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XXXI.3 The authority of mayors of the palace

- The Spirit of Law - Book XXXI. Theory of feudal laws among the Franks, in their relation to the transformations in their monarchy -

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I have said that Clotaire II had committed himself not to take away Warnachar's position as mayor while he lived. The revolution had a different effect : before this time, the mayor was mayor of the king ; he became mayor of the kingdom ; the king used to choose him, now the nation does. Protarius, before the revolution, had been appointed mayor by Theodoric, [1] and Landeric by Fredegund [2] ; but since then the nation was empowered to elect. [3]

One must therefore not, as some writers have done, confuse these mayors of the palace with those who had that dignity before the death of Brunehilde, the mayors of the king with the mayors of the kingdom. We see from the law of the Burgundians that for them the charge of mayor was not one of the foremost in the state, [4] nor was it one of the most eminent among the early Frankish kings. [5]

Clotaire reassured the possessers of functions and fiefs ; and after the death of Warnachar, this prince, [6] having asked the lords assembled at Troyes who they wanted to put in his place, they all cried out that they would elect ; and begging his favor, they placed themselves in his hands.

Dagobert, like his father, reunited the entire monarchy ; the nation relied on him, and gave him no mayor. The prince felt himself at liberty ; and reassured, moreover, by his victories, he resumed Brunhilde's plan. But the outcome of that was so unfavorable that the leudes of Austrasia let themselves be beaten by the Slavonians, went back home, and the confines of Austrasia were a prey to the barbarians. [7]

He decided to offer the Austrasians to cede Austrasia to his son Sigebert, with a treasury, and to place the government of the kingdom and the palace in the hands of Cunibert, bishop of Cologne, and Duke Adalgise. Fredegar goes into no detail on the conventions that were made at that time, but the king confirmed them all with his charters, and at once Austrasia was placed out of danger. [8]

Dagobert, sensing the approach of death, commended his wife Nentechilde and his son Clovis to Æga. The leudes of Neustria and Burgundy chose the young prince for their king. [9] Æga and Nentechilde governed the palace [10] ; they returned all the properties that Dagobert had taken, [11] and the complaints ceased in Neustria and in Burgundy, as they had ceased in Austrasia.

After the death of Æga, queen Nentechilde persuaded the lords of Burgundy to elect Floachatus as their mayor. [12] He sent letters to the bishops and principal lords of the kingdom of Burgundy, in which he promised to preserve forever, which is to say for their lifetimes, their honors and dignities. [13] He confirmed his word with an oath. It is here that the author of the book of mayors of the royal household places the beginning of the administration of the realm by mayors of the palace. [14]

Fredegar, who was a Burgundian, went into greater detail over what concerned the mayors of Burgundy in the time of the revolution we are discussing, than over the mayors of Austrasia and Neustria ; but the conventions that were made in Burgundy were for the same reasons made in Neustria and Austrasia.

The nation believed it was surer to place authority in the hands of a mayor it elected, and on whom it could impose conditions, than in the hands of a king whose power was hereditary.

[1] *Instigante Brunichilde, Theoderico jubente*, etc. (Fredegar, ch. xxvii on the year 605).

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[2] *Gesta regum Francorum*, ch. xxxvi.

[3] See *Chronicle of Fredegar*, ch. liv on the year 626 and his anonymous continuator, ch. ci on the year 695, and ch. cv on the year 715. Aimoin, book IV, ch. xv. Eginhard, *Life of Charlemagne*, ch. xlvi. *Gesta regum Francorum*, ch. xlv.

[4] See *Law of the Burgundians*, in *Præfat.* and second supplement to this law, tit. 13.

[5] See Gregory of Tours, [book IX, ch. xxxvi](#).

[6] *Eo anno Clotarius cum proceribus et leudibus Burgundiæ Trecassinis conjungitur, cum eorum esset sollicitus, si vellent jam, Warnachario discesso, alium in ejus honoris gradum sublimare, sed omnes unanimiter denegantes se nequaquam velle majorem domus eligere, regis gratiam obnixè petentes, cum rege transegere* (*Chronicle of Fredegar*, ch. liv on the year 626).

[7] *Istam victoriam quam vinidi contra Francos meruerunt, non tantum Sclavinorum fortitudo obtinuit, quantum dementatio Austrasiorum, dum se cernebant cum Dagoberto odium incurrisse, et assidue expoliarentur* (*Chronicle of Fredegar*, ch. lxxviii on the year 630).

[8] *Deinceps Austrasii eorum studio limitem et regnum Francorum contra Vinidos utiliter defensasse noscuntur* (*ibid.*, ch. lxxv on the year 632).

[9] *Ibid.* ch. lxxix on the year 638.

[10] *Ibid.*

[11] *Ibid.*, ch. lxxx on the year 639.

[12] *Ibid.*, ch. lxxxix on the year 641.

[13] *Ibid.* *Floachatus cunctis Ducibus a regno Burgundiæ, seu et Pontificibus, per epistolam etiam et sacramentis firmavit unicuique gradum honoris et dignitatem, seu et amicitiam, perpetuo conservare.*

[14] *Deinceps a temporibus Clodovei qui fuit filius Dagoberti inclyti Regis, pater vero Theoderici, regnum Francorum decidens per majores domus, cæpit ordinari. De Major. Domus Regiæ.*