

The bishop of Worms was a large landholder, possessing a great deal of the land in the city as well as in the country. This land may be divided into two groups according to the way in which it was held and tilled. Some of it was let out as fiefs, and from this the bishop received only the regular feudal dues according to the terms on which he let it out. The rest of his land was called the domain and was tilled by serfs who lived on it and were attached to it. There was great variety in the condition of the serfs. Some of them had little or no right to the products of their labors, except to what they needed to eat and wear. It would of course be impossible for such to acquire property. Others had a right to a greater or less share of the products of their labors, and hence they could amass property. Through their wealth all such could, in the course of time, improve their condition and rise in the social scale. All those of this servile group were unfree; they were bondmen of the church. All of them taken together were called the family of St. Peter. They were attached to the soil which they tilled, paid a tax in money or in kind, or rendered services, and were under the protection of the church and the jurisdiction of the bishop.

Because of the frequent lamentations of my unfortunate subjects and the great injustice done them by many who have habitually wronged the family of St. Peter, imposing different laws upon them and oppressing all the weaker ones by their unjust judgments and decisions, I, Burchard, bishop of Worms, with the advice of my clergy, knights, and of all my family, have ordered these laws to be written, in order that hereafter no advocate, nor vidame, nor official, nor any other malicious person may be able to add any new law to the detriment of the afore-mentioned family, but that the whole family, rich and poor alike, may have the same law.

1. If anyone of the family of St. Peter legally marries a woman who is also a member of the family, and gives her a dower and she has peaceable possession of it for a year and a day, then if the man dies, the wife shall hold the whole of the dower until she dies. When the woman dies, if they had no children, the dower goes to the nearest heirs of the man. If the woman dies first, the same disposition shall be made of it [that is, it reverts to the husband and his heirs]. If after marriage they acquire property, when one of them dies, the other shall have it and do what he will with it. If the wife brought any property to her husband at the time of marriage, at the death of both, their children, if they have any, shall inherit it. If they have no children, it shall return to her relatives unless she gives it away before her death. If the children die after inheriting it, it shall return to the nearest relatives of their mother.

2. If anyone has inherited a piece of land with serfs, and becomes poor and is forced to sell it, he must first, in the presence of witnesses, offer to sell it to his nearest heirs. If they will not buy it, he may sell it to any member of the family of St. Peter. If a piece of land has, by judicial process, been declared forfeited to the bishop [because the holder has not paid the proper dues or rendered the due services], and any one of the heirs of the one who held it wishes to pay the back dues, he may do so and receive the land. But if no heir wishes to pay the back dues, the local official may let the land to any member of the family he may

wish, and the one thus receiving it shall hold it. If after a few years someone comes and says: "I am the heir. I was poor, I was an orphan, I had no means of support, so I left home and have been supporting myself in another place by work," and if he tries by his own testimony alone to dispossess him who, with the consent of the bishop, received the land, and who has cultivated it well and improved it, he shall not be able to do so. For since there was no heir at the time who was willing to pay the back dues, let him to whom the local official gave it keep it. For [it may be said to the new claimant]: "If you were the heir, why did you go away? Why did you not stay at home and look after your inheritance?" No hearing shall be granted him unless he has a good and reasonable excuse [for his absence]. If anyone who has a piece of land by hereditary right dies leaving a child as heir, and this child is not able to render the service due, and there is a near relative who is willing to render the due service for this land until the heir becomes of age, he may do so. But let the heir not be disinherited because of his youth. We beg that he may be treated mercifully in this matter [that is, that he may receive his inheritance when he comes of age].

3. If anyone on our domain land dies leaving an inheritance, his heir shall receive it without being bound to give us a present, and thereafter he shall render the due service for it.

4. If any member of the family dies leaving free property, unless he has given it away, his nearest heirs shall inherit it.

5. If anyone in the presence of witnesses and with the consent of his wife parts with [alienates] any piece of property, no matter what it is, the bargain shall stand unless there is some other good reason for breaking it.

6. If anyone sells his land or his inheritance to another member of the family in the presence of one of his heirs, and that heir does not object at the time, he shall never afterwards have the right to object. If an heir were not present, but, after learning of the sale, did not object within that year, he shall afterwards not have the right to object to it.

7. If anyone is, by the judgment of his fellows, put "into the bishop's hand," he and all his possessions are in the bishop's power.

8. If anyone takes some of his fellows and does some injustice to a member of the family, he shall pay a fine for himself and for his accomplices and each one of them shall pay his own fine.

9. Five pounds of the *wergeld* of a *fiscgilinus* go to the bishop's treasury and two and one-half pounds go to his friends [kin].

10. If a man and his wife die leaving a son and a daughter, the son shall receive the inheritance of the servile land [i.e., the land which the father held], and the daughter shall receive the clothing of her mother and all the cash on hand. Whatever other property there is shall be divided equally between them.

11. If anyone has received a piece of land and serfs by inheritance, and takes his bed because of illness so that he cannot ride on horseback or walk alone, he shall not alienate [dispose of in any way] the land and serfs to the disadvantage of his heirs, unless he wishes to give something for the salvation of his soul. All his other property [that is, all that he has gained in addition to what he inherited] he may give to whomever he wishes.

12. In order that there may not be so many perjuries, if any member of the family has done some wrong to a fellow-member in the matter of land, or vineyards, or any other less important thing, and the case has been brought before the local official, we desire that the local official shall, with the aid of his fellows, decide the case without having anyone take an oath.

13. If any *fiscilinus* does an injustice, either great or small, he shall, like the *dagewardus*, pledge five solidi to the treasury of the bishop and pay five solidi as composition to him to whom he did the wrong, if he is of the same society. If he is outside his society he shall pledge one ounce and no oath shall be taken.

14. If anyone from the bishop's domain lands marries someone who belongs to a fief which is held from the bishop, he shall continue to be under the bishop's jurisdiction. If anyone from such a fief marries someone from the bishop's domain land, he shall continue under the jurisdiction of the lord of the fief on which he lives.

15. If anyone marries a foreign woman [that is, one who does not live on the bishop's territory], when he dies two-thirds of their possessions shall go to the bishop.

16. If a *fiscilinus* marries a *dagewarda*, their children shall be of the lower rank; and likewise if a *dagewardus* marries a *fiscilina*.

17. If anyone makes an unjust outcry in court, or becomes angry and leaves the court, or does not come in time to the court, and those sitting in the court with him do not convict him of this, he shall not take an oath about it, but the *Schoeffen* shall decide it.

18. If anyone has a suit against his fellow, he alone shall take an oath about it. But if it concerns a feud, or is against the bishop, he shall have six men [compurgators] to take an oath with him.

19. It has frequently happened that if one lent his money to another, the borrower would repay as much as he wished and then swear that he owed no more. In order to prevent perjury we have decreed that the lender need not accept the oath of the borrower but may, if he wishes, challenge him to a duel, and so [by defeating him] prove his indebtedness. If the lender is so important a person that he does not wish to fight the borrower on such an account, he may appoint someone to fight for him.

20. If anyone in the city of Worms is convicted by losing a duel, he shall pledge sixty solidi. If he is defeated by a member of the family who lives outside of the city, he shall pay the victor three times the

amount of the fine, because he challenged him unjustly, and he shall pay the bishop's ban, and twenty solidi to the advocate, or he shall lose his skin and hair [that is, he shall be beaten and his head shaved].

21. If anyone of the family of St. Peter buys a piece of land and serfs from a free man [that is, one who is not a member of the family], or has acquired it in any other way, he shall not dispose of it to anyone outside of the family, unless he exchanges it [for other land and serfs].

22. If anyone attempts to reduce a *fisgulinus* to the rank of a *dagewardus* and subject him to an unjust poll tax [as a symbol of his servile rank], the *fisgulinus* shall prove his rank by the testimony of seven of his nearest relatives, but he shall not hire them for this purpose. If the charge is made that his father was not a *fisgulinus*, two female witnesses shall be taken from his father's family and one from his mother's. If it is said that his mother was not of that rank, two shall be taken from her family and one from his father's family, unless he can prove his rank by the testimony of the *Schoeffen* or of his relatives.

23. If any member of the family enters the house of another with an armed force and violates his daughter, he shall pay to her father, or to her guardian, three times the value of every piece of clothing which she had on when she was seized, and to the bishop his ban for each piece of clothing. And he shall also pay to her father a triple fine and the bishop's ban. And because the law of the church does not permit him to marry her, he shall appease her family by giving to twelve members of it twelve shields and as many lances and one pound of money.

24. If anyone confesses a debt in the presence of the local official but the said official has not the time to render a decision that day, and he who confessed the debt denies it the next day, the said official, if he had a witness to the confession, shall render the decision in accordance with the confession.

25. But if the said official had no witness to the confession, he shall render the decision according to what the man says in court and not according to his former confession.

26. If anyone in the city has inherited a building site, it cannot be declared forfeited to the bishop unless he has refused to pay the tax and all other dues for three years. After he has failed to pay these dues for three years, he shall be summoned to court three times, and if he wishes to pay all the back dues he may do so and retain the building site. If he sells the house, he forfeits the building site.

27. If anyone in the city strikes another so hard that he knocks him down, he shall pay sixty solidi to the bishop. If he strikes another with his fist or a light stick without knocking him down, he shall pay only five solidi.

28. If anyone in the city draws his sword to kill another or stretches his bow and puts an arrow on the bow-string, or tries to strike him with his lance, he shall pay sixty solidi.

29. If the bishop wishes to take a *fisgillinns* into his service, he may put him to work under the chamberlain, or the cup-bearer, or the steward [dish-bearer], or the master of the horse, or under the

official who has charge of the bishop's lands and collects the dues from them [i.e., the advocate]. But if he does not wish to serve the bishop in any of these departments of the bishop's household, he may pay four denars every time the bishop is summoned by the king to call out his men for the purpose of fighting, and six when the bishop is summoned to accompany the emperor to Rome, and he must attend the three regular sessions of court which are held every year, and then he may serve whomsoever he wishes.

30. Homicides take place almost daily among the family of St. Peter, as if they were wild beasts. The members of the family rage against each other as if they were insane and kill each other for nothing. Sometimes drunkenness, sometimes wanton malice is the cause of a murder. In the course of one year thirty-five serfs of St. Peter belonging to the church of Worms have been murdered without provocation. And the murderers, instead of showing penitence, rather boast and are proud of it. Because of the great loss thus inflicted on our church, with the advice of our faithful subjects, we have made the following laws in order to put an end to such murders. If any member of the family of St. Peter kills a fellow member except in self-defence, that is, while defending either himself or his property [against the attacks of the man whom he kills], we decree that he shall be beaten and his head shaved, and he shall be branded on both jaws with a red-hot iron, made for this purpose, and he shall pay the *wergeld* and make peace in the customary way with the relatives of the man whom he killed. And those relatives shall be compelled to accept this. If the relatives of the slain man refuse to accept it and make war on the relatives of the murderer, anyone of the latter may secure himself against their violence by taking an oath that he knew nothing of the murder and had nothing to do with it. If the relatives of the slain man disregard such an oath and try to injure the one who took it, even though they do not succeed in doing so, they shall be beaten and have their heads shaved, but they shall not be branded on the jaws. But if they kill him or wound him, they shall be beaten and their heads shaved, and they shall be branded on the jaws. If a murderer escapes, all his property shall be confiscated, but his relatives, if they are innocent shall not be punished for him. If the murderer does not flee, but, in order to prove his innocence [that is, that he acted in self-defence], wishes to fight a duel with some relative of the slain man, and if he wins [in the duel], he shall pay the *wergeld* and satisfy the relatives of the slain man. If no relative of the slain man wishes to fight a duel with the murderer, the murderer shall clear himself before the bishop with the ordeal of boiling water, and pay the *wergeld*, and make peace with the relatives of the slain man, and they shall be compelled to accept it. If through fear of this law the relatives of the slain man go to another family [that is, to people who do not belong to the family of St. Peter], and incite them to violence against the relatives of the murderer, if they will not clear themselves by a duel [that is, prove that they did not incite them, etc.], they shall clear themselves before the bishop by the ordeal of boiling water, and whoever is proven guilty by the ordeal shall be beaten, his head shaved, and he shall be branded on the jaws. If any member of the family who lives in the city kills a fellow member except in self-defence, he shall be punished in the same way, and besides he shall pay the bishop's ban, and the *wergeld*, and make peace with the relatives of the slain man, and they shall be compelled to accept it. If any foreigner [that is, one who does not belong to the family of St. Peter] who cultivates a piece of St. Peter's land [that is, holds it as a fief from the bishop], kills a member of the family of St. Peter except in self-defence, he shall either be punished in the same way [that is, by beating, etc.], or he shall lose his fief and he shall be at the mercy of the advocate

and the family of St. Peter [that is, they may carry on a feud against him, and slay him]. If anyone who is serving us [that is, anyone who is serving the bishop in one of the five departments named in paragraph 29] or one of our officials commits such a crime [that is, kills someone], it shall be left to us to punish him as we, with the advice of our subjects, may see fit.

31. If one member of the family has a dispute with another about anything, such as fields, vineyards, serfs, or money, if possible, let it be decided by witnesses without oaths. If it cannot be decided in that way, let both parties to the case produce their witnesses in court. After the witnesses have testified, each for his side [that is, each one says that he believes the man whom he is supporting is telling the truth], two men shall be chosen, one from each side, to decide the suit by a duel. He whose champion is defeated in the duel shall lose his suit, and his witnesses shall be punished for bearing false witness, just as if they had taken an oath to it.

32. If any member of the family commits a theft not because of hunger, but from avarice and covetousness, or habit, and the stolen object is worth five solidi or more, and it can be proved that the thief, either in a public market or in a meeting of his fellow members, has restored the stolen object, or given a pledge to do so, we decree for the prevention of such crimes that as a punishment of his theft the thief shall lose his legal status—that is, if anyone accuses him of a crime, he cannot clear himself by an oath, but must prove his innocence by a duel or by the ordeal of boiling water or red-hot iron. The same punishment shall be inflicted on one who is guilty of perjury, or of bearing false witness, and also on the one who is convicted by duel of theft, and of those who plot with the bishop's enemies against the honor and safety of his lord, the bishop.

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Oliver J. Thatcher and Edgar Holmes McNeal, *A Sourcebook for Medieval History: Selected Documents Illustrating the History of Europe in the Middle Age* (New York: Charles Scribner's Sons, 1905), pp. 553–62.