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THE COURT BOOK OF MENDE AND THE SECULAR LORDSHIP  
OF THE BISHOP: RE/COLLECTING THE PAST OF THE  
THIRTEENTH-CENTURY GÉVAUDAN

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Jan K. Bulman

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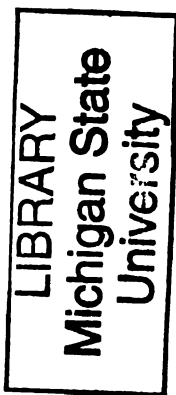
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BISHOP: RE/COLLECTING THE PAST OF THE THIRTEENTH-CENTURY  
GÉVAUDAN

By

Jan K. Bulman

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## **ABSTRACT**

### **THE COURT BOOK OF MENDE AND THE SECULAR LORDSHIP OF THE BISHOP: RE/COLLECTING THE PAST OF THE THIRTEENTH-CENTURY GÉVAUDAN**

By

Jan K. Bulman

In 1268, the chancery of the bishop of Mende began to record the cases litigated before the episcopal court in a court book. This study argues that the bishop conceived of this register, which was part of a larger episcopal archive that, for the most part, is lost, as evidence of episcopal secular lordship in the bishop's lawsuit against the French crown, which sought to end interference by royal agents with the bishop's right to exercise secular lordship in his diocese. The court book of Mende is probably the earliest extant example of this type of record from an ecclesiastical court. Following an analysis of the origins of episcopal lordship in Mende beginning in the middle of the twelfth century, the court book is examined to uncover information about the operation, the personnel, and the types of cases of the episcopal court. One consequence of the creation of the court book was to stabilize and fix historical memory of the diocese. The organizational system of the court book reveals a bureaucratic concern for the future need to retrieve information about particular cases. Writing some thirty-five years after its inception, Guillaume Durand the Younger was able to research cases in the court book and other records of the episcopal archive when composing a massive legal brief in defense of episcopal secular lordship. In 1307, the lawsuit was resolved in the context of the French crown's determined efforts to assert royal supremacy over ecclesiastical authority.

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For my father and  
in memory of my mother

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## ABBREVIATIONS

AASS	<i>Acta sanctorum</i> , 68 vols. Paris, Rome, and Brussels, 1863-1870.
ADL	Archives départementales de la Lozère.
AN	Archives nationales.
BEC	Bibliothèque de l'École des chartes.
BSL	<i>Bulletin de la Société d'agriculture. Industrie, sciences et arts du département de la Lozère</i> (1850-1954) and <i>Bulletin de la Société des lettres, sciences et arts de la Lozère: Revue du Gévaudan</i> , (1955-).
<i>Chronicon</i>	"Chronicon breve de gestis Aldeberti." In <i>Les miracles de Saint Privat suivis des opuscules d'Aldebert III, évêque de Mende</i> , ed. Clovis Brunel, 126-139. Paris, 1912.
<i>Documents historiques</i>	<i>Documents historiques sur le province de Gévaudan</i> , ed. Gustave de Burdin, 2 vols. Toulouse, 1846-1847.
<i>Études historiques</i>	Charles Porée. <i>Études historiques sur le Gévaudan</i> . (Paris, 1919).
GC	<i>Gallia christiana</i> , 16 vols., Paris, 1715-1865.
HGL	Claude Devic and Joseph Vaissete. <i>Histoire générale de Languedoc avec des notes et les pièces justificatives</i> . Rev. ed. A. Molinier et al., 16 vols. Toulouse, 1872-1905.
LTC	<i>Layettes du trésor des chartes</i> , ed. Alexandre Teulet, et al., 5 vols. Paris, 1863-1909.
LPB	<i>Lettres de Philippe-le-Bel relatives au pays de Gévaudan</i> , ed. Jean Roucaute and Marc Saché. Mende, 1896.
<i>Mémoire</i>	<i>Mémoire relatif au paréage de 1307 conclu entre l'évêque Guillaume Durand II et le roi Philippe-le-Bel</i> , ed. Abel Maisonobe. 2 vols. Mende, 1896.
Miracles	"Miracles de Saint Privat." In <i>Les miracles de Saint Privat suivis des opuscules d'Aldebert III, évêque de Mende</i> , ed. Clovis Brunel, 3-26. Paris, 1912.

*Opuscles*

“Opuscles d’Aldebert III, évêque de Mende.” In *Les miracles de Saint Privat suivis des opuscles d’Aldebert III, évêque de Mende*, ed. Clovis Brunel, 30-123. Paris, 1912.

*RH*

*Recueil des historiens des Gaules et de la France*, eds. Martin Bouquet, et al., 24 vols. Paris, 1738-1904.

## INTRODUCTION

This study examines the complex interrelationships among the written records of an ecclesiastical court, the defense of episcopal seignorial rights, and the preservation of historical memory in southern France from the thirteenth to the early fourteenth centuries. These connections arose within the context of the spread of Roman law and expanding commercial activity that spurred the diffusion of literate legal culture from Italy.<sup>1</sup> Diplomatic evidence for the infiltration of Roman law into southern France from the northern Italian cities of Bologna, Pavia, and Pisa first appears before 1150 within a triangular zone formed by the Rhone, the Aude, and the Mediterranean.<sup>2</sup> In this region, between 1121 (in Montpellier) and 1150 (in Avignon), Roman law practice and its juridical language appear in charters, particularly in the *donatio propter nuptias*, and in practices such as the presence of seven witnesses at the drafting of a testament.<sup>3</sup> Moreover, the penetration of Roman law into this region is evidenced by the appearance

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<sup>1</sup> Knowledge of some aspects of Roman law never entirely disappeared from northern Italy and Occitania. For a survey of the resurrection and diffusion of Roman and canon law, stressing early twelfth-century study of law in Bologna the see Stephan Kuttner, "The Revival of Jurisprudence," in *Renaissance and Renewal in the Twelfth Century*, ed. Robert Benson and Giles Constable (Cambridge, MA, 1982; reprint Toronto, Buffalo, London, 1991), 299 – 323 (page citations are to the reprint edition) and Knut Wolfgang Nörr, "Institutional Foundations of the New Jurisprudence," in *Renaissance and Renewal in the Twelfth Century*, ed. Robert Benson and Giles Constable (Cambridge, MA, 1982; reprint Toronto, Buffalo, London, 1991), 324 – 338 (page citations are to the reprint edition). For an account of the renewed study of Roman law, arguing for a leading role of the notaries and professional judges in school of Pavia, see Charles M. Radding, *The Origins of Medieval Jurisprudence: Pavia and Bologna, 850 – 1150* (New Haven, 1988).

<sup>2</sup> André Gouron, "Diffusion des consulats méridionaux et expansion du droit romain aux XIIe et XIIIe siècles," *Bibliothèque de l'École des Chartes* (hereafter *BEC*) 121 (1963): 26 – 76; reprint *La science du droit dans le Midi de la France au Moyen Age* (London: Variorum Reprints, 1984), 57 (page citations are to the reprint edition).

<sup>3</sup> *Ibid.*, 54. The Roman law practices were used in Gaul until the great invasions of the fifth and sixth centuries, after which they largely were forgotten.

of the office of notary public.<sup>4</sup> Around the mid-twelfth century an Occitan treatise on Roman law, *Lo Codi*, describes the notary as a man of the community charged with making charters: his instruments protected the transactions of prudent men by virtue of the notary's redaction.<sup>5</sup> In the last quarter of the twelfth century, terms to describe trained writers, such as *tabellio*, *scriptor publicus*, or *notarius* appear in the documents of the region.<sup>6</sup> The earliest surviving evidence for the presence of the notarial office in southern France dates from August 1174, when the bishop of Béziers conceded the *tabellionate*, or the power to make charters, to Bernard de Caussinijouls.<sup>7</sup> The earliest extant notarial casebook is the 1248 book of Giraud Amalric of Marseilles.<sup>8</sup>

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<sup>4</sup> On the spread of notarial practices used in drafting contracts through southern France see the works of Roger Aubanas, *Études sur le notariat provençal au moyen-âge et sous l'Ancien Régime* (Aix-en-Provence, 1931); Robert Henri Bautier, "Les diverses origines et l'évolution de l'institution notariale françaises en tant que depositaire de la puissance publique," in *Le gnomon: Revue internationale d'histoire du notariat* (Paris, 1986) 1-65; Louis Stouff, "Les registres des notaires d'Arles, (début XIVE siècle – 1460). Quelques problèmes posés par l'utilisation des archives notariales," *Provence historique* 100 (1975): 305 – 324; Armin Wolf, "Das öffentliche Notariat," in *Hanbuch der Quellen und Literatur der neueren Europäischen Privatrechtsgeschichte: Mittelalter (1100 – 1500)* ed. Helmut Coing (Munich, 1973), 500 – 514.

<sup>5</sup> André Gouron, "Maître Durand, pionnier du notariat savant," in *Mélanges offerts à André Colomer* (Paris, 1993), 181-183. "D'aquelas prouanzas que om fai per carta e cals rezuns es de la carta: Poiss que nos auem dig (d'aquellas prouanzas que om fai per garentias, ara digam) d'aquellas prouanzas que sunt feitas per estrument, zo es per cartas. Aquellas cartas deuunt esser receubudas em plaig per prouanza que sunt feitas per persona communal, zo es per aquella persona que a mester de faire las cartas per mandament de la poestat de la terra: aquest omes appellaz 'notaris.'" *Lo Codi : eine Summa Codicis in provenzalischer Sprache aus dem 12. Jahrhundert*, ed. Felix Derrer (Zürich, 1974), 4:XXXIII § 1 –2. On the disputes surrounding the dating of *Lo Codi* manuscripts see André Gouron, "Du nouveau sur *lo Codi*," *Tijdschrift voor Rechtsgeschiedenis, Revue d'histoire du droit*, XLIII, 2, 271-277; reprint *La science du droit dans le Midi de la France au Moyen Age* (London, 1984) 271-277.

<sup>6</sup> C. Douais, *Documents sur l'ancienne province de Languedoc*, (Paris and Toulouse, 1906), 3: 1-49.

<sup>7</sup> Maïté Lesné-Ferret, "The Notariate in Consular Towns," in *Urban and Rural Communities in Medieval France: Provence and Languedoc, 1000 – 1500*, ed. Kathryn Reyerson and John Drendel (Leiden, Boston, Köln, 1998), 4-5.

<sup>8</sup> John H. Pryor, *Business Contracts of Medieval Provence: Selected Notulae from the Cartulary of Giraud Amalric of Marseilles, 1248* (Toronto, 1981).

During the twelfth century, professional writers began to infiltrate secular and ecclesiastical chanceries, where their activities led to substantial increases in document production and archival organization. The role these men played in the organization of secular writing offices has been well studied, but the process of the organization of episcopal bureaucracies has only begun to be studied.<sup>9</sup> One consequence of the orderly preparation and organization of records was the creation of complicated relationships

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<sup>9</sup> The eleventh-century elaboration of the episcopal writing office in northern France has been discussed by Robert-Henri Bautier, "L'authentification des actes privés dans la France médiévale. Notariat public et juridiction gracieuse," *Notariado publico y documento privado, de los orígenes al siglo XIV. Actas del VII Congreso internacional de diplomática, València, 1986* (València, 1989), II: 707-709 and Ghislain Brunel, "Chartes et chancelleries épiscopales du Nord de la France au XI<sup>e</sup> siècle," *A propos des actes d'évêques. Hommage à Lucie Fossier*, ed. Lucie Fossier and Michel Parisse (Nancy, 1991), 227 – 244.

For the early development of episcopal chanceries in England see Christopher R. Cheney, *English Bishops' Chanceries 1100 – 1250* (Manchester, 1950) 100 – 110 and 147 – 149. For the bishopric of Arras, Benoît-Michel Tock, *Une chancellerie épiscopale au XII<sup>e</sup> siècle: le cas d'Arras* (Louvain-la-Neuve, 1991); for Geneva, Maurice de Tribolet, "L'Organisation de la chancellerie épiscopale et l'entourage de l'évêque de Genève au XII<sup>e</sup> siècle," *Schweizerische Zeitschrift für Geschichte* 18 (1968): 401-421; for Metz, Peter Acht, *Die Cancellaria in Metz. Eine Kanzlei- und Schreibschule um die Wende des 12. Jahrhunderts. Diplomatische Beziehungen zum Mittel- und Niederrhein und zum französischem Westen* (Frankfurt am Main, 1940); for Cologne, Richard Knipping, *Beiträge zum Urkundenwesen der Kölner Erzbischöfe des 12. Jahrhunderts* (Bonn, 1899); for Osnabrück, Walther Stephan, "Beiträge zum Urkundenwesen des Bistums Osnabrück vom XI.-XIII. Jahrhundert" (Inaug. Diss., Marbourg, 1902); for Mainz, Max Hein, "Die Kanzlei und das Urkundenwesen der Erzbischöfe von Mainz im früheren Mittelalter (1060-1249)" (Inaug. Diss., Berlin, 1909); for Passau, L. Gross, "Über das Urkundenwesen der Bischöfe von Passau im 12. und 13. Jahrhundert," *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 8, 3 (1911): 505-673; for Augsburg, V. Feist and K. Helleiner, "Das Urkundenwesen der Bischöfe von Augsburg von Anfängen bis zur Mitte des 13. Jahrhunderts (897-1248)," *Archivalische Zeitschrift*, 37 (1928): 38-88; for Warsaw, Hans Allamoda, "Beiträge zur Geschichte der äusseren Merkmale der ältesten Breslauer Bischofsurkunden bis zum Jahre 1319" vol. 1 (Phil. Diss., Breslau, 1934); for Münster, M.L. Frein von Fürstenberg, "Beiträge zum Urkundenwesen der Bischöfe von Münster," *Westfälische Zeitschrift* 90 (1934): 193-303; for Speyer, Peter Acht, "Studien zum Urkundenwesen der Speyerer Bischöfe im 12. und im Anfang des 13. Jahrhunderts. Speyer in seinem Verhältnis zur Reichskanzlei," *Archiv für Urkundenforschung* 14 (1935-1936): 262-306. In Italy, the presence of a professional notariate, from, at least, the eleventh century meant that Italian bishops commonly used towns' notaries. Robert Brentano, *Two Churches: England and Italy in the Thirteenth Century* (Princeton, 1968), 292-95. The nearest Italian approximation of an English bishop's register is from the diocese of Città di Castello where nine books of episcopal records are preserved dating from about the late twelfth century through the end of the fourteenth century. Robert Brentano, "The Bishop's Books of Città di Castello," *Traditio* xvi (1960): 241 – 254. For an account of the role of notaries in preserving diocesan records in Italy during this period, see Robert Brentano, *A New World in a Small Place: Church and Religion in the Diocese of Rieti, 1188 – 1378* (Berkeley, 1994), 116 – 37.

For classic studies of episcopal diplomatic, see Arthur Giry, *Manuel de diplomatie* (Paris, 1894) and Harry Bresslau, *Handbuch der Urkundenlehre für Deutschland und Italien*. 2d ed. (Leipzig, 1912-1931).

between documentation and the ways in which men and women remembered their past. The records of the bishop's archive fused cultural practices, politics, and historical memory, and in the process created and recreated institutionalized social memory. Ecclesiastical notaries and scribes created a body of records that were sites of storage, from which knowledge about the past could be uncovered. Hence, the records from the medieval officiality of the bishop reveal the intersection between the evolution of record-keeping at the diocesan level and the maintenance of historical memory.

The focus of this study will be on the south-central French diocese of Mende, which was located in the archdiocese of Bourges in the Middle Ages and was congruent with the medieval county of the Gévaudan.<sup>10</sup> The surviving ecclesiastical court records now preserved in the Archives départementales de la Lozère in Mende divide into two categories.<sup>11</sup> The first category consists of court books, registers of litigated cases, of which there are three: one from 1268 - 1272 (186 fols, 12 quires), a second from 1340-1345 (126 fols, 3 quires), the third a collection of cases from 1283 - 1448 (72 fols) extracted from their original registers.<sup>12</sup> The second category is made up of about 29 *fonds* of varying sizes and types pertaining to the business of the bishops' court, such as

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<sup>10</sup> The medieval diocese of Mende corresponds closely to the modern French department of the Lozère. For a reliable, but brief, history of the diocese of Mende see J. -M. Besse, *Abbayes et prieurés de l'ancienne France: recueil historique des archevêchés, évêchés, abbayes et prieurés de France*, tome 4, *Provinces ecclésiastiques d'Alby, de Narbonne et de Toulouse* (Ligugé and Paris, 1911), 53-71.

<sup>11</sup> *Inventaire-sommaire des Archives départementales antérieures à 1790, Lozère, serie G*, ed. Ferdinand André. 2 vols. (Mende, 1882 - 1890). *Inventaire-sommaire des Archives départementales antérieures à 1790, Lozère, serie G addition; serie H*, ed. Ferdinand André, et al. (Mende, 1904). Charles Donahue, Jr., ed., *The Records of the Medieval Ecclesiastical Courts, Part I: The Continent* (Berlin, 1989), 80-83 lists the records from the officiality of the bishop of Mende.

<sup>12</sup> ADL G 963, ADL G 934 and ADL G 945, respectively.

jurisdictional disputes, clerical trials, and correspondence with the papal court.<sup>13</sup> About one-third of the cases in the second category pertain to the defense of episcopal seigniorial and spiritual jurisdictional rights against royal infringement.

In this body of records, the court book of the 1260s is of particular interest because it is, perhaps, the earliest extant book recording chronological sequences of cases litigated before any bishop's court. Although earlier individual ecclesiastical court documents survive, books or rolls containing more-or-less continuous – or even broken – runs of episcopal court documents do not appear elsewhere until the late fourteenth century.<sup>14</sup> Therefore, this court book, because it is the earliest surviving example of its kind, suggests an advance in the art of government not replicated in other episcopal courts of this period and it presents an opportunity to study the operation of an ecclesiastical court about a century before most systematic diocesan court records begin.<sup>15</sup> Heretofore, this book has escaped scholarly attention; it has never been edited, published, or investigated in a systematic way, although the former director of the

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<sup>13</sup> The second category mainly is comprised of loose documents and quires. Of interest are two formulary books, a letter from Pope Nicholas IV to bishop Guillaume Durand the Elder concerning jurisdiction, a case, with depositions, of a assault during mass by a canon with the subsequent appeal to Rome, and two copies of a fourteenth-century trial in which a priest is accused of using black magic against the bishop of Mende (one quire, 24 fols.).

<sup>14</sup> Donahue, *Medieval Ecclesiastical Courts*, 27-28. There is one exception to this general statement: From the neighboring diocese, Le Puy, two court books survive with a similar range of dates, albeit slightly later. AD H-L G 260 (1270-1274) and AD H-L G (1274-1284). Therefore, the court book of Mende is the earliest extant book of its kind, but the LePuy registers are roughly contemporary.

<sup>15</sup> For the relationship between of written records and literacy in England and the expanded role of central government see the classic study by Michael T. Clanchy, *From Memory to Written Record: England 1066 – 1307*, 2<sup>d</sup> ed. (Oxford, 1993).

Archives départementales de la Lozère, Charles Porée, transcribed two cases from the book in 1919.<sup>16</sup>

The beginning of the chronological run of *causae* in the court book corresponds closely with the initiation of a suit before the Parlement of Paris in 1269 by the bishop of Mende in defense of his right to exercise seigniorial and spiritual jurisdiction in the Gévaudan without interference from royal agents.<sup>17</sup> I shall argue that the timing of the creation of the court book, just as the bishop appealed to the king for relief from harassment by royal officers, suggests that he regarded the written records from his court as evidentiary support for his argument. As we shall see, evidence strongly suggest that the records of the episcopal court were extensive, comprised of, perhaps two dozen or more court books, although only one survives. In addition to providing written evidence of episcopal lordship, however, the court book had the unintended consequence of creating an archive, which preserved certain aspects of historical memory. As Michael Clanchy has shown, one of the consequences of the elaboration and retention of written records was to commit to writing that which previously had been preserved in memory.<sup>18</sup>

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<sup>16</sup> Charles Porée, “Une pseudo-conspiration contre Odilon de Mercœur (1268)” in *Études historiques sur le Gévaudan* (hereafter *Études historiques*) (Paris, 1919), 267-280 and 507-508. Porée’s transcription of the first case contains several errors, owing to the experimental nature of book by which the scribes attempted to gather all the processes from one case under a single rubric. The implications of the court book’s format will be discussed at length below, but for now it is important to note that the effort to organize the *causae* in this way met with limited success and numerous cross-references make the book extremely difficult to follow.

<sup>17</sup> The suit was resolved in 1307 by an agreement called the *paréage*, fixing the jurisdictional rights of king and bishop in the diocese as equals ( *pares*), rather than assigning power to one or another party. The text of the *paréage* is found in an early fourteenth-century copy (ADL G 743) and is printed in *Ordonnances des roys de la troisième race*, ed. Eusèbe Jacob de Laurière, et al (Paris, 1723-1849), II: 369-403; *Documents historiques sur la province de Gévaudan* (hereafter *Documents historiques*), Gustave de Burdin, (Toulouse, 1846-1847), I: 359-76; *Lettres de Philippe-le-Bel relatives au pays de Gévaudan* (hereafter *LPB*), ed. Jean Roucaute and Marc Saché, (Mende, 1896), appendix I, 173-179.

<sup>18</sup> Clanchy, *From Memory to Written Record*, 146-147; 152; 224; 295-297.

Archival records became a type of artificial memory that preserved memorable events and transactions with a permanence that went beyond that of personal or collective recall. Jacques Derrida describes the dual functions of archives.<sup>19</sup> The first function is sequential: archives establish chronology, order, and beginnings and endings. The second function is jussive: archives are sites where public authority lies. Control over the information in archives, the gathering, unifying, and classifying of information into a single corpus or system, rests with the social authority that also claims the right to interpret its elements. In Derrida's scheme, the organization of archives has the effect of institutionalizing authority and law; the right to control the archives gives the prevailing authority its force and rights of authority. In a literate society, control of the archives – and historical memory – is the linchpin of political power.<sup>20</sup>

I shall argue that the court book of Mende and its subsequent effect on later generations played an important role in the establishment of historical memory in the Gévaudan. As we shall discover, in later generations the court book was referred to in drafting a legal brief, which, in fact functioned as a sort of historical narrative. In this study, I define historical memory as an awareness of the past and a desire to understand past experience with reference to time, change, and continuity. The process of establishing the *past* in the historical memory is wholly a function of the ideologies, concerns, and ambitions of the *present*, by which societies erect a history.<sup>21</sup> One

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<sup>19</sup> Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz. (Chicago, 1998) 1- 6.

<sup>20</sup> Ibid., 4.

<sup>21</sup> The process by which historians mediate the past through the lens of the present is a commonplace in historiographical analysis. Historians select which “memories” of the past to endow with meaning, expanding some and winnowing out others. For an interesting and relevant discussion of

generation transmits historical memory to subsequent generations by a variety of methods, but most historians and social scientists recognize transmission by five media. The first is oral tradition, which conveys historical memories with varying degrees of deliberate intention. The second is written records. Historians are aware that written records usually are not devoid of bias; texts are shaped by the --sometimes-unconscious - desire to influence others. The third is images, which have been used since antiquity by practioners of the “art of memory.”<sup>22</sup> In this category also fall memorial representations such as tombstones, statues, and medals. The fourth is instructive actions, which transmit the memory through ritual, motion, and reenactment. The fifth is spatial arrangement, which conveys memory by specific placement o<sup>23</sup>f images to be remembered.<sup>24</sup> The transmission of memory is a complex function and these five methods of memory transmission operate conjointly, although often the transmitted ideas operate in divergent or competing contexts. The transmission of memories validates shared ideologies, but also can destabilize them, ceaselessly reinventing tradition and a sense of the past.

The court book is, in fact, a critical point of intersection between the shift “from memory to written record” and the establishment of historical memory.<sup>25</sup> Writing preserved memory and fixed potentially competing versions of the past.<sup>26</sup> Those who

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objectivity in history, see Joyce Appleby, Lynn Hunt, and Margaret Jacob, *Telling the Truth about History* (New York, 1994), 241-270.

<sup>22</sup> On the subject of the history of mnemonics, see Francis Amelia Yates, *The Art of Memory*, Chicago, 1974.

<sup>23</sup> Pierre Nora, “Between Memory and History,” *Representations* 26 (1989): 8.

<sup>24</sup> Peter Burke, “History as Social Memory,” in *Memory: History, Culture, and the Mind*, ed. Thomas Butler (Oxford, 1989), 100-102.

<sup>25</sup> “From memory to written record” is, of course, from M. Clanchy.

<sup>26</sup> Clanchy, *From Memory to Written Record*, 99, 101, 107, 154, and 322.

recorded the past made decisions about what should be remembered and how it should be remembered. In the words of Patrick Geary, the study of historical memory is, in one sense, “a study of propaganda.”<sup>27</sup> Those who recorded events preserved in the court book selected episodes to inform their present and, by extension, the future. The strategies and intentions of the writers contributed to the determination of how memories would be preserved.<sup>28</sup> A register of litigated cases is not a genre in which one might expect to see the preservation of historical memory since the creation of a court book was not intended to preserve memory in the way that, say, a monastic chronicle was.<sup>29</sup> Although the court

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<sup>27</sup> Geary, *Phantoms of Remembrance*, 9.

<sup>28</sup> The process of neglect, selection, and transformation at the time events are recorded, thereby shaping memory, has been the subject of several recent works. For the eleventh century see Patrick Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton, 1996), 81 – 114 and for the connection between ritual and memory see David Warner, “Ritual and Memory in the Ottonian Reich: The Ceremony of Adventus,” *Speculum* 76 (2001): 255 – 283.

<sup>29</sup> Since the 1980s, historians’ interest in memory during the Middle Ages has grown considerably. See Mary Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture*, (Cambridge, 1990), Patrick Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium*, (Princeton, 1994), Megan M. McLaughlin, *Consorting with Saints: Prayer for the Dead in Early Medieval France*, (Ithaca, 1994), Karl F. Morrison, *History as a Visual Art in the Twelfth-Century Renaissance*, (Princeton, 1990), *Memory and the Medieval Tomb*, ed. Elizabeth del Alamo and Carol Stamatidis Pendergast, (Brookfield, VT, 2000). *Legends in Limestone: Lazarus, Gislebertus, and the Cathedral of Autun* (Chicago, 1999).

For general works on social memory in history see James Fentress and Chris Wickham, *Social Memory*, (Oxford, 1992); Marie-Noelle Bourguet, Lucette Valensi, and Nathan Wachtel, eds., *Between Memory and History*, (New York, 1990); Peter Burke, “Memory: History, Culture, and the Mind,” in *History as Social Memory*, ed. Thomas Butler (Oxford, 1989), 97-113; Patrick Hutton, “The Art of Memory Reconceived: From Rhetoric to Psychoanalysis,” *Journal of the History of Ideas* 48 (1987): 371-392; Pierre Nora, “Between Memory and History: *Les Lieux de Mémoire*,” *Representations* 26 (1989): 7-24; Edward S. Casey, *Remembering: A Phenomenological Study* (Bloomington, 1987); Margreta de Grazia, Maureen Quilligan, and Peter Stallybrass, eds., *Subject and Object in Renaissance Culture* (Cambridge, 1996); Adrian Forty and Susanne Kuchler, eds., *The Art of Forgetting* (Oxford, 1999); Alan Radley, “Artifacts, Memory, and a Sense of the Past,” in *Collective Remembering*, ed. David Middleton and Derek Edwards (London, 1990), 46-59.

On the association between memory, archives, and political power, see Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz (Chicago, 1996); Kenneth Foote, “To Remember and Forget: Archives, Memory, and Culture,” *American Archivist* 53 (1990): 378-392; Irving Velody, “The Archive and the Human Sciences,” *History of the Human Sciences* 11 (1998): 1-16; Francis X. Blouin and William G. Rosenberg, “Archives, Documentation, and the Institutions of Social Memory,” *Bulletin (Bentley Historical Library)* 48 (2000): 1-24.

book was not created to generate historical memory, that was one consequence of the systematically organized episcopal archive.

### *Plan of the Dissertation*

This dissertation, then, addresses the relationship between the founding of an episcopal archive and preservation of memory in the Gévaudan in the context of the legal struggle between the French crown and the bishops of Mende over exercise of secular lordship in the diocese. Chapter 1 examines the geology, geography, and topography of the Gévaudan and its history up to the thirteenth century. Chapter 2 traces the ascendancy of the bishops as secular lords in the Gévaudan and the challenge to episcopal power from an aggressive Capetian effort to extend royal influence in southern France and to centralize the governance of peripheral regions. Chapter 3 analyses court book to uncover information about the operation, the personnel, and the types of cases of the episcopal court. Finally, Chapter 4 considers the link between the cases in the court book, their use in defending episcopal rights in the Gévaudan, and their consequences for stabilizing and fixing historical memory in the Gévaudan by examining how later generations drew on the archival record preserved in the bishop's court.

## CHAPTER 1

### The County of the Gévaudan to about 1200

This chapter introduces the Gévaudan. At the most fundamental level, the terrain of the Gévaudan has shaped its history, so the geological landscape acts as the initial introduction to the region. The sources for history of the Gévaudan before about 1000 are thin, but what emerges from the record is that the diocese traces its roots to the earliest days of the church in Gaul and that early origins of regional identity were formed around the story of the martyrdom of its patron saint, St. Privat. After the turn of the millennium, diplomatic evidence gradually increases and indications of episcopal efforts to assert their secular lordship begin to take shape. Challenges to these efforts came from various sources and exercise of episcopal secular lordship was never uncontested. However, as we will see, the issue of the legitimacy of the bishops' secular lordship was altered dramatically in 1161, when Louis VII published the Golden Bull of Mende.

#### *The Landscape*

Historians long have recognized the crucial interplay between the natural geographical features of an area and its history. To illustrate this point, recall Georges Duby's classic study of the Mâconnais, in which he considered the context of relief, soil, and water supply essential to understanding cultural practices such as land tenure.<sup>1</sup> With respect to the geography of the Gévaudan, two general characteristics are worth

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<sup>1</sup> Georges Duby, *La société aux XIe et XIIe siècles dans la région mâconnaise*, (Paris, 1953).

remembering. The first is that rugged and difficult terrains dominate the topography of the county, contributing to its isolation in the Middle Ages. For instance, a charter issued by King Louis VII to Aldebert III, bishop of Mende in 1161 begins with a justification for the bishop's absences from court of the king due to the rugged terrain. The preamble reads, "Far from the memory of living men of our time is it that any bishop of Gévaudan has come to the court of our ancestors the kings of France and acknowledged their subjection or given fidelity to them; although all that land, mountainous and most difficult to access, ever lay in the power of the bishops."<sup>2</sup> The charter highlights an important aspect of the geography of the Gévaudan: in general, sharp river valleys and rocky plateaus mark the terrain, making access from without and travel within the county very difficult.<sup>3</sup>

The second characteristic is that the rocky landscape combined with poor soil and severe winters made the Gévaudan poor in agricultural resources and limited its value to outsiders. Until the close of the Albigenian wars, the Gévaudan was dominated at various times by the Counts of Barcelona and the Kings of Aragon, yet this backwater region was never a significant part of their patrimonies. In 1289, Guillaume Durand the Elder, before taking up residence in his new episcopal see of Mende, was concerned

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<sup>2</sup> This charter, the so-called Golden Bull of Mende is discussed at length in chapter two. *Layettes du trésor des chartes* (hereafter *LTC*), vol. I, ed. Alexandre Teulet, et al. (Paris, 1863), 168. "Longe est a memoria mortalium nostri temporis quod aliquis episcopus Gaballitanorum ad curiam antecessorum nostrum regum Francie venit, et eorum subditionem cognovit, sive fidelitatem eis fecit, quamvis tota terra illa difficilima aditu et montuosa, in potestate episcoporum semper exiterit..."

<sup>3</sup> For a description of the isolation and idiosyncratic mountain culture among the barons of the Gévaudan, see Robert Michel, *L'Administration royale dans la Sénéchaussée au temps de Saint Louis* (Paris, 1910), 109 – 118.

about the lack of viticulture in the “frigid regions of the Gévaudan.”<sup>4</sup> Durand, otherwise engaged in service to the papacy, delayed nearly five years from his consecration as bishop in autumn 1286 before moving to the Gévaudan. Just possibly, he also was reluctant to take possession of this remote, poor, and inclement diocese, so lacking in indispensable necessities.

Mende, the capital of the ancient diocese of the same name, is located in the southern region of the Massif Central, in the valley of the Lot river, whose headstreams are found in the massive upland of the Margeride, about twenty-eight kilometers to the east of the episcopal city.<sup>5</sup> The Lot descends westward following a winding course to its confluence near Aiguillon with the Garonne River, which opens into the extensive plain of Aquitaine.<sup>6</sup> The Lot, flowing east to west bisects the Gévaudan nearly in half, with Mende nearly at the center. To the north of the Lot lie the mountainous plateaus of the Monts d’Aubrac (northwest of Mende) and the Montagnes de la Margeride (northeast of Mende). South of the Lot, the Gévaudan is divided between the limestone plateaus known as the Causses in the southwest and in the southeast the Cévennes Mountains that form the main watershed of the Massif Central. Partitioned into four geologically distinct regions, with Mende at its center, the Gévaudan’s geological constants influenced its human history; therefore, we need to examine the four geological regions of the Gévaudan in detail.

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<sup>4</sup> Nicholas IV, no. 1.473 quoted in Constantin Fasolt, *Council and Hierarchy: The Political Thought of William Durant the Younger* (Cambridge, 1991), 70.

<sup>5</sup> F. J. Monkhouse, *A Regional Geography of Western Europe*, 4<sup>th</sup> ed. (London, 1974), 549.

<sup>6</sup> *Ibid.*, 319.

The Aubrac is comprised of lava tablelands that were created by volcanic activity in the late Miocene to the Pliocene periods.<sup>7</sup> The basaltic plateaus of the Aubrac stretch forty km. in length from northwest to southwest and are 130 km. broad. The altitude is remarkably uniform at about 1,300 m.<sup>8</sup> the surface of the basalts has been weathered yielding good soil.<sup>9</sup> The region is snow-covered in the winter; therefore, the Aubrac is used largely for transhumance pasturage from the end of May until the beginning of October.<sup>10</sup> Javols, the ancient capital of the Gévaudan, is located in the Aubrac along a tributary of the river Truyère.

Outlined by the headstreams of the Truyère River and the Lot in the west and the Allier River in the east, the Margaride is comprised of a crystalline massif of broad rounded summits 1,200 to 1,400 m. in altitude, with the highest point found at the Truc de Randon 1,554 m. The rock of the south is predominately irregularly jointed granite with an irregular surface of large rectangular blocks articulated in high isolated crags, tors, columns, and obelisks. Some pinnacles project from coarse vegetation, others from bare granite tables. In the northern Margaride, called the Margaride auvergnate, the rock is predominantly foliated rock comprised of bands of granular minerals called gneiss and mica schist. Vertical differences in elevation are less pronounced than in the south. Characterized by poor acidic soil, heather heaths, peat bogs, and severe winters the

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<sup>7</sup> The principles of geological time are summarized in F. J. Monkhouse, *Principles of Physical Geography*, 8<sup>th</sup> ed. (London, 1975), 15-16 and 19.

<sup>8</sup> Monkhouse, *Regional Geography*, 554.

<sup>9</sup> Monkhouse, *Regional Geography*, 526 and 554.

<sup>10</sup> Réne Jean Bernard, *Paroisses et communes de France: Dictionnaire d'histoire administrative et démographique. Lozère* (Paris, 1982), 45.

Margaride is one of the most isolated areas in the Massif Central, suitable for little but the most meager upland grazing.<sup>11</sup>

Forming the northern half of the Gévaudan, in modern terms the Haute-Lozère, the Margaride and the Aubrac, often called *la Montagne* by locals, resemble the Auvergne in climate and terrain.<sup>12</sup> In contrast, the southern portion of the county, comprised of mountains, hills, and valleys sloping south and west from Mende, borders the Languedoc to the south and shares that region's culture and climate.<sup>13</sup> In fact, on a clear day, from viewpoints in Nîmes or Montpellier, it is possible to see the dark line of hills on the northwestern horizon that marks the edge of the Massif Central, delineated most clearly in the escarpment running from northeast to southwest. This ridge, forming the southern line of the Cévennes, is comprised of crystalline rock formations and is bordered on the north by the Margaride and the west and south by the Grands Causses. In general, the elevation of the Cévennes rises to between 1,200 and 1,400 m. although Mont Lozère (1,702 m.), the highest point in the eastern margin of the Massif Central and Mont Aigoual (1,567 m.) form dramatic peaks.<sup>14</sup> The northern and western slopes of the Cévennes are comprised mostly of Mesozoic rocks that have eroded into gradual slopes. The eastern slopes of the Cévennes are vastly different in appearance from those of the west. Here the terrain is comprised of steep-sided ravines and rocky ridges with plunging

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<sup>11</sup> Monkhouse, *Regional Geography*, 549.

<sup>12</sup> The Auvergne, which comes from the Gaulish tribe, the *Arverni*, who inhabited this region, defines the area of the central uplands of the Massif Central with its volcanic uplands stretching west from the Allier river valley to Le Puy de Dôme. Monkhouse, *Regional Geography*, 548.

<sup>13</sup> Bernard, *Paroisses et communes*, 7.

<sup>14</sup> The modern French administrative *departement*, the Lozère, which corresponds closely to the region of the Gévaudan and the ancient diocese of Mende, takes its name from plaques of slate called *lozes*, which frequently are found on the slopes of Mont Lozère. Monkhouse, *Regional Geography*, 544-545.

valleys. The southern edge of the Cévennes, which forms the southern-most ridge of the Massif Central, creates a steep face that drops sharply toward the Mediterranean in the south, declining 1,200 m. in only six linear km. from Mont Aigoual. Here the rain tends to come in concentrated downpours forming streams from rapid run off, following torrential southward paths that eventually join the more smoothly flowing streams which join the Tarn and the Lot rivers. The Cévennes receives heavy amounts of rainfall; modern statistics kept at the weather station at Mont Aigoual report a mean annual total of 2,330 mm.<sup>15</sup> The upland hills provide slopes for meadows and pasturage. Some flocks live year round in the Cévennes, moving from the valleys to the higher slopes, but most of the animals follow the centuries-old pattern of transhumance from Bas-Languedoc. The southern grades of the Cévennes are much more rugged than the upland hills, with sheer inclines that give way to more gently inclined stepped slopes. Mediterranean climatic patterns and vegetation characterize the southern Cévennes.<sup>16</sup>

The Grands Causses form the southwestern area of the Gévaudan. This is a high arid plateau comprised of Jurassic limestone, which in late Paleozoic times was probably a gulf of the sea since the area contains several small coalfields.<sup>17</sup> The Grands Causses display two distinct relief elements: valleys and plateaus. The valleys cut into the peneplain limestone plateau; the most important river valley of the Grands Causses is that of the Tarn, along with its main tributaries, the Jonte and the Dourbie. At Florac, the

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<sup>15</sup> Mont Aigoual receives rains originating from the Atlantic and Mediterranean. Mont Aigoual derives its name from the Occitan *aigo*, meaning water. Bernard, *Paroisses et communes*, 45 n.4.

<sup>16</sup> Monkhouse, *Regional Geography*, 544-548.

<sup>17</sup> Coal measures in the Massif Central are not extensive and the coalfields in the Gévaudan have been expensive to work, although the coal is of good quality. As we will see, in the Middle Ages, the rights to mines were, nonetheless, aggressively protected. Margaret Reid Shackleton, *Europe a Regional Geography*, 7<sup>th</sup> ed., rev. W. Gordon East (London, 1964), 183.

Tarn enters a deep gorge and for 80 km. the walls of the gorge rise above the river in sheer cliffs up to 600 m. high. The river valleys divide the plateaus into large blocks; in the Gévaudan, the two most important are called the Méjan, located south of the Tarn, and the Sauveterre to the north of the Tarn. The highest elevation of the Grands Causses, at 1,278 m., is located in the eastern Méjan. The plateaus have been planated, but the surface is quite diversified; steep overhangs flank the combes and large depressions created by vanished rivers dominate. Water sinks have created underground caves, grottoes, rivers, and lakes.<sup>18</sup>

Poor soil, rugged terrain, and harsh winters contribute to the region's sparse population. With a few minor variations, the borders of the medieval Gévaudan correspond to the modern department of the Lozère; the Lozère of today is France's least populated *département*.<sup>19</sup> Medieval population estimates based on records of fiscal hearth taxes are imperfect and have generated contentious debate among historians. Population estimates derived from determining a household index of the number of persons per hearth and using that figure as a multiplier have been proposed for southern France, although the question of the reliability of the multiplier is, as J. C. Russell wrote, a "live one."<sup>20</sup> The earliest hearth tax census in the Gévaudan dates from 1364, the so-

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<sup>18</sup> Ibid., 559-565.

<sup>19</sup> The Institut national de la statistique et des études économiques (INSEE) reported that the 1999 population of the Lozère was 73,509; the lowest of any mainland French department; the next lowest departmental population was the Hautes-Alpes with 121,419, or 65% more than the Lozère. As with so much else in France, the geographical boundaries of the Gévaudan were altered during the French Revolution to their present-day configuration. In 1790, the National Assembly transferred fifteen parishes from the archpriest of Saugues to the Department of Haute-Loire; from the archpriest of the Cévennes, the parish of La Melouze was attached to the Department of Gard, and the parish of Estables-d'Olt was moved to the Aveyron. In compensation, the Lozère received six parishes: four from the diocese of Uzes and two from Alès. Bernard, *Paroisses et commune*, 73-75.

<sup>20</sup> J. C. Russell, "Recent Advances in Mediaeval Demography," *Speculum*, 40, no. 1 (1965): 88. Some of the obvious pitfalls of estimating medieval populations based on the hearth include factors such as

called *Vidimus de la Charte du 13 août 1364*, promulgated by Charles V.<sup>21</sup> It reported 4,607 hearths in the diocese of Mende, spread among 183 parishes; the city of Mende itself contained 318 hearths.<sup>22</sup> Rather than proposing population estimates based on multiplier, perhaps we are on firmer ground if we use the information in the *Vidimus* to sketch a picture of the settlement patterns of the Gévaudan. Of the 183 parishes, 52 (28.4%) were described as *castrum*, forty-six (25.1%) simply as *locus*, seventy-eight (42.6%) as *paroisse*, three (.2%) as *villa*. The remaining four were designated *cité*, *mansus*, or without description. Although the generic designation *locus*, does not offer much descriptive information, the Gévaudan was comprised overwhelmingly of rural parishes or *castra*.<sup>23</sup> Other early quantitative information concerning population comes from 1528, when, on the occasion of his elevation to the episcopal office, Bishop Claude Duprat (1528-1532) had a list of the financial obligations

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exemptions from taxation, which in southern French cities ran from one quarter to one half, shifting social realities affecting the number of persons per hearth, the universal inclination to evade taxation census, to name a few.

<sup>21</sup> The *vidimus* of the act of 12 August 1364 is found in ADL, cote ii-11. It has been edited and published in the “*Vidimus d’une charte de Charles V.*,” *Bulletin de la Société d’Agriculture, Industrie, Sciences, Lettres et Arts de la Lozère* (hereafter *BSL*), t. XIV (1863), 106-117. For population and demographic analysis based on the 1364 hearth census, see Philippe Maurice, *La famille en Gévaudan au XVe siècle (1380-1483)* (Paris, 1998), 63-71. For a more cautious approach, see Bernard, *Paroisses et communes*, 11-12. For early fourteenth-century demographic density estimates in the provinces of Provence and Comtat see Édouard Baratier, Georges Duby, and Ernest Hildesheimer, *Atlas Historique: Provence, Comtat, Orange, Nice, Monaco* (Paris, 1969), 45-46 and map 94. Also see J. C. Russell, *Late Ancient and Medieval Population*, vol. 48, part 3, *Transactions of the American Philosophical Society* (Philadelphia, 1958).

<sup>22</sup> Maurice, *La famille*, 68-69.

<sup>23</sup> *Ibid.*, 64. Interpreting this very limited data set is not without difficulties. For example, inconsistencies exist, such as the designation of the ancient fortified *castrum* of Grèzes and the fortified cities of Marvejols and Chirac with the nonspecific term *locus* in the census, when these locations clearly were fortified cities.

of ecclesiastics of the diocese drawn up.<sup>24</sup> This document records 197 parishes with 2,373 ecclesiastics (excluding the regular clergy): the archpriest of the Cévennes had 43 parishes with 380 ecclesiastics; the archpriest of Barjac had 43 parishes with 520 ecclesiastics; the archpriest of Javols had 58 with 740 ecclesiastics; the archpriest of Saugues had 54 with 582 ecclesiastics; the city of Mende had 141 ecclesiastics.<sup>25</sup> In the intervening 164 years, between 1364 and 1528, the number of parishes in the diocese increased from 183 to 197 or 7.6%.

The isolation of the Gévaudan imposed localism that is typical of mountain cultures. The county occupies a liminal position on the geographical horizon of Languedoc, itself a kind of borderland between French monarchy in the north and the self-governing towns of Italy to the south. Although part of Languedoc, the county does not share the culture, vegetation, or climate of the lower Languedoc. There is no evidence that the heresy that flourished in Languedoc during the twelfth century reached the Gévaudan and the military campaign to eradicate it barely touched these isolated valleys.<sup>26</sup> The diocese is of ancient origin but it was an ecclesiastical backwater until the final decades of the thirteenth century, when the chapter of Mende elected the famous canonist Guillaume Durand as bishop, and the region produced two masters general of the Hospitallers, five cardinals, and a pope, Urban V (1362-1370). In short, the county of the Gévaudan is characterized by isolation, as something of frontier between Languedoc

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<sup>24</sup> This document exists as ADL G 35 and is printed in Ferdinand André, "Etat du clergé de l'ancien diocèse de Mende en 1528," *La Semaine religieuse du diocèse de Mende*, 20 (13 mai 1876): 328-331. The information is summarized in Bernard, *Paroisses et communes*, 26 – 28.

<sup>25</sup> Bernard, *Paroisses et communes*, 26-28.

<sup>26</sup> Although there are no records of heresy in the diocese, events surrounding the Albigensian wars did affect the Gévaudan, as we will see below.

and the northern royal kingdom that received deflected influence from both regions yet retained its local independence even as surrounding regions developed centralized governments.

### *Early History to about 1000*

Mende is a diocese of ancient origin, documented, although not extensively, in the early records of the church. The diocese was formed in a region bordering the *Provincia Romana* inhabited by a Gaulish people called the *Gabali*. In the first century BC, Julius Caesar notes that the Gabali allied with a neighboring tribe, the Arverni, to resist, ultimately unsuccessfully, the advances of his legions.<sup>27</sup> The Romanization of southern Gaul proceeded apace for succeeding generations with several important consequences. Networks of roads were constructed linking important Roman cities. Javols, called Anderitum in the Gallo-Roman era, had been the principal city of the Gabales (*civitas Gabalorum*), and it was the chief city of the region from the period of Julius Caesar until its decline during the disruptions of the fifth through eighth centuries.<sup>28</sup> The *via Agrippa*, running from Lyon to Toulouse, passed through Anderitum, joining the *via Domitia* at Cessero (Saint-Thibéry). A second Roman road, from Nîmes to Clermont ran through Villeforte to Garde-Guérin, passing near Langogne in the eastern Gévaudan.<sup>29</sup> Numerous

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<sup>27</sup> Caesar, *The Gallic War*, VII.7, VII.64, and VII.75.

<sup>28</sup> The Gallo-Roman archaeological sites in Javols have undergone numerous excavations over the years since their discovery in the nineteenth century; none have been sustained (or funded) sufficiently to permit systematic examination of the evidence.

<sup>29</sup> For historical maps see Claude Devic and Joseph Vaissète, *Histoire générale de Languedoc avec des notes et les pièces justificatives* (hereafter *HGL*), Rev. ed. A. Molinier, et al., vol. 16, (Toulouse, 1905) plates I – X and Auguste Longnon, *Atlas historique de la France depuis César jusqu'à nos jours* (Paris, 1885-1889), plates 1-13.

Gallo-Roman settlements developed in the region, whose names still reflect their Roman antecedents: Florac (*Florus*), Chanac (*Canus*), and Lévêjac (*Lepidius*). In the village of Lanéjols, situated about four km. east of Mende, a fourth-century, Gallo-Roman, non-Christian mausoleum is preserved. Dedicated to the memory of the two sons of Lucius Julius Bassianus and Pomponia Regola, the monument speaks to the prosperity of Gallo-Roman period, at least for some.<sup>30</sup>

Certainly another important aspect of Romanization with lasting consequences was the linguistic transformation that occurred throughout Roman Gaul as the native languages gave way to Latin, a sure sign of cultural assimilation, if not domination. Nearly nothing is known of the Latin spoken in the Gévaudan during the Gallo-Roman period, but linguists are certain that the Romance vernacular of the Middle Ages developed from these Gallo-Roman Latin antecedents.<sup>31</sup> During the period of the later Roman Empire, the area formerly known as that territory of the Gabales, gave way to a region with Latin identification, located on the frontier between the provinces of Narbonnensis and Aquitanica, the diocese of Septemania Provinciae in the Prefecture of Gaul.

Of utmost significance was its conversion to Christianity, since with conversion came the beginnings of written historical evidence. Bishops' names are known from an

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<sup>30</sup> The monument at Lanéjols was part of a Gallo-Roman villa; its proprietor is not known, although there are some architectural similarities with mausoleums in Syria and the name Bassianus suggests Syrian connections as well. No archaeological or textual evidence suggests that the city of Mende was a Roman site, making it one of the few episcopal sees in France that was not a Roman foundation.

<sup>31</sup> William D. Paden, *An Introduction to Old Occitan*, (New York, 1998), 89–93 and 311–321. For discussion related to reading diplomatic evidence written in Occitanian see Clovis Brunel, “Documents linguistiques du Gévaudan,” *BEC* 77 (1916): 5–57 and 241–285; *Les plus ancienne chartes en langue provençale recueil des pièces originales antérieures au XIII<sup>e</sup> siècle*, ed. Clovis Brunel (Paris, 1926), xiii–lv.

early date although the details of Christianization are obscure. One account of the first bishop of the Gévaudan, largely discounted, holds that, when St. Martial, the first bishop of Limoges, passed through the territory of the Gabales in the first century, he appointed one of his disciples, St. Severin, as its first bishop.<sup>32</sup> The first historical glimpse of a bishop of the Gévaudan comes from Gregory of Tours, who describes the martyrdom of St. Privatus, the Bishop of Javols, during the invasion of Gaul by Chrocus, king of the Alamans. Gregory relates that the people of Javols had taken refuge from the invaders at the fortified castle of Grèzes while their bishop prayed and fasted in a cave near Mount Mimat, that is, Mende.<sup>33</sup> Privat refused to surrender his “sheep to the wolves” and to perform pagan sacrifices; as a result, the invaders severely beat him and he died from of his wounds a few days later.<sup>34</sup> Although Gregory of Tours’ chronology of Privat’s martyrdom at the hands of the Alamans may not stand up to scrutiny, a Christian presence in region is evidenced from at least the early fourth century since the bishop of

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<sup>32</sup> This story, part of the Limousin cycle of legends relating to St. Martial as the evangelist sent by St. Peter, was fiercely defended in Jérôme Charbonnel, *Origine et histoire abrégée de l’église de Mende* (Mende, 1859), 6-18. Although largely discredited, the account retains great popular appeal even today among many people in Mende.

<sup>33</sup> The site of St. Privat’s grotto is believed to be on Mount Mimat, the peak overlooking the city of Mende. Today the site houses a hermitage named for its famous martyr.

<sup>34</sup> Gregory of Tours, *History of the Franks* I.34. Considerable disagreement over the date of this event exists. Gregory writes that the invasion took place during the reigns of Valerianus and Gallienus, about 253-260, in contradiction to a fragment from the chronicle of Fredegar, which places the invasion of Chrocus in the beginning of the fifth century. Roger Collins, *Early Medieval Europe 300-1000* (New York, 1991), 30-35, relying on Ammianus Marcellinus, *Res gestae*, XVI.xii.5 places Alamannic penetration into Gaul in the 350s. Earlier historians such as L. Duchesne, *Fastes épiscopaux de l’ancienne Gaule*, t. II (Paris, 1899), 54-55 suggest that the date may be much earlier, before the Council of Arles. Whatever the exact chronology, by the time Gregory was writing the cult of St. Privat was well known to him. Gregory leaves no doubt as to the punishments that befell this murderer of “God’s elect.” After his capture in Arles, Chrocus was tortured by various methods and died as a result of a blow from a sword, “paying the penalty which he deserved.”

the *Gabali* attended the Council of Arles in 314.<sup>35</sup> The ancient city of Javols remained the episcopal seat at least through the eighth century. Gregory of Tours mentions Javols four times, each time as an ecclesiastical and civic center.<sup>36</sup> Nevertheless, although Javols remained the capital while the region changed from the overlordship of the Visigothic Kingdom of Toulouse to that of the Franks, the episcopal city was moved, sometime between the eighth and tenth centuries, to Mende.<sup>37</sup>

### *The County of the Gévaudan*

The county's isolated location and rugged terrain form a frontier zone between the Auvergne and Languedoc, northern and southern France; neither entirely of the north nor of the south, the Gévaudan has not fit easily into modern historical studies of France.<sup>38</sup>

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<sup>35</sup> Mansi, *Conc. ampliss coll.*, t. II, col. 463-512. "Genialis, diaconus, de civitate Gabalum, provincia Aquitanica." Mansi indicates in a note that, in this case, the designation of "deacon" should be read as "bishop." For the Council of Arles also see Charles Joseph Hefele, *Histoire de conciles d'après les documents originaux*, t. I, pt. 1, (Paris, 1907), 275-298. Early conciliar representation of the church of the Gévaudan occurred also in 506 at Agde by Leoninus, in 535 at the Council of the Auvergne by Hilarius, in 541 at the Council of Orleans by Euanthius, and in 614 at Paris and 627 at Clichy by Agricola. See Duchesne, *Fastes*, t. II, 54-55.

<sup>36</sup> Gregory of Tours, *History of the Franks*, I.34 describes the murder of the bishop of Javols, St. Privat in the mid-third century; IV.39 recounts a dispute between the count of Javols and the bishop in the late sixth century; VI.37 is an account of the murder of the abbot of the monastery of St. Privat in Javols by the count of Javols probably in the opening decade of the seventh century. X.25 is the strange story of a messianic figure who arrived in the area of Javols, probably in the late sixth century.

<sup>37</sup> Information concerning the political vicissitudes in this region from the fifth to the eighth century is very slim. For a summary, see Marius Balmelle and Albert Grimaud, *Précis d'histoire du Gévaudan* (Paris, 1925), 92-104. Likewise, the relocation of the episcopal city is not well attested. It seems that Javols had become depopulated. The cult of the local saint, Privat, was especially strong in Mende because it was near the grotto in which the saint was reportedly martyred (see *infra*). The grotto had become a site of pilgrimage and the relocation of episcopal city no doubt followed the path of the pilgrims. J.-M. Besse, *Abbayes et prieurés*, t. 4, *Alby, de Narbonne, et de Toulouse*, 54-55.

<sup>38</sup> For instance, although generally considered to be part of Languedoc, the Gévaudan is largely ignored in Emmanuel Le Roy Ladurie, *Histoire du Languedoc* (Paris, 1962) and the influential collection *Cahiers du Fanjeaux* mentions the Gévaudan only in passing. René Nelli, *Histoire du Languedoc* (Paris, 1974), 8 recognizes the Gévaudan was linked administratively to Languedoc, but merely as a peripheral province of intermittent significance to the history of Languedoc. Augustin Fliche, "L'État Toulousain," in

There is no comprehensive scholarly historical study of the area. Information concerning the Gévaudan in the Middle Ages can be harvested from Devic and Vaissete's monumental *Histoire générale de Languedoc* although, as with most studies, the region generally receives attention only when events in the Gévaudan intrude into the historical narrative of other regions.<sup>39</sup> The most important study devoted solely the Gévaudan is Charles Porée's *Études historiques sur le Gévaudan*.<sup>40</sup> Porée examines various topics in his work, most significantly for our purposes the Aragonese domination of the Gévaudan (1172 – 1258), the origins of the bishops' secular lordship, and a baronial conspiracy against Odilon de Mercoeur, bishop of Mende from about 1247 through 1274.

In the tenth century, as throughout most of France, effective Carolingian overlordship declined in the Gévaudan and comital power increased, as counts came to regard their property as heritable.<sup>41</sup> Families outside the region held the title of count after the native comital house died out, some time between 1029 and 1035. The Gévaudan became an insignificant fragment of the larger patrimony of Hugues, Count of Rodez around 1035; the county then passed to Bertha, his daughter and the first wife of

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*Histoire des institutions françaises au moyen âge*, vol. 1, ed. Ferdinand Lot and Robert Fawtier (Paris, 1957), 71 suggests that the Gévaudan was a region apart from Languedoc. The history of the Gévaudan is integrated into Languedocian history in Philippe Wolfe, *Histoire du Languedoc* (Toulouse, 1967).

Since the county receives scant attention in regional studies, it should come as small surprise that general histories of France often neglect to mention the Gévaudan at all. For instance, Robert Fawtier, *The Capetian Kings of France: Monarchy and Nation 987-1328*, trans. Lionel Butler and R. J. Adam (London, 1965) overlooks the region and Georges Duby, *Le Moyen Âge 987-1460* (Paris, 1987) mentions it only three times in passing and without detail.

<sup>39</sup> Claude Devic and Joseph Vaissete, *Histoire générale de Languedoc avec des notes et les pièces justificatives*. Rev. ed. A. Molinier et al., 16 vols. (Toulouse, 1875).

<sup>40</sup> Charles Porée, *Études historiques sur le Gévaudan* (hereafter *Études historiques*) (Paris, 1919). Porée served as the archivist of the Lozère from 1897 until 1899.

<sup>41</sup> For the history of the period from the tenth to the mid-twelfth centuries see *Études historiques*, 348-353 and 195-201; *HGL*, 4:133-139; Lot and Fawtier, *Histoire des institutions*, I: 73-78, and Fasolt, *Council and Hierarchy*, 34-37.

Robert Count of Rodez; when Bertha died without heirs, the title passed to her cousin Raymond IV of St. Gilles, Count of Toulouse. The influence of comital authority in the Gévaudan was nominal due to its economic insignificance and peripheral location; after the late eleventh century, the title of count seems to have lapsed, not to be revived again until 1307.

In Porée's view, during the period from the tenth to the mid-twelfth centuries the secular lordship of the Gévaudan rested with the viscounts, who asserted their role as regional overlords by assembling solid blocks of land and advancing their rights at the expense of comital rights.<sup>42</sup> The first viscomital family to appear in the record was named for their castle at Grèzes, situated in the west-central part of the county, about eleven km. east of Mende.<sup>43</sup> The viscounts of Grèzes began to consolidate their position in 998, when Étienne viscount of Grèzes and his wife Almodis granted land for the founding of a monastery at Langogne.<sup>44</sup> By the mid-eleventh century, a clearer picture of the ascendancy of the viscounts in the Gévaudan emerges in the diplomatic record.<sup>45</sup> In the second half of the eleventh century, Aldebert of Canillac rendered an oath to

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<sup>42</sup> For a description of the usurpation of rights of the Counts of Toulouse by the viscounts see Dunbabin, *France in the Making*, 170-173 and for a discussion of the counts and viscounts of the Gévaudan, in so far as they affect the Rouergue and the Auvergne, see 104, 214-215, and 219.

<sup>43</sup> Fasolt follows Porée in his estimation of the significance of viscomital authority over episcopal from the tenth to the twelfth century. For his brief assessment, see Fasolt, *Council and Hierarchy*, 34-37. Grèzes was an important defensive site. Gregory of Tours writes that the people of Javols fled to Grèzes for safety when Crocus attacked their city and, as we will see, the site figures prominently in the history of the county. Grèzes, a formidable site, dominates the surrounding plains with an attitude of 1008 m. and is well protected by sheer cliffs.

<sup>44</sup> The foundation charter of the monastery at Langogne can be found in *Gallia christiana* (hereafter *GC*), I: book vi, no. 148, 579. The monastery was founded under the rule of St. Theofred. Langogne is located in the northeastern part of the county, about 70 km. from Grèzes, suggesting that the viscount held extensive possessions in the county.

<sup>45</sup> For a genealogical table of the viscounts of the Gévaudan, see *Études historiques*, 353.

Berenger, viscount of the Gévaudan and Millau, and to his sons, Richard and Gilbert, in recognition that he held the castles of Canillac, St. Laurent, and St. Amans located in La Canourgue, Bramatourte, and Hermaux respectively.<sup>46</sup> Through a series of marriages, the viscounts of the Gévaudan came to hold multiple titles. Hence, when, in 1112, Douce, the granddaughter of Berenger and the sole heir of his son Gilbert, married Raymond Berenger III the count of Barcelona she was the viscountess of Millau, Gévaudan, and Carlat, and marquise of Provence.<sup>47</sup> Because she was the last of her indigenous line, the marriage made the viscounty of the Gévaudan a possession of the counts of Barcelona.<sup>48</sup> In 1126, Raymond Berenger III ceded in fee to his *fideles* Garin and Odilon the castle at Randon in the heart of the region.<sup>49</sup> Some time between 1131 and 1144, Berenger Raymond II, son of Raymond Berenger III and viscount of Millau, Gévaudan, and Carlat, and marquis of Provence, received oaths from Girauld and Richard de Peyre for the castles of Baldassé, Grèzes, Marchastel, Montrodât, and Moriès.<sup>50</sup> In 1150, the same men renewed the oath, this time to Raymond Berenger IV, count of Barcelona, marquis

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<sup>46</sup> This oath is found in AN J 305, n. 53 and is preserved in a thirteenth-century copy in ADL G 455. It also is printed in *Feuda Gabalorum*, ed. Henri Bouleir de Branche, vol. 1, (Nîmes, 1938-1940), 57 n 1. and is further analyzed in Brunel, "Documents linguistiques du Gévaudan," *BEC* 77 (1916): no. 8, 58 and 61. The oath is not dated, but Brunel dates it between 1050 and 1097.

<sup>47</sup> *Études historiques*, 349-353.

<sup>48</sup> *Ibid.*, 195.

<sup>49</sup> *Ibid.*, 349.

<sup>50</sup> The de Peyre family was one of the most important families in the Gévaudan during the Middle Ages. Although its origins are obscure, Guillaume I de Peyre was the first member of the family to be elected bishop of Mende in 908; from 908 through 1300, the de Peyre family provided five bishops to the episcopal see of Mende. The ruins of a de Peyre château in Saint-Sauveur-de-Peyre is a physical remnant of the powerful barony whose lands were bisected by the Roman road (the *via Agrippa*) that ran from Le Puy to Rodez. The oaths are found in AN J 320, no. 96 and printed in numerous sources including *Les plus anciennes chartes*, no. 29; *LTC*, I: 54, no. 80. On the de Peyre barony see B. Pruniers, "L'Ancienne Baronnie de Peyre," *BSL* 17 (1866): 159-361.

of Provence and viscount of Millau, Gévaudan, and Carlat.<sup>51</sup> In the same year, Astrorge de Peyre confirmed that his castles of Peyre (located in St. Saveur de Peyre), Marchastel (located near Nasbinals), and Genébrier, as well as other castles in the viscounty of Carlat were held of Raymond Berenger IV.<sup>52</sup> Finally, in about 1161, Guilabert de Montferrand and his brother Guilabert gave an oath for their castle at Montferrand to the same Raymond Berenger IV.<sup>53</sup> In 1172, the viscounty of the Gévaudan passed into the hands of the kings of Aragon when the last of the line of the counts of Barcelona died without issue.

Porée cited these oaths as evidence that, before period of the Aragonese presence in the Gévaudan, the viscounts, not the bishops, held secular power in the region.<sup>54</sup> While the diplomatic evidence before 1172 for viscomital overlordship is not overwhelming, it is nearly nonexistent for episcopal lordship. Another measure of power is the number of castles held. The viscounts held many more castles, concentrated in the east, north, and west of the county, than the bishop held, and the bishop's castles controlled only the valley of the Lot.<sup>55</sup> Porée argues for the preeminence of the viscounts

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<sup>51</sup> ADL G 455; printed in *LTC*, I: 54, no. 80. In addition to being the count of Barcelona, Raymond Berenger IV was also the prince of Aragon and guardian of his nephew Raymond Berenger III, viscount of Millau, Gévaudan, and Carlat and marquis of Provence. Raymond Berenger III married Richilde of Poland. There were no sons produced of this marriage and when their only daughter, Douce died in 1172 without children, the viscounty of Gévaudan came into the possession of Alphonse II, king of Aragon, whose father, Raymond Berenger IV had died in 1162. For a table of this complicated succession, see *Études Historiques*, 353 and Thomas Bisson, *The Medieval Crown of Aragon: A Short History* (Oxford, 1986), appendix III, and 31-44.

<sup>52</sup> ADL G 455 is a late-thirteenth-century copy. Printed in *Études Historiques*, 484.

<sup>53</sup> ADL G 455. Printed in "Documents linguistiques," 246, no. 19.

<sup>54</sup> *Études Historiques*, 348-363.

<sup>55</sup> In fact, Porée believes that the episcopal domain was limited the Lot valley until as late as 1225. *Études Historiques*, 369-379. Beginning in the thirteenth century, the bishops of Mende began an aggressive castle building campaign, augmented by shrewd land purchases, to solidify his power west

before 1172, which slowly gave way, beginning in the mid-twelfth century, to the creation of the episcopal domain, evidenced, in part, by the castle building of the bishops that began in the twelfth century.<sup>56</sup> Gregory Pass has researched the problem of the extent of the bishop's lordship before 1172, demonstrating that the surviving diplomatic evidence shows that the bishops of Mende controlled ten castles, while the viscounts of the Gévaudan exerted lordship over twenty-seven.<sup>57</sup> Constantin Fasolt's study of the political thought of Guillaume Durand the Younger, bishop of Mende (1296-1328), concurs with Porée's conclusion. Fasolt describes the church as "held hostage by the noble barons of the Gévaudan."<sup>58</sup> The episcopal demesne was negligible and hemmed in by lands of powerful barons: the Tournel to the east, the Randon to the north, the Mercoeur and Apcher to the far north, the de Peyre to the northwest, the Anduze to the southeast, and the Canilhac and the successors to the viscounts to the west. According to Fasolt, the barons manipulated church revenues and offices under the pretext that they were best able to offer protection to the church; the powerful barons enjoyed the right of spoils after the bishop's death and filled important diocesan offices from their own ranks. In fact, from the famous synod of Leo IX in Rheims in 1049 through the Fourth Lateran Council in 1215, every bishop of Mende was drawn from the local nobility and, Fasolt

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along the Lot. Isabelle Darnas, "Les châteaux de l'évêque de Mende dans la vallée du Lot en Gévaudan (XIIe – XIVe siècles)," *Archeologie du Midi médiéval* XI (1993): 41.

<sup>56</sup> *Études Historiques*, 363-368, 381-385. For a description of the castles of the bishops of Mende in this period, see Darnas, "Les Châteaux," 41-51.

<sup>57</sup> Gregory Allan Pass, "Source Studies in the Early Secular Lordship of the Bishops of Mende" (Ph.D. diss., Harvard University, 1996), Appendix III.

<sup>58</sup> Fasolt, *Hierarchy and Council*, 36.

argues, the church of Mende demonstrates the classic characteristics of proprietary churches.<sup>59</sup>

The view that before the twelfth century bishops were held hostage by powerful barons and viscounts recently has been challenged by Gregory Pass. Pass argues that Porée misinterpreted the nature of the oaths sworn by the barons for their castles as oaths of homage, when, in fact, they were oaths of *reddition*. In the Gévaudan oaths of *reddition*, or the agreement to turn over the fortification to the lord under certain specific conditions, were the most important aspect of castle tenure, rather than a bond of homage and personal vassalage. Castles were not held as a result of the oath of homage or personal vassalage, which were not important elements of lordship in this region until the thirteenth century. The oaths sworn in the twelfth century do not demonstrate “fidelity” or create *fideles*, the castles were not fiefs, and the men who swore to surrender their castles to their lord at specifically designated times suffered only a very limited lordship. Consequently, lordship in the twelfth-century, according to Pass, was not the tightly institutionalized network of control described by Porée, but a rather the exercise of frail bonds of authority.<sup>60</sup>

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<sup>59</sup> Ibid., 36-37. For the classic interpretation of the proprietary church, see Ulrich Stutz, “The Proprietary Church as an Element of Mediaeval Germanic Ecclesiastical Law,” in *Mediaeval Germany 911 – 1250*, vol. 2, ed. Geoffrey Barraclough (Oxford, 1938), 35 – 75.

<sup>60</sup> Pass, “Source Studies,” 208-224. The creation of castellans and oaths of *reddition* in this period were not unique to the Gévaudan. In Provence, oaths taken before the twelfth century cannot be assumed to imply the creation of *fideli*. Jean-Pierre Poly has shown that oaths of *reddition* reflect the shift in control of castles to private seigneurie that began in the tenth century. The rights of *castlania* (the privilege of castle-guard) came to be held by powerful barons. The barons sought these lucrative rights and placing the castles in their control proved to be an effective defense against frequent Muslim raids. See Jean-Pierre Poly, *La Provence et la Société féodale (879-1166)*, (Paris, 1976), 151-156 and 164-167. Thomas Bisson describes a similar pattern in Catalonia, as the lands of the count of Barcelona came to be known. There the lands of castellans (*castlàns*) formed the basis of the twelfth-century designation, Catalonia. Bisson, *Crown of Aragon*, 24-25. Adam J. Kosto demonstrates that in Catalonia oaths of *reddition* were more importance to castle tenure than were homage and personal vassalage, but he does not regard them as frail

While diminishing the influence of the viscounts, Pass shifts attention to the early development of the bishop's secular lordship, which he traces to the peace movement of the eleventh century.<sup>61</sup> Diplomatic evidence for the bishop's role in the keeping of the peace the eleventh century is very scant; it rests on a fragment from an eleventh-century cartulary.<sup>62</sup> Called the *breve de la paz de Mende*, this short writ reports that the bishop, Raimon, and the viscount, Richard de Peyre, will appoint twelve men to act as judges (*judiciarii*) charged with maintaining the stability and observance of the peace. These judges of the peace were to adjudicate disputes between those who had pledged themselves to the peace,<sup>63</sup> and the bishop and Richard de Peyre would enforce the decisions of the *judiciarii*.<sup>64</sup> The *breve de la paz de Mende* is not dated, however the

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bonds of lordship, as is Pass's assessment of the Gévaudan. Adam J. Kosto, *Making Agreements in Mediaeval Catalonia: Power, Order, and the Written Word, 1000-1200* (Cambridge, 2001), 80-98.

<sup>61</sup> Pass, "Source Studies," 56-98. The peace movement in the Gévaudan before 1100 is the subject of Clovis Brunel "Les juges de la paix en Gévaudan," *BEC* 109 (Paris, 1951): 32 – 41. For a general discussion of the peace movement in Occitania and its role in the formation of secular lordship see Thomas Bisson, "The Organized Peace in Southern France and Catalonia (c. 1140 – 1233)," *American Historical Review* 82 (1977): 290-311 and Thomas Bisson, *Assemblies and Representation in Languedoc in the Thirteenth Century* (Princeton, 1964), 111-124.

<sup>62</sup> The fragment is found in AN J 304, no. 112, fol. 8 and is printed in Brunel, "Les juges de la paix," 40-41. The fragment wrongly was placed under the rubric "Toulouse" in *LTC*, vol. 1 based on the assumption that the Raimon mentioned in the peace writ was Raimon II de Lautrec, bishop of Toulouse who died in the 1160s. Citing another act that was included in the gathering with the writ establishing the peace judges, which documented the division of property between two members of the de Peyre family, Brunel argues that, in fact, the bishop Raimon mentioned in the "*Breve de la Paz de Memde*" is Raimon of Mende. Neither act is dated. Brunel, "Les Juges de la paix," 34-35.

<sup>63</sup> The writ identifies the elected judges, listing not twelve names, but twenty. Brunel writes that *iudices pacis* as a separate body of judges cannot be attested before 1135, although clearly these judges discharged similar duties, forming a sort of tribunal for the purpose of maintaining the peace through adjudication of disputes. Brunel, "Les juges de la paix," 35.

<sup>64</sup> *Ibid.*, 40 – 41. "...noscat vestra fraternitas qualiter bone memorie Raimundus episcopus et Ricardus, pro stabilitate et observantia pacis, duodecim eligerunt judicarios ad judicandas querelas omnium ad constitutionem pacis venientium....Ex prenomatis judiciariis mandamus et firma ratione stabilimus ut universa constitutio ad observantiam pacis firma et stabilis permaneat secundum constitutionem duodecim iudiciorum quos Raimundus episcopus et Ricardus mandaverint."

episcopate of Raimon is first mentioned in 1031 and ended in 1052.<sup>65</sup> By assigning responsibility for maintaining local order to the bishop and a baron from the family of the de Peyre, the writ suggest that authority had shifted from the independent comital house to the local level.<sup>66</sup>

Narrative evidence linking the bishop of Mende with the peace movement comes from the *Miracula Sancti Privatii*, probably composed in the twelfth century by a canon of the cathedral of Mende.<sup>67</sup> This hagiographic narrative describes bishop Raimon journeying to Le Puy to attend a peace council convened by Étienne, bishop of Le Puy.<sup>68</sup> Carrying the bones of Mende's patron saint with them, Raimon and his entourage came to Le Puy; as the delegation from Mende came into view, the bishops who had already

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<sup>65</sup> This dating scheme follows the persuasive argument in Brunel, "Les juges de la paix," 32-33. Further adding to the confusion over this early bishop, *Series episcoporum ecclesiae Catholicae*, ed. Pius Bonifacius Gams (Graz, 1957), 577 dates Raimon's pontificate to 1029-1031, this is surely in error. All modern historians have followed Brunel's chronology.

<sup>66</sup> Pass, "Source Studies," 62. The ruins of a de Peyre château in Saint-Sauveur-de-Peyre is a physical remnant of the powerful barony whose lands were bisected by the Roman road (the *via Agrippa*) that ran from Le Puy to Rodez.

<sup>67</sup> A collection of miracles attributed to St. Privat has been published in *Les miracles de Saint Privat suivis des opuscules d'Aldebert III, évêque de Mende* (hereafter *Miracles*), ed. Clovis Brunel (Paris, 1912), 1-26. The earliest surviving manuscript of the miracles dates to 1646-1650, although reference to the miracles of St. Privat is found in a treatise written in the opening decade of the fourteenth century by Guillaume Durand the Younger, which has been published in *Mémoire relatif au paréage de 1307 conclu entre l'évêque Guillaume Durand II et le roi Philippe-le-Bel* (hereafter *Mémoire*), ed. Abel Maisonobe. (Mende, 1896), 125 and 217. *Bibliotheca hagiographica latina antiquae et mediae aetatis* (Brussels, 1898-1911) 6932, 6933 lists two passions of St. Privat based on the account of Gregory of Tours and Vincent of Beauvais in the thirteenth century. Also see AASS, IV Aug, col. 439-440 and Jules Baudot and Léon Chaussin, ed., et al., *Vies des saints et des bienheureux selon l'ordre du calendrier*, vol. VII (Paris, 1935-1959), 388-410. On the cult of St. Privat see Félix Remize, *Saint Privat, martyr, évêque du Gévaudan IIIe siècle* (Mende, 1910) and Pierre-André Sigal, "Le culte des reliques en Gévaudan aux XIe et XIIe siècles," 18 – 19 *Revue du Gévaudan* (1972-1973): 103-115.

<sup>68</sup> GC, t. I, c. 89 and Brunel, "Les juges de la paix," 32-33 date the council of Le Puy to 1036 based on *Officium sanctorum Mimatensium*, which Brunel has identified as *Officium sanctorum peculiarium insignis ecclesie Mimatensis* (Lyon, 1619), which is no longer extant.

The bishop of Le Puy, Étienne II de Mercoeur was the nephew of St. Odo (994 – 1049), the abbot of Cluny and a principal promoter of the Peace of God. The council of Le Puy was one of a series of councils (others were held at Limoges and Bourges) concerning the peace movement during the first half of the eleventh century. *Miracles*, 14-15, n. 1.

gathered for the council and the citizens of Le Puy formed a great procession, singing and chanting as they entered the city. As the procession made its way into Le Puy, a father carrying his paralyzed son reached out to touch the holy bones, whereupon his son's paralysis was cured, to the jubilation and amazement of the crowd.<sup>69</sup> This story illuminates an important aspect of the bishop's role in the peace of the Gévaudan: That in the first half of the eleventh century the bishop was associated with the peace movement and their prerogative to enforce the peace was legitimized, or at least validated, by episcopal control over the relics of Saint Privat. As we will see, the cult of Saint Privat often would be invoked to lend potency to the bishop's exercise of secular power in the Gévaudan.<sup>70</sup>

#### *Aldebert III (1151 - 1187) and the Golden Bull*

The exercise of lordship in the Gévaudan before the mid-twelfth century is difficult to assess. However one evaluates the slim evidence for secular lordship before 1150, beginning with the election of Aldebert III in 1151 we are faced with a different situation, as the sources, from within the county and from without, become more plentiful. The most important sources for the pontificate of Aldebert are the *Opuscula* and the *Chronicon breve de gestis Aldebertii*. Aldebert himself wrote the *Opuscula* (or commissioned the work to be written as if he were the author) sometime in the 1170s. The work is divided into five short sections devoted to the *inventio*, *translatio*, and

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<sup>69</sup> *Miracles*, 14-15.

<sup>70</sup> The classic work describing the link between control of holy relics and authority is, of course, that of Peter Robert Lamont Brown, *The Cult of Saints: Its Rise and Function in Latin Christianity* (Chicago, 1981).

*miracula* of the relics of the saint, but in the process of telling its stories, the *Opuscula* also leave no doubt as to the connection between the bishop, the favored saint, and effort to maintain the peace. The *Chronicon breve* is a much shorter work; written by an anonymous clerk in the cathedral of Mende between 1165 and 1170; it records the deeds and events of Aldebert's pontificate, with an emphasis on his efforts to restore and secure secular lordship in the Gévaudan for the bishop. As we will see, Aldebert faced a dangerous and widespread baronial rebellion in this period, probably the stimulus for the creation of the work, which emphasized episcopal overlordship and maintenance of the peace. In fact, in the opening sentence, the *Chronicon breve* states that its purpose is to list how many and which castles, fortifications, villages, and other possessions Aldebert gained for his church in the time of peace.<sup>71</sup> The chronicle clearly is not an impartial work; its obvious intention is to show the bishop successfully exerting his lordship in the Gévaudan. Therefore, it must be used with caution when assessing actual episcopal authority in this period.<sup>72</sup>

The pontificate of Aldebert III was marked by aggressive measures to strengthen episcopal power within the Gévaudan in the face of challenges to his lordship from powerful barons and comital authority. Aldebert had reason to feel threatened: the *Chronicon breve* relates that secular lords were squeezing the bishop's authority by

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<sup>71</sup> "Chronicon breve de gestis Aldeberti," (hereafter Chronicon) in *Les miracles de Saint Privat suivis des opuscules d'Aldebert III, évêque de Mende*, ed. Clovis Brunel, (Paris, 1912), 126. "Omnium posteritati notum fieri volumus que et quanta videlicet castella, munitiones, villas et alias possessiones Aldebertus, Mimatensis episcopus, ecclesie sue tempore pacis acquisivit."

<sup>72</sup> The *Opuscula* and *Chronicon*, preserved in a fifteenth century copy called *Livre de St. Privat* (ADL G 1446), are published in *Les Miracles de Saint Privat*, ed. Brunel, 30-138. Strictly speaking, the *Chronicon* is not a chronicle at all, since its chapters do not follow in chronological order. The manuscript bears no title; the work's modern editor, Clovis Brunel, called it *Chronicon breve* based on his assessment of the contents. Brunel analyzes both works in *Les miracles*, xxiv-xlv. For Aldebert III see *Études Historiques*, 355-363; GC, vol. 1, 90-91; Pass, *Source Studies*, 64-120; Fasolt, *Hierarchy and Council*, 39-43.

encroaching on the locus of episcopal power, the cathedral of Mende.<sup>73</sup> The fortified houses and buildings of the Count of Barcelona and the lords of Canilhac, Cabrières, and Dolan encircled the cathedral on four sides, making access difficult for him or members of his household.<sup>74</sup> Moreover, the lords of Canilhac and Cabrières claimed to possess their property by their offices in the church, those of treasurer (*archiclavaria*) and archdeacon (*archidiaconatus*), respectively.<sup>75</sup> The lord of Dolan had control of the movable wealth of the episcopal household, its gold, silver, vestments, chattels and household furnishings when the see fell vacant.<sup>76</sup> Even more formidable, the count of Barcelona, whose overlordship stretched from Catalonia to Provence and who held lordship and full power over the church and the episcopal city, possessed the western side of the church, called the Chastel Frag. So imposing was the count's authority in the city that he had extracted an oath from the bishop to surrender the city upon his command and the knights of the city were his *feudatorii*.<sup>77</sup>

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<sup>73</sup> The description of Aldebert's efforts to clear the landscape around the cathedral from lay domination is found in *Chronicon*, 126-128. On the relationship between urban landscape and episcopal authority, the "topography of power," in northern Italy, see Maureen C. Miller, *The Bishop's Palace: Architecture and Authority in Medieval Italy*, (Ithaca, 2000).

<sup>74</sup> *Chronicon*, 126-127. "Quatuor nobiles, scilicet comes Barchilonensis, dominus Canilhaci, dominus de Doualan, dominus [de] Cabreria, unusquisque proprium jus in ecclesia Mimatensi vendicabat et quatuor angulos ecclesie in propriis ac privatis edificiis occupaverant, [ita] quod nec episcopus, nec aliquis de domo episcopali ad ecclesiam accedere, nisi per eorum edificia, poterat."

<sup>75</sup> *Ibid.*, 127. "Dominus de Canilhac quoddam jus, quod dicitur archiclavaria, vendicabat in ecclesia et, illius juris occasione, proprium meum et proprias mansiones ad orientalem partem ecclesie possidebat. Dominus de Cabreriam quasi jus archidiaconatus sibi vendicans, ad australem partem ecclesie mansiones et munitiones habebat..."

<sup>76</sup> *Ibid.* "Dominus vero de Doalan vendicabat sibi regnum et dispensationem domus episcopalis quandiu cessabat ab episcopo, aurum, argentum, vestes, jumenta et omnem superlectilem domus..."

<sup>77</sup> *Ibid.*, 127-128. "Comes vero Barchilonensis principatum et potestatem plenam in ecclesia Mimatensi et civitate vendicabat, et sacramentum de restitutione civitatis ab episcopo et fidelitatem ab hominibus exigebat et, hac de causa, dominum de Doualan et milites civitatis feudatorios suos et vicarios asserebat. Hujus domini occasione, ad occidentalem partem ecclesie, castrum proprium, quod vocatur Chastel Frag, habebat et juxta illud proprium vicum possidebat."

In spite of these significant challenges, Aldebert vigorously promoted his lordship by acquiring rights to the income and property of rival lords by either purchase or seizure. He purchased the rights to the fortified house on the south side of the church that the lord Cabrières claimed as archdeacon at great cost of much silver and wealth,<sup>78</sup> he seized all the lord Dolan's rights and properties and restored them to the church.<sup>79</sup> Aldebert purchased from the count of Barcelona whatever property the count held "either justly or unjustly" in the church, in the city, in the territory, or in the castle of Pon, whether in *feudatariis*, in *vicariis*, or in anything whatsoever.<sup>80</sup> To raise the money for these important purchases, Aldebert sold many of his possessions.<sup>81</sup> The count of Barcelona confirmed the sale by swearing an oath on the Gospels, that the church and the city would suffer no molestation or controversy in the future.<sup>82</sup>

The implications of these transactions are significant. In effect, the bishop of Mende became the secular and ecclesiastical lord in the city of Mende, independent of lay control. In this, Mende deviates from the pattern found in many twelfth-century urban communities of southern France and northern Italy, where the gradual emergence

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<sup>78</sup> Ibid., 127. "...que omnia dominus episcopus memoratus multo pretio argenti multisque menueribus emit..."

<sup>79</sup> Ibid., "...que dominus episcopus amparavit et predicta jura omnia ecclesie sue titulo a quo recesserant restauravit."

<sup>80</sup> Ibid., 128. "Sed dominus episcopus, consideratis omnibus istis, abiit et vendidit multa que habuit et emit quidquid juste vel injuste predictus comes habebat, possidebat vel exigebat in ecclesia et in civitate vel ejus territorio vel in castro del Pon sive in feudatariis, sive in vicariis, sive in aliis quibuslibet possessionibus."

<sup>81</sup> The *Chronicon* does not reveal the source of the possessions that Aldebert sold, so it is impossible to know whether the bishop drew on his own personal resources or liquidated church properties to gain lordship over the episcopal city.

<sup>82</sup> *Chronicon*, 128. "Hanc venditionem predictus comes, tactis sacrosanctis evangeliis, jurejurando confirmavit caveret ne ulterius super omnibus iis ullam molestiam seu controversiam ecclesia Mimatensis seu civitas ab aliquo pateretur..."

of municipal self-governments progressively minimized the role of the bishop or secular lord.<sup>83</sup> The sales and the oath sworn by the count of Barcelona are preserved only in the *Chronicon breve*, and they are not dated; no diplomatic evidence of these transactions survives. Nonetheless, we can assume that Aldebert carried out these measures before 1161 because afterward he had a potent weapon to promote and protect his lordship in the Gévaudan, which he surely would have invoked had it been available to him. That weapon was the so-called Golden Bull of Mende.<sup>84</sup>

The Golden Bull, granted in 1161 to Aldebert and his successors by the French king, Louis VII, became the cornerstone of episcopal claims to secular lordship in the Gévaudan. It not only granted secular lordship in perpetuity but also confirmed the two sources of the bishops' lordship: ancient custom and royal concession of regalian rights. Although the text contains no divisions or breaks between the clauses, for purposes of analysis, the charter can be divided into four sections. First, the context of the charter is laid out. We are informed that no man of the royal court has memory of any interaction between the royal court and any bishop from the mountainous and nearly inaccessible

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<sup>83</sup> A very good general discussion of the emergence of the self-governing municipality can be found in Susan Reynolds, *Kingdoms and Communities in Western Europe 900 – 1300*, 2d ed. (Oxford, 1997), 135-138, 170-184, and 270-272. For southern France see André Gouron, "Diffusion des consulats méridonaux et expansion du droit romain aux XIIe et XIIIe siècles," *BEC* 121 (Paris, 1963): 26-76. For northern France, A. Vermeesch, *Essai sur les origines et la signification de la commune dans le nord de la France* (Heule, 1966). The best introduction to the emergence of the Italian communes is found in Daniel Waley, *The Italian City-Republics*, 3<sup>d</sup> ed. (London, 1988). For a divergent view, stressing divided lordship between lay and episcopal lords in twelfth-century southern France see Poly, *La Provence*, 279-317.

<sup>84</sup> The Golden Bull, so-called because it was reputed to have a golden seal or *bull*, has not survived, although fourteenth century copies exist in AN J 341, no. 3 and no. 6. The charter was confirmed by Pope Innocent IV in 1249 and is preserved in ADL G 25. Gustave de Burdin claims that the original, with the gold seal for which it was named, was burned publicly during the Revolution, although the evidence is for this is slim. *Documents historiques*, vol. 1, 7. The charter has been printed numerous times. See *LTC*, vol. 1, no. 168; *HGL*, vol. 5, no. 641; *Documents historiques*, vol. 1, 355-356; *GC*, vol. 1, 24. An English translation of the text of the charter appears in Pass, "Source Studies," 103 and in Fasolt, *Council and Hierarchy*, 39-40. For other copies, see Achille Luchaire, ed., *Études sur les actes de Louis VII*, (Paris, 1885), 245, no. 452.

Gévaudan and that there is no recollection of the bishop either acknowledging his subjection to, or giving fealty to, the king.<sup>85</sup> Second, it acknowledges that the bishops of Mende always possessed ecclesiastical and secular lordship in their diocese imposing ecclesiastical censure when necessary, and even rendering judgment by the sword.<sup>86</sup> Third, in the presence of king's barons, Aldebert gave an oath, which he confirmed on the Gospels, swearing that his bishopric belonged to the crown and acknowledging his fidelity to the king, his court, and to the kingdom.<sup>87</sup> Fourth, the king reciprocated, thereby completing the cycle of gift and regrant; he conceded all of the Gévaudan and the regalia pertaining to the crown to Aldebert and all his successors, to be possessed in freedom and immunity from all exactions in perpetuity.<sup>88</sup>

The Golden Bull is riddled with ambiguities, leading to various interpretations of its meaning, lawfulness, and intention. Aldebert and his successors cited the charter in support of their claim to temporal power by ancient custom and royal concession, although the geographical limits are not clear. The Bull says that the bishop exercised

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<sup>85</sup> *LTC*, vol. 1, 168. "Longe est a memoria hominum mortalium nostri temporis quod aliquis episcopus Gaballitanorum ad curiam antecessorum nostrorum regum Francie venit, et eorum subditionem cognovit, sive fidelitatem eis fecit quamvis tota terra illa, difficilima aditu et montuosa, in potestate episcoporum semper exierit..." Further evidence of the isolation of the Gévaudan, the royal court seems almost surprised at the appearance of a bishop from this remote area.

<sup>86</sup> *Ibid.*, "... in potestate episcoporum semper exierit, non tamen ad faciendam ecclesiasticam censuram, sed etiam ad iudicandum in gladio super illos quos culpa sua monstrabat sic redarguendos."

<sup>87</sup> *Ibid.*, "Vir autem illustris jam dictus Aldebertus episcopus, religiose cogitans materialis gladii iusticias ad virgam regni pertinere, nostram serenitatem Parisius adiit, et ibidem, in presencia totius baronie nostre, cognovit episcopatum suum de corona regni nostri esse, et, se nobis subdens, nobis et regno, celebriter tacto Evangelio sacro, fidelitatem fecit."

<sup>88</sup> *Ibid.*, "Ecclesie gloriose martyris Privati et episcopis omnibus venerabili amico nostro Aldeberto canonice succedentibus, totum Gabalitanorum episcopatum, cum regalibus ad nostram coronam pertinentibus, ex integro concedimus, et ut libere et quiete in perpetuum possideant, auctoritate regia confirmamus. Ne autem de cetero aliquis successorum nostrorum molestiam vel violenciam aliquo modo inferre conetur, paci et quieti predictae ecclesie regia benignitate providentes, ipsam liberam et ab omni exactionem immunem esse concedimus."

*potestas in tota terra*, but whether this means the “county” of the Gévaudan is unclear. Certainly, in 1161 the county of the Gévaudan was under the lordship of the count of Barcelona as a matter of law, although not of practice. In fact, it may be questioned whether the French king had the right to confer overlordship to the bishop at all since the power in the region was contested and fragmented among the bishop, the count of Barcelona, the king of France and the local barons.

Moreover, precisely what the king granted is somewhat vague. The fourth clause concedes the regalia pertaining to the crown to the bishop and his successors in perpetuity. During the struggle between the Empire and the papacy, partisan writers drew a sharp distinction between bishops’ spiritual and secular rights, often called regalia.<sup>89</sup> Writing in 1086, Guido of Ferrara described the regalia as a collection of secular rights and appurtenances that the emperor granted to the bishop, including manors and landed properties (*curtes, praedia*), secular judicial power (*iudicia* or *placita secularia*), fiscal rights (*vectigalia, tributa*), and unspecified public power (*publica iura*).<sup>90</sup> The Concordat of Worms of 1122 left the meaning of regalia ambiguous, although a kind of definition was achieved since the Concordat provided for investiture with the regalia before consecration of the bishop-elect.<sup>91</sup> During the reign of Frederick

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<sup>89</sup> On the evolution of the meaning of regalia, see Robert L. Benson, *The Bishop-elect: A Study in Medieval Ecclesiastical Office* (Princeton, 1968), 203-387.

<sup>90</sup> Benson, *Bishop-elect*, 225-226. Benson suggests that Guido, whose sympathies lay with the Empire and the anti-pope Clement III, probably picked up the word regalia from the imperial chancery, where it had been used in diplomas to infer rights and powers attached to the royal prerogative. The papal chancery used the term as early as 1059, describing the *regalia Sancti Petri* when referring to the secular power and jurisdiction of the papacy in central Italy. Benson, *Bishop-elect*, 227-228. In England, William II claimed the regalian right upon the death of Lanfranc in 1089, claiming the rights to the revenues of the vacant see. *The Oxford Dictionary of the Christian Church*, ed. F.L. Cross and Elizabeth A. Livingstone, 3<sup>d</sup>. ed. (New York: Oxford University Press, 1997) 1375-1376.

<sup>91</sup> Benson, *The Bishop-elect*, 231-237.

Barbarossa, contemporary with the issuance of the Golden Bull of Mende, granting of regalia was the prerogative of the king and their concession by the king to the bishop signified the granting of the landed temporal possessions over which the bishop exercised jurisdictional rights.<sup>92</sup> Because the Golden Bull confers upon the bishop the entire bishopric and the regalia in the Gévaudan, it seems to grant to the bishop something very close to sovereign lordship in the Gévaudan.<sup>93</sup> Yet, since sovereignty is absolute and unconditional, it could not be granted and had no cause to be confirmed; thus, the Golden Bull seems to confirm rights that did not, and could not, be confirmed.<sup>94</sup> In the third clause, the bishop had acknowledged his subordination to the royal authority; how then could he claim absolute power that the king appeared to grant in clause four? What clause four appears to grant, clause three renders invalid. These contradictions seem not to have been noticed in 1161, and through the thirteenth century, the Golden Bull often was invoked by the bishops of Mende in support of their claim to secular lordship in the Gévaudan.

Interpretations of the bull and its royal concessions appeared in Aldebert's own lifetime. The author of the *Chronicon breve*, clearly a partisan of the bishop, describes

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<sup>92</sup> Benson, *Bishop-elect*, 276.

<sup>93</sup> On the question of the ambiguity of the Golden Bull and sovereignty of the bishops of Mende, see Fasolt, *Council and Hierarchy*, 40-42. In Joseph Strayer's view, the bishops of Mende claimed not merely extensive rights of government, but sovereignty in the county. Joseph R. Strayer, *The Albigensian Crusades* (New York, 1971), 12 and Joseph R. Strayer, *The Reign of Philip the Fair* (Princeton, 1980), 192.

<sup>94</sup> Peter N. Rosenberg, *Inalienability of Sovereignty in Medieval Political Thought* (New York, 1956), 18-19. Certainly, ideas about sovereignty and regalia changed over time and considerable geographical variation existed. The systematic study of Roman law after about 1100 provided rational principles on which theories of sovereignty rested, but precise meaning often was elusive. In France, royal lawyer Pierre de Cuiignières at the Council of Vincennes (1329) defended the theory of the inalienability of sovereignty by arguing that the king may not alienate jurisdictional rights to the detriment of the Crown since he had sworn in the coronation oath not to do so. This theory, once articulated, dominated French political theory throughout the rest of the Middle Ages.

the bishop's appearance at the royal court as resulting in the king's grant of *regia potestas* and full jurisdiction over all men in the diocese to Aldebert and his successors in perpetuity.<sup>95</sup> In fact, this interpretation was not at odds with Aldebert's actions and upon his return to the Gévaudan, he lost little time in capitalizing on his newly acquired powers. The exploitation of silver mines in the Gévaudan had long been exempt from fees or taxes. However, bolstered by his diplomatic coup at the court of the French king, Aldebert assembled the clerks and people of the Gévaudan and imposed a new tax on the silver mines. Not surprisingly, the barons did not welcome the new financial exaction and they appealed for relief to the count of Barcelona.<sup>96</sup> The count prohibited the mining tax, yet the bishop defiantly continued to levy it, collecting forty silver marks in revenue per year.<sup>97</sup>

The barons of the Gévaudan saw that the Golden Bull reordered the distribution of power in the region.<sup>98</sup> They neither granted their consent nor were a party to the agreement between bishop and king, and apparently many of them felt that the bishop had co-opted the assistance of the French monarch in order to usurp baronial rights. In 1163, two years after the Golden Bull was issued, the barons, led by the bishop's

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<sup>95</sup> *Chronicon*, 133. "Ad ultimum rex, convocatis baronibus suis, ducibus scilicet aliquibusque viris illustribus, in conspectu eorum donavit A. episcopo suisque successoribus in perpetuum regiam potestatem plenamque jurisdictionem super omnes homines, tam majores quam juniores, qui in episcopatu suo degunt."

<sup>96</sup> Events concerning the silver mines are found in *Chronicon*, 129-130. "...Considerans iterum regiam et plenam potestatem quam a rege Francorum impetraverat, desideransque et considerans exemplum adjacentium regionum, convocavit omnem clerum et populum Gaballitane regionis et super hoc querimoniam suam exposuit." See *Études historiques*, 361 for an analysis of these events that stresses the decline of the baronial power owing to the bishop's success in imposing the silver tax.

<sup>97</sup> *Chronicon*, 130. "Ad ultimum vero, contra voluntatem et prohibitionem comitis et aliorum, ad jus ecclesie sue applicavit de quibus annuatim quadringente marce argenti proveniebant."

<sup>98</sup> *Études historiques*, 261-263.

illegitimate brother, rose in a dangerous rebellion that the bishop could not put down for seven years.<sup>99</sup> During the rebellion, castles under the “public care” of the bishop were seized and the bishop’s own castle was captured and pillaged, compelling him to lament, “this was the beginning of our sorrow, for during seven years rapine, murder, and fire did not cease in all our diocese.”<sup>100</sup> So severe was the threat to Aldebert that he wrote to the king invoking the Golden Bull and seeking royal intervention on his behalf.<sup>101</sup> He implored the king to remember that peaceful occasion, before adversaries and enemies to the bishop had appeared, when Aldebert faithfully had placed his bishopric and paternal lands into the hands of the king.<sup>102</sup> The correspondence is undated, but the text of the letter reveals that Aldebert’s rebellious brother rendered homage and fealty to the bishop the same day the messenger was dispatched to the king, suggesting, perhaps that enthusiasm for rebellion waned as the threat of royal intervention waxed. Following this apparent reconciliation, the rebellious brother received unspecified castles and land and

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<sup>99</sup> The rebellion is described in the *Chronicon* and the *Opuscula* of Aldebert III, which was written about 1170, shortly after the settlement of hostilities between the bishop and the barons. “Opuscula Aldeberti” (hereafter *Opuscles*), in *Les miracles de Saint Privat suivis des opuscles d’Aldebert III, évêque de Mende*, ed. Clovis Brunel, (Paris, 1912), 27-123 and *Chronicon*, 124-134. For interpretation of the insurrection see *Études historiques*, 361-362; C. Brunel, ed. Introduction to *Les miracles de Saint Privat suivis des Opuscles d’Aldebert III, Évêque de Mende*, (Paris, 1912), xxv – xliii; Fasolt, *Council and Hierarchy*, 42-43; and for a particularly rich account see Pass, *Source Studies*, 87-96. Aldebert’s illegitimate brother was motivated to lead the rebellion in pursuit of his claim to a portion of family patrimony. Aldebert may have been from the noble family of Tournel and his ability to draw on personal resources to secure his lordship suggests that these resources were extensive. *Études historiques*, 361.

<sup>100</sup> *Opuscles*, 34-35. “Nam et nostri proprium nostrum castrum invaserant, predam tulerant, incendia dederant, et extranei in publica que cura nostra erant simili modo fuerant debachati. Initia dolorum hec, namque per totum septennium rapine, cedess, incendia in tota dyocesi nostra non cessarunt.”

<sup>101</sup> This correspondence consists of two letters. The first introduces the messenger, a certain Radulf, to the king and the second outlines the bishop’s appeal. *Recueil des historiens des Gaules et de la France* (hereafter *RH*), vol. 16, ed. Martin Bouquet, et al., (Paris, 1869-1880), 160-161, nos. 474-475.

<sup>102</sup> *RH*, vol. 16, 160, no. 475. “Meminit, ut credo, dignatio vestra, qua devotione temporis pacis meae, quando hostis vel adversarius nullo apparere ausus fuerat, me, meaque episcopatum, terramque paternam, in manus vestras bene fideliterque indidi, et ipsam fidem sine aliqua reprehensione servare studui.”

was made a knight. Yet, peace was not secured by this apparent rapprochement, and the brother rallied a group of men opposed to the bishop and occupied two of Aldebert's castles.<sup>103</sup> There is no record of the king's reply to the bishop's appeal for help; but, since royal intervention was not forthcoming, it seems that the bishop's evocation of the Golden Bull did not produce the hoped for results.<sup>104</sup>

If Aldebert lacked royal support, he did benefit from a well-timed demonstration of supernatural patronage. In 1170, the bishop was traveling to the royal court in Paris. The nature of his business at court is not known, but we may conjecture that Aldebert's purpose was to plead for royal assistance in person. En route, he stopped off at Clermont to celebrate Easter with the countess of the Auvergne, Anne of Nevers, and the bishop of Clermont, Étienne de Mercoeur.<sup>105</sup> There he received news of the fortuitous discovery, made while digging a well in the episcopal orchard, of a crypt containing a sarcophagus of lead, placed on columns of stone.<sup>106</sup> The sarcophagus contained human bones, but the

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<sup>103</sup> *RH*, vol. 16, 160-161, no. 475. "Nunc autem insurrexerunt in me homines iniqui filii iniquitatis, et, quod mihi dolor est dicere, frater meus et quidam perversi cum eo, terram meam, immo vestram fraudulenter et proditorie, ut audietis, invaserunt. Nam ea die qua magister Radulfus a vestra curia ad nos pervenit, ego fratrem meum in pace recepi, et castra quaedam terramque simul ei commendavi, unde mihi hominum et fidelitatem fecit, iuramentumque praestitit quod me meaque fideliter servaret, et mihi in omnibus et per omnia obediret. Inde ut fratrem tractavi, militemque feci, et honeste mecum habui. Qui in fraude, nefandorum coetu secum congregato, a me et mensa mea recedens, duo ex castris meis fraudulenter occupavit, et adhuc tenet. Nec mirum si sic egit, qui non legitime genitus contra me illicite agere praesumpsit. Hinc ad vos clamorem facio, et ut non tam mea quam vestra quaeratis exopto. Magistrum etiam Radulfum mitto, et ut eum tamquam me audiat, et quae dixerit credatis et faciatis, precor ei obnix exoro. Licet enim necessarium sit mihi auxilium vestrum, tamen pro vestro honore et gloria magis laboro quam pro mea utilitate."

<sup>104</sup> The king was as close as Le Puy in 1269 or 1270, and the because no hint of royal intervention on behalf of Aldebert exists, it seems likely that either the king rejected the bishop's appeal out of hand, or that proximity of the king, and the bishop's appeal based on the Golden Bull, was enough to cause baronial capitulation. For a discussion on possible dates for these letters, see Pass, *Source Studies*, 91-92.

<sup>105</sup> The discovery of the relics of St. Privat is described in the *Opuscles*, 36-40.

<sup>106</sup> *Opuscles*, 37. [Messenger speaks to Aldebert]: " 'Dum puteus de quo mandastis, domine, in recessu vestro profundius foderetur, inventa est cripta quedam, structura mirabili, lapidibus magnis et

jaw was missing; since the jaw of St. Privat had been translated to the high altar early in the twelfth century, it was suspected that this unknown body, discovered under these “miraculous” circumstances, was that of the holy martyr of Mende.<sup>107</sup> Nevertheless, Aldebert wanted to authenticate the discovery in person, and so he ordered that nothing be altered until his return. Aldebert concluded his business at the *curia regis* and returned to Mende, but before entering the city, he stopped in Blesle, between Issoire and St-Flour, and sent messengers ahead to determine how public and private matters stood, as well as war or peace. Aldebert was informed that the rebellious barons had decided to beg for his mercy and to make reparations for all their depredations, and that there was nothing to delay in all this except his absense.<sup>108</sup>

Aldebert attributed the surrender of his enemies directly to the invention of the holy relics and to the intercession of St. Privat, declaring that the capitulation was the “victory of the holy martyr.”<sup>109</sup> The bones of the saint were carried to the cathedral in

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quadratis. Invenerunt et in ipsa cripta vas in modum sepulcri plumbeum, super columnas lapides venerabiliter collocatum, et in ipso vase ossa corporis beati Privati.’ ”

<sup>107</sup> Bishop Aldebert II translated the reliquary of St. Privat, presumably containing only the jaw, to the high altar between 1102 and 1112. “ ‘Plane, inquit, omni litterarum monumento certius evidentiusque quidquam ibi repertum est. Concurrente siquidem moni populo Mimatensi, rogarunt seniores civitatis inquiri diligentius an esset ibi cum ceteris ossibus maxilla inferior. Quesitum est omni studio et inventum est eam solam deesse de ossibus totius corporis. Unde inestimabili gaudio repleti, beati Privati martyris illud esse corpus indubitanter asseruerunt, cujus inter certa ossa solam maxillam deesse videbant. Quam videlicet permanus vivorum venerabilium... et Aldeberto Gavalitano [Bishop Aldebert II, fl. 1099 – 1109] episcopis, in majori altari ecclesie Mimatensis quod consecratum est in honore beati Juliani martyris repositam fuisse audierant, et quidam etiam eorum presentes dum reponeretur et oculis propriis inteuentes adstiterant.’ ” *Opuscles*, 37-38.

<sup>108</sup> *Opuscles*, 50. “Cumque hec hujusmodi, vel in eundo ad curiam regis... vel ibi morando, mecum retractarem assidere, tandem ad ecclesiam nostram regrediendum existimavi et Blasellam usque reversus, misso inde ad fratres nuntio qui de statu rei publice ac private belloque seu pace rediens nos faceret certiores, relationem accepi quod, initio salubriori consilio, inimici nostri omnes mox ut venirent ad pedes nostros veniam postulaturi, ablata reformaturi accelerare disponent, nichilque aliud his moram afferre nisi absentiam nostram.”

<sup>109</sup> *Ibid.* “...beati martyris hanc esse victoriam arbitrans...”

Mende with great pomp and ceremony for all the people to see. To emphasize role of the supernatural protector of the bishop, Aldebert recalled the story the vision of a *fidelis*, experienced years before the rebellion, the meaning of which now became clear to him. In the vision, St. Privat came to the *fidelis* and declared that Aldebert would be victorious over his enemies because of the saint's protection. "Go and tell Aldebert for me that he must not fear during his tribulations. For I, his protector, will rescue him and lead him forth unharmed."<sup>110</sup> Aldebert's recording of the "miraculous" recovery of the relics strengthened the association between bishop and saint and promoted identification of the bishop -- and the saint -- with maintenance of peace and order.<sup>111</sup> Furthermore, assistance from the holy protector proved apparently, more reliable than protection from the Capetian court, for it resulted in the quashing of the baronial revolt. By using his association with the patron saint of the church of Mende to overcome his enemies, Aldebert not only reinforced his lordship over his baronial rivals for power but also demonstrated before the population of the city that the body of their -- and his -- protector would have lain in obscurity had God not wished the body to be recovered, in order to save the bishop from the depredations of his enemies.

Aldebert linked his secular lordship with St. Privat in other ways. For instance, the *Chronicon breve* relates that Ricard de Peyre, a powerful man, aggressive toward his neighbors, had long demanded unjust and extraordinary exactions from villages and

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<sup>110</sup> Ibid., 51. "Vade et dic Aldeberto episcopo ex parte mea ut non timeat inter tribulationes. Ego enim adiutor ejus eruam eum et educam illesum." Clear scriptural references of this passage are found in Isaiah 38:6, Jeremiah 15:20, Exodus 33:12, etc.

<sup>111</sup> Brunel, Introduction, *Les miracles*, xxiv-xliii; Pass, *Source Studies*, 93-95.

possessions of the church of St. Privat.<sup>112</sup> By using ecclesiastical censure and military might, Aldebert compelled him to renounce all exactions, and the sincerity of Ricard was ensured by an oath and other securities.<sup>113</sup> Furthermore, Ricard and his brother Giral gave the bishop and the church of Mende their castles and fortresses at Crueize, Peyre, and Mastchastel, acknowledging that the castles and all else were held of the bishop. To symbolize that they held these castles of the bishop by feudal right (*jure feudi*), the brothers flew the banner of St. Privat over them, an indisputable statement of the growing episcopal lordship.<sup>114</sup> By military force, backed by the associative power of St. Privat, Aldebert strengthened his seigniorial rights within the Gévaudan.

Thus, Aldebert III defended and extended his secular lordship in the Gévaudan by purchase, coercion, royal alliance, evocation of Mende's patron saint, and military effectiveness. Other demonstrations of his public authority include an account in the *Chronicon breve* of the bishop forcing thieves from the castle of Garde-Guérin to stop attacking those who traveled the old Roman road from Le Puy to Nîmes. Aldebert's success was achieved by laying siege to the castle, thus, as the account says, "not so

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<sup>112</sup> *Chronicon*, 130. "Ricardus de Petra, vir potens et vicinis, suis infestus, in villis et possessionibus sancti Privati injustas et extraordinarias exactiones exigebat per longa temporum curricula..." Since the *Chronicon* is not arranged in chronological order, and its entries are not dated, it is not possible to say if this incident occurred before, during, or after the larger baronial revolt.

<sup>113</sup> *Ibid.*, "...ad ultimum vero, ab A. episcopo ecclesiastica censura et manu militari coactus, omnibus renunciavit et ne in posterum aliquis de progenie sua ea repeteret, prestito sacramento ei alias securitates repromisit."

<sup>114</sup> *Ibid.*, 131-132. "G. de Petra et Ricardus ejus frater donaverunt A. episcopo et ecclesie Mimatensi in perpetuum castella sua propria et munitiones, videlicet Cruyza, Petra, Marchastel et si que alia possident que ab illo tenent; insuper in omnibus istis vexillum sancti Privati imposuerunt et ea, jure feudi, ab episcopo acceperunt." This is the earliest reference to using the banner of Saint Privat as a symbol of the bishop's lordship, a practice that became common by the mid-thirteenth century. Pass, *Source Studies*, 188-189.

much by ecclesiastical censure as by military force.”<sup>115</sup> He protected the city by building walls.<sup>116</sup> Although he did not neglect to strengthen his authority within the Gévaudan, his horizons extended beyond regional localism. For example, Aldebert corresponded with Étienne of Tournai, one of the most prominent canonists of the age.<sup>117</sup> Moreover, the bishop successfully pursued the settlement of a dispute with the powerful monastery of St. Victor of Marseilles over the possession of the monastery of La Canourgue in the Gévaudan. The agreement, at least in part, was reached out of fear of Aldebert’s influence in the Roman *curia*, which held him “beloved above all others.”<sup>118</sup> The *Chronicon breve* also describes Aldebert’s juridical efforts in his own dioceses to recover possessions unjustly stolen from the provost of Mende.<sup>119</sup>

Yet, if Aldebert used every opportunity to extend his lordship, his successors would find his achievements difficult to sustain in the face of royal centralizing efforts during the thirteenth century. The foundation for the royal challenge to the episcopal

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<sup>115</sup> *Chronicon*, 132-133. “non tantum censura ecclesiastica, sed manu militari...” The account makes it clear that neighboring bishops had tried to put an end to the depredations of the thieves, but only Aldebert succeeded in forcing the inhabitants of the castle to submit.

<sup>116</sup> The *Chronicon* says that before Bishop Aldebert III walled the episcopal city (sometime between 1165 and 1170), the city was an “undefended village of the fields” (...Mimatensem civitatem que villa campestris erat, murali ambitu et vallo ex omnia parte valavit...) and vulnerable to attacks from hostile Basques, Aragonese, and Germans who had many times besieged the city. (...et ita eam expugnabilem fecit quod multa milia perfide gentis Basculorum, Aragonorum, Theutonicorum ...). *Chronicon*, 126.

<sup>117</sup> For the text of the letter see *PL*: 211: 317. Cited in *GC*, vol. 1: col 90.

<sup>118</sup> *Chronicon*, 131. “A. episcopus ... litem movit et, tam timore Romanae curie, cui pre omnibus aliis carus habetur ...”

<sup>119</sup> *Chronicon*, 130-131. “Vicarii domini de Doalan, quorum supra fecimus mentionem, villam de Nermon, sub titulo et nomine domini sui, multis retro annis, Mimatensi prepositura abstulerant; sub quo intervallo, multis ecclesie propositis jam defunctis, nullus eorum non minus tamen predictam possessionem interpellaverat. Cujus interpellationem audiens, A. episcopus, cum adhuc propositi officio fungeretur, litem tandiu sopitam denuo suscitavit et rem in iudicium dejiciens predictam villam ab injustis detentoribus evicit eamque et ipse et prepositura perpetuo possidendam recuperarunt.” This incident took place before Aldebert was elevated to the office of bishop, when he was the provost of the church of Mende. There are no surviving court records from this suit.

seigneurie lay in two events that deeply affected the pontificate of Aldebert's successor, Guillaume de Peyre (1187 – 1222): the mortgage of the viscounty of the Gévaudan by the king of Aragon to the count of Toulouse in exchange for a large sum of money, and the Albigensian wars that profoundly compromised the counts of Toulouse and the kings of Aragon. As we shall see in the following chapter, it was in the context of the bishops' struggle with the French crown to assert their secular and jurisdictional rights in their diocese that the court book was created.

## CHAPTER 2

### The Secular Lordship of the Bishops of Mende

This chapter considers the emergence of the episcopal lordship in the Gévaudan from the mid-twelfth century on. Episcopal seigneuries were quite common in southern France; the bishops of Le Puy, Béziers, Lodève, Rodez and the archbishop of Narbonne exercised considerable temporal power.<sup>1</sup> The Latin word *dominium* usually is rendered as “lordship” in English, although its meanings and connotations often are vague. Robert Fossier defines lordship as a customary form of social, political, and economic alignment that established between its members a contract, generally tacit, of mutual aid and protection in the absence of public power.<sup>2</sup> Closely following Marc Bloch’s model, Fossier describes the emergence of lordship around the mid-eleventh century as a consequence of the slowing of Viking, Magyar, and Saracen pillage and its attendant breakdown of central authority, a decline in slavery, and a demographic regrouping which allowed for “domains of financial exploitation.”<sup>3</sup> In the eyes of Susan Reynolds,

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<sup>1</sup> On episcopal secular lordship in northern France see Olivier Guyotjeannin, *Episcopus et comes: Affirmation et déclin de la seigneurie épiscopale au nord du royaume de France (Beauvais-Noyon, Xe – début XIIIe siècle)* (Paris, 1987). For southern France see Étienne Delcambre, “Le paréage du Puy,” *BEC* 92 (1931): 121-169, 285-344; Henri Vidal, *Episcopatus et pouvoir épiscopale à Béziers à la veille de la croisade Albigeoise, 1152-1209* (Montpellier, 1951); Ernest Martin, *Histoire de la ville de Lodève depuis ses origines jusqu’à la Révolution*, 2 vols. (Montpellier, 1900); Jean-Louis Biget, “Les évêques du Roguergue et de l’albigeois (Xe-XIe siècles),” in *La Catalogne et la France meridionale autour de l’an mil. Colloque international C.N.R.S. Hugues Capet 987 – 1987, la France de l’an mil* (Barcelona, 1991), 181-199; Jacqueline Caille, “Origine et développement de la seigneurie temporelle de l’évêque de Narbonne (IXe – XIIe siècle),” in *Narbonne, archéologie et histoire* (45e Congrès de la Fédération Historique du Languedoc méditerranéen, Narbonne, 1972), vol. 2 (Montpellier, 1973), 9-36. The situation in Le Puy was slightly different from elsewhere because the bishop obtained royal concession of comital prerogatives in the tenth century.

<sup>2</sup> Robert Fossier, “Seigneurs et seigneuries au Moyen Age,” in *Seigneurs et Seigneuries au Moyen Age. Actes du 117e Congrès National des Sociétés Savantes, Clermont-Ferrand, 1992* (Paris, 1993), 9.

<sup>3</sup> *Ibid.*, 13.

lordship often (although not always) accompanied a defined jurisdiction that may have been delegated by a superior authority. Although lawyers attempted to define theories and terminology of lordship, in practice variations in individual circumstances and inconsistencies existed, which often were highlighted by overlaps of jurisdictional authority.<sup>4</sup> Stressing familial lines of inheritance, Thomas Bisson argues that lordship of the twelfth century was the exercise of power – defined as coercion, command, or force – that usually was justified by an inherited right to claim *dominium*. Therefore, for Bisson, familial networks of inheritance legitimized lordship.<sup>5</sup>

From late antiquity, bishops assumed many public responsibilities of governance in their cities. Invoking and probably taking advantage of the instability of the times, bishops throughout France claimed numerous powers and rights, whether by royal grant or simply by custom. For instance, with or without royal grants, bishops often built fortifications to protect against the depredations of rival lords; drawing on Roman law, they exercised jurisdictional authority in matters of canonical obedience, institution, deprivation, and censure.<sup>6</sup> In the Gévaudan, indications of the bishops' exercise of secular lordship in the early eleventh century are evidenced in the bishops' role, shared with the viscounts, in the organization of the peace. Furthermore, as we shall see, in the mid-twelfth century the royal concession of the right of *regalia* transformed the bishops' perception of their right to exercise judicial rights and control castles and fortified

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<sup>4</sup> Reynolds, *Kingdoms and Communities*, 219-222.

<sup>5</sup> Thomas N. Bisson, "Introduction," in *Cultures of Power: Lordship, Status, and Process in Twelfth-Century Europe*, ed. Thomas N. Bisson, (Philadelphia, 1995), 2.

<sup>6</sup> Colin Morris, *The Papal Monarchy: The Western Church from 1050 – 1250* (Oxford, 1991), 531, citing Greg. IX, *Decretals*, I.31.16.

buildings, making them virtual sovereigns in their diocese.<sup>7</sup> As if to underscore episcopal pretensions to sovereignty, the earliest records of the *curia episcopi* in the Gévaudan mirrored the royal model, by using agents such as the seneschal to administer episcopal lordship, an official to conduct juridical business, and a writing office to record and preserve episcopal written records.<sup>8</sup>

The great threat to episcopal secular lordship was the expansion of royal machinery of justice. Through the end of the reign of Louis VII, members of the kings' household and important barons, prelates, and knights rendered royal justice. Philip II, backed by sizeable increases in royal revenues resulting from the acquisition of Normandy, Maine, Anjou, and Touraine, created a formidable bureaucracy of *baillis* and *sénéchaux* who administered royal justice and collected royal revenues. Beginning with Louis IX, substantial augmentation of the judicial apparatus occurred. To address complaints of extortions and injustices by royal *baillis* and to improve local administration, Louis IX established the *enquête* as a system of investigation, whereby petitioners could appeal to representatives of the king for an investigation into, and compensation for, misdeeds committed by royal agents.<sup>9</sup> *Enquêteurs* brought royal justice to ordinary people; their sessions were held in convenient locations, court procedure was informal, petitioners could plead in the vernacular, women were allowed to petition, and testimony by juveniles was permitted. The right of appeal to the king as

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<sup>7</sup> Jean Gaudemet, Jean-François Lemarignier, and Guillaume Mollat, *Institutions ecclésiastiques*, vol. 3 of *Histoire des institutions françaises au moyen âge*, eds. Ferdinand Lot and Robert Fawtier (Paris, 1962), 179-185.

<sup>8</sup> Ibid., 180-181.

<sup>9</sup> William Chester Jordan, *Louis IX and the Challenge of the Crusade: A Study in Rulership* (Princeton, 1979), 51-64.

overlord had always existed in theory, although in practice, before the implementation of the *enquêteurs*, royal officials did not hear the majority of causes. With the advent of the *enquêteurs*, appeals became more frequent and royal administration of justice spread, along with a generally favorable view of King Louis, often at the expense of local lords and officials.<sup>10</sup>

Furthermore, important organizational changes had been made to the central royal court. By the mid-1250s, a permanent royal court, Parlement, held regular sessions in Paris. Although professional jurists disposed of routine cases and the peers attended to important cases, Louis IX never allowed Parlement to operate impersonally and he intervened and reversed decisions or arbitrated settlements. Therefore, although Parlement did not function as a fully institutionalized and depersonalized apparatus of government, the administration of the central judicature became more specialized and systematic under Louis.<sup>11</sup> The machinery of central royal governance expanded throughout the thirteenth century. For example, under Philip IV (1285–1314) receipt of monies by the royal treasury was managed by a permanent body of professional clerks in the *chambre des comptes*. More important, by the end of the Philip's reign, the king's right to act as the final and supreme judge in all cases -- except those of a purely ecclesiastical nature -- and the corollary right to appeal to the king for justice were well established.<sup>12</sup> Over the course of the thirteenth century, the number of appeals coming

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<sup>10</sup> Ibid., 62.

<sup>11</sup> Ibid., 35, 37, and 142-144.

<sup>12</sup> For the administration of royal justice under Philip IV, see Strayer, *The Reign of Philip the Fair*, 191-236. This is not to say, of course, that the king wished his courts to hear every appeal. Not only were the resources to accomplish this inadequate, but also such an arrangement would have offended medieval sensibilities.

before the king's court rose steadily. In part, this was because of a general increase in juridical activities at all levels, but the increase in business of the royal courts outstripped that of baronial and ecclesiastical courts. The activities of the *enquêteurs* cannot account for all of the increase; enthusiastic efforts of royal procurators, pursuing infractions against royal rights, also contributed. Professionalization of the administrators of the royal courts and their capacity effectively to enforce their orders, therefore, contributed to the expansion of royal judicial business at the expense of baronial courts.<sup>13</sup>

In the south, royal power was enhanced by the acquisition, as a consequence of the settlement of the Albigensian wars in 1229, of territories that stretched from Gascony to Provence.<sup>14</sup> Lands formerly held by southern bishops of the Count of Toulouse became part of the royal domain. In compensation for their losses, bishops usually were given new, less strategically important lands, after swearing their fealty to the king. As a result, beginning in the thirteenth century the authority of royal government was felt in the south, as it had not been before. As we shall see, the Albigensian wars and settlement indirectly, but decisively, affected the bishop of Mende and his county.

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The most important business of the king's court included issues regarding ownership of property, rights of justice, and profitable privileges such as the right to impose tolls, to control markets, to monopolize mills, and the like. Cases of this sort concerned the king's court because of the need to protect royal properties and rights of government, from which revenues were drawn, and to prevent his lords from extending their own rights and possessions. Strayer, *The Reign of Philip the Fair*, 196-197.

<sup>13</sup> Ibid., 202-203.

<sup>14</sup> Strayer, *The Albigensian Crusades*, 136-142.

*Guillaume de Peyre (1187 – 1222)*

Bishop Guillaume de Peyre energetically expanded and defended the episcopal domain at the expense of the lords of the Gévaudan.<sup>15</sup> His episcopate began under adverse conditions, however; following his election, the citizens and canons of the church ejected him from the city of Mende, complaining of unjust exactions and bad customs instituted by Guillaume *and* Aldebert. They demanded that the bishop govern the city according to the rights and customs of his predecessor Guillaume (Bishop Guillaume III, 1123 – 1150) “of good memory.”<sup>16</sup> Evidently, Guillaume had continued the policies of Aldebert, notably his expansion of the episcopal lordship, and these efforts were met with resistance. Unlike his very aggressive predecessor, who overcame challenges from rivals with diplomatic, military, juristic, and even supernatural weapons, Guillaume, at least in the early days of his pontificate, seems to have been less able to assert his authority.

Most of what we know about Guillaume IV comes from two types of sources. The first comes from diplomatic evidence arising from the vicissitudes of the Albigensian wars. The second comes from various materials such as witness testimony and treatises prepared in connection with an *enquête* arising from a suit brought before Parlement of

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<sup>15</sup> For the episcopate of Guillaume de Peyre see *GC*, vol. 1., 90-91; *Études historiques*, 363-368 and 205-220; Fasolt, *Council and Hierarchy*, 43-45; Pass, *Source Studies*, 196-197. I borrow the expression “episcopal domain” from Porée (*le domaine épiscopal*).

<sup>16</sup> This incident is described only in the continuation of Aldebert’s *Chronicon*, written in 1275 and preserved in an inventory of titles of the bishop ADL G 8 fol 509v and as a fourteenth-century copy (ADL G 274). The continuation is printed in *Les miracles*, Brunel, ed., 134-138. “In primis, statutum est quod prefatus episcopus civitatem Mimatensem et populum pleno jure dominii, secundum jura et consuetudines Guilhelmi bone memorie, predecessoris sui, teneat et regat; injustas autem exactiones et pravas consuetudines que ab isto Guilhelmo episcopo et ab Aldeberto episcopo antecessore suo usurpate fuerant penitus resecans ...” *Chronicon*, 134. A reference to the complaints of the inhabitants of Mende against Guillaume de Peyre exists in a charter issued 81 years later by then Bishop Étienne (1274-1278) that confirmed the concessions granted by Guillaume de Peyre against “*injustas autem exactiones et pravas consuetudines*.” Porée, *Le consulat*, v-vii, 50.

King Louis IX of France by the bishop of Mende some forty-seven years after Guillaume's episcopate ended. Events leading to the *enquête* will occupy our attention at length below, but in brief, the suit sought to end interference with the bishop's jurisdictional rights and privileges by the royal seneschal of Beaucaire.<sup>17</sup> Testimony in support of the bishop was taken in Florac and in Mende in March 1270, and testimony supporting the royal prerogatives in the Gévaudan was heard in April 1271, February and October 1272, and May 1277 in Anduze.<sup>18</sup> Evidence from this testimony is augmented by a treatise known as *Mémoire relatif au paréage*, which was composed around 1301 or 1302 by the then bishop of Mende, Guillaume Durand the Younger (1296-1328).<sup>19</sup> The *Mémoire* argues on behalf of episcopal rights in the Gévaudan, drawing on the testimony from the *enquête* of the 1270s. The second source of information for Guillaume de Peyre comes from diplomatic evidence arising from the vicissitudes of the Albigensian wars.

Memory of Guillaume de Peyre figured prominently in the testimony of many of the witnesses, of whom some testified that they recalled seeing him in their youth exercising the duties of lordship. Seven of the fifty-two witnesses mentioned de Peyre by name, having known him personally. Of these seven, five describe Guillaume in a military setting, asserting his rights of lordship, challenging baronial abuses, and

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<sup>17</sup> The suit is analyzed in *Études historiques*, 281-331. For the interaction between the seneschals of Beaucaire, the barons of the Gévaudan, and the bishops of Mende see Michel, *L'administration royale*, 146-153; 175-182; 326-277 and 454-458.

<sup>18</sup> The testimony is found in AN J 894, no. 9. Partial records of the episcopal witnesses are found in ADL G 735 and for the king in ADL G 736. Porée has summarized and calendared the testimony in *Études historiques*, 302-13. Some testimony has been published in Michel, *L'administration royale*, 456-458. A second inquiry into the dispute between the bishop and the king was carried out from 1281 to 1291, but no records of that *enquête* survive. *Études historiques*, 289-290 and 321-322.

<sup>19</sup> The *Mémoire* of Guillaume Durand the Younger is preserved in ADL G 730 and printed in *Mémoire relatif au Paréage de 1307 conclu entre l'évêque Guillaume Durand II et le roi Philippe-le-Bel* (hereafter *Mémoire*), ed. Abel Maisonobe, 2 vols., (Mende, 1896).

restoring order in the Gévaudan.<sup>20</sup> For instance, Raymond de Serres, a priest from St. Germain de Calberte, recalled that he had ridden with a cavalcade led by Guillaume.<sup>21</sup> The bishop led the *pasiarii*, or peace militia,<sup>22</sup> which he used to enforce the peace, backed by the sworn oaths to serve the peace of many of the barons, castellans, and nobles of the Gévaudan.<sup>23</sup> Naturally, peace can be an expensive business, and by reason of Guillaume's lordship (*ratione majoris dominationis*) he could levy a countywide peace tax, or *compensum pacis*, to meet his expenses,<sup>24</sup> without permission from an assembly of barons.<sup>25</sup> Guillaume Durand cites the testimony of the lord of Altobraco to describe how the tax was collected. In the parishes, the *compensum* was collected under the supervision of laymen and clerics and brought to Mende, where it was placed in a chest. The bishop held a key to the chest and a baron held another.<sup>26</sup>

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<sup>20</sup> *Études historiques*, 302-330, nos. 6, 16, 25, 26, 42, 46, 49.

<sup>21</sup> *Mémoire*, 313-314. "Quod G. de Petra Episcopus Mimatensis, tanquam major dominus, faceret cum Baronibus et aliis hominibus Gaballitini cavalcas contra dampnum dantes et injuriam aliis facientes, probatur per sextum testem Episcopi domicellum..."

<sup>22</sup> *Études historiques*, 303-304, no. 16. On the *pasiarii* in southwestern France see Bisson, *Assemblies and Representation*, 114-115, 121, and 125.

<sup>23</sup> *Mémoire*, 220-223. "Quod, tempore domini G. de Petra Episcopi, jurarent Barones, Castellani, et nobiles Gaballitani se servaturos pacem..." The lord of Altobraco testified that "...dominus Guigo Mesquini, dominus Astorgius de Petra, et alii Barones Gaballitani, de quibus non recordatur, juraverunt pacem in manu predicti domini G. Episcopi..."

<sup>24</sup> *Mémoire*, 224 – 227. "Quod Episcopi Mimatenses, tanquam majores domini Gaballitani, consueverint, ratione majoris dominationis et ratione sup...[text breaks off] in conservatione pacis faciendorum, facere levare compensum per totum Gaballitanum, probatur per secundum testem..." Ibid., 224.

<sup>25</sup> Bisson, *Assemblies and Representation*, 115.

<sup>26</sup> *Mémoire*, 225. "...interrogatus in quo casu, respondit inter cetera, quod in eo quod faciebat levare compensum per Gaballitanum, preponendo cappellanos parochiarum cum uno layco in qualibet parochia ad levandum dictum compensum. Et vidit ipsum levare in parochia Sancti Salvatoris de Petra et potari M[imata]m et reponi in quadam archa, cujus quidem archa Episcopus tenebat unam clavem, et quidam Barones Gaballitani tenebant aliam; et audivit dici quod idem fiebat in aliis parochiis. Et dixit se audivisse quod de predicto compenso faciebat dictus Episcopus suas cavalcas pro pace, sive Gaballitano, sive extra." The bishops of Mende continued to levy the "penny of St. Privat" (Denarius Beati Privati) into

Guillaume seized every opportunity to expand the episcopal domain. The practice of partible inheritance, which divided inheritance equally among heirs, forced heirs to share revenues from a single estate, which often left them with reduced resources.<sup>27</sup> In fact, few castles in the Gévaudan had one lord. Most were held as co-seigneuries. During the episcopate of Guillaume, this included many of the most important lordships in the Gévaudan: Garde-Guérin, Chirac, Nogaret, Montrodat, Cénaret, St-Chély-du-Tarn, Randon, Ribennes, Servette, Montmerle, St-Julien-d'Apron.<sup>28</sup> Over time, the practice of naming multiple heirs tended to impoverish baronial families, while the episcopal domain continued to expand, little affected by the rhythms of life and death except when testators left all or part of their wealth to the church. Guillaume purchased the portions of estates from barons impoverished, thereby considerably expanding the episcopal domain. For instance, in 1202 when Guillaume de Merle needed money to travel to Jerusalem, he gave the portion of his rights in the castles at Servette and Montmerle to God, St. Privat, and Guillaume de Peyre for the sum of 2,000 sous *pougeois* provided by the bishop.<sup>29</sup>

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the fourteenth century in recognition of the inhabitants' submission (*ratione servitius quam suberant homines beato Privato*) to the church of St. Privat and the overlordship of the bishop (*ratione majoris dominii et altioris potestatis ab ipsis Episcopis levabatur*). *Mémoire*, 213.

<sup>27</sup> On the practice of partible inheritance in southern France generally, and the Gévaudan particularly, see *Études historiques*, 365. Paul Ourliac and Jean-Louis Gazzinga, *Histoire du droit privé français de l'an mill au code civil* (Paris, 1985), 118-119, 326, and 329 describe southern France as the land of partible inheritance and coseigneuries. Having analyzed notarial records of the Gévaudan from the fourteenth and fifteenth centuries (later than the period currently under consideration), Philippe Maurice provides an alternative view. He found that only about 19 percent of wills named more than one primary heir. Maurice, *La famille*, 125-126.

<sup>28</sup> *Études historiques*, 365, n. 2.

<sup>29</sup> The transaction is recorded in ADL G 575 and described briefly in *Études historiques*, 365-366. The document essentially is a will in which Guillaume de Merle named the bishop as his heir. The testament notes that Guillaume received 2,000 sous from the bishop, in warrant against the debt, in exchange for the rights and goods that he possessed. As for monetary values, Maurice provides the following equivalencies for the fourteenth-century Gévaudan: each pound was equivalent to 20 sous, each sous was equivalent to 12 deniers (or pennies), the dernier was comprised of two *iboles*, and the *ibole* was

Likewise, in 1207, Guigon and Garin de Châteauneuf mortgaged their parts in the castle of Randon in exchange for 3,000 sous *pougeois* from the bishop.<sup>30</sup> The bishop enjoyed Guigon and Garin's portions of the revenues from the castle of Randon while the "loan" went unpaid. In fact, there is no evidence that these debts were repaid, so that they amount to virtual alienations of property to the benefit of the episcopal domain.

Although Aldebert III and Guillaume de Peyre exercised considerable secular lordship in the region, we must remember that since 1172 nominal rights of lordship rested with the crown of Aragon.<sup>31</sup> However, the foundation of Guillaume's secular lordship in the Gévaudan was greatly strengthened vis-à-vis the Aragonese by developments during the Albigensian wars. In 1204 the king of Aragon, Peter II (1196-1213) pledged the county of the Gévaudan to the count of Toulouse Raymond VI in exchange for 3,000 silver marks, a considerable sum.<sup>32</sup> Aragon did not give up the claim

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equivalent to two *pites*. The designation sous *pougeois* (or, of Puy) is in contrast to sous *tournois*. Maurice, *La famille*, annexe iv, 454.

<sup>30</sup> ADL G 146, fol. 2, printed in *Études historiques*, 487-488. "...ego Guido de Castronovo, renunciens in hoc facto exceptioni non numerate pecunie et omni canonico vel legitimo auxilio, suppono tibi pignori prenominato Guillelmo Mimatensi episcopo eas partes et ea jura universa quecumque ego aut Garinus de Castronovo habemus in castro de Randone et in toto mandamento vel pertinentiis ipsius castri pro tria milia solidis pogensium quos a te metuo accepo atque eam pecuniam tibi ea causa mutui per stipulationem promito." The transaction is found in a register that contains copies of diverse oaths sworn by lords of the Gévaudan to the bishop.

<sup>31</sup> Recall that in 1112, the viscounty of the Gévaudan passed to the hands of the count of Barcelona Raymond Bérenger III, by his marriage to Douce, the sole heir of the last viscount of the Gévaudan. When Raymond Bérenger III's granddaughter died without issue, the county passed to his uncle, Alfonso II, the king of Aragon.

<sup>32</sup> The pledge also included the county of Millau. Peter II was strapped for cash due to his pending marriage to Marie de Montpellier and his upcoming trip to Rome for his coronation. He had agreed to submit to the pope and to pay tribute of 250 *mazmudins* each year. *Études historiques*, 201. The text of Peter's pledge is printed in *HGL*, vol. 8, 518-522. Peter II of Aragon had allied with Raymond VI of Toulouse as part of a strategy to expand Catalan-Aragonese influence in Languedoc. Raymond had married Peter's sister and later Peter's daughter married Raymond VII. Aragonese ambitions in southern France did not fare well in the face of the Albigensian wars and Peter was killed at Muret in 1213. On Peter II's ambitions in Occitania see Bisson, *The Medieval Crown of Aragon*, 38-39 and Strayer, *The Albigensian Crusades*, 88-95.

to the viscounty itself; the Count of Toulouse did not assume the title viscount of the Gévaudan, but he gained control of the castles possessed by the king of Aragon within the viscounty of Grèzes, giving Raymond de facto power in the county.<sup>33</sup> The long-term effect of the pledge was to exacerbate confusion as to who possessed the right to govern the county. In the short term, the royal *baillis* of Aragon were replaced by *baillis* of the count of Toulouse. However, the situation changed dramatically in 1209 when events, which could not have been foreseen in 1204, came together to bring the county into the hands of Guillaume de Peyre.

An army of crusaders left Lyon on 24 June 1209, traveled down the Rhone, into the valley of Valence, and arrived at Montpellier by 20 July.<sup>34</sup> On 22 July, the army began the siege of Béziers that resulted in the infamous massacre there. Following the terror at Béziers came the capitulation of Carcassonne. Fear of the crusading army, spreading throughout Languedoc, penetrated the Gévaudan. Anticipating that Raymond of Toulouse would not be able to protect him from the advancing crusading army, the king of Aragon rescinded his pledge to Raymond VI and placed the county under the protection of the bishop.<sup>35</sup> Evidence that in 1209 the barons of the Gévaudan also had misgivings about their ties to Raymond VI is found in the testimony from an *enquête* into the claims of the crown of Aragon to the Gévaudan that was begun in 1262.<sup>36</sup> To cite one

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<sup>33</sup> Pass, *Source Studies*, 24-25.

<sup>34</sup> Strayer, *The Albigensian Crusades*, 60-72.

<sup>35</sup> *Études historiques*, 206-208.

<sup>36</sup> There were two *enquêtes* into Aragonese claims to the Gévaudan, in 1262 and 1272. The claim was not upheld in either process. The records of both processes are preserved in ADL G 457 and ADL G 736 and are printed in *Études historiques*, 233-266. They offer an interesting view into the period of Aragonese domination in the Gévaudan from 1172 to 1258.

deposition, typical of many, Bertrand de Rocherousse testified that, at the time that the crusaders came to Béziers, Bernard de Sala, a knight, held the castle of Grèzes of the count of Toulouse. The men of the castle, out of fear of the crusaders, placed the castle under the protection of the bishop of Mende, saving the rights of the king of Aragon.<sup>37</sup> In 1211, the crusade was declared against the count of Toulouse. Peter II, alarmed by the growing power of Simon de Montfort in southern France at the expense of his own interests in the region, allied with Raymond. However, in 1213 Simon's forces defeated the two allies at Muret, where Peter II met his death. The following year, the church confiscated Peter's lands in the Gévaudan, which the bishop had been administering in the king's name, as the estate of a deceased heretic. On 6 June 1217, a bull issued by Pope Honorius III declared that the county of the Gévaudan was placed under the protection of the bishop, who had been overseeing this territory since 1214.<sup>38</sup>

What followed was a confusing and prolonged struggle involving the bishop, Peter II's successor James I, and the count of Toulouse over competing claims to the Gévaudan.<sup>39</sup> At times, the dispute erupted into military conflict. For instance, in 1219, Guillaume de Peyre, at the head of a baronial army and after a fourteen-day siege, took

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<sup>37</sup> *Études historiques*, 237. "...quando Crucesignati venerunt apud Biterrum, eo tempore [quo] Bernardus de Sala, miles, teneret dictum castrum de Gredona pro dicto comite Tholosano, homines dicti castri de Gredona, timentes dictos Crucesignatos, abstulerunt dictum castrum dicto Bernardo de Sala et tradiderunt eum ad custodienum domino episcopo Mimatensi qui cognominabatur de Petra, salvo jure regis Aragonum in omnibus." Of nine witnesses, six testified that baronial fears of the crusading army (*propter timorem Crucesignatorum*) caused them to place their possessions into the hands of the bishop for protection. In 1209, the count of Toulouse was still pursuing a policy of appeasement with the church and the rupture between the two had not yet occurred. Baronial apprehensions no doubt arose from their suspicions, shared by Innocent III, his legate Milo, and Arnaud Amaury, that Raymond's promise in 1209 to aid the goals of the crusade was sincere and that it was only a matter of time before the crusade turned toward his lands. Strayer, *The Albigensian Crusades*, 57-60.

<sup>38</sup> *Études historiques*, 208-209. The bull also conferred the county of Millau to the bishop's care. Honorius's bull is printed in *RH*, vol. 19, 633.

<sup>39</sup> The ebb and flow of the conflict is described in *Études historiques*, 209-227.

back the city of Marvéjols from the *bailli* of the king of Aragon, one Guillaume de St. Vincent, who had taken the city from the *bailli* of the bishop a few months earlier.<sup>40</sup> Astorge de Peyre, a knight and nephew of the bishop, and Bernard de Cénaret, a knight, testified at the *enquête* of 1270 that they had been with Guillaume fifty years earlier when he led the army in the siege of Marvéjols.<sup>41</sup> Guillaume had the support of most of the important barons of the Gévaudan, the Tournel, Florac, and Randon, who a few months earlier had sworn in the Cathedral of Mende that they recognized the lordship.<sup>42</sup> Guillaume took Marvéjols and later the heavily fortified *castrum* of Grèzes, about 10 km. west of Mende. Ultimately, Honorius III intervened in this phase of the dispute between the bishop and the king of Aragon, ordering the bishop to pay restitution to the king and to return both disputed *castra* to James.<sup>43</sup>

Some time between 1221 and 1223, old age forced Guillaume to resign his episcopal office to the papal legate; he did so with episcopal secular authority clearly in evidence.<sup>44</sup> During his pontificate, he had expanded seigniorial rights of the bishop well

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<sup>40</sup> *Mémoire*, 313-317 and *Études historiques*, 212-214. A witness reported that “Guillelmus de Petra, episcopus Mimatensis, cum magna milicia et baronibus Gaballitani obsedit Marologium et expugnavit dictum castrum Marologii cum machinis et castris de lignis per quatuordecim dies et postea recissit.” *Études historiques*, 214.

<sup>41</sup> *Études historiques*, 302 and 307.

<sup>42</sup> *Études historiques*, 213. Guillaume’s nephew, the archdeacon of the cathedral of Mende, actually received the oath in the absence of the bishop. “Dixit quod cum dictus dominus Guillelmus de Petra fuisset ultra mare et dimisisset dominum G. vicarium loco sui, archidiaconum Mimatensem, nepotem suum, vidit quod barones Gaballitani, videlicet dominus Odilo Garini, dominus Raymundus de Andusia, dominus Guigo, pater domini Randonis, dominus Garinus Apchier, dominus A. de Petra, coram altari beate Marie, producto capite Beati Privati et textu Evangeliorum, juraverunt dicti barones dicto vicario recognoscentes se tenere regiam Gaballitani pro eo tanquam pro vice dicti episcopi.” The oaths of the three barons are preserved in ADL G 92, 118, 130.

<sup>43</sup> *Études historiques*, 215-216.

<sup>44</sup> *Regesta Honorii Papae III*, ed. Petrus Pressuti, vol. 2 (Rome, 1895) no. 3450. “Episcopo Portuensi Apost. Sedis Legato. Ut cessionem G. episcopi Mimatensis, si eum regimini ecclesiae propter suam senectutem minus sufficientem invenerit, recipiat, et ecclesiam ipsam per electionem provideri

beyond the range of Aldebert. Like his predecessor, Guillaume continued the practice of minting money and maintaining safety on and repair of public roads.<sup>45</sup> He exercised appellate jurisdiction over the entire county; he levied a tax over the county that was paid in recognition of his overlordship; he had enhanced the episcopal domain at the expense of many of his barons, his rivals for lordship in the county.<sup>46</sup> When Guillaume rode out, leading the cavalcade in a military offensive against the king of Aragon, carrying before him the scepter of St. Privat, he presented such an imposing figure that more than fifty years later men still remembered his aggressive defense of his rights.<sup>47</sup> Although he

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faciat.” The year of Guillaume’s retirement is uncertain. Honorius III ordered the papal legate to receive Guillaume’s resignation in 1221 according to Fasolt, *Council and Hierarchy*, 44, n. 49; in *HGL*, vol. 4, 392, GC, vol. I, 90 his resignation is dated to 1223; Gams, *Series episcoporum*, 576 gives the start of Étienne’s episcopate as 1223; Pass, *Source Studies*, argues for the 1223 date.

<sup>45</sup> *Mémoire*, 254. “Quod Episcopi Gaballitani, ratione majoris dominii et tanquam majores domini Gaballitani, cognoverit et cognoscere consueverint et punire de furtiis, violenciis, depredationibus, maleficiis et raubariis in stratis publicis Gaballitani commissis et perpetratis...” *Mémoire*, 306. “Quod Episcopi, ratione majoris dominationis fecerint et sint in possessione seu quasi possessione faciendi reparare stratus in Gabllitano, quum reparatione indigebant...” *Mémoire*, 307. “Quod Episcopus Mimatensis, ratione majoris dominii et regaliū, monetam propriam cuderit et cudere possit et consueverit, probatur per compositionem cum beato Ludovico factum super Vice comitatu Gredone, que in judicio est producta. ...Prohibuerit et prohibere consueverit cursum *Turonenesium Nemausensium* et alterius monete regie per Gaballitanum...”

<sup>46</sup> *Mémoire*, 212-213. “Quod Episcopi Gaballitanorum consueverunt, singulis annis, levare et percipere, ab omnibus hominibus Gaballitanis, nobilibus et ignobilibus, unum denarium, qui *Denarius Beati Privati* appellabatur, et ratione majoris dominii et altioris potestatis ab ipsis Episcopis levabatur.”

For the oaths of homage sworn by the barons, see ADL G 70, 74, 81, 86, 91, 92, 104, 105, 117, 118, 119, 130, 146, 147, 149, 463. Oaths to Aldebert III and Guillaume de Peyre specifically are found in ADL G 104, 117, and 146 and are printed in *Les plus anciennes chartes* ed. Clovis Brunel, nos. 26, 46, 49, 68, 69, 70 and “Documents linguistiques de Gévaudan,” ed. Clovis Brunel, nos., iiii, vi, vii, 2, 3, 10, 12, 13, 14, 26, 70. The oaths are analyzed extensively in Pass, *Source Studies*, 194-252 and 261-270 and *LPB*, x.

Evidence for the bishop’s jurisdiction in this period is indirect. The oaths to Guillaume sworn by many lords offer evidence of his expanded rights, including the right to render justice if the lord was unwilling or unable to do so. In fact, the lords often swore to render their castle to the bishop to aid him in distraining enemies. Pass, *Source Studies*, 267-268 cites *Documents linguistiques*, 26 – 27. “Atressi els chastels que li geisa tenria segon los davan digs covinens nos deu entrametre de clams o de justicias, fora batallas de tracio, se li meu home fosson chavaller o altre, s’encolpavo, et eu non o menava aisi con deuria quar l’encolpamen de mos homes devo venir devan me...”

<sup>47</sup> *Mémoire*, 335. “Quod, ratione et in signum regaliū et majoris dominationis, Episcopus habeat et ab antiquo habuerit ceptum regale, quod in signum regaliū stat et stare consuevit in altare beati Privati et in ymaginis beati Privati et in solempnitatibus ante caput beati Privati, coram Episcopo portari consuevit...”

faced some challenges to his authority -- the king of Aragon still controlled the viscounty of Grèzes -- there can have been little doubt in anyone's mind that Guillaume controlled the secular lordship in his diocese.<sup>48</sup> It was left to his successor to complete the consolidation of seigniorial rights in the Gévaudan at the expense of the king of Aragon; Guillaume had laid the foundation for lordship so successfully that this was accomplished easily within four years of his retirement. Indeed, the promise of the Golden Bull, which appeared to grant the bishop sovereignty in the Gévaudan, seemed to be realized. As Guillaume Durand the Younger noted, no French overlordship was felt in the Gévaudan in this time.<sup>49</sup> Yet, as we shall see, Guillaume's successor, Étienne de Brioude, was unable to maintain the achievement of Guillaume in the face of the aggressive expansion of the king of France.

*Étienne de Brioude (1222 – 1247)*

The pontificate of Étienne de Brioude witnessed both the apogee and the beginnings of the decline in the episcopal secular lordship.<sup>50</sup> Paradoxically, both

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<sup>48</sup> In 1222 the viscounty of Grèzes, which was the area still held by the king of Aragon, was limited to the western portion of the Gévaudan, centering on the castle of Grèzes and bounded by the towns of Marvéjols, La Canourgue, and the castle of Chanac. In 1217 and 1218, a survey of the king of Aragon's possessions in the Gévaudan was prepared. It survives as ADL G 455 and is printed in *Études historiques*, 228-232.

<sup>49</sup> *Mémoire*, 411. "Quod toto tempore predicti G[uillaume] de Petra Episcopi non fuit aliquis Gallicus dominationis causa in Gaballitano."

<sup>50</sup> The important sources for the pontificate of Étienne de Brioude are *GC*, vol. I, 90-92 and vol. I, Instrumenta 25; *Études historiques*, 368, 216-227, 410-432; Fasolt, *Council and Hierarchy*, 45-49; Michel, *L'Administration royale*, 117, 146-153, 162-165 and 175-181; Pass, *Source Studies*, 253 passim. Although written in the early fourteenth century, the *Mémoire* of Guillaume Durand the Younger, a treatise written as a defense of episcopal rights in the Gévaudan, also is a source for the thirteenth century bishops Guillaume de Peyre, Étienne de Brioude, and Odilon de Mercoeur.

developments were set in motion by relative newcomers to the affairs of this marginalized region: the king of France and the papacy. In fact, Étienne himself was an outsider, not elected “from the bosom of the church of Mende” (*assumptus non fuerat de gremio ecclesiae Mimatensis*);<sup>51</sup> from Brioude, he was not a member of the local nobility that had long dominated the episcopate in the Gévaudan.<sup>52</sup> The cartulary of the archbishop of Bourges records the election of Étienne, *magister scholarum*, by the chapter of the church of Mende in 1223 and his consecration in Rome.<sup>53</sup> The cathedral chapter held an election by order of the papal legate who had received Guillaume de Peyre’s resignation, and Étienne seems to have owed his election, at least in part, to his learning.<sup>54</sup> However, his election was not without complications. Innocent III had issued a dispensation to Étienne to excuse his illegitimate birth at the time of his ordination to the priesthood, with the stipulation that he not be elevated to the episcopate without further papal permission. Therefore, his election as bishop required a special dispensation from Honorius III. Furthermore, since the archbishop of Bourges, Simon,

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<sup>51</sup> *GC*, vol. I, Instrumenta 25. Brioude is located in the volcanic dome region, about 50 km. north of Mende

<sup>52</sup> The election of Étienne de Brioude broke the virtual monopoly that local noble families held on the episcopal office. Never again would the bishop of Mende come from either of the two most powerful noble families, the Peyre and the Tournel, with the exception of Aldebert de Peyre who was bishop for two years from 1441-1443. Fasolt, *Council and Hierarchy*, 46, n. 57. The shift is indicative of the growing independence of the episcopate from baronial power and control.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Regesta Honorii Papae III*, vol. 2, no. 3540. “Episcopo Portuensi Apost. Sedis Legato. Ut cessionem G. Episcopi Mimatensis, si eum regimini ecclesiae propter suam senectutem minus sufficientem invenerit, recipiat, et ecclesiam ipsam per electionem provideri faciat. Nearly every document produced concerning Étienne’s election and consecration describes him as a “magister scholarum.”

had not received the pallium, Étienne was consecrated in Rome by the bishop of Chartres.<sup>55</sup>

Therefore, two points concerning Étienne's election are significant. The first, Étienne was not of the Gévaudan's nobility and he did not bring to his pontificate the ready-made networks of alliance that characterized the pontificates of his predecessors. Second, Étienne's election involved the papacy in ways unprecedented in the Gévaudan. The papal legate who had received Guillaume's resignation ordered the cathedral chapter to hold an election. Guillaume was the first bishop of Mende consecrated in Rome and his election was regularized by curial dispensation.<sup>56</sup> Étienne would face further intrusion in his diocese by no fewer than five papal legates, armed with the full authority of the pope, who were sent to combat heresy.<sup>57</sup> He was also the first bishop to experience the papacy's growing tendency to tap diocesan revenues in order to settle debts that the

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<sup>55</sup> "...cum quo a vitio natalium dispensatum fuit ab I[nnocent III] Papa, quem ipsi, recepta [Willelmi] eorum episcopi cessione, in ipsius locum elegerunt, habita prius licentia a [Conrado] Portuensi episcopo tunc Apost. Sedis Legato ut per electionem canonicam eorum ecclesiae de pastore providerent, obedientiam et reverentiam tamquam patri et pastori impendant." *Regesta Honorii III*, vol. 2, no. 4841. "Concedit ei ut, non obstante quod episcopatu Mimatensi sponte cesserit, cum episcopi diocesanici licentia possit cum pontificalibus insigniis divina officia celebrare." Ibid., vol. 2, no. 4851. On the involvement of the bishop of Chartres with the consecration, see *GC*, vol. I. Instrumenta 25 and *Hierarchia catholica medii et recentioris aevi*, vol. I, ed. Conrad Eubel (Patavii, 1913), 357, n. 2.

<sup>56</sup> Upon his election, Étienne received that special exemption from Honorius III. *Regesta Honorii Papae III*, vol. 2, no. 4841. "Ut S[tephano], olim magistro scholarum deinde sacristae Brivatensi, et cum quo a vitio natalium dispensatum fuit ab I[nnocentio III] Papa, quem ipsi, recepta [Willelmi] eorum episcopi cessione, in ipsius locum elegerunt, habita prius licentia a [Conrado] Portuensi episcopo tunc Apost. Sedis Legato ut per electionem canonicam eorum ecclesiae de pastore providerent, obedientiam et reverentiam tamquam patri et pastori impendant." *Regesta Honorii Papae III*, vol. 2, no. 4851, "W[illelmo] episcopo quondam Mimatensi. Concedit ei ut, non obstante quod episcopatu Mimatensi sponte cesserit, cum episcopi dioecesani licentia possit cum pontificalibus insigniis divina officia celebrare."

<sup>57</sup> The Gévaudan produced no evidence of heretical activity, although as we have seen, the Albigenian wars, and their settlement did play a significant role in the political life of the diocese. The papal registers of Leo IX and Innocent IV record the sending of papal legates across the region. Those papal commendations that specifically mention Mende are found at *Les Registres de Grégoire IX*, ed. Lucien Auvrey, vol. 1 (Paris: Albert Fontemoing, 1896), no. 1172, 1474, 1477; *Les Registres de Grégoire IX*, ed., Lucien Auvrey, vol. 2 (Paris: Albert Fontemoing, 1907), no. 4317; *Les Registres d'Innocent IV*, ed. Élie Berger, vol. 1 (Paris: Ernest Thorin, 1884), no. 31.

dioceses themselves had not incurred. From 1232 to 1239, Gregory IX made three requests for contributions from southern French dioceses, including Mende, to pay for the considerable debts incurred by Simon de Montfort.<sup>58</sup>

If papal interference in diocesan affairs increased during this period, it was not always to the detriment of episcopal authority. Recall that in 1204 Peter of Aragon had mortgaged the viscounties of Millau and Gévaudan to the Count of Toulouse. In 1214, however, Innocent III gave the viscounty of the Gévaudan to the bishop of Mende as part of the estate of a deceased heretic after Peter was killed at Muret fighting against Simon de Montfort. The situation was confused further in 1217, when Honorius III ordered the bishop to restore the viscounty of Millau to Aragon. When Étienne was elected in 1223, the Aragonese still had control of the *castrum* of Grèzes although most of the Gévaudan was under the control of the bishop. It was left to Étienne to consolidate episcopal authority.

In consolidating episcopal lordship, the bishop was, once again, helped by the geographic conditions of the Gévaudan; the region no doubt was too distant, poor, and mountainous to draw much attention from James I of Aragon. Although Aragon attempted to assert a claim to the Gévaudan by appealing to Honorius, in 1225 the pope handed the dispute to his legate, who then appointed two councilors, Hugues Carbonnier, a knight, and Foulques of Tournel, the master of the Aragonese Hospitallers, to investigate the matter.<sup>59</sup> By a charter issued in Tortosa in Catalonia dated October 1225,

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<sup>58</sup> Fasolt, *Council and Hierarchy*, 46, n. 60. In two instances, there is no record of the amount requested. In the third, the church of Mende was asked to pay 80 pounds *tournois* out of 10,000 demanded from the southern dioceses, certainly a moderate amount.

<sup>59</sup> *Études historiques*, 220; *RH*, vol. 19, 776.

James surrendered the castle of Grèzes and all lands in the Gévaudan claimed by the king to Étienne and the church of Mende, declaring that he was a vassal of the bishop.<sup>60</sup> The following year, backed by the “crusade” called by the papal legate to rid Mende and four other dioceses of Toulousan influence, Étienne led a military action against the remnants of Raymond VII’s forces and captured the castle of Grèzes.<sup>61</sup> The bishop was now, in effect, the lord of the Gévaudan, having reversed the earlier situation: the former overlord of the viscounty was now his vassal and the Count of Toulouse had been driven from the county, all with endorsement from the papacy.

In 1226, Étienne had realized the zenith of episcopal power, but his vulnerability to Capetian expansion was soon exposed. A few months after the expulsion of Toulousan forces from the Gévaudan, Louis VIII declared that the rights of the Count of Toulouse in the county were still valid and, as successor to the count, Louis claimed those rights.<sup>62</sup> In 1227, Louis named Béraud de Mercoeur castellan of the castle of Grèzes; the bishop received 3,000 *sous tournois* in compensation for his expenses.<sup>63</sup> This

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<sup>60</sup> *Études historiques*, 220-223 and 367. The charter (ADL G 70) is printed in *Études historiques*, 221 n.2. In spite of James’s charter, the Aragonese claim to the Gévaudan was not quite dead. In 1258, the Treaty of Corbeil confirmed Capetian claims over the Aragonese in the Gévaudan, although the Aragonese revived their claim in 1262 and Louis IX launched an *enquête* to investigate the matter.

<sup>61</sup> *Ibid.*, and *GC*, vol. I, Instrumenta: 25. Many witnesses, including the former castellan of Grèzes, one Pierre Bonnaud, vividly recalled the capture of Grèzes some thirty-six years earlier. Pierre testified that while he and the bishop were negotiating the fate of the castle, episcopal forces sneaked around to the rear of the nearly impenetrable castle, stormed, and captured it. Shear cliffs protect Grèzes and a surprise attack while the enemy’s attention was diverted may have been one of the few ways to actually take this forbidding *castrum*. *Études historiques*, 249-252.

<sup>62</sup> *Études historiques*, 223-225; *HGL* vol. 4, 137 and vol. 8, 860; Michel, *L’Administration royale*, 117-118, 146-153, 162-165, and 175-181.

<sup>63</sup> For the institution of Béraud de Mercoeur see *LTC*, vol. 2, 117, no. 1916. The payment is mentioned in the testimony of Aymoin de Montrodât, knight, a witness in a 1262 *enquête*, printed in *Études historiques*, 243, no. 42. Marcellin Boudet claims that Béraud de Mercoeur was the brother of Odilon de Mercoeur, the bishop of Mende following Étienne, although direct evidence for this is lacking. Marcellin Boudet, *Les Derniers Mercoeurs* (Paris, 1906), 40-41.

arrangement, which left the king as overlord in the county, was confirmed in 1229 by the treaty of Paris, in which Raymond of Toulouse renounced all his claims in the Gévaudan.<sup>64</sup> In 1243, the bishop of Clermont, Hugues de la Tour succeeded Bénaud de Mercoeur as the viscount of Grèzes, after which the viscounty was administered by the royal *bailli* in Marvéjols under the supervision of the seneschal of Beaucaire.<sup>65</sup> There seemed to be little the bishop could do to stop royal intrusion. In fact, quite to the contrary, as an outsider, the bishop had few baronial allies upon whom he could call; and when faced with challenges from the baron of Tournel, Odilon Guérin, he was forced to call on the French king for help in maintaining the peace in his diocese.

Étienne's appeal for help went out in two stages.<sup>66</sup> First, in September 1227, he appealed, with the consent of his cathedral chapter, to Rossel de Châlons, constable of Louis IX, for aid. In exchange, Étienne offered half the proceeds from the *compensum pacis* that came from the region.<sup>67</sup> Then, in 1233, Étienne, accompanied by the provost of the chapter, Armand de Peyre, traveled to Nîmes and took the drastic step of appealing to the seneschal of Beaucaire, Pèlerin Latinier, for military assistance in maintaining the

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<sup>64</sup> *HGL*, vol. 6, 634 and 637, no. 2 and vol. 8, 883-893.

<sup>65</sup> *Études historiques*, 225.

<sup>66</sup> Royal intervention in the Gévaudan is discussed in Michel, *L'administration royale*, 116-126, 146-153, 162-165, 175-181; *Études historiques*, 223-235 and 410-432; *Documents historiques*, vol. 1, 8-9; Balmelle, *Précis d'histoire du Gévaudan*, 136-146; Fasolt, *Council and Hierarchy*, 47-49; Pass, *Source Studies*, 256-258. Porée treats the subject extensively, relying on testimony from the 1270 *enquête* in which Étienne's successor, Odilon de Mercoeur appealed to the Parlement to remove the royal interference in his jurisdiction. The appeal will be discussed extensively below.

<sup>67</sup> The appeal to Rossel de Châlons exists in a fourteenth century copy [ADL G 29], which is printed in Michel, *L'administration royale*, 147, n. 1. Another copy from about the same time [ADL G 1466] follows the *Miracles de Saint-Privat*. Seventy-three years later, Guillaume Durand the Younger described Étienne's appeals for help in his *Mémoire*, 411-415.

peace for a period of three years, claiming he was unable to restrain his barons.<sup>68</sup>

Étienne's difficulties arose from his role as the head of the *paizade*, or peace militia; he was unable to collect the tax that was used to raise the militia from many of the barons south of the Tarn.<sup>69</sup> In exchange for seneschal's aid in preserving the peace, the bishop again promised half the revenues from the *compensum pacis* and half of any proceeds derived from the campaign. He made this appeal without the consent of his barons, even though the invitation to the seneschal drastically altered the peace structure.

Pèlerin Latinier did not jump at the chance to intervene in the affairs of Mende. He had not received instructions from the crown to interfere in the Gévaudan, except for the lands of Pierre Bermond, which had been confiscated by the crown because of his alliance with the count of Toulouse. Instead of coming to bishop's aid, the seneschal arranged to give Étienne a response in Anduze, after he had received his instructions from the king. On the appointed day, Armand de Peyre, provost of Mende, met in Anduze with Latinier, where he learned, not surprisingly, that the seneschal had received royal permission to preserve the peace, punish those who broke the peace, and to make restitution to the victims of peace-breakers in Mende and Le Puy.<sup>70</sup>

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<sup>68</sup> *Mémoire*, 417. "Predictus dominus Stephanus existens Mimate presentibus comptoribus Gaballitani dixit predicto domino Peregrino senescallo hec verba: 'Ego non possum compescere istos nobiles et ideo feci vos participem in pacem et dedi vos pacem ut per vos possim eos distringere, rogo vos ut vel vos distringatis eos vel detis mihi aliquem qui eos distringatis.'" The 1233 agreement between Étienne and the seneschal does not survive, but the subsequent renewal of the agreements in 1239 [ADL G 29] is printed in Michel, *L'administration royale*, 384-386.

<sup>69</sup> Étienne's troubles were especially acute in the Cévennes, the mountainous southern region of the diocese. In 1228, Pierre Bermond VII de Sauve held the castle at St-Étienne-Vallée-Française, but he had fought on the side of Count of Toulouse, and as a result, all his possessions were confiscated, except for the castle at Roquedur. A royal *bailli* was installed in St-Étienne-Vallée-Française. Hence, many barons looked to the royal representatives as keepers of the peace rather than the bishop; in their view, the peace tax funded a private army of the bishop, one of their rivals for power in the diocese. *Études historiques*, 413-415.

<sup>70</sup> *Études historiques*, 418.

Assured by the royal mandate, Pierre Latinier acted without hesitation. He arrived in Mende that same year with the royal judge, Bertrand Ravain, *jurisperitus*, Pierre Alméras, Bernard de Montusargues, one of his councillors, and a large collection of knights and men of arms. The seneschal called a convocation of the major barons. The rebellious baron of Tournel, Odilon Guérin appeared, leading three powerful members of his family: his son Guigues de Tournel, his brother Guigues Meschin, the baron of Randon, and his nephew Randon de Chatueauneuf. Pons of Deux-Chiens, Astorge de Peyre, Garin d'Apcher, and his uncle Bernard, the dean of the church of Le Puy also attended. Latinier explained the reason and terms under which he agreed to intervene in affairs in the region. Evidentially, his presence, and his royal backing, commanded sufficient authority that all the barons, except for the troublesome baron de Tournel, acquiesced in the new arrangement. The royal servants went to work immediately: for breaking the peace, the judge ordered Guérin d'Apcher to pay one thousand pounds, and Pons des Deux-Chiens was fined one thousand *sous* and forfeited his castle at Chambon.<sup>71</sup> As for the seneschal, he launched a campaign against the lords of Servissac in Le Puy, leading an army composed of his own knights, the censured barons and their men, plus the bishop and the peace militia that he had managed to raise.<sup>72</sup> After this campaign, which must have made a strong impression on the unruly barons, Latinier left Mende; before departing he installed a knight named Mercadier as

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<sup>71</sup> Ibid., 420.

<sup>72</sup> Ibid., 421.

the first royal *bailli* in Marvéjols, to keep the peace in his name, and admonished the barons that they should obey the royal *bailli* as they would him.<sup>73</sup>

The royal presence, once established, never yielded. Mercadier and his successors maintained the peace with dedicated tenacity, sometimes as an ally of the barons, at other times as an enemy. The *baillis* led campaigns against the Peyre, Apcher, Anduze, Randon, Tournel, and Chirac; they gave military protection to barons against aggression from rival barons; they confiscated castles; they held assizes; they imposed truces. They mobilized many of the barons to campaign against the Count of Toulouse. In short, they kept the peace and exhibited the rights of lordship more effectively than the bishop had. In 1236, the agreement between Étienne and Pierre Latinier was about to expire and it seems likely that the bishop had misgivings about renewing it. Capable enforcement of the peace by royal agents diminished the bishop's prestige and his revenues from the collection of the *compensum pacis*. As for the barons, they seemed ready to back the position endorsed by Odilon Guérin in 1233, who refused to consent to "foreign" intrusion into their region. When Étienne gathered his barons to take their advice concerning the renewal of the agreement, Raymond of Anduze expressed the barons' resentment to the intrusion of royal agents into their splendid isolation, declaring, "We are of great blood and it is not good that we are being sold like pigs or sheep."<sup>74</sup> To convince the bishop of the need for continued royal assistance, Mercadier encouraged a

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<sup>73</sup> Ibid. Citing ADL G 735, "...Voluit et precepit omnibus quod obedirent Mercaderio quem ibi dimittebat pro se" and "Dominus Pelegrinus tunc ad pacem conservandam posuit Mercaderium loco sui."

<sup>74</sup> *Études historiques*, 425 n.3 citing ADL G 735 "Alio vero, vidit quod dictus dominus episcopus convocavit barones coram se et preciiit consilium ab ei utrum expediret dari pacem Petro de Arnancort, senescallo. In quo audivit quod dominus Raymundus de Andusia dixit: 'Nos sumus de magno sanguine et non est bonum quod vendamur sicut porcus vel muto.'"

minor insurrection by the baron of Canillac against the bishop's property in Canourgue.<sup>75</sup>

The bishop, with insufficient support from vassals or barons to deal with his internal enemies, turned once again to the seneschal of Beaucaire for help and renewed the agreement in 1237.<sup>76</sup> The agreement again was renewed with Pierre Latinier's successors in 1239 and 1241. As Charles Porée explains, "Thus the bishop had become, little by little, the prisoner of his protectors."<sup>77</sup>

As the influence of the royal *bailli* expanded in the Gévaudan, Étienne's position grew increasingly untenable. At various times, Étienne attempted to assert himself and resist royal encroachment. For example, he once had Mercadier arrested, he defended the lordship of the baron of Florac against a campaign by seneschal, and, at least once, he demanded that the banner of St. Privat precede that of the king when he embarked on a military expedition with the seneschal. Yet, because of his weakened position vis-à-vis the barons and the energy with which the *bailli* undertook his task, the erosion of episcopal power was irresistible. In 1243, Louis IX replaced the viscount of Grèzes,

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<sup>75</sup> *Études historiques*, 426. Citing ADL G 735, "Audiuit dici quod, post terminum elapsam a tempore dicte concessionis dicti domini Pelegrini, dictus dominus episcopus, ad instanciam aliquorum baronum et preposit et archidiaconi Mimatensis ecclesie, revocavit concessionem factam, ita quod, post triennium ad quod facta fuerat dicta concessio, dictus episcopus noluit ei iterum concedere. Post paululum autem temporis audiuit dici quod Caniliacus, ad suggestionem Mercaderii, bajuli Guaballitani, cavalgavit supra Chanac et inde accepit boves et vaccas et alia animalia. Et cum varones nollent juvare episcopum sicut vellet, iterum concessit pacem dicto domino Pelegrino ad illiud terminum."

<sup>76</sup> *Ibid.*, 425-426.

<sup>77</sup> *Ibid.*, 426. "Lévêque était devenu ainsi, peu à peu le prisonnier de ses protecteurs." Guillaume de Pian succeeded Mercadier as *bailli* and carried out his mission in the Gévaudan with the same, if not more vigor than his predecessor. For instance, he finally addressed the threat from Guigues de Tournel using, as a pretext, the baron's protection of highwaymen and robbers. Witnesses claimed that the *bailli* scoured the barony, pillaging and destroying all that he found. He imposed penalties of restitution against the baron of Randon, intervened in a dispute between Pons of Deux-Chiens and his wife, Odile, defended the episcopal *castra* at Serverette and Randon, and launched a major military initiative against the Apcher. *Études historiques*, 427-429.

Bérnaud de Mercoeur, with Hugues de la Tour, the bishop of Clermont.<sup>78</sup> That same year, Étienne refused to renew the agreement with then seneschal Pierre d'Ernaucourt. He then attempted to collect the *compensum pacis* for himself, as he and his predecessor had done. However, Hugues de la Tour refused to allow the bishop to levy this tax in the lands of the king. The *compensum pacis* simply was abolished because the king was now keeping the peace and Hugues sent knights against the bishop in Mende and his other territories.<sup>79</sup> This was the beginning of the end for Étienne. He was unable to defend Mende and had to flee to the protection of the noble family that had resisted, from the first, royal intervention in the Gévaudan – the Tournel. He died three years later, having witnessed the realization of the promise of the Golden Bull and its demise.

#### *Odilon de Mercoeur (1247 - 1274)*

When the cathedral canons met to elect a new bishop, they were deadlocked between two men, both from influential baronial families of the Gévaudan: Armand de Peyre, provost of the church of Mende, and Bernard d'Apcher, dean from the church of Le Puy and canon of Mende.<sup>80</sup> In 1247, both men renounced their candidacy for the

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<sup>78</sup> *Études historiques*, 433. Almost nothing is known about Bérnaud de Mercoeur as the viscount of Grézes. He seems to have made little impression on the witnesses of the 1270 *enquête* although as Porée points out, the viscount must have regarded the 1233 agreement (and subsequent renewals) between the bishop and the seneschal of Beaucaire as something of a threat to his authority in the viscounty. If so, there is no record of his involvement in the agreements. Porée believes Bérnaud did not die before 1258. *Études historiques*, 433, n. 2 citing *Cartulaire du prieuré de St-Flour*, ed. Marcellin Boudet (Monaco, 1910).

<sup>79</sup> *Études historiques*, 433-434. Citing AN J 894, no. 5 "Pro conservatione pacis, vidit rex faciebat levare compensum in villa de Canocica, et ipse testis solvit et audivit dici quod idem fiebat in toto Gaballitano; sed dominus episcopus Clarimontis fecit cessare dictum compensum, tempore quo incepit tenere Gaballitanum pro domino rege." Porée points out that although the barons of the Gévaudan resent royal intrusion, they were probably not unhappy to be relieved of the *compensum pacis* and, in fact, there had been baronial resistance to paying it from the beginning of Étienne's reign.

<sup>80</sup> *GC*, vol. I, 92.

episcopal seat to Pope Innocent IV in Lyon, clearing the way for the pope to appoint Odilon de Mercoeur, dean of Bourges cathedral.<sup>81</sup> Odilon's pontificate is characterized by the aggressive assertion of his jurisdictional rights over those of his rivals, whether the seneschal of Beaucaire, the barons, or the inhabitants of Mende. He had advantages in regaining and defending episcopal rights that Étienne never enjoyed.<sup>82</sup> On one hand, with Odilon, there were no questions of legitimacy, as there had been with Étienne; Odilon came from a very prestigious baronial family of the Auvergne that had produced bishops, abbots, counts, and seneschals for more than a century.<sup>83</sup> He was neither lacking in vassals nor dependant on the *compensum pacis*, as Étienne had been. In addition, Odilon was elected amid the growing recognition among the barons that episcopal and baronial interests were both served by resisting royal encroachment. The common cause between bishop and barons against royal infringement was evident even at the end of the Étienne's reign when he was forced to seek asylum with the Tournel, certainly no friends of the bishop.

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<sup>81</sup> Sources for the episcopate of Odilon de Mercoeur are *GC*, vol. I, 92-94; *HGL*, vol. 4, 393; *Études historiques*, 71-79, 196-197, 237, 267, 282-287, 293-299, 302, 304-306, 310, 313, 318, 370, 373-377, 435-453, 456, 460-461, 465-467, 470-471, 476, 494-495, 498-509; Michel, *L'administration royale*, 177-181, 454-458; Fasolt, *Council and Hierarchy*, 49-55, 68, 70-71; Pass, "Source Studies," 14-20, 28-30, 259; *Mémoire*, throughout.

<sup>82</sup> *Études historiques*, 436-437.

<sup>83</sup> Recall that Bénaud de Mercoeur received the viscounty of Grézes from in 1227 from Louis IX. Bénaud was also the seneschal of Bourbon and constable of the Auvergne. The family Mercoeur provided bishops to the sees of Clermont, Le Puy, and Mende. On the family de Mercoeur see Marcellin Boudet, "Les Derniers Mercoeurs: Béraud VII de Mercoeur, Connétable de Champagne, 1272-1321," *Revue d'Auvergne*, 21 (1904): 1-20, 93-127, 241-266, 373-396, 453-60 and 22 (1905): 47-63, 97-123, 161-178; Marcellin Boudet, "Les Deniers Mercoeurs: Les Mercoeurs seigneurs de Gerzat, leurs auteurs et leur fin," *Revue d'Auvergne*, 22 (1905): 179-192, 244-272, 333-346, 373-389; Marcellin Boudet, *Les Derniers Mercoeurs* (Paris, 1906).

Therefore, in terms of prestige, finance, and vassalic and baronial support, Odilon stood on more solid ground than did his predecessor, and his episcopate began with a string of successes. By 1249, with support from the baron of Florac, Raymond of Anduze, he had subdued by military action the rebellious barons Guigues de Tournel and Randon de Châteauneuf.<sup>84</sup> Both swore homage to the bishop; Guigues de Tournel renewed the oath of *reddition* sworn by his grandfather to the bishop in 1219, recognizing that he held his castles of the bishop; Randon paid indemnities for damages done to the Raymond of Anduze.<sup>85</sup> Furthermore, after successful military engagements against his two long-time rivals, the Apcher and the de Peyre, Odilon received an oath of homage from the Apcher, and, for the first time, the de Peyre recognized episcopal suzerainty in 1261.<sup>86</sup> To strengthen his secular lordship, Odilon also used the authority of his episcopal court to enforce the peace, mediate disputes over tolls and public roads, and summon barons to appear. For example, in 1257, the episcopal court imposed a sentence of a fine against Garin d'Apcher, the son of the count of Rodez and various other men for

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<sup>84</sup> Odilon's assertion of episcopal power over his barons is covered in *Études historiques*, 435-452. Porée draws on testimony from the *enquête* of 1270 [ADL G 735], which is discussed at length below.

<sup>85</sup> *Études historiques*, 435-436. Raymond of Anduze was a valuable and indefatigable ally of Odilon de Mercoeur. Loyalty to the bishop was considerably less evident in Guigues de Tournel, who five years after giving homage to Odilon, once again took up arms against him. Odilon Guerin, the grandfather of Guigues de Tournel, submitted to Bishop Guillaume de Peyre in 1219 along with Raymond of Anduze (Baron of Florac), Guillaume of Châteauneuf (house of Randon), Guigues de Meschin and his wife Valborge. Gregory Pass points out that the oaths in 1219 were far more than merely an oath of *reddition*; they signaled recognition of the bishop's regalia. Therefore, the renewal of the oath that, in effect, acknowledged submission to the bishop in 1249 by his most formidable challenger was quite a significant demonstration of episcopal suzerainty. Pass, "Source Studies," 262. The 1219 oath of Odilon Guerin is printed in André Phillipe, *La baronnie du Tournel et ses seigneurs du début du XIIIe siècle à la fin du XVe siècle* (Mende, 1903), 1-11 and in A. Chazaud, "L'évêque de Mende et les seigneurs du Tournel," *BEC* 16 (1855): 309-321. The other four oaths are printed in Clovis Brunel, "Documents linguistiques de Gévaudan," *BEC* 77 (1916): 22-29. A discussion on the nature of oaths of *reddition* in the Gévaudan is found in Pass, "Source Studies," 208-224 and 262.

<sup>86</sup> *Études historiques*, 435-441. Astorge de Peyre declared that he held the castle de Peyre of the bishop for nine of twelve months.

carrying arms in the diocese of Mende.<sup>87</sup> Around 1263, the baron of Deux-Cheins turned to the episcopal court for redress when a group from Grandrieu attacked his agents, who were trying to collect a toll on the road from Châteauneuf to Saugues. The episcopal judge, Laurent de Condat, investigated and resolved the matter.<sup>88</sup> Six years later, the same judge investigated and then issued a denunciation against two men for occupying and appropriating a public road.<sup>89</sup>

Controlling barons was not the only challenge confronting Odilon. In 1261 and 1262, he faced a rebellion mounted by inhabitants of Mende, who, with encouragement from seneschal of Beaucaire, attempted to establish a communal government.<sup>90</sup> A group of citizens seized the walls and gates to the city, attacked the episcopal palace, expelled the bishop from his city, appointed *syndics*, and proclaimed that Mende was a free and independent commune.<sup>91</sup> Odilon overcame his adversaries with a vigorous counterattack, excommunicating those involved in the insurrection and obtaining condemnation of the

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<sup>87</sup> Ibid., 438.

<sup>88</sup> Ibid. Laurent de Condat will be discussed at length in the following chapter.

<sup>89</sup> See ADL G 963, 37v-38r for the *inquisitio* by Laurent de Condat and ADL G 964 for the condemnation. In his argument supporting episcopal lordship in the Gévaudan, Guillaume Durand the Younger considered maintaining the safety, and even the passability, of public roads as an important indication of legitimate public authority. *Mémoire*, 306.

<sup>90</sup> On the attempt to establish a consular government in Mende see Porée, Charles. *Le consulat et l'administration municipale de Mende, des origines à la Révolution* (Paris, 1901), viii – xxiv and 1-49; Gouron, "Diffusion des consulats méridonaux" 46-47; Grimaud and Balmelle, *Précis d'histoire du Gévaudan*, 170.

<sup>91</sup> The seneschal, Guy de Rocheforte, used a royal agent to encourage barons to join the rebellion; if the barons refused to join the insurrection, they were imprisoned. *Études historiques*, 446. Guy de Rocheforte was seneschal of Beaucaire from 25 September 1262 to 14 August 1264. His tenure as seneschal was curtailed when he was on the losing end of a quarrel with the bishop of Nîmes. Michel, *L'Administration royale*, 335.

rebels from royal court in Clermont.<sup>92</sup> After order was restored, episcopal judges conducted an investigation into the rebellion; as a result, the ringleaders were forced to swear an oath in public, before the doors of the cathedral, renouncing their attempts at governmental innovation. Eventually, Odilon granted absolution to the rebels but not before receiving their full submission to episcopal authority.<sup>93</sup> Thus, the bishop, with support from the royal court, prevailed over his enemies among the citizens of Mende and against the seneschal of Beaucaire.

The bishop's ability to resist challenges from his rivals for secular authority were quite robust, but ultimately, he was not strong enough to withstand the royal advance. Determined to consolidate royal authority by nullifying (or, at least, moderating) outside influences in the areas affected by the Albigensian wars, Louis IX concluded the Treaty of Corbeil with Aragon in 1258. By the treaty, Aragon abandoned its claims to all lands north of the Pyrenees, excepting the lordship of Montpellier, and the surrendered its rights to Provence, thereby ending for all practical purposes Aragonese influence in the Gévaudan.<sup>94</sup> However, in the Gévaudan, the situation was still not completely clarified because the king of Aragon himself was a vassal of the bishop, owing to the agreement of 1225.<sup>95</sup> In December 1265, the bishop arrived at a settlement with the king over the viscounty of Grèzes in which he surrendered all rights to the viscounty of Grèzes and

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<sup>92</sup> Porée, *Le consulat et l'administration*, ix. The court also ordered Guy de Rochefort to recall his agent who had been fomenting rebellion and to release all the recalcitrant barons who had been imprisoned by him. *Études historiques*, 446.

<sup>93</sup> The acts lifting the excommunication are printed in Porée, *Le consulat et l'administration*, 1-8.

<sup>94</sup> Strayer, *Albigensian Crusades*, 164.

<sup>95</sup> Recall that in 1225 the James of Aragon had surrendered the castle of Grèzes and all lands in the Gévaudan claimed by the king to the bishop and the church of Mende, declaring that he was a vassal of the bishop.

recognized royal conquests southeast of the Gévaudan.<sup>96</sup> In exchange, the king ceded to the bishop lands and castles in the Cévennes, along with an annual rent of 60 pounds *tournaïis*, and Louis confirmed, once again, the Golden Bull of 1161.<sup>97</sup> For Odilon, dedicated to the assertion of episcopal lordship, it had to seem a bitter compromise: the achievement of episcopal secular lordship, which was accomplished by Bishop Étienne de Brioude, had been reversed completely and apparently irrevocably, forty years later. Furthermore, apart from the recognition of the Golden Bull, the agreement of 1265 did nothing to address jurisdictional interference by the seneschal of Beaucaire in the diocese of Mende.

The seneschals of Beaucaire had been eroding the secular authority of the bishops of Mende since 1233, when Étienne first appealed to the royal officials for their assistance against troublesome barons. Incursion by royal officials into the bishop's temporal jurisdiction was not unremitting and without obstruction. As we have seen, Louis IX confirmed the Golden Bull twice; Louis enjoined the seneschal to refrain from encouraging the rebellious citizens of Mende in 1261; in 1266, the Parlement of Pentecost declared that seneschal Arnould de Courfraud had unduly interfered with the bishop's right to mint silver coins within his diocese; the royal court prohibited the seneschal from demanding service of barons of the Gévaudan and from calling them

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<sup>96</sup> The correspondence generated by the negotiations between Odilon and Louis is published in various locations, none of them a complete account. *HGL*, vol. 8, 1,550-1,552, *LTC*, vol. 4, 164, 179, 180; Burdin, *Documents historiques*, vol. I, 357-359.

<sup>97</sup> Michel, *L'Administration royale*, 179-181; *Études historiques*, 450-452; Fasolt, *Council and Hierarchy*, 51.

before their courts.<sup>98</sup> Although the royal courts upheld episcopal rights and jurisdictions in these instances, the complaints of the bishop speak to the menacing presence of the seneschal and an ongoing struggle for temporal authority in the Gévaudan. In December 1269, Odilon brought a complaint before the Parlement of King Louis IX of France that sought to end harassment of the bishop's jurisdictional rights and privileges by the royal seneschal of Beaucaire.<sup>99</sup>

Six principal documents are relevant to the process of the dispute. The first contains the seventeen articles (*articuli*) that began the suit in December 1269 in which Odilon enumerates for the Parlement in Paris the encroachments made by the seneschal of Beaucaire in the Gévaudan.<sup>100</sup> The second and third are schedules of *intentiones*, or propositions presented by each side, 30 by the bishop and 24 by the seneschal, which each party intended to prove. The *intentiones* were presented at preliminary hearings convened by the royal procurators, Pierre Almeras and Raymond de Hauterive, whom the king appointed to investigate the charges in 1270.<sup>101</sup> By proving the *intentiones*, the

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<sup>98</sup> Michel, *L'Administration royale*, 179; *Études historiques*, 442-449. Odilon enumerated the offences committed by the seneschal of Beaucaire and his agents against his secular jurisdiction to Louis IX in February 1264. The letter is printed in *Études historiques*, 500-507.

<sup>99</sup> The suit is analyzed in *Études historiques*, 281-331.

<sup>100</sup> AN J 894 no. 9 fols., 205r-206r. The text is printed in Michel, *L'administration royale*, 455-456 and in Pass, "Source Studies," Appendix I. A translation into French is found in *Études historiques*, 294-296.

<sup>101</sup> AN J 894 no. 9, fols., 208r-211v. Printed in Pass, "Sources Studies," Appendix II and translated into French in *Études historiques*, 297-299. The manuscript is in very poor condition and *intentiones* I - V virtually are lost. Porée accommodates the loss by reconstructing the text based on witness testimony that specifically addressed the missing *intentiones*. Pass prefers to rely on Guillaume Durand the Younger's recapitulations of the *intentiones* in *Mémoire*, 87-88. Odilon and the seneschal Philippe de Sause-Bernard were present in Anduze in February 1270 when the episcopal *intentiones* were presented. In response to the presentation of episcopal *intentiones*, the seneschal presented his own *intentiones* before the inquisitors, but only after failing to answer three summonses, in July 1270 in Anduze. Porée, *Études historiques*, 282, 284.

bishop intended to demonstrate that he held temporal and spiritual jurisdictional rights in the Gévaudan, which the seneschal had violated. The fourth and fifth documents are collections of witness testimony for the two parties.<sup>102</sup> The sixth record of the dispute is not diplomatic evidence, but rather a treatise known as *Mémoire relatif au paréage* composed sometime between about 1301 and 1307 by the bishop of Mende Guillaume Durand the Younger (1296-1328).<sup>103</sup> In this treatise, in order to support his position, Durand presents extensive arguments on behalf of episcopal rights, the testimony of the witnesses called during the *enquête*, and a history of the bishops of Mende. Therefore, the *Mémoire* is an important record of the process of the suit and an elaborate statement of the arguments supporting the bishop's position. The dispute was not concluded until February 1307, when the two parties reached an agreement called the *paréage*, which distinguished three jurisdictional domains: that of the bishop, that of the king, and a common area in which causes were heard by judges named in concert by both parties. Thus, the *paréage* fixed the rights of the king and bishop in the diocese as equals (*pares*, *pairs*, *peers*) rather than assigning power to one or the other.<sup>104</sup>

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Pierre Alméras and Raymond de Hauterive received their appointment on 17 December 1269 from the king. Both men were professionally trained jurists, having been judges in the court of the seneschal of Beaucaire. Porée, *Études historiques*, 282 and Michel, *L'administration royale*, 433-435.

<sup>102</sup> The witness testimony is found in AN J 894, no. 9. Partial records of the episcopal witnesses are found in ADL G 735 and for the king in ADL G 736. Porée has summarized and calendared the testimony in *Études historiques*, 302-313.

<sup>103</sup> The *Mémoire relatif au paréage* of Guillaume Durand the Younger is preserved in ADL G 730.

<sup>104</sup> The *paréage* is found in an early fourteenth-century copy in ADL G 743. The text of the *paréage* is printed in *Ordonnances des roys de la troisième race*, vol. 2, ed. Eusèbe Jacob de Laurière, et al., (Paris, 1723-1849), 369-403; *Documents historiques*, vol. I, 359-376; *LPB*, appendix I, 173-195. An early fourteenth-century parchment register titled *Feuda Gabalorum* found in ADL G 757 concerning investigations into the territory in the Gévaudan belonging properly to the king and bishop and their fiefs *mouvants* has been published in *Feuda Gabalorum*, ed. Henri Boullier de Branche, 3 vols. (Nîmes, 1938-1940). The most complete studies of the *paréage* are undertaken within the larger discussion of career of Guillaume Durand the Younger, who was bishop of Mende at the time of the settlement and who argued strongly for episcopal rights in the Gévaudan. See Fasolt, *Council and Hierarchy*, 86-95; Léon Gallet, *Les*

In the *articuli* of 1269, which launched the suit, Odilon argued that episcopal secular lordship was based on ancient custom and royal concession.<sup>105</sup> The first item of the *articuli* cites these precedents as the foundation of episcopal sovereignty and all justice and temporal jurisdiction.<sup>106</sup> The Golden Bull was the cornerstone of episcopal assertions of secular lordship because it cites the ancient origins of the bishop's ecclesiastical and secular lordship in his diocese, indicating that the bishop imposed ecclesiastical censure when necessary and even rendered judgment by the sword.<sup>107</sup> Furthermore, the Golden Bull conceded the regalia to the bishops of Mende in perpetuity. If the Golden Bull provided diplomatic evidence of the bishop's secular lordship, in the second item of the *articuli* the bishop cites the practical evidence. This second item states that by reason of these privileges and ancient custom, if any noble who held lands or castles, either from the bishop or anyone else, then he was accustomed to answer

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*traités de paréage dans la France féodale* (Paris, 1935), 94-106; Joseph R. Strayer, "La Noblesse du Gévaudan et le paréage de 1307," *Revue du Gévaudan* 13 (1967): 67-72; *Études historiques*, 465-483. For the wider influence of the *paréage* and its implications for late medieval theories of sovereignty, see Joseph R. Strayer, *Medieval Statecraft and the Perspectives of History* (Princeton, 1971), 259, 261, 298, 301, 345.

<sup>105</sup> Michel, *L'Administration royale*, 455; Pass, "Source Studies," 274; translated into French, *Études historiques*, 294. "ab antiquo et antiqua consuetudine et ex concessione regali."

<sup>106</sup> Ibid. "Dicit et proponit episcopus Mimatensis contra Senescallum Bellicadri quod totus Gaballitanus exceptis hiis que dominus rex habuit ab eo in eodem epsicopatu per compositionem inter eos factam, ad ipsum episcopum nomine ecclesie sue Mimatensis ab antiquo et antiqua consuetudine et ex concessione regalia et per privilegia sibi indulta pertinet pleno iure quoad majus dominium seu omnem jurisdictionem et districtum temporalem."

<sup>107</sup> *LTC*, vol. I, 168. "... in potestate episcoporum semper exiterit, non tamen ad faciendam ecclesiasticam censuram, sed etiam ad iudicandum in gladio super illos quos culpa sua monstrabat sic redarguendos." The Golden Bull was issued in 1161 and in the wake of the ideological conflicts of the eleventh and early twelfth centuries, the evocation of the two-sword image is not surprising, since it was used frequently within the debate over simony and lay investiture (although the two sword image has its origins in early patristic writing). In this context, the expression "*in gladio*" clearly refers to the temporal sword, since in the next sentence the expression *materialis gladii*, material sword, is used in reference to judgments made by Aldebert.

before the bishop in any civil or criminal matters.<sup>108</sup> Therefore, the bishop asserts that exercising his right to do justice in his court was a clear demonstration of his lordship.

In the bishop's thirty-five *intentiones*, the idea of the nobles appearing before the episcopal court in civil and criminal matters also is cited as "proof" of the bishop's secular lordship.<sup>109</sup> *Intentiones* 4-13 refer to the superiority of episcopal jurisdiction in the Gévaudan.<sup>110</sup> Odilon claims that he will prove that the episcopal courts, by virtue of *regalia* and *majus dominium* which has existed from time immemorial, had heard causes of barons, castellans, and ecclesiastics; had exercised the right of inquiry into crimes and offences; had imposed forfeitures, penalties, and other constraints upon barons and castellans; had summoned barons and their subjects to appear before the court.<sup>111</sup>

Therefore, a significant aspect of Odilon's argument for secular lordship was that the Golden Bull of 1161 granted it and that his exercise of judicial rights confirmed it. Conflicts between the customary rights of independent local lords and the king's sovereign rights in his kingdom were a subject of interest to thirteenth-century jurists, although "theories of sovereignty" were still quite fluid in 1269 and usually were discussed within the geopolitical context of the papacy, the monarchies, and the

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<sup>108</sup> Michel, *L'Administration royale*, 455; Pass, "Source Studies," 274; translated into French, *Études historiques*, 294. "Item, quod ratione dictorum privilegiorum et antique consuetudinis, si quis nobilis in dicta diocesi Mimatensi habeat terram seu castrum aliquid quod nec ab ipso episcopo nec ab alio teneat ratione regalium consuevit respondere coram ipso episcopo in personalibus et realibus quibuscumque."

<sup>109</sup> Although the first five *intentiones* have been partially lost due to the deterioration of the manuscript, they have been reconstructed, using the methods described above by Gregory Pass and Charles Porée.

<sup>110</sup> *Études historiques*, 297-298; Pass, "Source Studies," 276-277.

<sup>111</sup> Pass, "Source Studies," 276.

empire.<sup>112</sup> Odilon de Mercoeur's strategy was that if he could provide evidence that he held jurisdictional primacy in the Gévaudan, that it was his right to act as judge in all causes, then he could legitimize the concession of the Golden Bull. It is in this context that the court book of Mende was created. In the following chapter, we shall examine the court book in detail in order to access its significance within the specific context of Odilon's suit, the general history of record keeping, and the diffusion of legal culture in southern France.

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<sup>112</sup>For an introduction, see Kenneth Pennington, *The Prince and the Law, 1200 – 1600* (Berkeley, 1993); Kenneth Pennington, "Law, Legislative Authority, and Theories of Government, 1150-1300," in *The Cambridge History of Medieval Political Thought, c. 350-1450*, J. H. Burns, ed. (Cambridge, 1988), 424-476; J. P. Canning, "Ideas of the State in the Thirteenth- and Fourteenth-Century Commentators on Roman Law," *Transactions of the Royal Historical Society*, 33 (1983): 1-27; Walter Ullmann, "The Development of the Medieval Idea of Sovereignty," *English Historical Review* 64 (1949): 1-33.

The conflict between a local lord's exercise of his jurisdictional rights over that of the king would receive more attention later in the thirteenth century, as Philip IV attempted to assert his royal jurisdictional rights. Strayer, *The Reign of Philip the Fair*, 191-236. The kings of France faced formidable challenges to their rights as supreme judge from many local lords, who were virtual sovereigns in their principalities, such as Flanders and Aquitaine. However, challenges came from men of lesser status as well. For instance, the count of Foix was not always cooperative with assertions of the supremacy of royal justice and the bishops of Le Puy was engaged in a long-running dispute with the crown over jurisdictional rights in their dioceses. Strayer, *The Reign of Philip the Fair*, 192 and Guyotjeannin, *Episcopus et comes*, 54-55.

## CHAPTER 3

### The Court Book and the Bishop's Court

In this chapter, physical characteristics court book will be described in order to assess what they reveal about the circumstances in which this new type of documentary record was created. Properly a matter of *res diplomatica*, evaluation of internal as well as external characteristics of content, composition, handwriting, and style present information about the history of the court book, how it was used, who were the personnel of the episcopal chancery, and how they were trained.<sup>1</sup> In addition, analysis the cases of the court book reveal what sort of business occupied the episcopal court. As we shall see, this is not an easy task, because the book has an unusual organizing principle that sometimes makes following the processes of each case very difficult<sup>2</sup>. Furthermore, because the court book occupies the unique position as the earliest surviving example of this type of ecclesiastical record, analysis of the cases reveals information about the daily operation of the episcopal court about a century earlier than other court records.

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<sup>1</sup> *Res diplomatica* was the terminology adopted by the Maurist Jean Mabillon (1632-1707) who regularized the art of studying *diplomata* and *instrumenta* in the second half of the seventeenth century. For an introduction to the art of diplomatics see Leonard E. Boyle, "Diplomatics" in *Medieval Studies: An Introduction*, 2d ed., ed. James M. Powell (Syracuse, 1992) 69-101.

<sup>2</sup> One reason why the book has not drawn systematic attention of scholars may be that it is exceptionally difficult to use. Until this study, no one has successfully navigated its organizing principal. Porée tried to transcribe a case from the court book, but made errors in trying to follow the labyrinth of cross-references. *Études Historiques*, 267-280. In his study, Pass does not even attempt to penetrate the court book, and, in fact, despite its relevance to his argument, does not mention it at all. Pass, "Source Studies."

## *The Court Book*

In 1268, one year before Odilon brought his suit, scribes of the episcopal chancery recorded the first entry in a register of cases litigated in the bishop's court.<sup>3</sup> The court book documents about 276 cases, concerning both spiritual and seigniorial matters, the preponderance from the 1268-1270, although a few entries originated in 1271. This register has never been part of a scholarly work, and so its physical characteristics will be surveyed.

The book consists of twelve quires comprising 186 paper folia; it is approximately 27 cm. long, 22 cm. wide, and 6 cm. in thickness, 1 cm. of which is taken up by the binding. It has a wood and tooled leather binding, with metal bosses, or small circular plaques, attached at the corners to the front and the back of the binding. The practice of attaching bosses to the binding's board was common after the fifteenth century; therefore, the binding tentatively can be dated to the fifteenth century or later.<sup>4</sup> The paper quires were gathered and sewn together onto cords; the loose ends of the cords were channeled into grooves cut into the binding boards to carry and conceal the cords.<sup>5</sup> The first and last folia are missing and the binder may have used them as pastedowns to conceal channeling and other mechanics of binding.

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<sup>3</sup> Use of the term "chancery" in this instance should be clarified. An episcopal chancery, or writing office, was a differentiated secretarial office charged with the recording of episcopal *acta* under the direction of an officer or chancellor. In thirteenth-century Mende, a writing office with a dedicated writing staff cannot be distinguished within the episcopal household. Therefore, the term chancery is somewhat artificial, a term of *wissenschaftliche Hilfskonstruktion*, to borrow the phrase from Benoît-Michel Tock, *Une chancellerie épiscopale*, 173.

<sup>4</sup> Charles Donahue suggests a fifteenth-century binding. Donahue, *Ecclesiastical Court Records*, 81. For a description of metal bosses and their use, see Michele P. Brown, *Understanding Illuminated Manuscripts: A Guide to Technical Terms* (London, 1994), 25.

<sup>5</sup> Brown, *Understanding*, 38.

The writing block of the paper folia measures about 23.5 cm. x 17 cm., with about 35 lines of block text per page. Paper had been in use in Europe since the end of the eleventh century although it was not commonly used for documents until after about 1400, since it was not as durable as parchment.<sup>6</sup> In the late twelfth century, Italian notaries were using paper registers to record minutes (*imbreviatura*) and by the early thirteenth century paper was used in Occitania for merchants' notes and notaries' registers.<sup>7</sup> However, the use of paper for court documents was not common in the thirteenth-century. This court book belongs to a group of registers from southern France that deviates from this general rule.<sup>8</sup> Other paper registers from this region include that of the royal *enquêteurs* of the Seneschal of Beaucaire (1248) and the registers of the episcopal court in LePuy (1270-1274 and 1274-1284). Therefore, the court book of Mende is not at variance with other regional registers and its paper composition is

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<sup>6</sup> Giry, *Manuel de diplomatique*, 497-498. The earliest record of a royal chancery using paper for its acts is found in Sicily in the courts of Roger II, William I, and William II. By 1257, James of Aragon transformed his chancery by using paper for most of the royal registers, making Aragon the first European government to embrace the use of paper. Robert Ignatius Burns, "Paper Comes to the West," in *Europäische Technik im Mittelalter, 800 bis 1400: Tradition und Innovation*, ed. Uta Lindgren (Berlin, 1996), 416.

Techniques of paper manufacture spread from Muslim Spain into Occitania beginning in the late twelfth century. On the history of paper manufacture see Robert Ignatius Burns, "Paper Comes to the West," in *Europäische Technik im Mittelalter, 800 bis 1400: Tradition und Innovation*, ed. Uta Lindgren (Berlin, 1996), 413-422; Timothy Barrett, "Fifteenth-century Papermaking," *Printing History: The Journal of the American Printing History Association* 15 (1993): 33-41; Jean-François Bergier, "Production et commerce du papier et du livre," in *Produzione e commercio della carta e del libro, secc. XIII-XVIII: Atti della Ventitreesima Settimana di Studi*, ed. Simonetta Cavaciocchi (Florence, 1992), 27-43; Richard L. Hills, "Early Italian papermaking. A crucial technical revolution," in *Produzione e commercio della carta e del libro, secc. XIII-XVIII: Atti della Ventitreesima Settimana di Studi*, ed. Simonetta Cavaciocchi (Florence, 1992), 73-97.

<sup>7</sup> Armando Petrucci, *Writers and Readers in Medieval Italy*, ed and trans. Charles M. Radding (New Haven, 1995); D. C. Grantham, *Textual Scholarship: An Introduction* (New York, 1994), 63; Giry, *Manuel de diplomatique*, 498. Because it was less expensive than parchment, paper also was used in letters close, *mandements*, financial transactions, and accounts. Giry, *Manuel de diplomatique*, 498-499.

<sup>8</sup> Giry, *Manuel de diplomatique*, 499.

consistent with an idiosyncratic pattern of using paper seen elsewhere in southern France during this period.<sup>9</sup>

Foliation in the book appears to be medieval. Quire breaks occur between folia 14v/15r, 30v/31r, 46v/47r, 62v/63r, 78v/79r, 93v/94r, 109v/110r, 126v/127r, 140v/141r, 158v/159r, 174v/175r; neither catchwords nor quire numeration were used to indicate proper collation of quires during binding. Folia 9 and 108 are missing; examination of characteristics of ink, hand, and content on the facing pages (8v, 10r and 107v, 109r) is inconclusive as to whether the pages have been lost or misnumbered since, in both instances, blank pages precede and new cases follow the missing pages. Nonetheless, since the conjugate leaves are intact, it appears likely that the missing pages are the result of numbering errors, not the result of missing folia.<sup>10</sup> The text on folia 87v and 186r is inverted, no doubt the result of a scribe's failure to notice that the unbound quire was upside down when he began to write. Remnants of three small parchment tags are affixed to the fore edges of certain folia as bookmarkers; one tag survives intact on 116r and still bears notations.<sup>11</sup> As we will see in Chapter 4, the tag marked a noteworthy case, although its significance was not evident for more than thirty years after it was recorded.

In composing the court book, the *scriptores* of the episcopal chancery experimented with various organizing principles, indicating the difficulty faced by the scribes struggling to design a system of arrangement for this new type of archive.

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<sup>9</sup> Ibid. AN J 889 and ADH-L 260 and 261.

<sup>10</sup> That is, the conjoint or conjugate leaves that are part of the same bifolium are intact.

<sup>11</sup> This case brought before the episcopal court in 1268 concerns payment of a dowry, that Guidon de Sévérac demanded from his father-in-law Guidon Meschin.

Through the first nine folia, processes such as libels, exceptions, positions, articles, depositions, sentences, and appeals were recorded, apparently, in the order that they came before the court. On 10r, this system seems to have been abandoned in favor of one that attempted to gather the various processes from a single case under one rubric before continuing on to the next case. Using this method, the scribe attempted to estimate how much physical space each case would require in the book and left the anticipated number of folia blank. For example, the *causa* on 10r, begun on the Tuesday after the Feast of *Johannis nativitas* (24 June) in 1268 before the judge (*judex*) of the episcopal court, *magister* Laurent, concerns a disputed marriage contract between Pierre Ambland, the husband of Delphine, and her father Benoit Chabram. The episcopal scribe estimated that recording the various processes associated with this case would require three folia; therefore, he does not begin the next case until 12v. Accordingly, the next *causa*, Bertrand Bossa *contra* Guillaume Guerrejac, a dispute over the sale of three mules, begun on the Tuesday after the octave of the Feast of St. Privat (21 August) commences on 12v. However, the scribe overestimated the number of folia required for the recording of the case between Pierre Ambland and Benoit Chabram, which only required one and a half pages, leaving three and a half blank pages between the two cases. The method of anticipating the amount of space required for each case met with limited success, as evidenced by numerous blank folia throughout the book.<sup>12</sup> In total, out of 186 folia, or 372 pages, 12.6 % (47 pages) have no text whatsoever; of these 47 blank pages, 78.7 %

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<sup>12</sup> Paper was much less costly than parchment, and since unused space was an outcome of this organizing system, it was much less onerous than it would have been in a parchment register. In 1280, paper was six times cheaper than parchment in Bologna. As paper manufacturing techniques spread into Occitania, its use became much more widespread. In southern France, in the thirteenth century, the ratio of paper usage to parchment was 1 to 41; in the fourteenth century, that ratio had changed to 1 to 7. Burns, "Paper Comes to the West," 417.

(37 pages) are on the verso of the page. Blank pages appear in every quire, indicating that the practice of overestimating the required space was common at all phases of the book's use. In four instances, blank pages are found at the end (three instances) or the beginning (one instance) of a quire, suggesting either that the scribes were reluctant to begin a new case where there would be insufficient room to complete the entry, or perhaps that they were a type of flyleaf at the beginning or end of the quire.

Blank pages were but one result of the failure to estimate accurately the amount of space required of each *causa*. The organizational design was strained beyond its limit when scribes did not allow enough space to complete the processes of a case, leading to frequent and confusing cross-references. For instance, the case already mentioned concerning a disputed sale of three mules begins on 12v and continues on sequential pages through the bottom of 14v, when the scribes faced an awkward problem. The following page, 15r, begins a case over a debt, commencing on the day after *exaltatio sancte Crucis* (14 September) 1268. Yet, when they reached the bottom of 14v, the scribes had not finished recording the dispute over the mules. Facing a breakdown in their organizational system, they responded by cross-referencing the case to the next available page. At the bottom of 14v, the scribe wrote, "*continute in quinto folio*," followed by a distinctive symbol composed of a circle, bisected horizontally and two vertical lines. On 19r, the identical notation appears, followed by the word "*remanate*." Between 14v and 19r, four intervening cases were recorded; the mule dispute was concluded on 19r, using only twelve lines of text and no further cross-references were needed. In this instance, therefore, the necessary accommodation was accomplished easily. However, this was not always the case.

Take, for example, the case beginning on 123r. This case, political in nature, is an *inquisitio* into whether Raymond de Roquefort, priest and rector of the church in Bédouès, and his brother Pons entered into a conspiracy against Bishop Odilon and his castellan of Chabrières.<sup>13</sup> Begun on the Thursday before Christmas 1268, before the episcopal judge, *magister* Laurent, the case is a complicated one with lengthy testimony from eleven witnesses. The case was recorded in sequential folia, 123r through 124v; however, in the midst of the testimony of Roland de Coeurés, a knight, the scribe ran out of allotted space. Since the case following that of Raymond de Rochefort was recorded in a few lines, requiring only top half of 125v, the scribe continued to record the testimony midway through 125v. However, at the bottom of 125v, the scribe still was recording testimony from this case. Perhaps, noticing that many blank pages existed from *earlier* cases where scribes had overestimated the required space and wishing to make efficient use of all pages, the scribe noted on the bottom of 125v “*quaere supra post XIII folia.*” Therefore, the case continues fourteen pages *above*, on 111v and thereafter was recorded on sequential pages until the case’s final entry on 112v, which was written on the Wednesday before Palm Sunday.<sup>14</sup> As a result, the confusing situation arose in which the case was recorded in the order 123r – 124v, 125v, and then jumping back to 111v – 112v, so that the recording of the end of the case precedes its beginning.<sup>15</sup>

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<sup>13</sup> This case will be analyzed in depth below.

<sup>14</sup> As with many cases, there is no disposition of this case; the record simply breaks off with the entry, “Et ad procedendum de jure fuit eidem domino Raymundo, nomine suo et nomine dicti Poncii, fratri, assignata dies Mercurii ante Ramos Palmarum.”

<sup>15</sup> The situation certainly appears to have confused André Porée. He discusses this case in *Études historiques*, 267-280, but he has trouble following the cross-references. Instead of going back fourteen pages to 111v, he goes to 109v, evidently confused by the cross reference to another case indicated on the top of the page.

Continuing cases forward in the book was a solution commonly used by the scribes. Of about 276 cases in the book, twelve (4.3 %) required cross-references, of those twelve cases, five were cross-referenced to pages before the beginning of the case.<sup>16</sup>

In the court book, we see the episcopal scribes working through formidable problems associated with the regularization and preservation of court documents. In carrying out their task, they faced added difficulties in that no earlier model was available to them. The court book is the earliest extant example of its type, that is, a record of a continuous run of cases before an episcopal court.<sup>17</sup> Whether the ecclesiastical court of Bishop Odilon consciously invented this new method of record-keeping, or whether some earlier versions existed, which did not survive cannot be determined. In England, innovations in ecclesiastical record-keeping were patterned after those first undertaken in royal and papal chanceries.<sup>18</sup> There, the chancery of bishops of Winchester kept systematic accounts in pipe rolls from, at least, 1208 and it was the first to date its *acta* following the system used in the king's government. The bishops of Lincoln began the earliest episcopal register before 1217, following models of the royal chancery.<sup>19</sup>

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<sup>16</sup> Cases are counted as cross-referenced if they are not recorded on sequential pages, and therefore intervening cases appear in the midst of the chronological sequence of the processes.

<sup>17</sup> Donahue, *Medieval Ecclesiastical Courts*, 27-28. In 1989, Charles Donahue published a survey of medieval ecclesiastical court records of the Continent. He and his researchers canvassed the ecclesiastical archives in Austria, France, Germany, certain provinces of Hungary, Italy, Portugal, Spain, and Switzerland. Their determination is that the court book of Mende is the earliest extant example of its type. On the unique status of the court book, see the discussion above in the Introduction.

<sup>18</sup> Cheney, *English Bishops' Chanceries 1100 – 1250*, 104-105 and Clanchy, *From Memory to Written Record*, 74-78. Although acknowledging some Anglo-Saxon precedents, Clanchy traces the earliest “instance of deliberate record-making” within the context of royal governance to the office of chief justiciar Hubert Walter in 1195 and his use of the tripartite chirograph. The third copy, or the “foot of the fine,” was preserved in the royal treasury. Clanchy, *From Memory to Written Record*, 68-69.

<sup>19</sup> Cheney, *English Bishops' Chanceries 1100 – 1250*, 104-105. The earliest English episcopal or archiepiscopal registers from Lincoln (Bishop Hugh of Wells) and York (Archbishop Walter de Gray) were constructed by stitching together tail to head parchments in the manner of the royal chancery. Only in the

Although the English episcopal records share some common characteristics with the court book of Mende, they do not quite replicate it. The English episcopal registers record ecclesiastical business of the bishoprics, primarily institutions to benefices and ordinations of clergy, but also royal writs, injunctions after visitations, correspondence concerning temporalities, extracts from taxation assessments, synodal statutes, and private letters.<sup>20</sup> Unlike the court book of Mende, they are not registers of chronologically continuous cases brought to the bishops' court.

Governmental bureaucracies strove to create and to modify their record-keeping practices to address the contingencies of governance throughout the thirteenth century. East of the Rhine, under Emperor Frederick II, the 1235 Statute of Peace (*Mainzer Reichlandsfriede*) laid down certain regulations concerning the drafting and preserving of records. Imperial judges were to have a scribe to carry out essential writing tasks of the court. He was to record the accusations, the names of proscribed persons and plaintiffs, and the names of those who were freed from proscription. He was to receive and keep all letters from parties engaged in suits, to keep lists of those who were declared criminal but to delete their names if they were declared innocent and to record all important sentences in order to provide a precedent for similar issues. These functions suggest that the organizers of the imperial chancery wished to have a chancery in which the records

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second half of the thirteenth century did the English bishops' registers begin to follow the book pattern used in papal and Continental episcopal chanceries.

<sup>20</sup> Cheney, *English Bishops' Chanceries 1100 – 1250*, 101-102. The first English register to classify its entries by type of transaction, rather than chronologically, was that of Archbishop John Pecham 1279-1292. Decima Douie, ed., *The Register of John Pecham, Archbishop of Canterbury, 1279-1292*, vol. 65 (Canterbury, 1969), vii.

searchable.<sup>21</sup> No government bureaucracy functioned at this level of efficiency anywhere in Europe and the “super-chancery” outlined in this statute never came to fruition. There are no thirteenth-century records from such an archival powerhouse, although the foresight to envisage such an organization perhaps is exemplary in itself. The earliest approximation appears in the fourteenth century when town councils often kept *Stadtbücher*, which recorded the workings of the municipal courts. In the same century, ducal law courts began to issue *Fronbücher*, which was a session-by-session record.<sup>22</sup> These examples of secular law court systems of record-keeping commence a century after the court book of Mende.

Practices of the French royal chancery did not replicate the organizational structure of the court book either. In 1263, Jean de Montluçon, a clerk and judge in the *curia judicialis* of Louis IX began to collect certain judgments that he considered to be of importance in the *Olim*.<sup>23</sup> Beginning with a judgment from the previous decade, the *Olim* recorded in parchment registers summaries of *dits*, or rulings, that were written in response to oral and written pleas to Parlement, from 1254 through 1319.<sup>24</sup> The records in the *Olim* are arranged in chronological order; however, there was a high degree of selectivity, and many cases simply were not recorded.<sup>25</sup> Therefore, the *Olim* was

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<sup>21</sup> Herwig Weigl, “What to Write in Court: Literacy and Lawsuits in Late Medieval Austria,” in *Charters and the use of the Written Word in Medieval Society*, ed. Karl Heidecker (Turnhout, 2000), 64.

<sup>22</sup> *Ibid.*, 66-67.

<sup>23</sup> Jordan, *Louis IX*, 144. For a published version of the *Olim* based on first four registers, see A. Beugnot, ed., *Les Olim ou Registres des arrêts rendus par la cour du roi* (Paris: Imprimerie Royale, 1846). Four books survive of seven original books. The title derives from the first word of the second book. J. H. Shennan, *The Parlement of Paris* (London: Eyre & Spottiswoode, 1968; reprint, Sutton: Thrupp, Stroud, 1998), 15 (page citations are to the reprint edition).

<sup>24</sup> Shennan, *Parlement*, 15.

<sup>25</sup> Jordan, *Louis IX*, 144-145 and 209, n. 156.

intended not to provide a comprehensive register of the rulings of Parlement but to extract certain decrees from the *parlementaire* rolls, which recorded the proceedings.<sup>26</sup> Furthermore, although the *Olim* uses chronology as its organizing principle, it also groups certain types of actions together. The *arrêts* (decrees) are recorded separately from the *enquêtes* (inquests) although the designation is a bit misleading since both sections include final decrees.<sup>27</sup>

Although the ecclesiastical court in Mende found no model in the French royal chancery for its court book, perhaps other ecclesiastical courts in France were undertaking innovations in record keeping similar to those in Mende. From northern France, numerous charters and *acta* from episcopal and archiepiscopal chanceries are preserved; the earliest original charter dates from 983.<sup>28</sup> Yet, episcopal courts of northern France did not develop the practice of recording episcopal court cases in registers until the fourteenth century. Of the episcopal sees north of a line from Bordeaux to Geneva, there are no surviving registers of court cases from the thirteenth century and only nine from the fourteenth.<sup>29</sup> There is great variety in what is recorded in these fourteenth-

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<sup>26</sup> Shennan, *Parlement*, 15. The *parlementaire* rolls from the thirteenth century do not survive. Although the first entry in the *Olim* is from 1254, it is likely that the *parlementaire* rolls were kept for many years before, but not selected for inclusion in the *Olim*. Shennan, *Parlement*, 15 and Jordan, *Louis IX*, 144.

<sup>27</sup> Shennan, *Parlement*, 75.

<sup>28</sup> Brunel, "Chartes et chancelleries épiscopales," 230. The original 983 charter is from Senlis. In the northern French dioceses of Amiens, Arras, Beauvais, Cambrai, Chalons-sur-Marne, Laon, Noyon, Reims, Senlis, Soissons, Therouanne, and Tournai, 292 eleventh-century acts exist, of which 99 (34 %) are originals.

<sup>29</sup> The extant registers are from Cerisy (1314-1457 officiality of the abbey of Cerisy-la-Forêt); Langres (1337-1343, officiality of the bishop); Paris (1355-1366, officiality of the archdeacon); Paris (1384-1387, officiality of the bishop); Chartres (1380-1383 and 1398-1401, officiality of the 'great' archdeacon); Bordeaux (1382-1383, officiality of the archbishop); Beauvais (1382-1383, officiality of the bishop); Troyes (1389-1396, officiality of the bishop). Donahue, *Ecclesiastical Court Records*, 63-115. Two fourteenth-century northern French registers have been published. Gustave Jules Dupont and Leopold

century ecclesiastical registers. The earliest, from the monastery of Cerisy-la-Forêt, records some proceedings of the exempt monastery, but visitations by the official to towns within the jurisdiction of the abbey dominate. Records from other registers include lists of fines, an episcopal notary's book of debts and sentences, lists of *assignationes* and *emende*; the register from Langres is comprised almost entirely of one case, an appeal by the official to papal judges delegate. Only one surviving register, from the officiality of the bishop of Paris (1384-1387), is a continuous chronological register of cases. These are criminal cases litigated before the episcopal court, and it is from 115 years after the first entry in the Mende court book.

In the south, the situation in episcopal courts was quite different from the north because in the Midi the notariate dominated legal writing.<sup>30</sup> A notary, appointed to draft records for an ecclesiastical court, often kept his records with his other notarial notebooks in his own archive. The practice of maintaining court records in private notarial collections has led to modern misidentification and misclassification of court records, whereby ecclesiastical court records have been categorized in the notarial *fonds* or series.<sup>31</sup> The situation was complicated further by the rise of consular government in

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Delisle, "Le registre de l'officialité de Cerisy," *Mémoires de la Société des antiquaires de Normandie*, 3e sér. 10 (30) (Caen: Société des antiquaires de Normandie 1880), 271-662; Jean Breban, "Registre de l'officialité épiscopale de Troyes 1389 1396" (Thèse droit: Paris, 1954).

<sup>30</sup> The notarial tradition was established more firmly in Italy than in southern France, of course.

<sup>31</sup> This problem is even more acute in Italy, where bishops drew almost exclusively on notaries for drafting and preserving the business of their sees. Robert Brentano has pointed out that there is no corollary in Italy to the English bishop's register because of this practice. Brentano, *Two Churches*, 292-95. In southern France, records from the officiality of the bishop of Marseille, including numerous fourteenth- and fifteenth-century registers, were classified in series E, the notarial *fonds*. They have since been reclassified in series 5G and are housed in the Archives départementales des Bouches-du-Rhône. Donahue, *Medieval Ecclesiastical Records*, 67-73. The problem of the misidentification of court records recorded in the notebooks of civil notaries is described in Gero Dolezalek, "Une nouvelle source pour l'étude de la pratique judiciaire au XIII siècle: les livres d'imbréviatures des notaries de cour," in *Confluence des droits savants et des juridiques: Actes du Colloque de Montpellier* (Milan, 1979), 255-241.

southern French towns in the late twelfth and thirteenth centuries, which coincided with the growing use of the notariate in municipal courts.<sup>32</sup> For instance, in 1174 the bishop of Béziers conceded to Bernard de Caussinoijouls the power of making charters for the whole town, describing the office he was conferring as the “*tabellionate*.” The office was conferred in exchange for an annual fee to be paid in cash and kind every year at Christmas. Thus, the office of the notary, from its early manifestations in Béziers, was linked to the exercise of secular political power by the bishop.<sup>33</sup> No records from the ecclesiastical court in Béziers survive, although we know that the bishop was well acquainted with the office of the *tabellionate* from, at least, 1174. By the second half of the twelfth century, twenty-one notaries practiced their art in Montpellier and near-by towns; yet, in this consular town no records survive from the officiality of the bishop.<sup>34</sup> In fact, in southern France ecclesiastical court records of any type dating from before 1400 exist from only eleven courts and of these, only four are registers.<sup>35</sup>

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<sup>32</sup> Lesné-Ferret, “The Notariate in the Consular Towns,” 4-21.

<sup>33</sup> Ibid., 4-5. Lesné-Ferret places significance in the fact that it was the bishop rather than the viscount of Béziers who first named conferred the office, suggesting that this is an indication of the rise of the bishop’s secular power over that of the viscount.

<sup>34</sup> Ibid., 7.

<sup>35</sup> Registers survive from four episcopal officialities: Mende (1268-1272 and 1340-1345), Le Puy (1270-1274 and 1274-1284), Pamiers (1338-1348) Cavaillon (1351-1355) and Vaison (1377-1378). Donahue, *Medieval Ecclesiastical Records*, 63-115.

Of course, this assessment of the surviving records of the officialities of southern France is based on extant documents. It is impossible to know to what degree the surviving records reflect the medieval composition of the episcopal archives. The survival of the any medieval episcopal records from Mende is astounding. The Protestant Captain Merle captured the episcopal city and on Christmas night 1579, his troops publicly burned the records of the episcopal archive that concerned the bishop’s lordship. Evidentially, some records escaped the flames and the vicar general ransomed them for 500 écus. He placed nine chests under the care of the *grand clocher* of the cathedral, where they remained until the end of the revolution. Michel Chabin and Hélène Latour, *Guide des archives de la Lozère* (Mende, 1979), 73-74.

Thus, the scribes of Mende lacked a contemporary model on which to base their organizational system. The scribes in Mende likely would not have had access to registers to act as models from other secular or ecclesiastical chanceries, but the originality of the court book speaks to the issue of influence and training. Training of archival scribes was both formal and informal. That is, some chanceries employed men professionally trained in the notarial art and these men were schooled in drafting documents with precision that gave their *instrumenta* the force of law.<sup>36</sup> Since there are no similar contemporary examples of a court book, the assumption is that professional writers were not trained, at least at this time, to prepare this type of record. Furthermore, if the more senior chancery personnel passed on practices to their less-experienced colleagues in the manner of informal training, then this type of record would be found in other chanceries' records, as a result of the diffusion of scribes and their techniques. When they set about to create this new kind of ecclesiastical court record, it seems that the scribes in Mende did not have a model to work from and their ideas about organizing the episcopal archive seem to have been locally inspired.

### *Types of Cases*

In order to survey the activities of the court, the cases were classified into sixteen categories with the following criteria in mind. The categories should describe at least 1%

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<sup>36</sup> Although they were more common in southern France and Italy, notaries public also worked in northern France and England, in secular and ecclesiastical courts. On the use of notaries public in England, see Christopher R. Cheney, *Notaries Public in England in the Thirteenth and Fourteenth Centuries* (Oxford, 1972).

of the total cases (three cases) but no more than 25 % of the total (69 cases).<sup>37</sup> The category must be in keeping with the procedural workings of the medieval ecclesiastical court. In other words, categories must not impose groupings upon the records that had no contemporary foundation by demanding of the sources meanings they were never intended to convey. With these principles in mind, the cases are analyzed in the following categories: Assault, Condemnation, Confession, Debt from a sale/contract, Debt, unspecified, Ecclesiastical Issues, Rights of Lordship, Marriage, Procedural, Property, Sentence, Summons, Testament, Testimony, Theft, Unknown.<sup>38</sup> Table 1 illustrates the breakdown when the 276 cases in the court book are distributed into these categories.

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<sup>37</sup> Classification of cases is far from a straightforward task, since often the accusations are multifaceted and ambiguous. For instance, on the Wednesday after the Feast of All Saints in 1269, Guillaume Picot accused Peter Praslas of striking him in the head with a spade or a shovel (*pala*) in a dispute over a debt. ADL G 963 146r. This case was classified as an assault, since that was what brought the two parties before the court. The categories selected are broad enough to include cases with common characteristics under civil or ecclesiastical procedure, and yet narrow enough to differentiate between ambiguities and divergences.

<sup>38</sup> "Debt from a sale/contract" refers to a case that specifically mentions a disputed sale of goods or contract; "Debt, unspecified" refers to a case in which no specific circumstances are given for the debt. "Ecclesiastical Issues" include cases that address issues specific to the clerical office, such as the right to say mass in a particular church. Categories of "Condemnation," "Confession," "Sentence," "Summons," and "Testimony," are all "stand alone" entries, in which the scribe has recorded this aspect of the court's business, but little else. Typically, "Procedural" cases are those in which a procurator is assigned or perhaps an extension is granted. "Rights of lordship" are some of the most complicated cases in the court book and concern issues such as enforcement of rights to ovens, levying tolls, bearing arms in episcopal towns, etc. "Unknown" refers to cases that are illegible to the point that the matter before the court cannot be discerned.

TABLE 1. TOTAL CASES BY TYPE

Type	Number of cases	Percent of total	Rank
Assault	33	12.0	3
Condemnation	7	2.5	9
Confession	6	2.2	10
Debt from a Sale/Contract	25	9.1	4
Debt, Unspecified	62	22.5	1
Ecclesiastical Issues	3	1.1	12
Lordship, Rights of	22	8.0	5
Marriage	7	2.5	9
Procedural	18	6.5	6
Property	10	3.6	7
Sentence	5	1.8	11
Summons	3	1.1	12
Testament	6	2.2	10
Testimony	5	1.8	11
Theft	8	2.9	8
Unknown	56	20.3	2
Total	276		

Analysis of the top five categories, which make up 71.7 % of the total (198 cases), illustrates what sorts of business came before the bishop's court. Certainly, debts dominated; Debts of an unspecified nature ranked as the largest category, with sixty-two cases (22.5 % of total) and debts resulting from a sale or a disputed contract ranked fourth, with twenty-five cases (9.1 % of total). Together the two debt categories account for 31.5 % of the total cases. The second-ranked category, 56 cases (20.3 % of total), is comprised of cases of unknown nature. Several factors account for the cases in this category. The most important is that certain pages, or portions of pages, are illegible due to faded ink, wormholes, tears, water damage, and other impairments. In other instances,

insufficient information was recorded to determine the nature of the case.<sup>39</sup> The third ranked category is assaults (33 cases, 12 % to total) and the fifth concern cases of rights of lordship (22 cases, 8 % to total). Furthermore, in eighteen cases (6.5 % of total), one or more parties to the litigation were clerics.<sup>40</sup> The types of cases involving clerics are consistent with, although not identical to, the overall distribution of cases presented in Table 1. Among cases involving clerics, unspecified debts dominated (5 cases, 27.7% of total) followed by assaults (4 cases, 22.2 % of total) and property (3 cases, 16.6 % of total).

One conclusion to be drawn from this analysis is that much of the business of the episcopal court at Mende concerned issues that often were not within the jurisdiction of an ecclesiastical court, which usually addressed cases having to do with marriage, family, testaments, or sexual behavior or involve one or more ecclesiastics.<sup>41</sup> Moreover, secular courts vigorously protected their jurisdictions, and usually resisted any encroachment by an ecclesiastical court.<sup>42</sup> Yet, in this officiality, the jurisdictional frontier between secular and ecclesiastical courts appears to have been very fluid. As Table 1 indicates, cases

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<sup>39</sup> For instance, ADL G963 158r, under the rubric “Johannes Masseri contra Jehan Molin” a case is enregistered with only the following information: “Anno Domini M° CC° LXX° die Mercurii post festum Pentecostem conpervenit.” At this point, the text breaks off and the court book contains no further reference to the two individuals named in this incomplete entry. Another case is enregistered further down on the same page; however it is clearly a different case.

<sup>40</sup> Of the eighteen cases, eleven men were identified as *clericus*, five as *presbyter*, one as *presbyter et rector*, and two as *canon*. In only two cases were both parties clerics. This analysis should not be confused with the category “Ecclesiastical Issues” which deals with issues of clerical behavior.

<sup>41</sup> Brundage, *Medieval Canon Law*, 72. Canonists had been concerned with jurisdiction since, at least the eleventh century. Influenced by Roman law, canon law defined jurisdiction as *potestas de publico introducta cum necessitate iuris dicendi et sequitatis statuendae*. It carried with it the authority to intervene to safeguard the public good. Charles Lefebvre, “Procédure,” in *Dictionnaire de droit canonique, contenant tous les terms du droit canonique, avec un sommaire de l’histoire et des institutions et de l’état actuel*, vol. 7, ed. R. Naz (Paris, 1935-1965), 286.

<sup>42</sup> Brundage, *Medieval Canon Law*, 2.

concerning marriage and ecclesiastical issues ranked 9 and 12 respectively, comprising only 3.6 % of the total cases recorded in the court book and the bishop's court was active in civil matters like debts and contracts, and criminal matters like assaults, all of which typically were tried in secular courts. Furthermore, the officiality heard twenty-two cases concerning issues related to the enforcement of the lucrative rights of lordship, typically reserved for the secular courts. As we will see in Chapter 4, evidence suggests that the ecclesiastical court in Mende had an extensive archive and perhaps the cases typically reserved for ecclesiastical court jurisdiction were grouped together and recorded in one or more books. Yet, even if that were the case, it does not alter the fact that the court of the bishop heard cases normally reserved for secular jurisdiction. Why is the court book of Mende, so exceptional in its precocity, also apparently unencumbered by the usual jurisdictional limits?

The answer lies in the bishop's exercise of secular lordship in the Gévaudan. Although elaboration of the episcopal *potestas iurisdictionis* had been an ongoing concern of canonists since, at least the late eleventh century, the jurisdiction exercised by Odilon was much more extensive than that allowed by the canonists.<sup>43</sup> The bishop's claim to lordship in the Gévaudan, very close to a claim to sovereignty within the county, was demonstrated by his dominance over the often-competing jurisdictions of the secular and feudal authority.<sup>44</sup> Recall that in the *intentiones* he presented in 1270 to the royal agents assigned to hear his suit, Odilon expressly emphasized that his lordship within the diocese was granted by the Golden Bull of 1161 and confirmed by the exercise of his

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<sup>43</sup> Benson, *The Bishop-Elect*, 43-55 and 97-115.

<sup>44</sup> J. P. Canning, "Introduction: politics, institutions, and ideas," in *The Cambridge History of Medieval Political Thought c. 350 – c. 1450*, ed. J. H. Burns (Cambridge, 1988), 350-351.

seigniorial jurisdictional rights. The *intentiones* asserted that the bishop's court claimed jurisdiction over feudal disputes and criminal offences, and his court had the authority to summon barons to appear before the court in these and other matters.<sup>45</sup> The earliest cases in the court book are contemporary with Odilon's appeal to end royal interference with his exercise of rights of secular lordship within the Gévaudan. In 1270, at the *enquête* that was initiated as a result of Odilon's suit, his *intentiones* clearly indicate that the exercise of his jurisdictional rights demonstrated his lordship. It seems very likely, given this sequence of events, that the court book was created to provide written proof of the assertion that the episcopal court heard cases of canon and civil law.

### *Legal Expertise in the Bishop's Court*

Men trained to draft and preserve documents had been at work in southern France since the twelfth century although it is unclear exactly where early notaries received their training.<sup>46</sup> The earliest evidence of notarial activity in Mende consists of a fragment from what was undoubtedly a notarial register from 1283.<sup>47</sup> I examined this fragment, which is in very poor condition and was unable to determine a date; however, in 1957, the director of the departmental archives dated the fragment to 1280.<sup>48</sup> The earliest complete notarial

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<sup>45</sup> For the discussion on Odilon's suit and the *intentiones* see Chapter 2.

<sup>46</sup> By the late thirteenth century, legal training was available in Toulouse, Béziers, Avignon, Montpellier, Orange, Lyons, and Arles. The emergence of the public notariate in southern France during the thirteenth century preceded the teaching of canon law in the southern French universities of Toulouse, Montpellier, and Avignon. André Gouron, "The Training of Southern French Lawyers during the Thirteenth and Fourteenth Centuries" *Studia Gratiana*, 15 (1972): 223 – 227.

<sup>47</sup> ADL 3E 6410.

<sup>48</sup> . *Répertoire des minutes de notaires série III-E*, ed. H. Boullier de Branche (Largentière, 1957), 21.

register, that of a notary named Daguileria, dates from 1290-1303.<sup>49</sup> Internal evidence in the court book indicating that the writers were trained notaries public is absent; no sign manuals were drawn and the notarial style of using invocative, injunctive, prohibitive, reservative, obligative, denunciative formulaic phrases, datum clauses, or subscriptions, common to charters after the twelfth century, do not appear.<sup>50</sup> Yet, the writers of the court book -- I believe there to be five different hands at work in the book -- clearly were trained and accustomed to the workings and procedures of the court. Few lineouts occur and, when they do, they generally clarify or illuminate rather than interpose an overlooked point. For instance, in the above-mentioned case of the conspirators, the scribe inserted an extra bit of information in superscript above the line in which he recorded the denunciation of Raymond and Pons.<sup>51</sup> He writes, “Ad aures curie domini episcopi pervenisse quod Poncius de Rupeforti et dominus Raymundus frater ejus, conspiraverunt et conjuraverunt.” At this point he adds, above the line, “Dictus Poncius pro se et pro dicto fratre suo,” and then continues with the rest of his sentence, “Cum quibusdam aliis ad auferendum seu subripiendum castrum de Chabreira quod tenet dominus episcopus ad manum suam.”<sup>52</sup> The amendments in the court book are generally of this nature; they suggest scribal desires for clarification more often than an untrained hands.

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<sup>49</sup> ADL 3E 1110.

<sup>50</sup> Giry, *Manuel de diplomatique*, 531-621

<sup>51</sup> ADL G 963 123r.

<sup>52</sup> *Ibid.*

Although we cannot discern direct evidence of notaries, or even know the names of the *scriptores* who created the court book, quite a lot of evidence points to legal professionals at work in the bishop's court. Many of the entries in the court book refer to the presence of men styled *magistri*, *jurisperiti*, *officiali* and *judices*. Of these, two men, Pierre la Bladie and Laurent de Condat, stand out as exceptionally active in the episcopal court. They merit special attention because they appear with greater frequency than any other officers of the court do. Usually styled *judex* or *magister judex* and once *officialis*, Laurent is named 13 times and Pierre 27 times in 39 *causae* of various types.<sup>53</sup> Laurent was active primarily in 1268, the first year of the book. Pierre's activity spans the range of dates from 1268 through 1270. Table 2 illustrates, by judge, what types of cases they heard.

TABLE 2. PERCENTAGE OF CASES BY TYPE, BY JUDGE

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<sup>53</sup> In the case beginning on 46v, the scribe indicates that both judges were present. Throughout this paper, the cases are arranged into the following categories: Assault, Condemnation, Confession, Debt from a sale/contract, Debt unspecified, Ecclesiastical, Procedural, Marriage, Property, Rights of lordship (enforcement of secular rights of lordship, such as rights to tolls, enforcement of right of way, rights to mines, ovens, mills, etc), Sentence, Summons, Theft, Testimony, Testaments, Unknown.

	Laurent		Pierre	
	Number of cases	Percent of total	Number of cases	Percent of total
Assault	2	15.4	--	--
Condemnation	--	--	7	25.9
Confession	1	7.7	--	--
Debt, sale	1	7.7	4	14.8
Debt, general	1	7.7	7	25.9
Marriage	1	7.7	--	--
Property	--	--	1	3.7
Rights of lordship	4	30.8	1	3.7
Sentence	1	7.7	--	--
Summons	1	7.7	1	3.7
Theft	1	7.7	2	7.4
Testimony	--	--	1	3.7
Unknown <sup>54</sup>	--	--	3	11.1
Total	13	--	27	--

Table 2 suggests that, perhaps, Laurent and Pierre presided at different types of cases. For example, Laurent heard four cases concerning the rights of lordship, whereas Pierre is identified in only one case. There are twenty-two cases concerning the rights of lordship in the court book (see above, Table 1) and Laurent is named in 22 % of them.<sup>55</sup> The cases of lordship were of some importance: the case beginning on 37v is an inquisition against various people who are accused of occupying a public road, which, as the secular lord of the Gévaudan, the bishop of Mende maintained; the case beginning on 113r is a dispute between the consuls of the *castrum* of Garde-Garin and Guillaume de Beauvoir over payment of tolls that Guillaume imposed; on 123r begins the case concerning the allegations of a conspiracy entered into by two brothers against the

<sup>54</sup> All the cases termed "Unknown" are written by the same hand. They are of illegible due to deterioration of ink, paper, or quality of writing.

<sup>55</sup> Pierre heard one case, and seventeen cases did not name a judge.

bishop; 167r concerns a dispute over the rights to an oven. These cases litigated before Judge Laurent involved enforcement of rights of lordship and/or revenues and so were important to the bishop and his assertion of secular rights. On the other hand, Pierre was present in more cases that concern debt than was Laurent. If the two debt categories are combined, Pierre presided at eleven, Laurent, only two. There were eighty-seven debt cases in the court book (see above, Table 1); of those, Pierre is named in 11.5 %. Furthermore, of the cases in which Pierre is named, 40.7 % concern a debt.

Although the numbers are small, and we must use caution in pushing this observation too far, Table 2 seems to suggest that differentiation of responsibilities existed in the bishop's court. Laurent most often heard cases pertaining lordship, and Pierre presided over cases concerning debts. It is tempting to hypothesize that the specificity of cases was a result of individual expertise, which speaks to a high degree of professionalization, although the sample is so small that such a conclusion cannot be established absolutely. Legal specialists acting as judges had been used commonly in episcopal courts since the end of the twelfth century.<sup>56</sup>

In Table 3, analysis of the dates in which the two men presided over cases reveals that they were not present in court on the same days; this is hardly surprising since Laurent was much more active in 1268 than Pierre, and Pierre was most active in 1270. Therefore, the analysis does not support the unlikely scenario of one judge stepping aside if a case concerning the other's specialty came before him. Rather, it is more probable

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<sup>56</sup> Paul Fournier, *Les officialités au moyen âge: Étude sur l'organisation, la compétence et la procédure des tribunaux ecclésiastiques ordinaires en France de 1180 à 1328* (Paris, 1880), 2-4. These legal specialists usually carried the title of official (*officialis*). The term for the man to whom the bishop's judicial power was delegated came from the *officium* of the Roman magistrate. James A. Brundage, *Medieval Canon Law* (London, 1995), 121-122.

that -- if there was specialization -- it came about as a result of complaints being directed to one or the other judge. In the court book it is possible to glimpse, perhaps, differing levels of expertise among the judges, which has important implications for the study of legal cultures, the function and the relationship between the scribes and judges, and southern French legal culture in which these men undoubtedly were trained. Not merely an administrative document of strictly juridical value, this book is an important source for understanding the professionalization of writing, the spread of legal culture, and the daily operations of an ecclesiastical court nearly a century before this is possible any place else in Europe.

TABLE 3. ANALYSIS OF JUDGE'S APPEARANCE IN COURT BY DATE

	Folio	Date	Subject
Laurent	10r	26 June 1268	Marriage dispute
Laurent	113r	24 July 1268	Lordship
Laurent	15r	15 September 1268	Debt from a sale
Laurent	2r	13 October 1268	Summons
Laurent	119v	13 October 1268	Assault
Laurent	20r	16 October 1268	Sentence
Laurent	46v	23 October 1268	Debt from a sale
Pierre	176r	13 November 1268	Condemnation
Laurent	3r	15 December 1268	Debt
Laurent	123r	20 December 1268	Lordship
Laurent	32v	24 December 1268	Assault
Pierre	181r	29 January 1269	Debt
Pierre	152r	18 March 1269	Property
Laurent	6r	1 April 1269	Confession
Pierre	174v	21 October 1269	Debt from a sale
Pierre	181v	26 November 1269	Unknown
Pierre	187r	4 December 1269	Debt from a sale
Pierre	88r	5 December 1269	Theft
Pierre	6r	15 September 1269	Unknown
Pierre	183v	19 December 1269	Debt
Pierre	179v	27 March 1270	Debt
Laurent	167r	7 May 1270	Lordship
Pierre	170v	4 July 1270	Lordship
Pierre	177r	14 July 1270	Unknown
Pierre	178r	17 July 1270	Debt
Pierre	182v	26 July 1270	Debt from a sale
Pierre	83r	23 August 1270	Debt
Pierre	177v	23 October 1270	Summons
Pierre	3v	No date	Condemnation
Pierre	5r	No date	Condemnation
Pierre	5v	No date	Condemnation
Pierre	5v	No date	Condemnation
Pierre	5v	No date	Condemnation
Pierre	5v	No date	Condemnation
Pierre	87v	No date	Testimony
Pierre	175v	No date	Debt
Laurent	37v	Unknown -- 1268	Lordship
Pierre	176r	Unknown -- 1269	Debt
Pierre	180r	Unknown -- 1269	Debt from a sale

Another *fond*, ADL G 964 presents further information concerning the functioning and the personnel of the court. This is a miscellany of loose documents of both secular and ecclesiastical jurisdiction consisting of five parchment and thirty-five paper documents. Some of the items are not dated. Of those with dates, the range covers 1268-1326. The documents concern various activities of the court; for example, a letter dated 1268 from the official of Mende (who is not named) to the chaplain of St. Flour in Pompidou ordering him to publicly summon Guillaume Arnal of Mas-Aribal in the parish church to appear before the judge in Mende; an undated denunciation by Guillaume Guerrajat against Pierre, the butcher (*lanius*) of Mende, for having chased him with a knife in his hand; a complaint by the men of Garde and of Raschas against Lord Guigon de Tournel and the Lord of Châteauneuf Randon claiming that they were forced to pay a toll at Villefort. Apart from offering an interesting view into quotidian life of the ordinary folks in Mende (e.g., the knife wielding butcher), we can make important aspects of court procedure out in this collection of miscellaneous documents.

In these forty documents, Judge Laurent de Condat is named three times not only as the judge of the court of the bishop of Mende but also as a canon of Mende. Therefore, at least one judge of Mende was also a canon of the cathedral church. Furthermore, the *fond* offers insight into the workings of the episcopal court and its authority. In a letter from 1268 addressed to Laurent de Condat (*Viro sapienti provido et discreto magistro Laurentio de Condat judici et canonico Mimatensi*), Guigon Meschin, lord of the castle of Tournel (*domino castro de Tornello*), asks the judge to excuse him if he is unable to answer a summons to appear in court (*aperere*) because he has urgent business that requires him to travel to Montpellier. The obverse of this letter reveals that

the document was trifolded, the ends into the center, and sealed.<sup>57</sup> Thus, ADL G 964 demonstrates the manner in which correspondence with the episcopal court was transacted and the authority of Laurent de Condat, canon, judge, and legal specialist, to summon lords before the episcopal court. Although he is never styled as such, it seems likely that based on the his activities evidenced in the court book and in this loose collection of documents, Laurent de Condat fulfilled a role very close to what other episcopal courts refer to as an official-principal. This official was charged with overseeing the judicial bureaucracy, the court's staff of clerks who copied and produced documents, the court's other judges and auditors, and the judicial calendar.<sup>58</sup>

Finally, ADL G 964 offers additional evidence of professionally trained men working as notaries public in the episcopal chancery. Three documents, written on parchment, contain the distinctive notarial sign manual.<sup>59</sup> All of the *acta* date from the 1260s or 1270s and one notary public, Guigon de Chameri, wrote two of the three. Guigon did not style himself an episcopal notary; his dating clause uses the regnal year of Louis IX, and his sign manual does not incorporate the cross that is typical of episcopal notaries. The other notarial document, however, is that of an episcopal notary named Benoît de Arenis, *notarius publicus*. He styles himself "notary public of Mende," and his style manual is of the distinctive episcopal design. The act was drafted in 1269, and nominates Odilon Astorge of Rochblano, squire (*domicellus*), as the proctor in a *causa*

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<sup>57</sup> Although the seal is no longer extant, remnants of an oval wax seal clearly remain. Five of the forty documents in G 964 have vestiges of seals affixed to them; three of the five are addressed to or sent from Laurent de Condat.

<sup>58</sup> Brundage, *Medieval Canon Law*, 122. Officials-principal differed from the office of the chancellor, who presided over the writing office of the bishop, overseeing his correspondence and diocesan business. Cheney, *English Bishops' Chanceries 1100 – 1250*, 22-43.

<sup>59</sup> The parchments measure 16.5 cm. x 11 cm.; 18 cm. x 11cm.; 17.5 cm. x 11 cm.

against Raymond of Anduse before the unnamed official of Mende (*coram nobis officiali mimatensi*). Odilon's notarial hand does not appear in the court book; it seems likely that the episcopal notaries public worked along side the episcopal chancery, drafting *acta* for clients who had business with the episcopal court.

Therefore, the men who drafted documents and heard cases in the bishop's court were men who were professionally trained and their presence speaks to the diffusion of legal culture in southern France. We cannot say with any degree of certainty where these men received their training, but their expertise is visible clearly in the surviving documents. What sorts of cases occupied the men of the episcopal court? To answer this question, we turn again to the court book.

*Examples: Cases of Assault, Theft, and Rights of Lordship*

The episcopal court in Mende employed Romano-canonical procedure.<sup>60</sup> Broadly speaking there are two categories of cases: the first, and most common, is identified by the scribe as *causae*. In these cases, the plaintiff brought suit against the defendant. They are roughly analogous to the modern category of civil litigation. The second is identified as *inquisitio*; in these cases, the court, *ex officio*, initiated the action against the accused. In practice, a clear distinction between the two categories is not always evident, since an *inquisitio* might be begun as a response to an accusation made by an aggrieved

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<sup>60</sup> Romano-canonical procedure is so-called because it draws primarily on Roman law however not to the exclusion of Germanic and customary law influences. Lefebvre, "Procédure," 286.

individual.<sup>61</sup> Most of the cases in the court book begin with a heading (*capitulum*) indicating the parties in the matter, beginning with the name of the individual bringing the complaint (the plaintiff), followed by the name of the defendant. For example, the case on 79v carries this heading: “*Causa domini Petri de Sancta Enimia contra Dominum Stephanum de Montelauro.*” If the case was an inquisition, the heading typically followed the form of the example found on 123r: “*Inquisitio contra Dominum Raymundum de Rupeforti et Poncium, fratrem ejus.*” Generally, after the heading, the first information recorded in the case was the *libellus*, in which the plaintiff, defendant, and judge (if named) are listed followed by a brief description of the accusations brought by the plaintiff and the remedy sought. If the case proceeded, this section usually ended with a clause indicating when the case would proceed and sometimes a list of witnesses who would be summoned. Depending on how many witnesses were interrogated, the testimony might last for weeks, and often delays or postponements were granted. After the testimonies were recorded, another date was set for the judge to pronounce his sentence. Most often, however, the case abruptly ends, presumably because the dispute was settled or the plaintiff abandoned the suit.

Although, as one would expect, each case is distinctive, an example that embodies many typical characteristics of an inquisition into an assault case is an *inquisitio* that began in 1268.<sup>62</sup> At the top of the page, a heading indicates the essential information: *Inquisitio contra Johannem Besso*. The scribe drew a line beneath the heading, and

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<sup>61</sup> L. R. Poos, “Introduction,” in *Lower Ecclesiastical Jurisdiction in Late-medieval England: The Courts of the Dean and Chapter of Lincoln, 1336-1349, and the Deanery of Wisbech, 1458-1484* (Oxford, 2001), xlv-xlvi.

<sup>62</sup> ADL G 963 22r.

beneath that, he began to record the case. The proceedings began before an auditor (who is not named) of the court of the bishop (*ad auditorem curie domini episcopi*). Jean Bessos of Balsièges was investigated for having rolled a stone (*lapis*) from the side of a mountain in Changefège striking Guillaume Crosier, son of Raymond Crosier, in the head and causing his death.<sup>63</sup> The court, *ex officio suo*, ordered a process of inquiry be conducted on the Thursday after the octave of the Feast of St. Michael, when Jean would appear before the court and would be interrogated under oath. In his testimony, comprising about fifteen lines of text, Jean acknowledged that the stone rolled from the summit and struck Guillaume, but he denied that the incident caused Guillaume's death.<sup>64</sup> The text stops abruptly, with no further testimony and no sentence or ruling by the judge auditor was recorded.

A case about three stolen mules offers more insight into the operation of the episcopal court than the inquisition into the unfortunate death of Guillaume Crosier.<sup>65</sup> In this *causa*, Étienne Aribaldi of Barre brings a complaint against Gaucelin de Chavanon, squire (*domicellus*), for having taken off with three mules belonging to Étienne and leaving them with Guillaume (*tres mulas ... vecturas a Guillaumo*). A petition presented to the judge of the court (who is not named) described the nature of the complaint and

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<sup>63</sup> Today, Changefège is a small village atop a precipitous peak, which one finds at the end of a terrifyingly steep and narrow road, about 5 km. southeast of Mende. Balsièges, located about 10 km. southeast of Mende, is situated in the valley of the Lot and its strategic location made it an important cite in Odilon de Mercoeur's military plans to dominate the valley. The bishop constructed one of a number of *castra* in the valley; the one at Balsièges is no longer extant, although a tower still stands as a vestige of episcopal authority in the valley. Darnas, *Les châteaux*, 47.

<sup>64</sup> ADL G 963 22r "Requisitur dictum Johannes si ad diem quod lapis illa quique ipse sinisit pro costa percussit et interferit dominum Guillaume craserii, dixit quod non."

<sup>65</sup> ADL G 963 45v-46v.

initiated the case.<sup>66</sup> The undated petition, which is not copied into the court book, was drafted on paper by a hand that does not appear in the court book; it is preserved in the collection of loose documents described above.<sup>67</sup> This petition convinced the judge of the legitimacy of the complaint and the parties were summoned to appear before the judge; although the summons does not survive and it is not copied into the court book, the next time we encounter the dispute between Étienne and Gaucelin, it is before the bishop's court under the heading "*Causa S. Aribaldi contra Gaucelinum de Canano.*"<sup>68</sup>

The first process before the court began in 1269. Off to an inauspicious start, the *causa* began with a delay and a re-assignment of the day, the Monday after the quindene of Pentecost, when Étienne and Gaucelin would come before the court. At that time, before the court, Gaucelin denied, under oath, the charges in the complaint; whereas Étienne swore that the complaint was true (*dicta significatione contra eum* [Gaucelin] *tunc esse vera*). From this point, under canonical civil procedure (*ordo iudiciarius*), it was up to the plaintiff to prove the veracity of his complaint by presenting credible evidence in support of his accusations. The defendant, on the other hand, attempted to produce evidence that weakened or challenged the plaintiff's claim; the defendant, then, had a somewhat easier legal undertaking since he merely had to demonstrate that the complaint lacked adequate foundation in fact or law.<sup>69</sup> The most convincing evidence came from witnesses and both Étienne and Gaucelin provided the court with the names of

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<sup>66</sup> ADL G 964. "Significat et proponit S. Aribaldi de Barre ...coram vobis domino iudice Mimatensi pro domino episcopo..."

<sup>67</sup> ADL G 964.

<sup>68</sup> ADL G 963 45v.

<sup>69</sup> Brundage, *Medieval Canon Law*, 131.

witnesses they would produce to support their side.<sup>70</sup> For Étienne, testimony would come from Guillaume Tersseri; for Gaucelin, from Jean de Manso. The witnesses were ordered to appear before the court on the Monday after the month of Pentecost (*dies Lune post mensem Pentecostem*). The final item recorded that day concerned the naming of a proctor (*procurator*) as Gaucelin's legal agent to act fully on his behalf during the litigation.<sup>71</sup> All these procedures were transacted before the court in one day, and they were enregistered by one hand in twenty-three lines of text (about two-thirds of a page).

This case demonstrates the organizational system that the curial scribes strove to achieve. The next process, the oral testimony of witnesses, was recorded in the court book immediately following the enregistering of the initial phase of the litigation even though seven days separated the two procedures.<sup>72</sup> A different scribal hand recorded that, on the day ordered, Étienne and two witnesses, Guillaume Tersseri and Guillaume del Fesquet appeared on his behalf. Although Guillaume del Fesquet had not been mentioned before, the scribe recorded no explanation for his presence. Witnesses

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<sup>70</sup> J. PH. Levy, *La hiérarchie des preuves dans le droit du moyen-âge depuis la Renaissance du Droit Romain jusqu'à la fin du XIVe siècle* (Paris, 1939), 68. *Probatio plena* or *probatio vera, plena, perfecta* was established by two types of proof, that of witnesses and that of written acts. Jurists approached literal proof, that is, proof from written documents, with more caution. Levy, *La Hiérarchie*, 72-79; Brundage, *Medieval Canon Law*, 132-133; Clanchy, *From Memory to Written Record*, 260-263, 272-278, 295-299.

The principle that testimony must come from at least two credible witnesses who had seen and heard the event or issue in question was well established in civil and ecclesiastical courts by the thirteenth century. Around 1215, the Bolognese jurist Tancred wrote, "Per testes et per instrumenta probatur ... Et nota quod hae duae probationum species magis proprie dicuntur probationes quam ceterae praecedentes." Tancred, *Ordo iudiciarius*, III, 5, § 6 cited in Levy, *La hierarchy*, 68, n. 5.

<sup>71</sup> Proctors, men with a certain amount of legal expertise, were retained, for a fee, to act on behalf of litigants and commonly were used by those who could afford them. In the initial complaint, Gaucelin is styled as a *domicellus*, indicating that he was, perhaps, a man of some modest means.

<sup>72</sup> Christopher R. Cheney, *Handbook of Dates for Students of English History* (Cambridge, 1996), 88-89. In 1269 (old style), the important dates for this case to this point are 24 March (Easter), 12 May (Pentecost), 27 May (Monday after the quindene of Pentecost), and 3 June (Monday after Pentecost month).

testified separately, and the judicial examination began with Guillaume Tersseri, who swore an oath to tell the truth.<sup>73</sup> The record does not reveal who conducted the examination, and all interrogatories and responses were recorded in third person. For example, during his testimony, Guillaume Tersseri stated that Gaucelin had seized the three mules from Étienne and sold them to Guillaume of Garde. The testimony continues: “He [the interrogator] asked if said lord G[uillaume] of Garde received said mules from the hand of said Gau[celine]; he [the witness] said yes.”<sup>74</sup> In this way, using indirect discourse, the same hand recorded the oral testimony of the two witnesses, presumably all on the same day.

The next stage in the case occurred on the Thursday after the Feast of the Exaltation of the Holy Cross (*dies Jovis post festum Exaltationis sancte Crucis*).<sup>75</sup> On this day, declaratory letters (*littere publicatorie*) were presented to the official of Mende, a certain *magister P.*, by the proctors for Étienne and Gaucelin.<sup>76</sup> These documents are not copied into the register nor do they exist in any other *fond*, but it seems likely that they were written *positiones*, arguments that each side wished to present to the judge in addition to the testimony of the witnesses. The same scribal hand that recorded the testimony recorded this stage, with little detail, in seven lines. On the Tuesday after the Feast of Saint Luke, twenty-one weeks after the first process, the judge was ready to

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<sup>73</sup> ADL G 963 45v. “Ad quem dies Lune post mensem Pentecostem conperunt dictus Stephanus Aribaldi et predite testes G. Terterii et G. del Fesquet. Que juramenta pro versa parte veritatem.”

<sup>74</sup> Ibid., 46r. “Requisitus si quod dictus dominus G. de Garde reciperet dictas mulas de manu dicti Gau, dixit quod sic.”

<sup>75</sup> The Feast of the Exaltation of the Holy Cross occurs on 14 September; in 1269, the Thursday following this feast day fell on 19 September. Note that about fourteen weeks lapsed since between this process and the one before it.

<sup>76</sup> ADL G 963 46v.

declare his decision.<sup>77</sup> Those present included Gaucelin, his proctor, Étienne, Laurent de Condat, styled *magister*, *judex*, and *officialis*, and Pierre de Bladie, who is styled *judex*. The decision is given in a brief statement, without elaboration of contradictions in fact, flaws of evidence, or arguments in law.<sup>78</sup> The last item recorded in the *causa*, in the same hand, indicates that this was written, *ad difinitivum* on the Monday after the Feast of All Saints.<sup>79</sup>

The case of the three mules illustrates several important points in the functioning of the episcopal court. First, the various processes of this case follow the general pattern of canonical civil procedure: the plaintiff petitions the court to hear his complaint; assuming the court agrees to hear the complaint, it is presented to the court again, in written form as a *libellus*, and both parties to the suit swear that they are presenting their arguments fairly and truthfully; next, evidence in support of both sides of the action is presented, usually in the form of witness testimony; after the testimony, the parties (or their proctors) present *positiones* outlining their arguments; finally, the judge issues his decision, which is read into the record. Although the case of the three mules embodies many of the procedures of civil canonical procedure, cases in the court book often deviated from the model and any semblance of neat categorization of the processes the above case may suggest is deceptive. The case is also of interest because it offers insight

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<sup>77</sup> The Feast of Saint Luke falls on 18 October, therefore in 1269, the Tuesday after the feast would have fallen on 22 October.

<sup>78</sup> Although this case illustrates several important aspects about the functioning of the bishop's court and how the court book was created, the men involved in the case and its details are quite banal. Nonetheless, curiosity demands to know how the case was decided: Gaucelin was ordered to pay restitution to Étienne for the three mules, although, surprisingly, the amount or a date by which it must be paid is not indicated.

<sup>79</sup> ADL G 963 46v "Scribens die Lune post Festem Omnium sanctorum ad difinitivum."

into how the scribes in the episcopal chancery worked. Two hands are at work in this case. The first hand recorded the initial presentation of the complaint but the majority of the case is recorded by a second hand. The final sentence of this case, “*Scribens die Lune post Festem Omnium sanctorum ad difinitivum*” is significant to understanding the processes at work in the redacting of the text. From this phrase, it seems that scribes drafted the court book as a fair copy, that is, a copy that was made from amended and corrected that served as a “definitive” record of the case. The working method of the scribes seems to suggest recognition of the importance of keeping all processes concerning a case together. In the case of the three mules, the system worked well; the procedures were recorded into the allotted space without the need for cross-references and only about one half page was left blank after the scribe’s final entry.

Efficient use of space was not the result in the inquisition into an alleged conspiracy, which addresses many issues of episcopal lordship in the Gévaudan.<sup>80</sup> This case, brought before judge Laurent (*coram discreto viro magistro Laurentio, iudice Mimantensi*) on the Thursday before Christmas in 1268, investigated an alleged conspiracy against Bishop Odilon de Mercoeur and his castellan Raymond de Chavavon, entered into by a certain Pons and his brother Raymond de Roquefort, a priest and rector from the village of Bédouès, located near Florac, about 22 km. southwest of Mende, in the heart of the Cévennes Mountains.<sup>81</sup> The case opens with a denunciation made by the castellan, Raymond de Chavanon, *miles*, in which the brothers are accused of conspiring

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<sup>80</sup> ADL G 963, 123r-124v, 125v, 112r, 112v. This inquisition is discussed and partially transcribed in *Études historiques*, 267-280, although the cross-reference system seems to have confused the very capable archivist Porée, and there are errors in his version of the text. The same hand recorded all the processes associated with this case.

<sup>81</sup> ADL G 963 123r. The heading for this case reads “Inquisitio contra Dominum Raymundum de Rupeforti et Poncium, fratrem ejus.”

with others to seize the castle of Chabrières, located in the parish of Bédouès.<sup>82</sup> The denunciation concludes with a statement that the court has accepted the denunciation and that it will determine the veracity of the accusation through sworn testimony of witnesses.<sup>83</sup> The denunciation, all in the same hand, was written in fifteen lines of text and the declaration of the court required another five lines. Therefore, the preliminaries of the case, which established the nature of the accusation, the court's jurisdiction in the case and its right to conduct an *inquisitio*, required about two-thirds of the first page.

What follows is the testimony of eleven witnesses, beginning with the accused brothers Pons and Raymond de Roquefort. The record of their testimonies is unusual because they contain direct discourse.<sup>84</sup> For example, Raymond claimed that on the Sunday after the Exaltation of the Holy Cross, two men, who Raymond claimed were unknown to him, approached him in church after mass.<sup>85</sup> They insinuated that Raymond ought to join with them in a conspiracy against the bishop who, they said, unjustly held

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<sup>82</sup> Ibid. "Poncius de Rupeforti et dominus Raymundus, frater ejus, conspiraverunt et conjuraverunt ...cum quibusdam aliis ad auferendum seu subripiendum castrum de Chabreira quod tenet dominus episcopus ad manum suam."

<sup>83</sup> Ibid. "Et primo cum predictis fratribus et super hoc curia recepit ad eis juramentum, scilicet quod ipsi dicant super predictis veritatem, ut principales in facto et ut testes in facto aliorum."

<sup>84</sup> Although the testimony was recorded in first person, the scribe wrote the testimony in Latin and the witness likely spoke in the vernacular, despite his clerical status. Herwig Weigl has argued that although scribes in secular courts nearly always rendered charters in indirect discourse, "traces of orality" in charters suggest that in their protocols scribes often took down direct discourse and then formalized the organization of the proceedings to reflect formal correctness and legal validity. Herwig Weigl, "What to Write in Court," 78-79. This case, with its frequent resort to direct speech, demonstrates nicely Brian Stock's concept of "textual communities," in which literacy and orality were intertwined. Brian Stock, *The Implications of Literacy and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton, 1983), 7-9, 12-87, 343, 346, 356-358, 366, 372, 391, 402-408, 455-457, 472, 497, 522-531.

<sup>85</sup> ADL G 963 123v. In 1268, the Exaltation of the Holy Cross fell on Friday 14 September; therefore, the Sunday after fell on 16 September. Cheney, *Handbook of Dates*, 118-119.

the castle of Chabrières for one of his wards, Isabelle of Anduse.<sup>86</sup> Raymond testified, and the scribe recorded in direct discourse, that his angry response was “Ite! Talia dicitis mihi. Ego sum clericus et beneficiatus domini Episcopi et talia mihi dicitis.”<sup>87</sup> Raymond claims that the next day he and his brother traveled to Mende, where they met the bishop’s official (who is not named) and informed him of the entire matter.<sup>88</sup> Nonetheless, three months later, Raymond and his brother found themselves before the bishop’s court, implicated in secret machinations against the bishop.

Testimony from another witness casts Raymond’s behavior in a different light and enlightens us as to why the brothers were under suspicion of conspiracy. Raymond de Sericis, a priest from Calberte [St-Germain-de-Calberte], was an acquaintance of Raymond de Roquefort. Once again, the scribe uses direct discourse to record the testimony, animating the words of the witnesses. Although he did not recall the exact date, Raymond de Sericis testified that some time between the Feast of All Saints and Christmas, the priest of Bédouès visited him in Calberte and complained that the castellan of Chabrières had seized and killed his livestock.<sup>89</sup> To seek legal remedy for his loss, Raymond de Roquefort told his friend that he was going to turn the seneschal of Beaucaire, the bishop of Mende’s jurisdictional rival in the Gévaudan. Almost as if he

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<sup>86</sup> Isabelle of Anduse and her mother Raymonda became wards of the Odilon de Mercoeur following the death of her father, the baron of Florac, Bernard of Anduse in about 1262. Therefore, Odilon controlled their marriages and property, like the castle at Chabrières. *Études historiques*, 267.

<sup>87</sup> ADL G 963 123v. “Quo audito, dixit testis se increpasse eis et dixisse eis, ‘Ite! Talia dicitis mihi. Ego sum clericus et beneficiatus domini episcopi et talia mihi dicitis.’” Quotation marks indicating direct quotation do not appear in the manuscript.

<sup>88</sup> Ibid., “Et ipse Raymundus cum Puncio fratre suo venerunt in crastinum Mimatam et nunciaverunt hec domino officiali.”

<sup>89</sup> Under what pretense or conditions the castellan seized the livestock of Raymond de Roquefort is not disclosed in this case, nor is a complaint concerning this incident registered elsewhere in the court book.

were seeking confirmation of his plan from his friend in Calberte, Raymond asked the priest to advise him.<sup>90</sup> Raymond de Sericis testified that he advised his friend to seek justice in the court of his lord the bishop; small surprise that he should claim to have counseled his friend this way while testifying before that very court.<sup>91</sup> There is no record of whether Raymond followed up on his plan to bring the matter before the seneschal of Beaucaire,<sup>92</sup> but Raymond de Sericis concluded his testimony with a neat bit of testimony by inference. He stated that, although his friend told him he was returning home to Bédouès, Raymond de Sericis's servant informed him that he had seen Raymond of Roquefort later that day, not on the road to Bédouès, but heading in the opposite direction, to St. Étienne [St-Étienne-Vallée-Française], where royal *baillis* had been in place since 1228.<sup>93</sup>

Hence, Raymond de Roquefort was nursing a grudge against the castellan and he had threatened to seek legal remedy, not in the court of the bishop of Mende, but from the seneschal of Beaucaire. Who were the two unknown men who initially approached Raymond in September whispering plots against the bishop and his castellan? The testimony of Guillaume Ardoin and Deodat Plainard, men loyal to the castellan, reveals the answer: The castellan hired these men to perform a kind of “sting” operation. The

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<sup>90</sup> ADL G 963 125v. “...venit Dominus Raymundus de Rupeforti apud Calbertam et pernactavit ibi cum eo et dixit ipsi testi: ‘Domine, dominus Raymundus de Cavano cepit bestiarium meum et occidit et fecit redimi, et consulebant mihi aliqui quod hoc ostenderem domino Senescallo. Quid consuletis mihi?’”

<sup>91</sup> Ibid., “...invenerit jus in curia domini episcopi.”

<sup>92</sup> As we will see in the next chapter, there is evidence from a source other than the court book that Raymond de Roquefort did follow up on his complaint against the castellan's confiscation, or perhaps theft, of his livestock.

<sup>93</sup> Ibid., “Dixit tamen quod idem dominus Raymundus Rupeforti dixit sibi quod reveniret ad domum suam...et eodem die, dixit testis se audivisse dici a Petro Ricardi serviente suo, quod invenerit ipsum dominum Raymondum de Rupeforti apud Sanctum Stephanum.” On the presence of royal *baillis* in St-Étienne-Vallée-Française, see above, the pontificate of Étienne of Briode.

castellan had heard that certain men, loyal to his enemies Eracle de Montlaur and Raymunda, the mother of Isabelle of Anduse, had secretly plotted to take the castle at Chabrières. The source of the animosity between Eracle and Raymunda and Raymond de Chavanon was the proposed marriage between Isabelle of Anduse, ward of the bishop of Mende, and Pons de Montlaur, son of Eracle, which would have the effect of negating the castellan's tenure of the castle of Chabrières.<sup>94</sup> Raymond de Chavanon sent his men, Guillaume and Deodat, throughout the Gévaudan to "test" the mettle of men whose loyalty to the castellan -- and the bishop -- was in question by having them pretend to be loyal to the castellan's enemies.<sup>95</sup> According to Raymond de Roquefort, despite his quarrel with the castellan, he had remained loyal to his lord when these men approached him pretending to foment rebellion, and his testimony, captured in direct discourse, emphasized his indignation at the thought of betraying his lord, the bishop. The testimony of Guillaume and Deodat does not support this.<sup>96</sup> Hence, Raymond and his brother were summoned before episcopal court to answer for their conduct.

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<sup>94</sup> On the dispute between Eracle de Montlaur and Raymond de Chavanon see *Études historiques*, 267-272.

<sup>95</sup> ADL G 963 124r. "...dixit testis quod dominus Raymundus de Cavano, tunc domicellus, dixit ipsi testi et cuidam alio qui vocatur Deodatus, qui moratur cum domino episcopo, quod irent per terram et assentirent de voluntatibus hominum dicte terre super hoc. Et hoc audito, ipse testis et dictus Deodatus, cui agromen dicit testis se ignorare, iverunt apud Bedoescum et ibi locuti fuerunt primo cum Poncio de Rupeforti..."

<sup>96</sup> *Ibid.*, 125r. "Et dixit testis se [Deodatus] et dictum Guillelmum, socium suum, venisse apud Bedoescum; et quando venerant cantabatur missa et, missa cantata, ipsi locuti fuerunt cum Poncio de Rupeforti juxta capitem ecclesie, extra ecclesiam, et ibi dixerunt ei 'Nos sumus servientes domini Eraclei de Monte Lauro et venimus de Vallarauga, de domina Raymunda, et volumus loqui vobis.' Qui respondit 'bene veneritis.' Et ipsi [Deodatus et Guillelmus] dixerunt ei, 'Nos credimus vos habere magnam societatem cum domina Raymunda et ideo dicimus vobis quod datum est nobis intelligi quod nos possemus capere et retinere castrum de Chabriera si ipse et alii homines terre consentirent. Qui respondit quod ipse libenter consentiret et faceret quisquid posset, et ipse et omnes alii quos ipse posset ad hoc concordare." Deodat sent Pons to bring his brother, the priest from the church and when Raymund appeared, Deodat and Guillaume said the same words to Raymund. His reply was "Bonum est se tenere cum potentioribus et quod non erat bonum incipere quod non posset impetrare, quia possetis vos reprehendi et dare dampnum domino vestro; tamen ex quo essetis infra castrum ... faceret bonum et honorem in ... et aliis rebus."

As often happens, following the completion of testimony, the final disposition of this case is not recorded, perhaps because the case was an inquisition and following the testimony, no further inquiry was needed. Perhaps this was because there had been a settlement of some sort, in which the facts of the case had been agreed to, and the inquisition was abandoned. Perhaps, despite what appear to be scribal efforts to keep all processes of a case together, the pronouncement or condemnation of the court was recorded elsewhere, in a register no longer extant. From the record, it is impossible to determine. The final lines of text indicate that testimony had been completed and that Raymond and Pons were to appear before the court on the Wednesday before Palm Sunday.<sup>97</sup> Although we do not learn the fate of Raymond and his brother, this case exemplifies many important characteristics of the court book. The scribal hand, that recorded the entire inquisition often was associated with the presiding judge, Laurent de Condat, who heard more cases concerning lordship than any other named judge in the court book. The scribe recording the testimony had considerable difficulty arranging his text to conform to the organizing principles of the court book. He had to resort to breaking with sequential recording twice, the second time even jumping back, from 125r to 111v, to complete his task. This raises a crucial issue. Why did the scribes of the episcopal court consider it so important to keep the processes of various cases together when organizing their material? In other words, given the obvious challenges, why not

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<sup>97</sup> ADL G 963 112v. "Et ad procedendum de jure fuit eidem domino Raymundo, nomine suo et nomine dicti Poncii, fratris sui, assignata dies Mercurii ante Ramos Palmarum. Et quod magister Raymundus de Campo recepiat testes quis jure dictum ejus presente volunt coram eo. Ad quemdam diem conpervenit duos dominos Raymundus ipse fratris ejus parte procedem inquisitionem predictum."

simply enter into the register the court's activity for each particular day, without regard for which case it concerned?

The answer lies in the ecclesiastical scribes' efforts to impose order in the episcopal archives, which demonstrates a utilitarian concern for need to retrieve information. One consequence of organizing their material in the way that they did was that it enhanced the likelihood of recovering all the processes concerning any one particular case, a feat that all record-keepers, both ecclesiastical and lay, found challenging throughout the Middle Ages because the systematic organization of information and research tools was in its infancy. For example, in England, that monument to Norman competence, the Domesday Book, languished and rarely was consulted until the last quarter of the thirteenth century, two centuries after its compilation, and then most often merely to prove ancient demesne.<sup>98</sup> At about this same time, in 1291, Edward I, desperate for documentary evidence to support his claim to overlordship in Scotland, sent out an urgent call to search for documentation that would uphold his "Great Cause," not in his royal archives – which were extensive by the late-thirteenth century – but rather in monastic archives.<sup>99</sup> The royal request produced a trickle of documentary evidence, most of it not very useful. Later that same year, Edward requested that two Chancery rolls from the reign of Henry III be sent to him in England

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<sup>98</sup> Clanchy, *From Memory to Written Record*, 33-35. Clanchy writes that there are only ten rather oblique references to the Domesday Book before 1135. Not until the 1250s did royal agents occasionally begin to cite the Domesday Book in cases concerning ancient demesne and obligations and not until the reign of Edward I were records extracted from it with regularity. Therefore, the Norman kings and their successors possessed an extraordinary archival resource that went virtually unused for nearly two hundred years.

<sup>99</sup> *Ibid.*, 152-155.

from New Temple for the same purpose.<sup>100</sup> These rolls were also of little use. Perhaps, after learning a bitter lesson of the consequences of not being able to produce documentary evidence, Edward commanded two notaries public to draft copious records of the many diplomatic proceedings that took place over the issue of the Scottish succession.<sup>101</sup> In other words, the objective of creating a searchable archive -- or at least, being able to refer to existing archives in important matters -- had eluded even the most developed thirteenth-century royal chancery, and the importance of controlling the information stored in archives was only just beginning to be grasped.

During the thirteenth century, books organized to function as searchable research tools appeared across Europe.<sup>102</sup> For example, Biblical concordances, alphabetic subject indices to the writings of Aristotle and the Fathers, and location book lists were written, not as books to be read, but rather as research aids to be used as guides to other texts.<sup>103</sup> What these systems of organization had in common was that they organized large blocks of information into categories that were linked by a structure of associations and classifications that aided in reference.<sup>104</sup> Signaling a marked change in intellectual life of the thirteenth century, works of this type flourished amid shifting attitudes toward textual

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<sup>100</sup> Ibid., 153.

<sup>101</sup> Cheney, *Notaries Public in England*, 61-62 and 132-134. Cheney notes that the two rolls produced by the notaries are far from a shorthand reproduction of the proceedings. For example, the speeches were probably "enriched" since they follow the principles of the *oratio recta*, using the rhythmic *cursus*.

<sup>102</sup> Mary A. Rouse and Richard H. Rouse, "The Development of Research Tools in the Thirteenth Century," in *Authentic Witnesses: Approaches to Medieval Texts and Manuscripts* (Notre Dame, IN, 1991): 221-255; Carruthers, *The Book of Memory*, 80-121.

<sup>103</sup> Rouse and Rouse, "The Development of Research Tools," 221.

<sup>104</sup> Carruthers, *The Book of Memory*, 14.

authority that witnessed the rise of practical applications of texts.<sup>105</sup> According to Mary and Richard Rouse, one reason for this monumental shift was the expansion in professionalism during the thirteenth century that coincided with the extension of university learning.<sup>106</sup> If, as appears to be the case, the court book was organized to facilitate practical uses such as retrieval of all information concerning a particular case, and therefore it may be considered as part of the general phenomenon of new textual applications that speaks to the desire for functional application within the context of a professionalized episcopal chancery.

For Odilon de Mercoeur, one of the most important affairs of his episcopate, for which he certainly would want the most efficient reference tool at hand, was the suit before Parlement in which he fought to reclaim and reestablish undisputed secular lordship in the Gévaudan. Surely, he must have thought of the court book as a crucial repository of evidence in his legal battle that could be searched to produce most of the stages of the cases that were heard by his court. As we will see in the following chapter, this was precisely how the court book was used, not within the lifetime of Odilon but more than thirty years after the first entry in the book. In his *Mémoire*, Guillaume Durand the Younger culled cases from Odilon's court book in a final attempt to prove episcopal secular lordship. In the next chapter, we also will investigate how the court book preserved historical memory, which was later reorganized into a type of historical narrative.

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<sup>105</sup> Ibid., 222.

<sup>106</sup> Ibid., 251-252.

## **CHAPTER 4**

### **The Court Book, Historical Memory, and the Paréage**

As we have seen, the first entries in the court book correspond closely with the initiation a suit before the Parlement in which Odilon de Mercoeur sought to end harassment by royal officials within his diocese. Odilon claimed that his exercise of secular jurisdiction in the episcopal court proved his claim and it is very likely that he regarded the court book as documentary evidence, although there is no indication that he formally introduced the court book as evidence. Odilon's legal strategy came to fruition some thirty-five years later, when then bishop Guillaume Durand the Younger, nephew of the famous proceduralist who was also his predecessor, was able to extract the cases in the court book and present them as evidence of the bishop doing spiritual and secular justice in his court. Guillaume's effort to win the case for episcopal sovereignty within the Gévaudan ultimately was unsuccessful in the face of King Philip IV and his ministers' aggressive efforts to assert royal supremacy. However, as we will see, Odilon's archival record had preserved of hundreds of details of historical memory, organized in discrete units by case, from which Guillaume sketched a sort of narrative history in defense of episcopal secular lordship.

## *Challenges to the French Episcopate*

When Odilon de Mercoeur died in 1274, his appeal to the Parlement and the subsequent *enquête* were still an ongoing process.<sup>1</sup> The pontificate of his successor, Étienne III (1274-1278), was unremarkable and devoid of any major initiatives.<sup>2</sup> No records survive indicating that he interacted with the seneschal of Beaucaire in any way. Thus, if there were any advances or retreats in the bishop's efforts to assert his secular lordship over his rivals for power, whether royal agents or barons, they are unknown. The see remained vacant for seven years following the death of Étienne and the surviving record is silent as to reasons why a successor was not elected. Whatever the reasons for the prolonged vacancy may have been, we can be reasonably certain that the claim to episcopal secular lordship in the Gévaudan was not pursued as strenuously as it had been under Odilon and that the challengers to episcopal power, the barons and the seneschal, likely gained ground.

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<sup>1</sup> The year of Odilon's death is uncertain. I have followed most modern historians in using the 1274 date. Fasolt, *Council and Hierarchy*, 54; *Études historiques*, 287; *HGL*, vol. 4, 393. *GC*, vol. I, 93, Eubel, *Hierarchica catholicae*, vol. I, 357, and Gams, *Series episcoporum*, 577 give the year of his death as 1273. Pass, "Source Studies," uses 1273 on page 28 and 1274 on page 98.

<sup>2</sup> On the pontificate of Étienne III, see Fasolt, *Council and Hierarchy*, 54; *GC*, vol. I., 93-94. In common with his predecessor, the year of his death is in dispute. *GC*, vol. I, 94, Eubel, *Hierarchica catholicae*, vol. I, 358, and Gams, *Series episcoporum*, 577 date his death to 1278; Fasolt, *Council and Hierarchy*, 54 follows A. Philippe, *La Baronnie*, lxxxv, in stating that as late as November 1283 Étienne had purchased land from the Tournel. In this study, I use 1278, since the evidence provided by Philippe that this was the Étienne who purchased the lands seems rather thin.

From the few surviving records in which he is mentioned, we know that on 8 December 1278, Nicholas III ordered Étienne, the bishop of Rodez, and the abbot of Tulle (diocese of Limoges) to investigate the chapter of Albi in response to their proposal to the curia that they change from regular to secular canons. "...Prepositi et capituli ecclesie Albiensis ordinis Sancti Augustini fuit propositum coram nobis quod licet hactenus eadem ecclesia ordinata fuerit regularis, ita quod ordo et regula ipsius Sancti Augustini deberent inibi observari..." *Les registres de Nicolas III*, ed. Jules Gay (Paris, 1898-1938), no. 192. Étienne also attended a provincial council in Orléans that same year. *GC*, vol. I, 93.

While the episcopal see languished, French bishops found their authority and independence in their dioceses severely threatened by the two great forces for governmental centralization in the thirteenth century, the papacy and the French king.<sup>3</sup> The challenge from the papacy erupted over its support of the Mendicant orders. The Mendicants had been a threat to the bishops since their papal recognition in the early years of the thirteenth century. Bishops resented the that the Friars eclipsed their spiritual authority to preach, to hear confessions, to grant absolution, and to act as papal representatives in matters of ecclesiastical taxation. Perhaps most significantly, bishops begrudged the usurpation of episcopal revenues by the Mendicants. The simmering threat came to a boil in 1281 and led to intense opposition by the French episcopate when Martin IV published the bull *Ad fructus uberes*, which extended the privileges to the Mendicants to preach and to hear confession.<sup>4</sup> Through the 1280s, French bishops met repeatedly in national councils to organize a common course of resistance to the bull's intent. Episcopal hopes to effectively turn back the bull were dashed however, when, in 1287, Honorius IV died and Nicholas IV, former minister general of the Franciscans, was elected to the papal seat.<sup>5</sup>

The challenge to the bishops from the French king was even more formidable. Having ascended the throne in 1285, Philip IV had formed a sort of *entente cordiale* with the papacy, in which the king of France agreed to assist the papacy in its efforts against Aragon and the pope agreed to grant Philip a tenth.<sup>6</sup> By 1290, with the consent of a pair

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<sup>3</sup> Fasolt, *Council and Hierarchy*, 57.

<sup>4</sup> Ibid., 60.

<sup>5</sup> Ibid., 61.

<sup>6</sup> Strayer, *The Reign of Philip the Fair*, 244.

of papal legates in France, one of whom was Benedict Gaetani, the future Boniface VIII, Philip broadly defined his rights of jurisdiction over the church, claiming that all prelates could be judged by the Parlement and that appeals from episcopal secular courts were to go to the Parlement even if the bishops did not hold lands from the king.<sup>7</sup> Furthermore, Philip claimed the right to seize ecclesiastical property, and asserted that in the areas of the realm where exemptions from these royal claims had been extended, thereafter the exemptions were disallowed.<sup>8</sup> With the episcopal see of Mende vacant and the French episcopate threatened by royal encroachment, it might seem as though Odilon's suit was doomed. The situation in Mende changed, however, with the election of a succession of bishops Guillaume Durand the Elder and his nephew, Guillaume Durand the Younger.

#### *Guillaume Durand the Elder (1285 - 1296)*

The election of Guillaume Durand the Elder to the episcopal see of Mende, in the words of Honorius IV, came "by way of compromise."<sup>9</sup> This is certainly a well-worn phrase in describing elections, the exact circumstances that prompted Honorius's remark are not known, but it seems that the chapter had caused some consternation by their delay in electing a bishop. In April of 1285, the archbishop of Bourges sent a letter to the chapter expressing his unhappiness with the long vacancy, pointing out that the risks the

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<sup>7</sup> Strayer, *The Reign of Philip the Fair*, 245; Fasolt, *Council and Hierarchy*, 61.

<sup>8</sup> Fasolt., *Council and Hierarchy*, 61. On Philip IV's relationship with the church in the late 1280s, see Strayer, *The Reign of Philip the Fair*, 242-245.

<sup>9</sup> GC, vol. I, Instrumenta, 26. "Die ad eligendum praefixa, ut moris est, convenientes in unum, spiritus sancti gratia invocata, et deliberantes in electionem futuri pontificis, per viam procedere compromissi."

chapter undertook by not attending to their obligation and hinting that the right of provision might have devolved to him already.<sup>10</sup> The chapter responded in a letter, saying that they had already elected, unanimously and canonically, Guillaume Durand (1285-1296), although what prompted the chapter to elect the papal favorite is unknown.<sup>11</sup> Nonetheless, the election changed this remote and isolated diocese from an ecclesiastical backwater to the see of one of the most distinguished canonists and papal servants of the age.

Guillaume Durand's career and writings are well known and their details are discussed in full elsewhere.<sup>12</sup> When elected in 1285, he already had many accomplishments: From obscure origins in the small town of Puimisson, located on the Mediterranean coast near Béziers, he studied law in Bologna, where he earned his

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<sup>10</sup> GC, vol. I, *Instrumenta*, 25. "Cum vestra Mimatensis ecclesia per longum tempus extiterit pastoris solatio destituta, miramur quamplurimum super eo, quod si pastorem aliquem elegistis, nos certos reddere non curastis et nobis metropolitano vestro electum vestrum minime praesentastis; si vero non elegistis, cur tanto tempore distulistis? Hinc est quod cum damno irreparabili ecclesiae vestrae, si pro defectu pastoris remaneat vidua, non immerito timeamus, dubitemus insuper an per lapsum temporis ad nos fuerit devoluta provisio, juxta canonicas sanctiones." Among the French clergy, Simon of Bourges was active in opposing the bull *Ad fructus uberes* and perhaps wanted the see to be filled by a man on whom he could count for support against its effects. Fasolt, *Council and Hierarchy*, 58-64 and 69.

<sup>11</sup> GC, vol. I, *Instrumenta*, 25. "...rescribens paternitati vestrae nos elegisse unanimiter et concorditer, rite et canonice, virum venerabilem et discretum, dominum Guillelmum Duranti, decanum ecclesiae Carnotensis, in episcopum et pastorem nostrae ecclesiae Mimatensis."

Before the election of Guillaume Durand, the chapter had elected the archdeacon from Rennes, who declined the position. CG, vol. I, *Instrumenta*, 26. "...postquam dilectus filius Guillelmus de Narbona, archidiaconus Redenensis, in ecclesia Narbonensi electioni per eosdem capitulum celebratae de ipso, in dicta ecclesia Mimatensi expresse renuerat consentire, vocatis omnibus qui voluerunt, debuerunt et potuerunt commode interesse."

We can speculate that the election of Guillaume Durand was, perhaps, a favor to the pope who had desired to reward his servant for a job well-done, but since the pope refused to allow Guillaume to take up residency in Mende for five years, claiming that his assistance was still required in Italy, perhaps another motive was at play. Perhaps the accepting the minor, rather isolated bishopric was an offer of quiet "retirement."

<sup>12</sup> For Guillaume Durand the Elder, see Fasolt, *Council and Hierarchy*, 64-79; Brundage, *Medieval Canon Law*, 228-229; L. Falletti, "Guillaume Durand," in *Dictionnaire du Droit Canonique*, vol. 5 ed. R. Naz, (Paris, 1953), 1014-1075; V. Le Clerc, "Guillaume Duranti," in *Histoire littéraire de la France*, vol. 20 (Paris, 1842), 411-497; J. F. von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts*, vol. 2, (Stuttgart, 1910), 144-156.

doctorate and later taught. In the 1260s he went to Rome and worked in the papal court of appeals, the *audientia causarum sacri palatii*; here he became the protégé of the most famous canonist of the age, Hostiensis. By the 1270s, he had published the first redaction of his monumental work, *Speculum iudiciale*, a comprehensive summation of Romano-canonical procedure, from which he drew the sobriquet “the Speculator.”<sup>13</sup> Dedicated service to the papal curia and, no doubt, the patronage of Hostiensis, propelled Guillaume Durand’s career toward administrative greatness. In 1274 he attended the second council of Lyon; in 1276 he assisted the papal legate in Bourges, Cardinal Simon (the future Martin IV); in 1280 he became *rector et capitaneus generalis* of the patrimony of St. Peter; that same year, he moved to northern Italy where he engaged in military efforts, including raising armies, buying weapons, and strategizing campaigns, to quell the insurrection led by the Ghibelline Guido da Montefeltre. Finally, in 1284, one year before his election to Mende, he was made the *rector provinciae Romaniolae in temporalibus* and founded the *Castrum Durantis*, which was later renamed bishopric of Urbania under Urban VIII.<sup>14</sup> Before his election, he had been endowed with canonries at Beauvais and Narbonne and the deanery of Chartres, all of which provided a substantial income and came with dispensations from pluralism and absenteeism.<sup>15</sup>

Although elected in 1285, Guillaume did not make his way to his new diocese until 1291 because Honorius IV required his continued service in northern Italy. When

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<sup>13</sup> The *Speculum iudiciale* remained the standard reference on Romano-canonical procedure for centuries. Guillaume Durand revised the work around 1287, after his election to the episcopal see in Mende. Brundage, *Medieval Canon Law*, 229.

<sup>14</sup> Unless otherwise indicated, the information of the background of Guillaume Durand comes from Falletti, “Guillaume Durand,” 1014-1075.

<sup>15</sup> The deanery at Chartres alone produced an annual income of 1,000 pounds *tournois*. Fasolt, *Council and Hierarchy*, 67.

he finally took up residence in Mende, Guillaume was nearly sixty years old; no doubt, he saw the move as a retreat from the demanding duties that he had previously assumed. While he was in the Gévaudan, he wrote several of his important works, in particular the *Rationale divinorum officiorum*.<sup>16</sup> Guillaume was strikingly different from his predecessors: Even more than Étienne de Brioude, he was an outsider without familial or other ties to the region. Moreover, his experiences before his election reveal nothing of a man dedicated to the pursuit of local autonomy over the encroachment of a centralized government. Guillaume Durand owed his success, not to his family connections, as did Odilon de Mercoeur and Aldebert III, but to his loyal and capable service to the most centralized of all medieval governments, the papacy; therefore, it is perhaps not surprising that Guillaume did not aggressively press the episcopal case with the king of France.<sup>17</sup>

However, even though Guillaume had built his career on the foundation of obedience to a centralized master, the localized contingencies of the Gévaudan did not disappear with his election. As with his predecessors, he faced baronial threats and interference from the seneschal of Beaucaire and he was attentive to the rights of his church. He sought to remedy some of the threats and abuses by appealing to Philip IV for assistance. As a result, a series of five letters, all written on 18 October 1291, were

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<sup>16</sup> The *Rationale divinorum officiorum* is a comprehensive description of the symbolism of church ritual and architecture. While in Mende, he also wrote instructions and statutes for his diocese, dealing with proper conduct and duties expected of a cleric.

<sup>17</sup> There are indications that Guillaume's episcopal administration was slightly at odds with his predecessors' as well. For instance, in 1287, even before leaving Italy for Mende, Honorius IV granted permission to Guillaume to override the customs of the chapter by appointing a canon without their consent. *Les registres d'Honorius IV*, ed. Maurice Prou (Paris, 1888), no. 734. In 1289, he received permission from Nicholas IV to appoint a clerk notary from the church of Mende as a notary. *Les registres de Nicolas IV*, ed. Ernest Langois (Paris, 1886), no. 1855.

sent from the king to the seneschal of Beaucaire addressing the grievances of the bishop. Philip wrote to the seneschal ordering him not to hinder the bishop's exercise of justice. In particular, the king ordered the seneschal and his agents not to prohibit notaries from redacting contracts that included oaths and not to seize episcopal fiefs in order to force the bishop to lift sentences of excommunication and interdict.<sup>18</sup> He granted a special grace to the bishop, exempting him from the jurisdiction of petty officers of the seneschal who were likely to be from baronial families and long-time adversaries of the bishop.<sup>19</sup> The seneschal was prohibited from levying any new tolls, and he had to revoke the ones he had already imposed; he was to appoint no new sergeants on the bishop's land, and he was not to summon subjects of the bishop into his courts.<sup>20</sup> The seneschal was to treat the bishop and his clergy favorably and should not continue with the proceedings against the bishop who had tried to prevent a royal "show of arms" in Mende, but rather he

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<sup>18</sup> *LPB*, 2-3. "...quodque vos et alii iudicarii vestri inhiuistis in ipsius episcopi prejudicium notariis publicis et tabellionibus ne ipsi conficiant instrumenta super contractibus in quibus interveniunt juramentum. Unde mandamus vobis quatinus super hiis observetis et teneatis illud quod hactenus ab antiquo extitit continue in hujusmodi fieri consuetum, jura nostra taliter observare studentes, quod per hoc aliena jura non occupetis injuste. Super eo vero quod vos et gentes vestre dictum episcopum et officiales suos per sua temporalia compellitis ad revocandum excommunicationis et interdicti sententias quas ipsi in suos subditos proferunt, mandamus vobis quatinus de dictis sententiis nullatenus vos intremittatis, caveatis tamen quod item episcopus vel gentes sue nostra jura vel jurisdictionem nostram injuste non occupent vel usurpent." The complaints that prompted Philip's letters are not extant, so, apart from deducing that the bishop alleged interference from the seneschal, the precise details of his complaints are unknown.

<sup>19</sup> *LPB*, 5-6. "...quod episcopus Mimatensis et ejus officiales de suis temporalibus respondeant coram vobis, senescallo predicto, et coram vicariis Anduzie, Ucecie, et coram bajulis Marologii et Mayrosii, scire vos volumus quod de speciali gratia placet nobis ad presens quod idem episcopus et ejus officiales coram vobis, senescallo predicto solum modo, et non coram predictis vicariis et bajulis respondere teneantur presentis gratie beneficio quamdiu nobis placuit tantummodo duraturo." On the strengths and weaknesses of Philip's use of low-level royal officials in local administration, see Strayer, *The Reign of Philip the Fair*, 139-141.

<sup>20</sup> *LPB*, 8. "Mandamus vobis insuper quatinus de vassallis, subditis ac justicialibus ejusdem episcopi et ecclesiae sue et boni eorum nova guidagia seu novas commendas non recipiatis. Et, si jam talia receperitis, ea prout rationabile fuerit, revocetis et in ejus feodis et justiciis custodes et servientes non apponatis nisi in casibus ad vos spectantibus de consuetudine vel de jure, ejusque subditos non adjornetis coram vobis nisi in casibus quorum cognitio ad vos spectat, et eidem episcopo de suis subditis curiam reddatis in casibus in quibus sibi reddenda fuerit, si super hoc fueritis requisitus."

should send all the material relating to the incident to Paris so that the next Parlement could decide the issue.<sup>21</sup> In addition, perhaps most significantly, the seneschal was ordered to conclude his investigation into the royal rights over the Gévaudan and submit the evidence to Paris so that a decision could be reached.<sup>22</sup> There is no indication that the seneschal acceded to this request.

Philip extended a magnanimous hand to Guillaume in these letters, but he never surrendered substantial rights that would adversely affect royal sovereignty in the Gévaudan. Instead, he subtly encouraged the seneschal not to permit the bishop to undermine his jurisdiction.<sup>23</sup> For example, he warns the seneschal to take care that the bishop or his men do not usurp or encroach on royal rights or jurisdiction, and the exemption from royal *viguiers* and *baillis* was only to last as long as Philip pleased.<sup>24</sup> The king always attached qualifying phrases to his requests for the seneschal's moderation. The bishop's men were not to be subjected to vexations "*indebite*"; new tolls were to be revoked, except "*prout rationabile fuerit*"; no new sergeants were to be appointed on episcopal fiefs, except "*in casibus ad vos spectantibus de consuetudine vel*

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<sup>21</sup> Ibid., 9. "...mandamus vobis quatinus eundem episcopum, ecclesiam et gentes suas recomendatos habentes favorabiliter eosdem prosequamini, salvo tamen jure nostro et alieno. Item cum vos, ut dicitur, gentes ipsius episcopi prosequamini super eo quod ipse mostram armorum per gentes nostras indictam in civitate Mimatensi ...mandamus vobis quatinus indebite eas propter hoc non permittatis vexari, set totius hujus facti seriem, certitudinem, et statum ac processum negotii nobis referratis vel mittatis cum diligentia ad futurum proximo Parisius parlamentum..."

<sup>22</sup> Ibid. "Cum inter nos episcopum Mimatensem causa pendeat super pluribus articulis cujus cause processus ad vos per nostram curiam fuit remissus pro habenda et facienda pleniori informatione et instructione super quibusdam dubiis ejusdem processus, mandamus vobis quatinus si super hiis inquisivisti ad plenum, totalem cause processum predictae, si completus sit, nobis mittatis." It is unclear from Philip's letter whether the cause he referred to was the initial suit, launched in 1269 by Odilon, or the subsequent *enquête*, begun in 1281, of which no records survive. *Études historiques*, 289.

<sup>23</sup> This analysis draws on Fasolt, *Council and Hierarchy*, 71-72.

<sup>24</sup> See above, note 18 "caveatis tamen quod item episcopus vel gentes sue nostra jura vel jurisdictionem nostram injuste non occupent vel usurpent," and note 19 "teneantur presentis gratie beneficio quamdiu nobis placuit tantummodo duraturo."

*de jure*"; the bishop's subjects were not to be called before the seneschal's court, except "*in casibus quorum cognitio ad vos spectat*."<sup>25</sup> Therefore, although the bishop complained of royal interference, Philip extended only limited relief while the suit dragged on in spite of the king's request to expedite the procedure. Even the formidable administrative skills of Guillaume Durand could not conclude the matter, and during the reign of the Speculator, the independence of the autonomous diocese, with its episcopal secular lord, became increasingly anomalous, as governmental centralization proceeded apace. After only four years in Mende, Boniface VIII ordered Guillaume to return to Rome, where he died a few weeks later, in November 1296.<sup>26</sup>

#### *Guillaume Durand the Younger (1296 - 1330)*

Since Guillaume Durand the Elder had died *in curia*, Boniface VIII invoked the right of papal reservation, first promulgated in 1265 by Clement IV in *Licet ecclesiarum*, which claimed that the pope retained the right to dispose of all benefices if the last holder died while at the papal curia. He elevated Guillaume's nephew, Guillaume Durand the Younger to the bishop's seat only a few weeks after his uncle's death.<sup>27</sup> With his important family connections, Guillaume Durand the Younger was already a powerful

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<sup>25</sup> For the first of these qualifying phrases, see above note 21; for the other three, see above note 20.

<sup>26</sup> Guillaume Durand the Elder had returned to Rome at the request of Boniface VIII, and died there shortly after his return, on 1 November 1296. L. Falletti, "Guillaume Durand," 1028-1029.

<sup>27</sup> Boniface appointed Guillaume Durand the Younger on December 17, 1296. *GC*, vol. I, *Instrumenta* 26. Fasolt, *Council and Hierarchy*, 75, n. 14. In his letter announcing the papal appointment, Boniface makes it clear where Guillaume was at the time of his death: "Nuper siquidem ecclesia Mimatensis per obitum bonae memoriae G. episcopi Mimatensis, qui apud sedem apostolicam diem clausit extremum." *GC*, vol. I, *Instrumenta* 26.

man in the diocese of Mende.<sup>28</sup> No doubt taking advantage of his uncle's patronage, the younger Guillaume was appointed rector, then ordinary in the parish of St. Médard in Mende, he controlled the chapel of St. Michel of Garde, and he received income from the church in Buxo. By the time of his election, he had added a prebend, and a canonry, and he was the archdeacon of Mende.<sup>29</sup> Like his uncle, he had studied law, although precisely where is not known.<sup>30</sup>

Although he assumed his uncle's position, the pontificate of Guillaume Durand the Younger differed profoundly from his uncle's in an important respect. While Guillaume Durand the Elder had enjoyed a successful career as a servant of the papacy and had been a spokesman for papal plenitude of power, his nephew was uneasy with excesses of papal centralization.<sup>31</sup> He presented a radical plan that addressed the dangers of concentrating the plenitude of power in the pope at the Council of Vienne (1311-

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<sup>28</sup> On the pontificate of Guillaume Durand the Younger, see P. Viollet, "Guillaume Durant le Jeune," in *Histoire littéraire de la France*, ed. Académie des Inscriptions et Belles Lettres, vol. 35 (Paris, 1921), 1-139; GC, vol. I, 95-97; Fasolt, *Council and Hierarchy*, 73-100; Brundage, *Medieval Canon Law*, 229-230.

<sup>29</sup> Viollet, "Guillaume Durant le Jeune," 5. These possessions are inferred from the list of positions that Guillaume had to vacate upon his assumption of the episcopal office.

<sup>30</sup> Guillaume Durand the Younger condemned reliance on glosses, calling them a source of confusion, ignorance, claiming that they created "contempt for the original." Therefore, Constant Fasolt argues that Guillaume did not study at the university at Bologna, where respect for glosses was strong. He proposes, instead, a French university with a course of study stressing dialectic. Since the study of civil law was prohibited in Paris, Fasolt offers Orléans as a possibility, where the study of law had to be preceded by a degree in arts and where students were required to demonstrate knowledge of a dialectical, or rational, approach to law. Fasolt, *Council and Hierarchy*, 74, n. 9.

<sup>31</sup> On the degree to which Guillaume Durand the Elder relied on pronouncements of papal supremacy, see Fasolt, *Council and Hierarchy*, 78-79.

Guillaume's career was as stellar as his uncle's was. He was sent by the pope to deal with the ongoing problems in northern Italy. He was a member of the Parlement of Paris and served as a counselor to a number of French kings. Pope John XXII and King Charles IV sent him to Egypt to prepare the way for a future crusade; he died in July 1330 while returning from this trip on the island of Cyprus.

1312) in his work *Tractatus maior*.<sup>32</sup> In his proposal, one of the first to call for limits to papal power, papal authority would be limited by the convening of regular general councils that would meet every ten years; the general council would take responsibility from the pope for the law of the church. Guillaume would have restricted the ability of the pope to circumvent conciliar law by the issuance of dispensations, and he would have tied the pope's access to apostolic finances to compliance with the will of the council. In support of these extreme ideas, he declared that "what touches all must, according to the rule of both canon and civil law, be approved by all in common."<sup>33</sup> His ideas failed to gain a significant following. Although Pope Clement V had convened the council as a forum to discuss church reform, he probably was not expecting the revolutionary ideas expressed in Guillaume's treatise. No doubt sensing papal displeasure, Guillaume composed a more modest treatise while the council was in session, the *Tractatus minor*, in which there was no mention of reform by means of a general council.<sup>34</sup>

From the beginning of his pontificate, Guillaume faced opposition from some local barons and he turned to the king and his agents for help. In a letter from Philip to the seneschal of Beaucaire dated 28 April 1298, no doubt in response to a request for royal help, the king ordered the seneschal to investigate the occupation of episcopal goods and rights by many barons and to restore to the bishop what had been unjustly

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<sup>32</sup> Guillaume's ideas on this subject and their context are summarized in Fasolt, *Council and Hierarchy*, 1-5.

<sup>33</sup> Fasolt, *Council and Hierarchy*, 2, citing *Tractatus maior*, 1.4, fol. 7rb.

<sup>34</sup> Other works attributed to Guillaume Durand the Younger include several acts prepared while he was in northern Italy from 1305 to 1306 at the bequest of Clement V, again following in his uncle's footsteps, to subdue the conflict between Guelph and Ghibelline factions; an inquisition ordered by Clement V in 1306 into whether or not Thomas Cantilupe was in a state of excommunication at the time of his death, therefore barred from canonization; an addition to the *Instructiones et constitutiones* written by his uncle; and a *mémoire* concerning the preparations for the crusade, written no later than 1330. Viollet, "Guillaume Durant le Jeune," 64-138.

usurped.<sup>35</sup> Although a number of barons had sworn homage to the new bishop in June, July, and September of 1297, others resisted the imposition of lordship by the new bishop.<sup>36</sup> The important barony of Florac was especially troublesome, since Isabelle of Anduze and Montlaur and her heirs were now under the wardship of the king and his representative, the *viguier* of Anduze. This same Isabelle of Anduze figured in the conspiracy case before the court of Odilon de Mercoeur in 1268, described in Chapter 3. At that time, the bishop was the guardian of the barony of Anduze. Citing precedent, the bishop declared that he was the rightful guardian of the barony and since he was prepared to assure the peace in his domains, the wardship should be restored to him. The royal lawyer Guillaume de Nogaret agreed with Guillaume, but the *viguier* and his wards resisted. The matter finally was resolved when Guillaume threatened to refuse Christian burial to Isabelle.<sup>37</sup>

Furthermore, relations between Guillaume and the canons of the cathedral chapter appear to have been strained. In 1297 and in 1300, the canons and Guillaume exchanged promises, secured by an oath on the Gospels, to respect the liberties and customs of the church of Mende.<sup>38</sup> A reciprocal promise of this nature at the beginning of a pontificate

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<sup>35</sup> *LPB*, 13. "Conquestus est nobis dilectus et fedelis noster episcopus Mimatensis quod nonnulli barones de Guaballitano quedam bona et jura, spectantia ad Ecclesiam Mimatensem, irrationabiliter occuparunt, et occupata detinent, in predicti episcopi et ecclesie sue Mimatensis predictae non modicum prejudicium et gravamen. Quare mandamus vobis quatinus si vocatis evocandis vobis costiterit de permissis, ea dicto episcopo et ecclesie sue predictae reddi et restitui faciatis, eidem episcopo super hoc exhibentes maturum justitiae complementum."

<sup>36</sup> Viollet, "Guillaume Durant le Jeune," 7. See ADL G 87, G 89, G 91, and G 123 for the oaths of the lords of Cénaret and Randon.

<sup>37</sup> This dispute is described in Viollet, "Guillaume Durant le Jeune," 7-8. Guillaume's request to the *viguier* of Anduze that the barony of Florac should be turned over to him is found in ADL G 155. He mentions that he had appealed to Nogaret and that in his judgment the barony should be transferred.

<sup>38</sup> Viollet, "Guillaume Durant le Jeune," 6. ADL G 632.

is appropriate; renewal of the promise only three years later suggests mutual mistrust. To increase his control over the chapter and its members, in 1297 Guillaume issued a statute that denied a canonry to anyone who had violated the rights of the church of Mende or who was related within the third degree of kinship to someone who had violated those rights.<sup>39</sup> In this way, Guillaume probably sought to control the pervasive and potentially adversarial hold on the chapter by powerful baronial families. If this was his objective, it is impossible to determine the degrees of success, but it is known that Boniface VIII confirmed the statute, and when Guillaume attended the Council of Vienne, he published the statute as part of his proposition for church reform.<sup>40</sup> Given Guillaume's distrust of centralizing papal power and his apparent comfort with reaching out to the king of France and his ministers, it is not surprising that during his pontificate, the suit between the bishop and Mende and the king of France finally was resolved.<sup>41</sup>

Events leading to the settlement began in about 1300, when the royal advocate and counsellor Guillaume de Plaisians argued that the bishop's pretensions in the Gévaudan were without foundation.<sup>42</sup> Throughout the thirteenth century, the royal

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<sup>39</sup> GC, vol. I, 95-96.

<sup>40</sup> Viollet, "Guillaume Durant le Jeune," 6.

<sup>41</sup> This is not to say that Guillaume consistently sided with Philip IV against the papacy. During the struggle between Boniface and Philip, Guillaume stayed on good terms with both parties and continued to receive favors from each. What is important here is that Guillaume was accustomed to working with the men of the royal court in matters large and small, as we will see below.

<sup>42</sup> Guillaume de Plaisians was one of a number of Philip's ministers, trained in civil law, probably at Montpellier, who strongly defended the supremacy of the secular state. Like his colleagues Guillaume de Nogaret and Pierre Flote, Guillaume de Plaisians had ties to southern France; he had been the *juge-mage* of Beaucaire for two or three years before he was called to Paris to work on behalf of the king. Strayer, *The Reign of Philip the Fair*, 121. His involvement with the affairs in Mende is but a small part of his career in service to the crown, which involved him in major events such as building the case against Boniface VIII and the trial of the Templars. For information on the ideas and career of Guillaume de Plaisians see Joseph R. Strayer, *Les gens de justice du Languedoc sous Philippe le Bel*, (Toulouse, 1970), 16, 22, 40, 57, 79 and Franklin J. Pegues, *The Lawyers of the Last Capetians* (Princeton, 1962), 12, 34, 39-45, 56, 87, 102-103, 222-225.

advocates had been developing the concept of royal *superioritas*, which rested on the dual premises that there was no right to appeal beyond the king and that, within the kingdom, there was no legitimate challenge to his control over temporalities.<sup>43</sup>

Guillaume de Plaisians advocated extreme, almost overweening royal power. He argued that everything, including all justice and lordship, in the kingdom belonged to the king that he could elect to give, to receive, or to consume anything for the sake of the public good and defense of the realm and that the king was *imperator in regno suo*.<sup>44</sup> In other words, Plaisians's view was that the king was sovereign over all men and all property of the realm, and therefore, the bishop's case was untenable, and the process should not go forward.<sup>45</sup>

In 1301, the canons of the cathedral chapter of Mende authorized Guillaume Durand the Younger to seek a *paréage* with the king to settle the dispute.<sup>46</sup> In response to Guillaume de Plaisians's argument, Guillaume Durand prepared an extensive legal

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<sup>43</sup> Jean Dunbabin, "Government," in *The Cambridge History of Medieval Political Thought c 350 – c. 1450*, ed. H. H. Burns (Cambridge, 1988), 490. Joseph R. Strayer, "The Laicization of French and English Society in the Thirteenth Century," in *Medieval Statecraft and the Perspectives of History* (Princeton, 1971), 258-259.

<sup>44</sup> A few years later, Guillaume Durand summarized Plaisians's argument: "...omnia que sunt infra regni sui sint domini Regis, saltim quoad protectionem et altam jurisdictionem dominationem et etiam quantum ad proprietatem omnium singularum rerum mobilium et immobilium regni sui, quas idem dominus Rex donare, recipere et consumere potest, ex causa publice utilitatis et deffensionis regni sui, et vendendo etiam dominium transfert in excipientem. Item quod dominus Rex sit imperator in regno suo et imperare posit terre et mari, et omnes populi regni sui ejus regantur imperio, et omnes etiam prelati et clerici quoad temporalia legibus et edictis et constitutionibus suis ligentur, ergo multo fortis Gaballitani Episcopus, qui non est de majoribus prelati regni Francie, ut idem advocatus regius allegavit, cum esset infra fines regni, erat imperio predicti domini Regis subjectus; et cum contrarium suggesserit, constare videtur indultum regium, prout opposuit, esse nullum." *Mémoire*, 521.

<sup>45</sup> On Guillaume de Plaisians, Philip's claims in the Gévaudan, and the episcopal suit see Strayer, *La Noblesse du Gévaudan*, 66; Strayer, "The Laicization," 259 n. 9, 261 n. 16; Strayer, "Defense of the Realm and Royal Power in France," in *Medieval Statecraft and the Perspectives of History* (Princeton, 1971), 291-299.

<sup>46</sup> ADL G 741; Viollet, "Guillaume Durant le Jeune," 13.

brief, in which he outlined in detail all aspects of the bishop's case, drawing on arguments from canon and civil law, contemporary political theories, the testimony from the *enquête*, and the records from the episcopal archives. This work, preserved as ADL G 730, bears no title; its modern editor titled the work as the *Mémoire relatif au paréage*.<sup>47</sup> Although the manuscript, a register of 207 parchment folia, bears no authorial notation, most historians attribute the work to Guillaume Durand, because of its elevated level of sophisticated argumentation and extensive legal knowledge.<sup>48</sup> The date of the manuscript also is uncertain. The text of the *Mémoire* does not contain an explicit date; but, in the introduction to the treatise, the author writes that it has been four years since the beginning of the suit.<sup>49</sup> This would date the work to 1273, a date that all modern historians reject outright. Since the text addresses the arguments raised by Guillaume de Plaisians, all modern historians agree that the *Mémoire* was composed after Guillaume de Plaisians wrote his opinion and before the *paréage*, that is, between 1300 and 1307, but further precision is not possible.<sup>50</sup>

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<sup>47</sup> The word *Mémoire* in the title, given to this work by its modern editor, is the French masculine noun, meaning something like report or memorandum. It does not have the same meaning as the feminine French noun, which has a meaning closer to "memory."

<sup>48</sup> That someone with legal expertise wrote the *Mémoire* is evidenced, not only by the method of argumentation, but also by the facility with which the author cites authorities throughout the treatise. Scripture makes an appearance, and also Roman law, Gratian, Hostiensis, and the *Liber sextus*, compiled only a few years earlier by Boniface VIII.

There is not universal agreement among historians that this treatise is the work of Guillaume Durand the Younger. The work's editor, Maisonnobe does not attribute it to Guillaume, nor does Viollet. However, Porée, who succeeded Maisonnobe as the archivist of the Lozère, gives no hint of doubt that it is the work of Guillaume Durand and Pass, while acknowledging the uncertainty, follows Porée, as does Fasolt. If the *Mémoire* is not the work of Guillaume, then no doubt he closely supervised the work.

<sup>49</sup> *Mémoire*, 20. "...Usque nunc sententia extitit prorogata, et iam quadriennium est elapsum quod curia ista mandavit originalia in causa ista producta..."

<sup>50</sup> For some conjectures on possible dates, see *Études historiques*, 325-326 and Pass, "Source Studies," 31, n. 46.

### *The Mémoire Relatif au Paréage*

The author of the *Mémoire* divided the work into four parts. Part 1, which is subdivided into five sections called *particule*, presents the “facts” of the bishop’s case. The first *particula* begins with an historical introduction, titled *De facti narratione*, which presents an historical overview of episcopal lordship in the Gévaudan ranging from the episcopate of Aldebert III until 1300; the remaining four *particule* of Part 1 analyze the evidence, written and oral, that demonstrates the exercise of secular lordship by Guillaume de Peyre, Étienne de Brioude, and Odilon de Mercoeur. Parts 2 and 3 are much shorter. They are devoted to rebuttal of objections raised by the king and Guillaume de Plaisians, whom the author mentions by name.<sup>51</sup> Part 4 is a summation and conclusion.

Although the cathedral chapter had given Guillaume authorization to seek a settlement with the king, the *Mémoire* is not conciliatory in tone. Rather it is a thorough recapitulation of the process up to that time and a synthesis of all aspects of the bishop’s argument. It is intended to win the episcopal case. The incipit of the work states that the information rendered to the court by the bishop’s proctor ought to end the suit, that the king ought not to admit anything new to the case, and that the judgment ought to be delivered in favor of the bishop.<sup>52</sup> The *Mémoire* is a kind of closing argument;

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<sup>51</sup> Part 1, the “facts” of the bishop’s case, makes up 80 % of the *Mémoire* and the refutation of the royal case only 20 %. Guillaume’s strategy seems to have been that a strong offense would be a good defense. He uses what he has in abundance, that is, the rich evidence of the episcopal archives.

<sup>52</sup> *Mémoire*, 1. “Ista informatio ...reddita curie per procuratorem Episcopi Mimitanensis in causa inter dominum Regem et dictum Episcopum ...et redditur dicta informatio ad defendum processum in causa ista habitum et ad ostendendum quod pars Regia non debet de novo admitti ad probandum et quod pro ipso Episcopo sententia sit ferenda.”

Guillaume anticipated a settlement with the crown, and therefore he composed the *Mémoire* to present the most vigorous summation of the evidence that the judge ought to consider in deciding the matter. Under canon law procedure, this type of argument was known as the *conclusio in causa*; it was rendered after both parties had presented their written and oral evidence to the judge but before the judge published his judgment.<sup>53</sup>

Guillaume Durand's argument is founded on the premise that the bishop's secular lordship originated in antiquity, ancient custom, and the royal concessions of the Golden Bull that granted the regalia and *maius dominium*.<sup>54</sup> Yet, for Guillaume, the Golden Bull was not the source of the bishop's lordship but merely an affirmation by Louis VII of an already existing condition, which was based on the ancient tradition of episcopal secular lordship. Thus, the first sentence of Part 1 declares that, from ancient times, the bishops of the Gévaudan did not recognize that their lands were within the kingdom of France or that they were French subjects or *fideles* of the king. Furthermore, the bishops, who were and are *illustres* in their bishopric, exercised lordship in secular matters. He goes on to point out that the Gévaudan, contiguous with the Ardèche, was located between the imperial lands and the county of Toulouse, which was not part of the royal domain at that time (that is, from ancient times).<sup>55</sup> Durand posits a scheme that demonstrates episcopal

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<sup>53</sup> Fournier, *Les officialités au moyen âge*, 204-205. The greatest proceduralist of the Middle Ages, Guillaume Durand the Elder, describes *conclusio in causa* in his *Speculum iudiciale*, lib. II, part 2.

<sup>54</sup> *Mémoire*, 73. "Causa quare petit, quia totus Episcopatus ad ipsum Episcopum nomine Mimatensis ecclesie ad antiquo, antiqua consuetudine et ex concessione et confirmatione regali et privilegia sibi indulta quo ad maius dominium et altiore dominationem et districtum temporalem, et etiam feudi cum regalibus pertinet pleno iure scilicet possessione et proprietatis..." Here Durand suggests that the Golden Bull not only granted the possession but also ownership of lordship in the Gévaudan. This aspect of the episcopal argument, also articulated in the *intentiones* of Odilon, claimed that the bishops were not only feudal lords, but also sovereigns in the Gévaudan. Pass, "Source Studies," 40-41.

<sup>55</sup> *Mémoire*, 3. "Antiquis temporibus episcopi Guaballitani non recognoscebant episcopatum et terram Guaballitanorum de regno Francie esse, nec se Regis Francie subditos nec fideles, et in solidum dicti episcopi qui sunt et erant illustres, dominabantur in temporalibus in episcopatu predicto; qui quidem

secular lordship in historical context. First was antiquity that preceded the Golden Bull; second was the Golden Bull itself; third was custom that was confirmed by the Golden Bull; fourth was feudal right; fifth was the renewal of the Golden Bull by Louis IX; and sixth was the strength of legal precedent.<sup>56</sup>

Although the bishop's lordship preexisted the royal grant, nonetheless the Golden Bull itself was an important piece of evidence since it protected the bishop's independence. Early in the *Mémoire* Durand paraphrased and later copied it verbatim into the text, along with Louis IX's confirmation of the charter.<sup>57</sup> The inherent contradiction in the Golden Bull, if one adheres to the episcopal argument that it merely confirmed already existing lordship, is that the right to confirm implied, in effect, the right to grant lordship or to withhold it. Therefore, if the king held the right to confirm, he also held the right to deny, which implies superior authority of the king over the bishop.<sup>58</sup> Therefore, when Aldebert journeyed to the royal court in Paris and received the Golden Bull, instead of strengthening episcopal secular lordship in the Gévaudan, the grant, in fact, may have weakened it by demonstrating royal superiority over episcopal authority, which may have existed in antiquity but which the Golden Bull reversed. Without formulating it explicitly, Guillaume anticipates the objection that his opponent

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episcopatus est conjunctus immediate et contiguus dyocesi Vivariensi et terre imperii et etiam comitatui Tholosano, qui comitatus, predictis temporibus, nondum pervenerat ad dominum Regem."

<sup>56</sup> *Mémoire*, 96. "Primo, scilicet ex antiquate concessionem et confirmationem regiam a proavo Beati Ludovoci factam, precedente. Secundo, ex predicta concessione et confirmatione regia antiquitatem hujusmodi subsequente. Tercio, ex prescripta consuetudine dictam concessionem et confirmationem regiam comitante. Quarto, ex juris feudalis natura et consuetudine suffragante. Quinto, ex predictorum renovatione et approbatione a Beato Ludovico facta consequente. Sexto, ex rei vigore ex XXXV Curiarum redditionibus consurgente.

<sup>57</sup> *Mémoire*, 5-6.

<sup>58</sup> On the ambiguity of the Golden Bull, see above, Chapter 1.

might raise based on this ambiguity. He suggests that when he went to Paris, Aldebert may have acted imprudently, driven by personal feelings of affection for the king.<sup>59</sup> He also suggests that, since Aldebert accepted the royal concession without consulting his barons or the cathedral chapter and since the pope had not approved a change in the status of the lordship of the Gévaudan, any effect the Golden Bull may have had in prejudicing ancient lordship was invalid.<sup>60</sup>

In addition to the Golden Bull, Guillaume presented evidence from oral testimony, that is, from the witnesses of the 1270 *enquête*.<sup>61</sup> Drawing on the memories of men who knew the bishops, Durand uses their depositions to demonstrate that bishops Guillaume de Peyre, Étienne de Brioude, and Odilon de Mercoeur exercised rights of lordship within the diocese.<sup>62</sup> Guillaume writes that the limits of human memory were measurable, lasting eighty years or more;<sup>63</sup> since the depositions in the *enquête* took place in 1270, therefore the limit of human memory was about 1190, nearly contemporaneous with the start of the pontificate of Guillaume de Peyre. The witnesses testified to manifestations of episcopal secular lordship that they held in their memory. For instance,

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<sup>59</sup> *Mémoire*, 3. “...Quidam episcopus predicte terre Gaballitani, nomine Aldebertus ...in Franciam veniens, cum esset amicus inclite recordationis domini Ludovici, Regis Francorum, proavi beati Lodovici...”

<sup>60</sup> *Mémoire*, 129. “...siquidem erat necessarium ut dictus Episcopus hoc facere posset. Certum est autem de jure quod sine licencia Domini Pape ... et sine consensus Capituli sui et Baronum terre Gaballitane, quod predicta tangebant, illa facere non poterat, et si faciebat, in prejudicium Ecclesie, errant nulla, cassa, et irriata, ipso jure.”

<sup>61</sup> Comprising a large percentage of the *Mémoire*, witness depositions constitute almost all of *particula* 4 of Part 1, making it a very important source for the history of the Gévaudan, 1187-1274. *Mémoire*, 195-401.

<sup>62</sup> The long section devoted to testimony is found under the rubric titled, “De usu dominationis et regalium episcoporum a tempore de quo memoria non extabat tempore mote litis.” *Mémoire*, 197.

<sup>63</sup> Guillaume writes that he will demonstrate lordship “a tanto tempore cujus in contrarium memoria non extabat ... toto tempore de quo memoria hominum esse poterat, scilicet per octuaginta annos et ultra.” *Mémoire*, 64.

as evidence of episcopal secular lordship, they described the collection of the Penny of St. Privat; the use of the *compensum pacis*; the restraint of baronial private war; the enforcement of truces; the ability to compel barons to ride in cavalcade with the bishops; the supreme jurisdiction within the Gévaudan; the maintenance of public roads; and the right to mint money.<sup>64</sup>

Because the *enquête* had preserved the memory of men extending back nearly 110 years from the time that he was writing, Guillaume had strong supporting evidence to present. By drawing on the evidence of the Golden Bull, the date back to which he could demonstrate episcopal lordship was extended to as early as 1161. But how could he establish lordship before that time? After all, that episcopal secular lordship existed *ab antiquo et antiqua consuetudine* was at the heart of his argument – where would the evidence come from to support this? The problem does not occupy Guillaume’s attention for long, but he does offer suggestions as to where the proof of ancient lordship could be found, namely, in the bishops’ association with St. Privat. Even before he quotes the Golden Bull, Guillaume’s rhetorical strategy is to identify the bishop with the cult of St. Privat and link both of them to the royal concession in the Golden Bull.<sup>65</sup> Later, he maintains that proof of the bishop’s secular lordship was found in the “legend” of St. Privat.<sup>66</sup> Drawing on the legend, Guillaume recounts “miracles” in which those who

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<sup>64</sup> *Mémoire*, 197-338.

<sup>65</sup> *Mémoire*, 4. “...sicut aserit Rex predictus, concessit et etiam confirmavit totum episcopatum predictum et terram Guaballitanam cum regalibus ad coronam suam pertinentibus, episcopo supradicto et successoribus ejusdem, decernens ecclesiam gloriosi martyris Privati cui dicta concessio et confirmatio facta fuit...”.

<sup>66</sup> *Mémoire*, 64. “Quod enim dictus Episcopus fuerit in possessione utendi altiori dominatione et regalibus in toto Gabalitano, sicut altior et superior dominus Gabalitani, non recognoscens superiorem ante primam concessionem et confirmationem regiam per litteras inclite recordationis Lodivici in processu productas et in facti narratione incertas [insertas], plenissime est probatum, et per Legendam Beati Privati,

despoiled the church of St. Privat in defiance of the peace received saintly retribution for their misdeeds, leaving no doubt that those who violated the rights of the keeper of the peace -- that is, the bishop -- received their just punishment.<sup>67</sup> The bishops, as successors to St. Privat, exercised their lordship to protect the rights and the faithful of the church of St. Privat. In the final sentence of Part 1, Guillaume cites, once again, the association between the episcopal secular lordship and the patron saint of Mende, writing that every seven years, pilgrims from various locations around the Gévaudan traveled to Mende to visit the relics of the holy saint and in recognition of the fact that the bishop was *major dominus*.<sup>68</sup>

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que facit ad idem, quod etiam dictam possessionem et confirmationem regiam, non perdiderit, per dictam litteram et legenda, legitime est probatum..." *Mémoire*, 125. "scilicet magnam antiquitatem, plenam Episcoporum potestatem...accedit Legenda Beati Privati, martyris, gloriosi Patroni ecclesie Mimatensis, que quidem Legenda est per Romanam Ecclesiam, ut autentica, approbata..."

<sup>67</sup> Guillaume refers to two miracles from the *Miracula Sancti Privati* (*Miracles*, 4-7), which can be reconstructed from the *Miracles* and the *Mémoire*. In the first, a knight who had seized a manor belonging to the church of Mende, laid waste to its fields, and plundered the inhabitants suddenly contracted a mortal illness. As his body reposed in the church in Mende, flames suddenly rose up from the ground and consumed it. In the second miracle, the count of the Auvergne attacked the city of Mende. The saint, who dealt him a mortal blow to the head with a lance, thwarted his efforts. "Continetur insuper in eadem, pacem in Gaballitano per successores dicti Beati Privati fuisse diucius observatam, et proper dictam pacis observationem et dicte terre Gaballitane gubernationem, dum conveniebant barones et nobiles dicte terre, ad mandatum Episcoporum, multa miracula predicti Beati Privati meritis, fuisse facta ibidem, sicut de uno milite qui fuit visibiliter in sepulcro combustus – et de alio, scilicet Guidone, Comite Arvernie, qui fuit a predicto Beato Privato, visibiliter cum lancea perforatus..." *Mémoire*, 126.

<sup>68</sup> *Mémoire*, 473. Under the section titled "*De fama quod episcopus et major dominus Gaballitani*" William wrote: "Item quod homines Sancte Enimie, Campaniaci, de Canonica, de Pruneriis et de Lingonia, tam clerici quam layci, tenentur et consueverunt venire cum reliquiis Sanctorum, in quorum honore sunt ecclesie eorum dedicate, de septennio in septennium, apud Mimate, ad reverenciam exhibendam beato Privato et episcopo Mimatensi; et pro reverencia et majori dominio tenentur et consueverunt beato Privato cum suis reliquiis supplicare." *Mémoire*, 473.

### *The Mémoire and the Court Book*

Evidence of the exercise of spiritual and, more important, secular jurisdiction, was central in supporting Guillaume's overall argument, but it is given special attention when Guillaume is discussing Odilon's episcopate. The evidence for episcopal secular lordship presented in the *Mémoire* is lengthier for the reign of Odilon than for the two episcopates that preceded his in large part because Guillaume had the more written material on which to build his argument. He devoted considerable space to elaborating Odilon's *articula*, which began the suit, and the *intentiones*, which set out for the royal court the issues that Odilon intended to prove.<sup>69</sup> For instance, under the general heading of use of *major dominatio et regalia* in Odilon's time, Guillaume writes that exercise of the *major jurisdiction* was demonstrated not only in Odilon's spiritual jurisdiction but in his jurisdiction over barons, castellans, and others.<sup>70</sup> In fact, even barons who did not hold in fee from the bishop were accustomed to bringing their criminal and civil matters before the bishop.<sup>71</sup> Throughout *particula* 3 in Part 1, Guillaume demonstrates aspects of lordship by citing Odilon doing justice in his court. To illustrate the bishop punishing violence and wrongdoers, Guillaume describes dozens of cases in which the bishop's

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<sup>69</sup> See *Mémoire*, 22-43 for recapitulations of the *articuli* and 87-88 for the *intentione*; Guillaume's analysis of both documents runs throughout the *Mémoire*. See above, Chapter 3 for a discussion of the function of these documents in the suit.

<sup>70</sup> *Mémoire*, 209. "...quod non ratione jurisdictionis spiritualis set ratione majoris dominationis qua, ipse Episcopus habebat in Barones, Castellanos et alios, exercebat in eis majorem jurisdictionem."

<sup>71</sup> *Mémoire*, 34-35. "Iste autem secundus articulus est universalis cum dicatur quod etiam Nobiles nichil ab Episcopo in feudum tenentes consueverunt coram ipso Episcopo in quibuscumque scilicet questionibus personalibus civilibus et criminalibus."

court rendered judgments in interbaronial quarrels.<sup>72</sup> For instance, when the lord of Tournel seized the castle of Vaissi, which belonged to the lord of Anduze, the court compelled the lord of Tournel to make restitution for the castle to the lord of Anduze.<sup>73</sup> Throughout most of this *particula* whenever Guillaume refers to the period of Odilon's pontificate he presents evidence from the episcopal court in this way.

An important evidentiary source was the court book from the 1260s. Unlike the verbal processes of the *enquête*, the miracles of St. Privat, or various other *instrumenta*, the organization of the court book regularized court documentation with a utilitarian concern for the future need to retrieve information. In searching for details of juridical activities more than thirty years old, Guillaume was not constrained by the limitations of human memory.<sup>74</sup> The episcopal archive had been prearranged to preserve it. It may even be possible to see Guillaume, or someone researching Odilon's lordship, at work in the court book. A case from 1268 recorded in the court book concerns a dowry that Guidon de Sévérac sought to collect from his father-in-law, Guigon de Meschin.<sup>75</sup> This case has affixed to the fore edge an intact parchment tag that reads "*Causa domini Guidonis de Severiaco et domini Guigonis Meschini, MCCLXVIII. Ad quartam et etiam inducitur ad III<sup>am</sup> et V<sup>am</sup>.*" The hand that wrote the tag notation does not appear

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<sup>72</sup> *Mémoire*, 241. "Quod dominus Odilo Episcopus predicta exercuerit et de predictis guerris, violenciis, injuriis, et maleficiis, Barones et alios nobiles puniverit, et de ipsis cognoverit ...in principio et in prosecutione dicti sui."

<sup>73</sup> *Mémoire*, 242. "Item quod Curia Episcopi processerit contra dominum de Tornello, qui dicebatur subtraxisse domino Raymundo de Andusia castrum de Vaissi ...se compulsus fuisse ad restituendum predictum castrum."

<sup>74</sup> *Mémoire*, 201. "De tempore namque dicti Odilonis Episcopi per quem lis ista fuit mota, anno Domini MCCLXIX sicut apparet in Registro Ecclesie Mimatensis, et sic prefuit per XXIII annos ante motam litem."

<sup>75</sup> ADL G 963 116r. A letter from Guigon Meschin to Laurent de Condat, asking the judge to excuse him from answering a summons to appear before the bishop's court is described in Chapter 3.

elsewhere in the court book; it is very tempting to view this tag and its message as a bookmark, placed by Guillaume or someone working on the *Mémoire* under his supervision, to mark a case that proved Odilon's intentions 3, 4 and 5, which address longstanding episcopal lordship over the barons.<sup>76</sup> The first five *intentiones* are no longer legible, but Gregory Pass has reconstructed them, based on recapitulations in the *Mémoire*, as "3...*quod episcopus est in possessione longissima utendi dicta superioritate in barones*," "4...*quod ad episcopum in personalibus et realibus recurrere consueverunt nobiles*," and "5...*quod de non habentibus dominos speciales ius reddere consueverunt*." Guillaume devoted considerable attention to providing evidence to support Odilon's *intentiones*. Perhaps this tag referred to a case Guillaume wished to bookmark for that reason. In fact, this case is cited in the *Mémoire*, in the section titled, "*De questionibus personalibus et realibus, in Curia Episcopi tanquam majoris domini, inter Barones Gaballitanos ad invicem ventilatis*," as evidence that the bishop resolved conflicts between barons of the Gévaudan.<sup>77</sup>

Guillaume used the court book in two ways. The first, as in the case above, Guillaume extracted cases in order to prove a specific point that, he claimed, demonstrated secular lordship. Guillaume referred to the dowry case to prove Odilon's jurisdiction over payment of a dowry in the form of property between lords. In another example, Guillaume refers to the case of Étienne Aribald's stolen mules, discussed in Chapter 3, which he cited under the section titled "*Quod episcopus indistincte*

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<sup>76</sup> Pass, "Source Studies," 276. Porée does not attempt to reconstruct *Intentiones* 3 and paraphrases, in French, the fourth and fifth as, "Ils ont connu des procès entre les barons" and "Ils ont connu des procès entre les barons et les ecclésiastiques." *Études historiques*, 297.

<sup>77</sup> *Mémoire*, 283.

*consueverit de omnibus tocius dyocesis questionibus cognoscere.*"<sup>78</sup> The conspiracy case attracted Guillaume's attention under the heading, "*De possessione seu quasi pignorandi, mulctandi et distringendi tenentes dictam baroniam de Floriaco per Episcopo, ut vassallos et districtibiles suos.*"<sup>79</sup> He wrote that the bishop's lordship was demonstrated by the inquisition into the conspiracy of Raymond and Pons of Roquefort to seize the castle of Chabrières, undertaken at the advice of Raymond de Roquefeuil.<sup>80</sup>

The second way that Guillaume mines the court book for evidence of episcopal lordship is found under the heading of ninety-nine *cause et processus* from the *libri episcopi*. This section is comprised of a list of ninety-nine cases that were recorded in the "books of the bishop," which Guillaume cited because they addressed the issues raised in Odilon's *intentiones*.<sup>81</sup> The cases are divided into four subsets titled "*Primo productio librorum episcopi*," "*Secunda productio*," "*Tertia productio*," and "*Quarta productis*."<sup>82</sup>

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<sup>78</sup> *Mémoire*, 294. "Item per causam Stephani Aribaldi et Gancelmi de Chavanono super quibus dam mulis..."

<sup>79</sup> *Mémoire*, 364.

<sup>80</sup> *Mémoire*, 365 "Item de pignoratione domine Raymunde de Andusia probatur per inquisitionem factam contra dominum Raymundum et Poncium de Ruppeforti, quia ad admonitionem domine Raymonde de Rochafolio fecerant conspiracy de auferendo castram de Chabreria, quod Episcopus tenebat et fuit facta inquisitio MCCLXVIII..." Recall that when the baron Bertrand de Anduse died, his widow and heir were placed under the wardship of the bishop. Their castle at Chabrières was controlled by the castellan Raymond de Roquefeuil.

An interesting highlight from the conspiracy case is found in the *Mémoire*. Recall that a witness in the *inquisitio* testified that Raymond de Roquefort had complained that he had been unjustly deprived of livestock by the castellan, and he had threatened to take the matter before the court of the seneschal. An entry in the *Mémoire* indicates that in fact Raymond did bring the matter before the court of the bishop, although the case does not appear in ADL G 963; Guillaume must have found the reference in another court book or loose document that are no longer extant. "Item per causam domini Raymundi de Rupe forti et Raymond de Chavano super occasione cujusdam vacce et captione quorundam animalium MCCLXVIII."

<sup>81</sup> *Mémoire*, 475. "De nonaginta novem causis et processibus contentis in libris curie episcopi, quos libros habet curia ista penes se. Ex quibus super hiis que continentur in precedentibus rubricis coadjuvatur intentio episcopi Mimatensis, quantum ad usum et expectionem civilium, personalium, realium et criminalium contestationum."

<sup>82</sup> *Mémoire*, 475-481.

Under the four subsets, the list of cases provides little information about their nature and it is difficult to discern an organizing principle that accounts for why the cases are arranged in the four categories. For example, the first four cases in the first subset are listed as “*Causa Johannis Gilii et Bertrandi Carbonerii*,” “*Causa G. de la Garda et P. Dolsa et uxores*,” “*Causa nobilis viri domini G. de Severiaco et R. de Brassinaco*,” and “*Causa Bertrandi de Nozeiras et heredis P. de Blassa Guillelmine uxoris sue*.”<sup>83</sup>

Although the information provided is slim, it might appear that the cases of the first *productio* address cases that conventionally fall under ecclesiastical court jurisdiction, such as disputes of marriage or inheritance. However, other cases in the first *productio* seem to fall outside ecclesiastical jurisdiction, such as the cases listed as “*Causa domini Fulconis de Tournello et domini Guillelmi de Tournello*” and “*Denunciatio domine Raymunde, relicte nobilis viri quondam Raymundi de Andusia, contra dominum de Reteris, P. Astorgii, R. de Chavano, R. de Andusia, super quadam pecunie summa*.”<sup>84</sup>

Although the information provided is too small to positively assert the nature of these disputes, they seems to involve the barons of the Gévaudan engaged in cases that normally fell under secular jurisdiction.

What can be determined with certainty is that some of the ninety-nine cases cited by Guillaume were drawn from the court book and that all of the cases drawn from the court book are listed in the third *productio*. For instance, on 111r of the court book a lengthy case from 1268 is recorded that was heard before an unnamed official against the lord Randon of Châteauneuf whose armed men had forced their way into the castle of

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<sup>83</sup> *Mémoire*, 475.

<sup>84</sup> *Ibid.*, 475-476.

Garde, which was held in fee by Guillaume of Garde of the bishop.<sup>85</sup> Guillaume cites this case twice in the *Mémoire*, once as proof of Odilon's ability to punish violence and wrongdoers (an example of the first way the court book was used) and then again in the list of ninety-nine *cause et processus*.<sup>86</sup> In another example, the court book preserves the inquisition of Henry de Chapio, an agent of the lord Guigon de Tournell, who was investigated for various crimes including breaking open the locked box in which the revenues from a toll, collected in the town of Langogne by the lord Guigon and his son Odilon Garin, were kept.<sup>87</sup> This inquisition is listed in the ninety-nine cases simply as "*Inquisitio contra Henricum de Chapio*."<sup>88</sup>

Of the ninety-nine cases that Guillaume presented, the cases concerning the men bearing arms in Garde and the pilfering of the strong box certainly are drawn from ADL G 963.<sup>89</sup> Two others probably are drawn from it, although Guillaume's list gives few details about the cases, so it is impossible to determine with certainty.<sup>90</sup> In the *Mémoire*, the cases in question are simply styled "*Inquisitio facta contra Odilonem Garini et homines suos pro portatione armorum*" and "*Causa Guillelmi de Bello visu et domini Hugonis de Garda*." If, as seems likely, these cases are drawn from the court book, more

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<sup>85</sup> ADL G 963 111r. "...et quod fuit denunciatum curie domini episcopi quod gentes domini Randonis venerunt apud guardam in feudo domini episcopi cum armis et muniminibus erant penetratum portam."

<sup>86</sup> *Mémoire*, 245 and 479. "Item quod Episcopus ad instantiam dominorum de Garda processerit contra dominum Randone, quia quidam domicelli sui, cum armis et per vim intraverant castrum de Garda, pro contrasto quod habebant milites dicti castri ..."

<sup>87</sup> ADL G 963 134v.

<sup>88</sup> *Mémoire*, 479.

<sup>89</sup> ADL G 963 111r and 116r.

<sup>90</sup> *Ibid.*, 113r and 119v.

information about them can be uncovered from there. The first case, similar to the one involving lord Randon; concerns the charge that men illegally bore arms in Garde, although unlike the case of lord Randon, this case is heard before Laurent de Condat. The second is brought by the consuls of the castrum of Garde against Guillaume de Beauvoir charging that he had unjustly collected a toll.<sup>91</sup> These four cases involve the rights and privileges of the castrum of Garde, although the remaining twenty-five cases from the third *productio* do not explicitly reference Garde, and from the limited information provided, it seems that they do not concern Garde at all. Therefore, the reason that Guillaume selected the cases to be included in the third *productio* probably is not that they concern matters related to Garde or that the consuls of Garde considered his court have jurisdiction in all matters, secular and spiritual.

The other ninety-five cases no doubt came from *libros curie episcopi* that are no longer extant, indicating the episcopal archive of court books must have been quite extensive. Guillaume does not state that the ninety-nine cases came from the episcopate of Odilon de Mercoeur, although all other references in the *Mémoire* to documentary evidence that was not drawn from the *enquête* of 1270, the life of St. Privat, or the Golden Bull came from Odilon's court. If we use the formula that a single book provided Guillaume with four cases, then, in order to compile a list of ninety-five cases, the episcopal archive would have contained about twenty-five court books.<sup>92</sup> Moreover,

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<sup>91</sup> A consulate government was established in Garde in 1238. The castrum of Garde (today known as Garde-Guérin) was located in the northwest of the Gévaudan on an important and often-used road between Nîmes and the Auvergne. Today its ruins have been restored and it represents one of the best-preserved medieval sites in the region. On the statutes of the consulate government, see *Études Historiques*, 36-107.

<sup>92</sup> Of course, this scheme is purely speculative. Because the four cases cited in *Mémoire* can be identified in the court book does not mean that only four cases were extracted from any one book and whether Guillaume continued to use four cases per book cannot be known with any certainty.

when the suit between the king and the bishop was resolved, the material sent to Paris as evidence of episcopal lordship was returned to the Gévaudan. Among the materials returned were thirty-five registers; they are not called court books or referred to as court records, so whether these books were court books like ADL G 963 (or if ADL G 963 was among them) is unknown. Therefore, although the size of the episcopal archive seems to have been extensive, from the surviving evidence it cannot be said with certainty precisely how many court books -- or loose documents -- Guillaume had at his disposal. Furthermore, cases cited from the court book in the *Mémoire* under the topical headings, described above as the first way Guillaume used the court book writing the *Mémoire*, number about nine. They represent a small fraction of the total cases that Guillaume specifically mentioned as originating in Odilon's court.

Odilon, no doubt concerned with documenting the jurisdiction of his court, must have had numerous court books, possibly covering many, if not all of, the years of his pontificate. In spite of the obvious difficulties his scribes encountered in working through the details of record keeping, these challenges were overcome in sufficient measure so that Guillaume could use the court books as research tools in presenting a vigorous closing argument to the royal court. There is no way to know if the lost books organized their cases in the same way as the surviving book. As we have seen, the organizing system attempted in ADL G 963 met with numerous difficulties in organization, although it was not so flawed that Guillaume was unable to extrapolate cases from it. In writing the *Mémoire*, Guillaume used strategies to present his argument and to convey meaning to his audience. His treatise drew on the archival memory preserved in the court books; he engaged in the complex process of selecting which cases

would serve his rhetorical goal of proving episcopal lordship. In writing his argument, Guillaume not only created a defense of episcopal secular lordship, but he also created a type of historical narrative based on the records of the episcopal court which helped to fix his version of historical memory in writing.

### *Historical Memory*

The composition of the *Mémoire* that drew on Odilon's court book (or more likely, court books) highlights the interplay between the retention of archival documents and the maintenance of political authority. In transmitting his vision of the past by including or by omitting certain evidence preserved in the court book, Guillaume was attempting to shape the nature of his present and future political circumstances. As we have seen, exercise of episcopal secular lordship in Odilon's day, and throughout the thirteenth century, was not without challenges and setbacks. To be sure, the bishops usually attempted to answer those challenges; nonetheless, their secular lordship never was uncontested. In the *Mémoire*, Guillaume authored a type of narrative, derived from the cases heard before the episcopal court, to highlight episcopal lordship and to diminish the threat to episcopal hegemony by royal agents. From his control of the episcopal archives, Guillaume's narrative buttressed episcopal cultural authority and political power by its appeal to the authenticity of the past as recorded in the court books, that is, the written documentation of episcopal lordship. The court books provided a record of the past, which, as bishop of Mende, Guillaume controlled; he drew on the episcopal

archive to address the needs of the present, thereby asserting his political authority and reinforcing historical memory of episcopal secular lordship.<sup>93</sup>

The needs of the present were the stimulus for the creation of the *Mémoire*. Frederick C. Bartlett, a cognitive psychologist who worked between the two world wars, argued that construction of memory was an active process of reshaping, distorting, omitting and combining details about the past with elements of the present.<sup>94</sup> He sees the link between past and present as essential to the construction of memory; in fact, if memories are not linked meaningfully to the present, then they are not retained.<sup>95</sup> The writing of past memories works especially well if the past is preserved in an archive.<sup>96</sup> The process of framing and constructing the “realities of the past,” as Guillaume did in the *Mémoire* by drawing on the court books, is the function of creating historical memory.<sup>97</sup> History recorded in the *Mémoire* gave a sense of the past by making claims that were constructed out of selected materials preserved in the episcopal archive.<sup>98</sup>

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<sup>93</sup> On the relationship between political power and control of archives see Geary, *Phantoms of Remembrance*, 7-16; Derrida, *Archive Fever*, 1-5; Clanchy, *From Memory to Written Record*, 260-266, 272-278, 295-297; Keith Michael Baker, “Memory and Practice: Politics and the Representation of the Past in Eighteenth-Century France,” *Representations* 11 (1985), 134; Kenneth Foote, “To Remember and Forget: Archives, Memory, and Culture,” *American Archivist* 53 (1990): 378-392; Irving Velody, “The Archive and the Human Sciences,” *History of the Human Sciences* 11 (1998): 1-16; Francis X. Blouin and William G. Rosenberg, “Archives, Documentation, and the Institutions of Social Memory,” *Bulletin (Bentley Historical Library)* 48 (2000): 1-24.

<sup>94</sup> Frederick C. Bartlett, *Remembering: A Study in Experimental and Social Psychology* (Cambridge, 1932; reprint, Cambridge, 1964), 204-208 (page citations are to reprint edition). Many studies of memory acknowledge Bartlett’s work. For a brief introduction see David Thelen, “Memory and American History,” *The Journal of American History* 75 (1989): 1120; Fentress and Wickham, *Social Memory*, 32-36; Geary, *Phantoms of Remembrance*, 19.

<sup>95</sup> Fentress and Wickham, *Social Memory*, 24.

<sup>96</sup> *Ibid.*, 25.

<sup>97</sup> Iwona Irwin-Zarecka, *Frames of Remembrance: The Dynamics of Collective Memory* (New Brunswick, 1994), 101.

<sup>98</sup> Fentress and Wickham, *Social Memory*, 25.

The *Mémoire* set out what was to be remembered and the court books facilitated recollection of those stored memories. Although his was probably not a work of self-conscious creation and preservation of memory, in the manner of modern archives, Odilon had foregrounded the needs of his future audience in the creation of the court book. By beginning with consideration of the needs of the future users, even though they were not precisely known when the court book was created, episcopal scribes decided how to package their information so that it would be accessible and useful to their future readers. Their achievement was counter-balanced by the obvious technological limitations that necessitated the numerous cross-references.<sup>99</sup> Rather than a list of unrelated processes, the court book preserved the past in discrete units, each case a distinct component of memory that, thirty-some years later, Guillaume selected to include in his history. Organizational considerations made it possible for Guillaume to uncover – or recover – the past that was preserved in the court book’s documentary evidence and present it in the *Mémoire* as historical memory of episcopal lordship. Preservation of the court records in the court book led to accumulation of knowledge by incremental units made up of individual cases, permitting the *Mémoire* to act as the first stage of preserving the historical memory of episcopal secular lordship of the past, in the present.<sup>100</sup>

In effect, the court book served as a research tool, designed to be a searchable text, with a utilitarian concern for future retrieval of information to prove episcopal secular lordship. The *Mémoire* validated memories by presenting the written evidence provided by the court book. Not merely a copyist, Guillaume, as author, used strategies

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<sup>99</sup> Irwin-Zarecka, *Frames of Remembrance*, 101-103.

<sup>100</sup> Jack Goody, *The Interface between the Written and Oral* (Cambridge, 1987), 54.

and intentions in the selecting, ignoring, and omitting information to document the history of episcopal secular lordship. By studying his use of the surviving court book, it is possible to see which types of cases Guillaume elected to include and to omit. Guillaume referred to about thirteen cases from the court book in his *Mémoire*.<sup>101</sup> Four of the thirteen cases he selected concerned matters of rights of lordship.<sup>102</sup> Table 1 shows that the court book contained twenty-two cases of lordship; Guillaume elected to cite four of those, or about 18.1 % of the total. Although cases of lordship made up 8 % of the total cases in the court book, they represent 30.7 % of the cases Guillaume chose to cite from the court book.

Although cases that concern issues of lordship bear clear relevance to the law suit and so, perhaps, it is not surprising that Guillaume cited these cases, in other instances he applied more resourceful interpretations to the significance of the cases from the court book. For example, when he described Odilon imposing judgments in questions of disorders throughout the diocese, he cited the case of the three stolen mules.<sup>103</sup> This case was one that concerned a mundane dispute that must have pervaded quotidian life in the Gévaudan. Yet, when drafting the *Mémoire*, Guillaume chose the case, not because of its routine nature, but because he believed that it demonstrated the ability of the bishop to intervene in all matters throughout the diocese. In another instance, Guillaume wanted to

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<sup>101</sup> Because of Guillaume's brief account, two of these cases cannot be positively identified as having been drawn from the court book. See above for discussion.

<sup>102</sup> The cases from ADL G 963 111r, 113r, 119r, and 123r are found in the *Mémoire*, 245 and 479, 479, 479, and 365, respectively.

<sup>103</sup> Under the title, "Quod Episcopus indistincte consueverit de omnibus totius dyocesis questionibus cognoscere" on *Mémoire*, 292, Guillaume cites the three mules case on *Mémoire*, 295 writing "Item per causam Stephani Aribaldi et Gancelmi de Chavanono super quibus dam mulis, eiedem anno ...[1268]." In the court book, the case begins on 45v.

present evidence that the bishop had adjudicated disputes between barons.<sup>104</sup> From the court book, he extrapolated a case concerning a complaint brought before the official of the episcopal court in 1268 by the lord Guidon de Sévérac, which claimed that his father-in-law, Guigon de Meschin had not paid him a dowry.<sup>105</sup> In the court book, this case, has the very allusive parchment tag described above, indicating that someone marked this case as relevant to Odilon's *intentiones* three through five. Whether Guillaume placed the tag there cannot be known, but he used the case as evidence that the barons of the Gévaudan brought their disputes before the officiality of bishops of Mende.

Guillaume left out of his history the point that he did not think worth arguing because it was an unstated assumption, that is, that the bishop exercised spiritual jurisdiction in his diocese. As we saw in Chapter 3, very few cases in the court book concern the normal business of an ecclesiastical court. Nonetheless, the court of the bishop must have heard cases that concerned clerical crimes and offenses, marriage and the termination of marriage, the legitimacy of children, wills and testaments, and burial of the dead and the like. Whether the episcopal scribes recorded cases of typical ecclesiastical jurisdiction in court books is beyond knowing. Perhaps Odilon and his chancery did not go to the extraordinary lengths to record these types of cases because cases demonstrating spiritual jurisdiction did not support his claim to episcopal secular lordship. However, it seems likely that the chancery was intent on preserving the details of the business of the bishop's court. A much more likely scenario is that there were

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<sup>104</sup> *Mémoire*, 282. "De questionibus personalibus et realibus, in Curia Epsicopi tanquam majoris domini, inter Barones Gaballitanos ad invicem ventilatis."

<sup>105</sup> In the court book the case is found on ADL G 963 116r. Guillaume cites the case on *Mémoire*, 287-288. Guillaume wrote, "Item per causam dominorum de Severiaco et G. Mesqui super xxx millibus solidis dotalibus ..."

cases of the sort typically heard by ecclesiastical courts, which were preserved in written records by Odilon's chancery, which Guillaume elected not to cite because they supported a version of the past that he wanted to disregard or considered unimportant. In Guillaume's construction of historical memory, a unified vision of lordship was imposed. His focus was not to forget the past that included an episcopate exercising its spiritual jurisdiction; instead, he selected material that helped to forge historical memory of episcopal secular lordship that was never as consolidated as the *Mémoire* presents.

In fact, Guillaume argued that, in the opinion of everyone in the Gévaudan, the bishop's *regalia*, as received in the Golden Bull, conveyed the special "superiorities" claimed by the king, namely, appellate jurisdiction, the use of arms, and the oversight of peace.<sup>106</sup> In a sense, Odilon and his chancery, aware of the ramifications of their suit and the need to validate their claim to episcopal secular lordship, created their own history, which, about thirty-five years later, Guillaume fixed firmly in the *Mémoire*.

### *Resolution of the Suit*

Philip IV rejected Guillaume de Plaisians's argument for suspending the process of the suit entirely and, instead, moved to resolve the impasse and settle the matter. As early as 1299 Philip had placed Gaucelin de la Garde, former canon of Mende and then-

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<sup>106</sup> Ibid., "...oppinio vulgi et populi Gaballitani, qui nomine Regalie intelligit, quantum ad prefatum, superioritates illas precipuas et speciales, quas dominus Rex vendicat sibi in regno, in ressorto, usu armorum, pacis observantia et aliis, quas omnes superioritates quales Rex habet in regno vulgi et populi Gaballitani et convicinarum oppinio habet et tenet, Episcopum habere in toto Episcopatu predicto."

bishop of Maguelone, over the case with orders to put together a compromise.<sup>107</sup> Philip then moved the case from the Parlement to the royal council whose members included Pierre Flote, Pierre de la Chapelle, and Pierre Belleperche.<sup>108</sup> Others in attendance were Jean d'Arrablay, the seneschal of Beaucaire, and Pierre de Béziers, the royal procurators in the *senechaussée*, and Guillaume Durand himself. Guillaume de Plaisians acted as the royal advocate.<sup>109</sup> The main elements of the agreement were in place by 1304, when Gaucelin de la Garde died. Thereafter, only minor changes were made in the *paréage*, and by 1307, the agreement was complete.<sup>110</sup>

Compromise in the form of a *paréage* served Philip well when dealing with episcopal lords. In 1307, Philip concluded *paréage* agreements with four other southern dioceses claiming secular lordship: Le Puy, Cahors, Limoges, and Viviers. Throughout his reign, Philip concluded nineteen *paréages*, only two of them with lay lords.<sup>111</sup> It is likely that Philip wished to end the protracted process to keep Guillaume as an ally, since the negotiations between the king and Guillaume Durand over the *paréage* coincided with the dispute between Boniface VIII and Philip. If it was Philip's strategy to keep

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<sup>107</sup> *Études historiques*, 326 and 330-331. The information that the king gave Gaucelin the leadership over the process comes from a memorandum about the *paréage* written in 1341 by then Bishop Albert Lordet. The memorandum is preserved in ADL G 880 and printed in *Études historiques*, 330-331.

<sup>108</sup> Pierre Flote was the archbishop of Toulouse and Pierre de la Chapelle was the future bishop of Auxerre. Of course, Flote also was one of the most active royal lawyers and a key personality in the celebrated struggle between Philip IV and Boniface VIII.

<sup>109</sup> *Études historiques*, 292. Two papal legates in France also approved the agreement.

<sup>110</sup> The *paréage* is preserved in ADL G 743. Its text is printed in *Ordonnances des roys de la troisième race*, vol. 2, ed. Eusèbe Jacob de Laurière, et al., (Paris, 1723-1849), 369-403; *Documents historiques*, vol. I, 359-376; *LPB*, appendix I, 173-195. A French summary appears in *HGL*, vol. 9, 359-376. Misprints and omissions flaw the version printed in *LPB*, 173-195. For excellent analysis of the *paréage*, see Fasolt, *Council and Hierarchy*, 86-95; also Léon Gallet, *Les traités de paréage dans la France féodale* (Paris, 1935), 94-106; Joseph R. Strayer, "La Noblesse du Gévaudan et le paréage de 1307," *Revue du Gévaudan* 13 (1967): 67-72; *Études historiques*, 465-483.

<sup>111</sup> Fasolt, *Council and Hierarchy*, 86, n. 41.

Guillaume on friendly terms, it appears to have been successful. Although he obeyed Boniface's summons to attend the Roman council in November 1302, Guillaume was in Paris on 19 April 1302, for an assembly of barons and prelates. Guillaume was probably in Paris at that time to attend the council of Estates-General on 10 April that was ordered by Philip, although there is no explicit evidence that he was present. In 1303, Guillaume joined the French clergy in granting Philip a tenth and a half and in March 1304 and he was one of two bishops who attended the provincial council in Bourges where he was instrumental in granting another tenth.<sup>112</sup>

The details of the *paréage* are quite simple. Following an introduction that acknowledges the equal claim to complete rights to the Gévaudan by both parties,<sup>113</sup> the *paréage* declares that the king and the bishop were equals with identical rights and jurisdiction in every domain, including the temporal domain.<sup>114</sup> Next, the *paréage* created a new public authority in which episcopal and royal control were unified with equal jurisdiction over all the lands and peoples of the Gévaudan. In order to carry out the new joint jurisdiction, a common court of the Gévaudan was created – along with new support personnel, such as a *bailli*, a judge and a judge of appeals, sergeants, notaries,

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<sup>112</sup> Fasolt, *Council and Hierarchy*, 84-85.

<sup>113</sup> *Documents historiques*, vol. 1, 360. For episcopal rights: "totus episcopatus Gaballitanus tam ex privilegiis antiquis regum Francie quam ex consuetudine antiqua et usu longissimo pleno jure pertinebat ad ipsos [episcopos] nomine dicte ecclesie Mimatensi, et suberat eidem episcopo et ecclesie Mimatensi et subesse debebat et consueverat quantam ad majorem jurisdictionem episcopalem et altiore potestatem et dominationem majorem cum jure regali." And for royal rights, nearly the exact opposite, "totus episcopatus predictus, tam de jure communi quam de antiqua et approbata consuetudine et usu longissimo quantum ad temporalem jurisdictionem nobis subsit, et ad nos pertinet pleno jure quoad majorem jurisdictionem et coercionem et districtum temporalem."

<sup>114</sup> *Documents historiques*, vol. 1, 363. "...nos associamus dictum episcopum et successores suos episcopos et ecclesiam Mimatensem pro nobis et successoribus nostris in omni jurisdictione alta et bassa, mero et mixto imperio et in omni dominatione et potestate temporali et ressorto et in juribus regali..." Note that the *paréage* is written from the king's perspective, therefore, the pronoun "we" refers to the royal party to the agreement.

and jailers chosen in alternate years by the king and the bishop. Furthermore, in order to ensure a neutral court, the location of the court was to alternate between the episcopal city of Mende and the royal town of Marvéjols. The common court's business was authenticated with a new seal, composed of symbolic elements from the royal and episcopal insignia. Thus, extensive efforts were made to establish a parity of power; in effect a new *bailliage*, complete with its own court, was created, so that no one "who used to be under our [royal] jurisdiction or under the bishop's temporal jurisdiction before the present association may for any reason decline the jurisdiction of the said bailiff and judge."<sup>115</sup>

Three exceptions to the terms of the new jurisdiction were recognized. First, the lands that were under the undisputed control of the king or the bishop were exempt from the jurisdiction of the common court.<sup>116</sup> Second, all appeals had to be brought before the royal courts, even if the case had originated in a baronial or episcopal court.<sup>117</sup> Third, the king reserved special rights as "our greater superiority and superior right,"<sup>118</sup> defined as

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<sup>115</sup> *Documents historiques*, vol. 1, 369-370. "Nullus de terra seu locis dictae associationis qui ante praesentem associationem esset justitiabilis noster, vel Episcopi ratione jurisdictionis temporalis, quacumque causa poterit declinare jurisdictionem dictorum ballivii et judicis." See Fasolt. *Council and Hierachy*, 91 and *LPB*, 209 for analysis.

<sup>116</sup> *Documents historiques*, vol. 1, 363. "Exceptis et retentis...nobis, et nostris successoribus castris nostris, villis et eorum territoriis, et pertinentiis, hominibus jurisdictionibus, domaniis, et aliis rebus, et juribus quibuscumque nostris, quae nunc ad manum nostram habemus, et possidemus vel habere et possidere modo quolibet possumus et debemus infra fines dicti Episcopatus, et nostra majori superioritate ac superiori ressorto, in quibus, quaecumque et qualiacumque sint non inyendimus associare dictum Episcopum. Ita tamen quod per hanc retentionem nostrae majoris superioritatis, et superioris ressorti, in nullo derogetur supra communicatis Episcopo supradicto, et exceptis feudis, et retro-feudis nostris quoad hoc scilicet quod proprietas et possessio dictorum feodorum, homagia, recognitiones fidelitates, laudimia, et jura recipiendi vendas, retinendi, vel laudandi et investiendi castrorum et fortalitoirum redditiones et receptiones, et alia deveria et obsequia nobis pro dictis feudis, et retro-feudis retentis debita, et cognitio realium petitionum pro eis nostra propria remaneant absque communione Episcopi supradicti."

<sup>117</sup> *Documents historiques*, vol. 1, 368-369.

<sup>118</sup> 363. "Exceptis et retentis ...nostra majori superioritate ac superiori ressorto..."

royal superiority to levy taxes for the general defense of the realm<sup>119</sup> and the right to hear all cases involving crimes “committed against our person or against the crown of our realm.”<sup>120</sup> Thus, the *paréage* represented a compromise between the two parties that established jurisdictional parity, with the important exceptions of the rights of taxation, of judging cases such as treason, and of serving as the court of final appeal. It thereby established legal recognition that the core rights of sovereignty belonged to the crown and irrevocably reversed the bishop’s legal claim to autonomy in the Gévaudan.<sup>121</sup>

Nonetheless, memory of regional independence and episcopal secular lordship endured. In 1330, when the royal *bailli* attempted to enter the episcopal city to levy a tax, he was greeted by shouts of insurgency, local pride, and, no doubt, a considerable measure of tax resistance: “We have no king in the Gévaudan except the Bishop of Mende. Let these scoundrels perish and not escape our hands!”<sup>122</sup> The sentiment expressed by the people of Mende belonged to the past; the bishops had recognized their joint jurisdiction with the king since the *paréage* of 1307 and agreed to accept royal rights within their diocese. However, the attitude of the mob conveys the vitality of the memory of episcopal secular lordship in the popular imagination. Although we cannot determine how many of these Mendois knew of the court book or Guillaume’s *Mémoire*,

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<sup>119</sup> *Documents historiques*, vol. 1, 367. “Nec peterimus de terra seu locis praedictis dictae communionis a quibuscumque personis aliquod talium, vel exactionem, subsidium, redemptionem, vel emolumentum levare, vel habere, nisi hoc levaremus pro generali defensione regni nostri; quin omnia sint communia nobis et Episcopo praedicto.”

<sup>120</sup> *Documents historiques*, vol. 1, 368. “...cujuscumque criminis, etiam falsae monetae, cussae vel expensae, laesae majestatis, in quibuscumque casibus, praeterquam si contra personam nostram committeretur, aut contra regni nostri coronam...”

<sup>121</sup> Fasolt, *Council and Hierarchy*, 92.

<sup>122</sup> “Nos non habemus regem in Gaballitano nisi episcopum Mimatensem. Moriantur isti ribaudi et non evadant manus nostras!” Cited in Ferdinand André, “Les Evêques de Mende pendant le XIV<sup>e</sup> siècle,” *BSL* 22/2 (1871): 36.

we can say that they were part of the “textual community” whose memories of episcopal secular jurisdiction were preserved in Odilon’s court book.<sup>123</sup>

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<sup>123</sup> The phrase “textual community” comes from Stock, *Implications of Literacy*.

## CONCLUSION

This study has dealt with the ecclesiastical court book of Mende, perhaps the earliest extant example of a continuous record of litigated cases before an episcopal court. Through this extraordinary document, we have glimpsed the operation of an ecclesiastical court about one hundred years earlier than almost any other ecclesiastical court in Europe. Consistent with the diffusion of legal culture and learning that was reflected in diplomatic evidence throughout southern France, the men working in the court were professional trained jurists who were styled *magister*, *judex*, and *officialis*. Although there was considerable variance among cases, the court followed Roman-canonical procedure; its cases concerned civil and spiritual jurisdiction that the bishop vehemently claimed as his. The court book did not convey much of the information that would be of interest to us. For example, in most instances, we cannot say with certainty where the court met and who was present. With the notable exceptions of Laurent de Condat and Pierre la Bladie, the names of the men associated with the court and its writing office remain beyond recovery. Even information such as the average length of time it took to litigate a case cannot be determined with certainty because the dates are often not given for what appear to be subsequent processes following the recording of the initial *libellus* or because the case breaks off with no indication of resolution.

The court book allows us to see the episcopal scribes, men trained in the art of recording legal records, struggling to find solutions to difficult problems of organizing their material. The cases the scribes attempted to organize involved a variety of subjects, although civil actions dominated their caseload. A number of consequences arose from their attempt to create an organizational system that grouped all the processes from one

case under the same heading. The most obvious is that their system ran into considerable obstacles as evidenced by the frequent and often bewildering resort to cross-references, forward and backward in the book, directed by an idiosyncratic system of symbols.<sup>1</sup> As we have seen, the surviving court book probably was one of many books referring to the business of the court; we cannot know if the other books employed the same organizing principle, or if the system was abandoned when the inherent technical obstacles were deemed to make the system unworkable. What can be said with certainty is that another court book survives from 1340-1345, and in this register, the episcopal chancery still used the same organizing system first attempted in the 1260s.<sup>2</sup>

We can assume that the Odilon de Mercoeur had something like a searchable archive of episcopal court records in mind when he – or his writing office – devised the organizing principle used in the court book. The scribes clearly went to heroic lengths to impose order on their material in a very deliberate way, even when the organizational system became a source of inefficiency. One likely reason for devising and adhering to this system was that the episcopal chancery anticipated the need to retrieve information associated with the *causae* it was preserving. Therefore, the court book represents an important juncture in the history of the book, of writing, and of record-keeping, for it links the production and retention of written documents with their function as an archival

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<sup>1</sup> Although, Guillaume Durand was able to navigate the confusing system of cross-references, the limitations of technology doomed this system to failure. A system such as the one devised by the *scriptores* of Mende would only be viable in the twentieth century, with the advent of word processing.

<sup>2</sup> ADL G 934. Like ADL G 963, this register is composed of three quires, 126 paper folia. The cases concern inquisitions into criminal cases, usually involving a cleric or civil cases involving marriage, testaments, and debts, matters much more typical of episcopal business than in Odilon's book. The episcopal chancery seems to have worked on perfecting their organizational skills, since there are few cross-references in this court book.

record of important affairs which need to be rationally organized to facilitate smooth recovery.

I have argued that in recording the cases of the bishop's court, episcopal scribes preserved for future remembrance activities of the court that underscored the bishop acting as secular lord. More than thirty years later, Guillaume Durand used the court book, selectively drawing out those cases which best proved his argument, as evidence of episcopal secular lordship. He also employed the *enquête* and the memories of living men. I do not postulate a dichotomy between the memory of men who testified to the bishop's secular lordship and the written record of the court book; instead of being opposites, written and oral memory merge as the oral tradition was incorporated into a textual format of the *Mémoire*, uniting with the written memory of the bishop's lordship. Guillaume's text gave written authority to the memory he wished to preserve for the community of the Gévaudan.

Another consequence of the recording of court cases was validation of political authority in the Gévaudan. The retention of the episcopal archive committed to writing episcopal secular lordship, thereby giving the memory of episcopal secular lordship permanence in that it was not dependent on personal or collective recall. Control of written records was essential to sustaining memory, and the bishop demonstrated his lordship by organizing and managing the information that documented his hegemony. Public authority lay in the episcopal archives. Control over the information in archives, the gathering, unifying, and classifying of information into a single corpus or system rested with the social and political authority, that is, with Odilon; Guillaume claimed the right to interpret its elements. The organization of archives had the effect of

institutionalizing authority and law in written documentation. Therefore, the court book and the other books, which no doubt existed, pinpointed the locus of power and authority.

The court book was created, in part, to act as written documentation of episcopal lordship and, as such, its purpose was to augment proof from oral testimony, which was regarded as more reliable than written proof because documents could have been forged or altered.<sup>3</sup> During the proceedings of 1270, fifty-two witnesses testified to the bishop's secular lordship.<sup>4</sup> Although the memory of a witness who gave sworn testimony as to the truth in any particular case generally was trusted over documents, Odilon, wishing to present the strongest proof, used both written and oral record.<sup>5</sup> During the thirteenth century, certain types of written documents gradually came to be accepted as proof, namely, those that were redacted by notaries public, those drafted in the presence of or by the order of a judge, under official seal, and those that were preserved by a public archive.<sup>6</sup> The court book represents a juncture in the use of – and the gradual acceptance of – written documentation in legal practice in southern France. It was given authority because it was prepared within the context of the bishop's legal action against the agents of the crown, in part for the purpose of establishing a written record of the bishop's exercise of secular lordship.

The backdrop to the final agreement between the king and the bishop was the dispute between Philip IV and Boniface VIII over the issue of national sovereignty.

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<sup>3</sup> Levy, *La hiérarchie*, 72-79; Brundage, *Medieval Canon Law*, 132-133; Clanchy, *From Memory to Written Record*, 260-263, 272-278, 295-299.

<sup>4</sup> *Études historiques*, 302-307. Witnesses for the king numbered fifty-five.

<sup>5</sup> Clanchy, *From Memory to Written Record*, 262.

<sup>6</sup> Levy, *La hiérarchie*, 74-76.

France certainly was not a centralized state in the modern sense, the resolution of Odilon's suit just as Philip and his ministers were vigorously asserting the supremacy of royal government makes the *paréage* a noteworthy component of Philip's drive for consolidation of royal power. In the competition for power and authority in the Gévaudan, the bishops ultimately lost out to the French crown. Neither Odilon's court books nor Guillaume's *Mémoire* was sufficient to turn back the determined efforts of Philip IV and his advisors. The episcopal failure to maintain their autonomy – and their secular lordship, which as we have seen, was never as secure as Guillaume alleged – should not, however, color our perception of the significance of Odilon's court book and the episcopal archive. Although the *paréage* permanently altered episcopal power in the Gévaudan, the change was not completely to the detriment of the bishop. After 1307, the bishop was recognized as the count of the Gévaudan, and the court records from succeeding centuries suggest that the bishops of Mende continued to exercise a wide range of jurisdiction despite the presence of a royal court in the Gévaudan. A number of surviving documents attest to the continuing controversy through the fourteenth and fifteenth centuries over the extent of episcopal jurisdiction.<sup>7</sup>

An interesting fate awaited the mass of documents produced for the final resolution of the suit before the royal council, including, perhaps the court book, which might explain why the court book is the only surviving *liber episcopi* when it seems quite likely there were many more. Following the agreement of the *paréage*, all the written materials concerning the case were returned from Paris to the newly created communal

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<sup>7</sup> For example, ADL G 928 contains three documents concerning seigniorial versus episcopal jurisdiction from 1354-1381; ADL G 929 contains six documents addressing royal and episcopal jurisdiction from 1390-1400; ADL G 967 and ADL G 968 contain documents concerning a jurisdictional case against a royal official. Donahue, *Medieval Ecclesiastical Courts*, 82-83.

court.<sup>8</sup> No doubt in response to a request from the bishop, in a letter dated 22 March 1314, Philip ordered that the material from the suit be moved to Mende and secured in the cathedral chapter treasury with two keys, one kept by the royal procurer of the communal court and the other kept by the bishop.<sup>9</sup> Thirty years later, about the same length of time that separated the creation of the court book from Guillaume's *Mémoire*, in 1345 the procurer of the royal court asked to see certain documents related to the case. The memory of the arrangement of the two keys ordered by Philip in 1314 had been lost. The royal procurer apparently did not know that his office was entrusted with a key to the armoire. Instead, he wrote to the seneschal and the *juge-mage* of the sénéchausée requesting that they authorize opening of the archives.<sup>10</sup> The incident demonstrates that enregistering of important information, as Odilon did in his court books, preserves it in a way the mere recollection never can. The royal procurer could have learned an important lesson from the archival organization of the bishop of Mende. The *juge-mage* authorized opening the locked archive and ordered that a copy of the borrowed documents be placed

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<sup>8</sup> The Parlement had demanded that all written material from both parties in the suit be sent to Paris. A staggering amount of evidence was sent. For his part, the seneschal had mined the archives at Millau, Roquemaure, Anduze, and Marvéjols; he had sent seventy-one registers and nineteen rolls. The bishop had sent thirty-five registers and forty-eight *vidimus* or opinions. *Études historiques*, 314.

As noted in Chapter 4, we cannot know if the court book was part of the material that was sent to Paris in support of the episcopal case. When listing the material that was to be returned, Philip's letter does not specify that the registers from the bishop's case were court records or court books.

<sup>9</sup> *LPB*, 158. "...omnia predicta volumina partis utriusque cum rotulis et instrumentis predictis ad patriam remisimus per dictum procuratorem nostrum et gentes episcopi predicti ponenda et custodienda in thesauro capituli ecclesie mimatensis sub duabus clavibus, quarum unam habebit dictus procurator noster pro nobis et aliam episcopus predictus."

<sup>10</sup> *Études historiques*, 314-315. The letter to the *juge-mage* exists in ADL G 737 and is printed in *Études historiques*, 315. n. 1.

in the armoire. However, over the course of time it seems that these precautions were not, observed and very few documents from the suit have survived.<sup>11</sup>

The production, preservation, and subsequent uses of documents for reference, as we found in the episcopal archives of Mende, reveal a system that had achieved administrative maturity.<sup>12</sup> Demonstrated control of the archival material in the late thirteenth and early fourteenth centuries establishes the episcopal archive of Mende as one of the earliest examples of systematic preservation and recall of documents, on a par with, or perhaps slightly in advance of, such formidable and developed bureaucracies as the royal and episcopal chanceries of England.<sup>13</sup> A final example will illustrate the enduring legacy of Mende's episcopal archive. Another court book survives from the episcopal archive, compiled much later, in 1448.<sup>14</sup> Unlike its predecessor, this book is not a continuous record of litigated cases, but a selection of cases brought before the ecclesiastical court over the years. Most of these cases concerned conflicts over royal and episcopal jurisdiction, which, in spite of the *paréage*, was an ongoing concern of the bishops. This paper register is a compilation of cases from nine registers, none of which survives, dating back to cases from 1283. Thus, the episcopal archive was organized sufficiently to allow scribes to extrapolate cases concerning subjects of particular interest from registers that were up to 165 years old. Wars, fires, and revolutions have destroyed most of the episcopal archive, but its surviving remnants suggest an important achievement in the history of written documentation in legal practice.

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<sup>11</sup> *Études historiques*, 315.

<sup>12</sup> Clanchy, *From Memory to Written Record*, 154.

<sup>13</sup> *Ibid.*, 145-172.

<sup>14</sup> ADL G 945.



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