities than in larger towns. Bari had secured generous terms and Salerno and Amalfi escaped from the loss of municipal liberties.

1134 - 1139

The final phase of Roger's conquest was the invasion of the papal army and German Emperor Lothair. In 1135, the rebels rose again but retreated to Naples and shut themselves in the strong fortress of the city. Inefficient siege by the king's force was continued throughout 1136. In the following year, the emperor finally descended to Southern Italy. The imperial army was successful in Montecassino, Capua, Benevento, Trani and finally at Bari.²⁴ In Trani, the local population stood against the Sicilian garrison and destroyed the citadel. The headquarters of the royal government moved from Capua to Salerno. In Campania, with the arrival of the Pisan fleet, an ally of the emperor, the towns on the Campanian coast, Ischia, Sorrento, and Amalfi had all made their submission. The city of Salerno which had been under the command of the chancellor Robert Selby, surrendered after three weeks of the siege when it saw the arrival of the imperial army. One of the main factors of this surrender was the citizens' fear of the pillage by the Pisans.²⁵ After this victory, Lothair and Innocent II invested Rainulf of Alife as duke of Apulia. The imperial army returned to Germany and the invasion was over.

However, the outcome of the German invasion did not last long. Roger at last appeared at Salerno where he was welcomed by the citizens and restored most of his land within three months. Capua

²⁴Chalandon, *Hist.*, t.II, pp.62-69.

²⁵ *Ibid.*, pp.73-75, cf. D. Abulafia, 'Pisan Commercial Colonies and Consulates in Twelfth-Century Sicily,' *EHR*, 1978, pp.68-81.

was made an example by the king and suffered severe devastation. On hearing of this tragedy Benevento made submission to the king and pope Anacletus. Despite this success Roger was defeated at Rignano in October by the rebels' army, led by Rainulf of Alife who was aided by the knights of Bari, Trani, Troia and Melfi.²⁶ It was on this occasion that a few cities, including Salerno and Benevento of Campania, took advantage of his defeat and succeeded in gaining certain concessions. It is important that they did not turn to rebellion as they might have done before.

During the years of 1138 and 1139 the schism and the revolt moved towards the end with the death of Anacletus II and Rainulf of Alife. The revolt was confined to the few towns of Apulia, such as Bari, Troia²⁷, and Ariano. This final phase of resistance may have been directed by the remaining rebel barons and German garrisons who took refuge in these strongholds rather than by the initiative of municipal government of the towns. In July 1139, the pope was taken captive and formally recognized Roger's kingship over Sicily and Southern Italy. Shortly before this, the royal army went to Trani where the charter of privilege was granted to the citizens by duke Roger, son of the king.²⁸ Finally, Bari surrendered in October after the two months of siege. Although the surrender was peaceful, the treatment of the city of Bari was severe and the principle citizens including prince Jaquintus and judges were hanged.²⁹

²⁶ Chalandon, *Hist.*,t.II, p.80.

²⁷ The town of Troia had been the stronghold of Rainulf and he was buried in the same town.

²⁸ *Ibid.*,p.87.

²⁹ *Ibid.*,t.II.,pp.92-93. Martin, 'Les communautés d'habitants',p.94.

The institution of the king continued to be developed during this last period of his campaign. In 1135, his third son Anfusus was invested as prince of Capua and a similar assembly to the court of Melfi took place at Capua. Around the same time both governmental and military systems saw an improvement. The king entrusted the archbishop of Capua and Hamo of Arienzo with justice in the principality of Capua, which scholars think was the first appearance of the justiciar under the Norman administration.³⁰ A certain Jocelin was also made superintendent of the royal demesne in the principality of Capua which is thought to be the earliest example of the royal chamberlain.³¹ For the military aspects, the formation of the local militia was seen in Caiazzo. Around the year of 1137, it seems that the principality of Salerno and the duchy of Apulia were divided into constabularies entrusted to the local constables.³² Meanwhile, the activity of local justiciars and chamberlains came to be known. Two of *regalis justiciarius* are known in Bitetto (or Bittonto) and Taranto.³³ The latter also bore the title of *camerarius*.

One of the characteristics of this period was the differentiation of the attitudes of the towns towards the king. While in Apulia, several towns were rebellious till the end of the campaign, in Campania, where the royal headquarter was established, towns essentially stayed loyal after the return of the German emperor. An important element of this loyalty of the Campanian towns was probably fear of plunder by the Pisans who had been supporting

³⁰Jamison, 'Norman Administration', pp.306-307.

³¹Ibid., pp.383-384.

³²Ibid., pp.250.

³³ Ibid., Cal No.6., pp.411-412.

the emperor for their own ambition to conquer the Campanian commercial entrepots. Another significant change was the appearance of the royal officials, such as constables and local justiciars, who had exercised some control over the towns. Particularly, the activities of the justiciars in Apulia show that the royal justice had reached at least to the lesser localities. Finally, at the end of the campaign, for the first time punitive treatment was inflicted on Bari whose municipal organization had previously been left untouched.

Thus several remarks should be made about the general political background in which the charters were granted. Firstly, except the one for Cefalu, all the charters were issued under urgent political circumstances. Secondly, the attitude of king towards the towns gradually became oppressive as the royal authority became prevalent. This measure of repression was at first taken towards the lesser towns but finally extended to Bari, one of the most powerful towns. Thirdly, there was a development of the idea of Roger's lordship starting from the court of Melfi and the progress of his administration based on this policy. Royal officials carrying military, judicial and financial functions began to be installed in the places where the king's authority was established. Finally, towards the end of the conquest, the difference of the political standing between the towns of Campania and those in Apulia became clear. While the former came to act as subjects of the king in the middle of the campaign, the latter continued to resist until the end.

Chapter 4. The analysis of the charters of Roger II

1) Cefalu (March 1132, Palermo)

i. Contents of the charter¹

King Roger, requiring fully excellent royal serenity (*regie serenitatis excellentia plinius*), as much as he owed to give recompense to those who are deserving (*quatenus bene promerentibus*), granted the following privileges to the citizens of Cefalu:

- 1) The citizens of Cefalu will not go on military service (*in exercitum*) either by land or sea.
- 2) They will not pay for their entrance and departure from Cefalu by land.
- 3) They are allowed to bring the wood for the building of their houses and for other domestic use and food for their living without paying any *datio*.
- 4) They are also granted freedom to sell their houses, cultivated and uncultivated lands, forests or buildings, to anybody who lives in the town. However, if the church wishes to buy it at the same price, nobody else should buy it.
- 5) Nobody in the city of Cefalu should be kept under arrest, if they can give sufficient sureties, except for felony, treason and homicide (*fellonia, traditione et homicidio*), all reserved to the dignity of our king (*salva tamen per ominia regni nostri dignitate*).

Penalty: two pounds of gold, a half of it for the royal palace and the other to the church of Cefalu.

¹ The numbers for the articles of the charters are mostly given in the printed edition of original Latin text, but sometimes I add my own numbering for convenience.

Given by: Chancellor Guarin

Notary: Wido

ii. Historical background of the town

Little is known of the history of Cefalu before the Norman conquest. The town was one of the Greek bishoprics under the Byzantine domination but the record of the church disappeared during the Muslim occupation.² For the political aspect, it seems to have retained some strategic importance, being situated in the surrounding area of Palermo. The main characteristics of the town were the rocks behind the city which formed the natural fortress and prevented attacks from the sea. The town was frequently involved in the warfare between the Muslims and the Byzantines because of this military position. Although its size was not as great as other major cities of Sicily, the economy of the town seems to have been in good condition as it was ideally placed in the network of the Mediterranean trade. As late as 1184, Ibn Jubayr described, 'Cefalu is a coastal town with an ample produce from its soil and with many commodities beset with wine and other trees, and having well ordered

² Ecclesiastic organization in Sicily did not survive the Muslim period. After the fall of Syracuse(878), the Sicilian metropolis was cancelled from the Byzantine episcopal registers. In 1037, metropolitan Nicholas of Calabria was known to bear the title of bishop of Sicily. The religious activity of the Greek population seems to have continued independently in each locality. Chiarelli, *Sicily during the Fatimid Age*, pp.101-102. Amari, *Storia dei Musulmani di Sicilia*, 2nd ed., a cura di C.A.Nallino, Catania 1933-1939. vol.3.p.462.

markets.'³ During the time of Roger II, the population of the town was still largely Muslim and Greek.⁴

An important change took place in the city in early 1130s. Taking advantage of his position as a champion of the anti-pope Anacletus II, Roger commenced the re-organization of the Sicilian church. The Papal bull of September 1130 set up the ecclesiastic province of Palermo and granted as suffragans to the archbishop of the capital, the bishoprics of Syracuse, Girgenti, Mazzara and Catania. Furthermore Messina became an archbishopric and was given as suffragans Catania, Lipari and Cefalu. The church of Cefalu which had been entrusted to the Augustinian canons by the king, was established as a bishopric by the pope in September 1131. The erection of the cathedral which was to become one of the most impressive monuments of the Norman-Sicilian art, had already been commenced by the king in the previous year.⁵ At the beginning of

³ Ibn Jubayr, *The Travel of Ibn Jubayr*, ed.W.Wright, Leiden 1907, p.334.

⁴ L.T. White, *Latin Monasticism in Norman Sicily*, Cambridge Mass. 1983, p.190, Amari, *Storia dei musulmani*, III, p.213, The inquest held by Admiral George in February 1132 was to local Christians and Sarracens, The platea of 1131 contains the names of Arabic and Greek villeins in the territory of Cefalu. 'A community of Muslims' was witnessed at Cefalu in Ibn Jubayr's time. Ibn Jubayr, p.334 .

⁵ For the history of the church of Cefalu, L.T.White, *Latin monasticism*, pp. 189-201. According to the legend, Roger was taken by the tempest on his way from Salerno probably in 1128 and vowed that wherever the ship reached a safe harbour, he would erect a magnificent cathedral.

1132, while the revolt on the mainland was spreading, Roger completed an inquest for the arrangement of the land to be entrusted to the church, and granted privileges one to the church and the other to the citizens of the town in March.

The charter given to the church was written in Greek and Arabic. It granted the church the following concessions:⁶

- 1) Possession of all the fisheries in Cefalu.⁷
- 2) The ships of the church, particularly those plying between Cefalu and Bagnara⁸, were to be free of all duties and port taxes except for the shipment beyond Amalfi.
- 3) The same exemption as above for food and lumber transported by the citizens of Cefalu for their church but not for the goods transported for commercial purpose by the citizens and foreigners or the church itself.
- 4) The bishop was to receive the market and anchorage fees of Cefalu.
- 5) All the products of the lands of Cefalu should be free from the tenth, and also port and anchorage taxes for all the products of the lands of Cefalu.

Thus, the king conceded considerable income based on his *regalia* over the town and guaranteed them to the church for its profit. This favourable attitude was based on his policy of

⁶ White, *Latin monasticism*, p.190. S. Cusa, *I diplomi greci ed arabi di Sicilia*, Palermo 1868-81, p.489 and 730.

⁷ The possession of fishery is one of the enterprises which the kings had preferred to reserve in their own hands. cf. Abulafia, 'Crown and Economy', p.6.

⁸There was a daughter house of the church in Bagnara in Calabria.

establishing the Sicilian church under his effective patronage and independent of papal authorities.

The difference of the Sicilian towns from those of the mainland should be noted for the analysis of the charter. Presumably, there was no uniform communal organization in the town of Cefalu. As in many towns of Sicily, the citizens were largely Arabic and Greek, divided into various small groups based on their races. Besides, the island had been kept in peace and the lordship of the king over Sicily was firmly established since his father's period. Thus there is no great political necessity for the king to make concessions to the citizens of Cefalu. Perhaps, the motive of the king was to make some basic guarantees and compensation to the citizens for the changes caused by the creation of the Latin church, or simply to express his favour to the citizens of his new bishopric. It is known that the church of Cefalu was one of the most favoured places of the king.

In 1145, the temporalities of the towns were given to the church. In the charter that the king granted the town to the church, he made a grant to the citizens in almost exactly the same words as the charter of 1132, the only difference being that the citizens came under the jurisdiction of the church. However, jurisdiction over felony, treason and homicide was reserved to the king.

iii. remarks

The idea of royal peace

The proem of the charter explains that the grant was a recompense for those who had been contributing to the establishment of *regie serenitatis*. The observation of royal peace which was promulgated in the court of Melfi was explicitly maintained in these words. Significantly, this is the first time that the word *serenitas*

regia or any other expression indicating royal peace appears in the royal diplomas of Roger II. Among the charters given to the towns, it is only in this charter that the royal peace is mentioned in the proem. Instead, the word *fidelis* or *fidelitas* which are in common use for the expression of the citizens in the peninsular do not appear in this charter. The people are only expressed as *quatenus bene promerentibus*.

Military service 1)

The previous state of the military service of the citizens is largely unknown. However, considering that the army of Roger was mostly Saracen, there is a possibility of their recruitment for the royal army or fleet. In other parts of Sicily, it is known that Caltagirone owed to the king two hundred and fifty sailors per year.⁹ The word *exercitum* implies that they served as infantry or sailors and not cavalry. The privilege might have been of great value for the citizens since it was granted in the middle of warfare on the peninsula.

Fiscal exemption 3),4)

The previous state of tax collection is also ambiguous. The king may have exercised his rights related to commercial activities such as port tax or duties for markets, as it had been an important income for the Sicilian monarches. However, the fact that he made an inquest about the land in 1131 suggests that the organization of his demesne was still incomplete.

The fiscal privileges given to the citizens in this charter were not extensive. The exemption of the tolls at entrance and

⁹ Chalandon, *Hist.*, t.II, p. 603.

departure of the town was limited to land transportation. Presumably, from the text of the privileges given to the church, the citizens were to pay for their sea traffic to the church. The exemption from the purchase taxes only given to the very necessities of life. The freedom of the sales of their properties was also given a reservation which provided priority for the church to buy them. Thus, compared with what the church had gained, the economic concession for the citizens were relatively minimal.

Judicial guarantee 5)

The Norman conquerors did not change the existing structure of the society of different races. It can be assured that the people of Cefalu had lived according to their own judicial tradition and under the jurisdiction of their judges who were independent of royal authority. It does not seem that the king intended to change this basic principle. However it is important that the terms of felony, treason and homicide do not appear in the records of the court of Melfi¹⁰ and in any other charters of Roger issued before this. It was the first time that the king announced his jurisdiction deeply related to the maintenance of the royal peace.

iv. conclusion

It is clear from the text that the concessions to the citizens were of subsidiary value to those given to the church. However, concerning the relation between the king and the town, it is of interest that the king provided the connection between the observation of royal peace and their enjoyment of the privileges. It

¹⁰ *Rom.Sal*, p.217., *Al.Tel*, Lib. I, Cap. XXI, pp. 99-100.

is not inconceivable that the king gave this charter with the calculation that it would reach his subjects on the mainland.

2) Bari (22 June 1132, Bari)

i. Contents of the charter

Counts Alexander and Tancred of Conversano, Count Geoffrey of Catanzaro and Robert of Gravina took an oath and granted the following privileges in the name of the king:

- 1) The king will not take the relics of the St. Nicholas from the city of Bari but instead act as defender of them. The facilities and properties of the church should be kept as they have been.
- 2) A criminal who has fled to the church and its court should not be taken from the place either by the king or those designated by him (*suis ordinatis*) unless he has acted against the dignity of the king (*contra dignitatem regis nostri*). He should be judged by law in the same place without death or injury to his body, even if he deserves to them.
- 3) The archbishopric of Bari is to preserve its possessions. The king will provide aid for its holding of them.
- 4) The king will not appoint an outsider as archbishop of Bari without the consent of majority of the citizens (*absque vestrorum maioris partis consensu*).
- 5) Similarly, the king will not appoint an outsider as abbot of the church of St. Nicholas and that of the monastery of St. Benedict without the assent of the majority of the citizens.
- 6) He will not grant out any church in the territory of Bari in such a way that the archbishopric will lose its obedience.
- 7) From today he acknowledges the people of Bari as his faithful men.
- 8) There will be no punishment by the king to those who have acted against him except to the brothers Saxo and Nicholas of Amaruza, and to Guaifer, Ranio and John of Benevento and Sergius.

- 9) He will not render justice against the crimes and conflicts among the citizens which have happened up to today, except if anybody holds another's possessions by force or unjustly.
 - 10) He will not deprive the citizens of their law and customs (*lege vestra et consuetudinibus vestris*) against their will.
 - 11) The king will not judge the citizens by hot iron, hot and cold water or by duel.
 - 12) He will not take *datio*, *angaria* or aid which are said to have been collected by the custom of his people nor will he take other things of the citizens through force.
 - 13) He will not make the citizens go on military service (*in expeditionem*) by land or sea nor go with him against their will.
 - 14) He will not take the citizens into arrest except somebody who has been caught in the most serious crime (*in capitalibus deprehensus fuerit*).
 - 15) He will not appoint an outsider as judge but one of the citizens.
 - 16) He makes the citizens have all their inheritances and livestock in their own land without service or money. They are also exempted from service and money for their inheritances in the territory of the barons obedient to the king.
 - 17) He will not make the citizens put up anyone in their houses by force.
 - 18) He will not take the hostages from the citizens.
 - 19) He will not build another castle in the city of Bari.
 - 20) The king will guarantee present privileges by oath if the city of Bari is given to his son Tancred or any other of his sons.
- The king will observe what was written in this charter without deception to all the inhabitants of the city of Bari except the citizens of Amalfi and their allies.

Given by: logothetes Philip

Notary: Michael

ii. Historical background of the town

The history of Bari has already been sufficiently mentioned. As has been seen, it was the centre of Apulia and one of the most important towns of Southern Italy. The strength of the town often obliged the Norman rulers to make favourable terms with the citizens. After the death of Robert Guiscard, Bari was given to Bohemond by Roger Borsa in 1089. On his departure to the Holy Land, Bohemond left his wife Constance as regent of his son Bohemond II and entrusted civil matters of the town to a *catepan*. The weak regent entrusted Tancred, son of Geoffrey, count of Conversano, a quarter of the town of Bari and sought his protection. In 1113, a genuine communal movement led by archbishop Riso took place. However, its consequence is obscure. The agreement between Constance and Riso exists from 1115 and it is known that at this time Tancred was still in possession of a quarter of the town. In 1117, certain Argyros who led the opposition against the party of Riso and Grimoald Alferanite assassinated the archbishop. Geoffrey, Norman count of Andria imprisoned this Argyros, which profited Grimoald and his rise to the prince of Bari in 1118.¹¹ The political importance of the city can be assured from the fact that the town concluded a treaty with Venice in 1122. According to Falco of Benevento the population of the town numbered 50,000.¹²

¹¹Chalandon, *Hist.*,t.II, pp.317-319. For the family of Grimoald, see, von Falkenhausen,'A Provincial Aristocracy',p.225.

¹² *Falco Benev.*, p.244, Chalandon, *Hist.*,t.II,p.66.

Bari had submitted to Roger once in 1129, but revolted again in 1131. In June 1132, Roger besieged the town and it surrendered at the beginning of the third week. Grimoald was delivered to Roger by the citizens and imprisoned in Sicily. It seems that the citizens had aimed to gain favourable terms by their early surrender and the delivery of their prince. On the other hand, it was also necessary for Roger to accomplish the siege as early as possible since another revolt had already spread in the North. The negotiation was held between the citizens and the Normans and the charter was given to the citizens by the delegates of the king. Resulting from this circumstance, the style of charter was not the normal form of the royal diploma but a sworn treaty by its nature.

iii. Remarks

The delegation of the barons

Among the delegates of the king, Alexander and Tancred of Conversano had been enemies of the king ever the outbreak of the warfare and had submitted only shortly before the surrender of Bari. More importantly these '*conversanenses*' had previously had certain power in the city of Bari under the regency of Constance. Tancred owned a quarter of the city and Alexander was entrusted the guard of the land of Bohemond II after his departure to the Holy Land.¹³ Other member of the delegates, Geoffrey of Catenzaro and Robert of Gravina, were also eminent lords of Apulia. The use of his ex-opponents as his delegates is not surprising considering that the king often entrusted the rebel barons with the defence of the same place after their submission. The purpose of the king with this organization of the delegates was probably to make these Apulian lords who must have

¹³ Martin, 'Les communautés d'habitants', pp.89-90.

had great interests in the town, take an oath and be responsible for the observation of the charter.

The relics of saint Nicholas and its church 1),2)

About a half of the charter is spent on ecclesiastic matters. The preservation of the saint was probably the most important concern for the citizens. It was not unusual manner for a conqueror to require the body of the saint from the conquered.¹⁴ The church of Saint Nicholas was as important as the church of Bari because of its special position as the place of the saint. Although the king shows great care for the relics and the church, he makes one reservation about the sanctuary. A criminal who acted against the dignity of the king should be brought to the trial.¹⁵ Here the king's dignity surpasses the idea of sanctuary.

Archbishop of Bari 3),4),5),6)

Towards the Archbishop of Bari, the king shows his will to protect the possessions and jurisdiction of the church. The king also promised to respect the citizens' will if he appointed an outsider as archbishop. It is important that the king made it clear that it should be himself who was to appoint the archbishop, and not the citizens nor the pope.

¹⁴ Robert Guiscard demanded to Gisulf of Salerno a tooth of St. Matthew in 1077, Chalandon, *Hist.*,t.I, p.246.

¹⁵ D.Matthew, *The Kingdom of Sicily*, Cambridge 1992, p.246-247, This is partly because the sentences of the capital crime was accompanied with a death or blood shading punishment, hence, unsuitable for the clerics.

The previous practice of appointment to the archbishopric is relatively well known. During the Byzantine period, although it was the citizens who chose their archbishop, it seems that they needed the consent of the Byzantine government.¹⁶ Under the weak regency, the see seems to have been monopolized by the members of leading local families such as Riso who led the communal movement against the Norman lordship. This tendency was changed by the outbreak of the war after 1127. In his struggle with the king, Honorius II translated abbot Matthew of Aversa to the see of Bari to consolidate his alliance with prince Grimoald.¹⁷ Thus the citizens had an outsider as their archbishop. At the moment of the surrender of Bari in 1132, the archbishop was a certain Angelus who had been consecrated by the anti-pope Anacletus, and was therefore the ally of Roger.

In order to continue the struggle with the pope Innocent II and his allies, the appointment of the archbishop was of importance for Roger. However, it seems that strong desire of the citizens denied him complete freedom to appoint the archbishop.

Recognition as faithful people 7)

'Faithfulness' was always the first requirement of the king from his subjects. This has been seen on various occasions such as the court of Melfi. It seems that the king reminded the citizens who

¹⁶ In 1034, The catepan disagreed with the election of Latin archbishop of Bari by local people and exiled the elected certain Romuald. The local population and the catepan agreed on certain Nicholas who were more loyal to the Empire. von Falkenhausen, 'A Provincial Aristocracy', p.217

¹⁷Loud, *Church and Society*, p.142.

had never been truly loyal, of this basic condition as a fundamental basis for their enjoyment of the municipal privileges starting from the next article.

Amnesty concerning the revolt 8), 9)

The king showed great generosity for the acts of the citizens against him, which in theory deserved capital punishment, as was mentioned earlier in the charter. He also withdrew his jurisdiction over the crimes among the citizens unless it was requested by themselves. However it is noteworthy that he had excluded the crimes over property matters. The breach of the royal peace was not overlooked in the matters of possessions. Perhaps, the citizens were more prepared to accept the justice of the king's authority to protect their lands.

The preservation of law and customs 10)

It has been mentioned that the existing law and customs were preserved by early Norman rulers. Robert Guiscard explicitly swore to respect the law of the citizens and there were frequent mentions of the usage of local law and customs in the town charters. The first mention of the *usus* and the *consuetudo* of Bari appears as early as 1012.¹⁸ Martin suggests that in the less populated towns, like San Severino or Troia, the charter given rather shows the superiority of the will of the lords over the existing customs of their own, as they were still weakly established.¹⁹ On the contrary, the better established customs of Bari remained undisturbed. However, the impression from '*vos non eiciet nisi vestra voluntate*' is very

¹⁸ Martin, 'Les communautés d'habitants', p.82.

¹⁹ Ibid., pp.85-88.

different from that given by Robert Guiscard's act of taking an oath to respect the local customs.

The prohibition of the judgement by duel and ordeal 11)

This prohibition of trial by battle is common not only in Norman Sicily but also in other contemporary countries. It is highly probable that the introduction of the duels and new types of ordeal by the Normans had been unpopular among the citizens.²⁰

Exemption from the fiscal dues 12)

Three basic duties in Southern Italy, *datio*, *angaria* and aid were excluded. There is no mention of commercial duties which must have been highly profitable, although they may be included in the words 'other things of yours'. The words '*quod ex nostre gentis consuetudine collecta vocatur*' imply the king was not sure about what was collected by the Norman officials during the previous period. In any case, the king had completely withdrawn his fiscal rights over the town.

Exemption from military service 13)

Military service by the men of Bari was attested in the early period a couple of times. There can be no doubt that the military

²⁰ E.Jamison, 'Judex Tarentinus. The Career of Judex Tarentinus magne curie magister iustitiaris and the Emergence of the Sicilian regalis magna curia under William I and the Regency of Margaret of Navara, 1156-1172,' *Proceedings of the British Academy*, LIII(1967), pp.313-314, Very few records of actual *pugna* are found. The duel was not permitted as a method of proof for the civil cases.

capacity of the town was of importance to the king. Thus, in contrast to Cefalu, it seems that volunteers from the citizens are anticipated by the king.

Protection from arrest 14)

As in Cefalu, the reservation of the jurisdiction of capital crime to the king was mentioned.

Appointment of the judges from the citizens 15)

The election of the judges among the citizens was in general one of the most essential guarantees for municipal organization. Towns of Southern Italy had long been accustomed to electing their judges by themselves. The passage implies that it was the king who would appoint their judges and not themselves, although they were to be locals. Thus, while actual practice might not have been drastically changed, it was no longer an intrinsic right of the town authority.

Confirmation of the properties in the territory of Bari 16)

As well as their dues, the citizens were also exempted from the payment on their land outside the town. The exemption from the dues for the land in the territories of the barons was probably aimed at separating the people of Bari from the influence of the barons, as the combination of the two was a threat to the king. The Norman counts of Apulia, particularly those of Conversano, Andria and Gravina had attained considerable power during the period of anarchy. Most of them were present at this treaty and they themselves were to swear to this. At the same time, this exemption from the dues of the territory must have been a strong desire of the citizens who had been suffering from the aggression of the Norman barons.

Others 17),18),19)

These three seemed to present immediate concern to the citizens caused by the continuation of the king's campaign. The exemption from the obligatory hospitality possibly presumed the instalment of the king's garrison in the town.

The grant of the town to his son 20)

Shortly after this, the town was given to the king's second son, Tancred who was given the title of prince of Bari. This was the beginning of the king's plan to invest duchies and principalities of Southern Italy to his sons and consolidate his administration on the mainland by his family lineage.

Exclusion of the Amalfitans

Amalfitan residents were specifically excluded from the benefit of the privilege despite their submission in the previous year. Although the Amalfitans seem to have been less favoured by Roger, the direct cause of this stipulation is elusive.²¹ There is a possibility that it was related to the Venetians in the town of Bari who may have had strong rivalry against Amalfitans.

iv. Conclusion

The concessions given to the citizens were extensive in judicial and fiscal matters. According to the political circumstance the king had to hurry the conclusion of the treaty. Another effect of the privilege aimed by king was probably to encourage the submission of other towns of Apulia by showing his mercy for the

²¹ Abulafia, 'Crown and Economy', p.14.

rebels of Bari. In fact, the submission of Bari brought the submission of rest of the Apulian rebels.

However, the principle direction of his *regno* which had been shown in the charter to Cefalu, is also manifest in this charter. The reservation of his own jurisdiction against the breach of royal peace was made several times. For the administrative side, although the citizens gained the practical freedom, it was made clear that the right of the appointment of the municipal office was to belong to the king. While it was a generous concession to buy a favour of the towns, the charter was also a tool of propagation of the king's principle.

In practice, the charter was never put into practice. Bari revolted again the following year. Obviously, the grant of the charter was not sufficient for the most independent town of Apulia. It reveals that Roger's authority on the mainland was still weakly established at this stage of the early 1130s.

3) Salerno (22 November 1137, Salerno)

i. Contents of the charter

King Roger, for the recompense of the loyalty of the Salernitans and to encourage the faithfulness of others, granted the following privileges to them.

- 1) The Salernitans will not pay anything as *modiaticus*.
- 2) *Plateaticum* for sandals and linens from Calabria, Sicily and Lucania and *plateaticum* for the fish they catch are granted for them.
- 3) They will pay nothing as *mensura* for beans.
- 4) None of the king's officials (*noster ordinarius*) should presume to levy *angaria* on the animals of the men of Salerno and their villagers (*casalium eorum*).
- 5) The tenth (*decima*) and other taxes of markets which have been paid by the Salernitans in Alexandria should be reduced to the same fashion and level of the Sicilian traders, since the same law and similar customs (*eadem lex et similis consuetudo*) should exist for the Sicilians and Salernitans.

Given by: Henry, bishop-elect of Messina.

Notary: Gregory

ii. Historical background of the town

Salerno increased in importance after the transfer of the duke of Apulia to the town. Traditionally, the princes of Salerno had retained relatively strong control over the town. Under the Norman lordship, the town seems to have been loyal to the dukes to Apulia. No urban insurrection of the town is known from the period before Roger II. The only occasion when the citizens sought their autonomy was the landing of Roger II after the death of William of Apulia in 1127. Before his coronation, Roger's attitude to the Salernitans was

highly consiliatory, as he needed their support and recognition as duke of Apulia. However, once he gained the royal title, he took the citadel of the town in 1130. Despite this, the town essentially stayed loyal up to the grant of this charter. On the occasion of German invasion, it had submitted to the emperor but welcomed the king a few month later. The Salernitans received the king with 'unchanging manner' after Roger's defeat at Rignano, although the Salernitan Romuald's account may be partial.²²

There are a few possible explanations for this obedience of the Salernitans. Firstly, Salernitans had been well accustomed to the Norman lordship, although it may not have gained entire satisfaction. In addition, Roger's frequent visit during this period must have consolidated the town's role as his mainland capital, and prevented it from participating in the revolt in Apulia and the North. Geographically too, the town was placed within a quick journey by sea from Palermo. Related to its commercial importance, there was also a fear that the town might be pillaged by the Pisans if it was taken by the Germans.

After he was defeated at Rignano, Roger granted privileges to the several towns which had demanded concessions on the occasion of the king's weakness. The charter to Salerno was one of the privileges granted at this time. It should be considered that despite the defeat of Rignano, the general situation was not extremely difficult for Roger as the German emperor had been left without leaving sufficient forces.

²² *Rom.Sal*,p.423, <*Rex vero tota nocte equitans Salernum venit et ab eiusdem urbis civibus more solito est reverenter exceptus*>

iii. Remarks

Faithfulness of the Salernitans

Reflecting an unusual circumstance, the style of the charter is completely different from the normal form of the Norman chancery. As the king's notary Wido had just died, the text was written by the notary Gregory, a town judge of Salerno. It has been assumed that the charter was dictated from the king's own words judging from the context of the proem.²³ The proem put great emphasis on the fidelity of the king's subjects. The grant was to be made 'so that the faithful people should be more faithful and unfaithful people, seeing the advantage of the faithful, should be encouraged towards the loyalty to their lords.' Thus the king obviously made use of this grant to appeal to the fidelity of other subjects.

Exemption from *modiaticus* 1)

Modiaticus is a measurage-due especially levied for wine and corn.²⁴ This must have been widely exercised in the town as its region was a main producer of wine and they must have imported a good deal of grain from Apulia and Sicily.

Grant of *plateaticum* to the town 2)

These dues levied for the sales of particular items seems to have granted for the profit of town. This is one of the rare examples that particular income was given away for the fisc of the

²³ *Rogerii II*, pp.129-130.

²⁴ from *Mediae Latinitatis Lexicon Minus*, ed.

town.²⁵ However, it should be also noted that there was no exemption for the sales for the commodities coming from abroad, although there must have been vigorous commercial exchanges of foreign commodities in the town.

Grant of *mensura* for beans 3)

The *mensura* was also the duties for the measurement.²⁶ As well as the *modiaticus*, the citizens obtained the tax exemption levied for the measuring of one of their major commodities.

Exemption from *angaria* 4)

The duty of *angaria* has been mentioned several times. The exemption of this duty of provision of labour service was not uncommon in the charters of privileges in Southern Italy. The words *nullus noster ordinarius* imply the existence of the activities of the royal officials.

The tax reduction at Alexandria 5)

Alexandria was the most important foreign port for the commercial activity of Southern Italian and Sicilian merchants. The payment of *decima* was a common practice of Mediterranean trade: a merchant was due to pay for 10% (*decima*) of *ad valorem* tax on merchandise.²⁷ Perhaps, the count of Sicily, either Roger or his

²⁵ Chalandon, *Hist.*, t. II, pp. 605-606, cf. Gaeta had monopoly of the dyeing and collected *commercium*.

²⁶ Chalandon took this *leguminum* (for beans) as a technical term *lenticum* from an incorrect edition by Ughelli. Chalandon, *Hist.*, t. II, 605. *Rogarii II*, p. 130.

²⁷ Abulafia, *The Two Italies*, p. 41.

father, had already gained the reduction from the normal taxation on account of the particularly favourable commercial relationships between Sicily and Alexandria under the Fatimids.²⁸

The Salernitans were provided this privilege on the ground that 'the same law and the similar customs should exist' for them and Sicilians. Here the king was displaying the advantage of the unification of Southern Italy into his *regno* to its people.

iv. conclusion

Except for the exemption from the *angaria* all the privileges are related to the commercial activities of the citizens. The major advantage brought by the charter was therefore financial advantage in their commercial activities in the town and in Alexandria. The tax exemption for those bulk commodities was particularly important as they were major trading wares of Southern Italy. This great concern for their commercial activities may be related to the rise of Northern Italian merchants in the Mediterranean trade. Although documentary sources of their activity in Southern Italian towns are only available from the mid twelfth century onwards their interest in the *regno* was already clear in their involvement in the Southern Italian war in the 1130s. Their activity in the eastern Mediterranean was also strengthened by their establishment in Latin Syria. The Salernitans may have thought it necessary to secure their position against these Ligurian merchants. The citizens certainly

²⁸ The concern of Roger I to keep good terms with Muslims in North Africa was described by Ibn al-Athir, *BAS*, I, pp.353-354. The relation between Roger II and Fatimid Calif Al-Hafiz seems to have been particularly favourable. *Ibid.*, II, p.76.

profited from this privilege, for the city produced one the most prosperous merchants of the *regno* in the 1150s, Solomon of Salerno, whose most favoured commercial destination was Alexandria.²⁹

On the other hand, the fact that the king had kept Salernitans paying normal tax since the establishment of the kingdom in 1130 till 1137, suggests that the unification of Southern Italy had not yet reached the high level. The people of Southern Italy were not treated as '*regnicoli*' as they were called in the foreign documents of later period. However, in comparison with the charter to Bari, the appearance of the specific names of the taxes and an obvious description of '*noster ordinarius*'³⁰ indicate the existence of more effective administration over the town. This is not surprising as the town must have been under the close supervision of the king as his mainland capital. In addition, as we have seen the earlier evidence of '*camerarius*' in Capua in 1135, royal government on the whole was more extensive than in the early 1130s. Thus the charter shows the situation of the city in the middle of its development towards the integration to the *regno*. The complete lack of judicial and administrative privileges is striking. There may be reasons for them. Considering the exceptional circumstance in which the charter was written, it is difficult to give sufficient reasons for this. However, the fact that the citizens were content with the financial privileges alone implies the communal aspiration of the Salernitans was not as strong as ten years previously.

Thus from this charter some aspects relating to the relationships between the king and the towns can be found. Firstly,

²⁹ Abulafia, *The Two Italies*, p.102,225, 226, pp. 239-42,244-6.

³⁰ In the charter to Bari, '*suis ordinatis*'

the continuing tendency from the preceding charters of insistence on faithfulness of the subjects is very obvious in this charter. Secondly, the direction towards the assimilation of Southern Italy into the *regno* is visible in the commercial privilege at Alexandria which provided the Salernitans with the same standing as Sicilians. Thirdly, unlike Bari, there seems to have been royal control over the fiscal matters of the town. Finally, the king was not obliged to grant privileges of judicial, administrative and military nature.

4) Benevento (November 1137, Salerno)

i. Contents of the charter

King Roger, by the petition of Rossman, archbishop of Benevento, Bernard, the constable of the town, town judges, and other citizens of Benevento, for the recompense of their faithfulness and to provoke others to fidelity, granted the following concessions.

1) The citizens are granted all the payments to the Normans (*nos et predecessores nostri*) under the name of *fidantia*, namely, *denarius, salutes, angarias, terraticum, herbaticum, carnaticum, kalendaticum, vinum, olivas, relevium,*

2) All other payments from the church and town (*omnes alias exactiones tam ecclesiarum quam civium*). All the aforesaid things and possessions are made free from any accustomed payments.

3) As long as the citizens stay faithful, they will stay free from all what is said above and they are allowed to make free hunting, fishing, and bird hunting.

Penalty: twenty pounds of gold

Given by: -

Notary: Henry

ii. Historical background of the town

With the benefit of the chronicle of Falco of Benevento, information about the town of Benevento is abundant. The town had long been under the aristocratic oligarchy divided into papal and Norman parties. Since the recognition of the papal authority during the pontificate of Leo IX, the town had been officially governed by the rector who was established by the consent of the pope. However, papal rule was often powerless amid constant factional struggle between the two parties. The area surrounding the town was one of

the most severely devastated by the Norman barons. Traditional feeling of the Beneventans against the Normans was fairly hostile. Being afraid of the attack by the citizens, Robert Guiscard sought for protection from the pope.³¹ Roger II made his homage to Honorius II outside the town and also did the same to Anacletus II.³²

In 1127, on hearing the initial success of Roger at Salerno, the Beneventans sent a message to recognize Roger as a new duke. It seems that the decision was made only by the Norman party of the town and did not command complete support.³³ The situation changed with the arrival of the pope Honorius II himself at Benevento. The town was made a stronghold of the pope and hence had to endure various attack from the Rogerian barons of the surrounding area. The pope was at last brought to recognize Roger's accession to the title of duke and received Roger's homage. Shortly after this, the Beneventans killed the rector who was close to the pope, expelled the partisans of the pope, and formed a commune. Honorius asked the help of Roger to restore the town for him but died in 1130.³⁴

During the period of papal schism, the political history of Benevento became even more complex. Anacletus II, in recognizing Roger's royal title by the bull of 27 September 1130, also promised the king the help in time of war of the men of Benevento. However, at this moment, papal authority over the town was still weakened and the pope had to ask the help of Robert of Capua to remove the

³¹ Chalandon, *Hist.*, t.I, pp.228-229, *Amatus*, V 119.

³² *Falco.Benev.*,ad.an. 1130, p.201.

³³ *Falco Benev.*, ad. an. p.194, Chalandon, *Hist.*,t.I,p.387

³⁴*Ibid.*

commune.³⁵ After Roger's victory over the Apulian revolt in 1132, a delegation of thirty nobles, led by the Cardinal Crescentius, the rector, and Landulf, archbishop of Benevento, came to see Roger and concluded a treaty with the king. This agreement caused arguments among the citizens and a riot broke out. The partisans of the king lost their cause and the rector was expelled. Thus the town joined the rebels' league. Innocent II was recognized by the citizens as a legitimate pope and installed certain Rolpoton as constable.³⁶ During 1133, the town stayed the rebel's side, though there was an attempted coup by the king's party.³⁷ However, in the next year, they again submitted themselves to the king following the reconciliation between the rebel leader, Rainulf of Alife and Roger. The constable was drowned on his way to take refuge.³⁸ In 1135 the campaign of Lothar again brought the town to Innocent's side. The Rogerian archbishop Rossman was replaced by Gregory, the previous elect of Benevento before Rossman. Finally, after the departure of Lothar, on hearing the success of Roger in retaking the towns, a change occurred in Benevento. The old archbishop was restored and the king's partisans returned to the power.³⁹ A delegation of the municipality came to give an oath of fidelity to the king and Anacletus. The defeat of Rignano took place right after this submission.

³⁵ Chalandon, *Hist.*, t. II p.13, Loud, *Church and Society*, p.144.

³⁶ Chalandon, *Hist.*, t.II, p.24, *Falco Benev.*, p.217, *Al.Tel.*, II 26, pp.114-116.

³⁷ Chalandon, *Hist.*, t.II. p.32, *Falco Benev.*, p.221-225.

³⁸ Chalandon, *Hist.*, t.II. p.39, *Falco Benev.*, p.226-227.

³⁹ Chalandon, *Hist.*, t.II. p.79, *Falco Benev.*, p.236.

The treaty between the town and other parties had been made several times. In 1132, Roger granted the citizens exemption from the 'accustomed payment.'⁴⁰ In the same year, when the town turned to his cause, the prince of Capua made an agreement based on Roger's proposals and added that the citizen should remain neutral and let his troop cross their territories. In 1135, Roger confirmed the people of Benevento the previous grant of 1132.⁴¹ The most important terms appeared in 1136 when the town submitted to the emperor. The judges and the representatives of the town demanded the emperor to exempt them '*de vinearum fidantiis, & angariis, terratico, & de omnibus redditionibus, quas Normandis reddere soliti sunt.*' A certain number of Norman barons also took an oath not to claim either *fidantiae*, or *angarie* or *terraticum* and never to collect the harvest of olive or grapes. They equally renounced the payments of *salutes*, the *datio* collected over the vineyard, uncultivated land, the forest, the chestnut fields, the churches and permitted the Beneventans the right of hunting and free market.

This detailed narrative of Falco firstly tells of the surprising mobility of the ruling party and of the Normans exacting any kinds of payments from the local people. Probably, the situation was the same in many other towns which are less well documented. The political circumstance of the grant of this privilege was exactly the same as the previous charter for Salerno. The king needed to restore the confidence of his allies. Benevento as well as Salerno took advantage of this opportunity to obtain the concessions which otherwise would not have been possible.

⁴⁰Falco Benev.,p.206-207.

⁴¹Ibid,p.228.

iii. Remarks

the authenticity of the charter

The authenticity of the charter is in doubt. The text was inscribed in Falco's chronicle according to which the grant was made by the request of the delegates of the towns who were sent to Salerno from the commune of the town.⁴² According to Brühl, it was probably a forgery from the genuine document by the author.⁴³ The notary Henry is perhaps mistaken for the bishop-elect of Messina who was actually the giver of the charter as he was in the previous charter of Salerno. From the presentation the notary is probably the same Gregory as last charter. The style again ignores the normal form of the Norman chancery. The following analysis is made assuming the passages were included in the original document as they seem to be highly plausible, although entire credibility cannot be given.

The fidelity of the citizens

The context of the proem shows strong resemblance to the Salernitan charter. The king again put strong emphasis on the faithfulness of the Beneventans for their enjoyment of the privileges. The conditional clause '*quamdiu in nostra permanseritis fidelitate et nostrorum heredum*' made the king's intention even clearer than the former charter.

The representatives

The composition of the representatives of the town, consisting of archbishop, judges, and some other citizens, is an orthodox style of communal organization. In Benevento, this collective committee

⁴² Ibid.

⁴³*Rogeriï II*, pp.131-132.

to delegate the town was often mentioned and well accustomed tradition.⁴⁴ The archbishop Rossman seems to be an outsider to the citizens, for in his final accord with Innocent II, Roger had to depose him by the reason that he had been recruited from outside.⁴⁵

Exemption from the *fidantia* 1)

It is undoubted that the exemption of the payments under the name of *fidantia* was the major concession to the citizens, since confirmation of the privilege was repeatedly made by later kings.⁴⁶ From the information provided by Falco, the exemption from *fidantia* seems to have been a primary concern of the citizens. Most of the names of the payments like *denarius*, *salutes*, *angarias*, *terraticum*, *herbaticum*, *vinum* were already come across as traditional duties in Southern Italy.⁴⁷ The feudal relief (*relevium*) had probably been added by the Norman seigneurs after their establishment. Securing their land and its products was a strong desire of the citizens whose primary means of living depended on their landholding in the *contado* of the town.

In regard to the collection of the payment, compared with the '*noster ordinarius*' in the Salernitan charter, the description '*nos et predecessores nostri Normandi circa Beneventanam civitatem*' simply means Norman barons in the suburbs of the town. The barons in the surrounding areas of Benevento seem to have been especially powerful

⁴⁴ Chalandon, *Hist.*,t.I,p.126, In 1048, *legati nobilium* , delegation of the commune,made a gift to the pope.

⁴⁵ Chalandon, *Hist.*,t.II p.91, *Falco Benev*,p.246.

⁴⁶ By both William II and Tancred. *Tancredi*, pp.85-87.

⁴⁷ I was unable to find the meaning of *kalendaticum*.

in the borders between the royal and papal authorities.⁴⁸ Royal control was probably non-existent in this region, except for the harassment by the Rogerian barons against the citizens.

Omnes alias exactiones tam ecclesiarum quam civium 2)

The only privilege related to the tax collection of urban nature was this concession. The rough description suggests there had been no precedent for the exercise of fiscal right by the king inside the town. As we have seen, the Beneventans had concluded the treaty with the king and other lords several times. The strength of the commune had been successful in preventing the domination of the outsiders within the town. The lack of commercial privileges should not be taken as evidence of the absence of the commercial activities in the town. There was certain commercial prosperity in town as it was an important political centre and ideally situated between the coastal towns and mountains.⁴⁹

⁴⁸ cf. E. Jamison, 'The Abbes Bethlem of S.Maria di Porta Somma and the Barons of the Terra Beneventana,' in *Medieval History, presented to H.E.Salter*, Oxford 1934, pp.33-67, G.A. Loud, 'Monarchy and Monastery in the Mezzogiorno: The Abbey of St.Sophia, Benevento and the Staufen', *PBSR*, LIX (1991), pp.283-318.

⁴⁹ Benjamin of Tudela recorded about 200 hundred Jewish people in the city in the mid twelfth century, Benjamin of Tudela, *The Itinerary*, ed.M.N.Adler, London 1907,p.9.

Freedom of hunting, fishing and bird hunting 3)

These rights are supposed to belong to the old rights (*vetera*) of the Lombard seigneur.⁵⁰ The similar privilege appears in a spurious document of the charter to Atina in 1140 and a charter to the citizens of Cefalu by their bishop in 1157.⁵¹ Probably these rights had been taken over by the Norman lords and exercised over the citizens in the surrounding areas of Benevento.

iv. Conclusion

This charter is peculiar in that it does not follow the general direction we have seen in the preceding charters. There is no indication of the king's will to assimilate the town into his *regno*. Other than the leadership of the Rogerian archbishop, it does not seem there existed any tie between the town and the king since he had withdrawn all the fiscal rights over the town and its territory.

Although the special relation of Benevento with the popes since the eleventh century makes it difficult to take the town as the best example, some generalization may be possible for the greater towns in the north. Despite the instalment of the royal justiciars and chamberlains, for towns like Benevento, Naples and Gaeta, where communal government had been firmly established, the king was not able to assert his authority very far at this stage. The strong resentment against the royal control was obvious in the account of Falco. One of the factors of the anti-Rogerian riot in Benevento in

⁵⁰ Abulafia, 'Crown and Economy', p.10.

⁵¹ Jamison, 'Norman Administration', pp.412-414.

early 1130's was their fear of military service which might be required by the king, for instance.⁵² Above all the towns in the north had a powerful alternative as their suzerain like the pope or Prince of Capua who were geographically much closer than the king in Palermo. Roger probably thought it more necessary to show his generosity than to establish strong control.

The peace of the town did not last long. In 1143, the new pope Celestine II took the offensive to the king. The town was again harassed by the Norman lords. The inhabitants complained of the violation of the charter to the chancellor Robert of Selby. The chancellor demanded the citizens to show the charter to him. Once the charter was passed over to his hand, it disappeared. The archbishop of Benevento departed to Rome to make complaint but only was imprisoned by the Normans.⁵³ The situation was settled down when the reconciliation was made between the pope Lucius II and the king in 1144 and the papal possession of the town was recognized. This is the most obvious indication that the king did not pay any respect to the privileges he had given, once he was firmly established.

⁵² Chalandon, *Hist.*,t.II,p.20, *Falco Benev.*,pp.210-211.

⁵³ Chalandon, *Hist.*,t.II, p.112.

5) Trani (June 1139, Trani?)

i. Contents of the charter

Duke Roger, grants certain agreements (*conventiones*) to the citizens of Trani:

- 1) The duke grants all the rights of the archbishop of Trani.
 - 2) All the liberties and *conventiones* of the people of Trani which were granted by king Roger are confirmed.
 - 3) The citizens will not be cast out from the hand of the duke and his brothers (*de manu mea meique fratris illos non eiciam*).
 - 4) Neither *stratigotus* nor bailiff will be established over the citizens unless they take an oath that these things will be observed by them.
 - 5) All the wrongs done to us in the past and present are pardoned.
 - 6) The duke will not render disadvantage (*malum meritum*) for the citizens.
 - 7) The prisoners taken since the Germans came should be released within forty days. They shall be sent back to their city in safety.
 - 8) All the clerics, laymen and strangers of Trani are free to go and return in safety in the domain of the king and his vassals (*fideles*) with all their things. What the men of Trani will send they will keep it safely.
 - 9) The duke will not establish a man of Trani as bailiff of their territory.
 - 10) Their judges and notaries will be chosen from their fellow citizens.
 - 11) The duke will hold everything for them who preserve faith and fealty to their lord king, to himself, and his brothers.
 - 12) The duke will not deprive the law and customs of the citizens.
- All these are sworn by count Geoffrey of Tricarico by the order of the duke.

Given by: -

Notary: Maio

i. Historical background of the town

Trani was an ancient town situated on the Apulian coast. In the 1040s, the city was made the stronghold of one of the powerful Norman barons of the time, Count Pierron.⁵⁴ Robert Guiscard took the city from Count Pierron II in 1080 and integrated it into his duchy. Trani was one of the most active towns of Apulia during the following period of war and retained some religious importance as a metropolitan see. Less is known about its commercial activity. The town is not recorded as one of the Apulian towns which were active in their trade with Dubrovnik in the twelfth century.⁵⁵ However, Benjamin of Tudela says that it was a 'great and beautiful' town with a convenient port which was a gathering place for pilgrims on their way to Jerusalem. The traveller counted 200 Jews residing in the city.⁵⁶

During the campaign of Roger, Trani, like many other Apulian towns, stayed mostly on the rebels' side. On the occasion of the German invasion, the citizens destroyed their citadel in which the Sicilian garrison was installed. The knights of Trani aided Rainulf of Alife in the battle of Rignano. It seems the town submitted to

⁵⁴ Ibid.t.I, p.111.

⁵⁵ D. Abulafia, 'Dalmatian Ragusa and the Norman Kingdom of Sicily,' *Slavonic and East European Review*, LIV(1976), pp.413-18, Towns like Molfetta, Monopoli, Bari, Bisceglie, Termoli are known for their commercial activities with Dubrovnik.

⁵⁶ Benjamin of Tudela, *The Itinerary*, p.9.

the king only after the death of Rainulf. At this time, Roger was in the north in Capitanata and the final conquest of Apulia was entrusted to Duke Roger. The death of Rainulf brought the majority of Apulian towns to the king's side and only a few towns like Bari were left isolated. Shortly before this treaty with Trani, the king ordered Duke Roger to promise peace and serenity to the towns which submitted to him.⁵⁷ This was a policy which would appeal to the other revolting towns. The grant of the charter to Trani was given on the same principle. It is clear that the grant was an arbitrary political method as it was written by a local notary and the form was not the normal style of the Norman chancery. The important difference of the political environment of the charter from previous times was that this king's position was much stronger than before since his enduring campaign was almost over.

iii. Remarks

Confirmation of the rights of archbishop 1)

As in the case of Bari, the confirmation of the church came first. Compared with what was given to the church of Bari, the description *omnia quidem eis jure* is much less detailed.

Concession of the liberties and confirmation of the previous agreement 2)

The *preceptum et convenciones* are supposed to have been granted by the king after the insurrection in 1133.⁵⁸ The details of these *libertatem, preceptum* and *convenciones* are not known. These may

⁵⁷Chalandon, *Hist.*,t.II,p.87, *Falco.Benev.*,p.244.

⁵⁸ *Rogerii II*, p.320.

include the exemption from the taxes and services as we do not find these privileges in other places in this charter.

The king's direct lordship over the town 3)

The article is significant as this is the first time that the king (or duke) mentioned the character of the towns as his demesne. The clause can be considered as a precondition for the following articles.

Establishment of the *stratigotus* or bailiff 4)

The regulation for the establishment to the town magistrate by the king on the mainland was mentioned for the first time by this charter. The *stratigotus* appears in the royal diplomas several times before this, but as far as the mainland was concerned, it was not the town magistrates but the local officials who had exercised their fiscal function in wider areas than the city.⁵⁹ In Sicily, the *stratigotus* as a town magistrate had already appeared in Messina (1133), and Catania (1133).⁶⁰ Bailiffs were mentioned in the diplomas several times, but they had never been town magistrates. Thus, this is the first appearance of the king's plan to put his own magistrates over the towns of his demesne. However, their function and jurisdiction are not mentioned at all.

The duke declares that the *stratigotus* or bailiff should be established by the royal authority. However, he also provides that it does not mean the destruction of the existing customs of the

⁵⁹ Ibid., p. 12, in the grant to the church of Bagnara, Carablia, (1116), p.37, for bishop of Troia (1129).

⁶⁰ *Rogerii II*, pp. 66-68.

citizens by regulating the undertaking of the oath by these officials.

Amnesty for the recent warfare 5), 6), 7)

The generosity showed to the citizens is probably based on the calculation that it would influence the attitude of the remaining rebels.

Freedom of transport of people and goods 8)

This is the first time that the freedom of transport appears in the town charter on the mainland. Chalandon suggests from this, that the freedom was normally prohibited.⁶¹

Establishment of the bailiff from outside the town 9)

The first to be noticed is the difference between '*super illos*' and '*in illorum terra*,' Thus this second bailiff was an official in charge of the territory of the town. Both Chalandon and Caravale suggest that the bailiffs in town and those for the rural areas were different.⁶² The question whether this regulation of the appointment from the outsider was from the citizens' requirements or not has not been answered.⁶³

Establishment of the judges and notaries from the citizens 10)

Traditional city organization was preserved, however, as in Bari, it was the royal authority that was to appoint them.

⁶¹ Chalandon, *Hist.*, t.II, p.606.

⁶² *Ibid.*, p.666, Caravale, *Il regno normanno*, pp.338-344.

⁶³ Martin, 'Les communautés d'habitants', p.94.

The uprightness of the duke 11)

The basic condition of the king's subjects is explicitly mentioned in '*fidem fidelitatemque conservatint*'. However, compared with previous charters, which were granted when the king was more desperately in need of the loyalty of these subjects, the appeal of the fidelity had come to be a lower priority.

The preservation of the law and customs 12)

The records of local customs appear in Trani much later than in Bari. From a document of 1131, we can assume by '*(judicare) more civili Tranensi*' that they were aware of an established law and customs of their own.⁶⁴ As in Bari, '*nec traham nec trahere faciam*' express the higher authority of the king than the existing customs.

iv. Conclusion

The last charter has a character of a political performance of the king rather than a grant given due to the necessity of gaining the support of the town. It shows development of the king's policy towards the towns during the last phase of his conquest. In addition to the common aspects of the previous charters, the king mentioned the establishment of the town magistrate and the character of the town as a part of royal demesne. The disappearance of fiscal privileges is striking as the king had previously conceded them most generously. Perhaps the king became more ambitious about the territorial expansion in the mainland and the revenue from it than before. This is coherent with his other policy of establishing royal chamberlains to supervise the fiscal matters of royal demesne. The appointment of the bailiff from outside was probably aimed at

⁶⁴ Ibid., p.84

strengthening his control over the territory by separating the office from the town government. The policy makes sharp contrast with the privileges to Bari where they were exempted from all the payments in both the town and suburbs. With the end of war period, the primary concern of the king shifted from the theoretical establishment of his authority to actual consolidation of his government on the mainland. To achieve this purpose, he took the same method as in Sicily to put the towns under his direct rule and place his own town magistrates in control.

Since the citizens had to ask the restoration of this privilege to William I in a later period⁶⁵, the charter does not seem to have been respected by the king. As in Benevento, the king did not need to compromise with the towns after the firm establishment of his power.

⁶⁵ Caravale, *Il regno normanno*, p.339.

6) Conclusion of the charters of Roger II

The acquisition of the title of king in 1130 from the pope was a turning point in the relationship between Roger and Southern Italian towns. After this date, the legitimacy of his domination over the Southern Italy came to be independent of the recognition of the Southern Italian people.⁶⁶ The following ten years up to 1140 was to see this theoretical kingship become a reality. The charters show close connection to the political developments during this period.

While the king was still weak, the treatment of the rebels was generous and concessions were extensive. On the other hand, because of the necessity of establishing his authority on mainland, the king declared his lordship over the towns wherever possible. The basic code of the charters was that the local customs and municipal liberty should exist as far as they stayed loyal to the king and the law of the king was observed. This principle declared in the charters forms one of the early evidences of the policy of the king which was to be completed in his assises in later period.⁶⁷

Generally speaking, fiscal privileges were more generously given than judicial and administrative ones. This is natural as the question of the competence of justice and administration of the town would easily cause the conflict with royal authority. For the King

⁶⁶ Ménager, 'L'institution monarchique,' pp.320-322, pp.327-331, There is no evidence that the traditional ceremony of the Lombard princes accompanied with the recognition of the citizens took place after the acquisition of royal title either for the Norman kings or princes.

⁶⁷ F. Brandileone, *Il diritto romano nelle leggi normanne e sveve del regno di Sicilia*, Turin, 1884, pp. 94-138.

of Sicily, financial privileges were not as costly since his wealth from the island was already very great. Thus in Bari, Salerno and Benevento, the citizens gained considerable fiscal and commercial privileges, but few administrative ones. However, once his power became fuller, the king also seems to have become wary of giving away his fiscal rights at least for the towns of the same importance as Trani. The Trani charter also implies that the king turned to the policy to extend his direct influence over the territory of the town. This coincided with the policy of the king of removing lesser localities from their lords such as Montecassino and assimilate them into his demesne by confirming favourable terms to these small communities.⁶⁸ It was of primary importance for the king to increase his own land in the mainland, which was considerably smaller in comparison with in Sicily.

The development of the idea of royal administration can be traced from the charters. In the final stage of his conquest, the king seems to have reached a rough framework of his plan of government over the towns. Firstly, the town should be ruled by the town magistrates such as *stratigotus* nominated by him. Secondly, the judges would be guaranteed to be local but they would also be nominated by the king. Finally, for both the towns and their territories, the bailiffs were to be established. This town government was to be put under the higher authorities of the king, such as justiciars and chamberlains whose systematic establishment was the first political action taken by the king after the pacification.⁶⁹

⁶⁸ Pierre Toubert, 'La terre et les hommes,' pp.70-71.

⁶⁹ *Rom.Sal.*, p.423, <*Rex autem Rogerius in regno suo perfecte pacis tranquillitate potitus, pro conservanda pace*

During the next decade of his reign after the pacification, the development of the royal authority over the towns steadily advanced. The activity of the city magistrates such as *stratigotus* and *catepanus* as town magistrates began to appear in the sources.⁷⁰ The judges came to bear their titles as 'royal judges' during 1140s.⁷¹ Although less is known about the actual activities of the bailiffs, it seems from the constitution of William II that they had been nominated by either master chamberlains or by the *curia*, thus under their close supervision.⁷²

Although it must have been of great concern for both the king and the citizens, the charters tell little about the military service of the Southern Italian towns. The exemption of military service only appears in the charter to Bari who was exempted from the duty if it was 'against their will', while in Cefalu, the privilege was given without any reservation. The absence of the mention of military service in the Trani charter may imply that the king had become stricter about this privilege. It is also not improbable that

camerarios et iusticiarios per totam terram iustituit, leges a se noviter promulgavit, malas consuetudines de medio abstulit.>

⁷⁰ Chalandon, *Hist.*, t.II, pp. 656-665, Jamison, 'Norman Administration', Calender of documents, p.420, The judges and *stratigotus* of Salerno, and master chamberlain were present at a lawcourt. It should be noted that actual judgment was often given by the local judges, although the court was presided by the royal officials of higher rank.

⁷¹ In 1131, a judge of Bari still called himself as '*Barensium judex*' but another judge defined himself '*regalis judex Barensium*' in 1146. Caravale, *Il regno normanno*, p.340.

⁷² *Liber Augustalis*, Book 1, Title LXV(41), p.35.

townsmen were willing to join in some of the military operations which might profit themselves as well, such as naval raid against the foreign ships. A general military scheme known from other sources is that the king divided his demesne land on the mainland into the constabularies under the command of the local constables.⁷³ However, since the *Catalogus Baronum* is silent about the military service of the major towns of Southern Italy, their precise military obligation is largely unknown. Jamison suspected that the duties may be mainly dependent on the individual treaties between the king and the towns.⁷⁴ In any case, there is no doubt that the king was ambitious to assimilate Southern Italian population into his military resources.⁷⁵

The policy of the king of strengthening his authority over the town was not uniformly doctrinaire and differed according to the geographical position and the background of the towns. Firstly, the Apulian towns, where the communal aspirations were traditionally strong and the ducal authority had been the most weakened, needed the most careful treatment. The lordship over the Apulian towns was the most competitive as there were many powerful Norman counts around. If we include the lost charters for Giovinazzo and Gallipoli, four charters out of seven were granted to the towns of Apulia. The king was obliged to give concessions to the restive towns of this region and at the same time demonstrated his lordship particularly strongly in the charters to them. It seems from the later sources that these

⁷³Jamison, 'Norman Administration', pp.337-343.

⁷⁴ Idem., 'Additional Work on the Catalogus Baronum,' *BISIME*, VXXXIII(1971), pp. 56-58.

⁷⁵ Cahn, *Le régime féodale*, pp.124-127.

towns were deprived of their privileges after the firm establishment of royal power.

On the other hand, for the Campanian towns two charters for Salerno and Benevento were given. Excepting these two, there is no surviving evidence of the written privileges for the Campanian towns. These are clearly exceptional cases and the style of the privileges of them were not as full as those given to Apulian towns. The towns of Campania should be divided into two groups, namely, later administrative provinces of Principality of Salerno and Terra di Lavoro. From the charter evidence, the king seems to have been less concerned about his control over the towns of Principality of Salerno, such as Salerno and Amalfi, where the population was more mercantile than in Apulia and Norman lordship was already well accepted. Communal aspiration was not tolerated in this region as it was the most important of the mainland as a centre of royal government. In addition, the commercial value of the Campanian ports as exporting places of the grain of the royal demesne in Calabria may have profited both the citizens and the king.

Except for Capua, the towns of Principality of Capua, or future administrative district of Terra di Lavoro, such as Naples and Gaeta do not appear to have had any punishment inflicted on them, although they had been revolting until late 1130s. As it has been seen in the Beneventan charter, the king was not yet ready to extend his control to the greater towns of the north where the commune had been well developed. In addition, support of these towns on the borders was indispensable for the king for the defense of his *regno*. Roger's treatment of the knights of Naples in 1140 explicitly shows this nature of the town. The king granted diverse privileges and gave all the knights of the city five *modia* of land and 5 villains in return

for their service.⁷⁶ This grant is generally accepted as the king's effort to incorporate native *militēs* into feudal structure. The gift was certainly generous, for in the *Catalogus Baronum*, the majority of the knights were given less than five villains.⁷⁷ It should be noted therefore the towns in the frontier were given special consideration since the early stage of the Norman kingdom.

⁷⁶*Falco. Benev.*,p.251,<*Inde navigio parato ad castellum Sancti Salvatoris civitati proximum ascendit, and civibus Neapolitanus ibi vocatis, negotia quaedam cum illis de libertate civitatis, and utilitate tractavit. Donavit insuper unicuique militi quinque modia terrae, and quinque villanos, and promisit eis, vita comite, munera multa, and possissiones largiturum.*>

⁷⁷ Matthew, *The Kingdom of Norman Sicily*,p.146.

Part III

The charters of Tancred

Chapter 5. Political background of the charters of Tancred

1) Towns under William I and William II

In his *Liber de Regno Sicilie*, Hugo Falcandus implies repression against the towns in the later years of Roger II's reign.¹ It seems that William I succeeded to the policy of his father. During the troubled reign of William I, many towns revolted against the king as well as feudal vassals. The first insurrection took place in 1155-1156 right after his succession. This coincided with the invasion by the Greeks and the threat from Germany. The new king was also unable to obtain papal recognition as king of Sicily. Against the Greek attack, Trani stayed loyal, but the citizens of Bari surrendered to the Byzantines 'out of hatred directed toward Roger', according to John Kinnamos, 'because he had behaved inhumanly to them'.² After the fall of Bari, Trani, Giovinazzo, Barletta, Monopoli and Brindisi successively submitted. In the north, Capua and Aversa fell to the ex-prince of Capua. Only the towns of Salerno, Naples, Amalfi, Troia and Melfi stayed loyal to the king.³ The great admiral Maio sent frequent letters to ask faithfulness from the towns so that they would wait with confidence for better days when their fidelity would be recompensed.⁴ However, these seem to have had little effect. In 1156, the king restored his control over

¹ *Falcandus*, p.14.

² John Kinnamos, *Deeds of John and Manuel Comnenus*, trans. C.M.Brand, New York 1976,p.108.

³ *Rom.Sal.*, p.428.

⁴ *Falcandus*, pp.14-15.

the mainland. Cruel punishment took place at Brindisi⁵ and the town of Bari was rased to the ground. The treaty of Benevento in June brought the official end of the revolt. However, the disaffection of the nobility and the towns, who seem to have been deprived of some of their liberties, only increased. The rebel counts succeeded in gaining the support of the towns like Melfi, Salerno and Naples. Maio's message to Amalfi, Sorrento, Naples, Taranto, Otranto, Brindisi and Barletta did not have much effect and revolt spread both in Apulia and in the north. The revolt was intensified after the assassination of Maio in 1160. The second insurrection in 1161 was more serious than the first as it spread over Salerno and the region of Calabria which had so far stayed loyal. After the pacification, strict punishment took place for the towns and the barons alike. Salerno barely escaped the same fate as Bari⁶ and the special payment of *redemptio* was levied on the towns which revolted.⁷ As Jamison suggested, there seem to have been rigid enforcement of the fiscal rights of the crown, and abuses by royal officials accompanied it. Falcandus talks about severe exaction of money by the local officials, '*justiciarii, stratigoti, camerarii, catepani*', in order to gain the favour of Gaytus Petrus, a high official of the central government.⁸

⁵ Ibid.,pp.20-21.

⁶ Salerno escaped the destruction by the petition of the notary, Matthew of Salerno, but the inhabitants most deeply conspired were delivered and hanged by the strategos and judges. Ibid.,pp.80-81, *Rom.Sal.*,p.435.

⁷ For the *redemptio* , *Falcandus*, p.78,pp.80- 81 ,*Rom.Sal.*,p.435, Jamison, 'Norman Administration',pp.403-404.

⁸ *Falcandus*, p.86.

During the reign of William II, this policy of repression was modified. The *redemptio* was abolished by the death of William I and the Chancellor Stephen du Perche, who was invited by Queen Margaret from France, brought some reform for the local administration. One constitution of William II which protects the right of the church for the inheritance of its property from the hands of the bailiffs is ascribed to the Chancellor.⁹ It seems that his measure was largely appreciated by the population.¹⁰ During the vulnerable years till the flight of Stephen in 1168, no insurrection by the people of mainland and the towns was recorded. Concerning the towns, William II continued the Chancellor's policy of moderation. Constitutions were established for the supervision of the royal officials.¹¹ The pleas brought by the citizens and ecclesiastics against the aggression of the bailiffs were determined in favour of the litigants.¹² In 1187, a mandate of the king abolished all tolls

⁹ *Liber Augustalis*, Book III, Title XXXI(10),p.122.

¹⁰ *Falcandus*, p.113.

¹¹ *Liber Augustalis*, Book I, Title LIX-LXI,pp.34-37, The prohibition of the bailiffs' remitting an oath in favour or in return for money,etc., Title LVIII,p.47, The prohibition of the appointment of another justiciar by a justiciar in his own place.

¹² C.H.Haskins,'England and Sicily in the Twelfth Century,'*EHR*, XXVI(1911),p.445.A royal mandate prohibiting the violence of the bailiff of Sarno. Jamison, 'Norman Administration', p.406, Lawsuits took place between Montecassino and the bailiffs of Sora(1173), between the same litigant and the bailiffs of Teano(1174), between the men of Castellaneta and the foresters of Matera(1176), between the

levied on persons and on riding and pack animals at bridges and rivers, and on land routes throughout the royal demesne. The payment had long been in the hands of tax pirates and the king thought it more necessary to show his generosity.¹³ One reason for this policy of moderation was probably the importance of the Southern Italian towns for the king's frequent naval operation in the Eastern Mediterranean. Their ships and skilled sailors must have been of great importance for the royal fleet. Thus, just before the reign of Tancred, political relationships between the king and towns were directed towards peaceful terms.

The impact of the development of royal institutions on the towns during this period is as important as the political course. After the pacification by Roger II, the kings rarely visited the mainland. They occasionally visited Salerno and other Campanian towns but never Apulia from 1139 till the reign of Tancred.¹⁴ The administration was largely carried out by the local body of the royal

abbot of San Severino at Naples and the bailiffs of Aversa(1182), between the bailiffs of Sarno and the abbey of Cava(1183). Cusa, *I diplomati greci ed arabi*, pp.489-490, Takayama, *Ph.D.*, p.215. A Latin document, Geoffrey of Modac ordering the bailiffs and *portulani* of Sicily, Calabria and Principality of Salerno, the privileges given by king Roger to the church of Cefalu, exemption from the dues for port, sales, etc. should be observed in their districts. *Falcandus*, pp.131-132. A plea by Messinese against their *stratigotus*.

¹³ Abulafia, 'Crown and Economy', p. 9, Jamison, *Admiral Eugenius*, pp.340-341.

¹⁴ Roger II made his visitation in 1143, 1147 and 1150. William I in 1155 -1156, William II in 1172, 1185-86.

government on mainland which often received royal mandates from the central court. The framework of the hierarchy of the mainland administration was completed under the ministry of Maio de Bari. In the first place, there was the master captain(or constable), or master justiciar of Apulia and Capua who at first acted as viceroy and a commander-in-chief on the mainland. The office increased its importance as a royal official during the later period. Along with this officer there was the master chamberlain of Apulia and Capua who were in charge of fiscal matters. Beneath them, there were offices of local constables, local justiciars and local chamberlains in each administrative district. This structure was modified by the appearance of the *dohana baronum*, a branch of the central court on the mainland around the year 1168. By this sophistication of the government, the office of master chamberlain was absorbed in the office of the *magister donana baronum* and the master constable and master justiciar seem to have been put under his authority.¹⁵ The town officials, either bailiffs or city magistrates such as catepans and strategos were under the supervision of these officials of higher ranks as they had been.

The first important effect on the towns of the governmental development was the tightening of fiscal exactions by the royal officials. It is known that the office of the bailiff was farmed out and during the reign of William I, abuse by these officials was a serious problem. Apart from the bailiffs there were officials called *portulani* and *dohanerii* who were in charge of tax collection at the

¹⁵ For the creation of the *dohana baronum*, see, Takayama, *Ph.D.*, pp.233-253, Jamison, *Admiral Eugenius*, pp.48-55.

port.¹⁶ Towns and smaller localities came to seek protection of the higher authority of the *curia* and thus became dependent on the royal administration. Secondly, centralization brought the diminution of the jurisdiction of the existing town authority. Criminal cases were reserved for the justiciars of the district, and the civil cases and minor criminal cases were also frequently taken over by the local chamberlains or the bailiffs.¹⁷ Only the count of the palace of Naples and the strategos of Salerno and Messina are known to have criminal jurisdiction from the constitution of Frederick II, but the latter two are known to have been outsiders of the towns¹⁸. The judicial authority of the town organization did not completely cease as the judges of the greater towns often played an active role in the actual judgment. However, the initiative of their judicial activity was given away while the ecclesiastics and counts were enjoying almost complete judicial immunities. Finally, the increase of contact between the central court and mainland provided the local nobility an opportunity to gain their offices in the central court which needed the fully organized Latin chancery and Latin speaking financial officials for their control of the peninsula. This phenomenon was particularly notable among the educated citizen class of Bari, Salerno and Capua.¹⁹ The high officials of the central

¹⁶ Jamison, 'Norman Administration,' p.402, These officials are only known of their existence.

¹⁷ For the jurisdiction of royal officials, Jamison, 'Norman Administration,' pp.316-343, 398-408.

¹⁸ *Liber Augustalis*, Book I, Title LXXII, p.40, also Ménager, 'Les actes latins', pp.36-42.

¹⁹ Jamison, *Admiral Eugenius*, pp. 40-43, from Bari, we have Maio de Bari and his family, Salerno provided Matthew of

government were gradually replaced by those of Latin origin, instead of the officials of Greek origin. It seems that the members of important families of Salerno were most frequently employed as officials of local and central government. The families of greater towns closely connected to the royal administration also occupied important ecclesiastic offices.²⁰ Thus the town nobility was provided with new means of life to establish power and wealth²¹, and this may have caused some destruction to the communal unity of the town.²²

The extent of royal authority seems to differ according to the regions. In the Terra di Bari, there are frequent activities by royal justiciars in the towns of Bari and Barletta. However, the

Salerno, Archbishop Romuald II, Atenulf the chamberlain. From Capua, Hugh of Capua, Archbishop of Palermo.

²⁰ G.A.Loud, 'Royal Control of the Church in the Twelfth-century Kingdom of Sicily,' *Studies in Church History*, XVIII(1982), p.157, Archbishops of the important towns tended to be appointed from the families closely connected to the royal administration.

²¹cf. Hugo Buchthal, 'The Beginning of Manuscript Illumination in Norman Sicily,' *PBSR*, XXIV(1956), pp.79-83, Maio de Bari's prosperity allowed him to launch such an enterprise of producing an illuminated manuscript of his own work.

²² The promotion of town nobility to the offices of central government seems to be peculiar in the contemporary Europe. cf. for the example of Anglo-Saxon England, J.Campbell, 'Some Agents and Agencies of the Late Anglo-Saxon State,' in *Domesday Studies*, ed. by J.C.Holt, Winchester, 1987, pp.209-210.

record of the activity of the fiscal officials in this region is completely lacking. In the Principality of Salerno, the records of both judicial and fiscal activities are abundant. The character as royal demesne is strongest in this district among the mainland districts, since no feudal vassals who had extensive demesne can be found here.²³ The town of Salerno was a definite centre for this region and the strategos and the judges of the town played an important role side by side with other royal officials. In the north, the district of Terra di Lavoro was abundant in the records of the chamberlains but the judicial activities of the royal officials are less known. It should be noted that except for a few occasions in Capua, their activity took place in lesser places and the two great towns of Gaeta and Naples do not seem to have been used as the place of their activity.

Finally, the Southern Italian towns' status as commercial entrepreneurs considerably changed after their integration to the kingdom. As has been shown by Abulafia, the most significant commercial development under the Norman rule was the establishment of the Northern Italian merchants in Sicilian and Southern Italian trade and their relationships with the kings. The Northern Italian merchants, most notably the Genoese, increased in importance to the crown acting as suppliers of northern clothes and the buyers of grain

²³ In the *Catalogus Baronum*, the service held by the tenants of the principality was fairly small. The fact that the document of 1180 from Cusa (supra, footnote 12) was issued to Sicily, Calabria and Principality of Salerno suggests the district had similar character to the other two. The principality was also never handed out to the princes and always stayed in the royal hand.

and raw cotton from the royal demesne. It was the policy of the Norman kings continuing from Roger II to welcome these northern merchants with certain privileges in order to encourage the exports of the products of their demesne.²⁴ This favourable attitude to the foreigners by the kings was especially well documented in a privilege of William I to the Genoese in 1156, which promised extensive tax reductions for their commercial activities in the *regno*.²⁵ The alienation of the citizens of the Sicilian towns by this advantage of the foreigners caused their uprising in the early 1160s.²⁶

This general picture was less explicit on the mainland. The privilege to the Genoese in 1156 talks nothing about their trade in Southern Italy except that the privileges granted in the past to them for trade in 'Salerno and other cities' were confirmed²⁷. As Abulafia suggests, there is a possibility that the Genoese were acting according to their customary rights in the Southern Italian towns or reciprocal agreements with them. The king showed less interest in the control of trade where he did not have as much *latifundium* as in Sicily. What was grave to the Southern Italian towns was their failure to participate in the trade of northern textiles which were to become the primary attraction of the West in their commercial relation with the Eastern World. Southern Italian towns had little opportunity for access to the finished products of Northern Italy or further north nor had they developed their own

²⁴ The relation between the crown and northern Italian merchants was especially favourable after the Peace of Venice.

²⁵ Abulafia, *The Two Italies*, pp.90-96.

²⁶ *Falcandus*, pp.29-31, p.60.

²⁷ Abulafia, *The Two Italies*, p.96.

industry capable of competing. There were some activities of the skilled artisans in Southern Italy, but no organization corresponding to the northern guild, which began to be mentioned in the town charters of other countries.²⁸ Above all, the crown had little interest in encouraging the industrial development of its subjects since the income from the export of raw materials was so vast. Southern Italian products were supplanted with high quality products brought by the Ligurians during the second half of the twelfth century.

The Southern Italian towns still retained their position as eminent traders and exporters of grain and other agricultural products, provided skilled sailors and ships to the northern traders and set up the deposit banking for them. However, except for the Gaetans whose commercial activity was well documented in the commercial records of the northern merchants, they remained in the old framework of the Mediterranean trade and did not join the new network connecting Northern Europe and East. Although the Southern towns may seem to be flourishing at first sight, their relative importance as entrepots of the Mediterranean trade fell into decline in the long term. In addition, their political standing as a part of the kingdom must have influenced their individual commercial activities. The kingdom was not infrequently at war with their important trade partners like the Byzantine empire or North Africans.

Not many royal charters to the towns during these two reigns are known. For the Sicilian towns, there are a grant to Messina in

²⁸Ibid, p. 283-284 . cf. A writ of Henry II in favour of the guild merchant of Lincoln:1154, *English Historical Documents 1042-1189*, no.296. Also S.Reynolds, *An Introduction to the History of English Medieval Towns*, pp.81-83.

1160 by William I²⁹ and a description by Hugo Falcandus of a similar concessions to the citizens of Palermo.³⁰ These were all granted in exceptional circumstances when the king needed the support of the citizens of these towns in Sicily. On the mainland, except the 'letters' of Maio by the name of the king to encourage the fidelity of the towns, little effort of the kings or his representatives on mainland to ensure the loyalty of the citizens of Southern Italy is recorded. Fragmentary evidence suggests that the confirmations and privileges were given by these two kings, but the details and the political background are not sufficiently known.³¹ The development of royal authority over the towns enabled the kings to get along without making costly concessions to the Southern Italian towns in times of crises. The establishment of the administrative system of the Southern Italian towns directed by Roger II was faithfully followed by the two Williams. The later years of William II seem to have been a period of the peaceful relationships. While the king was not as wary about their communal aspiration as his predecessors, the

²⁹ C.Giardina, *Capitoli e privilegi di Messina*, Palermo 1937, pp.15-16, Exemptions from commercial dues which foreign merchants had already attained, confirmation of the inheritance of their land from their father, etc.

³⁰ *Falcandus*, p.60.

³¹ Men of Troia were exempted from *angaria, collectae* and other *publicae rationes* in 1156. Matthew, *The Norman kingdom of Sicily*, p.235. Men of Ravello asserted their privileges given by the both Williams in their legal suits against the Amalfitans in 1178. Jamison, *Admiral Eugenius*, pp.336-339.

towns began to enjoy royal protection and became dependent on the political and economic structure of the *regno*.

2) The accession of Tancred

On 18 January 1190, Count Tancred of Lecce, an illegitimate grandson of Roger II was crowned at Palermo after the confusion which had lasted for two months after the death of William II. The reign of the new king was from the beginning strained by the opposition led by count Roger of Andria, who had been a candidate for the crown. The party of the count included the majority of the Norman and Lombard counts and it became a strong partisan of the German emperor Henry VI, who had been claiming his legitimate succession to the crown through his marriage to Constance, the daughter of Roger II. On the other hand, Tancred was supported by the members of the official class, most eminently vice-chancellor Matthew of Salerno, and the barons of lesser ranking. A few of the greater counts were also engaged in this group.³²

The government of the new king was completely directed towards the defence of the kingdom. Indeed, the election of Tancred who had been the master justiciar and constable of Apulia and Terra di Lavoro, that is to say, the chief commander on the mainland, in itself shows the concern of the *curia* for the defence of mainland. The transfer of Eugenius, the master of the *dohana baronum* from Salerno to Palermo and his promotion to admiral could also be

³²For the political circumstance, see D.Clementi,'The Circumstances of Count Tancred's Accession to the Kingdom of Sicily, Duchy of Apulia and the Principality of Capua',*Mélanges Antonio Marongiu*,Palermo 1967,pp.57-80, Jamison, *Admiral Eugenius*, pp.80-81.

explained by the demand for administrative knowledge of mainland in the central government. The notaries of the chancery might have been deliberately recruited from the towns of the mainland as some of them bore the names of royalist towns and none of them seems to have worked under the previous king.³³ This organization of the government, perhaps all directed by Matthew of Salerno, now the Chancellor, effectively worked throughout the reign of Tancred. The king made fortifications of the places of strategic importance³⁴, granted privileges to the towns and the clerics, and used lesser officials of the peninsula as his chief commanders.³⁵ All of these political methods would not have been possible without the knowledge and personal ties on the peninsula of Tancred himself and others in the government. The maturity of the mainland administration under the two Williams was of great importance to the central government and this is a decisive difference from the time of Roger II.

The first campaign of the Germans in 1190 was terminated without gaining any decisive success in September. Meanwhile the emperor had succeeded in gaining the support of the Pisans and renewed the imperial privilege of Frederick Barbarossa for them in

³³ Gosfridi de Fogia, the scribe of the charters to Barletta, Maximinianus de Brundusio, the scribe of the charter to Trani, and Thomas of Gaeta, the scribe of the charters to his own town, Gaeta, and to Benevento, are from the royalist towns.

³⁴ Chalandon, *Hist.*, t. II, p. 449.

³⁵ Officials like Matthew Borrel who had been working for the *dohana baronum* as *regii solidarii*, and the castellans, Roger of Foresta and Roger of Chieti. cf. Jamison, *Admiral Eugenius*, pp. 339-340.

1162 in March of the next year. In this privilege, the Pisans were promised extensive commercial privileges in the regno and the territorial lordship over the royal towns; half of Palermo and Messina and Naples and Salerno, together with half of their *contado* and other sources and all of Gaeta, Mazara and Trapani with all the fields around.³⁶ The Genoese were also confirmed of the grant given thirty years ago and obtained extensive commercial privileges throughout the *regno*.³⁷ In the summer of 1191, the emperor Henry VI himself led an expedition but was compelled to lift the siege of Naples in August. This catastrophe was due to the plague among his troops and the failure of the naval support of his Ligurian allies who had been blocked in the north by the Norman fleet.³⁸ The campaign of Tancred on mainland in 1192 and 1193 succeeded in confining the German influence to the border areas around Monte Cassino. However, the death of the king in February 1194 sharply diminished the confidence of his allies and facilitated the campaign of the Emperor in the same year. By the end of the year, the German emperor for the first time landed on Sicily and overthrew the remaining Norman dynasty.

³⁶Abulafia, *The Two Italies*, pp.124-133, D. Clementi, 'Calendar of the Diplomas of the Hohenstaufen Emperor Henry VI Concerning the Kingdom of Sicily', *QF*, XXXV (1955), pp. 96-98.

³⁷ Abulafia, *The Two Italies*, pp.180-181, D. Clementi, 'Calendar', pp.102-106.

³⁸ D.Clementi, 'Some Unnoticed Aspects of the Emperor Henry VI's Conquest of the Norman Kingdom of Sicily', *Bulletin of the John Rylands Library*, XXXVI (1954), pp.339-343, *Ottoboni Scribae Annales a 1174-1196*, in *Annali Genovesi*, ed.L.T.Beltrano and C.Imperiale di Sant'Angelo, *FSI*, Rome 1901, pp.39-41.

Under these extraordinary circumstances, the political importance of the towns to the crown revived once again. From the reign of Tancred, four charters to the royal towns survive and two *deperdita* are known. During the first crisis of his reign in 1190, the king granted the diplomas to Barletta (April), Sessa (June, *deperdita*), Naples (June) and Giovinazzo (*deperdita*).³⁹ Next year, under the threat of the expedition of the emperor, the charters to Trani (May) and Gaeta (July) were issued.⁴⁰ In order to secure the control over the important towns, the king also granted certain privileges to the bishops of the towns such as Giovinazzo, Monopoli, Trani, Brindisi and Taranto.⁴¹ In general, these were the concessions of the tenth of the town revenue to the church. The archbishop of Salerno was also given the whole revenue of the royal dye-works in the city.⁴²

Seeing the difficulty of the crown, the confidence of the towns in the sovereignty of the king was fragile at the outset. The *Epistola ad Petrum* implies the dangerous situation in Apulia by saying 'any hope or trust' could not be placed on Apulians.⁴³ In May 1190, people of Amalfi recognized Constance as their suzerain. In

³⁹ *Tancredi*, Barletta, pp.3-5, Sessa, pp.112-113, Naples, pp.15-19, Giovinazzo, p.114.

⁴⁰ *Ibid.*, Trani, pp.28-29, This charter only grants financial compensation to the citizens for their damages caused by the Germans. Gaeta, pp.42-46.

⁴¹ *Ibid.*, Giovinazzo, pp.26-27, Brindisi, pp.38-40, Monopoli, pp.48-49, Trani, p.122, Taranto, p.133.

⁴² *Ibid.*, pp.10-15, Jamison, *Admiral Eugenius*, pp. 343-345.

⁴³ H. Falcandus, *Epistola ad Petrum*, in *Liber de Regno Sicilie*, p.172-173, <*nichil arbitror spei aut fiducie reponendum*>

the same month, a charter of Naples granting privileges to the Amalfitans does not mention the name of the king and the full authority was given to the *consilium* of the citizens.⁴⁴ An Aversan notary explained the situation of being unable to decide who was their sovereign in the same year.⁴⁵ Aversa actually joined the opposition to the crown as her rival Naples took royalist cause. Capua joined the rebels under the direction of the Archbishop. Salerno was divided into the royalist party led by the family of Chancellor Matthew and the imperialist party led by the Guarna family. The rebel towns returned to the king after the failure of the emperor's campaign in 1191. The privileges granted to the towns seem to have worked as they stayed loyal throughout the king's lifetime. It was only his death which made the towns seek subjection to the emperor.⁴⁶ This loyalty of the towns makes sharp contrast with the class of the counts and the difference from the time of Roger II when the king met strong opposition from the towns.

⁴⁴R.Filangieri, 'Note al Privilegium Libertatis Concesso dai Napolitani agli Amalfitani nel 1190,' *PBSR*, XXIV(1956), p.113.

⁴⁵ Jamison, *Admiral Eugenius*, p.82. An Aversan notarial document says 'year in which our late glorious king William died' instead of the customary regnal year of the actual king and the notary adds the despairing explanation that no one knew after the death of king William who ought to be the lord of the kingdom.

⁴⁶*Ottoboni Scribae Annals*, pp.46-47, voluntary capitulation of Gaeta and Naples.

Chapter 6. The analysis of the charters of Tancred

1) Barletta, (April 1190, Palermo)

i. Contents of the charter

The desire of his subjects moved the king towards the extension of the benefit and liberties of his loyal people in his concern for the peace (*ad ampliandea beneficia et libertates fidelium nostrorum cura nostre serenitatis intendat*). Therefore, from his great concern (*maior nobis cura*), that the people should firmly be kept faithful, and that others should also be encouraged, the king granted the privileges to the city of Barletta for its devotion and fidelity.

1) From the inmost kindness of the king, the city of Barletta should always be under his lordship (*semper sit in demanio nostro et heredum nostrorum*).

2) Payment of the *eptagion* by the people of Barletta was reduced to one tenth of the accustomed amount.

3) A lawsuit which was settled within three days after its commencement was exempted from the payment of the same *eptagion*.

4) The citizens were not to be summoned to a plea outside the town of Barletta without royal mandates (*sine speciali mandato nostro*), nor should they accept sentence except from the proper judges of the town (*propriis iudicibus Baroli*).

5) The duel amongst the citizens was forbidden except in case of the crime against the royal majesty (*contra regiam maiestatem et causis illis*). Or in a case in which the convicted should lose his life and body (*debeat amittere vitam vel membrum*). Anyone who has pledged a duel may not be compelled to give a gage except by judgement of the judges (*nisi per sententiam iudicum*).

6) The citizens were promised free pasture in the marsh between Barletta and Trani on the condition that it should not be devastated because of this.

7) The will of the pilgrim who died in the town should be fulfilled as he established and nothing should be taken by the bailiff against the will except the pilgrim himself has mentioned to leave something to the *curia*. If the pilgrim died without a will, the oath on his will by the host at whose place the pilgrim died will carry the force for the fulfilment of the will.

Given by: Chancellor Matthew

Notary: Geoffrey of Fogia (*notarii et fidelis nostri scribi*)

ii. Historical background of the town

Barletta was one of the best fortified port towns of the Adriatic coast. The origin of the town as a strong fortress goes back to the period of the Norman invasion. Around 1046, count Pierron, one of the Norman barons, who assumed the title of count of Trani, constructed a series of fortress in Barletta and Bisceglie on the coast and Corato and Andria in the interior. These towns became new centres of population during the Norman period.¹ The fact that these towns were relatively new and did not have customs and town organization as strong as other traditional coastal towns, is important for their relation with the royal authority.

The town of Barletta increased its importance by its ideal position both for the commerce and the pilgrimage to the Monte Gargano. However the most important development was its growing role as one of the centres of the royal government of the province of Terra di Bari. Barletta, as well as the town of Bari, became the centre of activities of the royal justiciars and the royal chamberlains. Judicial activities by the royal justiciar at Barletta

¹ Gay, *l'Italie méridionale*, p.470, 565.

is known as early as 1146.² The town organization, having a catepan as its administrator, seems to have had close relation with the activities of these royal officials. While the royal justiciar occasionally acted as an arbitrator of purely local matters of the town, the judges of Barletta played an active role in the legal matters of wider territory than Barletta.³ Some of the justiciars of the region seem to have been of Barletta origin.⁴ Thus it can be assumed that royal control was relatively strong in the town as it was a centre of the provincial government.

Geographically, Barletta was the first major town on Apulian coast for the Germans to come across on their way to Sicily. This strategic importance of the town made the king grant the privilege to the citizens to secure their fidelity.

² Jamison, 'Norman administration', pp.343-346. Among the activity cited by Jamison to show the members of the office of justiciar, 4 out of 18 were at Barletta, 5 at Bari. The activity of the officials in the town was even more frequented in time of Henry VI. see, Jamison, *Admiral Eugenius*, Calender of documents.

³ According to the record of 1146, the sales of the vineyards by the citizens of Barletta was presented by the royal justiciar and the catepan. Idem, 'Norman Administration,' p.420. In 1157, the royal chamberlain Bersacius ordered two judges of Barletta to terminate the case of the men of Corato. Ibid, p.441.

⁴ Richard of Barolo, who had the office in 1164 and 1173. *Cat.Bar.*,no.852,968, Robert the Seneschal who appears in 1154 had small fiefs in Bitonto and Barletta,Ibid.,no.31.

iii. remarks

Direct lordship of the king 1)

All the royal towns who had received the royal charters from Tancred were given this order or grant. In the contest of the royal claim against the German emperor, it was necessary for the king to acknowledge his sole lordship over the towns who were in fact the most important bases of his power. Throughout the charters of Tancred, the recognition of the king as their only lord appears to be fundamental condition for the privileges given to the towns. This was also an important grant promising royal protection for the citizens.

The reduction and exemption of the *Eptagion* 2) 3)

Eptagion was one of the payments of Greek origin levied for the legal proceedings. The collection of money for the exercise of justice seems to have been not unusual.⁵ The grant of the reduction and exemption of this payments only appears in this charter to Barletta. It is probable that there was a rigid collection of this tax on account of the strong legal element of the town and frequent presence of royal justiciars. The citizens probably had a strong desire to reduce this burden.

The exemption from the summon to law courts from other authorities 4)

The grant implies the protection from the royal justiciar as well as other local authorities since it states that they should accept judgment only from the *propriis iudicibus Baroli*. It is known

⁵ At Corneto, every plaintiff should pay for the curia a third of the sum which the trial gave him, Chalandon, *Hist.*, t. II, p. 695.

that in Bari, the customs of Roger II's time forbade counts and justiciars to summon the citizens outside the city for trial.⁶ The fact that Barletta had not gained this right until this time suggests the weakness of their municipal organization.

The prohibition of trial by battle 5)

This is a common grant for the towns where the majority of the native citizens were not of Norman origin. Considering the origin of the town, it is possible that there had been some troubles concerning the trial by battle between the native citizens and the Norman knights settled in the town.

The privilege for free pasture 6)

The right of pasture was one of the prerogatives which the kings were inclined to reserve for themselves. It seems that they were careful to grant out this privilege as over-pasturage might cause damage to agricultural activity. Apulia was especially given much concern for its vineyard from William II.⁷

The preservation of the wills of pilgrims 7)

The main sense of the privilege was to give the citizens free hand to make profits from the pilgrims. Supposedly, there were many pilgrims who died in Barletta on their way to Monte Gargano. A document of 1197 shows the existence of *procuratore morticii* (the guardian of the property of deceased persons) of the town.⁸ It is also probable that the king tried to gain the support of the churches

⁶ Jamison, 'Norman Administration,' p.333.

⁷ Abulafia, 'Crown and Economy,' p.7.

⁸ Jamison, *Admiral Eugenius*, pp.350-351.

and monasteries, including St. John of the Hospital which served as a hospice for the pilgrims. Probably there was strong disaffection among the citizens against the bailiffs, who had taken the property of pilgrims who had died in their homes. According to the constitution, the bailiffs were given the authority to seize the properties of the person who died without leaving his heir or will.

iv Conclusion

The charter does not give any of the administrative privileges given to other ancient and great towns like Naples and Gaeta. Although the desire of the citizens to flee from the burden of royal authority appears in the grant concerning judicial matters and the property of the pilgrims, it does not reflect any communal aspiration of the citizens which Falcandus stated as the characteristic of the Apulians. As an administrative centre, the town had been firmly kept in royal hands and despite his crises, the king did not have to give extensive privileges to the town.

2) Naples (June 1190, Palermo)

i. Contents of the charter

King Tancred, answering to the petition of the messenger (*petitiones vestras, quas per nuncios et concives vestros maiestati nostre suppliciter porrexistis*) and the citizens of Naples, granted the following privileges to the Neapolitans for their accustomed obedience.

1) The citizens will live according to the customs of other good cities (*more et consuetudine aliarum bonarum civitatum regni nostri*) under the royal lordship only (*sub solo dominio nostro et heredum*).

2) The city should be ruled by the consulate and, bad customs (*consuetudines de omnium aliorum malorum usu*) should be diminished: over the inheritance and movables of the citizens (*hereditagiis vestris et rebus mobilibus*), the *curia* will carry no rights either in their life time or after their death.

3) The citizens will not be called to a lawcourt outside the city of Naples except to the court held by the king's jurisdiction. The royal justiciar is not allowed to exercise justice in the city but only the consuls and citizens of Naples are allowed to do this.

4) The citizens are exempted from tolls for entrance to and departure from the city either by sea or land, whether or not they carry commodities. Other duties as *commercium*, *falangagium* and anything else within the walls or at the port or on the street were also pardoned.

5) The people of Naples and whoever stays with them are exempted from what they promised to give to King William II. Any citizens of Naples, either barons or knights or commoners (*populo*), are excused all the debts and promises they have made to the kings for the bailiwick or for fiefs or for the territory of the churches or for

any other reason, and the people of Naples will not be compelled to do any service.

6) Neapolitan sailors are exempted from service in the royal fleet (*marenarii Neapolis non cogantur ire in stolium vel in galeas*). If someone wishes to go, one ounce of gold and wheat should be given to him. Only one galley should be armed by the city and the equipment for the ship and the sailors should be provided by the king.

7) The king may repair the wall of the city for its defence.

8) The barons and the knights of Naples (*baronibus Neapolis et militibus*) are conceded half of service (*medietatem servitii*) which they owe for their fiefs. They are also exempted from the service by sea.

[9) Whoever wishes to enter the knightly class is permitted to do so.

10) The minting of the silver coins is permitted in the city.]⁹

11) The Neapolitans are granted the territories which they acquired after the death of William II, namely, whatever the king had in his demesne outside the walls of the city of Aversa and its suburbs, in the appurtenances of Aversa and vilages and the town of Naples, with all the tenements and appurtenances; and all the tenement and fiefs, which the following barons had in Aversa and the appurtenance and villages of Naples, either in their own demesne or in service. Namely, *Robertus de Apulita, Guillelmus de Castellione et Christiana filia Roberti filii Raho, Russus heres Iohannis de Valle, Guillelmus de Sancto Severino, Riccardus de Citro, Guillelmus de Rocca, Raulus de Avenabili, Johannes Marchisius.*

12) The fiefs of *Petri de Avenabili, Carsidomi, Iohannis Franchisii et vxoris sue et Roberti de Rocca* with all the rights of the holding

⁹), 10), are suggested to be interpolations

and appurtenances either in demesne or in service: and all the tenements and houses which belonged to the aforesaid barons within Aversa and in the suburbs. The city of Naples shall give service for these holdings in accordance with the custom of Aversa.

13) The Neapolitans who have either fiefs or allodial land in any part of the kingdom should not be kept in any payment or service for any counts, barons or knights (*vel aliquam condicionem inde facere vel servitium alicui comiti vel baroni aut militi*).

14) The king sensibly granted that bailiffs should be established from the citizens of Naples and responsible only to the *dohane regis*.

15) The mutual agreements between the *nobiles* and the *populo* of the commune of the Naples should be preserved.

Given by: Chancellor Matthew

Notary: Parmensus (*Notarii et fidelis nostri scribi*)

i. Historical background of the town

The charter was granted during the first German invasion led by Henry of Kalden (May - September 1190). The city of Naples was the most important stronghold for Tancred since it should be the centre of this plan of resistance against the Germans and the rebels. It was an urgent task for the king to secure fidelity and support of the citizens of the town. Since its assimilation to the *regno*, Naples had been one of the least problematic towns for the Norman kings. During the troubled years of William I and even when there was fear of the invasion by Frederick Barbarossa, the insurrection in the town seems to have remained a minor one. However, the loyalty of the town was not complete at the outset of the reign of Tancred. Administration of the town was taken over by the communal organization once again. As it has been mentioned, there is no

mention of the king nor the royal magistrate of the town '*comes palatii*' in the Neapolitan charter to the Amalfitans. The principal person, Aliernus Cottone was simply described as '*nos Alienus Cutonis*' by the notary.¹⁰ It is probable that some of the citizens saw the political circumstances as an opportunity to regain their ancient independence.

On the other hand, there were also factors encouraging them to take the royal cause. Firstly, the city had been enjoying a peaceful time by maintaining good terms with the Norman kings who had given relatively favourable terms to the citizens on account of their military importance for the defence. Secondly, Naples had largely increased its importance as a commercial centre during the Norman period. During the last few decades of the twelfth century, the town became one of the most favoured ports of call for the Northern Italian merchants. From Genoese notarial sources, the role of Naples as an export place for grain and centre of deposit banking superseded the importance of Salerno by 1190s.¹¹ Thus Naples obtained certain prosperity under the Norman domination. It was obvious that if the city fell into imperial hands, it would be submitted to Pisan domination. In addition, the extraordinary importance of the city at this moment gave the citizens a good opportunity to raise their price and ask for extensive privileges otherwise impossible to obtain.

It was this latter factor which was decisive. As the charter itself explicitly mentions, the city sent its delegation to the royal court and requested royal privileges in return for their support to the king. Thus the Neapolitans made up their mind to share the same fate with the *regno*.

¹⁰ Filangieri, '*Note al Privilegium Libertatis*', p. 113.

¹¹ Abulafia, *The Two Italies*, especially pp.172-192,p.267.

iii. Remarks

Direct lordship of the king 1)

Not surprisingly, the direct lordship of the king is given primary importance. The mention that they would live according to 'the customs of other good cities' may imply that the city had been imposed some customs unpopular to the citizens.

Administrative liberty 2)

During the Norman period, little had been changed in the existing structure of the town administration of the city. After the death of the last duke of Naples (Anfusus, son of Roger II in 1144) the title of the *dux* was replaced by the city magistrate called *comes palatii* who was nominated by the king. This did not reduce the power of the city nobles who had long been subjecting to ducal authority. These leading aristocrats, *consoli*, seem to have been numerous and their activity continued.¹² The absence of the *comes palatii* from the charter to Amalfitans suggests that the bureaucracy of royal government was easily removed in this city.¹³ There is no mention in the charter about the *comes palatii* or any leading person of the consulate and the king seems to have withdrawn his authority from town government.

¹² For the role played by the *nobiles* and consuls in the town, Filangieri, 'Note al Privilegium Libertatis ', pp. 106-113. The charter for Amalfitans had 19 consuls as witnesses. Ibid., pp. 115-116.

¹³ Jamison took him as *comes palatii* but Filangieri considered he was a podestà, a foreigner to the town who led the consulate. Jamison, *Admiral Eugenius*, p. 101, Filangieri, p. 113.

In addition, the king also renounced his authority over the properties of the citizens, although the constitution had regulated various cases in which the royal officials could seize the property of the people.¹⁴ The 'bad customs' probably indicate these new rules brought by the Norman domination.

Judicial freedom 3)

In Naples too, protection from summons to law courts outside the town was given. As in the case of Barletta, the reservation was made for the king's own jurisdiction. Protection from the royal justiciar was explicitly made in this charter. According to the constitution of William II, if a townsman was caught for theft, he was to be handed to the justiciar from the bailiff.¹⁵ Unlike in Barletta, no justiciars of the Terra di Lavoro seem to have been of Neapolitan origin. Instead, as all of them were lords of the neighbouring areas of Naples,¹⁶ they might have been unpopular to the city.

Exemption from taxes and tolls 4)

Whether this exemption was newly given or just a confirmation of the existing privilege cannot be decided as it is known they were confirmed in their ancient privileges by Roger II. However this is the first time that this privilege was explicitly given to a town of Southern Italy. Together with the exemption from other dues, *commercium*, *falangagium* (passage due for the coast) and anything

¹⁴ Constitution of King William, *Liber Augustalis*, Title LXI, p.34.

¹⁵ *Liber Augustalis*, Book I, Title XVI, p.36.

¹⁶ Jamison, 'Norman Administration', p.375.

else, the grant was clearly intended for their commercial convenience. The privilege was especially valuable at this period as it was expected that necessities for the coming siege by the Germans were going to be imported into the city.¹⁷

Exemption from any duties and service for land 5)

In addition to the commercial privileges, the king also granted their payments and services for the lands they owed to the crown. This is also the first time that service for fiefs by the town people was mentioned. The promise for William II was possibly made on the occasion of the visit of the King on the mainland in 1172.

Exemption from the Maritime service 6)

There is no doubt that the Neapolitans owned plenty of ships for their commercial use. The charter suggests that the town had owed the provision of the sailors and ships to the crown in the past. It is probable that this service was increased in recent years for the repeated campaigns in the Eastern Mediterranean by King William. While granting this exemption, the king also made an attempt to rely on their voluntary service for the expected warfare with the Germans by providing gold and wheat. The method is not surprising as the majority of the king's force is supposed to have been mercenaries.¹⁸

The repairing of the walls 7)

The city was famous for its strong fortification and there had been no example of a successful siege of the city except by gaining the co-operation of the citizens inside. It is probable that the

¹⁷ Abulafia, *The Two Italies*, p. 172-192.

¹⁸ Jamison, *Admiral Eugenius*, p.92.

maintenance of the fortress had been assigned to the citizens as it is from time to time found among the duties of the citizens of the royal towns.¹⁹ The fortification of important places was one of the most important concerns of the king and it is known that he made a number of fortifications around the same time.²⁰

Exemption from military service 8)

The nature of the military service by the Neapolitans is largely unknown as *Catalogus Baronum* does not provide it. Among a few entries for Neapolitan knights in the *Catalogus*, we can find the constable of Naples, the title inherited from ancient times.²¹ This vague implication of the preservation of an old military organization of the city is the only information about Naples in the *Catalogus*. The charter tells that the barons and knights of Naples had owed

¹⁹ Chalandon, *Hist.*, t.II, pp.602-603. Jamison, 'Additional Work', pp.12-13, Sea board area such as Oria and Taranto, specific duty was levied to maintain the castles to the knights and local churches. cf. The duty is also found in other European countries. cf. Baldwin, *The government of Philip Augustus*, p.64.

²⁰There is a unique charter of Ascoli-Satriano issued in 1190. A citizen paid money for the confirmation of the grant he was given and the money was directed by the catepans to be used for the fortification of the town. D.Clementi, 'An Administrative Document of 1190 from Apulia,' *PBSR*, XXIV(1156),pp.101-106.

²¹ *Cat.Bar.*,No.833, *Petrus Cacapice comestabulus de Neapoli*

military service on account of their fiefs²² and also maritime service to the king, The loss of his military resource must have been substantial for the king under the threat of the German invasion. However, in this circumstance, he could count on the voluntary service from the citizens who had decided to take royal cause.

Confirmation and the augmentation of the territory, 11) 12)

Judged from the charter, it seems that the Neapolitans had seized certain lands around Aversa and Naples during the anarchic period after the death of William II. There seems to have been fierce rivalry between Aversa and Naples.²³ Some of the barons, whose lands were given to the Neapolitans, had been royal officials such as justiciars and chamberlains.²⁴

Exemption from the service for other vassals 13)

In addition to the confirmation of the city as a royal town, the king also made an attempt to separate the citizens from the relationships with other vassals. Assuming that many of the citizens were professional warriors and their primary resources were more based on landed properties than commerce, it is probable that barons

²² C.Cahn, *Le régime féodale*, pp.70-71, A discussion of the feudal system based on this reduction of the half of their service for the Neapolitans.

²³ Aversa joined the rebels and later Emperor Henry VI granted the citizens privileges including the restoration of what they had lost for the royalist. Clementi, 'Calender', pp.166-167.

²⁴ *Tancredi*, p.19.

and knights of Naples had been in service for various lords other than the king.

The election of the bailiff from the fellow citizens 14)

As it has been seen in the charter to Trani by Roger II, the kings seem to have been inclined to put outsiders in as bailiffs. Since the bailiffs were nominated by the master chamberlain or the *curia*, there is a possibility that the office of the bailiff of Naples had been held by an outsider who had gained these higher authorities' favour. Perhaps the citizens wished to prevent the abuse of the office which must have had certain jurisdiction and fiscal rights over the town.

This problem does not seem to have been particularly serious in Naples as it was in some other towns, since the privilege appears almost in the end. This would not be a costly privilege for the king as he had abandoned most of the taxes within and outside the city.

Preservation of the agreements among the citizens 15)

The particular mention of *pacta* between the *nobiles* and *populus* reminds of the *pactum* between the *nobiles* and Duke Sergius which regulated the rights of each class of the city. It seems that there was a clear division between the military class of *nobiles* including barons and knights and the mercantile class of *populus*. Perhaps there was a growth of the class of the *populus* and the development of its solidarity as their commerce increased.

iv. Conclusion

Although its strong communal organization and military importance allowed the citizens relative liberty and favourable

terms with the kings, the privileges of the charter implicitly tell that they had been under certain supervision of royal officials in their administrative, judicial, fiscal and military activities. The royal authority had been extended to the northern areas of the kingdom where it was at first the most feeble. The crisis of the crown provided a great opportunity for the cities to regain their old liberty. The Neapolitans gained thorough concessions, while the citizens of Barletta had to be content with the series of isolated privileges. Although the size and the historical background of the towns are considerably different, the contrast of the charters of the two towns is striking.

One aspect arising from this charter is particularly important. The charter was granted by the petition of the Neapolitans, which suggests that the citizens had at length recognized the merit of remaining as a part of the kingdom. It is probable that the king also calculated that they would fight for him against the Germans despite the military concessions he had given. The commercial prosperity and the long period of political peace created by the Norman regime provided the ground for this mutual confidence between the king and the city. This can be proved by the fact that the Neapolitans held out the siege and only submitted to the emperor by the death of Tancred and the establishment of a child king.

3) Gaeta (June 1191, Messina)

i. Contents of the charter

In acknowledging the desire of his subjects, and in recognition of the fidelity and the pleasing service (*fidelitatem vestram et grata servitia*) of the Gaetans who had always been faithful, the king granted the following privileges to respond to their wishes and petitions presented by their messengers and fellow citizens.

1) The king confirmed *omnes usus et consuetudines* of the city to which they had been accustomed since the time of King Roger, namely, the replacing and electing consul at any time without the permission of the *curia*.

2) The election of the judge was conceded to the citizens as often as it is required and, if necessary, the judges had to swear in public in Gaeta to exercise justice according to the custom of Gaeta and to observe the right of the king and also of the citizens (*jura regia et vestra*)

3) The bailiff must be appointed from among the citizens of Gaeta, providing that this does not cause loss to the *curia* by deceit; while he is a bailiff, the person should not become either *consul* or *consiliarius*.

4) The accustomed right of the minting of the copper coins for the use of the *commune* was confirmed.

5) The king granted the right of dyeing to the city and the *commune* of Gaeta.

6) The citizens of Gaeta will not be summoned by the master justiciars or by the justiciars. Civil cases are to be determined in the court at Gaeta, as is the custom.

7) Criminal cases which arise among the fellow-citizens in Gaeta, are to be determined at the *magna curia* in Palermo with witnesses and without the use of the duel. The signed documents from any of the

consules, iudices et consilarii of the city, who have sworn the justice and truth, will be accepted at the *curia*.

8) However, the *crimen maiestatis* should be determined in the *magna curia* Palermo, in which ever way satisfies the *curia* and in case of the failure of the plaintiff, he should compensate the *iustas expenses*.

9) If the Principality of Capua was established in future the criminal cases should be determined in the same manner as in the *magna curia* at Palermo.

10) The confirmation of the harbours, which have been kept in the possessions of Gaeta from the old time, namely, the port of *Sugius* (Suio?), *Setra*, *Mastriannus*, *Cilicius*, *Carcianus* and *Patrius*. These ports should not be disrupted by the offence of the citizens.

11) The confirmation rights to the islands, which have belonged to the city, namely, the island of *Pontia* (Ponza), *Palmaria* (Palmarola) and *Sennonem* (Zannone) except the right of flying falcons.

12) The confirmation of the customary right to cut trees in the forest between Gaeta and Cuma.

13) Free transportation of wheat from Sicily to Gaeta was granted except when a universal prohibition is made by the king; the citizens are exempted from the compulsory shipment of the wheat for the need of the *curia* with their ships or other ships, except in case of urgent necessity.

14) According to the constitution established by William II, the payment at the gate of Garilianus was abolished.

15) The right to the property from shipwrecks is conceded to Gaetans whose vessel has suffered it anywhere in the sea of the *regno*.

16) The city of Gaeta should always remain in the royal demesne.

17) The castles of Itri and Maranule which formerly belonged to the count of Fondi are granted to the city and commune of Gaeta with their all appurtenances save the services owed to the *curia* stipulated in the *quarternus*.

18) The citizens are exempted from the payment of *falangagium* over the whole sea from Gaeta to Palermo.

19) The tax of the *catenaccii* so far paid by the citizens for the vessels coming from Sicily, Sardinia, and North Africa is pardoned.

20) The concession of the *commercium* for the use of the commune is confirmed as has been exercised since the time of king Roger.

21) The use of the royal office (*camere nostre*) in the city of Gaeta is permitted to the citizens in order to hold a court as far as it satisfies the *curia*.

22) On the request of Albinus, bishop of Albano, the king reduced their duty to send two armed ships for the royal service to only one armed ship except in case of the demand for the defence of the kingdom. In the latter case, two ships should be armed as it was accustomed to. However, the sailors will be paid the same as those of other galleys armed in the Principality of Salerno.

Given by: Richard, son of chancellor Matthew who is absent.

Notary: Thomas (*notarii et fidelis nostri scribi*)

ii. Historical background of the town

Little is known of the situation of the town before the grant of the charter. However, it is probable that the Gaetans decided to support the royal cause for reasons similar to those of the Neapolitans, as they were placed in a similar political and commercial situation. As Naples, Gaeta was one of the most obedient towns since its assimilation into the kingdom in 1138. Although it

is known that the communal aspirations of the town were considerable before the integration,²⁵ no urban uprising at Gaeta against the king was recorded under Roger II and the two Williams.

Commercial aspects of the city seem to be more far reaching than in the case of Naples. Gaeta began its commercial career as supplier of Oriental luxury goods for the Roman Curia and Montecassino.²⁶ During the eleventh and twelfth centuries, the town seems to have acted as one of the chief grain traders since it was ideally situated for access to grain producing lands such as Corsica and Sardinia as well as Apulia and Sicily. Under the Norman regime, the Gaetan merchants traded with Sicily, Sardinia, Corneto and Liguria and entered fierce rivalry with the Savonese.²⁷ The Cairo Geniza papers also show that Gaetan ships were used by Jewish traders as frequently as Genoese, Pisan and other Rûm ships.²⁸ The increasing appearance of the Gaetans in Genoese sources suggests that they were not excluded from the new structure of the Mediterranean commerce in the late twelfth century. Although its sovereignty was handed over to the Normans, Gaetan commerce appears to have even expanded during the Norman period. Thus, concerning commercial aspects, Norman rule was probably more advantageous for the citizens

²⁵ Various treaties were individually made with Neapolitans and other cities during the troubled years between 1129-1138, Loud, *Church and Society*, p.19.

²⁶ Tabacco, *The struggle for power*, pp.145-146.

²⁷ Abulafia, *The two Italies*, p.49, cf. Idem, 'Corneto-Tarquini and the Italian mercantile republics: the earliest evidence', *PBSR*, XLII (1974), pp.224-234.

²⁸ S.Goitein, *A Mediterranean Society*. vol. I, *Economic foundations*. Berkeley-Los Angeles, 1967, p.40.

than imperial which supposedly was going to favour their rivals . Besides, surrounded by the powerful counts of Aquino and Fondi who had considerable interests in the city since the early Norman period, the town might have been happier to have royal protection.

The charter was granted in July 1191 in the midst of the siege of Naples by Henry VI. The imperial campaign had a successful beginning from the crossing of the northern border of the *regno* up to Naples and subjected the majority of towns and lords of the principality of Capua. By the end of May, when the emperor commenced the siege of Naples, the city of Gaeta was the only surviving stronghold for the king in the northern part of the principality. At this time, the emperor had already renewed his father's privileges to the Pisans and the Genoese, and the ambition of these two over the commercial towns of the *regno* had once again become obvious.

Judging from the words of the proem of the charter, 'not only of the loyalty but of the *grata servitia* of the Gaetans to king Tancred and his predecessors', Clementi suggests that the Gaetans had already been in service in the royal fleet blocking the Pisan fleet from the north and that the charter was the reward for their service.²⁹ In any way, the Gaetans took advantage of the situation to obtain the privilege, which was described as 'a true charter of commune' by Chalandon, from the king who had his back against the wall.³⁰

²⁹Clementi, 'Some Unnoticed Aspects', pp. 340-341.

³⁰ Chalandon, *Hist.*, t.II, p.451.

iii. Remarks

The confirmation of the election of the consul 1)

The title of consul has a long tradition as the duke of Gaeta always retained the title of the *consul et dux* since the period of Byzantine domination. Several consuls seem to have been forming the town government at this period.³¹ The existence of the privilege 'Since the time of Roger II' suggests that Gaeta had an exceptional freedom among the royal towns since the town administrators were normally the nominees of the king.

The election of the judges by the citizens 2)

Unlike in the charters of Roger II, in which it was the king who would nominate the judges, the right to elect the judges was completely given to the citizens of Gaeta. However, the framework that the law of the king had to be observed as well as that of the city was not abandoned in the regulation concerning the oath-taking.

Appointment of the bailiff by the citizens 3)

As in Naples, the citizens requested that the bailiff should be one of their fellow citizens. Since the privilege was given a high priority, it can be assumed the bailiff of Gaeta was an office of certain importance. A surviving document supports this. In this document of 1187, a royal chamberlain of the Terra di Lavoro transmitted the constitution of William II, which abolished the *passagium*, to the bailiff and the consuls of Gaeta according to the order of Eugenius, *magister regie duane baronum*, who received the royal mandate from the king.³² This specific letter to the bailiff

³¹ Ibid., p.610.

³² Jamison, *Admiral Eugenius*, p.341.

and the consuls of Gaeta implies that the tax collection from the city was particularly successful. Perhaps the bailiff of the city was in close relation with the higher authority of the *curia* because of its profit drawn from the commercial wealth of the city. The citizens' strong desire to keep this office in their own hands makes good sense considering its importance. Although the royal authority conceded the office to the citizens, it tried to keep the control of the office. This was shown by prohibiting the loss of the *curia* and preventing simultaneous holding of the offices of bailiffs and consul.

The confirmation of the copper coins 4)

The history of the minting of the coinage had a long tradition in the Lombard city states. The dukes and princes used to strike their own gold, silver and copper coins imitating the styles of Byzantines and Fatimids.³³ During the Norman period, the right of minting was taken over by the crown and except for this charter, no other evidence of private minting is known.

The grant of the right of dyeing 5)

In the previous year, a similar concession of the grant of royal dye-works to the archbishop of Salerno was given.³⁴ The demand for dyeing industries and also profit from it must have increased since Southern Italy became one of the major customers of the northern textile products. The existence of royal dye-works in the

³³ P.Grierson, 'The Salernitan Coinage of Gisulf II(1052-73) and Robert Guiscard(1077-85),' *PBSR*, XXIV(1956), pp.37-40.

³⁴ *Tancredi*, pp.10-15, Jamison, *Admiral Eugenius*, pp. 343-345.

Southern Italian towns and the seeming monopoly of the right by the king give some explanation to the failure of the Southern Italian towns in creating their own industry.

The protection from the master justiciar and the justiciars 6)

The judicial privileges are greater than in the previous two charters since the protection from the master justiciar was given in addition to the normal concession of the protection from the local justiciars. The citizens were also made free from royal mandates which were reserved in both Barletta and Naples. As far as the civil jurisdiction is concerned, the Gaetans had already attained complete immunity.

Regulation for the criminal cases 7), 8)

The authority to determine the criminal cases in the city was attributed only to the great court of Palermo.³⁵ A guarantee that sentences were to be made in favour of the documents signed by the town nobles was also given. The mention of the *crimen majestatis* appears for the first time in the charters of Tancred. The jurisdiction was reserved to the central court, but the protection from false accusation was also granted to the citizens.

It seems that the Gaetans had a greater concern for their judicial guarantee than the citizens of the previous two towns. Despite the favourable reservations for the citizens, it is noteworthy that the authority for the criminal cases was not entirely given away from the king's hands. This is in contrast to the attitudes of the kings towards other subjects, such as feudal vassals

³⁵For the judicial function of *magna curia*, see Jamison, 'Judex Tarentinus,' pp.305-307.

who attained almost complete criminal jurisdiction.³⁶ Important churchmen too, seem to have exercised considerable jurisdiction in criminal cases. As has been mentioned, as far as the royal towns were concerned, only the town magistrates of Naples, Salerno and Messina, the officials who had clear identity as the representative of the king, were given the authority in the *criminalia causa*. This policy of the king to retain highest jurisdiction over his direct subjects was preserved in time of crisis.

The creation of Prince of Capua 9)

The idea of consolidating his administration by creating his sons dukes and princes was an important policy of Roger II while his administration on the mainland was still weak. After the pacification the appointment of the princes became nominal and the practice disappeared with the succession of William II. It is not surprising that Tancred attempted to revive the policy in order to strengthen his control and secure the dynastic claim of his family. Although the king made his son Roger III duke of Apulia(1192-1193), the creation of Prince of Capua was never put into practice.

Territorial concessions 10), 11), 17)

Following the example of the Neapolitans, the citizens of Gaeta also gained the confirmation of their territorial possessions. As has been seen, at this moment, the ports and the islands were the most important places for the defence of the *regno*. The prohibition of disturbance against the ports by any of the citizens shows the gravity of the royal concern. These ports were stretching from the

³⁶ Jamison, 'Norman Administration,' pp.329-336, Matthew, *The Kingdom of Norman Sicily*, pp.246-247.

city to the south of the river Volturno. Clementi suggests that the royal fleet had been blockading the Pisans with the help of the Gaetans in these series of ports and islands.³⁷ The range of the islands and the ports is striking as it proves that the Gaetans had been able to preserve such an extensive territory after its integration into the kingdom.

The newly acquired territory was the territory of the castles in the county of Fondi in the north-west of the principality. Richard, count of Fondi had been associated with the emperor and Tancred had deposed the count. The grant probably intended to entrust the defence of the stronghold to the Gaetans. Although feudal service for the castles, registered in Catalogus (*quaternus*), were excluded from the gift, they might have fought for the castle for their own sake.³⁸

Confirmation of cutting trees 12)

Cuma is situated on the edge of the coast line stretching to Naples. The privilege was important for the citizens as it was related to the construction of their ships.

³⁷ Clementi, 'Some Unnoticed Aspects,' pp.341-343.

³⁸ Feudal service of the castles is mentioned in the Cat.Bar., No. 995,999,1003,1002,1003, 1004. The county of Fondi itself was later granted to the Leo Cottone, the brother of the Aliernus Cottone, the leader of the citizens of Naples. Jamison, *Admiral Eugenius*,p.100.

Free transportation of wheat 13)

The control over the wheat has been a major concern of the crown because it was the primary source of the royal economy.³⁹ The permission to export wheat from Palermo to Gaeta appears to be a generous privilege since the foreign merchants had their commercial duties at the ports only reduced and not fully exempted. The Gaetans seem to have acted as suppliers of the grain for the need of *curia*, probably in time of famine in Sicily and also for the need of naval use. Perhaps the Gaetans had been permitted relative freedom of commercial activity in return for this service.

Exemption from taxes and tolls 14), 18), 19), 20)

The exemption from the tolls at the gate was the confirmation of the constitution of William II remitting the *passagium*.

The exemption from *Falangagium* and the *catenaccii* (the tax paid according to weight and balance) seems to have been related to the grain trade as the suggested places were the major destinations of its trade route.

The confirmation of the use of *commercium* for the use of commune 'since the time of Roger II' shows that the town had also preserved its own financial resources as well as their own government.

Renunciation of the right of shipwreck 15)

The right for the property seized from the wrecked ships was reserved to the crown in the constitution.⁴⁰ There must have been a

³⁹ Abulafia, *The Two Italies*, p.40, see also 'Crown and Economy,' p.4.

⁴⁰ *Liber Augustalis*, Book I, Title LXI, pp.34-35.

high rate of shipwrecks caused by the piracy among the maritime states. It is known that Gaetan ships were not only the target of Pisans and Savonese but also acted as pirates themselves.

The preservation of Gaeta under the sole lordship of the king 16)

The obvious difference from the previous two charters is the priority given to this grant. Probably it had been already a matter of the fact for both the Gaetans and the king.

The royal office in the city 21)

The existence of the royal office in the city confirms the activity of the royal officials. Although the commune had reserved certain financial resources for itself, the city seems to have provided considerable revenue for the royal fisc.

Military concessions.22)

As in Naples, the reduction of the number of ships for the royal fleet was granted. The agreement of the Gaetans to provide two ships for *defensione regni* shows the defence of the kingdom was highly important for them, too. In reality these two ships might have been provided already at that moment. The cardinal-bishop Albinus of Albano was the leader of the Norman party in the papal curia.⁴¹

iv. Conclusion

The charter reveals that the city of Gaeta had been enjoying great autonomy in their administration since the time of Roger II. The general picture of the king as '*rex-tyrannus*' does not apply in

⁴¹ I.S.Robinson, *The papacy 1073-1198*, Cambridge 1990, p.510,514

this respect.⁴² Although it is clear from the privileges that royal authority exercised certain control over their commercial judicial activities and required naval duties, the choice of the citizens to remain within the *regno* tells that their life under the Norman rule was not ill-fortuned one. As in Naples, advantages brought by the peace under the royal protection seem to have compensated reverse effects of royal control on the municipal life in the town.

⁴² cf. H. Wieruszowski, 'Roger II of Sicily, rex-tyrannus in Twelfth-Century Political Thought', *Speculum*, XXXVIII (1963), pp.46-78.

4) Conclusion of the charters of Tancred

Although little can be said from the comparison of three charters, those of Tancred reflect the change which had occurred during the reign of the two Williams. It is apparent from the charters that royal control had reached the town communities to a considerable degree. The mentions of royal justiciars and bailiffs prove that they had exercised certain power over the towns under the supervision of the *curia*. The only common privilege to the three charters of Tancred, protection from summons to law court from other authorities, sufficiently shows that the towns had become dependant entered protective regime of the royal structure.

The greatest political change is that the towns of Naples and Gaeta, who had submitted to Roger only in the last moment of his conquest, came to recognize the advantages of royal protection for their own sake. The position of these towns as strongholds on the frontier made the king and the towns feel it necessary to cooperate against potential enemies. The king had given relatively favourable terms to them and the towns remained loyal. The creation of the new commercial structure initiated by the cooperation of the Norman kings and the Northern merchants which brought new prosperity to these two towns, had also encouraged them to keep on good terms with the crown. Thus the king could count on their support in time of crisis, although he had to give away massive privileges which were almost reverse to the principles of his predecessors.

On the other hand, little was given to the towns of Apulia. Barletta, which had been firmly kept in the king's hand as an administrative centre, gained nothing about its town administration and only freedom of pasture was given for their economic activities. There is little sign of communal aspirations or commercial prosperity which was so vital in the other two towns. The decline of the

autonomous status of Apulian towns is also apparent from other charters of the king. Trani, which had shown certain municipal strength up to Roger II's time was only promised the material recompense for the damage caused by the fighting with the Germans. For other towns such as Monopoli, Brindisi and Taranto, the privileges were granted to ecclesiastics and not the citizens. In the principality of Salerno, only the grant of the royal dye-works for the archbishop of Salerno has survived. The citizens of Salerno, who had succeeded in negotiating favourable terms with Roger II twice, fell into confusing factional struggles among themselves and no longer created strength as a collective body. Thus, compared with when Roger II was struggling for his overlordship on mainland, with a few exceptions, the political power of the citizens of Southern Italy seems to have fallen into decline.

Conclusion

The development of the relationships between the Normans and the Southern Italian towns so far observed can be summarized as follows: While the Normans were still weak and needed support from the Southern Italian towns, their control over the towns did not go further than that of the Lombard princes and Byzantine provincial government. Their subordination was maintained by nominal recognition of suzerainty and financial contribution alone, while existing town organization was kept undisturbed.

The conquest of Roger II and Southern Italy's integration, into his *regno* gave a major change to this relationship. The towns were made a part of royal demesne and royal control began to undermine the municipal authority of the towns' administration, justice, commerce, and military operation. The charters of Roger II granted during his conquest closely show the development of his ideas of royal control over the towns. Fresh expressions of his power can be appreciated in every charter, although it was limited due to the political reality. The last charter of Trani shows that the king became more confident in asserting his authority over the towns. The generosity so far shown towards those with financial privileges disappeared and an actual design of royal officials came to be mentioned.

The charters of Tancred prove the continuation of the principle established by Roger II. The mentions of protection from justiciars and appointments of bailiffs from the citizens are reverse evidence of the progress of royal bureaucracy over the towns, although the royal officials' activities actually could not be carried out without the participation of the local people such as judges and *boni homines*. Royal control over the towns' military force is also confirmed, though partial, in its naval and feudal duties. There is

no doubt that the royal authority over the towns was greatly extended under the Norman rulers.

However, the variety of the charters also shows that treatment of the towns by the kings differed according to the character of each town and political circumstances rather than a coherent policy of suppressing town autonomy. Against the towns of Apulia, where communal aspirations had been dangerous to the crown, the kings seem to have had a clear policy of crushing their autonomy. While on the other hand, the towns of Terra di Lavoro such as Gaeta and Naples retained relatively extensive administrative liberties on account of their importance for the defence of the kingdom. These towns, hence, experienced certain commercial prosperity and enjoyed the merits of royal protection. There is also a tendency that the towns who had strong mercantile character stayed more loyal than the towns inland whose livelihood was dependent on landed properties and thus came into direct conflict with the extension of royal authority. Most of the towns of Apulia, Aversa, Capua, and Melfi could be considered to be this category. In the towns which became the royal government's centres, such as Salerno and Barletta, their citizens seem to have been under the strong influence of provincial government. The citizens of these towns most often entered more individual relationships with the kings as royal officials, rather than as members of a collective body of the towns. This phenomenon of transferring important townsmen into royal government brought wealth and power to individual town nobles, but it had a negative effect where the unity and strength of each town were concerned. The absence of the charters for the great towns in Apulia and Principality of Salerno, such as Bari and Salerno, in the time of Tancred suggests that the king no longer sought the support of the

citizens of these towns as a collective body he did not grant them privileges, in contrast to his predecessor.

Apart from the charters, the evidences (from legal records, commercial contracts, and narrative sources) appear to support this development of royal control over the towns. From the legal records, it can be found that the citizens were becoming more and more dependent on the higher authority of the *curia* to defend them from the repression of lower-ranking officials, or from the aggression of other towns or seigneurs. Here the bureaucracy, created by the king, ironically brought about the need for citizens to seek royal protection. The commercial documents such as Genoese notarial cartularies and Cairo Geniza show that Southern Italian merchants had lost their role as pioneers of the Mediterranean trade and have begun to live in the margin of the more vigorous activities of the Northern Italian merchants, to whom the Sicilian kings treated with favour. There is no evidence of urban insurrection in the later years of Norman period before Tancred. Instead, chroniclers and travellers of this period illustrated the peace and strength of the *regno*, as well as the magnitude of the king.

The general decline of communal strength in the south under the Norman domination has been described as a pathetic end to their early prosperity. However, the role of the towns in respect of the royal authority's progress was also vital, especially when the majority of the mainland territory was held by feudal vassals. Despite their strict control over the feudal affairs of these vassals, the Norman kings did not reduce their lordship over their people even in the area of criminal jurisdiction. Although the kings occasionally appointed their counts as master justiciars and constables, there was little room where the royal bureaucracy could incorporate their land and subjects into structure, unless it entered royal demesne. On the

contrary, in the royal towns, the king could exercise direct jurisdiction over the citizens as his demesne people. The town's municipal liberty, which had been enjoyed during previous periods, henceforth was only to exist under the king's consent. On this ground, strong urban elements of Southern Italy provided the soils where the royal government could successfully extend itself. Moreover, royal control was not always a disadvantage to the towns and individual citizens. The maintained peace facilitated their commercial activities, and those from Southern Italy, who possess literary and judicial experiences, could promote themselves to the royal government. Thus, at the end of Norman reign, a number of towns and eminent townsmen held out for the king, while feudal vassals who rarely enjoyed these prerogatives inevitably turned to support the enemy.

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SOME ASPECTS OF CROWN-TOWN RELATIONSHIPS
IN
NORMAN SICILY AND SOUTHERN ITALY

ANNEX

Town charters of Roger II and Tancred

from: *Codex Diplomaticus Regni Siciliae*, Series I, tomus II, 1,
Rogerii II. Regis Diplomata Latina, ed.C.Brühl, Cologne 1987,
Series I, tomus V, *Tancredi et Willelmi III Regum Diplomata*,
ed.H.Zielinski, Cologne 1982.

19.

König Roger gewährt den Bürgern von Cefalù genannte Rechte und Freiheiten.

Palermo, 1132 [März].

Palermo, Archivio di Stato, Mss. 5 II (Rollus rubeus) fol. 13^v–14^r, Insert in Notariatsinstrument von 1269 März 27, das seinerseits in ein Notariatsinstrument von 1329 Nov. 6 inseriert ist, Chartular a. 1330 [C²]. – Ebd., Biblioteca Comunale, Qq. H. 8, fol. 7^r–8^r (nach fol. 940 eingeschoben), Abschrift von SCHIAVO nach C², Kopie saec. XVIII [E]. – *Cefalù, Biblioteca Mandralisca, Kopie saec. XIX in., nicht gesehen.

Editionen: GREGORIO, *Considerazioni*, t. II¹, S. 72 Anm. 19 = t. II², S. 545–546 Anm. 19 = *Opere scelte*, S. 203 Anm. 2 = *Considerazioni*, t. I³ (1972) S. 275 Anm. 2, Auszug; COLLURA, *Appendice*, S. 607–609 Nr. III, nach E [Co]; MIRTO, *Rollus Rubeus*, S. 46–47, nach C² [Mir].

Regesten: B. –; Ca 70 (zu 1131); Co 34 (zu 1130 oder 1131).

Der Wortlaut von D 19 ist, obwohl in einer Handschrift des 14. Jh. überliefert, ungewöhnlich verderbt und lückenhaft auf uns gekommen, was vielleicht auch den Umstand erklärt, daß D 19 trotz seiner hohen Bedeutung für die Stadtgeschichte von Cefalù und das sizilische Städtewesen unter Roger II. im allgemeinen erst 1954 erstmals vollständig ediert wurde. Die doppelte Insertion (1269 und 1329) ist dem Text schlecht bekommen. Er wurde offenbar sehr schludrig abgeschrieben, denn mehrfach ist das Fehlen eines Wortes oder gar eines ganzen Passus zu beklagen. Dennoch besteht kein Anlaß, die Echtheit von D 19 grundsätzlich in Zweifel zu ziehen, wie dies VALENZIANO, *Cefalù*, S. 12 Anm. 5, allein aus Gründen der Datierung getan hatte. Das Formular Widos ist trotz aller Lücken deutlich erkennbar. Nach dem Eapropter-Anschluß ist durch Augensprung mindestens eine ganze Zeile ausgefallen, denn die „Gedenkformel“ für das Seelenheil der Eltern fehlt in Rogers Urkunden der frühen Jahre sonst nie; sie taucht dagegen völlig unmotiviert in D 68 auf; vgl. D 68 Vorbem. Die Dispositio ist bis auf ein ausgelassenes *sine* einwandfrei formuliert. Zu der Wendung: *salva tamen per omnia regni nostri dignitate*, die natürlich dem Papstprivileg nachempfunden ist, vgl. das *salvo nostre dignitatis honore* in D 12. Zu den vom König ausgenommenen Fällen der Felonie, des Hochverrats und des Totschlags vgl. CARAVALE, *Il regno normanno*, S. 298 und unten D 68 Vorbem. Das *temptaverit* statt des bei Wido üblichen *presumpserit* in der Sanctio dürfte zu Lasten des Kopisten gehen, der einfach das zu seiner Zeit gängige Verb geschrieben hat. Ungewöhnlich niedrig ist die Poen in Höhe von nur zwei lb. Gold; die üblichen Taxen bei Wido sind 10 und 20 lb., doch könnte II bei oberflächlicher Lektüre aus X verlesen sein; vgl. BRÜHL, S. 77 m. Anm. 162; in D 23 legt Wido die Poen in einem Judikat jedoch auf 6 lb. fest, so daß eine sichere Entscheidung nicht möglich ist. Die Corroboratio ist einwandfrei formuliert, dasselbe gilt für die Datatio, doch hat der Kopist hier die Monats- und Tagesangabe ausgelassen. Als Notar tritt uns hier erstmals Wido entgegen, der für die folgenden Jahre als der lateinische Notar Rogers zu gelten hat; er ist zwischen 1130 und Nov. 1136 als Notar nachweisbar und hat nicht weniger als zwölf Diplome Rogers geschrieben: DD 19, 23–24, 29, 31–32, 36–38, 40, 42–43; darüber hinaus wird er in zehn Spuria genannt: DD 15, 18, 21–22, 25, 27, 33, 44 und in den modernen Spuria DD 11, 15; vgl. BRÜHL, S. 92 m. Anm. 38–39; vgl. auch Append. II, Nr. 2. Zur Schrift Widos vgl. bes. D 23 Vorbem., D 37 Vorbem. und Append. II, Nr. 2 Vorbem.

So bleibt als letztes Problem die Datierung: das zweite Regierungsjahr und die Indiktion X verweisen D 19 in das Jahr 1132 (vor Sept. 1). Dem widerspricht jedoch das Inkarnationsjahr 1130, was schon deshalb falsch sein muß, da Roger erst am 25. Dezember dieses Jahres zum König gekrönt wurde. Bedenkt man aber, daß der Kopist in derselben

Zeile bereits *eiusdem* vergessen, ebenso in der *Datatio* die Monatsangabe und auch sonst höchst schludrig abgeschrieben hat, dann liegt es nahe, ein ausgefallenes *secundo* zu emendieren, womit die Datierung geheilt wäre. Die Indiktion X reicht bis zum 31. August, doch hat Roger den gesamten Sommer in schweren Kämpfen auf dem Festland verbracht und kehrte erst im Dezember 1132 nach Sizilien zurück; vgl. CASPAR, S. 513–516. Da er im März 1132 jedoch ohnehin für das neugegründete Bistum geurkundet hat (Ca 73–74), spricht eine gute Wahrscheinlichkeit dafür, daß auch D 19 zu diesem Zeitpunkt gegeben wurde. Es wäre allerdings auch ein noch früheres Datum denkbar. Die Urkunde Erzbischof Hugos von Messina vom Okt. 1131: PIRRI, t. I^o, S. 389 (Co 42) läßt deutlich die Existenz einer gleichzeitigen Urkunde Rogers erkennen. In diesem Fall wäre statt II^o nur I^o zu ergänzen – die Ind. X bliebe dieselbe –, doch wäre zusätzlich das 2. Regierungsjahr in das erste zu ändern, was wohl doch etwas zu viel des Guten wäre. Die Edition folgt C² unter Korrektur der zahlreichen Lücken und Versehen des Textes.

In nomine domini Dei eterni ac Salvatoris nostri Ihesu Cristi^a. Anno incarnationis [eiusdem]^b millesimo centesimo tricesimo [secundo]^c, indictione decima^d. Ego Rogerius Dei gratia Sicilie et Ytalie rex, Rogerii primi comitis heres et filius. Regie serenitatis excellentia plenius invitamus, quatenus bene promerentibus^e per nostram excellentiam recompensationis^f meritum impendere debeamus. Eapropter [...]^g civibus Cephalutanis, ibidem perpetuo, Deo annuente, mansuris, concedimus vobis vestrisque heredibus ne mari vel terra in exercitum eati, et ut nihil in introitu vel exitu Cephaludi a parte terre tribuatis. Ligna quoque ad costruendas domus vestras et ligna ad alia necessaria domuumstrarum et victualia pro vestro vivere [sine]^h datione aliqua afferatis. Concedimus quoque, ut domus vestras, terras cultas vel incultas, silvas vel edificia vestra, quibus volueritis, vendatis, in civitate tamen mansuris, si pars ecclesie pari pretio, quo quislibetⁱ alius in civitate mansurus, sibi emere noluerit^l. Nullus in civitate Cephaludi captione teneatur, si plegios sufficientes dare poterit, excepta fellonia, traditione et homicidio, salva tamen per omnia regni nostri dignitate. Si quis autem deinceps^k huius nostre concessionis paginam ausu temerario violare <temptaverit^l>, sciat se [...]^m compositurum auri libras duasⁿ, medietatem palatio nostro et aliam^o ecclesie Cephaludi, presensque privilegium pristinum robur obtineat. Porro ad^p huius nostre concessionis et confirmationis^q indicium per manus Widonis^r, nostri notarii, scribi nostroque sigillo insigniri precepimus^s.

Data Panormi, per manus magistri Guarini^t, nostri cancellarii [...]^u, anno regni nostri secundo.

(BP.)

^a) Jesu Christi alle Hss. und Edd.

^b) eiusdem fehlt in allen Hss. und Edd.

^c) secundo fehlt in allen Hss. und Edd.

^d) inditionis decime Mir

^e) provenientibus E, Co

^f) -acionis auf Rasur C²

^g) Man erwartete eine Wendung wie: vobis civibus Cephalutanis petitionibus vestris clementius annuentes o.ä., verbunden mit der Gedenkformel für das Seelenheil der Eltern. Es dürften hier durch Au-

gensprung mindestens eine, wahrscheinlich aber zwei Zeilen ausgefallen sein

^h) sine fehlt C², E

ⁱ) quilibet E; quolibet Co

^j) voluerit E, Co

^k) deymptes C²

^l) Üblich wäre für Wido presumpserit

^m) Man erwartete einen Passus wie: iram nostram incurrisse et; vgl. D 24, Z. 17; vgl. aber DD 37–38, jeweils Z. 24.

ⁿ) Sic C², E und Edd., aber möglicherweise verlesen aus X; vgl. D 24,

Z. 17.

^o) Man erwartete medietatem; vgl. aber D 24, Z. 18.

^p) ad fehlt Co

^q) et confirmationis fehlt zu Recht in der Sanctio und ist daher in der Corroboratio fehl am Platz, doch könnte dieser Irrtum auch Wido unterlaufen sein

^r) Guidonis alle Hss. und Edd.

^s) precipimus C², E. Mir

^t) Gaurini Co

^u) Die römische Tages- und Monatsdatierung ist in C², E ausgefallen

20.

In Namen König Rogers beschwören dessen Beauftragte Graf Alexander von Conversano, Tankred von Conversano, Graf Gaufred von Catanzaro und Robert von Gravina einen Frieden mit der Stadt Bari, dessen Bedingungen im einzelnen aufgeführt werden.

Bari, 1132 Juni 22.

Bari, Archivio di S. Nicola, perg. Nr. 72 (periodo normanno), Kopie und teilweise Nachzeichnung saec. XII [B].

Reproduktionen: NITTI DI VITO, *Le questioni giurisdizionali*, Facs. IV (der obere Teil bis §13); BRÜHL, *Tav. XIVc* (nur *Datatio* und *Rota*).

Editionen: UGHELLI, t. VII¹, col. 863–864 t. VII², col. 612–613, nach schlechter Abschrift [Ugh]; PUTIGNANO, *Vindiciae*, t. II, S. 150–154, nach B [Put] = DE BLASIS, *La insurrezione Pugliese*, t. III, *Append.*, S. 464–467 doc. VII; CD. Barese, t. V, S. 137–139 Nr. 80, nach B [Nit] = BOLOGNINI, *Tancredi di Conversano*, *Append.*, S. XXV–XXVIII doc. VI = NITTI DI VITO, *Le questioni giurisdizionali*, S. 18 (nur die erste Hälfte).

Regesten: B. 7; Ca 77.

Anfang Mai 1132 hatte Roger die Meerenge überquert, am 13. Mai urkundete er in Tarent (Ca 76) und wandte sich von dort gegen die aufständischen Barone Apuliens, nahm Brindisi und belagerte Bari, das nach dreiwöchiger Belagerung durch Verrat in seine Hände fiel; vgl. CASPAR, S. 107–109, 513–514; CHALANDON II, S. 16–17. Den Lohn ihres Verrats an Fürst Grimoald, der als Gefangener nach Palermo gebracht wurde und die Heimat nicht mehr wiedersah, erhielt die Stadt in Gestalt eines Vertrages, den einige von Rogers Großen mit Bari aushandelten und im Namen des Königs, der bereits weitergezogen war, beschworen.

Der für die Verfassungsgeschichte des Normannenreichs überaus wichtige Vertrag Rogers mit der Stadt Bari vom Juni 1132 liegt in einer nur wenige Jahrzehnte jüngeren Nachzeichnung vor, die vor allem die Majuskelschrift der *Datatio* sowie insbesondere die einzigartige *Rota* sorgsam nachgeahmt hat. Da Roger nicht in Person als Aussteller fungiert, entfiel der sonst übliche Hinweis: *Legit Rogerius qui supra*; ebenso entfiel die nur auf die Person des Königs bezügliche Umschrift des äußeren Kreisrings: *Rex semper vivas* ... usw. Übrig bleibt somit nur ein Kreuz mit der Umschrift: *Hac cruce signatum, manet hoc opus inviolatum*; vgl. BRÜHL, S. 59.

Ein Vertrag wie der vorliegende entzieht sich weitgehend den Regeln diplomatischer Kritik. In der *Invocatio* ist *domini* vor *Dei* wahrscheinlich nur durch einen Lapsus des Kopisten ausgefallen, die Titulatur Rogers dagegen korrekt. Von den vier genannten Baronen unterschreibt Graf Gaufred von Catanzaro D 48 (Apr. 1140) und fungiert als Zeuge in D 59 (Nov. 1143); Robert von Gravina ist wohl ein Sohn des Grafen Alexander von Conversano, der später vor Roger nach Byzanz floh; vgl. CASPAR, S. 65, 83, 109 Anm. 3, 118, 121–122, 159, 167, 361, 375. Tankred von Conversano dürfte mit jenem Sohn des Grafen Gottfried von Conversano identisch sein, der im Juli 1131 eine Schenkung an die SS. Trinità von Venosa gemacht hatte; vgl. MÉNAGER, *Fondations*, S. 108 Nr. 35. Zum Begriff der *affidati* vgl. CHALANDON II, S. 496, 499, 560–562 und zuletzt Giovanni ANTONUCCI: *Ius affidandi*, in: *Arch. stor. per la Calabria e la Lucania* 5 (1935) S. 231–238. Der in der *Datatio* als *Datar* fungierende Logothet Philipp wird auch 1122 und 1125 in griech. Urkunden Rogers in dieser Eigenschaft genannt; MÉNAGER, *Amiratus*, S. 31 Anm. 2 Nr. 13 (auf S. 33), S. 195 Nr. 18; vgl. noch KEHR, S. 50 Nr. 3 und CARAVALE, *Il regno normanno*, S. 126–127. Der Notar Michael dürfte mit dem Notar dieses Namens, der D 16 mundiert hat, identisch sein; vgl. BRÜHL, S. 31 m. Anm. 32–33. Die gelegentlich gegen D 20 geäußerten Bedenken bezüglich der Echtheit entbehren jeder Grundlage.

Indiktion und Inkarnationsjahr stimmen zum Jahr 1132 überein. Die Edition folgt B und vermerkt zur Abschreckung die schlimmsten Verlesungen des völlig unbenutzbaren Textes von UGHELLI, während PUTIGNANO sogar besser las als NITTI DI VIRO. Zur besseren Übersicht haben wir für die einzelnen Bestimmungen des Vertrages eine Paragraphenzählung eingeführt.

† In nomine [domini]^a Dei eterni et Salvatoris nostri Iesu Christi. Anno incarnationis eiusdem millesimo centesimo tricesimo secundo, mense Iunio, indictione decima. Nos Alexander Cupersanensis comes et Tanc(redus) Cupersani^b et Gauf(redus)^c Catenzarii^d comes et Robertus Gravini^e iuramus^f ex precepto et voluntate domini nostri Rogerii, Sicilie et Italie regis magnifici, per hec sancta Dei evangelia, [§ 1] ut isdem dominus rex reliquias corporis sancti Nicolai nullo modo aut quolibet ingenio extrahet^g vel extrahi faciet de civitate Bari vel omnes vel partem, sed contra^h omnes, qui hoc facere temptaverint, defensorⁱ existetⁱ, ut sint in eadem civitate Bari et in eadem ecclesia, in qua modo sunt, et contrarius non erit de fabrica eiusdem ecclesie Sancti Nicolai vel de aliis edificiis, que in honore et proficuo ipsius sunt et eruntⁱ in curte circum eandem ecclesiam, et devastator vel ablator vel abstractor non erit de rebus, que hodie habentur in eadem ecclesia vel que inantea iuste concesse erunt, excepto si per benedictionem sibi exinde aliquid donatum fuerit, sed quemadmodum ab usque hodie ordinatum est, et de corpore ipsius sancti et de rebus eius sic permaneat, quantum in ipso est, et neque per se ipsum^k neque per suum consensum mutetur^l. [§ 2] Et si aliquis culpatus^m fugerit ad ecclesiam vel ad curtem Sancti Nicolai, non capiatur ab eo neque a suis ordinatis per eius iussionem, nisi contra dignitatem regis nostri egerit, sed ibi per legem iudicetur, sine morte vel lesione sui corporis, etsi dignus fuerit pati². [§ 3] Archiepiscopatus autem vester teneat omnia, que possidet in terra, que sua est, ad que tenenda adiutor existet. [§ 4] In civitate vestra Bari extraneum archiepiscopum non ponet necⁿ poni faciet absque vestrorum maioris partis consensu. [§ 5] Similiter nec abbatem in ecclesia, ubi sunt reliquie sancti Nicolai, aut in monasterio Sancti Benedicti extraneum non ponet nec poni faciet absque vestrorum maioris partis assensu, sed de vestris civibus non tamen sine vestra voluntate. [§ 6] Et ut nullam ecclesiam donet alicui cum pertinentiis suis, que sunt in territorio Barensi, ita ut archiepiscopatus Barensis suam inde perdat obedientiam. [§ 7] Et ut ab hodierna die inantea recte vos observet se sciente sicut suos fideles. [§ 8] Et de omnibus dictis sive factis, que contra eundem dominum regem dixistis vel fecistis, nullum meritum vobis, excepto Saxone et Nicolao de Amuruzo^o fratribus et Guaiferio et Ranio et Iohanne de Benevento et Sergio, reddet. [§ 9] Et de omnibus culpis et contrariis, que usque modo intra vos acciderunt^p, nullum iudicium inde faciet vel fieri consentiet nisi vestra voluntate, excepto si aliquis per vim aut iniuste res alienas tenet. [§ 10] De lege vestra et consuetudinibus vestris, quas iam quasi per legem tenetis, vos non eiciet nisi vestra voluntate. [§ 11] Ferrum, caccavum,

^a) domini *ausgefallen* B

^b) Canc. Capersi *Ugh*

^c) Gavus *Ugh*; Gamserius *Put*; Gaufferius *Nit*

^d) Catenzanii *B*, *Nit*

^e) Grumi *Ugh*

^f) viramus *Ugh*

^g) extrahere *Ugh*

^h) etiam *Ugh*

ⁱ) defensores existere *Ugh*

^j) dictae et erant *Ugh*

^k) per scriptum *Ugh*

^l) mittetur *Ugh*; *Put*

^m) culpator *Ugh*

ⁿ) ac *Ugh*

^o) Amurazo *Ugh*; Amuruzo *Nit*

^p) accidere *Ugh*

¹) Vgl. Ass. Vat. 5 (ed. MONTI, S. 119).

²) Vgl. Ass. Vat. 6 (ed. MONTI, S. 120).

pugnam, aquam vobis non iudicabit vel iudicari faciet. [§ 12] Datam vel angariam aut adiutorium, quod ex nostrę gentis consuetudine collecta vocatur, vobis non auferet nec auferri faciet, nec de rebus vestris aliquid per vim auferet. [§ 13] In expeditionem vos ire non faciet vel per terram vel per mare, nec secum^a ire sine vestra voluntate. [§ 14] In captionem vos non mittet nec mitti faciet, excepto si aliquis in capitalibus deprehensus fuerit, qui fideiussores idoneos invenire non possit, aut nisi aliquis ad legem ceciderit et facta lege sit solutus. [§ 15] Iudicem vobis extraneum non ponet, sed de vestris civibus. [§ 16] Omnes hereditates vestras et stabilia, que habetis in vestris^r pertinentiis propriis^r, faciet vos habere absque servitio et pretio. Hereditates, quas habetis in pertinentiis baronum^t suorum ei^u obedientium^v, faciet vos habere absque servitio et pretio. [§ 17] In domibus vestris neminem per vim hospitari faciet. Quod si aliquis per vim hospitatus fuerit et proclamatio exinde ad eum facta fuerit, emendari faciet. [§ 18] Obsides a vobis non tollet, nec tolli faciet. [§ 19] Castellum in civitate Bari aliud non faciet. [§ 20] Quod si dominus rex Tanc(redo), filio suo, vel alio^v filiorum eius civitatem Barum dederit, quicumque^x horum illam^y acceperit, ex omnibus, que predicta sunt, vobis per sacramentum evangeliorum Dei securitatem faciat; quo facto, ex nostro sacramento simus^z soluti. Hec omnia, que in cartula ista sunt scripta, observabit dominus rex sine fraude et malo ingenio omnibus habitatoribus civitatis Bari, preter Amalfitanos et^{aa} affidatos.

DATA BARI IN REGIS CURIA, PER MANUM PHILIPPI LOGOTHETE, |
DECIMO^{bb} K(A)L(ENDAS) IULII^{cc}, MICHAEL NOTARIUS SCRIPSIT.

† Ego levita Ursus.

(R.)

^a) sinet *Ugb*

^r) suis *B und Edd.*

^t) proprie *Ugb*

^v) bonorum *Ugb*

^x) Sic *B und Edd.*: man erwartete

vobis oder vestrorum vobis

^y) et obedientiam *Ugb*

^z) alii *B und Edd.*

^{aa}) qui cum *B, Put*

^{bb}) illum *Ugb*

^{cc}) simul *Ugb*

^{dd}) et fehlt *Nit*

^{ee}) decimo fehlt *Ugb*

^{ff}) Ianii *Ugb, Nit*

[Dat(a) P]anormi^{vy}, p(er) man(um) magistri Thome, cappellani regis, octa(vo)^w K(a)l(endas) Sept(em)br(is), indict(ione) .XV.^{xx}, incarnat(ionis) d(omi)nice anno .M^oC^oXXVII.^{vy}, regni^{zz} vero excellentissimi regis Rog(erii) anno septimo^{zz}.

^{vy} Ecke abgerissen A; Datum Gio, ^w 8. Gio
 Mas, Gar, Tro; wahrscheinlich war ^{xx} decimaquinta Tro
 in A Dat. gekürzt; Panormi fehlt ^{yy} 1137 Mas; millesimo centesimo
 Gar tricesimo septimo Tro

^{zz} Der Passus regni... septimo fehlt
 Gio, Mas, AS

46.

König Roger befreit die Bürger der Stadt Salerno, die ihm allzeit und insbesondere bei dem Einfall Kaiser Lothars die Treue gehalten haben, von genannten Abgaben.

Salerno, 1137 November 22.

*Salerno, ehem. Archivio Comunale, Liber privilegiorum civitatis Salerni, saec. XVII; nicht mehr auffindbar, daraus aber BETHMANN im Archiv der Monumenta Germaniae Historica [E]. – Brindisi, Biblioteca arcivescovile Annibale de Leo, Cod. B 5, fol. 47', Kopie saec. XVII [F].

Editionen: UGHELLI, t. VII¹, col. 563–564 = t. VII², col. 399, nach notar. Kopie aus Original [Ugh]; DI MEO, Annali, t. X, S. 79, Auszug nach Ugh; PAESANO, Memorie, t. I, S. 104–105, Auszug nach Ugh; DE BLASIS, La insurrezione pugliese, t. III, S. 283 Anm. 1, Auszug nach DI MEO; BERNHARDI, Lothar von Supplinburg, S. 741 Anm. 13, Auszug nach Ugh.

Regesten: B. 40; Ca 118.

Das Jahr 1137 war eines der bewegtesten in der langen Regierung Rogers II.; so kann es nicht verwundern, daß uns erst zu Ausgang dieses Jahres die einzige echte Urkunde, eben D 46, überliefert ist. Roger hatte sich zunächst vor dem Einfall Kaiser Lothars nach Sizilien zurückgezogen; nach dessen eiligem Rückzug im September ergriff er wieder die Initiative und zog mit einem stattlichen Heer auf dem Landweg nach Salerno, das ihm Anfang Okt. 1137 sofort die Tore öffnete. Von Salerno aus begann Roger einen fürchterlichen Rachefeldzug gegen die von ihm Abgefallenen, der erst auf dem Schlachtfeld von Rignano (Prov. Foggia) mit der schweren Niederlage gegen den vor kurzem von Kaiser und Papst neu eingesetzten Herzog Rainulf von Apulien, den ehemaligen Grafen von Avellino, am 30. Okt. 1137 ein vorläufiges Ende fand. Roger eilte zurück nach Salerno, wo er tat, als ob nichts geschehen sei und die erzwungene Muße nutzte, die Treue Salernos zu belohnen; vgl. CASPAR, S. 197ff., 208ff., 531–533; CHALANDON II, S. 61ff., 78ff.

Die Echtheit von D 46 steht außer Zweifel, zumal Roger in dieser Urkunde auf den Einfall Kaiser Lothars Bezug nimmt. Diese in der Kanzlei sonst unübliche „Aktualität“ – auch die Arenga sprengt den Rahmen der Konvention und spielt deutlich auf die politische Lage im Herbst 1137 an – hat die zahlreichen wörtlichen Auszüge aus D 46 in der Literatur bewirkt, die jedoch ausnahmslos, direkt oder indirekt, auf der Edition UGHELLIS fußen, die bis heute die einzige

vollständige Edition von D 46 geblieben ist. D 46 nimmt in der Diplomatik der Roger-Urkunden eine Sonderstellung ein: es ist das erste echte Diplom nach dem Tod Widos und Guarins, das auf uns gekommen ist, und zugleich das letzte, das noch Eingangs- und Schlußdatierung aufweist. Als Notar erscheint hier erstmals Gregor, der wohl der Notar des Salernitaner Hofgerichts war und uns in D 78 noch einmal begegnen wird; vgl. BRÜHL, S. 32 m. Anm. 43–44, S. 103 m. Anm. 43–44 und DD 747, 748 Vorbem; vgl. ferner BRÜHL, S. 37 m. Anm. 107, S. 70 m. Anm. 73. Die Intitulatio ist noch die unter Wido vor D 43 übliche, was entweder dem Notar Gregor anzulasten ist oder in der etwas prekären politischen Situation des Augenblicks – Roger stand in Verhandlungen um die Anerkennung Innozenz' II. – von Roger ausdrücklich gewünscht wurde; vgl. BRÜHL, S. 69 m. Anm. 53. Neu ist auch die Formulierung in der Corroboratio: *presens privilegium . . . scribi*, mit der *scribi* endlich das unter Wido vergessene Subjekt erhält; vgl. BRÜHL, S. 72 m. Anm. 103–104. Eine Sanctio fehlt, was von der Sache her verständlich ist. Der hier als Datar begegnende Elekt Heinrich von Messina ist der frühere Kapellan Rogers, der D 35 für die Pierleoni mundierte hatte; er fungiert offenbar als Nachfolger Guarins, ist aber schon bald darauf – wohl 1138 – gestorben; D 46 zeigt Anklänge an sein Diktat; vgl. BRÜHL, S. 37 m. Anm. 113–115, S. 36 m. Anm. 101. Zu dem interessanten Rechtsinhalt vgl. CHALANDON II, S. 605, 699, der jedoch die falschen Lesungen von UGHELLI (*lenticum* als nom. sing. und *laguennae*) als „termini technici“ hinnimmt, sowie HEYD, Histoire du commerce, t. I, S. 391–392.

Alle Datierungsmerkmale weisen D 46 einheitlich dem Nov. 1137 zu. Die Edition folgt E, F und UGHELLI, die sich in der Zahl der jeweiligen Lesefehler nichts nachgeben.

In nomine [domini]^a Dei æterni et Salvatoris nostri Iesu Christi. Anno incarnationis eiusdem millesimo centesimo trigesimo septimo^b, mense Novembris, indictione prima^b. Ego Rogerius Dei gratia Siciliae et Italiae rex, Rogerii primi comitis heres et filius. Regiæ maiestati convenit benemerentibus propensioris benignitatis munificentiam^c irrogare et fideles suos dignis honoribus ampliare, quatenus fideles et infideles ad bene agendum beneficiis præcedentibus inservamur^d, ita ut fideles fideliores sint, et infideles, visis meritis fidelium, ad dominorum suorum fidelitatem provocentur. Eapropter Salernitanos, fideles nostros, honorare et exaltare decrevimus, quia^e Roberto Guiscardo bonæ^f memoriæ et Rogerio et Willelmo^f ducibus, prædecessoribus nostris, semper fideles fuerunt, nobis quoque maxime hoc tempore, quo^g Lotharius cum Theutonicis per proditorum nostrorum perfidiam in Apuliam intraret, et cum iam fere^h tota terra infidelitatis maculaⁱ contaminaretur, sola Italiae Salerni civitas fidelitatem intemeratam conservavit. Huius rei gratia magnificentię nostrę munera in prædictam civitatem et eius populum extendere volentes, donamus, concedimus atque largimur et^j per præsentis privilegii auctoritatem^k firmamus, ut deinceps nec Salernitani nec eorum heredes^l pro modiatico^m aliquid persolvant, sed semper ab hac conditione liberi et absoluti permaneat; plateaticum etiam sandalium et linearumⁿ, qui veniunt de Calabria, Sicilia et Lucania, similiter condonamus; plateaticum quoque piscium, quos Salernitani capiunt, eis iterum dimittimus et præcipimus, ut pro mensura leguminum^o nihil persolvant; similiter iubemus, ut nullus noster ordinarius animalia hominum Salerni et casalium^p eorum angariare præsumat; præterea decimas^q et alia iura mercatorum, quę Salernitani in Alexandria^r prius

^a) domini fehlt E, F, Ugh

^b) 1137 und 1 Ugh

^c) magnificentiam F

^d) instruantur Ugh

^e) qui Ugh

^f) Der Passus bonę memorię – Willelmo fehlt in F, das nur et ducibus liest

^g) quod Ugh

^h) se F

ⁱ) infidelitatisque F statt infidelitatis macula

^j) ut F

^k) presens privilegium autoritate F

^l) homines Ugh

^m) mediatico Ugh

ⁿ) lintreum E; lineareum F; lenticum Ugh

^o) laguennae Ugh

^p) consilium Ugh

^q) decatias Ugh

^r) Alessandriam E; Alexandriam Ugh

persolvere soliti erant, ad morem et modum Sicilia negotiatorum reduci faciemus, quatenus eadem lex et similis consuetudo Siculis et Salernitanis permaneat. Ad huius sane nostrae concessionis et donationis^s robur et indissolubile firmamentum praesens privilegium per manus Gregorii, nostri notarii, scribit^r nostrique tiparii bulla aurea insigniri precepimus.

Data^u Salerni, decimo^v Kalendas Decembris, per manum Henrici^w, venerabilis Messanensis electi, anno regni nostri septimo^x.

(BA.)

^y) et donationis *fehlt E*
^z) scribae *Ugh*

^u) Datum *F, Ugh; richtig aber E*
^v) 10 *Ugh*

^w) Enrici *E*
^x) 7 *Ugh*

† 47.

König Roger <befreit die Bürger der Stadt Benevent auf Bitten des Erzbischofs Rossemannus, des „comestabulus“ Bernhard, der „iudices“ von Benevent und anderer vornehmer Bürger von genannten Abgaben.>

[Salerno], 1137 November.

Falconis Beneventani Chronicon ad an. 1137: Rom, Biblioteca Apost. Vaticana, Barb. lat. 2330, fol. 63^{r-v}, Kopie saec. XVII [E]. – Ebd., Barb. lat. 2345, fol. 110^{r-v}, Kopie saec. XVII (nur das Jahr 1137) [F]. – Neapel, Biblioteca Nazionale, Cod. S. Martino 66, fol. 101^v–102^v, Kopie saec. XVII. – Ebd., Cod. S. Martino 364, fol. 126^v–127^v, Kopie saec. XVIII.

Editionen: CARACCILOLO, *Antiqui chronologi*, S. 315–316 [Car] = UGHELLI, t. VIII¹, col. 172–173 = t. VIII², col. 111–112 [Ugh] = GRAEVIUS, *Thesaurus*, t. IX/1, S. 621 = MURATORI, *Scriptores*, t. V, S. 124 = CARUSO, *Bibliotheca*, t. I, S. 367–368 = PELLEGRINO-PRATILLI, *Historia*, t. IV, S. 285–286 = PELLICCIA, *Raccolta*, t. II, S. 351–352 = BORGIA, *Breve Istoria*, S. 140–141 = DEL RE, *Cronisti ... sincroni*, t. I, S. 237–238 [Re] = MIGNE, *Patrol. Lat.*, t. 173, col. 1242.

Regesten: B. 39; Ca 119.

In der bereits in der Vorbem. zu D 46 skizzierten politischen Situation nach der Niederlage von Rignano hatte Roger naturgemäß großes Interesse daran, sich des Wohlwollens von Benevent zu versichern, das seiner Herrschaft nie vollständig einverleibt gewesen war und das dies auch in der Zukunft zu verhindern mußte. Benevent hatte noch Anfang Sept. des Jahres Kaiser Lothar und Papst Innozenz II. in seinen Mauern gesehen. Der eilige Abzug von Kaiser und Papst und der Rachefeldzug Rogers hatten auch in Benevent wieder die normannische Partei an die Macht gebracht, deren wichtigster Exponent zweifellos der Erzbischof Rossemann war, ein treuer Anhänger Rogers. So lag

es nahe, daß Roger im November 1137 auch den Beneventanern auf Bitten des Erzbischofs und des Stadtrats ein Privileg gewährte, das er jedoch, wie Falco von Benevent berichtet, im Jahre 1143 konfiszierte, da die von den Beneventanern dem Kanzler Robert von Selby vorgelegte Urkunde sich als dreiste Fälschung herausstellte. Der von Falco ad an. 1137 mitgeteilte Text ist der der Fälschung, nicht des ursprünglichen Diploms; vgl. hierzu ausführlich BRÜHL, S. 89–91. Das echte Diplom diente dem Fälscher natürlich als Vorlage; ihm dürfte u.a. die der politischen Situation angepaßte Arenga und die Liste der Petenten entnommen sein. Eine Poenformel ähnlich der in D 47 findet sich in D 38 für S. Sofia. Charakteristisch für den Fälscher sind die zahlreichen, sprachlich meist wenig glücklichen Umstellungen wie z.B.: *venerabilis Beneventane Rossemanne archiepiscopo* oder: *Si qua vero persona, quod absit, magna venerabilis* ... u.a.m. Auch die falsche Stellung von *eterni* in der *Invocatio* wird wohl dem Fälscher und nicht der Überlieferung anzulasten sein. Auf deren Konto geht dagegen die zweifache Auslassung von *et* und wohl auch von *eterni* in der *Intitulatio*, wahrscheinlich auch von *nostrę* nach *huius* in der *Corroboratio*. Da Falcos Chronik nur in Hss. des 17. Jh. überliefert ist, läßt sich in mehreren Fällen nicht mit Gewißheit sagen, was auf das Konto der Überlieferung und was auf das des Fälschers zu setzen ist. Mit Sicherheit ist er jedoch für die doppelte Bullenankündigung verantwortlich; der Passus: *Et ut firmiter – signari fecimus*, ist dem Formular der normannischen Königsurkunde fremd; nur die eigenartige, natürlich ganz und gar kanzleifremde Wendung: *in misericordia nostra*, in der *Sanctio* findet sich nur D 44 als Parallele, das wohl bald nach D 47 entstanden ist; vgl. D 44 Vorbem. und BRÜHL, S. 91 m. Anm. 47. Die *Corroboratio* hat der Fälscher gekürzt. Ein Notar Heinrich ist anderweitig nicht bezeugt; da die *Datatio* bis auf die Angabe der Regierungsjahre ausgefallen ist, spricht eine hohe Wahrscheinlichkeit dafür, daß Heinrich nicht der Notar, sondern der Datar des echten Privilegs für Benevent gewesen ist, während als Notar wohl nur Gregor in Frage kommt; vgl. BRÜHL, S. 88 m. Anm. 32–33, S. 91 m. Anm. 53 und D 46 Vorbem. Welches der Rechtsinhalt des echten Privilegs Rogers gewesen ist, läßt sich nicht mehr feststellen, doch hat es wohl gewisse Abgabefreiheiten eingeräumt. Die Liste in D 47 entspricht in verdächtiger Weise der Aufzählung in dem Eid der normannischen Barone der Grafschaft Ariano vor Kaiser Lothar in Benevent: Falco ad h. an. (ed. DEL RE, S. 235); vgl. BRÜHL, S. 89 m. Anm. 35, S. 91 m. Anm. 54. D 47 muß aus historischen Gründen zwischen 1139 und 1143 entstanden sein, wobei die größte Wahrscheinlichkeit für 1141–42 spricht; vgl. BRÜHL, S. 91 m. Anm. 55.

Die echte Vorlage von D 47 wurde zweifellos im Nov. 1137 gegeben, worauf auch die in D 47 übernommenen Daten hinweisen. Die Edition folgt E–H, die untereinander kaum wesentliche Varianten bieten. Alle Editionen gehen letztlich auf CARACCILO zurück, neben dem nur noch UGHELLI berücksichtigt wird.

In nomine domini Dei [et]^a Salvatoris eterni^b Iesu Christi. Dominicę incarnationis anno millesimo centesimo trigesimo septimo^c, mense Novembris^d, prima indictione^e. Ego Rogerius Dei gratia Sicilia [et]^f Italia rex, Christianorum adiutor et clipeus, Rogerii primi comitis [heres et]^g filius. Regalis excellentię nostrę provocamur liberalitate fidelibus nostris tanquam de nobis bene promeritis beneficia ampliori manu debere impendere, ut non solum fideiiores inveniantur, sed ut cęteri spe retributionis adiuti in nostro servitio promptiores habeantur. Eapropter venerabilis Beneventane Rossemanne archiepiscopo, qui semper in omnibus fidelis^h extitisti, petitionibus tuis et Bernardi, Beneventani comestabuli, et Beneventanorum iudicum aliorumque plurimorum civium clementius annuentes, quia vos semper nostros fideles experti sumus, pro amore summi regis, per quem subsistimus et regnamus, et amore et fidelitate vestra, quam in nobis habetis et inantea habituri estis, dimittimus et condonamus vobis ea omnia, quę nos et pędecessores nostri Normandi circa Beneventanam civitatem habuerunt fidantias subscriptas, videlicet denariorum redditus, salutes, angarias, terraticum, herbaticum, carnaticum, kalendaticum, vinum, olivas,

^a et fehlt in allen Hss. und Edd.; man erwartete eterni et; vgl. Anm. b
^b Statt eterni erwartete man nostri
^c 1137 Car, Ugh u.a.

^d Novembri Car, Ugh
^e primae indictionis Car, Ugh; I. Indict. Re u.a.

^f et fehlt in allen Hss. und in Car, Ugh
^g heres et fehlt in allen Hss. und Edd.
^h fidelis in omnibus F

releuium^l, postremo omnes alias exactiones tam ecclesiarum quam civium; et omnia prædicta et possessiones liberas facimus et quietas, undecunque aliquid accipere soliti sumus, ut, quamdiu in nostra permanseritis fidelitate et nostrorum heredum, liberi et quieti vos et vestri heredes ab omnibus supradictis maneatis, et in vestris prædiis venandi, piscandi, aucupandiⁱ liberam facultatem habeatis. Et ut firmiter hoc tenere valeatis, privilegium istud sigillo aureo nostro signari fecimus. Si qua vero persona, quod absit, magna humilisve huius nostræ concessionis paginam in aliquo violare presumpserit, viginti libras auri purissimi in misericordia nostra palatio nostro componat, presensque privilegium robur pristinum obtineat. Ad huius [nostræ]^k concessionis indicium^l per manus Henrici, nostri notarii, scribi præcepimus et bulla aurea insigniri^m.

[...] ⁿ anno regni nostri septimo.

(BA.)

^l) releuium *Car, Ugh*

^l) iudicium *F, Car, Ugh*

ⁿ) *Die Datatio ist bis auf die Angabe des Regierungsjahres ausgefallen*

ⁱ) occupandi *Ugh*

^m) insignari *F*

^k) nostræ *fehlt in allen Hss. und Edd.*

48.

König Roger überläßt der Peterskirche, die er in seinem Palast in Palermo gestiftet hat, die Kirche St. Georg mit genannten Pfründen.

Palermo, 1140 April 28.

Palermo, Cappella Palatina, Tabulario della Real Cappella Palatina, perg. Nr. 7, Original [A]. – Ebd., perg. Nr. 6 (in esposizione sotto vetro), Purpurausfertigung [A¹]. – Ebd., Nr. 24, Insert in die Originalurkunde Friedrichs II. von 1225 Jan. (B-F-W 1549) [B]. – Ebd., Nr. 80, notar. Kopie von 1417 März 5, nach B. – Palermo, Archivio di Stato, Mss. 109 II (Lib. Mon.) fol. 70^r–71^r, Kopie a. 1555 [G]. – Cambridge, University Library, Ff II 25 (Lib. Mon.) fol. 79^r–80^v, 230^r–232^r, 237^r–239^v, Kopien saec. XVI. – Simancas, Archivo General, Patronato Real, Libros de copias, Nr. XXI (Lib. mon.) fol. 51^r–52^v, Kopie saec. XVI. – Palermo, Biblioteca Comunale, Qq. H. 3, parte II, fol. 3^r–4^v, fol. 137^r–138^v, Kopien saec. XVII.

Reproduktionen: BRÜHL, Tav. VIII.

Editionen: Fazellus, S. 172 (längerer Auszug) ad an. 1142; DE VIO, S. 1–3 [Vio]; PIRRI, Notitia regiae et imperialis capellae (ohne Zeugen) = t. II² (Notitia) col. 3–4 = t. II³, S. 1357–1358 [Pi] = DI CHIARA, De Capella, Append., S. 5–7, Nr. VII [Chi] = GALLO, Codice eccl. Sicolo, t. IV, S. 137–138 Nr. DCCLXX; GAROFALO, Tabularium, S. 11–13, Nr. V, nach A [Ga] = GENUARDI, Parlamento Siciliano, t. I/1, Documenti, S. 18–19 Nr. d; SAVAGNONE, Il diploma di fondazione, S. 78–80, nach A¹ [Sav]; ebd. S. 81 die Namen der Zeugen nach Ga.

Regesten: DE CIOCCHIS I, S. 152–153; B. 45; Ca 126.

Nach dem Vertrag von Mignano im Sommer 1139, der ihm die widerwillige Anerkennung Innozenz II. eingebracht hatte, und der Einnahme des widerspenstigen Bari am 19. Oktober nach zweimonatiger Belagerung hatte

I.

Herzog Roger von Apulien bestätigt dem Erzbischof und den Bürgern von Trani ihre Rechte, wie sie schon sein Vater verbrieft hatte; er genehmigt, daß nur ein Bürger von Trani dort das Amt des Richters oder Notars ausüben darf; auch soll nur der zum Stratigot oder Bailli ernannt werden, der eidlich versichert, die Rechte der Bürger von Trani zu wahren; die während des Einfalls der Deutschen gefangengenommenen Bürger von Trani sollen binnen 40 Tagen freigelassen werden von dem Tage an gerechnet, an dem diese die vorliegenden „conventiones“ geschworen haben; an den „leges et consuetudines“ der Stadt soll nicht gerüttelt werden. Graf Gottfried von Tricarico beschwört diese Vereinbarungen in Namen Herzog Rogers.

[Trani], 1139 Juni.

Trani, Biblioteca diocesana (ehem. Archivio capitolare), pergamene sciolte, ad annum, Original [A].

Editionen: FORGES DAVANZATI, Dissertazione, Append., S. I–II Nr. I [For] = FESTA CAMPANILE, Lettera, S. 24 Anm. b (= S. 25) = VANIA, Trani, Append., S. 49–50 Nr. VI; PROLOGO, Le carte ... di Trani, S. 95–96 Nr. XXXVII.

Regesten: B. –; Ca 123.

Aus dem politisch so bedeutsamen Jahr 1139 ist keine Urkunde König Rogers auf uns gekommen. Roger war im Mai in Salerno gelandet und von dort nach Apulien gezogen. Sein Sohn, Herzog Roger, muß sich bei ihm befunden haben, denn im Juni finden wir ihn in Trani damit beschäftigt, einen Schlußstrich unter die Ereignisse des Jahres 1137 zu ziehen: vgl. auch D 46 Vorbem.

Das vorderseitig geweißte Pergament mißt ca. 345 + 40 mm in der Länge und ca. 305 mm in der Breite und ist limert. Der Zeilenabstand beträgt 14–15 mm. Das Pergament ist bis auf kleine Löcher in den Knickfalten und einige Schimmelflecken recht gut erhalten. DI zeigt kein Chrismon, weist dafür aber eine A-Initiale auf. Eine eigentliche Auszeichnungsschrift fehlt, doch sind in der Eingangsdatierung die Wörter *tricesimo nono* in der ersten und *secunda* in der zweiten Zeile in Majuskeln geschrieben, was auch zu Beginn der Corroboratio der Fall ist. Die Schrift des Notars Maio, der nicht der Notar Herzog Rogers, sondern der der Stadt Trani ist, läßt noch deutliche Einflüsse der Beneventana, vor allem bei den Buchstaben a, r und t sowie in den fi- und ri-Ligaturen erkennen; er verwendet auch gern das wie ein j wirkende, nach unten gezogene i; gelegentlich findet sich das kopfstehende t in der nt-Ligatur am Ende eines Wortes. Von seiner Hand ist auch die Urkunde: PROLOGO, Le carte ... di Trani, S. 93–95 Nr. XXXVI, vom Dez. 1138 geschrieben. DI zeigt keine Rota, war jedoch bulliert und weist noch die Einschnitte und den Druckabdruck eines Wachssiegels auf. Bleibulle und rotes Wachssiegel waren im 19. Jh. noch vorhanden. PROLOGO, Le carte ... di Trani, S. 96, erklärte das Wachssiegel als für die Unterschrift des Herzogs stehend, was natürlich unsinnig ist. In der Corroboratio wird nur die Bulle angekündigt, das Wachssiegel war zweifellos das des Grafen Gottfried von Tricarico, der im Namen des Herzogs geschworen hatte. Die Dorsualnotizen sind sämtlich modern; die alte Signatur lautete: Mazzo I^o, n^o 21.

Zur Diplomatik von DI ist wenig zu sagen; das Stück hält sich mit seiner Eingangsdatierung – eine Schlußdatierung fehlt völlig – sowie der knappen und unkonventionellen Corroboratio nicht an die Regeln der normannischen Kanzlei, was jedoch angesichts des Notars Maio, der ein städtischer Notar war, nicht wunder nimmt.

Im übrigen handelt es sich um einen Vertragstext, der in etwa mit D 20 verglichen werden kann und sich auch als solcher weitgehend den Regeln der für die Privilegien geltenden Kritik entzieht. Diplomatisch interessant ist die Kombination von herzoglicher Bulle und gräflichem Wachssiegel; Wachssiegel werden wohl auch auf dem Original von D 20 gewesen sein.

Alle chronologischen Angaben stimmen zu 1139 Juni überein. Die Edition folgt A; zur besseren Übersicht ist eine Paragrafeneinteilung vorgenommen worden.

Anno millesimo centesimo tricesimo nono^a, incarnati(om)nis Christi Iesu^b d(omi)ni n(ost)ri, octavo anno regni d(omi)ni n(ost)ri Rogerii magnifici | regis se(m)p(er)^c augusti Sicilie atq(ue) Italie, men(se) Iunio, indic(ione) sec(un)da^d. Hee^e s(un)t co(n)venci(om)nes, quas ego Rogerius D(e)i gr(aci)a Apulie dux | co(n)cedo: [§ 1] inprimis beate Marie eccl(esi)e Tranensis archiepiscopat(us) et archip(re)suli, qui m(od)o est, suisq(ue) successorib(us) 5 om(n)ia q(ui)de(m) eis iure p(er)ti(n)encia. [§ 2] Hominib(us) civi(ta)tis Trani honorabile(m) libertate(m) co(n)cedo atq(ue) co(n)firmo p(re)ceptu(m) et co(n)venci(om)nes, quas d(omi)n(us) n(ost)er rex, cu(m) eos in|p[rimis recepit, illis]^f co(n)cessit¹. [§ 3] De manu mea meiq(ue) fratris illos no(n) eicia(m). [§ 4] Sup(er) illos stratigotu(m) v(e)l balivu(m) no(n) co(n)stitua(m), nisi iuraverint, ut hec eis observent(ur) et teneant(ur). [§ 5] Om(n)ia nob(is) 10 retro^g forisfacta usq(ue) nunc eis co(n)donam(us) atq(ue) remittim(us) | ex parte d(omi)ni n(ost)ri regis [et(iam)]^h n(ost)ra n(ost)riq(ue) fratris eis q(ui)d(em) et suis hered(i)b(us). [§ 6] Malu(m) meritu(m) eis no(n) reddem(us) nec reddi faciem(us). | [§ 7] Om(n)es eor(um) co(n)cives, quos in capci(om)ne d(omi)ni n(ost)ri regis et n(ost)ra v(e)l tota t(er)ra n(ost)ra habem(us), qui capti fuer(un)t, ex quo Alamanni | in has par(tes) advener(un)t, illis 15 reddem(us); et a die, quo nob(is) iuraverintⁱ, ab inde usq(ue) dies quadragin(ta) illos liberari faciem(us) et | securit(er) in illor(um) urbe remitem(us); homine(m)q(ue) n(ost)ru(m) v(e)l ex eis, ubicu(m)q(ue) p(er) tota(m) t(er)ra(m) n(ost)ra(m) fuerint, p(ro) illis liberandis mittem(us). | [§ 8] Clerici cuncti Trani atq(ue) layci et extranei in d(omi)ni n(ost)ri regis et n(ost)ra fid(e)litate p(er)manentes, quocu(m)q(ue) voluerint, cu(m) om(n)ib(us) | eor(um) 20 reb(us) securit(er) eant et revertant(ur); et quod Trani dimiserint, securit(er) habea(n)t et tenea(n)t illi eor(um)q(ue) hered(es). [§ 9] Ho(m)ine(m) Trani sup(er) eos in illor(um) t(er)ra balivu(m) no(n) co(n)stitua(m). [§ 10] Ite(m) co(n)cedo, ut nullu(m) iudice(m) seu notariu(m) nisi suu(m) co(n)cive(m) sup(er) se | habeant. [§ 11] Hec om(n)ia adtenda(m) eis, qui d(omi)no n(ost)ro regi et michi meoq(ue) fratri fide(m) fid(e)litate(m)q(ue) co(n)servarint. 25 [§ 12] De legib(us) et co(n)suetudinib(us) suis nec tra[ha(m)]^h nec trahere facia(m). Hee^e cuncta¹ eis sacram(en)to p(er) evvang(e)lia co(n)firmare feci p(er) man(us)^k | Goffridi Tricarici comitis, qui mea¹ iussione iurabit.

HOC DENIQUE SCRIPTUM SCRIBI IUSSI MAIONE NOT(ARIO) | p(re)dic(t)e civi(ta)tis et plu(m)bea bulla n(ost)ro tipari¹ signari. SID. 30

BPD.

^a) TRICESIMO NONO A; tricesimo *fehlt Pro*

^b) Iesu *fehlt For*

^c) semper *fehlt Pro*

^d) SEC(UN)DA A

^e) Hec *alle Edd.*

^f) Der *Passus primis – illis verschim-melt in A*

^g) retro *fehlt For*

^h) *Riß in A*

ⁱ) iuraverunt *For*

^j) Sic A

^k) manum *alle Edd.*

^l) mei *For*

¹) Ca 83 (dep.); vgl. unten S. 322 Nr. 83.

1.

Tankred nimmt die Stadt Barletta in das königliche Demanialgut auf und verleiht ihr Freiheiten und Rechte.

1190 April, Palermo.

Barletta, Archivio capitolare, perg. n. 161, Original, 615 + 55 × 460 mm [A].

Editionen: LOFFREDO, *Storia della città di Barletta* II, S. 289–291, Nr. 13 [Lo]. *Cod. dipl. barese VIII: Le pergamene di Barletta*, ed. NITTI DI VITO, S. 206–207, Nr. 161 [Ni].Regesten: PALUMBO¹, Nr. 1 = PALUMBO², Nr. 1; SALVATI, Nr. 1; vgl. *Italia pontificia* IX, S. 302.

Das bis auf zwei kleinere Stellen gut erhaltene Privileg Tankreds für die Bürger von Barletta zählt nach D 4 zu den größten und dekorativsten Originalen aus der Kanzlei der beiden letzten Normannenkönige. Während sonst ein Zeilenabstand von ca. 13 mm üblich ist, erreicht er in D 1 erstaunliche 28 mm. Am unteren Rand des Pergaments scheint der Notar mit dem noch zur Verfügung stehenden Platz in Konflikt geraten zu sein, da die Schriftzüge dort etwas gedrängt wirken und die Plica mit nur 55 mm unverhältnismäßig schmal ausgefallen ist. Die in der Corroboratio genannte Bleibulle ist heute ebenso wie die Befestigungsschnur verloren. Erhalten hat sich nur noch ein – sicherlich nicht ursprüngliches – Leinentäschchen, das zur Aufnahme der Bleibulle bestimmt war und mit einem Bindfaden ans Pergament genäht ist. Bereits 1914 fehlte das Siegel; s. NITTI DI VITO, op.cit., S. 206. Auf der Rückseite hat eine Hand des 14./15. Jahrhunderts vermerkt: *Die XVII mensis Madii IIII^e indictionis presentatum est presens privilegium coram magnificis dominis Galcerando Mercede (?) milite et Cristofaro Richa legum doctore iudicibus magne curie vicarie commissarius regis in provincia terre Bari per Masium de Galiario sindicum terre Baroli. Et admissum.* Vgl. Tafel IV a.

Als Schreiber von D 1 nennt sich der Notar *Gos. de Fogia*, nicht etwa *Tof.*, wie K.A. KEHR, S. 62 nach LOFFREDO, op.cit., S. 291 noch annimmt, oder *Goselinus*, wie NITTI DI VITO, op.cit., S. 207 ohne Begründung auflöst. Die korrekte Namensform ergibt sich aus D 2, das zwar nur abschriftlich überliefert, an dessen Lesung *Gosfridus de Fogia* aber nicht zu zweifeln ist. Schon unter Wilhelm II. ist ein *Gosfridus domini regis notarius* Schreiber einer original überlieferten Urkunde des Erzbischofs Thomas von Reggio aus dem Jahr 1182; vgl. GARUFI, *I documenti inediti* I, S. 183–185, Nr. 74. Der Schriftvergleich läßt keinen Zweifel an der Identität beider Personen aufkommen. Gosfrid bedient sich in unserem D 1 einer die Rundung betonenden normannischen Urkundenminuskel mit auffallend kurzen Oberlängen und leichter Linksneigung; die Ähnlichkeit mit einer gewöhnlichen Buchschrift, wie sie in Mandaten Verwendung findet, ist unverkennbar; vgl. D 30. Die gebrochenen Schäfte der Auszeichnungsschrift bieten keine ornamentalen Verzierungen; vgl. Tafel V. Das normannische Krückenkreuz ist ganz schlicht gehalten. Die Vermutung von K.A. KEHR, S. 64, Gosfrid könne mit dem gleichnamigen Notar der Kaiserin Konstanze, der keine Herkunftsbezeichnung führt, identisch sein, gewinnt durch den Schriftvergleich an Wahrscheinlichkeit; vgl. die im Original überlieferten Urkunden RIES, Nr. 23, 47, 48 und 111. Auch der lateinische Teil der Bilingue RIES, Nr. 13a wurde von diesem Gosfrid geschrieben, wie schon RIES bemerkt hatte.

Daß wir es in D 1 mit dem gleichen Schreiber wie in D 2 zu tun haben, legen auch einzelne Übereinstimmungen im Diktat nahe. So ist die Corroboratio bis auf das anfängliche ungewöhnliche *itaque* in D 1 in beiden Urkunden identisch. Auch die einleitenden Worte der Dispositio: *Inde est, quod nos . . . ex innata nobis liberalitate concedimus . . .*, kehren so wörtlich in D 2 wieder.

Die Bestimmungen über den Nachlaß der Pilger (§ 7) finden in den übrigen Stadtprivilegien, die Tankred in den ersten beiden Jahren seiner Herrschaft ausgestellt hat und deren aktueller Bezug in der Auseinandersetzung mit Heinrich VI. zu sehen ist, keine Parallele; sie sind ganz auf die besondere Situation Barlettas an der Pilgerstraße vom Monte

Gargano ins Heilige Land zugeschnitten; vgl. LOFFREDO, op.cit., S. 173–174; allgemein s. auch CHALANDON II, S. 434; JAMISON, *Admiral Eugenius*, S. 92; PALUMBO, *La fine*², S. 179.

Zu § 5, der den gerichtlichen Zweikampf regelt, vgl. auch die Bestimmungen in den Konstitutionen Friedrichs II.: *Konstit. von Melfi* I 22.2 und II 32–33, 37, edd. CONRAD u. a., S. 32–33, 218–223, 228; dazu DILCHER, *Die sizilische Gesetzgebung Kaiser Friedrichs II.*, S. 129–130, 526. Zu der gleichfalls in § 5 deutlich werdenden Sonderstellung des Majestätsverbrechens vgl. auch D 18, § 8. Allgemein zum *crimen laesae maiestatis*, das schon in den Assisen von Ariano mehrfach behandelt wird, vgl. SCHMINCK, *Crimen laesae maiestatis* (mit Erwähnung unseres Stückes auf S. 68, Anm. 187).

Die der *quarta peregrinorum*, für die es in der normannischen und staufischen Gesetzgebung keinen Beleg gibt, zugrunde liegende *consuetudo*, deren Bestimmungen Tankred zugunsten der Bürger von Barletta abändert (§ 7), regelte wohl – in Parallele zur *quarta Falcidia* des römischen Rechts – das den gesetzlichen Erben zustehende Pflichtteil in Höhe der *quarta*, die im Falle von *peregrini* dem Fiskus anheimfiel. In den Konstitutionen von Melfi wird die *quarta* nur hinsichtlich der Morgengabe der Frau erwähnt (*Konstit. von Melfi* II 8, edd. CONRAD u. a., S. 186); vgl. DILCHER, op.cit., S. 451. Allgemein zum Terminus *consuetudo*, womit stets nicht-kodifiziertes Gewohnheitsrecht gemeint ist, vgl. auch NIESE, *Die Gesetzgebung der normannischen Dynastie*, S. 7–8, 49–50; DILCHER, op.cit., bes. S. 203–204. Die Testierfreiheit im normannischen Recht hatten bereits Roger II. und Wilhelm II. anerkannt; dazu vgl. DILCHER, op.cit., S. 17–18, 261–262; s. auch die Bestimmung in den *Konstit. von Melfi* I 61.2, edd. CONRAD u. a., S. 94–96.

Der Schlußpassus der Dispositio: *Hec autem omnia ... firmiter perseveratis*, stimmt nahezu wörtlich mit dem entsprechenden Passus in D 18 für Gaeta überein. Das königliche Epitheton *illustrissimus* in der Datatio statt des üblichen *gloriosissimus* kann auch in DD 9 und 11 belegt werden; vgl. auch K.A. KEHR, S. 260, Anm. 5.

Eine VU ist nicht erhalten. Aus B-F-W 2068 von 1234 erfahren wir, daß Wilhelm II. den vierten Teil des königlichen Zehnten der Stadt der Marienkirche, der Hauptkirche der Stadt Barletta, übertragen hatte, eine Verfügung, die später von Heinrich VI. in CLEMENTI, Nr. *144 = BÖHMER-BAAKEN, Nr. *697 – gleichfalls bekannt aus B-F-W 2068 – bestätigt wurde; vgl. auch B-F-W 2082. Die Zehntrechte des Erzbistums Trani in Barletta, das zur Diözese Trani gehörte, gingen auf Wilhelm I. zurück; sie wurden von Tankred in Dep. 18 bestätigt; vgl. KAMP I/2, S. 544, 549. – Die zahlreichen wertlosen Varianten der Drucke, insbesondere in der Edition LOFFREDOs, bleiben in den Fußnoten unberücksichtigt.

† IN NOMINE DEI ETERNI ET SALVATORIS N(OST)RI IESU CHRISTI AMEN. | Tancredus divina favente clementia rex Sicilie, ducatus Apulie (et) p(r)incipatus Capue. Ardor nos p(ro)prie voluntatis impellit (et) affectio(n)is intime nos instantia col|hortatur, ut ad amplianda beneficia (et) libertates fidelium n(ost)ror(um) cura n(ost)re serenitatis intendat. (Et) sic(ut) maior nobis cura ip(s)os fideles n(ost)ros diligendi cotidie surgit aff[ectum, ita]* | in n(ost)ra fidelitate firmiter p(er)severare ex debito teneant(ur), ut ex eor(um) sinceritate imitatio(n)is lucerna aliis accendat(ur). Inde est, q(uod) nos considerantes devotione(m) (et) fidelitate(m), qua(m) | incessant(er) civitas Baroli p(ro)genitorib(us) n(ost)ris recolende memorie (et) nobis exhibuit, (1) ex innata nobis lib(er)alitate concedimus, ut civitas Baroli semp(er) sit in demanio n(ost)ro (et) here|dum n(ost)ror(um)¹. 10
(2) Concedim(us) etia(m) vob(is) ho(min)ibus Baroli, fidelib(us) n(ost)ris, tam p(re)sentib(us) q(u)a(m) fut(ur)is, ut amodo (et) om(n)i fut(ur)o t(em)p(or)e p(ro) eptagia non nisi decima(m) parte(m) debiti tribuatis. (3) Concessim(us) etiam vobis, ut de questionib(us), que aliquando int(er) aliquos v(est)r(um) emerint, si utriq(ue) parti placuerit, infra spatium t(ri)um dieru(m) tantu(m), postq(u)a(m) in curia p(ro)clamatio inde facta fuerit, absq(ue) 15 eptagia valeant concordari. (4) Concessimus etiam, ut habitatores civitatis Baroli in eor(um) causis non cogant(ur) extra civitate(m) Baroli ad placitandu(m) alias ire | sine speciali mandato n(ost)ro, nec iudic[ium accipiant]^b nisi a p(ro)p(r)is iudicib(us) Baroli². (5) Concedimus etiam vob(is) ho(min)ib(us) Baroli, ut int(er) vos duellu(m) no(n) admictat(ur) nisi cont(r)a regia(m) ma|iestate(m) (et) causis illis, de quib(us), si aliquis convict(us) fu(er)it aut 20

confessus, debeat amittere vitam v(e)l m(em)bru(m); (et) si aliq(ui)s invadiav(er)it duellu(m) alicui, ille, cui invadiatu(m) fu(er)it, no(n) cogat(ur) dare | guadiam se inde p(er) duellu(m) deferendi nisi p(er) sententia(m) iudicu(m). (6) Et ut am(od)o habeatis lib(er)um usu(m), ad opus v(est)r(u)m (et) a(n)i(m)aliu(m) v(est)ror(um) in palude, que e(st) int(er) Barolu(m) (et) Tranu(m)³, ita tam(en) q(uod) palus ip(s)a p(ro)pt(er) | hoc nullaten(us) devastet(ur). (7) De q(u)arta v(er)o p(er)eg(r)inor(um) statuim(us) (et) p(re)cipim(us), ut, q(ui)cu(m)q(ue) p(er)eg(r)inus de reb(us) suis testam(en)tu(m) fecerit, sic(ut) ip(s)e p(er)eg(r)in(u)s in testam(en)to suo iudicav(er)it (et) statuerit, adi(m)pleat(ur) (et) nichil a baiulo | n(ost)ro cont(r)a testam(en)tu(m), q(uo)d co(n)diderit, exigat(ur) ad op(us) curie n(ost)re, nisi p(er)eg(r)in(us) ip(s)e aliq(ui)d ad op(us) curie n(ost)re sponte dari statuatur in testam(en)to suo. Si aut(em) p(er)eg(r)in(us) ab intestato decesserit, baiul(us) n(ost)er de reb(us) p(er)eg(r)ini s(e)c(un)d(u)m co(n)suetudine(m) hacten(us) inde habita(m) exigat (et) recipiat. Q(uo)d si q(ue)stio mota fu(er)it, q(uod) p(er)eg(r)in(us), q(ui) obierit, no(n) condiderit testam(en)tu(m) nec poteri(n)t haberi testes, qui int(er)fueri(n)t testam(en)to ip(s)i(us) p(er)eg(r)ini, s(et) solus hospes, in cui(us) domo p(er)egrin(us) fu(er)it hospitat(us), dix(er)it eu(m) cora(m) se testam(en)tu(m) fecisse, si hospes ip(s)e volu(er)it iurare, q(uod) p(er)eg(r)in(us) testam(en)tu(m) condiderit, iuret hospes ip(s)e, q(uod) ab ip(s)o p(er)eg(r)ino fu(er)it conditu(m) testam(en)tu(m), (et) stet(ur) iuram(en)to ei(us) (et), sic(ut) eu(n)de(m) p(er)eg(r)inu(m) | testatu(m) fuisse hospes ip(s)e iurav(er)it, ita adi(m)pleat(ur). H(ec) aut(em) om(n)ia, sic(ut) p(re)dicta su(n)t, vob(is) ho(m)i(ni)b(us) Baroli duxim(us) co(n)cedenda, du(m)m(od)o in n(ost)ra (et) heredu(m) n(ost)ror(um) fidelitate se(m)p(er) firmit(er) p(er)severatis. Ad hui(us) itaq(ue) concessio(n)is n(ost)re memoria(m) (et) inviolabile firmam(en)tu(m) p(re)sen(s) p(ri)vilegiu(m) p(er) manus Gos(fridi)^c de Fogia not(arii) (et) fidelis n(ost)ri scribi (et) bulla plu(m)bea n(ost)ro typario i(m)p(re)ssa iussim(us) roborari; anno, mense (et) indic(t)ione subscriptis. |

Data in urbe felici Panormi p(er) man(us) Mathei regii cancellarii anno d(omi)nice incarnatio(n)is mill(esim)o cent(esim)o nonag(esim)o, mense Ap(ri)lis octave indic(t)ionis, regni v(er)o d(omi)ni n(ost)ri Tancredi | D(e)i gr(ati)a magnifici (et) illustrissimi regis Sicilie, ducatus Apulie (et) p(r)incipatus Capue anno p(r)imo; feliciter amen.

(BPD)

^a) etwa acht Buchstaben am rechten Rand abgerieben; Lo ergänzt aff[ectum]; vgl. auch BEHRING, Nr. 215 (Wilhelm II. a. 1180), ed. GARUFI, I documenti inediti I, S. 171: nobis surgit affectus ^b) etwa zehn Buchstaben in der Falte unleserlich; ergänzt nach dem Sinn ^c) Tof. Lo; Gos(elini) Ni; vgl. die Vorbem.

¹) Vgl. D 6 § 1, D 18 § 16.

²) Vgl. D 6 § 3, D 18 § 6.

³) Die Entfernung zwischen den beiden Hafenstädten Barletta und Trani beträgt 13 km.

aliis possessionibus ecclesie Salernitane, quas tibi predictus archiepiscopus per baiulum suum fecerit assignari, quod numerus quinquaginta unciarum auri in redditu compleaturⁱ; et ill[ud, quod feceris]^k, maiestati noſtrę per litteras tuas significes; et facias, ut dictum est, recipi et teneri ad opus f[isci] nostri tam predictam decimam quam fundicum et apotegas et, si quas
 3 alias possessiones baiulus prescripti archiepiscopi tibi assignaverit pro complemento redditus quinquaginta unciarum auri, sicut dictum est. Dat(a) Panormi vicesimo quarto die mensis Iunii octave indic(tionis)^l.

^a) fehlt B; vgl. *Vorbem.* ^b) Salernitane Ja ^c) unciarum Ja ^d) fehlt B ^e) consuevit Ja
^f) hactenus fehlt Ja ^g) nostra Ja ^h) vgl. D 7 (Z. 21); illud quan[tum] statt illud quod feceris Ja
ⁱ) complentur Ja ^k) illud [quantum] Ja; vgl. *Anm. b* ^l) octava indictione Ja

¹) Vgl. D 4, *Anm. 2.* ²) Vgl. D 4, *Anm. 3.* ³) Vgl. D 4, *Anm. 4.* ⁴) *Dep. 3.* ⁵) *Er stammt aus einer bekannten Salernitaner Familie, die viele Amtsträger gestellt hat; vgl. JAMISON, op. cit., S. 325, Anm. 1.*

6.

Verunechtet.

Tankred bestätigt der Stadt Neapel die Zugehörigkeit zum königlichen Demanialgut und verleiht ihr zahlreiche Freiheiten und Rechte.

1190 Juni, Palermo.

Rom, Biblioteca Vaticana, Cod. Ottob. lat. 2940 aus dem Ende des 14. Jh., f. 8^{r-v} [D].
 Ebd., Cod. Vat. lat. 7145 aus dem 18. Jh., f. 147^r–149^r, aus D [E].

Editionen: CAPASSO, *Il 'pactum' giurato dal duca Sergio (Arch. stor. per le prov. napoletane 9)* S. 733–738, aus D [Ca].

Regesten: BEHRING, Nr. 253; PALUMBO¹, Nr. 4 = PALUMBO², Nr. 5; SALVATI, Nr. 5.

D 6 stellt zweifellos eins der bedeutendsten Diplome Tankreds dar. Mit der Verleihung vielfältiger Rechte und Privilegien an die Stadt Neapel legte er die Grundlage für die Treue der Cives, vor deren Stadtmauern ein Jahr später der Vormarsch Heinrichs VI. scheitern sollte. Um so bedauerlicher erscheint die schlechte Überlieferung dieses wichtigen Privilegs. Der Cod. Ottob. lat. 2940, die für die Texterstellung allein maßgebliche Miscellanhandschrift aus dem Ende des 14. Jahrhunderts, bietet einen dermaßen fehlerhaften und in einzelnen Passagen geradezu unverständlichen Text, daß man bei der Rekonstruktion des authentischen Wortlautes oftmals nur auf Vermutungen angewiesen ist; die Schwierigkeiten werden noch dadurch vergrößert, daß D 6 im 13. Jahrhundert zweifellos interpoliert wurde; s. unten. Allgemein zur Handschrift vgl. CAPASSO, op. cit., S. 321–326. Zu den verschiedenen inhaltlichen Aspekten unseres D 6 vgl. vor allem SCHIPA, *Contese sociali napoletane (Arch. stor. per le prov. napoletane 31)* bes. S. 425–427, 575–580; FILANGIERI, *Note al 'privilegium libertatis' (Studies ... Presented to Miss E. M. Jamison)* S. 108–110; FUIANO, *Napoli normanna e sveva (Storia di Napoli II/1)* S. 433–445; DERS., *Napoli nel medioevo*, S. 133–150.

Dem anonymen Kopisten in D stand möglicherweise noch das interpolierte Original zur Verfügung, das damals nach eigener Aussage im Hause eines Neapolitaner Patriziers aufgefunden wurde: *Privilegium concessum civibus Neapolitanis per gloriosissimum dominum* (danach: *nostrum* gestrichen) *Tancredum regem Sicilie, repertum in domo domini Riccardi Passarelli de Neapoli*. Hierfür spricht auch die Lücke, die der Kopist zwischen *Corroboratio* und *Datatio* ließ und die dem Original nachempfunden sein könnte. CAPASSO, op. cit., S. 326 vermutet, daß Riccardo Passarello aus der Familie Signolfo stammte und möglicherweise mit einem Riccardo Signolfo zu identifizieren ist, der in der ersten Hälfte des 14. Jahrhunderts lebte.

Als Schreiber begegnen wir in D 6 dem Notar Parmensis, der schon D 4 mündigt hat; vgl. Vorbem. zu D 4. Die ausführliche *Arenga*, die in keiner anderen Urkunde nachgewiesen werden kann, ist in einzelnen Passagen völlig verderbt überliefert. Ihr mutmaßlich korrekter Wortlaut kann nur mühsam, ohne Anspruch auf Verbindlichkeit, rekonstruiert werden. Der zentrale Begriff der *ratio equitatis*, die der König respektieren muß, findet seine Parallele an gleicher Stelle in D 18, dem Privileg für die Bürger von Gaeta, im Begriff des *ordo rationis*. Beide Begriffspaare sind in der päpstlichen Kanzlei von altersher sehr beliebt; s. FICHTENAU, *Arenga*, bes. S. 94–95; HELLEINER, in *Mitteilungen des österreich. Instit. für Geschichtsforsch.* 44, S. 36–37; vgl. gerade auch zahlreiche *Arengen* Coelestins III. Allgemein zur Bedeutung der *aequitas* für den Verhaltenskodex des mittelalterlichen Königtums vgl. auch noch NIESE, *Die Gesetzgebung der normannischen Dynastie*, S. 47–50; zur *ratio* s. ebd. S. 83. Zur Wendung *conspectu benignissimi regis* s. auch SCHALLER II, S. 312, Anm. 281. Zu dem ungewöhnlichen *perpetuum robur* in der *Corroboratio* statt des üblichen *inviolabile firmamentum* vgl. die Parallelen in DD 15, 20, 23 und DW. III. 6, jeweils von anderen Notaren.

Der Passus: *Habeatis insuper hoc ex nostra concessione, ut, quicumque de concivibus Neapolitanis voluerit esse miles, liceat ei, der* zuletzt noch von RENOARD, *Le città dell' Italia meridionale (Riv. stor. del Mezzogiorno 5)* S. 9 ohne Vorbehalt zitiert wird, kann nicht authentisch sein. Es ist kaum vorstellbar, daß Tankred den gewöhnlichen *cives* in Neapel freigestellt hätte, jederzeit nach Belieben in den Stand der *milites* aufzurücken. Ebenso ungewöhnlich ist die sich direkt anschließende Gewährung des Prägerichts für Silbermünzen, für die es in normannischer Zeit ebenfalls keine Parallele gibt: *Liceat etiam civitatem facere monetam argenti per se*. In D 18 wurde der Stadt Gaeta lediglich das Recht auf die Prägung der verbreiteten Kupfermünzen gewährt. Während sich aber aus Gaeta stammende Kupfermünzen der Zeit Tankreds erhalten haben, kennen wir keine einzige zeitgenössische Silbermünze, die in Neapel geprägt wurde. Neapel hat vielmehr in normannischer Zeit als Prägestätte überhaupt keine Rolle gespielt; vgl. ENGEL, *Recherches sur la numismatique*, S. 20; DELL'ERBA, *La riforma angioina (Arch. stor. per le prov. napoletane 57)* S. 176. Es drängt sich daher der Verdacht auf, daß auch dieser Passus zusammen mit der Bestimmung über die *milites* in späterer Zeit interpoliert wurde. Beide Stellen fügen sich in der Tat wenig organisch in den Textzusammenhang ein und machen sich schon dadurch verdächtig. Einen ersten Anhaltspunkt für den Zeitpunkt der Interpolation liefert uns die angebliche Gewährung des Münzrechts. Auch in staufischer Zeit hat Neapel als Prägestätte keine Rolle gespielt. Erst Karl I. von Anjou richtete im Rahmen seiner großen Münzreform Ende der 70er Jahre in Neapel im „Castello Capuano“ wieder eine bedeutende Prägestätte ein, in der dann bald die neue Silbermünze geprägt wurde, der *carlino d'argento*, das Fundament seiner Münzprägung: DELL'ERBA, op. cit., S. 180. Frühestens zu diesem Zeitpunkt könnte man versucht haben, das Recht auf die Prägung eigener Silbermünzen zu erschleichen. Auch die Bestimmung über die *milites* paßt genau in den Rahmen der städtischen Entwicklung der 70er Jahre. 1272 und 1274 mußte Karl I. die Mißstände eindämmen, die entstanden waren, weil zahlreiche *populares* sich ihren hohen Steuerlasten entzogen, indem sie in den Stand der *milites* wechselten. Im Zuge dieser Streitigkeiten hat man offensichtlich in Kreisen der *populares* den Versuch unternommen, die eigenen Bestrebungen durch ein erfundenes altes Recht zu untermauern; vgl. die Mandate Karls I. von Anjou: ed. DEL GIUDICE, *Codice diplomatico* II/2, S. 257 ff.; nicht erkannt hat den Zusammenhang SCHIPA, *Contese...*, op. cit., t. 32, bes. S. 100–101; vgl. DERS., *Nobili e popolani in Napoli (Arch. stor. ital. 83)* bes. S. 37. Auch andere, weniger verfängliche Einzelbestimmungen mögen im Rahmen der Überarbeitung im 13. Jahrhundert verfälscht worden sein, ohne daß sich dies heute noch nachweisen ließe.

Ältere normannische Königsurkunden für die Bürger von Neapel sind nur bruchstückhaft oder gefälscht überliefert und kommen daher als VUU nicht in Betracht; vgl. CASPAR, Nr. † 229 und BEHRING, Nr. 136. Eine Urkunde Heinrichs VI. für Erzbischof Anselm (1191–1214) ist verloren: BÖHMER-BAAKEN, Nr. *714; vgl. KAMP I/1, S. 313, Anm. 28. Die von mir vorgenommene Einteilung in Paragraphen erleichtert den Vergleich insbesondere mit D 18 für Gaeta, wo zahlreiche Bestimmungen ihre Parallele finden, wenngleich sie durchweg anders stilisiert worden sind; vgl. auch D 1 für die Bürger von Barletta. Zu den in § 4 genannten Abgaben *commercium* (Handelsabgabe) und *falangium* (Hafenzoll?) vgl. CHALANDON II, S. 697, 699. Zu der in § 6 genannten *conventia* (= *convenientia*) vgl. auch D 18, § 23. Die in § 11 bestätigten Besitzungen im Gebiet von Aversa hat Heinrich VI. 1195 April wieder entzogen und den Bürgern von Aversa restituiert; s. CLEMENTI, Nr. 79 = BÖHMER-BAAKEN, Nr. 428: ed. SCHEFFER-BOICHORST, in *Neues Archiv* 27, S. 78–81, bes. S. 79: *ut nullus Neapolitanorum teneat infra civitatem ipsam Averse neque in suburbiis eius que quondam tenuerunt*. Das Pactum zwischen den *nobiles* und dem *populus* von Neapel, das Tankred in § 15

bestätigt, wird auch in dem Privileg erwähnt, das die Konsuln von Neapel nur einen Monat zuvor den in Neapel lebenden Kaufleuten aus Amalfi gewährt haben; vgl. vor allem FILANGIERI, op. cit., S. 109, 115. Dieses Privileg, das der Schreiber des damaligen Neapolitaner Erzbischofs Sergius geschrieben hat, zeigt, daß Geistlichkeit und weltliche Führungsschicht in Neapel eng zusammenarbeiteten, als man 1190 die mißliche Lage des Reiches zugunsten eigener Autonomiebestrebungen ausnützte. Unter diesem Aspekt muß es auffallen, daß Erzbischof Sergius in unserem D 6 nicht mehr erwähnt wird; da sein exaktes Sterbedatum 1190/91 allerdings nicht feststeht, ist es nicht undenkbar, daß er im Juni 1190 bereits verstorben war; vgl. auch KAMP I/1, S. 312. – Unsere Edition beruht ausschließlich auf D; die zahlreichen fehlerhaften Lesarten CAPASSOS sind nur in gravierenden Fällen berücksichtigt worden.

In nomine Dei eterni et Salvatoris nostri Iesu Christi amen. Tancredus^a divina favente clementia rex Sicilie, ducatus^b Apulie et principatus Capue^c. A conspectu benignissimi regis non nisi letus deprecator¹ recessit nec liberalitatis regie^d frustra fores pulsavit², cuius desideria equitatis ratio non deserit. De ipso siquidem secula digna cum^e relatione loquuntur^f, eius ab hominibus dominatio merito colitur et amatur, qui nedum suis curavit^g respondere^h proⁱ meritis, set exteris etiam^k similiter^l facere consuevit; suas quoque tanto benignius aures prebet precibus subiectorum, quanto experte fidelitatis instantia eos commendat^m propensiusⁿ et petitionem eorum adiuvat promptus^o et obediens famulatus. Inde est, quod sincere fidei et integre devotionis vestre^p studia attendentes^q et^q recolentes, que vos Neapolitani, fideles nostri, erga predecesores^r nostros^s semper exhibuistis^t obsequia, nichilominus quoque considerantes, quod preeminentie^u nostre gratis pariter et devotis familiaribus occurrentes indefessis^v studiis nostre non cessatis obsequi^w maiestati^x, ut tam nostrorum^y congruorum^z beneficiorum amplitudine^{aa} obligati quam et debite nexibus^{bb} fidelitatis astricti semper in nostris efficiamini servitiis promptiores^{cc}, petitiones vestras, quas per nuncios et concives vestros maiestati nostre suppliciter porrexistis^{dd}, benigne duximus admittendas. (1) De innata igitur nobis benignitate concedimus vobis Neapolitanis, ut^{ee} more vivatis et consuetudine aliarum bonarum civitatum regni nostri sub solo dominio nostro et heredum^{ff}, qui nobis in regno successerint³. (2) Concedimus quoque vobis, ut ipsa civitas Neapolis semper consulatu regatur et ut consuetudines de omnium aliorum malorum usu^{gg} amodo penitus destruantur⁴; et in^{hh} hereditagiis vestris et rebus mobilibus nichil iuris habeamus in vita vel post mortem vestram. (3) Item concedimus, ut nullus civisⁱⁱ Neapolitanus extra civitatem Neapolis vadat iustitiam alicui facere neque ad curiam nostram, nisi^{kk} iuste appellatus fuerit de sola iurisdictione^{ll} regia^{mm}; nec liceat iusticiariisⁿⁿ regiis^{oo} in^{pp} civitate^{qq} Neapolis tenere vel exercere iustitiam, set solis consulibus et civibus Neapolitanis hoc licitum sit⁵. (4) Concedimus etiam, ut nullus civis Neapolitanus in civitate Neapolis et per totum regnum nostrum eundo et reddeundo tam per mare quam per terram cum mercibus vel sine mercibus vendendo vel emendo aliquid dare teneatur, videlicet^{rr} in^{qq} muris vel portibus aut in passagiis⁶ seu pro^{qq} commercio vel falangagio aut pro alia causa. (5) Condonamus^{ss} igitur et remittimus, quicquid statuit populus Neapolitanus, et qui cum eo se tenuerunt, dare olim vel facere domino^{tt} quondam^{uu} regi^{qq} Willelmo^{vv} patrueli nostro felicis memorie⁷ et curie eius^{ww}, condonantes^{xx} et remittentes omnia debita et promissiones, que aliquis de concivibus Neapolis tam de baronibus quam de militibus seu de populo reddere tenetur gloriosissimis regibus predecessoribus nostris inclite recordationis pro aliquo pacto vel baiulatione seu pro terris aut^{yy} feudis aut pro parte ecclesiarum sive pro aliqua alia causa; et populus Neap(olitanus) nullum servitium facere

cogatur. (6) Item concedimus, ut marenarii Neapolis non cogantur ire in stolium vel in galeas, et quicumque sua sponte ire voluerit, debeat habere de convenantia²² regia unciam unam auri et frumentum, ita tamen quod una sola galea armetur in Neapoli, que detur a curia nostra cum omni corredo suo et armis pro marenariis^{a,8}. (7) Item concedimus, quod muros civitatis Neapolis pro fortitudine civitatis reparare faciemus. (8) Remittimus etiam et condonamus baronibus Neapolis et^b militibus medietatem servitii, quod pro feudis suis facere debeant; et non cogantur ire in stolium per mare; et ea pro hereditagio^c teneant salvo servitio ipso. <(9) Habeatis^d insuper hoc ex nostra concessione, ut, quicumque de concivibus Neap(olitanis) voluerit esse miles, liceat ei. (10) Liceat etiam civitatem facere monetam argenti per se.> (11) Preterea^e de solita benignitate nostra concedimus et confirmamus vobis omnia, que acquisivistis post decessum predicti domini regis Willelmi^f patruelis^g nostri felicitis memorie⁷, videlicet quicquid ipse dominus rex tenuit in manibus suis extra muros civitatis Averse usque ad obitum suum, in pertinentiis Averse et casalibus Neap(olis) et civium, cum omnibus tenimentis et pertinentiis suis; et omnia tenimenta et feuda, que tenuerunt in Aversa et pertinentiis et casalibus Neapolis, tam in demanio quam in servitio, Robertus de Apolita⁹, Guillelmus de Castellione et Christiana filia Roberti filii Raho¹⁰, Russus heres Iohannis de Valle¹¹, Guillelmus^h de Sancto Severino^{i,12}, Riccardus de Citro^{k,13}, Guillelmus de Rocca¹⁴, Raulus de Avenabili¹⁵, Iohannes Marchisius¹⁶. (12) Et de solita liberalitate nostra superaddimus vobis feuda^l Petri de Avenabili¹⁵, Carsidomi¹⁷, Iohannis Franchisii¹⁸ et uxoris sue et Roberti de Rocca¹⁹ cum omnibus iustis tenimentis et^m pertinentiis suis tam in demanio quam in servitio; et omnia tenimenta et domos, que pertinent ad predictas baronias intra Aversam et in suburbiisⁿ eius; et civitas Neapolis de tenimentis Averse servitia dabit^o iuxta consuetudinem Averse eo^p pacto, quod non ibunt in stolio per mare; et hec omnia tenimenta civitas Neapolis pro hereditagio habeat salvo servitio ipso. (13) Concedimus insuper, ut^q nulli Neapolitani tenentes feuda vel hereditates in aliquibus locis regni nostri teneantur^r inde amodo respondere vel aliquam condicionem inde facere vel servicium alicui comiti vel baroni aut^s militi. (14) Sane concedimus vobis, ut baiulus non statuatur in civitate Neapoli nisi de concivibus vestris²⁰, et non respondeat nisi proprie dohane^t regis. (15) Concordiam etiam et pacta, que vos nobiles cum ceteris de populo et vos de populo cum ipsis nobilibus communi^u ad invicem voluntate contraxistis^v, sicut^w in scriptis autenticis inter vos hinc inde confectis continetur, ex innata nobis benignitate concedimus et confirmamus. Ad huius autem concessionis et confirmationis nostre memoriam et^x perpetuum robur presens privilegium nostrum per manus Parmensis^y notarii et fidelis nostri scribi et bulla plumbea nostro tipario^z impressa^{a''} iussimus^{b''} roborari; anno, mense et indictione subscriptis.

Data in urbe felici Panormi per manus Mathei regii cancellarii anno dominice incarnationis millesimo centesimo nonagesimo, mense Iunii octave indictionis, regni vero domini nostri Tancredi^{c''} Dei gratia magnifici et gloriosissimi regis Sicilie, ducatus Apulie et principatus Capue anno primo; feliciter amen.

^a) Tancredo *D* ^b) dicatus *D* ^c) fehlt *D* ^d) Regine *D*; schon *E* korrigiert regie ^e) cum cum *D* beim Zeilenwechsel ^f) locuntur *D* ^g) amator *D*; der gesamte *Passus* bis *facere* consuevit *ist in D* völlig verderbt; er ist hier entsprechend graphischem Befund und wahrscheinlichem Sinn emendiert ^h) responde *D*

¹⁾ nach pro ein Buchstabe getilgt D	⁴⁾ et D	⁷⁾ liberanter D	^{m)} comedat D
^{a)} propentius D	^{o)} prontus D	^{p)} nostre D	^{q)} fehlt D
^{s)} nostrorum D	^{t)} habuistis D	^{u)} preveniente D	^{v)} inde flexis D
^{w)} obsequii D	^{x)} maiestate D	^{y)} nostra D	^{z)} iniuriis et D
^{bb)} nessibus D	^{cc)} prontiores D	^{dd)} porressistis D	^{ee)} et D
^{gg)} usium D	^{hh)} fehlt D	ⁱⁱ⁾ cives D	^{kk)} nisi si D
^{mm)} regni D	ⁿⁿ⁾ iusticiarius D	^{oo)} regni D	^{pp)} et D
^{rr)} dare D	^{ss)} condepnamus D	^{tt)} dominio D	^{uu)} condam D
^{verlesen}	^{ww)} curialibus statt curie eius D	^{xx)} condicionatis D	^{yy)} aud D
^{z)} marenarii D	^{b)} fehlt D	^{c)} heredetagio D	^{d)} hereditatis Ca
^{e)} dei D, wohl verlesen aus W; dicti Ca	^{f)} patris D	^{g)} Gullmus D	ⁱ⁾ Framundo Ca, wohl in Anlehnung an Catal. Baronum, z. B. c. 978, ed. JAMISON, S. 175; in staufischer Zeit war ein Guillelmus de Sancto Fraymundo Justitiar in der Terra di Lavoro; vgl. Rich. S. Germ. Chron. a. 1235, ed. GARUFI, S. 190 u. ö.; KAMP I/2, S. 720, Anm. 64
^{k)} Circo? Ca	^{l)} feudum D	^{m)} in D	ⁿ⁾ sububuris D
^{p)} ex D	^{q)} davor ein gestrichenes quod D	^{r)} teneat D	^{s)} aud D
^{u)} cōi D; concordii Ca	^{v)} contrassitis D	^{w)} sicud D	^{x)} in D
^{z)} cippario D	^{a)} pressa D	^{b)} iubssimus D	^{c)} Tranchedi D

¹⁾ Der Anklang an Ps. 118, 169: Adpropinquet deprecatio mea in conspectu tuo Domine, ist vielleicht nicht ganz zufällig. ²⁾ Vgl. Judic. 19, 22: Fores pulsare cooperunt, clamantes ... ³⁾ Vgl. D 1 § 1, D 18 § 16.

⁴⁾ Vgl. D 18 § 1. ⁵⁾ Vgl. D 1 § 4, D 18 §§ 2, 6. ⁶⁾ Vgl. D 18 § 14. ⁷⁾ König Wilhelm II. (1166–1189). ⁸⁾ Vgl. D 18 § 22. ⁹⁾ Robertus de Apolita besaß Leben im Gebiet von Aversa; vgl. Catal. Baronum c. 853, ed. JAMISON, S. 155: Robbertus de Abalita de Capua. Er dürfte mit dem Kastellan des Cassineser Kastells Roccauglielma identisch sein, der 1193 von Tankred abgelöst wurde; vgl. Rich. S. Germ. Chron. a. 1191, 1193, ed. GARUFI, S. 11, 16 sowie Dep. *13. Die Familie de Apolita zählte zu den führenden Vertretern des Aversaner Lehnsadels; s. KAMP I/1, S. 340; vgl. Cod. diplom. normanno di Aversa I, ed. GALLO, S. 192–194, Nr. CV.

¹⁰⁾ Guillelmus de Castellione entstammte wahrscheinlich der kampanischen Adelsfamilie de Castellione mit dem Hauptsitz Palma (östlich des Vesuv), in der in staufischer Zeit mehrere Guillelmi nachweisbar sind; s. KAMP I/2, S. 720. – Cristina filia Robberti unterzeichnet 1172 Dezember eine Urkunde ihres Vaters Robertus filius Raonis; ed. GALLO, Cod. diplom. normanno di Aversa I, S. 168–171, Nr. XCV. Der genannte Robertus filius Raonis läßt sich auch sonst häufiger nachweisen: Cod. diplom. normanno di Aversa I, passim. Ein Rao de Rocca begegnet von 1156 bis 1159 als Justitiar; JAMISON, The Norman Administration, S. 364, 445. ¹¹⁾ Zu der Familie Russus vgl. JAMISON, The Norman Administration, S. 392–393. Ein Guimundus Russus besaß Leben im Gebiet von Aversa: Catal. Baronum c. 974, ed. JAMISON, S. 174. Guillelmus Russus ist 1182 als Kämmerer der Terra di Lavoro bezeugt: Cod. diplom. normanno di Aversa I, ed. GALLO, S. 225; vgl. ENZENSBERGER, S. 100. – Iohannes de Valle besaß in Aversa ein Leben; vgl. Catal. Baronum cc. 866, 969, ed. JAMISON, S. 156, 173. Als Justitiar begegnet Iohannes de Lavalle 1158 im Gebiet von Aversa: Cod. diplom. normanno di Aversa I, ed. GALLO, S. 120–121, Nr. LXXI; vgl. ENZENSBERGER, S. 100.

¹²⁾ Guillelmus de Sancto Severino (1150–1187) zählte zu den führenden Baronen des Prinzipats; vgl. JAMISON, The Norman Administration, S. 366, 368; KAMP I/1, S. 204–205 (auch zu seiner Familie). ¹³⁾ In einer Gerichtssentenz des Jahres 1171 unter dem Vorsitz des Grafen Robert von Caserta begegnet ein Riccardus de Citro regius comestabulus unter den Zeugen; vgl. JAMISON, The Norman Administration, S. 374.

¹⁴⁾ Ein Guillelmus de Rocca begegnet im Gebiet von Rocca Gloriosa (Salerno) und bei Campobasso; vgl. Catal. Baronum cc. 359, 565, ed. JAMISON, S. 62, 103. Ein gleichnamiger Justitiar wird in einem Justizmandat von 1188 April erwähnt: ENZENSBERGER, Nr. 157. Die Herkunftsbezeichnung de Rocca ist allerdings überaus häufig; der Ortsname findet sich auch 20 km nordwestlich von Caserta (heute Rocchetta). ¹⁵⁾ Die Familie de Avenabulo ist mehrfach im Gebiet von Aversa nachgewiesen; vgl. Catal. Baronum, ed. JAMISON, passim; vgl. auch Cod. diplom. normanno di Aversa I, ed. GALLO, S. 153–155 Nr. LXXXVII, S. 279–281 Nr. CXLVII. Ein Petrus de Avenabulo unterzeichnet 1181 Februar zusammen mit Andreas de Avenabulo die Urkunde des Sergius, Sohn eines Neapolitaner Ritters; ed. GALLO, op. cit., S. 208–210, Nr. CXII; allgemein zu der Familie s. auch MÉNAGER, Inventaire, S. 351f.

¹⁶⁾ Einen Johannes Marchisius treffen wir als Lehnsträger in Bitonto an; vgl. Catal. Baronum c. 22, ed. JAMISON, S. 7. ¹⁷⁾ Carsidonus besaß ein Leben im Gebiet von Santa Marina (Salerno); vgl. Catal. Baronum c. 567, ed. JAMISON, S. 104. ¹⁸⁾ Johannes Francisius besaß Leben in Aversa und bei Salerno; vgl. Catal. Baronum cc. 517, 868–871, ed. JAMISON, S. 97, 157. Ein Johannes Francisius unterzeichnet 1155 Januar auch eine in Aversa ausgestellte Kaufurkunde; ed. GALLO, Cod. diplom. normanno di Aversa I, S. 115–117, Nr. LXVII. ¹⁹⁾ Ein Robbertus de Rocca begegnet mehrfach im Catal. Baronum, allerdings nicht im Gebiet von Aversa; vgl. auch Anm. 14. ²⁰⁾ Vgl. D 18 § 3.

18.

Tankred bestätigt der Stadt Gaeta zahlreiche Freiheiten und Rechte, darunter die eigene Gerichtsbarkeit, das Münzrecht und die Zugehörigkeit zum königlichen Demanialgut.

1191 Juli, Messina.

*Neapel, Archivio di Stato, Carte di Gaeta, mazzo I, n. 2, zeitgenössische Kopie (1943 vernichtet) [*B].

Editionen: GATTOLA, *Ragionamento*, S. 218–221 [Gat] = *Cod. diplom. Cajetanus* II, S. 311–315, Nr. 362 [Ca] = LEICHT, *Storia del diritto italiano* I¹, Append. S. 342–344, Nr. 19 = I⁴, Append. S. 324–326, Nr. 25. TOECHE, *Kaiser Heinrich VI.*, S. 608–610, Nr. 12, zu 1191 Juli 7, aus einer von P. DEL GIUDICE vermittelten Abschrift von B [To]. MINIERI RICCIO, *Saggio di codice diplomatico* I, S. 285–287, Nr. 39, aus B [Mi] = FARAGLIA, *Il comune nell'Italia meridionale*, S. 10–12 (Auszüge). GAETANI D'ARAGONA, *Memorie storiche della città di Gaeta*, 1879¹, S. 46–47 = 1885², S. 70–71, aus B (Auszüge) [Ga].

Regesten: *Repertorio delle pergamene ... di Gaeta*, ed. CAPASSO, S. 2–4, Nr. 2 (fast komplette italienische Übersetzung); BEHRING, Nr. 260; PALUMBO¹, Nr. 12 = PALUMBO², Nr. 16; SALVATI, Nr. 18; vgl. *Italia pontificia* VIII, S. 84, Nr. *19.

Zu den Verlusten des Staatsarchivs Neapel im Jahre 1943 zählt neben D 23 auch das Privileg Tankreds für die Stadt Gaeta, das dort in einer zeitgenössischen Kopie – und nicht etwa im Original, wie PALUMBO², Nr. 16 und zuvor CHALANDON II, S. 448, Anm. 6 angeben – aufbewahrt wurde; s. K. A. KEHR, S. 19; vgl. auch GATTOLA, *Memoria istorica ... sopra le isole di Ponza ...*, S. XVI, Anm. 1. Da ein Foto nach frdl. Auskunft der Staatsarchivverwaltung Neapel nicht existiert, mußten zur Textherstellung alle selbständigen Drucke herangezogen werden. Die verlorene gleichzeitige Kopie war an einzelnen Stellen unlesbar; s. CHALANDON II, S. 448, Anm. 6: „Actuellement sur l'original la date est illisible, le parchemin étant déchiré“; vgl. auch die handschriftliche Notiz von K. A. KEHR im Deutschen Historischen Institut in Rom, Archivmappe Napoli III: „cop. s. XIII. Datierung beschädigt“. Mehrere Lücken kennzeichnen insbesondere den Druck von MINIERI-RICCIO, während GATTOLA, *Ragionamento* und die davon abhängige Edition im *Cod. diplom. Cajet.* sowie TOECHE zumeist noch den vollständigen Text bieten. Als Schreiber fungiert in D 18 zum ersten Mal der Notar Thomas, der auch die im Original erhaltenen DD 20 und 35 schrieb und, wie wir aus D 35 erfahren, aus Gaeta stammte. Nach dem Tode Tankreds muß er bald in den Dienst der Kaiserin Konstanze eingetreten sein, die ihn zu diplomatischen Missionen an die römische Kurie verwandte; 1199 Januar (B-F-W 532) und 1200 März (ZINSMAYER, Nr. 50) mündete er auch zwei Urkunden des jungen Friedrich II. In ZINSMAYER, Nr. 50 nennt er sich *magister*. Um 1202 avancierte der weiter in diplomatischen Diensten tätige Thomas zum *magister iustitarius*. In seinem in einer Kopie erhaltenen Briefbuch führt er gleichfalls den Titel eines *magister*. Entgegen der Auffassung von P. KEHR, *Das Briefbuch des Thomas von Gaeta (Quellen und Forschungen 8)* S. 29–38, ist davon auszugehen, daß der Justitiar Friedrichs II. mit dem gleichnamigen Notar identisch ist; s. SCHALLER I, S. 80–81; II, S. 283–284; ENZENSBERGER, S. 70–71.

Das Diktat des Thomas zeichnet sich vor allem durch die nicht sonderlich eleganten Satzübergänge aus, auf die schon K. A. KEHR, S. 63 aufmerksam gemacht hat; vgl. auch Vorbem. zu D 20. Die Betonung des *ordo rationis* in der ausführlichen Arenga findet ihre Parallele in der Hervorhebung der *ratio equitatis* in D 6; vgl. Vorbem. zu D 6.

Ähnlich wie die Städte Barletta und Neapel hat auch Gaeta die kritische Lage Tankreds 1191 genutzt, um bedeutende Privilegien zu erhalten, die denen der Stadt Neapel gewährten kaum nachstehen; vgl. DD 1 und 6; s. auch

D 11 für die Bürger von Trani. Allgemein vgl. CHALANDON II, S. 451; JAMISON, *Admiral Eugenius*, S. 100; KAMP I/1, S. 82. Zur Bestätigung des Prägerechts von Kupfermünzen, die in § 4 mit der ursprünglich byzantinischen Bezeichnung *moneta follarorum* aufgeführt sind und in Gaeta auch schon unter Roger II. geprägt wurden, vgl. ENGEL, *Recherches sur la numismatique*, S. 51–52, sowie FERRARO, *Le monete di Gaeta*, S. 77–80 (jeweils mit Abbildungen). Die erhaltenen Stücke tragen vorne zumeist die Aufschrift † TANC. DEI GRA. REX, die Rückseite zierte häufig die stilisierte Fassade eines Kastells und die Aufschrift CIVITAS CAIETA. Allgemein zur Münzprägung Tankreds s. auch SPAHR, *Le monete Siciliane*, S. 166–169. Die in § 5 erwähnten Färbereien wurden in Gaeta von altersher von Juden betrieben; vgl. *Cod. dipl. Cajetanus* II, S. 240–242 Nr. 317, S. 312 Anm. g. Die Sonderbehandlung der Strafprozesse in § 7 findet ihre Parallele in der Gesetzgebung Friedrichs II.; vgl. *Konstit. von Melfi* I 31, edd. CONRAD u. a., S. 44–46; dazu DILCHER, *Die sizilische Gesetzgebung Kaiser Friedrichs II.*, S. 153. In § 8 wird der aus dem römischen Recht stammende Grundsatz bekräftigt, daß der Prozeßverlierer die Kosten zu tragen hat; vgl. auch *Konstit. von Melfi* II 46, edd. CONRAD u. a., S. 238; dazu DILCHER, op. cit., S. 546–547.

In § 9 faßt Tankred offensichtlich die Möglichkeit ins Auge, daß einer seiner Söhne in Capua als Princeps inthronisiert werden könnte. Da der Kardinalbischof Albinus von Albano, der ein Jahr später maßgeblich an den abschließenden Verhandlungen beteiligt war, die zum Konkordat von Gravina führten (DD 25–26), in unserem D 18 für Gaeta interveniert (§ 22), sich also offensichtlich im Juli 1191 am Hof in Messina aufgehalten hat, erscheint es nicht undenkbar, daß Tankred damals in ersten Vorverhandlungen auf Drängen des Papstes die Wiederbesetzung des Fürstentums Capua als Preis für seine Anerkennung in Aussicht gestellt hat. Allgemein zum gesamten Problembereich, der sich um das Fürstentum Capua und seine wechselnden Abhängigkeiten rankt, vgl. DEÉR, *Papsttum und Normannen*, bes. S. 126–163; HOFFMANN, *Langobarden, Normannen, Päpste (Quellen und Forschungen 58)* S. 166–173.

Strittig ist, ob einzelne Bestimmungen des in § 15 geregelten Strandrechts, das seine Parallele in den *Konstit. von Melfi* I 61. 2, edd. CONRAD u. a., S. 94–96 findet, bereits von Wilhelm II. erlassen wurden; gegen eine solche Annahme hat sich zuletzt DILCHER, op. cit., S. 259–260 ausgesprochen; vgl. auch GIANNONE, *Ricerche e documenti sul 'jus naufragii' nell'Italia meridionale (Studi in onore di R. Filangieri I)* bes. S. 292.

Der Begriff *catenaccium* unter den in § 19 genannten Zollabgaben ist von der *catena* abgeleitet, die den Hafen abschloß; s. DUCANGE, s. v.; allgemein zu den Zollabgaben vgl. CHALANDON II, S. 604. Unter der in § 21 erwähnten königlichen *camera* in Gaeta ist das dortige *palatium* zu verstehen; vgl. K. A. KEHR, S. 282; CHALANDON II, S. 647.

Obwohl sich Tankred ausdrücklich auf das Vorbild seiner Vorgänger beruft, sind ältere normannische Privilegien für Gaeta nicht erhalten. Auch staufische Urkunden sind nicht überliefert. Auf ältere Verträge Gaetas mit den umliegenden Baronen und benachbarten Städten, die sich inhaltlich mit einzelnen Bestimmungen in D 18 berühren, weist MERORES, *Gaeta im frühen Mittelalter*, S. 104–105 hin. Die Intervention des Papstes in § 22 durch seinen Legaten, Kardinalbischof Albinus von Albano, zugunsten einer Milderung des Flottendienstes der Stadt Gaeta zeigt die Bedeutung an, die Gaeta wegen seiner weitgespannten Handelsbeziehungen von altersher für Rom besaß; vgl. MERORES, op. cit., S. 100–101. Coelestin III. hat in D 35 auch für die Bürger von Benevent interveniert; vgl. K. A. KEHR, S. 117, Anm. 4; *Italia pontificia* VIII, S. 84, Nr. *19.

Wertlose, offensichtlich fehlerhafte Varianten in den für die Textherstellung maßgeblichen Drucken bleiben im Apparat unberücksichtigt. Die Edition im *Cod. diplom. Cajetanus* ist von GATTOLA abhängig, weist aber zwei in Anm. k und q mitgeteilte Varianten auf. – Die vorgenommene Einteilung in Paragraphen erleichtert den Vergleich mit DD 1 und 6.

†^a In nomine Dei eterni et Salvatoris nostri Iesu Christi amen. Tancredus divina favente clementia rex Sicilie, ducatus Apulie et principatus Capue. De munificentia regie maiestatis advenit, quod principalis humanitas¹ facilem se tribuit² precibus subiectorum et, ubi rationis ordo³ non dissuadet, clementer exaudit desideria⁴ supplicantium, siquidem
 5 tanto plenius regnantibus ad cumulum laudis accedit, quanto benignius fidelium votis principis audientia condescendit; et tanto crescit uberius fervor fidelitatis in subditis, quanto magis letificat⁵ eos regalis munificentia maiestatis. Inde est, quod fidelitatem vestram et grata servitia, que vos Gaietani^b, fideles nostri, predecessoribus nostris semper exhibuistis et nobis studuistis propensius exhibere, benigno considerantes affectu ad preces et petitiones
 10 vestras, quas per nuntios et concives vestros maiestati nostre suppliciter porrexistis, (1) de^c innata nobis benignitate confirmamus vobis omnes usus et consuetudines⁶ vestras, quas habuistis et habetis ab antiquo tempore et a tempore domini regis Rogerii^d avi nostri

felicis^e memorie⁷ usque nunc^e, videlicet consulatum⁸ commutandum et eligendum omni tempore, sicut soliti estis, pro voluntate vestra sine licentia curie. (2) Insuper concedimus vobis viros eligendos pro iudicibus procreandis in civitate Gaiete^f⁹, quotiens⁸ necesse fuerit, et curie nostre presentandos, ut, si digni fuerint, vobis in iudices concedantur iuraturi in publico^h Gaiete^f iudicare secundum usum Gaiete et omnia iura regia et vestra illibata servareⁱ. (3) Item baiulus nullus in civitate Gaiete^k constitui^l debet^l nisi de civibus vestris, ita tamen^m quod non fiat hoc per fraudem ad dampnum nostrum; et ipse, donec baiulus fueritⁿ, nec consul nec consiliariusⁿ esse debet^o. (4) Follarorum monetam concessimus vobis per consules cudendam et habendam in civitate Gaiete pro communi utilitate vestra, sicut eam hucusque habere consuevistis. (5) Tincturam quoque Gaiete civitati et communi Gaiete^p concessimus. (6) Insuper concessimus vobis, ut a magistris iustitiariis seu^q iustitiariis^q ad iustitiam faciendam non cogamini¹⁰. Civiles quidem cause in curia Gaiete diffiniantur, sicut diffiniri consueverunt. (7) Criminales vero cause, que amodo in Gaieta emergerint inter concives vestros, in magna regia curia Panormi diffiniantur per testes sine duello¹¹; et quicquid super his a consulibus, iudicibus et consiliariis, qui iustitiam et veritatem iuraverint, de his videlicet, que acta fuerint coram eis, significatum fuerit curie nostre, credatur. (8) De crimine autem maiestatis¹², si appellatio facta fuerit, diffiniatur in magna curia nostra Panormi, quocumque modo nostre placuerit voluntati; et postquam^r accusator convictus fuerit sive defecerit in accusatione sua, iustas expensas accusato reddere debeat. (9) Postquam autem princeps statutus fuerit Capue, criminales cause, sicut agitari et diffiniri debent in magna curia nostra Panormi, sic in curia ipsius principis debent diffiniri. (10) Confirmamus etiam vobis omnes portus vestros, sicut eos habuistis ab antiquo tempore et habetis in vestra proprietate^s, videlicet portum Sugii¹³, portum Setre, portum Mastrianni, portum Cilicie, portum Carciani et portum Patrie; nec ipsi portus prohiberi^t debent vobis aut impediri occasione offensionis, quam aliquis civium vestrorum faciat adversus aliquos. (11) Ceterum confirmamus vobis insulellas vestras, videlicet Pontiam, Palmariam et Sennonem¹⁴, quas ab antiquo habuistis et habetis, salvis nichilominus^v falconibus nostris. (12) In silvis etiam, que sunt a Gaieta usque Cumas¹⁵, concessimus vobis incidere ligna pro voluntate vestra, sicut semper consuevistis. (13) Insuper concessimus vobis, ut frumenta non prohibeantur vobis de Sicilia extrahere et deferre Gaietam, nisi quando generalis prohibitio facta fuerit a regia maiestate; nec cogantur cives vestri in Siciliam euntes cum navibus vel aliis vascellis suis ire ad deferendum frumentum vel alia victualia curie nisi magna imminente necessitate. (14) De pedagio autem seu^w diricto non dando a vobis in passagio Gariliani¹⁶ fiat, secundum quod a domino rege W(illelmo) patruale nostro felicis memorie de remissione passagii statutum fuit¹⁷. (15) Item concessimus vobis, ut, siquando^x vascella vestra in qualibet de maritimis regni naufragium pertulerint^y, omnes res eorum, que invente fuerint, salve fiant ad opus dominorum ipsorum^z. (16) Insuper concessimus vobis, quod civitatem Gaiete nulli dabimus, sed semper in nostro et heredum nostrorum demanio eam tenebimus¹⁸. (17) Item concedimus civitati et communi Gaiete^{aa} castellum Ytri^{bb}¹⁹ et castellum Maranule²⁰ cum iustis tenementis et pertinentiis ipsorum castellorum, que quondam fuerunt Fundani comitatus^{cc}²¹, salvo servitio, quod inde curie nostre debetur, iuxta quod continetur in quaternionibus curie nostre. (18) Remittimus etiam vobis falangagium²² per totam

maritimam a Gaieta usque Panormum. (19) Sane concessimus vobis, ut cives vestri de Sicilia, Sardinia et Barbaria venientes dirictum, quod sub nomine catenaccii^{dd} et pondere statere hactenus in Gaieta dabant, amodo non persolvant. (20) Item confirmamus vobis commercium²², sicut illud a tempore domini regis Rogerii^{ee} avi nostri felicitis memorie habuistis et habetis pro communi utilitate Gaiete. (21) Concessimus etiam vobis usum camere nostre Gaiete ad tenendum ibi curiam, donec nostre placuerit maiestati. (22) Concedimus quoque ad preces et intuitum Albini venerabilis Albanensis episcopi, domini pape vicarii, karissimi^{ff} amici nostri²³, civitati Gaiete, ut de duabus galeis, quas soliti estis armare, non cogamini armare nisi unam galeam tantum ad mittendum eam in servitium nostrum, excepto cum necesse fuerit pro defensione regni; et tunc duas galeas armabitis, sicut hactenus consuevistis; convenantias autem dari faciemus marinariis vestris, sicut recipiunt eas alii marinarii galearum, que armabuntur in principatu Salerni²⁴. Hec autem omnia, sicut predicta sunt, vobis duximus concedenda, dummodo vos in nostra et heredum nostrorum fidelitate semper firmiter perseveretis²⁵. Ad huius^{gg} autem nostre concessionis memoriam et inviolabile firmamentum presens privilegium per manus Thomasi^{hh} notarii et fidelis nostri scribi et bulla plumbea nostro typario impressa iussimus roborari; anno, mense et indictione subscriptis.

Data in urbe Messane per manus Riccardi filii Matheiⁱⁱ regii cancellarii, quia ipse cancellarius absens erat, anno dominice incarnationis millesimo centesimo nonagesimo^{kk} primo, mense Iulii none^{kk} indictionis, regni vero domini nostri Tancredi Dei gratia magnifici et gloriosissimi regis^{ll} Sicilie, ducatus Apulie et^{ll} principatus Capue anno secundo; feliciter amen – ducatus vero domini Rogerii^{mm} Dei gratia gloriosissⁿⁿ ducis^{oo} Apulie, filii eius^{oo}, anno primo; prospere amen.

^{a)} fehlt To Gat ^{b)} Caietani Gat ^{c)} hier setzt Ga ein ^{d)} Roggerii To Mi Gat ^{e)} felicitis – nunc fehlt Ga
^{f)} Cajetae Ga ^{g)} quoties Ga ^{h)} pubblico To Ga ⁱ⁾ hier endet Ga
^{k)} fehlt Ca; Caiete Mi ^{l)} fehlt Mi; eine Lücke ist angedeutet ^{m)} tantum To ⁿ⁾ fuerit – consiliarius fehlt Mi; eine Lücke ist angedeutet
^{o)} esse debet fehlt To Mi; eine Lücke ist nur in Mi angedeutet
^{p)} Caiete Gat ^{q)} fehlt Ca ^{r)} priusquam Mi ^{s)} pietate To ^{t)} portum Sugii fehlt To
^{u)} perhiberi To ^{v)} nobis alle Drucke ^{w)} cum To ^{x)} si qua To; siquidem Gat ^{y)} protulerint To
^{z)} ipsarum Mi Gat ^{aa)} Caiete Mi ^{bb)} Itri Gat ^{cc)} fundane civitatis To
^{dd)} catenavii To ^{ee)} Roggerii To Mi Gat ^{ff)} carissimi Gat ^{gg)} huiusmodi Gat
^{hh)} Thome Mi; zum Genitiv Thomasi vgl. vor allem ZINSMAIER, Nr. 50 ⁱⁱ⁾ Mathei Gat ^{kk)} nonagesimo – none fehlt Mi; eine Lücke ist angedeutet
^{ll)} regis – Apulie et fehlt Mi; eine Lücke ist angedeutet
^{mm)} Roggerii To Mi ⁿⁿ⁾ gloriosissimi Mi ^{oo)} ducis – eius fehlt Mi

¹⁾ Vgl. Tit. 3, 4: humanitas salvatoris nostri Dei; D F. I. 155, S. 266, Z. 36f.: humanitatis nostrę intentio.

²⁾ Vgl. 1 Tim. 6, 18: facile tribuere; s. auch unten Anm. 4. ³⁾ Vgl. Vorbem. zu D 6; s. auch das Initium der

Papsturkunden: Et ordo rationis. ⁴⁾ Vgl. Ps. 9, 39 (17): Desiderium pauperum exaudivit Dominus;

CASS. Var. IV 12.3, ed. MOMMSEN, S. 120: nos qui desideria supplicantium consuevimus remittere.

Allgemein zu desiderium in liturgischen Texten vgl. MANZ, Ausdrucksformen der lateinischen Liturgiesprache, S. 145,

Nr. 237; s. auch SCHALLER II, S. 306; vgl. auch in Papsturkunden das Initium: Religiosis desideriiis. Der ganze

Passus von tribuit – desideria könnte auch von Job. 31, 35 inspiriert sein: Quis mihi tribuat auditorem, ut desiderium

meum audiat Omnipotens. ⁵⁾ Beliebte biblische Wendung; vgl. vor allem Ps. 42, 4: Ad Deum qui laetificat

iuventutem meam (Ordo miss., Stufengebet). ⁶⁾ Vgl. D 6, § 2. ⁷⁾ König Roger II. (1130–1154).

⁸⁾ Vgl. D 6, § 2. ⁹⁾ Vgl. D 6, §§ 3, 14. ¹⁰⁾ Vgl. D 1 § 4, D 6 § 3. ¹¹⁾ Vgl. D 1, § 5.

- ¹²⁾ Zur Sonderstellung des Majestätsverbrechens vgl. auch D 1, § 5.
¹³⁾ Zur Lage der meisten im folgenden aufgezählten Häfen vgl. *Cod. diplom. Cajetanus II*, S. 313, Anm. i.
¹⁴⁾ Pontinische Inselgruppe vor dem Golf von Gaeta, ca. 60 km südwestlich von Gaeta, mit der Hauptinsel Ponza (7,5 km²) und den Nebeninseln Palmarola und Zannone.
¹⁵⁾ Das antike Cumae, ca. 20 km westlich von Neapel am Golf von Gaeta gelegen, war die älteste griechische Kolonie (8. Jh. v. Chr.) in Süditalien; heute erinnert der Monte Cuma (78 m) im westlichen Teil des Tempelgeländes mit seinen bedeutenden Ausgrabungen an die antike Stadt.
¹⁶⁾ Der Garigliano trennt noch heute die Region Latium von Kampanien; die Zollbrücke, an der das *pedagium* oder *dirictum* (vgl. NIERMEYER, s. v.) zu entrichten waren, befand sich vermutlich unweit der Flußmündung, im Bereich der heutigen Staatsstraße Nr. 7; vgl. *Cod. diplom. Cajetanus II*, S. 313, Anm. 1.
¹⁷⁾ ENZENSBERGER, Nr. 153 von 1187 April 16, ed. MINIERI-RICCIO, *op. cit.*, Suppl. I, S. 20f., Nr. 12, mit der Bezeichnung *remissionis beneficium* in der *Dispositio*.
¹⁸⁾ Vgl. D 1 § 1, D 6 § 1.
¹⁹⁾ Itri (170 m), 10 km nördlich von Gaeta. Zur Geschichte der beiden Kastelle vgl. *Cod. diplom. Cajetanus II*, S. 314, Anm. m.
²⁰⁾ Maranola (269 m), 10 km nordöstlich von Gaeta, oberhalb von Formia.
²¹⁾ Der Graf von Fondi (nordöstlich des gleichnamigen Sees zwischen Terracina und Gaeta) war Anhänger Heinrichs VI. gewesen und von Tankred 1191 seines Amtes enthoben worden; vgl. *Rich. S. Germ. Chron. a. 1191*, ed. GARUFI, S. 13.
²²⁾ Vgl. D 6, § 4.
²³⁾ Zu Kardinalbischof Albinus von Albano vgl. D 25, Anm. 7.
²⁴⁾ Vgl. D 6, § 6.
²⁵⁾ Ein wortwörtlich übereinstimmender *Passus* findet sich am Ende der *Dispositio* in D 1.

19.

Tankred bestätigt dem Kloster S. Elia di Carbone auf Bitten des Archimandriten Hilarion (II.) alle Privilegien und Urkunden sowie den gesamten Besitzstand.

1191 August, Messina.

Rom, Archivio Segreto Vaticano, Arm. LIV, vol. 3: Cornelio MARGARINI, *Thesaurus historicus sacrae et politicae veritatis* t. III, aus dem Ende des 17. Jh., f. 531^r–532^r (vormals f. 523^r–524^r), Nr. 482 [E].

Ebd., Fondo Basiliano, Cod. 1: Pietro MENNITI, *Summa bullarum et constitutionum apostolicarum pro ordine S. P. Basilii Magni aliorumque collectaneorum* von 1707, f. 117^{r-v} (vormals f. 12^{r-v}), Nr. 11 [F]. – Erwähnt auch in der *Cronica del monastero ... di S. Elia di Carbone* des P. MENNITI, ebd., f. 76^r, und Fondo Basiliano, Cod. 23, Entwurf der genannten *Cronica* des P. MENNITI, um 1700, p. 22 u. 70.

Rom, Biblioteca Vaticana, Cod. Reg. lat. 378, Anfang 18. Jh., f. 53^{r-v}, aus E.

Editionen: SANTORO (SANCTORIUS), *Historia monasterii Carbonensis*, 1601¹, S. 84–85 = 1831², S. 31–32 [Sa]. UGHELLI, *Italia sacra* VII¹, Sp. 122 = VII², Sp. 79–80.

Regesten: DI MEO XI, S. 44; BEHRING, Nr. 261; PALUMBO¹, Nr. 15 = PALUMBO², Nr. 19; SALVATI, Nr. 20.

Unter den Archivalien, die aus dem Archiv des 1168 von Wilhelm II. als festländisches Archimandritat eingerichteten griechischen Klosters S. Elia di Carbone in der Basilicata stammen und sich heute im Archiv der Fürsten Doria-Pamphili in Rom befinden, vermissen wir das von dem aus Caserta stammenden Geschichtsschreiber des Klosters P. E. SANTORO 1601 erstmals edierte Privileg Tankreds für den Archimandriten Hilarion, unser D 19; vgl. ENZENSBERGER, S. 19–20, 29, 35–36. Dabei lag dem Generalabt der Basilianer, P. MENNITI, zu Beginn des 18. Jahrhunderts das Original noch vor, als er seine Abschrift (F) anfertigte: *Si riferisce dal Santoro fol. 81 e dall'Ughelli tom. 7 fol. 121 e si legge nella Biblioteca P. n. 17*. HOLTZMANN, *Papst-, Kaiser- und Normannenurkunden II (Quellen und Forschungen* 36), der ebd., S. 72 irrtümlich die falsche Nummer „P. n. 14“ angibt, hat auch gezeigt, daß sich das ehemalige Klosterarchiv von Carbone schon 1581 in Rom befand, seit Innozenz X. (1644–1655) wohl in der Bibliothek Doria Pamphili, wie auch die Zitierweise MENNITIS: *Biblioteca P. = Pamphili*, nahelegt: HOLTZMANN, *op. cit.*, bes. S. 38. Auch C. MARGARINI mag das Original noch gekannt haben, da er seine Kopie (E) *ex Arch. Monast. Carbonensis* mitteilt. Die Varianten zwischen allen drei Überlieferungen sind allerdings so geringfügig, daß die Edition SANTOROS den Abschriften E und F wahrscheinlich als Grundlage diente.